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## Do we trust ADEM to protect us?

Feb 18, 2020



Legislation has been introduced – and by the time you read this, has probably already passed one of the two state legislative bodies – that would allow landfills to cover solid waste with materials other than the six inches of earth the law requires. Some of these alternative covers

make both practical and economic sense but others are pretty scary, including coal ash, which is currently used at two of the state's landfills.

That's right, I said coal ash. That deadly substance you hear about on the news all the time is being used to cover trash in municipal landfills. The EPA has found that living near a coal ash disposal site can increase your risk of cancer, but we're subjecting our neighbors to it so landfill companies can save money.

As I mentioned before, current law mandates that any solid waste in landfills be covered with six inches of earth. This law has been largely ignored by the Department of Environmental Management (ADEM), the department tasked with permitting landfills and, one would think, protecting the public from any environmental threat. ADEM has allowed the use of alternative covers for many years.

To be fair to ADEM, it has become common practice in other states to allow the use of alternative covers, but these other states also require landfills to prove the effectiveness of the alternative cover being used. This helps make sure people living nearby can't smell the crap and won't have to deal with flies, wild animals and litter – not to mention coal ash leaching into their water. ADEM has proven time and time again they aren't very good at protecting the public from polluters dumping chemicals in our rivers, and they don't appear much better when it comes to landfills.

House Bill 140/Senate Bill 117 would change the law to allow landfill companies to legally continue using the alternative covers, which not only include coal ash but also contaminated soils, wastewater lagoon sludge, and many other potentially harmful materials. Federal law says that any state that permits alternative covers must require that landfills demonstrate they work without presenting a threat to human health and the environment. Again, do we trust ADEM to protect us?

This bill came about because residents won a lawsuit late last year against two landfills in Perry and Tallapoosa Counties. Three Republican judges unanimously found in favor of residents living near these landfills that used alternative covers, and said that ADEM did not have the authority to let landfills use alternative covers due to the health threats and dangerous conditions they posed to residents.

In committees last week, no legislator questioned why the appeals court ruled against the landfills or why a state agency (ADEM) was carrying the water for the landfill companies. They didn't ask why there isn't anything in this legislation to address Republican Civil Appeals Judge Terry Moore's ruling that plaintiffs living near the sites were exposed to "offensive odors," along with "vermin" and "pests" entering their property, seemingly due to the use of tarps for daily cover.

Obviously, these tarps being used instead of earth cover were not doing an effective job. Yet this legislation would allow the continued use of this practice, even though it has been proven not to work.

At the very least, the legislature should prevent this legislation from passing until ADEM can prove landfills are using alternative covers that effectively protect public health, and allow nearby residents the opportunity to make public comments prior to any plans being approved. Landfills should have to give their neighbors assurances that they will not be exposed to foul odors, pests and other things associated with improperly operated landfills.

Hopefully some in the legislature will slow this fast-tracked legislation down, ask a few more questions and go visit with constituents who have been affected by poorly managed landfills.

I implore the legislature to consider the little guy in this instance. I don't imagine any of the folks living around the dozens of landfills scattered across the state, most of whom are poor and African-American, are even aware of this bill and the fact they are fixin' to get screwed.