

Demopolis Times

Federal suit filed over Perry Co. landfill smell

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UNIONTOWN — A group of 64 Perry County citizens have taken their complaints about coal ash dumped in the Arrowhead Landfill to federal court.

Friday morning, attorneys David Ludder of Tallahassee Fla. and Keith Clark of Birmingham filed a complaint in U.S. District Court in Mobile against the Arrowhead Landfill operators seeking enforcement of the Federal Clean Air and Waste Disposal Act.

“The suit seeks abatement of odors and penalties up to \$37,500 per day,” Ludder said.

The complaint, which is one side of a legal issue, contends the operators of the landfill have violated the state implementation plan for landfills approved by the U.S. Environmental Protection Agency; that the operators continue to run an “open dump” in violation of federal law and the complainants seek a permanent injunction to have the owners of the landfill, Perry County Associates, from operating Arrowhead in a way that would produce odors injurious to human health.

The odors and other problems stem from Arrowhead Landfill’s acceptance of coal ash from Kingston, Tenn., the result of an accident at a Tennessee Valley Authority power plant’s holding pond in December 2008, which saw nearly 5 million cubic yards of the ash spilled onto nearby land and water.