

## Coal ash stinks

By Guest Voices

J. Thompson Brown

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Coal ash stinks and so do the Alabama Department of Environmental Management (ADEM) and the Environmental Protection Agency (EPA). In Alabama they are not doing an adequate job of protecting and managing the environment on our behalf and to our benefit.

In 2008 a dam, in Kingston, Tennessee, that held almost ten million tons of coal ash sludge breached, inundating homes in a white middle class community and polluting the Emory River. Almost five million tons of that very coal ash was sent to the Arrowhead Landfill in Perry County, Alabama which is located in a predominantly black community.

The ash, a byproduct of all coal burning electric power plants, contains arsenic, lead, selenium, and beryllium. There are numerous coal ash impoundments in Alabama, similar to the one in Tennessee. They pose a threat like the one in Tennessee. (See the March 4, 2018 Birmingham News article on fines levied by ADEM on Alabama Power for NOT safeguarding its coal ash sites.)

The Arrowhead Landfill, near Uniontown, was awarded a permit by the ADEM to accept the toxic ash from Tennessee. The impact on the predominantly black population (90% of the county's residents) was not taken into account by the ADEM, nor by the EPA which provides federal funding to the state agency. Under Title VI of the Civil Rights Act, federally funded state and local agencies are required to prohibit discrimination - done either intentionally or through "disparate impact". In spite of these regulations the EPA approved ADEM's special waste authorization to the Arrowhead Landfill, allowing it to accept the ash which was spilled in Kingston.

Callous disregard for the negative impacts of coal ash storage is a rampant assault of all of us and especially on those who live and work near landfill locations that store the toxic mix. As usual the impact is worse for those whose political pull is minimal. In Perry County these impacts include anecdotal accounts of health conditions worsening and property values diminishing for those whose homes are near the mountainous heap and who hear the rumble of heavy machinery from their properties.

Residents and others have not been silent about this miscarriage of justice. Five years ago a small group filed a formal complaint with the EPA, asserting that the civil rights of Perry County residents had been violated by ADEM. We have had the legal support of Earthjustice and the Yale Law School Environmental Justice Clinic. On Thursday, March 1, 2018 our complaint was denied.

Marianne Engelman-Lado (now with the Yale Clinic) said: "If EPA can't reach a finding in this case, where there is so much evidence of racially disparate impacts to residents' quality of life, it is hard to imagine that the agency will ever validate a civil rights claim."

ADEM, according to state regulations, relies, in large part, on the operator and its contractors to self-monitor and to report on its compliance. On the surface of it, this alone is a most unpleasant odor!

Once the cheapest way to produce electricity, coal no longer has an economic advantage. Coal is being rapidly replaced by natural gas - largely because it is more economic and burns cleaner than coal. Renewable energy, such as solar and wind generated electricity, is now competitive with coal. Though Alabama has the 8<sup>th</sup> largest amount of sunlight reaching its surface, its use of clean, non polluting solar energy ranks near the bottom of the 50 United States.

It is high time that Alabamians insist that state leaders quit accepting the stinking messes that other states create, require Alabama's power producers to clean up their own messes in a manner that remedies the damage done and prevents more from happening, end the practice of ignoring the health and economic needs of its most vulnerable citizens, and support the development of clean energy. Let's make Alabama smell beautiful again!