



Black Warrior RIVERKEEPER®



RIVERKEEPER® Tackles Major Stormwater Violations

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DID YOU KNOW?

Experts credit the Black Warrior Basin with 119 freshwater fish species (3 of which are endemic), 48 species of mussels (most of which are imperiled due to degradation), 15 turtle species, and many other reptiles and amphibians. The basin is also home to over a million people, all of whom we seek to protect from major pollution sources.

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 increase the amount ending up in streams. Activities such as road construction, building construction, landscaping, logging, and poorly managed farming remove the protective vegetative covering from soils allowing loose sediments to wash into streams during rain storms.

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; and contributes to further increased erosion of streambanks.

Because people do not like the looks 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, PAHs 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, and sediment traps and basins. To be effective, BMPs must be installed and maintained properly over the duration of the project.

Where BMPs are not installed and maintained correctly it is apparent even to an untrained eye. Some indicators of poorly implemented BMPs are: dirt tracked into the road at the construction exit; silt fences falling down or having gaps between the fence and the ground; silt fences more than half full of sediment; storm drains not protected properly with filter fabric and riprap stones; disturbed soil inactive for more than 14 days; straw/mulch spread unevenly over exposed soil; vegetation removed from area adjacent to stream; and sediment visibly running off the site during rainfall.

Black Warrior Riverkeeper needs citizen input to help identify construction sites that may be violating soil and erosion control practices. If you see a construction site where soil is not properly contained within the site, please take note of the site's location, the contractor (if possible) and the characteristics causing concern and call us at (205) 458-0095 or email us at info@riverkeeper.org.



This project lacks adequate erosion control measures, and its silt fences have failed to stop sediment from running off site.

© Nelson Brooke

Chicken Production Threatens Public Health and the Black Warrior

Alabama is one of the largest poultry producers in the United States, trailing only Arkansas and Georgia in terms of broiler chicken production. The Alabama Farmers Association estimates that Alabama marketed more than one billion birds and over two billion eggs in 2004. Poultry production in Alabama is highly concentrated in ecologically vital areas of the Black Warrior River Basin in the northern part of the state, particularly Cullman and Blount Counties. Cullman County alone reported producing over 163 million broilers between 2002 and 2003, leading the state, while Blount County ranked fourth. The Black Warrior River's Mulberry and Locust Forks of the Black Warrior River flow through in this area. Both Forks, which are meccas for kayaking and eco-tourism, have begun to show impaired water quality and a marked decreases in indigenous fish species, according to Mettee, O'Neil, and Pierson's *Fishes of Alabama and the Mobile Basin*. The modern Confined Animal Feeding Operation (CAFO) is a substantial source of this problem.

Over the last 50 years, USDA economic policy adjustments and subsidy programs have shifted America's agricultural system from a sustainable network of family farms to an intensely mechanized industrial system. This production shift made it cost-prohibitive for most farmers to feed their animals on their own farm land. USDA agricultural policies have essentially encouraged farmers to grow as much corn as possible and fatten their livestock en masse in facilities that are known as CAFOs. Today, instead of a few chickens being raised on a diet of grass and insects on a pasture or chicken yard, thousands are crammed into unimaginably tight quarters where they produce massive amounts of fecal waste. This waste has a nasty habit of flowing into waterways.

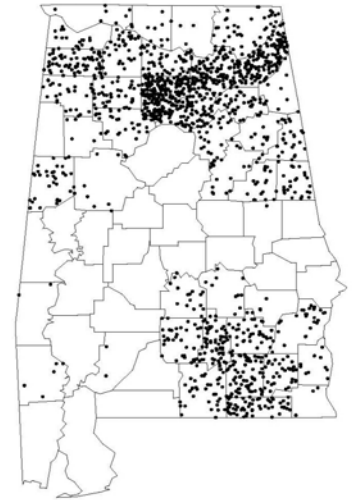
The health and ecological hazards of mismanaged CAFO waste are myriad. CAFOs are loud, nauseatingly smelly, sanitation nightmares. Disease tends to spread more quickly among animals kept in close confinement, which is one of the reasons our chickens are pumped full of antibiotics. The major threat to water quality is the astronomical amount of excrement generated in a CAFO. The most popular solution for dealing with this overflow of waste is to store it in massive open air lagoons and apply it as fertilizer to surrounding pastures.

