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Perry Co. residents file intent to sue landfill operators

By Jason Morton Staff writer

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Before the coal ash arrived, Ella Murdock was walking three miles a day.

This was the usual exercise routine for Murdock, a Uniontown resident. She said she enjoyed getting outside and improving her health.

But now that the Arrowhead landfill next to Murdock's house on Central Mill Road is taking in daily shipments of coal ash, Murdock's three-mile walk has been shortened to a brisk 30 minutes because of the strong, offensive odor that residents say accompanied the coal ash.

"It's worse than a rotten egg," said Murdock, 62. "It's like rotten garbage, but it's gaseous and odorous."

It is for Murdock and about 150 more residents like her, that environmental lawyer David A. Ludder has filed intent to sue notices against Phill-Con Services, LLC and Phillips & Jordan, Inc., the two companies that operate the landfill, for violating the federal Clean Air and Solid Waste Disposal acts.

Ludder served identical notices on the president and manager of Phill-Con, and the CEO of Phillips & Jordan.

"The objective is to eliminate the adverse impacts on the neighboring residents," Ludder said of the suits. "Those letters specifically address the odor problems, but there are other problems that the residents are concerned about."



Submitted photo / John Wathen

Perry County residents have filed intent to sue notice on operators of a landfill that has been receiving shipments of toxin-laden coal ash that spilled from a Tennessee power plant in 2008.

Ludder declined to specify what the other problems could be, and Eddie Dorsett, president of Phill-Con Services, said he was unclear on the details of Ludder's allegations and could not comment on the new filings.

However, Dorsett maintains that the landfill is operating lawfully and without violation.

“Arrowhead Landfill is operating in full compliance with all relevant laws and regulations,” Dorsett said.

The notice of intent to sue letters followed a similar letter filed in December against Perry County Associates, LLC, one of the two companies that own the land and permits for Arrowhead Landfill.

When Perry County Associates and Perry Uniontown Ventures filed bankruptcy proceedings on Jan. 26, it sheltered Perry County Associates from any legal action until the company emerges from bankruptcy. That process could take months, if not years.

The same protection does not extend to the landfill's operators, Ludder said.

“At the time, I thought it was more appropriate to pursue the permittee,” Ludder said of his decision to bring suit against only one company involved in the landfill. “With hindsight, it probably might have been better to have included everybody. But I think the operators shoulder a much larger responsibility for impacts on residents than the land owners.”

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