



December 22, 2005

Black Warrior **RIVERKEEPER**[®], Inc. filed Notice of Intent to Sue the Town of Moundville's Moundville Lagoon for illegal discharges into the Black Warrior River.

Riverkeeper's letter of intent to sue outlines 1,486 violations of the federal Clean Water Act in the past five years. These violations occurred at the Moundville Lagoon (National Pollution Discharge Elimination System Permit No: AL0058122) located on Lagoon and Lock Road 9, in Moundville, Alabama. The sewer authority has violated its wastewater permit by discharging improperly treated sewage between January 2001 and July 2005.

Discharges from the Moundville Lagoon pollute the Black Warrior River near the Moundville boat launch in violation of the Clean Water Act and the Alabama Water Pollution Control Act. Black Warrior Riverkeeper, Inc. intends to prosecute these violations in the appropriate judicial forum. The organization intends to file suit against the Moundville Lagoon in federal district court 60 days from this notice. Riverkeeper will seek an injunction prohibiting Moundville Lagoon from discharging pollutants and from operating in violation of the Clean Water Act and state law. Additionally, Black Warrior Riverkeeper will seek the imposition of civil penalties.

Counting Moundville Lagoon's 1,486 Clean Water Act violations, Black Warrior Riverkeeper has addressed over 8,500 Clean Water Act violations in the Black Warrior River watershed, through six legal actions during the past few years.

Black Warrior Riverkeeper is the first and only citizen-based, non-governmental 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 a significant source of water for Moundville and Tuscaloosa, while supplying over 50% of Birmingham's water. Sewage and other pollutants are threatening our source of clean water. Tuscaloosa and Hale Counties are home to an abundant variety of species that depend on the lower Black Warrior River and its tributaries. However, Black Warrior Riverkeeper does not primarily exist to protect fish and other plants and animals – we fight to protect water quality because cleaner water improves public health and strengthens our communities.

The Moundville Archaeological Park which overlooks our Black Warrior River is not only one of America's greatest archaeological sites, but it is also one of the Black Warrior River basin's greatest treasures. A National Historic Landmark, the 320-acre park preserves 26 pre-historic, Mississippian-era Indian mounds. Between the Black Warrior and the Archaeological Park, citizens of Moundville have many reasons to be proud of their community. However, sewage and polluted water could threaten the citizens and tourists of Moundville.

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, Nelson Brooke, 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 dozens 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.

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

Water quality is important to everyone. Good water quality in Moundville means cleaner water for all of Alabama's citizens who live downstream. Black Warrior Riverkeeper is dedicated to the common good of cleaner water throughout the Black Warrior River and its tributaries.

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:

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