This is a poor solution. Chicken manure is a particularly "hot" fertilizer, meaning that it is rich in nitrogen and phosphorous. A given pasture area can only absorb so much hot fertilizer before it begins to damage the pasture itself and run off into local waterways. Auburn's College of Agriculture estimates that around three times as much animal waste is produced in northeastern Alabama than could be used as fertilizer in the entire state. The thin sandy soils of northeast Alabama simply cannot absorb the astonishing amount of animal waste. Waste lagoons routinely leak and spill raw sewage, threatening to contaminate groundwater with pathogens and nitrates. Pathogenic microbes found in chicken waste can infect humans, causing a number of illnesses including gastrointestinal disease and kidney problems. High nitrate levels in drinking water increase the risk of "blue baby syndrome" which can prove fatal for newborns. People who live near CAFOs are exposed to many toxic byproducts of breaking down waste in massive open air lagoons. Residents near CAFOs often complain of dizziness, sore throats, chronic coughing, diarrhea and other ailments. Waste runoff brings fish kills, oxygen depletion, algae blooms and countless pollutants.

Alabama's historically impotent Department of Environmental Management (ADEM) holds the responsibility for ensuring that CAFOs comply with all Federal and State regulations. Generally, violators are only held accountable when local residents and

environmental groups such as Black Warrior Riverkeeper use the citizen enforcement provisions of state and federal environmental laws. Bryan Burgess of Rural Friends of Alabama has used aerial surveillance techniques to identify up to 3,200 CAFO facilities (ADEM's website only lists around 500 of the larger permitted facilities). Many of these smaller facilities may be polluting with impunity. Burgess has successfully forced CAFOs into compliance and prevented new ones from being built. Mark Martin, Chief Prosecuting Attorney for Black Warrior Riverkeeper, collaborated with Burgess and obtained *Legal Hero* status from the Sierra Club by forcing an Alabama hog CAFO into compliance in 2006.

Cheap corn is the engine that drives the CAFO and makes our chicken cost less. Yet CAFOs do so by externalizing the hidden environmental and health costs of the chicken production. As consumers, each of us has a voice that speaks loudly: our wallets. We can buy our meat and eggs from suppliers that raise animals naturally, humanely, organically, and locally. Many supermarket retailers, such as Wal-Mart, are beginning to take notice. Please visit www.factoryfarm.org and www.sustainabletable.org for more information on CAFOS and what you can do to make a difference.



Cullman and Blount Counties — both home to major Black Warrior River headwaters — rank 1st and 4th statewide, respectively, for broiler chicken production.
© Alabama Cooperative Extension



Chicken factories surrounding the Black Warrior's Locust Fork.
© Nelson Brooke. Flight provided by SouthWings.org

Author Peter Castleberry is a Riverkeeper volunteer who has researched CAFOs extensively. He also founded the "Johnny Applebulb" program, distributing free energy-efficient light bulbs in order to sew the seeds of conservation. Learn more at www.applebulb.com.

Nelson Brooke's Black Warrior RIVERKEEPER® Patrol Log

Here is a chronological summary of just a few of the many activities that Nelson Brooke, your Black Warrior Riverkeeper, performed recently as watchdog and spokesman of the Black Warrior River watershed. To report pollution to Nelson, please call our office at (205) 458-0095 or e-mail: NBrooke@blackwarriorriver.org. For more information, visit www.BlackWarriorRiver.org

November 17: Took a SouthWings aerial flight with volunteer pilot Bob Keuhlthau. We busted 6 polluters: Vulcan's Bessemer Quarry was discharging sediment into Fivemile Creek due to a breach in the berm around the quarry; Bayview Lake was muddy due to sediment in Village Creek coming from the Birmingham Airport's runway extension construction; Shoal Creek Mine was discharging grey water into Big Shoal Creek; a strip mine near the mouth of Daniel Creek was discharging turbid water into Daniel Creek; Brookwood Sand & Gravel's site had horrible erosion issues causing sedimentation in Brush Creek; Quinton Mine had discharged a bunch of turbid water into Burnt Cane Creek. I reported all of these issues to the ADEM Birmingham Field Office.

