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Lawyer says Demopolis violates rules

City's water and sewer board could face lawsuit

By Jason Morton Staff Writer

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A Florida environmental attorney has notified the Demopolis Water Works and Sewer Board that it will be sued unless it complies with state water discharge regulations.

Citing a history of violations by the water and sewer board that dates back more than a decade, environmental lawyer David A. Ludder said a motivating factor behind the initiation of legal action is its acceptance of leachate from a landfill in Perry County.

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

"It is about every (violation), but one of the violations is the acceptance of the leachate," said Ludder, who also has filed intent to sue letters with the operators of the Arrowhead Landfill in Uniontown.

Millions of tons of coal ash have been arriving at the landfill daily by railroad since July. The substance, known to contain harmful toxins and heavy metals, spilled from a Tennessee Valley Authority power plant in December 2008.

It is shipped suspended in water, which is meant to prevent the particulate ash from blowing across the countryside during the high-speed trip to Perry County.

The Demopolis Water Works and Sewer Board has been accepting and processing the leachate for about six months, although it had no permit from the Alabama Department of Environmental Management to do so, Ludder said.

Additionally, the Demopolis board's permit for discharging household wastewater has expired.

Mayor Mike Grayson blamed the failed permit renewal on a "bureaucratic technicality," but declined to say specifically what the technicality was.

Grayson also said the leachate is placed in a dedicated holding tank at the wastewater treatment facility and is tested before processing. If the toxin levels are too high, then the leachate is returned to the landfill operators.

“The process of handling this leachate is being done with a scientific and utmost professional care ...,” Grayson said, adding that recent tests of the leachate indicate it is “as safe as drinking water.”

“We are not, for the sake of a dollar, selling out the well being of our community,” the mayor said.

Demopolis is now working through a process to renew its discharge permit, something that Grayson said he is confident will be granted.

“We feel that we have done everything to make sure that we are legal and ADEM and the (U.S. Environmental Protection Agency) is satisfied,” Grayson said.

Scott Hughes, a spokesman for ADEM, said the processing of the coal ash leachate by Demopolis has not risen to a level of serious alarm within the agency.

The leachate processing is, however, a big part of the discharge permit renewal process.

“We’re certainly aware that the landfill leachate material has been sent to the city of Demopolis,” Hughes said. “And we’re certainly aware that the city of Demopolis has allowed their permit to expire.

“We’ll certainly be looking at the capability of that wastewater treatment plant to handle the leachate coming from the landfill.”

Ludder said the goal of the Feb. 9 notice of intent to sue letters isn’t necessarily to halt the Perry County leachate from entering Demopolis.

Rather, he said, it is to compel the Demopolis Water Works and Sewer Board to begin operating with established environmental rules.

“We hope to get them back in compliance,” Ludder said. “Obviously, they should not be taking coal ash leachate if they’re not in compliance. But they have a long history of non-compliance, and it’s got to stop.”

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