

# MY TURN: Alabama pays price in coal ash cleanup

By John Wathen

Published: Sunday, January 3, 2010 at 3:30 a.m.

It was one year ago that I saw a piece on TV showing a scene from Kingston, Tenn., where “a pond dam broke. Some minor flooding occurred.” When I saw the picture, it hit me instantly that this was not water that flooded out of that pond, it was coal waste. I contacted the United Mountain Defense, a group in Kingston, and got the real story from it’s online blog.

On Dec. 22, 2008, a disaster of historic proportions took place in Kingston when a pond containing more than a million cubic yards of coal ash burst into the Emory River. I took up a collection to buy drinking water since the ash had contaminated many wells in the area and had made the water undrinkable. With a whole truckload of water, I headed out to Harriman, Tenn., just outside Kingston. On arrival, I was told that the scenario had changed for the worst.

The Tennessee Valley Authority recognized the size and scope of the disaster early and wanted the story to quietly go away. TVA officials were assuring people that there was nothing to worry about — that it was just ash and posed no threat. The next day, fellow waterkeeper Donna Lisenby and Sandra Diaz from Appalachian Voices showed up with testing equipment and lab containers.

We decided to enter the Emory to take samples of both the ash and water from the river. Sandra and I left in a canoe, with Donna in a kayak, and headed to the disaster site. We took samples along the way for later testing. We got to the spill and were all amazed at the proportions of waste in the river. I coined the phrase “ash-bergs” with the first sighting of the mounds of gray of waste piled high in the riverbed. The ash-bergs were higher than the houses that surrounded the embayment in places. That was our fist glimpse of the dam failure. Massive is the only word that describes it, and that falls short of the totality and magnitude of this disaster.

The samples we took that day were analyzed and found to contain about 300 times the allowable limits of arsenic. We are not scientists or qualified lab technicians, but we knew how to take samples. The samples we took raised many red flags on the TVA’s possible cover-up of just how toxic the spill was.

TVA sent a rent-a-cop, officer John B. Neal, badge No.107, out in a boat to escort us out of the river. We left with a warning citation for criminal trespass in a waterway of the United States of America, but not until after we had collected all the samples we needed to bust TVA.



*New York Times file photo*

Coal ash from a spill in Kingston, Tenn., can be seen at the Arrowhead Landfill in Uniontown on Aug. 20.

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When the plan to dredge the ash out of the Emory was published, there was an immediate outcry that it was an insane plan that would spread the stuff throughout the Tennessee River Basin north of Watts Bar Dam. And that is exactly what is happening.

I first flew over the site with a SouthWings pilot on

Dec. 29, 2008, and saw a river totally changed. Instead of a quiet vacation spot with happy people all around, I saw an embayment full of toxic gray ash that had completely filled the river to its banks in places, and where it overtopped the river banks, houses were piled up like matchboxes. The ash covered the river for miles downstream.

The second time I flew with SouthWings was Jan. 9, 2009. It had just rained, and the ash had spread out like wet, gray pancake batter, filling even more of the river than before. I photographed a snag boat that was pulling whole trees out of the muck. A plume of ash trailed from behind the boat, and was flowing into the power plant and straight out the other side into the Clinch River. Our predictions were panning out right before our eyes, and no one seemed to care.

That ash is being shipped by the trainload to Uniontown in Perry County, an Environmental Justice Community. It is then mixed with household garbage in an open landfill. The ash coming in from Kingston is being dredged up from the river bottom, placed in rail cars and sealed in plastic garbage-type bags called "burrito bags." These bags hold any water still in the ash until it is broken open and loaded into trucks to be hauled 1.5 miles through the landfill to cells located at the intersection of County Highway 1 and County Highway 21, only a few hundred feet from residential homes.

The ash is being layered in with the garbage and left in the weather to soak up any rain that might fall, as well as the leachate created by the garbage. The water that remains in the ash is the same water we tested in Kingston and found to be full of arsenic and other heavy metals. The ash water, garbage liquids and rain are creating an enormous amount of toxic leachate that is trapped in the landfill until removed by the leachate collection system. Because of the unprecedented amount of water produced at the landfill, the system has been overtaxed and cannot handle the amount of this mixture being produced.

The leachate created by this toxic mix was then sent by truck to nearby Marion. There it was dumped into an open sewer

lagoon and mixed with municipal sewage, within a few hundred feet of residents' homes there. The smell emanating from it wafted throughout the community and made people sick. Even indoors, when the wind was right, the smell was overpowering. One resident has chronic obstructive pulmonary disease and is on oxygen. Her illness was not caused by the lagoon, but was not an issue

until the leachate started coming in by the truckload. On Thanksgiving Day, there were 21 such stinking loads dumped while residents were trying to have family Thanksgiving dinner.

My good friend and attorney, David Ludder, was contacted by a resident at the lagoon and asked if he could help. David asked me to investigate. What I found and reported back led to his decision to take dramatic action. Ludder filed multiple Clean Water Act notices of intent to sue.

