

## **FOR IMMEDIATE RELEASE**

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### **Indiana Environmental Group Challenges State Permit Allowing Releases of Coal Ash Waste into the White River**

(MARTINSVILLE, IN)- The Hoosier Environmental Council (“HEC”) filed an administrative appeal on Monday with the Indiana Office of Environmental Adjudication (“OEA”). The appeal challenges a water permit issued by the Indiana Department of Environmental Management (“IDEM”) that allows the Eagle Valley Generating Station—an AES-owned powerplant in Martinsville—to discharge toxic contaminants from its leaking coal ash ponds directly into the West Fork of the White River.

Indianapolis Power & Light began operating the Eagle Valley Generating Station back in 1949 as a coal-fired power plant. In 2016, the company decommissioned the coal plant and switched to natural gas. During its near 70-year history of burning coal, Eagle Valley generated millions of tons of toxic coal combustion waste, also known as “coal ash,” that was mixed with water and dumped into massive unlined surface impoundments (or “ponds”) just west of the power plant in the floodplain of the White River.

According to U.S. EPA, coal ash is one of the largest industrial waste streams in the United States and is known to contain carcinogens, neurotoxins, and poisons such as arsenic, boron, cadmium, hexavalent chromium, lead, lithium, mercury, molybdenum, selenium, and thallium. Monitoring at the Eagle Valley plant has confirmed that arsenic, boron, lithium, mercury, and molybdenum are leaching from the coal ash ponds and contaminating the groundwater below. Instead of requiring Eagle Valley to address this ongoing contamination as required by federal coal ash regulation, IDEM issued a permit that allows the utility to pump the coal ash contaminated groundwater, use it as process and cooling water at the powerplant, and then discharge it untreated into the White River.

“The Hoosier Environmental Council has been advocating for years to ensure safe containment of coal ash,” says Dr. Indra Frank, Director of Environmental Health and Water Policy for HEC. “Unfortunately, legal action is required in the face of this permit approval. This permit from the state essentially allows AES to pump contaminated groundwater into the river and they are calling that a ‘clean up’. That is not acceptable for Hoosiers and is a violation of EPA coal ash regulations.”

HEC’s administrative petition contends that the IDEM permit issued to Eagle Valley violates several provisions of the Clean Water Act and federal law governing the proper disposal of coal ash waste. HEC is represented in the case by the Conservation Law Center, a public interest

environmental law firm that also runs the Conservation Law Clinic at Indiana University Mauer School of Law.

Christian Freitag, director of the Conservation Law Center, noted “The White River provides drinking water for over two million people. We have coal ash rules specifically to protect irreplaceable resources like this for public health more than anything.”

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About Hoosier Environmental Council:

Founded in 1983, the Hoosier Environmental Council (HEC) is the largest statewide environmental policy organization in Indiana. HEC aims to advance solutions that are good for the environment and good for the economy. Visit [hecweb.org](http://hecweb.org) for more information. You can also follow HEC on Twitter: [@hec\\_ed](https://twitter.com/hec_ed), and on Facebook at [facebook.com/hecweb](https://facebook.com/hecweb).

About Conservation Law Center:

Conservation Law Center is a public interest environmental law firm established in 2005, offering pro bono legal services to nonprofit organizations in Indiana and around the country on issues related to water quality, freshwater ecosystems, land conservation, and endangered species. Visit [conservationlawcenter.org](http://conservationlawcenter.org) for more information. You can also follow Conservation Law Center’s work on Facebook and Instagram [@conservlawcentr](https://instagram.com/conservlawcentr).