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SOCM's Lawsuit Takes Next Step in Closing Major Coal Ash Pollution Loophole

Members of Statewide Organizing for Community eMpowerment (SOCM) are celebrating a major next step in a lawsuit brought to protect communities living near coal ash landfills, as the Biden Administration [has announced](#) that the Environmental Protection Agency (EPA) will consider closing a loophole that exempts over half a billion tons of toxic coal ash in landfills from federal oversight. *Statewide Organizing for Community eMpowerment et al. v. United States Environmental Protection Agency et al.* was filed in August 2022, and this proposed consent decree marks the next step in the process that will hopefully curtail pollution coming from an estimated 292 currently unregulated landfills, including eight landfills at five sites throughout Tennessee.

SOCM is represented in the lawsuit by two standing declarants who are SOCM members living in Anderson County, Tennessee, and who have been advocating for an environmentally and economically just outcome for the local Claxton community as the Tennessee Valley Authority closes the Bull Run Fossil Plant. Two of the five coal ash dumps at Bull Run Plant are unregulated landfills.

SOCM Statement:

"We are excited by this announcement, and we hope that this process will end in a cleaner future for Tennessee residents in the communities around the Allen, Bull Run, Johnsonville, John Sevier, and Kingston coal plants. We are grateful to the other plaintiffs for their determined advocacy for their communities, and for Earthjustice for representing us in this important matter and for guiding our members through this process. SOCM is a member-led community organizing group with over 50 years of history in some of these communities, and we are so proud of our members who have worked for years for a healthier environment and a just economic transition. We hope that the unregulated landfill loophole will be closed, and that the Tennessee Department of Environment and Conservation will reflect this as they implement the Commissioner's Order on Coal Combustion Residuals (CCRs) on these sites. We also call on the Tennessee Valley Authority (TVA) to delay any decision on deconstructing rail infrastructure at the Bull Run site until the implementation plan for closing these landfills is finalized, while still respecting the clearly-stated desires of many Claxton residents for a prompt and thorough deconstruction of the plant structures, a full remedy for all identified environmental hazards, and a site that can be safely reused for the community's benefit. We also acknowledge and support [the call from the workers and families who cleaned up the 2008 Kingston coal ash spill](#) for increased protections for the workers who will come into contact with coal ash while implementing the Commissioner's Order.

SOCM member and standing declarant Todd Waterman:

“I'm grateful to the EPA, and to Earthjustice, SOCM, Sierra Club, and partners for suing on our behalf. At my neighboring Bull Run Coal Plant, TVA's policy has been, as usual, lipstick on a pig: greenwashing cheapskate decisions that harm us, its own workers, and our environment – for example, proposing covering up unlined, leaking coal ash with solar panels. TVA has even claimed Bull Run's one coal ash impoundment established after the Coal Ash Rule took effect is still exempt because... hey, its groundwater was already contaminated! Bull Run's millions of tons of coal ash are increasingly contaminating our groundwater and our drinking water reservoir. TVA must safely remove it to high, dry, lined landfills far from populations and waterways. But TVA's Environmental Assessment for demolishing and decontaminating Bull Run when it shuts down in December includes removing its rail lines, which could be used to safely transport its coal ash to proper landfills in sealed cars – a huge improvement over removing it in thousands of poorly-sealed truckloads to be dumped in poor, already polluted neighborhoods, as TVA is doing in Memphis.”

SOCM member and standing declarant Sharon Todd:

“I want to thank everyone who is helping us get to this landmark for the Claxton community and similar communities. I am excited by this announcement and hope we can move forward with the repurposing of the Bull Run Fossil Plant site. The decommissioning of the plant and decontamination and demolition of the structures and site are essential for redevelopment of the site. The existing rail system is critical to the safe removal of contaminated material from the site. The citizens of this area do not want legacy contamination of the water supply for future generations of residents in Claxton, Oak Ridge, Powell and Knoxville. This is a regional problem, not just a local issue.”

For more information, [see this press release from Earthjustice](#), who is representing SOCM and the other plaintiffs on this suit.

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