December 6-7: Went to a "short course" on stormwater in Atlanta. Dr. Gary Minton taught the course about construction site runoff control and the use of wet and dry detention basins for the control of stormwater pollutants. We also learned a great deal about manufactured stormwater treatment devices that can remove sediment, trash, heavy metals, oil & grease, etc. These devices are pricey, but not when compared to stiff fines from a competent regulatory authority. Businesses and states around the country are utilizing these new technologies to curb stormwater pollution – one of the leading causes of water pollution around the country, especially in urban areas. Dr. Minton discussed filters, swales, and wetlands as ways to treat polluted stormwater. In coming away from this course, I have further verification of the fact that Alabama is way behind. Construction is being done to a higher standard elsewhere. If you are a responsible developer and want to utilize methods and devices that will protect our streams, do not hesitate to contact me.

January 9: I investigated a pollution complaint on Thomas Creek in Jefferson County below Bradford Health Services WWTP and upstream of a logging operation that is running heavy machinery through the creek. The creek is now very muddy every time it rains, whereas it used to be clear always. There is algae in the summertime from the WWTP. Thomas Creek is a tributary of Brewer Creek in the Locust Fork watershed. I told the complainant he needs to get pictures of the mud leaving the logging site when it rains, and take water samples. This sort of information is very useful when reporting the pollution to ADEM and the Alabama Forestry Commission. If anyone needs help with documenting and reporting pollution of this type, please let us know – that's what we're here for.

January 18: Patrolled around Northport via road and downstream of Oliver Lock & Dam with Charlie Scribner. Starting on the ground, we investigated the source of sediment coming down Mill Creek as a result of a complaint from a SouthWings flight that our fellow Waterkeeper, Hurricane Creekkeeper John Wathen took over the river. We found 3 subdivisions and a church with terrible sediment and erosion control. We also found an unexpectedly huge widening project on state Hwy. 43. Their sediment and erosion control was totally inadequate for a project of that size. They were in the process of extending 4 culverts on tributaries to Mill Creek. As a result, major amounts of sediment are being passed downstream from this site. It wasn't even raining and yet they were causing downstream turbidity in one of the creeks.

As Charlie and I crossed the highway and I began snapping photos, two of the contractors approached us and asked who we were with. They then asked us to leave the site since we weren't wearing hard hats. We obliged. We continued up the road and checked out other parts of the project and then went to the southernmost end of the project to check another culvert project we hadn't seen yet (we were towing the patrol boat behind us through all of this). One of the contractors again approached us and asked us to leave – we did. As I was parked on the side of the road taking notes and reporting the sites to ADEM and other local officials, a police car pulled in behind us. The contractors had called the cops on us! After 2 cop cars and 3 cops detained us for at least 15 minutes, their supervisor showed up. He said the contractor can ask us to leave for safety concerns, but he also told us that we were not violating the Alabama Code for right-of-way trespass and that we had the right to take photos. He also liked Riverkeeper's mission; said he lived nearby and he and his neighbors were worried about sediment in the creek. We gave him some newsletters and he told us we were free to go!

We then put in at the Oliver Lock & Dam boat launch and patrolled down past the new toll bridge. Of concern in this stretch of river is the Hunt Oil Refinery, a massive facility along the South edge of the river downstream of Tuscaloosa. I checked one of their outfalls with my meters: their outfall was discharging water with a temperature 8 deg. Celcius higher than the river, with a pH .8 SU lower than the river, and with a conductivity 2,155 uS higher than the river. With a conductivity reading that high, there must be a large amount of metals in their discharge.



Strip mining operations discharge this turbid water to Daniel Creek in Tuscaloosa County.
© Nelson Brooke Flight provided by SouthWings.org



Nelson Brooke often performs a variety of on-site water quality tests while patrolling, and also collects samples for lab testing. © Rob Brewer, Riverkeeper Board.

