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N.Y. law firm files suit against TVA for coal ash spill

Feb. 20 -- New York personal injury law firm Weitz & Luxenberg PC has filed a lawsuit against the Tennessee Valley Authority for the Dec. 22 coal ash spill in Roane County, Ga.

The firm, represented by spokeswoman **Erin Brockovich**, joined lawyers from May and Ryan PLC in Nashville, Tenn., in the lawsuit. They filed the action in the U.S. District Court for the Eastern District of Tennessee in Knoxville, Tenn., on behalf of 109 citizens in Roane County and the surrounding area.

The complaint claims the TVA should have known the coal sludge contained toxic materials, including arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium and thallium, which are hazardous to human health. The utility also should have known that there were problems with the containment structure, a Class II landfill, which made it "highly likely" that it would fail and release large quantities of toxic waste onto the plaintiffs' properties.

The failure of a dike at a 98-acre retention pond at the Kingston Fossil Plant near Kingston, Tenn., released 1.1 million gallons of sludge containing some 5.4 million cubic yards of coal ash across 275 acres. The spill destroyed three homes and damaged nine others. The TVA estimates it will cost between \$535 million and 825 million to clean up the spill, which doesn't include litigation, regulatory action or long-term remediation.

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