

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

January 22, 2015

Mr. Robert J. Goldstein
Distinguished Professor
United States Military Academy at West Point
600 Thayer Road
West Point, New York 10996

Dear Mr. Goldstein:

Your posting, "Lessons from Uniontown: Polluting Civil Rights" reported on January 19, 2015 in The New York Times, was recently referred to my attention by a concerned citizen. Although it is not normally my practice to correct errors in blogs, I am compelled to set at least part of the record straight because you have been entrusted with educating the future leaders of the United States Army, one of the finest institutions in the world.

Your posting states: "The coal ash shipped from the Tennessee spill resides in an unlined and uncapped facility; it dries into dust and blows with the wind despite the grass that covers it, and is leaking into streams adjacent to the site when it rains." In this one sentence there are at least five false and misleading elements where accurate information is readily accessible.

First, the landfill, in fact, has two liners. It not only has a compacted clay liner and a high density polyethylene liner, it also has a leachate collection system. The leachate collection system is monitored and the results are published on the Alabama Department of Environmental Management (ADEM) website with easy access for any interested party. Further, the thickness and extremely low permeability of the Selma Chalk Group geologic formation beneath the Arrowhead Landfill provides for an added natural protection of groundwater. EPA and TVA took these facts into account when they decided to utilize the Arrowhead landfill in Uniontown as the preferred disposal site for the coal ash. See EPA news release for Region 4 "EPA Approves Plan for Disposal of Coal Ash from TVA Kingston Site at Arrowhead Landfill in Perry County, Alabama" dated 07/02/2009.

Second, the landfill, in fact, has an applied clay cover, an impervious membrane cover on top of the applied clay cover, two feet of soil cover on top of the membrane cover and vegetation on top of the final two foot soil cover. The final cap was installed in 2011 after the TVA ash shipments ended in late 2010.

Third, the ash was exposed only in its moist state during the time it was being transferred from the railcars to the landfill cell that was then covered daily, as required by ADEM regulations, before the ash had an opportunity to dry. The ash was "entombed" in a moist condition.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

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Fourth, the presence of a soil cover, topped with an impervious membrane cap, topped with two feet of additional soil and vegetation eliminates any pathway for ash to reach an open area that could allow for wind dispersion.

Fifth, regular inspections by certified inspectors have shown no ash is escaping the landfill. Inspection reports are published on the ADEM website with easy access for any interested party.

It should also be noted that the TVA ash removal activity was a CERCLA action overseen by EPA and that a requirement in such a CERCLA action is for the waste be disposed of in a landfill meeting the requirements of RCRA Subtitle D. In 2009, prior to issuing its approval for disposal of the ash, EPA determined that Arrowhead landfill met the requirements of RCRA Subtitle D.

This correct information was and is readily available from EPA, the ADEM website, and individuals at both regulatory agencies.

The conclusions of environmentally discriminatory practices drawn from the false and misleading information in your blog are likewise false and misleading. The only conclusion having a sound basis that can be drawn from the actual data is that there is no adverse environmental impact from the Arrowhead landfill being located in Uniontown, Alabama. I hope this information will be useful in the high callings of training our cadets and promoting civil rights.

If you have any questions or would like any additional information please feel free to contact Mr. Phillip Davis, Chief of ADEM's Land Division at 334-271-7732 (email pdd@adem.state.al.us) or me at 334-271-7710 (email llefleur@adem.state.al.us).

Sincerely,



Lance R. LeFleur
Director

cc: Andrew C. Revkin, New York Times
Lt. Gen. Robert Caslen, Jr. Superintendent, United States Military Academy at West Point
Brig. Gen. John C. Thomson III, Commandant of Cadets, U.S. Military Academy at West Point
Heather McTeer Toney, USEPA Region 4 Administrator