



BLACK WARRIOR RIVERKEEPER, INC. Official Press Release

November 17, 2004

For immediate release:
Birmingham, Alabama

On November 10, 2004 Black Warrior Riverkeeper mailed a notice of intent to sue to Donal Campbell, Commissioner, Alabama Department of Corrections due to environmental violations in the operation of the waste treatment system at Donaldson Correctional Facility in Bessemer. Riverkeeper found One Thousand Sixty (1060) actionable violations during the last five years of Donaldson's NPDES permit to discharge treated wastewater to Big Branch Creek, a tributary of Valley Creek, a tributary of Black Warrior River. Each violation can carry a penalty of \$27,500.00. Riverkeeper also alleges that Donaldson has failed to live up to an October, 1999 agreement it has with ADEM to renovate its treatment works.

The notice of intent to sue is a prerequisite to filing suit in Federal District Court for violations of the Federal Clean Water Act. The notice must be mailed 60 days prior to filing suit. The Act allows private citizens to bring suit for violations of the Act if the state governmental agency in charge of enforcement fails to act. In Alabama, ADEM is charged with enforcement of the CWA. ADEM has done nothing to require Donaldson to live up to its October, 1999 agreement.

BLACK WARRIOR RIVERKEEPER®

P.O. Box 59684

Birmingham, AL 35259

www.BlackWarriorRiver.org

Riverkeeper is a registered trademark of Waterkeeper Alliance, Inc.

Black Warrior Riverkeeper is the first and only citizen-based organization devoted to protecting the entire Black Warrior River and its tributaries. The Black Warrior River and its tributaries are a major source of drinking water in Alabama, serving as the primary source of water for Tuscaloosa and supplying over 35% of Birmingham's water. Many people in Alabama fish and recreate on the Black Warrior River and its tributaries, and they deserve to have clean water for these uses. However, the Black Warrior River often is a neglected resource that nevertheless is vital to Alabama's citizens. Many polluters have grown accustomed to lawlessness in the watershed due to lack of enforcement by the Alabama Department of Environmental Management. Black Warrior Riverkeeper is devoted to filling this gap by using the citizen enforcement provisions provided by federal law to bring polluters to justice.

The Black Warrior Riverkeeper program advocates compliance with environmental laws. Our full-time Riverkeeper researches polluters, patrols the watershed, analyzes discharger's permits, and responds to citizen complaints. As a result of our patrols and research, the Black Warrior Riverkeeper organization has become aware of polluters who we know, or suspect, are breaking the law. When necessary, we enforce federal and state laws to bring polluters to justice by filing civil lawsuits.

Black Warrior Riverkeeper monitors the Black Warrior River and its tributaries. As the Riverkeeper, the organization takes all reasonable steps to curtail illegal pollution. As citizen plaintiffs under the Clean Water Act, this organization acts as private attorneys general to sue illegal polluters when ADEM turns a blind eye, as they so often do.

The successful plaintiff in a Clean Water Act suit may recover its attorney fees and litigation expenses from the defendant. However, any civil penalties levied against the defendant are paid to the government, not to the plaintiff.

Black Warrior Riverkeeper is a 501(c)(3) tax-exempt charitable organization.



FOR MORE INFORMATION:

Please refer to the attached 60-Day Letter of Intent to Sue...
OR Call or E-mail using the contact info below:

CONTACT:

Mark Martin (Chief Prosecuting Attorney): (205) 592-6041 MMartin@BlackWarriorRiver.org

Nelson Brooke (Riverkeeper): (205) 288-0223 NBrooke@BlackWarriorRiver.org

David Whiteside (Co-founder and Director of Development):(205) 527-7595 CahabaRiver@aol.com



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The mission of the Black Warrior RIVERKEEPER is to protect and restore
the Black Warrior River and its tributaries