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Attorney Demands Halt to TVA Coal Ash Shipments

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An aerial view of the Arrowhead Landfill in Marion, Alabama...

by **Glynn Wilson**

An environmental lawyer in Alabama is demanding that the U.S. Environmental Protection Agency issue an order halting the shipment of toxic coal ash from Tennessee to a landfill in the Black Belt's Perry County.

David Ludder, formerly with the Legal Environmental Assistance Foundation, filed documents in advance of an intent to sue in the case this week on behalf of Marion resident Jackie Fike, who lives near the treatment plant where wastewater from the landfill is dumped.

In an interview Saturday, Mr. Fike said the liquid waste from the landfill is being dumped into the lagoon near his house and Rice Creek, which leads to the Cahaba River, and not even properly run through the treatment plant.

“That scent is just something else,” Mr. Fike said. “It is just unreal.”

His wife is on oxygen 24 hours a day, seven days a week, he said, “and it is rough for her to breath anyway. When she goes out, well, it just does something to her.”

His neighbor is also experiencing serious problems since the volume of waste has increased due to the TVA coal ash contract. He said it wasn't so bad at first, but since the toxic coal ash is rotting, he thinks, "It's getting worse and worse as time goes on," he said. "I would rather be around the coal ash as to be around this garbage dump."

Perry County Associates LLC, the company that owns the Arrowhead landfill, does not have a permit from the Alabama Department of Environmental Management to discharge pollutants contained in leachate generated at the site through the Marion wastewater plant and into a tributary of the Cahaba River, Rice Creek, Ludder claims.

In letters to the landfill company, the town, EPA and the Alabama Department of Environmental Management, Ludder charges that the discharges are illegal.

The EPA and ADEM granted permits earlier this year for the Tennessee Valley Authority to dump its coal ash in the Marion landfill after one of the worst environmental disasters in U.S. history over the Christmas Holidays last year, when a retaining wall failed and millions of tons of coal ash from the burning of fossil fuels filled up the Emory River in Kingston, Tennessee.

The EPA permit was granted based on the word of ADEM that the landfill was not in violation of other permits or laws, but in fact, a lawsuit was already pending against the city of Marion for permit violations at the wastewater treatment plant, including pending civil penalties of up to \$37,500 per violation per day.

"EPA was required to make a decision as to whether or not that landfill was appropriate for ash disposal," Ludder said, and did so based on information that was inaccurate. "EPA should revisit that decision. Whether they will or not, I don't know."

The city of Marion is also vulnerable to legal action, Ludder said, because it is not allowed to take the leachate without a proper permit.

Ludder is also requesting that ADEM modify its permit to account for and monitor the landfill for dumping arsenic, cadmium, lead, mercury, nickel, selenium and zinc, all byproducts of the coal ash. He predicted that ADEM will now scramble around to get the treatment plant permitted, but only after the fact.

"The unfortunate thing all around is that the government that was supposed to protect the people, once again, is not doing it," Ludder said. "And the people have to face the consequences,"

"This stuff is about to kill a lot people, a lot of fish," Mr. Fike said. "Another thing, we used to have a lot of birds around here. We hardly have a bird now."