

Demopolis Water and Sewer Board faces state lawsuit

By [Jason Cannon \(Contact\)](#) | Demopolis Times

Published Friday, April 16, 2010

The Attorney General's office and the Alabama Department of Environmental Management have filed suit against the Demopolis Water and Sewer Board, citing environmental violations.

The new filing, which was recorded last week, mirrors that of Florida-based environmental attorney David A. Ludder, who notified the city of his intent to sue nearly 60 days ago.

The state's suit ultimately could prove beneficial to the city.

As part of the Clean Water Act's provisions, third-party lawsuits are prohibited once the state files a similar suit. That could remove Ludder's lawsuit, and its associated fees and costs, from the city's course to compliance.

However, Demopolis Mayor Mike Grayson said that would not change the city's course of action.

"Ultimately, we're committed to correcting the situation," he said. "Those wheels were set in motion before Mr. Ludder filed suit and they're still in motion now. I have the utmost confidence in the employees and the Water and Sewer Board members in that we're doing what's right and we're doing what is safe."

Ludder cited a history of alleged violations by the water and sewer board that date back to 2004 in his suit.

"It's important to note that all of these violations were self-reported," Grayson said. "It's not like we're running some covert operation here. The water and sewer board stood up and said 'Hey, we're out of compliance. This is what we did and this is how we intend to fix it.'"

Ludder added that a motivating factor behind the initiation of legal action was the city's acceptance of leachate from a landfill in Perry County.

Leachate is the liquid-based sludge that accumulates in a landfill.

Approximately 1.5 million tons of coal ash have arrived at the landfill daily by rail since July. The substance, known to contain potentially harmful toxins and heavy metals, spilled from a Tennessee Valley Authority power plant in December 2008.

It is shipped mixed with water and covered in tarp-like wrappers, which prevents the particulate ash from scattering during the trek to Perry County.

The Demopolis Treatment Plant has been accepting and processing the leachate since December 2009, although Ludder claims it did not have the required permits to do so.
