

## **\$64M suit filed against Perry landfill operators**

*By Jason Morton Staff Writer*

*Published: Thursday, June 24, 2010 at 3:30 a.m.*

Two environmental lawyers have filed a

\$64 million suit on behalf of 64 Perry County residents against the operating companies of a Perry County landfill.

The suit alleges a series of state environmental violations ranging from creating noxious odors to improperly covering and controlling the dissemination of coal ash. It asks the court to order Phill-Con Services LLC and Phillips and Jordan Inc. to immediately halt the acts.

“(Phill-Con Services and Phillips and Jordan) have indicated that they intend to, and unless restrained by this Court, will continue to do the acts complained of ...,” said the suit, which was filed Monday in Perry County Circuit Court. “Each and every act has been done without the consent and against the will and in violation of the rights of the (Perry County residents).”

The suit is the latest in a string of legal entanglements and allegations made against the owners and operators of Arrowhead Landfill, which since July 2009 has been receiving daily shipments of coal ash, a toxic by-product of coal-fired power plants, at its 1,000-acre Perry County site.

Mike Smith, an attorney for Phill-Con and Phillips and Jordan, said his clients were served with the suit on Wednesday and that they were unable to comment on any specifics.

“We will be closely reviewing the attorneys’ allegations,” Smith said. “And, in the interim, will continue to operate the Arrowhead Landfill in full accordance with state, federal and local laws and regulations.”

The deposited coal ash is coming from Kingston, Tenn., where at least 5 million cubic yards of the material that’s known to contain arsenic and other potentially carcinogenic heavy metals spilled from a Tennessee Valley Authority holding pond in December 2008.

In May, TVA announced that it would store the final 2 million cubic yards on site at the power plant.

The first phase of the cleanup has sent the better part of 3 million cubic yards to Perry County. This phase was still ongoing as of last month.

David Ludder, one of the attorneys filing suit on behalf of the Perry County residents, said that is enough coal ash to hold the landfill operators accountable.

However, the claims reach beyond just the operators’ handling of the controversial material.

He said he believes Phill-Con and Phillips and Jordan have — and will continue — to operate the landfill in a negligent manner unless stopped by a court.

“If the landfill becomes a typical municipal solid waste landfill, it’ll probably still have all the same odor and noise and dust problems that it now has,” Ludder said. “The

only difference is that the toxic constituents of coal ash will no longer be spread within the community.”

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