



Black Warrior RIVERKEEPER



B L A C K W A R R I O R R I V E R K E E P E R ' S N E W S L E T T E R

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**Black Warrior
RIVERKEEPER GROWS**

Black Warrior RIVERKEEPER has grown on many fronts recently. In February, we moved into office space at 712 37th Street South. (Between 6th and 8th Avenues South). Please come visit us and peruse our growing library of environmental books, maps and other resources. Feel free to call anytime, as well, to report pollution: (205) 458-0095. We hope

this office will be a resource for our members, whose numbers have reached an all-time high of 250 and growing! We have also increased frugality by gaining the U.S. Post Office's nonprofit rate for postage, as you may have noticed on recent mail. As you will see in this newsletter, we have grown in many other ways! Enjoy!

UPCOMING EVENTS

SEPTEMBER 24 -
Bankhead Lake Cleanup
8:00 am–12:00 noon

OCTOBER 8 -
FUNDRAISER
Open Door Café
1:00 pm–7:00 pm
MORE INFO: (205) 458-0095

**RIVERKEEPER Files
Notice of Intent To Sue
East Walker Co.
Wastewater Treatment
Plant**



Black Warrior RIVERKEEPER filed Notice of Intent to Sue the East Walker Sewer Authority on August 15, 2005 for illegal discharges into the Mulberry Fork of the Black Warrior River. The notice outlines 4,473 violations of the federal Clean Water Act (CWA) in the past four years! These violations occurred at the East Walker County Wastewater Treatment Plant (W.W.T.P.) located in Dora, AL. The sewer authority has violated its permit by exceeding discharge limitations for pollutants such as chlorine, fecal coliform, nitrogen and ammonia, from January 2001 to January 2005. (cont'd page 2)



4,473 Alleged CWA Violations
East Walker Co. Wastewater Treatment Plant
© Nelson Brooke 2005

DID YOU KNOW?

- The Black Warrior River watershed is 6,276 square miles, making it the largest river system contained entirely within Alabama.
- The Black Warrior River and its tributaries provide a major source of drinking water for cities such as Tuscaloosa, Cullman, and Jasper. It supplies half of Birmingham's drinking water as well!
- Boating magazine called the Black Warrior River one of America's best kept secrets for recreational boating.

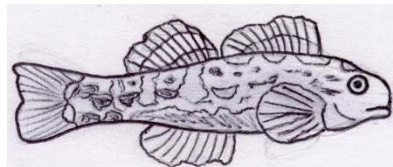
RIVERKEEPER Files Notice of Intent To Sue East Walker Co. Wastewater Treatment Plant (continued)

The discharges at the East Walker County WWTP degrade and threaten the waters of the United States in violation of the Clean Water Act and the Alabama Water Pollution Control Act.

Black Warrior Riverkeeper intends to file suit against the East Walker County Sewer Authority in federal district court 60 days from this notice. Riverkeeper will seek an injunction prohibiting East Walker Co. Sewer Authority from discharging pollutants and from operating in violation of the Clean Water Act and state law. Black Warrior Riverkeeper will also endeavor to have East Walker County Sewer Authority enjoined from engaging in the operation of a wastewater treatment plant at East Walker County WWTP if the cessation of operations is necessary to achieve compliance. Additionally, Black Warrior Riverkeeper will seek the imposition of civil penalties.



NEWSLETTER NAMING CONTEST !!!



" Name Our Newsletter!!!
Email suggestions to:
CScribner@blackwarriorriver.org
Winner gets a prize!!! "

New " Publisher " For RIVERKEEPER'S First Newsletter

We are pleased to introduce Charles Scribner as our new Director of Development! Our board of directors hired him immediately after he graduated from Princeton in June. Scribner was born and raised in New York City and attended St. Paul's School in Concord, New Hampshire, but he loves Alabama and has many strong personal connections to this state. He also spent every August fishing on the Tennessee River with his cousin from Lookout Mountain. Charles became involved with Black Warrior RIVERKEEPER through friendships with Robert F. Kennedy Jr., and his godson (and our co-founder) David Whiteside.

