

Claims coal-fired plant polluted river: Utility on trial

January 30 2017, by Jonathan Mattise

Environmental groups said in court Monday that the Tennessee Valley Authority is essentially storing toxic ash from an aging Tennessee coal-fired power plant in a colander, letting pollutants seep into a major river in violation of the Clean Water Act.

In the bench trial that began Monday in federal court in Nashville, TVA responded that the Tennessee Clean Water Network and Tennessee Scenic Rivers Association can't prove the federal utility is polluting the water supply in violation of the law or its permits at the Gallatin Fossil Plant, 40 miles outside Nashville.

The trial follows a related 2015 state lawsuit by Tennessee environmental officials against the nation's largest public utility, which powers 9 million customers in parts of seven Southern states. The environmentalists don't think the state required sufficient changes from TVA at the plant to safeguard against contamination of the Cumberland River.

In opening remarks, environmental attorney Beth Alexander said the coal ash facility essentially didn't hold any waste for the first eight years it was in use, letting 27 billion gallons of coal ash seep from sinkholes into groundwater and the river. TVA filled some of those sinkholes, Alexander said, but many still exist.

"There's a direct hydrological connection between the groundwater and the Cumberland River," said Alexander, an attorney with the Southern

Environmental Law Center, which is helping in the case. "Ash goes into the ash ponds, through the groundwater and ends up in the river."

In TVA's defense, attorney David Ayliffe said that the utility took effective steps to fix its leaks in the 1970s. Those problems are in the past, he said.

"There's no evidence of a karst pipeline extending up into the pond and sucking water out," Ayliffe said, referring to rocks that dissolve, including limestone.

The utility says it's investing billions of dollars in safer ways to store coal ash and other waste from burning coal across its operations.

That includes converting all of its wet coal-ash storage to dry storage, a decision made after a 2008 coal ash disaster at TVA's Kingston Fossil Plant. More than 5 million cubic yards of sludge from the plant spilled into the Emory and Clinch rivers that year, destroying homes in a nearby waterfront community.

The Gallatin plant sits on a bend of the river, which extends almost 700 miles from eastern Kentucky headwaters through Tennessee to meet up with the Ohio River in western Kentucky. Nearby residents have private wells and the Cumberland River supplies drinking water to Nashville, about 40 miles away, among other areas.

In 2015, state environmental officials informed Albert Hudson, whose home is near the plant, that his well water met U.S. Environmental Protection Agency drinking water standards. But they also said the water showed levels of the harmful chemical hexavalent chromium—typically resulting from an industrial process—were slightly above EPA risk levels.

The Southern Environmental Law Center, representing the Tennessee Scenic Rivers Association, cites test of two water wells in court documents along with results that found the chemical in the Cumberland River near where the plant takes in water.

At certain levels, the chemical has been found to cause cancer in lab animals when they drink it in water, according to the National Institutes of Health and the EPA.

The environmental groups said numerous other materials in the coal ash ponds could also harm human health.

But TVA spokesman Scott Brooks said monitoring data show no impact on river water, or drinking water sources, from plant operations.

Trial is expected to last about a week.

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