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**Alabama Rivers Alliance**  
*Water Is Life*

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**Environment America Warns that Alabama's Waterways are at Risk of Increased Pollution**

Streams and wetlands in Alabama are at risk of unlimited pollution, according to a report released today by Environment America, *Courting Disaster: How the Supreme Court Has Broken the Clean Water Act and Why Congress Must Fix It*. The case against McWane, a manufacturing company, discharging pollution into Avondale creek is one of the 30 case studies that highlights how the federal Clean Water Act is broken.

"Polluters are trying to break open the floodgates to dumping unlimited pollution into Alabama's waterways," said Heather Emmert, Gulf State Organizer with Environment America. "Representative Davis must shut the door on dirty special interests and protect Avondale Creek, Village Creek, the Locust Fork, the Black Warrior River and all state waters."

"Recent rollbacks to the Clean Water Act have swept away 30 years of protection for some of Alabama's most important waters and waterways across the country," said Heather. "Polluters have been given a green light to ignore the Clean Water Act, even when it may destroy a stream or affect our drinking water supplies."

The case studies in the report indicate that streams, rivers, wetlands, lakes and other waters across the nation are now more vulnerable to pollution and destruction. These cases provide examples of the estimated 15,000 water bodies that federal agencies have declared unprotected in the last eight years. Today's report is largely based on information obtained through district offices of the Army Corps of Engineers, or from Corps headquarters, the Environmental Protection Agency, and the Department of Justice.

The report includes a case study highlighting Avondale Creek which is at risk of losing Clean Water Act protections. Avondale Creek flows into Village Creek, a tributary of the Black Warrior River's Locust Fork. McWane, a manufacturing company, was charged with violating the Clean Water Act for discharging pollution, including lead, into the waterway. In 2007 the courts overturned these convictions because a lack of a "significant nexus" between the creek and a navigable body of water. There has been a long series of court battles, and since the report was written the company has pleaded guilty, but this case shows how the Clean Water Act is failing to adequately protect all of our waterways.

"The Locust Fork River is a whitewater mecca for paddlers across the southeast and home of several esteemed canoe/kayak races. It is hailed as one of the best sport fishing rivers in Alabama by Alabama Department of Fish and Wildlife" said Sam Howell, President of Friends of the Locust Fork River. "The quality of our waterways needs to be protected for our recreational use and our wildlife. There are numerous endangered species within the Locust Fork River. Allowing our waters to be polluted hurts our communities and our wildlife," Sam continued.

Environment America emphasized that pollution of headwater streams and wetlands leads to greater pollution and flooding for downstream communities. The EPA has estimated that some 20 million acres of wetlands in the continental United States may lose federal protection because of the rollbacks to the Clean Water Act. In addition, tens of thousands of miles of seasonal and headwater streams, including Avondale Creek, Village Creek, the Locust Fork, and countless numbers of small lakes, and ponds could be left without federal protection from water pollution. In June, the Senate Environment and Public Works committee passed a bill, the Clean Water Restoration Act (S. 787), which would restore the Clean Water Act to its original form. Now that bill moves to the Senate floor and it is up to the House Transportation and Infrastructure committee to take up a similar bill.

"The Clean Water Restoration Act is a vitally important bill for Alabama's 77,000 miles of rivers and streams and number one ranking nationally for freshwater species biodiversity" said Nelson Brooke of Black Warrior Riverkeeper.

The report is available at <http://www.environmentamerica.org/reports>

**Statement on behalf of Black Warrior Riverkeeper & Alabama Rivers Alliance:**

The Clean Water Restoration Act is a vitally important bill for Alabama's 77,000 miles of rivers and streams and number one ranking nationally for freshwater species biodiversity. The Clean Water Act's original intent of protecting our nation's water resources has been broken by Supreme Court decisions which effectively remove protections for many of our smaller streams and wetlands that are not considered significant or "navigable." One case which set poor precedent is a local case the federal government brought against McWane in Birmingham for illegally polluting Avondale Creek, a tributary of Village Creek which flows into the Locust Fork of the Black Warrior River. This precedent could mean many more Alabama streams will lose protections they are already afforded. That is why it is so important that you contact your elected officials and encourage them to support the Clean Water Restoration Act.

**Statement of Heather Emmert, Gulf States Field Organizer for Environment America:**

Our waterways in Alabama and across the country are at risk. Today, Environment America is releasing *Courting Disaster*, a new report, detailing 30 case studies demonstrating that our waterways are at risk because the federal Clean Water Act is broken.

Polluters have been given a green light to ignore the Clean Water Act, even when it may destroy a stream or affect our drinking water supplies. Recent rollbacks to the Clean Water Act have swept away 30 years of protection for some of Alabama's most important waters and waterways. This has left us with a broken policy based on the fantasy that if you let polluters dump sewage, oil and other toxic waste into small wetlands and streams, it won't ultimately wind up in our lakes, rivers and coastal waters.

For Alabama, this means not only are our smaller waterways threatened but our larger water bodies, like Black Warrior River, will face the consequences of unregulated pollution.

For example, one of the cases highlighted in this report focuses on the loss of Clean Water Protections for the Black Warrior River in Alabama. Avondale Creek flows into Village Creek, a tributary Black Warrior River's Locust Fork. These waterways are home to recreational activities for people across the country as well as much of our wildlife. McWane, a manufacturing company, was charged with violating the Clean Water Act for discharging pollution, including lead, into the waterway. In 2007 the courts overturned these convictions because a lack of a "significant nexus" between the creek and a navigable body of water. There has been a long series of court battles, and since the report was written the company has pleaded guilty, but this case shows how the Clean Water Act is failing to adequately protect all of our waterways.

Our waterways are too valuable to be wasted. This case and the 29 other cases in our report are only a snap shot of the estimated 15,000 water bodies that federal agencies have declared unprotected in the last eight years. In fact, 61% of Alabama's waterways are at risk of losing Clean Water Act protections.

Polluters are trying to break open the floodgates to dumping unlimited pollution into Alabama's waterways. Representative Davis must shut the door on dirty special interests and protect Avondale Creek, Village Creek, the Black Warrior River's Locust Fork, and all state waters.

To once again protect the Black Warrior River and all our streams and wetlands across the country Congress must act quickly to pass the Clean Water Restoration Act. This legislation will restore federal Clean Water Act protections for all of the waters that were protected before the law was broken.

We applaud Representative Davis for co-sponsoring the Clean Water Restoration Act in 2007. His continued leadership on clean water will be crucial to help pass legislation this year that will protect our waterways and restore the Clean Water Act.

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**Environment America** ([www.environmentamerica.org](http://www.environmentamerica.org)) is a citizen-based environmental advocacy organization that works to protect clean air, clean water, and open spaces. For more information contact Heather Emmert, Gulf States Field Organizer: 504-525-1528 x200 or 817-312-0079, [Heather@environmentamerica.org](mailto:Heather@environmentamerica.org)