



For Immediate Release
April 3, 2007

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BIRMINGHAM AIRPORT POLLUTES VILLAGE CREEK

Black Warrior Riverkeeper sues for Clean Water Act Violations

Birmingham – Today, Black Warrior Riverkeeper filed a citizen’s suit in Federal court against the Birmingham International Airport and its contractors for allowing mud to run into Village Creek. Riverkeeper alleged over 60 violations of the Clean Water Act resulting from the runway extension project. Penalties could be as high as \$4 million.

Since late 2002, the runway extension project has been the source of sediment laden water entering Village Creek with every significant rainfall. Sediment from this project, among others, has contributed to Village Creek being listed as impaired by the Alabama Department of Environmental Management (ADEM).



Airport expansion pollutes Village Creek with sediment, exacerbating flood potential, scenic concerns, and the activity of toxins. © Nelson Brooke.

Even with the known sediment impairment and Riverkeeper’s reporting of violations, ADEM has yet to instigate any enforcement action against the Airport Authority for its construction stormwater violations. With the force of the Clean Water Act behind them, citizen members of Black Warrior Riverkeeper have filed suit to step in and enforce our pollution control laws where government has failed in its responsibility to do so. Riverkeeper seeks to hold the Airport Authority and its contractors accountable where ADEM has fallen short.

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One of the biggest threats to Alabama's streams and rivers is dirt. More precisely, the problem is sediment that washes into streams from adjacent land. Although sediment is a part of the natural environment, human activities, such as road construction, increase the amount ending up in streams. Even where the actual construction period is relatively short, the impact on water quality can be severe and long lasting. Over a short period of time, construction sites can contribute more sediment to streams than was previously deposited over several decades.

If not properly managed, erosion from construction sites can be hundreds or thousands of times higher than that from comparable undeveloped sites. Even where the actual construction period is relatively short, the impact on water quality can be severe and long lasting. Over a short period of time, construction sites can contribute more sediment to streams than was previously deposited over several decades.

While sediment seems like a relatively benign substance, it can be a powerful element in degrading water quality. Sediment clogs gills of aquatic animals; smothers fish fry, mussels, and aquatic insects; reduces oxygen concentrations in waterways; increases water temperature; transports toxic chemicals into waterways; destroys essential habitats for numerous species; reduces the flood capacity of receiving waters; and contributes to further increased and erosion of streambanks.

Because people do not like the look of dirty water, one might think that the major effect that sedimentation has on humans is a matter of aesthetics. However, sediment and related turbidity (a cloudy, muddy condition in the water where eroded soil is suspended in the water before eventually settling out) add significant costs to the treatment of surface water supplies used for drinking water because the turbidity must be virtually eliminated for effective disinfection to occur. Fine particles also provide attachment sites for heavy metals such as cadmium, mercury and lead, and many toxic organic contaminants such as PCBs and countless pesticides.

To minimize the amount of sediment that washes into streams during construction, a sediment control plan must be created and implemented. Where sediment control is necessary, Best Management Practices (BMPs) are required. BMPs are techniques, measures, and structural controls used to control stormwater runoff and prevent erosion and sedimentation. BMPs include installation of silt fences, structural modifications, diversion ditches, sediment traps and basins, and erosion control measures such as mulch, fiber mats, grass seeding, and polymer application. To be effective, BMPs and erosion control measures must be installed and maintained properly over the duration of the project.

Riverkeeper's complaint alleges that the Airport Authority and its contractor failed to implement and maintain BMPs and erosion control measures properly and allowed large amounts of sediment to enter Village Creek as a result. Birmingham attorney, Mark E. Martin represents Black Warrior Riverkeeper.

Founded in 2001, Black Warrior Riverkeeper is a citizen-based, non-profit organization working to protect and restore the Black Warrior River and its tributaries in order to ensure clean water, a healthy aquatic environment, and the recreational and aesthetic values of the river. Riverkeeper works to protect our water resources by monitoring the watershed, educating the public, and holding major polluters accountable for their violations. Black Warrior Riverkeeper is a proud member of Waterkeeper Alliance (www.waterkeeper.org).

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For more information or to schedule an interview, please call Nelson Brooke at (205) 458-0095 or email him at nbrooke@blackwarriorriver.org.