Engineers Working Hard to Correct Tuscaloosa's Sewer Failures

Upon learning that nearly 4.5 million gallons of raw sewage had spilled into the Black Warrior River and its tributaries over the past five years from the broken pipes and malfunctioning lift stations that make up the city of Tuscaloosa's sewage collection lines, our Riverkeeper, Nelson Brooke, and Legal Program Coordinator, John Kinney, made contact with the city's water and sewer department, and met with department officials in June of 2006. Since that time, Tuscaloosa's sewage collection system has been a subject of discussion at several city council meetings and the focal point of numerous newspaper articles. The problem is that as these discussions go on, sewage continues to be spilled into the creeks around Tuscaloosa and the Black Warrior.

The most significant problem facing city engineers is the fact that many of the city's sewer lines are more than 80 years old. Over time these pipes are subject to wear down due to the turbulent water that flows through them and caustic gases produced by the sewage. Tuscaloosa engineers have now reached the point where they must play catch up, trying to identify the pipes that have degraded the most before they fall apart. They are also quick to point out that much of the problem is due to excess water entering the collection system from private connections which are supposed to be maintained by the land owners themselves. As evidenced by the volume of spills, the city is behind in the battle, but engineers are working hard.

In recent years the Tuscaloosa Water and Sewer department has surveyed nearly 70% of their lines, performing camera inspections on suspected problem areas. The department has also spent around 5 million dollars on a SCADA (Supervisory Control and Data Acquisition) system, which alerts engineers when there are problems such as power failures or high water levels at a particular lift station, allowing them to react much more quickly to potential overflows. Of an estimated 55 to 60 lift stations, only 11 currently have backup generators to prevent overflows in the event of a power failure, but the city has plans to install generators at all lift stations in the near future. According to Maurice Sledge, superintendent of the Water and Sewer department, the city is hoping to put 35 to 40 million dollars into the collection rehabilitation project over the next 5 years as long as the funding is available.

Sledge has promised to keep the lines of communication open with Black Warrior Riverkeeper as Tuscaloosa continues to work on improving its sewage collection system. Although the city's efforts have not always been a model of efficiency, the Water and Sewer department should be commended for doing their best to stay on top of a very difficult job.

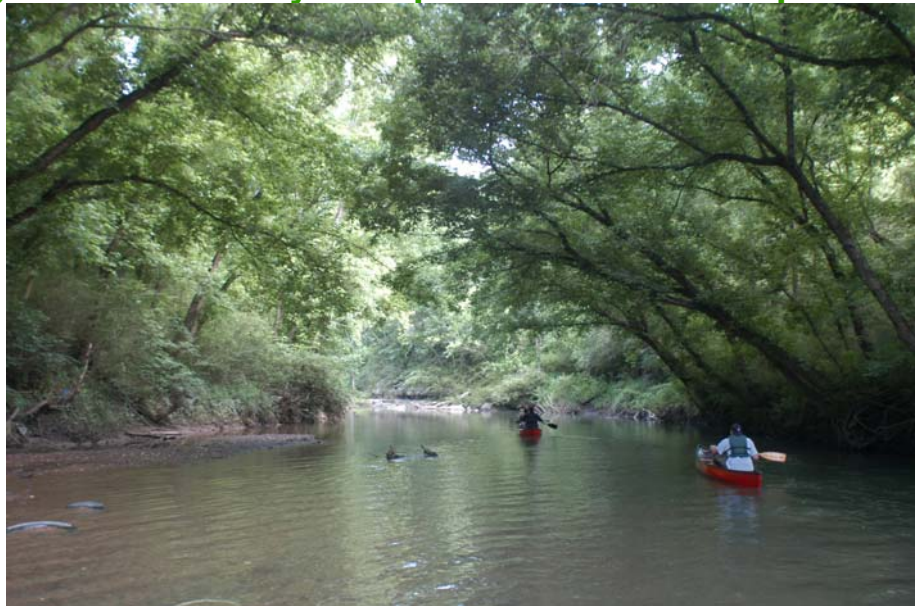
Olmsted's Plan for Birmingham Greenways Helps Water and People

In mid-December 2006, Birmingham-area greenway partners presented "Greenways Showcase, Part II." This exciting presentation highlighted the progress being made toward increasing green-space and outdoor recreation opportunities throughout the Birmingham Metropolitan area. The greenways initiative seeks to establish a park system consistent with those proposed in the Olmsted Brothers' 1925 planning document entitled, "A Park System for Birmingham." If fully implemented, the plan could make Birmingham the U.S. city with the most acres of green space per capita. This attribute would have tremendous benefits to the local environment as well as the local economy.

