

Perry County Herald

December 24, 2009

ENVIRONMENTAL LAWYER CLAIMS MISMANAGEMENT OF LANDFILL WASTEWATERS

The environmental lawyer already embroiled in legal activity regarding the Arrowhead Landfill and its handling of wastewater from the facility has leveled new charges of illegal activity. David Ludder, in a letter Thursday to the Alabama Department of Environmental Management and the Environmental Protection Agency, alleges that leachate and contaminated water at the landfill is being mismanaged and has contaminated neighboring properties.

The first incident was alleged to have occurred on July 13, 2009. The letter claims that aerial reconnaissance conducted by Southwinds, an environmental group which uses airplanes to monitor areas of concern, captured images of contaminated water being pumped from an area near an active cell to a ditch that eventually empties into a headwater of Chilatchee Creek, a tributary of the Alabama River.

A similar situation was alleged on December 10. In this incident, however, Ludder claims that pumps were used to remove leachate from the bottom of an active cell as well as contaminated water from an inactive cell. The liquids then were discharged onto a haul road before flowing into a ditch that then flows into a source of Chilatchee Creek. A similar incident involving contaminated water from a ditch being pumped onto a haul road is also alleged to have occurred on December 15. Ludder claims that sediment from these incidents is also apparent in local waterways.

According to Ludder's letter, these are not isolated incidents. "In addition to the above-mentioned incidents, local residents report frequent offsite discharges during nighttime hours," Ludder wrote. The letter states that the discharge of water from the landfill property in this manner is a violation of state and Federal rules governing landfills.

Ludder wrote, "It is apparent that Perry County Associates, LLC is not managing leachate and contaminated water properly. Intentional discharges of pollutants to ditches that enter the headwater of Chilatchee Creek is unlawful and has contaminated the property of nearby residents. This contamination has resulted in offensive odors and deprived the residents of the beneficial use of the headwater of Chilatchee Creek. Despite numerous inspections of the landfill by ADEM and EPA, no Notices of Violation or other enforcement actions have been taken regarding these discharges."

Ludder has requested an investigation into the incidents and punishment for those parties involved in any violations.

According to Ludder's letter, John Wathen performed the investigative work that unveiled the alleged problems at Arrowhead. Wathen is best known as the "Creekkeeper" of the Friends of Hurricane Creek, a non-profit organization he founded to protect Hurricane Creek in eastern Tuscaloosa County. He is also an environmental activist interested in watershed pollution issues throughout the country. In a press release filed online Friday, Wathen revealed that he had been involved in investigating Marion's wastewater lagoon and that samples taken from Rice Creek showed elevated levels of arsenic. He also claims that further dumping of leachate into the Marion lagoon has been halted by EPA due to the wastewater treatment facility being unable to treat the waste. Wathen also reported recent samples taken from the ditch near the landfill also show elevated arsenic levels.

See videos taken by Wathen at:

<http://www.youtube.com/watch?v=Omfo7pcQXRE&feature=related>

<http://www.youtube.com/watch?v=ePxWjqMo6Bw&feature=related>