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I took samples of the water in the lagoon on two occasions. The first came back with an ammonia reading of 0.71 mg/l. That is extreme for an open lagoon. The smell was absolutely the worst thing I have ever experienced. I am told that the levels inside a sewer pipe should only be at or around .20 to

.30 mg/l. Later I came back and took a sample of the leachate just dumped by a Suttles truck. The ammonia came back at 565 mg/l. It became apparent that the Marion Lagoon was failing in a huge way. I sampled the point of discharge from the treatment facility and the results were staggering. The EPA threshold for arsenic in water is 0.005 mg/l. The sample taken from the POD came back at 0.067. That is after full treatment at the wastewater facility run by Marion. None of the treatment facilities in the area were set up or approved to treat water contaminated by heavy metals. The arsenic dumped into the lagoon is flowing straight through into Rice Creek, a tributary of the Cahaba River. Even as far as 1.5 miles downstream, we found arsenic levels to exceed standards deemed safe by the EPA.

I have made three trips to the lagoon and brought others with me for documentation purposes. Every person who went with me has complained of getting sick from it. Headaches, nausea, dizziness and vomiting were common complaints.

Within a couple weeks of Ludder's action the trucks stopped coming into Marion.

End of story? Nope!

With the shipments of ash still coming in and no place to remove the leachate, what happened next surprised even me. I went to the landfill to investigate a photo I had taken earlier on July 13, 2008. It looked like a pond with hoses in it and a culvert leading from it directly into the Perry County 1 roadside ditch. The photo shows a quantity of ash collected in one corner, with the road wet all around the pond. When I arrived at the location in November, I was struck by the sight of a white ditch with standing reddish water, similar to mine waste. A sample taken there later showed arsenic at 0.007 mg/l, exceeding EPA standards.

Interviews with residents ([www.youtube.com/watch?v=Omfo7pcQXRE](http://www.youtube.com/watch?v=Omfo7pcQXRE)) confirmed many of my suspicions. One lady stated that the smell was worse at night. She later stated that the smell was much worse at night "when they are pumping their water out." Many residents also told of seeing the ditches run white with landfill waste and the smell that accompanied it.

Once again, I contacted Ludder and explained to him the severity of the situation. Once again, Ludder took swift and decisive action in the way of citizen complaints and notices of intent to sue if the situation was not resolved.

Based on the lady's comment about nighttime pumping, I went to the landfill on Dec. 15 after dark, just after a rain. The smell was overpowering, and the ditch was full of a white slimy substance that was coming from the landfill. I followed the flow up to where it came out of the landfill and took samples (results are not available yet.) I then followed the flow further until I found what I was looking for. A high-volume pump was set up to pump out leachate that had accumulated in the haul road ditch during the day. The pump was still warm to the touch and the hoses were weighed down to direct the outflow to the roadside after flowing through the landfill muck a distance of several hundred feet. I will never forget that stench.

All of this was occurring within less than 200 feet of residential properties. Residents are more like prisoners in their homes because of the smells, and they fear for their health. One man told me of his daughter's horse getting caught in the ditch where the leachate flows through his yard. The horse was extracted with no injuries, but three days later the horse died. This is the same ditch where I arsenic levels reached 0.007 in standing water.

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All of this points to one thing: Alabama is getting the disaster ash from Kingston at a price. Is the \$1.05 per ton tipping fee enough to recover the potential damages done to the community, or do Perry County officials even care? The Alabama Department of Environmental Management also gets a \$1.05 tipping fee per ton. It is well known that ADEM is struggling financially. ADEM has more than once given this landfill a clean bill of health, stating that there was total compliance. Could it be that under the past ADEM director, Trey Glenn, that known issues were ignored in order to receive the treasured \$1.05 per ton? That is my belief.

I firmly believe that the TVA, ADEM, EPA and Perry County Commission have teamed up to present a willful campaign of misinformation designed to facilitate the placement of this toxic mess in an environmental justice community where they thought the people were either too dumb or too poor to protest loudly. What they have done is spread the disaster ash, and the cancer it carries with it, throughout the Southeast.

Eight river systems have come in contact with the disaster ash. The Emory, Clinch and Tennessee rivers flow into the Mississippi. The disaster ash is literally being railroaded into the Perry County community. The landfill lies in the Chilatchee and Tayloe Creek watersheds and flows into the Alabama River. Leachate from the landfill was being shipped to Marion, where it was discharged into the Cahaba River Basin. It is being trucked into Demopolis, where it goes to the Tombigbee River that flows into the Mobile River. That adds up to 8 rivers with two separate entries to the Gulf of Mexico. It is spreading through our rivers like cancer flows through the blood stream.

It is time for America to wake up. Whether it is leachate, ash or mining, it is all a symptom of coal use and lack of adequate controls over its use and the waste produced.

Until Kingston, coal ash was almost unheard of. Now there are great measures being taken there to hold the impact to a minimum. Any truck that enters and leaves the disaster site must be washed before departing the plant. The ash that is not being loaded is covered and kept from being blown around. Train cars must be cleaned and ash placed in protective bags to keep leakage and dust issues down. All very admirable precautions, I admit.

Why then are the same measures not being employed in Alabama. Here, the ash is left in the weather to be spread by the winds as dust, and turned into a slimy gray sludge by rain. In Perry County, trucks are hauling the leachate from landfill through downtown Uniontown and Demopolis, with sludge dripping throughout the entire route.

When it dries, it goes into the air for people to breathe. When it rains, it becomes a dangerous slippery mess that runs into the streams, contaminating many more waterways that we have documented.

Why are the people of Perry County any less human than the affluent white community of Swan Pond, Tenn.?

Local environmentalist John L. Wathen is creekkeeper of Hurricane Creek and founder of Friends of Hurricane Creek.

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