Charles joined the Riverkeeper movement when he interned with Bobby Kennedy at Hudson Riverkeeper in the summer of '03. Since he majored in History with a minor in Environmental Studies, Charles wrote his 100-page Senior Thesis on the History of

Waterkeeper Alliance. (This paper included a seven-page section on Black Warrior Riverkeeper that we would be happy to mail you.) Now Charles is hoping to increase Black Warrior Riverkeeper's financial stability so that we can be as effective as possible in fighting for clean water and strong communities in Alabama.

Scribner's move to Black Warrior Riverkeeper also coincides with the birth of this newsletter. Although mostly focused on fundraising, Charles will also serve as "Publisher" for our newsletter (he will help edit and write articles, and lay-out the overall newsletter). His great-great-grandfather founded a book publishing company, Charles Scribner's Sons, in 1846. (Another one of his great-great-grandfathers was from Alabama!) Charles is actually the first "Charles Scribner" to work in a field other than book publishing, so we are glad that he at least gets to "publish" this newsletter!

Many of our members have requested a Black Warrior Riverkeeper newsletter. This is the first of our quarterly newsletters we will send to increase communications with current and prospective members. Every season, we will have regular columns such as Mark Martin's "Legal Docket" (a summary of cases we are pursuing) and Nelson Brooke's "Riverkeeper Patrol Log" (a summary of Nelson's activities as our vigilant Riverkeeper). We hope that the newsletter will evolve as we continue our exciting growth as a young organization.

Meanwhile, because we often set up fundraiser parties and river cleanups on short notice, we encourage you to check out www.blackwarriorriver.org as well as our email update list. Contact NBrooke@blackwarriorriver.org to get on this list, and you will receive updated info on such events.

THE LEGAL DOCKET

COMPLETED

SLOSS INDUSTRIES (JEFFERSON Co)

Sloss Industries was repeatedly dumping illegal amounts of cyanide into Five Mile Creek, a tributary of the Black Warrior. Sloss had a permit to dump a little over one pound of cyanide a day. However, they exceeded the cyanide portion of their



Sloss Industries Wastewater Treatment Plant © Nelson Brooke (May 2004)

permit for over **500 straight days** and were dumping as much as 20 pounds of cyanide per day. Because the Alabama Department of Environmental Management (ADEM) failed to act, Riverkeeper determined that litigation was the only remedy to the cyanide discharges. Riverkeeper's collaborative suit with Alabama Rivers Alliance and L.E.A.F. prodded ADEM into action. When Sloss settled with ADEM, they agreed to pay \$675,000 in civil penalties to Alabama. They must also curb their discharges, donate 350+ acres of land on Five Mile Creek for a greenway and public park, and plant 25,000 trees along the creek. This is the largest civil penalty imposed against a polluter in ADEM history.

ONGOING

VULCAN MATERIALS BESSEMER QUARRY (JEFFERSON Co)

Riverkeeper found **429 violations** of the Clean Water Act for total suspended solids at Vulcan Material's Bessemer Quarry and filed a

notice of intent to sue. The discharges from this limestone quarry muddies Fivemile Creek for many miles downstream, and is detrimental to aquatic species including fish and other creatures that depend on clean water.



Discharges from Vulcan Construction Materials Bessemer Quarry (July 28, 2005) © Nelson Brooke (March 10, 2004)

Two months later, days before the suit could be filed, the Alabama Department of Environmental Management (ADEM) issued a proposed order containing a penalty of \$50,000 without explaining the application of the 6 penalty factors required by Alabama law, and without setting out findings of fact which support the penalty amount.

Because of these inadequacies of the consent order, Riverkeeper appealed the consent order to the Environmental Management Commission, which oversees ADEM.

This appeal is still pending.... Stay tuned to the Riverkeeper docket page of our new

DONALDSON CORRECTIONAL FACILITY (JEFFERSON Co)

Donaldson Correctional Facility has **1,060 violations** of its Clean Water Act permit. After Riverkeeper issued Notice of Intent to Sue Donaldson, the Alabama Attorney General's office pre-empted us with a state suit. These violations were related to sewage from the prison's wastewater treatment plant. Sewage was

being discharged into Big Branch, which flows into Valley Creek, a tributary of the Black Warrior River.

Riverkeeper intervened in the suit and is currently working with the Alabama Attorney General's office and the Department of Corrections to negotiate penalties and a supplemental environmental project to finalize the settlement of this lawsuit.