These greenways have the potential to improve water quality by providing outdoor classrooms to show the importance of watershed protection, outdoor recreation opportunities for people to connect with and appreciate the natural world, and permeable surfaces that help control stormwater runoff. The parks and green spaces envisioned for Birmingham would include clean, nonpolluting industries that will spur economic development. Many people, including businesses and young professionals, view access to green space as a measure of quality of life. Outdoor recreation also contributes a significant portion to the nation's \$500-billion tourism industry.

The greenway system will benefit the Black Warrior River watershed in particular because all but one of the seven greenway projects reside within the Black Warrior River Watershed. The six projects in the Black Warrior Watershed are: Red Mountain Park, Five Mile Creek Greenway, Railroad Reservation Park, Ruffner Mountain Nature Center, Valley Creek Greenway, and Village Creek Greenway. Each of these projects has different focal points that complement each other in forming a robust greenway system. Aside from countless trails and open spaces, some of the many project highlights include: Red Mountain Park's plans to include historical elements showcasing the city's mining heritage; Ruffner Mountain Nature Center's LEED (Leadership in Energy and Environmental Design) certified building; Railroad Reservation Park's biofiltration system in its lake; and Five Mile Creek Greenway's beautiful canoe trails spanning over 30 miles.

For more background information about the greenway system, see our Fall 2005 newsletter article entitled, "1925 Olmsted Parks System Re-envisioned in the Black Warrior River Basin." Also, please see the calendar on our website (www.blackwarriorriver.org) for information on events related to the greenways projects.



*Riverkeeper staff and friends canoe Five Mile Creek, where a major greenway project was enhanced by Riverkeeper, Alabama Rivers Alliance, and L.E.A.F. suing Sloss Industries for polluting the creek. The Sloss settlement resulted in a 350-acre parcel which the Freshwater Land Trust will protect in perpetuity.
© Nelson Brooke*

David Whiteside Update: Website, Concert, Patrol Boat, & RFK Jr. Movie!

Many of our members have heard that Black Warrior Riverkeeper's founder, David Whiteside, is leaving Alabama temporarily, so we decided to clarify his exciting, eco-friendly plans into one big piece of good news!

First of all, David transferred from our staff to Board of Directors in February. He remains very much involved with the organization, especially with fundraising, outreach, and Board duties. David will also continue volunteering with Baird Castleberry in re-designing our new website, to be launched in Spring 2007. He has also recently recruited several new corporate sponsors, including UGG, Paul Mitchell, and Hawaiian Tropic, and coordinated new corporate donations from Dr. Bronner's Magic Soaps and Teva.

Meanwhile, David has taken an 18-month job in Washington D.C. with his Godfather, Robert F. Kennedy Jr., President of Waterkeeper Alliance. He was hired as the Assistant Producer of a new environmental documentary based on Kennedy's recent bestseller, *Crimes Against Nature*. The film will show how a handful of powerful polluting industries are using campaign contributions and other coercive methods to hijack democracy from the American people and plunder our water and air in the process.

Along with Nelson Brooke, David has been working closely with Honda Marine executives to custom build us a more agile and efficient patrol boat. We plan to have a major "launch party" for this valiant vessel in Tuscaloosa later in 2007. Whiteside is working to schedule RFK Jr. as the event's keynote speaker, and is procuring excellent auction items from our corporate and celebrity sponsors.



Whiteside (left) & RFK III (right) drumming up Waterkeeper support from Red Hot Chili Peppers drummer Chad Smith in DC.



Stanford undergrad Kick Kennedy (left, with Whiteside) provides crucial support for Black Warrior Riverkeeper & Waterkeeper Alliance.

