

Perry County residents file complaint on landfill permit

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ENVIRONMENT

Residents of Perry County filed a complaint Tuesday with the U.S. EPA's Office of Civil Rights alleging racial discrimination in the issuance of a new permit to the Arrowhead Landfill.

The complaint, made on behalf of 54 residents, charges that the Alabama Department of Environmental Management failed to consider that the negative effects of the landfill operation would be disproportionately borne by blacks living in the poor Black Belt County.

The landfill is authorized to accept waste from 33 states, where the overall population is 15 percent black. Meanwhile, the census tracts around the landfill are 80 percent to 100 percent black.

The Arrowhead Landfill's permit allows it to accept 15,000 tons per day of household, construction and commercial waste, more than allowed under the permit for any other nonhazardous landfill in Alabama.

The landfill became the center of controversy when it agreed to take in millions of tons of coal ash from the clean-up of a 2008 ash pond spill at the Tennessee Valley Authority's Kingston Fossil Plant. Those shipments are over.

The landfill's owners have declared bankruptcy, but the landfill continues to operate. It's now 256 acres, but owner Perry County Associates, LLC, has applied for a permit to expand it by another 170 acres.

Neighbors complain about flies, offensive odors and dust produced by the landfill. With heavy machinery running 24 hours a day, seven days a week, noise also has been a sore spot for landfill neighbors in and around Uniontown. They also charge the landfill's creation and operation erodes the value of neighbors' property.

The complaint, composed by the resident's Tallahassee-based attorney David Ludder, says ADEM has argued in similar circumstances that it has no say so over where companies and communities decide to build landfills. That is up to local authorities and investors. The agency also has argued that it has no legal mechanism for assessing whether a permitted facility will have a disproportionate impact on minorities.

But Ludder points out that federal law requires agencies that accept federal funds to assess whether their permitting decisions result, even unintentionally, in racial inequality.

Ludder said the Environmental Protection Agency's Office of Civil Rights either can reject the complaint or accept it and investigate.

"I'm confident they will accept it," Ludder said.

ADEM spokesman Jerome Hand said it was premature to respond to the specifics of the complaint, but he said the agency believes it allowed a thorough exploration of issues at the landfill through an extended public comment period conducted at the request of residents.

"ADEM stands by its actions in the issuance of the Perry County Associates' Arrowhead Landfill Solid Waste Disposal permit renewal," Hand said in a statement. "The Department followed its applicable regulatory and statutory requirements so that its decision-making process complied with all state and federal requirements."