



Alabama landfill rules make dumping easy process

Published: Sunday, September 23, 2012, 8:00 AM Updated: Sunday, September 23, 2012, 8:10 AM



By **Thomas Spencer -- The Birmingham News**



The Arrowhead landfill in Uniontown, a 1,200-acre site that disposed coal ash from Tennessee and local municipal solid waste, wants to expand its operation. A landfill employee pushes garbage in one of the cells. (The Birmingham News / Joe Songer)

BIRMINGHAM, Alabama -- The railyard at Perry County's Arrowhead Landfill is vast but empty, with weeds growing up through the tracks. But the new owners of Arrowhead, which has the largest permitted capacity of any landfill in the state, are hoping to see it busy again.

The landfill is allowed to take in 15,000 tons of solid waste a day -- anything from garbage to sewage sludge -- from any state east of the Mississippi plus all of Louisiana

and Texas.

Opened in 2007, Arrowhead quickly became a source of controversy. Residents complained that the County Commission quietly inked a deal to allow the landfill in exchange for a stream of money for the cash-strapped county, but without giving adequate notice to the community. As the landfill ramped up operations, neighbors complained of constant noise, clouds of dust and noxious odors.

Arrowhead's creation was followed by a proposal for a 10,000-ton-per-day landfill in Conecuh County, a proposal that outraged nearby residents but nevertheless moved through the county approval process in 2011. The battle over that landfill is now in the courts.

To some, Alabama appeared poised to become a dumping ground for the nation's trash. Local governments were hungry for the money being offered by landfill developers; landfill operators in Alabama offer low rates to their customers compared to more densely populated and highly regulated states to the north; and the state offers a relatively simple process for getting a permit to operate a landfill.

In the face of the mounting controversy, Gov. Robert Bentley issued a moratorium on new landfills shortly after he took office, and the Legislature later enacted another temporary moratorium. With the moratorium

set to expire in May 2014, a team of experts from Auburn University, under contract with the Alabama Department of Environmental Management, is conducting a series of public forums around the state to talk with residents about the state's system for issuing landfill permits and solicit suggestions for improving it.

The final meeting in the series will be held in Birmingham on Nov. 13.

Bentley spokesman Jeremy King said that, when the governor called a halt to new landfills, he was concerned about indications that Alabama was poised to become a dumping ground.

"The concern was massive landfills that are so large that they encourage the dumping of garbage from out of state," King said. "Landfills should be developed to serve and help local communities. We need those types of landfills."

Recycling

Landfills across the state (including the one proposed for Conecuh County) would be permitted to accept up to 70,000 tons of trash per day, while Alabama residents generate 14,400 tons of waste a day.

Joel Hayworth, a civil engineering professor who is leading the team of experts from Auburn, said his team is not only looking for ways to improve the permitting process, but also to encourage recycling, waste reduction and even converting waste to energy. Those are options increasingly in use elsewhere. But in Alabama, with the low cost of burying trash, there isn't much incentive to pursue them.

To set up a landfill in Alabama, a developer applies to the local government for approval. The local government is required to have a public hearing and has 90 days to vote down the request. If it approves the plan or fails to act, the permit request is approved and proceeds to other agencies, including ADEM.

"There are some issues that are becoming apparent to us. The way the current system is set up may make Alabama more vulnerable to manipulation," Hayworth said.

Usually the deals involve negotiations with local government officials and the offer of financial incentives if they agree to allow the landfills.

In the case of the Arrowhead Landfill, Perry County gets \$1 per ton taken in at the landfill, plus 5 cents a ton for a road repair fund. Since 2007, the landfill has generated \$4.6 million for the cash-strapped county, according to Mike Smith, an attorney who represents the landfill.

That benefit comes at a cost to the landfill's neighbors, who said they felt shut out of the decision to put a 1,000-acre landfill in their neighborhood.

"It got here without us knowing anything about it," said 83-year-old Ruby Holmes, who was born, raised

and still lives on the same patch of ground down the road from the landfill. "We didn't know anything about it til it was a done deal."

Holmes said the stench from the landfill was unbearable when it was running at its peak and having trouble disposing of leachate, the polluted water that drains to the bottom of the landfill and then is pumped out.

"If I talk about it, it runs up my pressure," she said.

The smell is more intermittent now. The landfill, which late last year was purchased out of bankruptcy by a different company, is taking in only 150 tons of trash a day now and employs only four people full time. The new company, Green Group Holdings, while actively seeking contracts to dispose of garbage from cities out-of-state, also is making changes in hopes of addressing residents' complaints. A new entrance will move truck traffic away from homes.

