



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Coal Combustion Residuals Enforcement: U.S. Environmental Protection Agency and Tecumseh, Kansas Power Plant Operator Enter into Settlement Agreement

11/17/2022

The United States Environmental Protection Agency (“EPA”) issued a November 9th news release stating that it had reached a Settlement with Evergy Kansas Central Inc. (“Evergy”) to address alleged violations of the Coal Combustion Residuals (“CCR”) program.

The Settlement is stated to address a coal combustion residual impoundment at Evergy’s retired Tecumseh Energy Center coal-fired power plant in Tecumseh, Kansas.

CCR (also referred to as coal ash, fly ash, or bottom ash) is typically created when coal is combusted by power plants to produce electricity.

The Administrative Settlement is stated to provide that EPA alleges that Evergy did not meet certain requirements under the CCR regulations including:

- Failure to adequately prepare annual groundwater monitoring and corrective action reports.
- Failure to comply with groundwater monitoring system requirements.
- Failure to comply with groundwater sampling and analysis requirements.
- Failure to complete an assessment monitoring program.
- Failure to comply with CCR impoundment closure and post-closure reporting requirements.

However, the EPA Region 7 Administrator is quoted as stating:

EPA is encouraged by Evergy’s willingness to work cooperatively with EPA on this coal ash matter and its commitment to protecting Kansas waters.

CCR is regulated by a specific set of requirements that address the handling and disposal of the material including technical requirements for landfills and service impoundments.

The Settlement requires that Evergy assess the nature and extent of CCR contamination at a plant impoundment. This includes:

- Installation of additional monitoring wells
- Conducting groundwater sampling analysis
- Updating closure plans for the CCR impoundment
- If remediation is determined to be necessary, then consultation with EPA is required

A civil penalty of \$120,000 is assessed.

A copy of the EPA news release can be downloaded [here](#).