David is also planning a fundraising concert with RFK Jr.'s oldest children, Kick and Bobby. This concert will take place sometime in 2008 and will benefit Waterkeeper Alliance and Black Warrior Riverkeeper. Much of their time thus far has been focused on artist recruitment and educating them about the Waterkeeper movement. In the past six months, David, Kick, and Bobby have talked directly with Drive-By Truckers, Flaming Lips, Gnarls Barkley, Jack Johnson, The Killers, Peter Frampton, Jurassic 5, Michael Franti & Spearhead, Red Hot Chili Peppers, Ruben Studdard, and The Tragically Hip. The first step is to book a popular headliner to anchor the concert. An impressive volunteer concert pre-production team has been assembled from Alabama to New York, California and even Canada. LiveNation is planning to help produce this charity concert. Stay tuned to our upcoming website for updates. Both concert-related photos were taken in January 2007.

Alabama Water Agenda: Guiding the Way to Healthy Waters

On January 24th, Alabama Rivers Alliance and Southern Environmental Law Center unveiled a statewide water policy document titled, "Alabama Water Agenda: Guiding the Way to Healthy Waters." The Agenda recognizes the value of Alabama's waterways and the need for their protection, laying out a policy strategy to address six priority threats to our water.

Grassroots groups and citizens submitted a list of hundreds of threats for consideration in this document. A peer review group of nine organizations, including Black Warrior Riverkeeper, then reduced the list to the six most pressing concerns. The six threats identified in the Water Agenda are: agency coordination and enhancement; enforcement; state agency funding; instream flow; stormwater, and suburban sprawl.

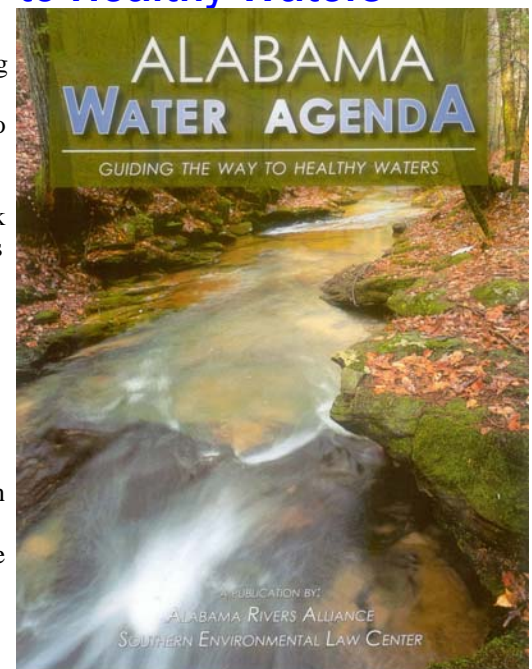
The Water Agenda provides a description of each threat, including actions necessary to relieve the threat. In addition, the Agenda assigns icons to each threat to show which of the four water health indicators are affected by the threat. These indicators are water quality, water quantity, public health, and aquatic communities.

The Alabama Water Agenda seeks to direct policy change by offering proactive solutions to our water issues. The Agenda adopts strategies to improve watershed protection policies, pollution prevention policies, agency policies, and land use policies.

Making positive changes to Alabama's water policies will be possible only with the support of Alabama citizens. The Agenda identifies a number of ways citizens can support the goals of the Agenda. For information on how to get involved, please visit:

www.AlabamaWaterAgenda.com

The Agenda points out that the State motto is "We Dare Defend Our Rights." Inherent in Black Warrior Riverkeeper's mission to protect and restore the Black Warrior River and its tributaries is the idea that everyone has a right to clean water. Riverkeeper works to defend that right each day. The Water Agenda provides another important tool to aid in this mission.



Alabama needs a comprehensive state water program to ensure that water health is protected for future generations. The new Water Agenda publication (above) outlines suggestions to that end.

