

# Perry County residents talk about ash disposal

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UNIONTOWN — Willie Banks once cherished the quiet, bucolic property on U.S. 80 he calls home.

He wants those days back.

For more than a year, Banks said he has suffered the loud rumbling of heavy machinery early in the morning through the evening hours and the stench of something akin to rotten eggs, especially during rainy seasons.

These disruptions to his life, according to Banks, are caused by the 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.

For about a year, Perry County's landfill near Banks' homestead has received daily shipments of the ash, which contain arsenic and other heavy metals believed to cause cancer.

"It's the noise," said Banks. "It wakes you up in the morning; big, heavy machinery, waking you up."

Banks is one of 64 Perry County residents seeking relief from the odor, dust and noise at Arrowhead Landfill to the tune of \$32 million.

A complaint filed in Perry County Circuit Court on Monday outlines the issues brought by area residents represented by David Ludder of Tallahassee, Fla. and Keith Clark of Birmingham, both former attorneys for the Alabama Department of Environmental Management.

The complaint alleges a series of state environmental violations, including creation of hazardous odors and improper control and cover of coal ash shipped into Perry County.

In addition to the corrective action to prevent the dust and odor, Perry County residents seek damages for the various injuries they have suffered since the county landfill began to receive the ash.

Richard Johnson lives on Central Mill Road. Some of his pastureland butts next to the landfill, albeit an unused portion of the 976.5-acre site. Johnson worries about what is to come.

"Ain't nothing happening now to compare to what's going to happen," he said. "The worst is yet to come."

Johnson dug a 96-foot well down in the pasture. For now, the water is clear blue and tastes good. But Johnson doesn't trust the companies who operate Arrowhead Landfill, Phill-Con Services LLC and Phillips and Jordan Inc., to protect the underground water system.

County officials and others have told Johnson plenty of measures are taken to protect the underground water from ash-contaminated runoff, the 73-year-old retiree said. They have assured him a heavy duty lining and rocks separate the ash from his water source.

"Ain't no way in the world for them people there to keep that stuff regulated right over our water," he said. "I don't care what kind of pad they have. They are going to get in the water."

Johnson said he goes into Uniontown to work most days and watches the 100 or more railroad cars rumble through town. Several years ago he helped his children purchase property near Arrowhead. Now he regrets the move.

“If I had known this would happen, I wouldn’t have helped them,” he said. “When I’m gone, the children will have this.”

Despite neighbors’ complaints, county officials have maintained the ash is safe. Albert Turner Jr., a Perry County commissioner, testified earlier last year before the U.S. House Transportation Committee. He praised the contract between TVA and Arrowhead Landfill for providing an economic boost.

“The windfall has allowed the county to put together a master plan of economic development and infrastructure advancements unseen in this rural Alabama county,” Turner said in his testimony. “A county that now will have a budget of \$8 million a year to service 11,000 citizens.”

During his testimony, Turner said if the Environmental Protection Agency or TVA stopped the flow of cash for ash, “it would be economic racism. It would be environmental racism if the way the industry prior to Arrowhead Landfill’s state of the art facility be allowed to continue to dig a hole in the back yard of African American communities and fill it with water and coal ash. There are hundreds of unlined ash ponds around the country that have been in operation for decades. These ash ponds do not have the level of controls that are in place at the Perry County Arrowhead landfill facility, however, environmentalists have not said a word.”

Turner could not be reached Thursday to talk about the lawsuit. Attorneys for Phill-Con Services and Phillips and Jordan have declined comment because litigation is pending.

The ins and outs of the legal battle do not reside with Banks.

“I just don’t want to wake up to that noise,” he said.