Donaldson Correctional Facility & W.W.T.P. © Nelson Brooke (March 10, 2004)

NEW CASES

EAST WALKER COUNTY SEWER AUTHORITY (WALKER Co)

For Photos of East Walker WWTP, Please see cover story

Please see the cover article for information and photos of our newest case against the East Walker County Sewer Authority. **4,473 violations!!!**

Nelson Brooke's RIVERKEEPER Patrol Log

Here is a chronological summary of just a few of the many activities that Nelson Brooke — YOUR Black Warrior Riverkeeper — undertook recently as the watchdog and spokesman of the Black Warrior River watershed. On top of these activities, Nelson performs monthly water testing on a tributary of Valley Creek for Alabama Water Watch, www.alabamawaterwatch.org. To report pollution to Nelson, call 205-458-0095 or e-mail: NBrooke@blackwarriorriver.org

· **April 11:** Aerial flight with SouthWings, our friends who promote “Conservation through Aviation.” We flew over Village Creek, Valley Creek, the Mulberry Fork, and the Duck River. Aerial surveillance allows me to look for pollution sources from a broader perspective. I take photos and investigate serious problems.

· **May 2:** Met Dr. Mike Gangloff on the Duck River to help look for aquatic life. The Duck River watershed is absolutely beautiful. Unfortunately we discovered more signs of pollution from industrial chicken farm operations than we did wildlife.

· **May 21:** Hosted an Alabama Water Watch bacteriological water monitoring class at Howton's Camp, where the Locust and Mulberry Forks collide. Taylor Steele taught ten people how to monitor the river for fecal coliform bacteria, an indicator of improperly treated sewage.

· **May 31:** Inspected an acid mine drainage issue on an unnamed tributary to the Locust Fork with Larry Barwick, a land reclamation inspector for the Office of Surface Mining. Larry took some samples out of this heavy metal laden orange stream to help further assess its health.

· **June 16:** Went to Winston County for a meeting put on by Daniel Drennen of the U.S. Fish & Wildlife Service about a candidate species under the Endangered Species Act, the Rush Darter (*Etheostoma phytophilum*). We visited two streams where rush darters are known to live, and discussed future plans for protecting their habitat.

· **June 24:** Inspected numerous locations along Village Creek, including the Birmingham International Airport expansion near its headwaters. The expansion was contributing gross amounts of sediment to the creek, as it has been since the project began. A ways downstream, to my surprise, we spotted a large soft-shelled turtle and an alligator snapping turtle of good size, both hunting.

· **July 5:** Inspected a tributary of Valley Creek with volunteer Kenny Soresby. This small creek is nearly filled with floatable trash and plagued by a leaky sewer pipe. I reported the leak to the Jefferson County Environmental Services Sewer Hotline, (205) 942-0681.

· **July 27:** Tested water quality at Greensprings in George Ward Park with help from the Stormwater Management Authority, www.swma.com. This site is being studied for future restoration.

· **August 2:** Co-Sponsored a Duck River Dam open meeting in Cullman with the Alabama Rivers Alliance, Alabama Environmental Council, WildSouth, and Friends of the Mulberry Fork. This meeting was held to inform locals about the proposed Duck River dam, answer questions, and hopefully build resistance to the project. The comment period on the supplemental environmental assessment for this water supply reservoir ends on the first of September. From that point the U.S. Army Corps of Engineers will make a decision on whether or not to allow the Cullman-Morgan Water District to proceed with building the dam.

· **August 20:** Co-Sponsored the 1st Annual Holt Lake Cleanup held at Rocky Branch Park with the Black Warrior River Basin Clean Water Partnership, Alabama Power, the U.S. Army Corps of Engineers, and others. This “Renew Our Rivers” cleanup was a huge success, pulling boatloads of trash out of the river.

· **August 22:** Went to Hanceville's City Council Meeting to monitor their progress towards keeping a hazardous waste transport company from illegally dumping its wastewater at the Hanceville Wastewater Treatment Plant. The City Council is going to ban the dumping of waste from outside city limits. Mud Creek, a tributary of the Mulberry Fork, is the receiving stream for all of the wastewater. The creek was looking pretty poor on this day. Locals informed me of fish kills and mussel kills. I merely saw a few minnows, a few snails, and a dead frog. Hanceville is doing the right thing by taking control of their corrupted Water Works & Sewer Board, which allowed the illegal dumping by Action Resources to occur.