Black Warrior RIVERKEEPER® Legal Docket

NEW CASESBirmingham International Airport (Jefferson County)

For years, Riverkeeper has collected pollution evidence from the Birmingham Airport's expansion. The project is causing significant and ongoing violations of the Clean Water Act by discharging extremely turbid (muddy) water. The discharge causes water quality violations in the receiving stream, Village Creek, every time there is a major rain. Riverkeeper served Open Records requests on the Airport, the City of Birmingham, and ADEM in an attempt to examine public records pertaining to the stormwater discharges and whether they have done the monitoring required by federal law. The public records search was discouraging, as the Airport requested a prohibitive \$2 per page for copies and will not allow us to bring our own copiers. Because our suggestions for improvement have been ignored for years, Riverkeeper sent a Notice of Intent to Sue on January 30, 2007. We continue to perform our own turbidity testing.



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

ONGOING CASESEast Walker WWTP (Walker County)

Riverkeeper filed Notice of Intent to Sue the East Walker Sewer Authority on August 15, 2005 for illegal discharges into the Black Warrior's Mulberry Fork. We allege **4,473 violations** of this plant's permit. ADEM then filed their own lawsuit. We filed a Motion to Intervene in their lawsuit, but Judge Beard denied our motion. Since the Alabama Code gives an unconditional right to intervene, on January 23, 2007, we filed an appeal to the Alabama Court of Civil Appeals, in the hopes that we can intervene and promote real progress.

BARD v. SWMA (Jefferson County)

On June 20, 2006, Riverkeeper and the Cahaba River Society filed a motion to intervene in a federal lawsuit brought against Jefferson County's Storm Water Management Authority (SWMA) by the Business Alliance for Responsible Development (BARD) and others. SWMA is a local agency protecting citizens and property from the litter, sediment and petrochemicals that rain washes into waterways. While SWMA is not perfect, BARD's plan to limit their activities would be **a major blow to Jefferson County's water quality**. The Southern Environmental Law Center (SELC) is providing our legal representation along with our Chief Prosecuting Attorney, Mark Martin. The Federal Judge recently remanded the case to State Court. SELC filed an intervention in the State Court on our behalf.

City of Moundville Lagoon (Hale County)

Moundville operates a small, outdated lagoon system for waste water treatment. This facility discharges directly into the Black Warrior River, near the public boat launch and archeological park. Riverkeeper issued Notice of Intent to Sue on December 14, 2005 alleging **1,486 violations** of its NPDES permit. After the expiration of the 60 day notice period, we elected not to file suit because we were given reason to believe that Moundville was about to make necessary improvements to stop the violations. However, after a year, it is apparent that they are still in serious violation, having incurred an **additional 649 violations**. Riverkeeper served a second NOIS on November 17, 2006. We then learned that the Alabama Attorney General filed a lawsuit against Moundville back in February 2006. Riverkeeper has prepared an intervention in that lawsuit in the hopes of promoting an effective outcome.

Riley Maze Creek WWTP (Marshall/Cullman Counties)

This plant is in serious violation of polluting an upper tributary of the Black Warrior's Mulberry Fork. In the past five years, the system has experienced **at least 40 unpermitted discharges of raw sewage** in violation of its NPDES permit. It also had **331 violations** of the discharge parameters of its permit, mostly for total suspended solids (TSS) and Fecal Coliform. Riverkeeper served Notice of Intent to Sue (NOIS) on October 26, 2006 stating that we intend to sue this facility after the required 60 day notice period expires. ADEM issued a unilateral order for this WWTP and posted the order on December 13, 2006 for public notice. Riverkeeper then filed a public comment on January 12, expressing our concern that ADEM's order does not adequately address the six penalty factors required by state law, particularly the benefit from noncompliance. We continue to monitor this WWTP's discharges and ADEM's reactions.

About Black Warrior RIVERKEEPER®

Black Warrior Riverkeeper’s mission is to protect and restore the Black Warrior River and its tributaries. We are a citizen-based non-profit organization dedicated to improving habitat, recreation, and public health throughout 16 counties in the heart of Alabama. Monitoring the watershed, educating the public, and holding major polluters accountable for their violations has made us an important proponent of clean water in our patrol area, the entire Black Warrior River Basin. Founded in 2001 by David Whiteside, our three full-time employees include Nelson Brooke—Riverkeeper (patrolman and spokesman), Charles Scribner—Director of Development, and Brantley Fry—Executive Director. We also benefit greatly from the services of in-house Chief Prosecuting Attorney, Mark Martin, and Legal Program Coordinator, John Kinney. Alabama’s 2006 Watershed Organization of the Year, Black Warrior Riverkeeper is governed by a board of directors and is a proud member of Waterkeeper Alliance.