But the smell still comes. And with Green Group's ambitions to re-energize the operation, Holmes is wearily resigned to more of the same.

"It's just something we got to live with," she said.

Landscape

The landscape of landfills has changed drastically in the past 20 years. With stricter national environmental regulations in place, the number of landfills has dropped and the average size has increased. In 1988, there were 7,924 permitted municipal waste landfills, according to the U.S. Environmental Protection Agency. By 2010, that number had fallen to 1,908 landfills.

The western U.S. had the most landfills with 718, followed by the South with 668, the Midwest with 394, and the Northeast with 128.

In a national survey of large landfills, Waste & Recycling News found that the average gate rates or tipping rates, the cost of dumping garbage without a contract with the landfill, were lowest in the South and the West, where land is abundant and population more sparse.

East of the Mississippi, Alabama landfill rates were cheaper than all but South Carolina, Georgia and Mississippi.

Alabama's reported average in the survey was just more than \$36 a ton. An ADEM survey published this summer estimated the average to be closer to \$32 a ton. The current gate rate at the Arrowhead Landfill in Perry County is \$24 a ton.

By contrast, the Waste & Recycling Survey found Massachusetts' large landfills charged an average of \$105

a ton, and most mid-Atlantic and Northeastern States had rates in excess of \$60 a ton.

So far the gold rush of trash anticipated when the Arrowhead and Conecuh landfills were being developed has not materialized.

Despite an increasing population, the total amount of waste going to landfills in the U.S. has decreased. Since 1990, the total amount of municipal waste going to landfills has dropped by almost 10 million tons, from 145.3 million to 135.5 million tons in 2010. Much of that is due to an increase in recycling. Nationally, the recycling rate increased from less than 10 percent of municipal solid waste generated in 1980 to about 34 percent in 2010.

However, the ADEM study released earlier this year pegs Alabama's recycling rate as still lingering below 10 percent.

Arrowhead has its eyes on what could be a growth market. The EPA has announced its intention to require that coal ash be disposed of in lined landfills and pods. Some utilities likely would choose to build their own landfills, but others are expected to ship their waste out.

Arrowhead has developed something of a specialty in coal ash. For 17 months, it received an average of 8,000 tons a day of soggy coal ash cleaned up from the coal ash spill at the Tennessee Valley Authority's Kingston, Tenn., power plant.

During that time, the landfill stacked and covered 4 million tons of coal ash.

Now lined below and capped from above with a liner, plus clay and topsoil covered in weedy vegetation, the 100-foot-tall mound of entombed coal ash looks like a lost Mayan temple rising from the flat Black Belt Prairie.

From the point of view of the landfill owners, Arrowhead is the perfect place to dispose of waste such as coal ash, which is tainted with arsenic, mercury, cadmium and other potentially harmful metals. The site just south of Uniontown sits atop a 500-foot thick, naturally occurring layer of impervious chalk. Even if the landfill leaks, the contamination wouldn't reach local water supplies.

"You couldn't find a better structure geologically speaking than the Selma Chalk," said Smith, the landfill's attorney. "This is a unique geology. You have a resource here that can be taken advantage of. If it is managed properly and run properly it shouldn't be an issue for anyone."

Environmental lawyer David Ludder, who represents 150 people who live around the Arrowhead Landfill, said that same sales pitch could be made for a wide area of the Black Belt, which is predominantly black and predominantly poor.



Ruby Holmes in her well landscaped front yard complete with her coal ash stinks sign. She lives across the road from the landfill and thinks the site is a health hazard. (The Birmingham News/Joe Songer)

Fees

He said the state needs stronger laws to protect poor and minority communities from becoming the unwilling hosts of such facilities.

In place of and on top of host fees paid to local governments, the Legislature could require higher tipping fees as an incentive to develop alternatives to landfilling, Ludder said. Courts have ruled that states can't require higher rates for dumping out-of-state trash in landfills, but there may be ways to offset costs with tax credits for in-state businesses, he said.

Ludder also suggests outlawing host fees. That would remove the incentive for counties to enter into waste disposal deals except to take care of their own needs.

"This system of financial incentives corrupts the local approval process and burdens citizens with the consequences of landfills that should not have been approved," Ludder said. "Host fees must be expressly prohibited."

Join the conversation by clicking to comment or email Spencer at @bhamnews.com.

© 2012 al.com. All rights reserved.