A b o u t B l a c k W a r r i o r R I V E R K E E P E R

The Mission of Black Warrior Riverkeeper, Inc. (BWRk) is to protect and restore the Black Warrior River and its tributaries. BWRk is a 501(c)(3) tax-exempt non-profit organization that serves the needs of over 1.1 million people throughout sixteen counties in the heart of Alabama. Monitoring the river and holding industry accountable for their discharged pollutants has made BWRk an important voice throughout the watershed. BWRk was founded in 2001 by Birmingham citizens with notable backgrounds in environmentalism. Its four full-time employees include Mark Martin—in-house attorney, Nelson Brooke—Riverkeeper (patrolman and spokesman), Charles Scribner—Director of Development, and David Whiteside—Interim Executive Director. BWRk is governed by a board of directors and is a proud member of the Nonprofit Resource Center of Alabama and the Waterkeeper Alliance.

A b o u t W A T E R K E E P E R A L L I A N C E

The first Riverkeeper patrol boat was launched by fisherman and their friends who mobilized in 1966 to challenge polluters on the Hudson River. That Riverkeeper’s contributions to the Hudson’s amazing recovery has inspired the creation of 137 locally funded and controlled “Waterkeeper” organizations on waterways across the country and the world. Waterkeepers (including Alabama’s Choctawhatchee Riverkeeper, Hurricane Creekkeeper and Mobile Baykeeper) patrol local waterways, respond to citizen complaints, and enforce environmental laws. Waterkeeper Alliance was founded in 2000 to connect and support local Waterkeeper organizations, while allowing them full control over their finances and administrative decisions. The Alliance offers legal, scientific, and administrative advice, provides networking opportunities, and often advocates for issues common to multiple local Waterkeepers (such as mercury pollution — a major issue in the Black Warrior River basin).

M E M B E R S H I P F O R M

Please complete and return to:

Black Warrior RIVERKEEPER ®
712 37th Street South
Birmingham, AL 35222

NAME(S): _____
ADDRESS: _____
PHONE: _____
E-MAIL: _____
INTERESTS: _____

PLEASE CHECK A CATEGORY:

- _____ Student \$15
- _____ Redfin Darter \$25
- _____ Warrior Darter \$50
- _____ Tuscaloosa Darter \$100
- _____ Watercress Darter \$250
- _____ Vermilion Darter \$1000
- _____ Snapping Turtle..... \$5000
- _____ Alligator Snapping Turtle..... \$10,000
- _____ OTHER (Please List)

Please make checks payable to: **Black Warrior RIVERKEEPER**

Black Warrior Riverkeeper, Inc. is a 501(c)(3) tax-exempt charitable organization.
Your contribution or membership is tax-deductible to the extent allowed by law.
No goods or services of monetary value will be provided in exchange for this contribution.



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A C K N O W L E D G M E N T S & T H A N K Y O U S

TREVOR JONES—Originally from Perry, Georgia, Trevor is a second year law student at Cumberland School of Law in Birmingham, Alabama. Trevor, who is interested in environmental law, discovered Black Warrior RIVERKEEPER online and contacted Riverkeeper to volunteer time this summer with the organization.

LIBBY YOST—Our summer grant writing intern, Libby is a recent graduate of Birmingham-Southern College. She is now attending UAB pursuing her doctorate in Medical Sociology. Libby helped write 11 grants to foundations and companies so that Black Warrior RIVERKEEPER can most effectively protect the public’s right to clean water.



We would like to thank environmental activist **Laurie David** and her hilarious husband **Larry**, the creator of *Seinfeld* and *Curb Your Enthusiasm*. Laurie is not only a generous supporter of Black Warrior RIVERKEEPER — she has also founded a year-long, bipartisan Virtual March to stop global warming. Please check out: www.stopglobalwarming.org



THANK YOU SUMMER INTERNS
TREVOR JONES AND LIBBY YOST

THANK YOU
LAURIE & LARRY DAVID;
Two of our generous supporters