About WATERKEEPER® Alliance

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 156 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. Waterkeeper 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).

MEMBERSHIP FORM



Please complete and return with check to:

Black Warrior RIVERKEEPER®

712 37th Street South
Birmingham, AL 35222



NAME(S) (please list everyone in your household so they can all be members!)

ADDRESS: _____ CITY, ST, ZIP _____

PHONE: _____ EMAIL: _____

If you enjoy the Black Warrior River, its tributaries, or its Sipsey, Mulberry, or Locust Forks, please list how and where:

PLEASE CHECK A CATEGORY:

- ___ Redfin Darter\$25
___ Warrior Darter\$50
___ Tuscaloosa Darter.....\$100
___ Watercress Darter.....\$250
___ Vermilion Darter.....\$1000
___ Other dollar amount.....\$
___ In-kind donation (list donated items or professional services):
___ Volunteer time (list hours and type of volunteering):

To donate by credit card or to purchase merchandise (shirts, organic soap, hunting/fishing gear, DVDs) call 205-458-0095

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

Riverkeeper's Presentations Enhanced by Technology Grants

**Norcross Wildlife Foundation** and **World Wildlife Fund** recently donated generous grants for Riverkeeper to purchase a high-tech laptop, projector, and screen for Nelson Brooke's ubiquitous presentations to schools, civic groups and officials. To schedule an educational and entertaining presentation for your group, please call 205-458-0095.

Updated Logo for Riverkeeper

We decided to update our logo upon learning that our former logo depicted a Native American with a Plains-style headdress rather than one worn in the Southeast. Both our old and new logos celebrate Native Americans' eco-friendly ideals, and also pay tribute to **Chief Tashkalusa**, the namesake of Tuscaloosa, Ala. and the Black Warrior River. In Choctaw, "tashka" means "warrior" and "lusa" means "black." **Bob Griffin**, owner of **Wolf Creek Creations** (205-884-3140, [rgriffin004@centurytel.net](mailto:rgriffin004@centurytel.net)) generously designed the new logo for free! We are soon hiring him to print short and long-sleeve t-shirts (S, M, L, XL) with the new logo. If you would like to pre-order a new-logo shirt, or purchase a shirt (S, L) with the old logo, please contact us at 205-458-0095 or [cscrivner@blackwarriorriver.org](mailto:cscrivner@blackwarriorriver.org).

2007 Southeast Waterkeeper Conference

We are honored that the 2007 Southeast Waterkeeper Conference took place in the Black Warrior River Basin at **Camp McDowell** (February 23-25). Amidst the 18 local Waterkeeper groups' networking and strategizing, there had to be good meals! Luckily, Black Warrior Riverkeeper was able to secure generous food & beverage donations from 2 world-famous southern businesses. **Green Top Café** (7530 Hwy 78, 35062 - 205 648-9838) of Dora, Ala. donated top-notch BBQ, and **SweetWater Brewing Company** in Atlanta [www.sweetwaterbrew.com](http://www.sweetwaterbrew.com) contributed award-winning beers.



Eco-Friendly Newsletters Enabled by Fox River Paper's 100% Post-Consumer Recycled Paper

In keeping with our passion for the usage of sustainable resources, this issue is our first in which we use **Fox River Paper's** "80# Text" brand paper, which is 100% post-consumer recycled. Because this is also our first seasonal issue of 2007, we utilized the "Environmental Calculator" on [www.foxriverpaper.com](http://www.foxriverpaper.com) to project our newsletters' total environmental savings for 2007's four issues:



**1048.16 lbs wood ~ 1476.96 gal water ~ 1.52min BTUs energy ~ 316.16 lbs emissions ~ 168.76 lbs solid waste**