



# Black Warrior RIVERKEEPER®



## Successful Settlement in Donaldson Prison Sewage Lawsuit

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Black Warrior Riverkeeper has reached a successful settlement in our water pollution case against Alabama Utility Services (AUS), the operator of Donaldson Correctional Facility’s sewage treatment plant. The settlement includes injunctive relief (a court order requiring steps to curtail pollution) and a \$100,000 Supplemental Environmental Project (SEP) to benefit Jefferson County’s Valley Creek watershed. The parties filed a proposed settlement decree which has been approved by the U. S. Department of Justice.

The prison’s sewage treatment plant has a state permit to discharge treated wastewater to Big Branch, a tributary of Valley Creek upstream of Bankhead Lake on the Black Warrior River in west Jefferson County. Bankhead Lake is among the most popular sections of the river for fishing, boating, and swimming. Donaldson Correctional Facility had a long history of discharging improperly treated sewage in violation of its permit.

On February 28, 2012, Black Warrior Riverkeeper filed a citizen suit under the Clean Water Act in U.S. District Court for National Pollutant Discharge Elimination System permit violations at the plant. Investigative work by Black Warrior Riverkeeper’s Enforcement Coordinator, John Kinney and staff Riverkeeper, Nelson Brooke, produced critical evidence necessary to bring the case.

Brooke noted, “In 2004, we sent the Department of Corrections a notice of our intent to sue for improper sewage treatment at Donaldson, which forced the Alabama Department of Environmental Management (ADEM) to finally initiate enforcement at the prison after over a decade of sewage pollution. Unfortunately ADEM did not pursue a lasting fix and by 2009, the plant again began discharging improperly



treated sewage to Big Branch. We took legal action in 2012 to halt water pollution upstream of where countless people live, swim, and fish. We are happy to announce this settlement on behalf of all who swim, fish, and recreate downstream.”

“AUS will invest in critical repairs and upgrades at the Donaldson plant, which should ensure that the facility complies with the law now and in the future,” added Eva Dillard, Black Warrior Riverkeeper’s Staff Attorney. “As a result of the lawsuit and settlement, the plant will be totally refurbished.”

AUS’ \$100,000 SEP payment over ten years will fund conservation work in Jefferson County’s Valley Creek watershed. As in other instances where we have pursued litigation and reached settlement, Black Warrior Riverkeeper chose the Freshwater Land Trust, a widely respected Alabama nonprofit land conservation organization, to receive the SEP funds and carry out the work for Valley Creek.

“Our top priority in all litigation is to fix pollution problems,” explained Charles Scribner, Executive Director of Black Warrior Riverkeeper. “It is a significant bonus that many of our successful settlements, including this one, generate funds helping the Freshwater Land Trust do great conservation work benefiting local communities.”

*Nelson Brooke, Riverkeeper, collecting a polluted water sample downstream of Donaldson Correctional Facility for analysis at an EPA-certified laboratory.*  
Photo by John Kinney.

## Black Warrior RIVERKEEPER® 2014 Accomplishments

Powered by the grassroots support of our members — donors and volunteers — we accomplished the following in 2014:

- Monitored 140 facilities in the field through watershed patrols led by Nelson Brooke, Riverkeeper.
- Reviewed 303 facilities' Discharge Monitoring Reports led by John Kinney, Enforcement Coordinator.
- Wrote 24 letters to government agencies, requesting improvements to permits and rules for our water.
- Reached a successful result in our Donaldson Prison sewage lawsuit led by Eva Dillard, Staff Attorney.
- Directed a polluter's \$100,000 settlement to the Freshwater Land Trust for Valley Creek conservation.
- Continued to challenge the Corps of Engineers' Northern Beltline permit with our partners at SELC.
- Recruited top U.S. scientists to support our ongoing push for improved drinking water source protection.
- Grew the Shepherd Bend Mine Opposition Coalition to over 138 groups urging UA to protect our water.
- Maintained Gold (top) status on GuideStar, the leading source of information on American nonprofits.
- Earned official Conservation Partner status from Orvis, a global leader in recreation and conservation.
- Won the "Birmingham's Brightest Company" contest and Singing for Change's Social Media Spirit Award.
- Engaged 524 volunteers of all ages on a wide variety of projects to help the Black Warrior River watershed.
- Made 40 educational presentations to advocacy, business, civic, government, religious, and scholastic groups.



### Team USA Kayaker Donates Public Service Announcement Video

Not only do countless citizens paddle, fish and swim in area waters but these streams also provide the water we use for drinking, cooking and cleaning. Freestyle Kayaking – Team USA Member Bennett Smith therefore decided to create a 30 second PSA video to raise awareness for Black Warrior Riverkeeper's water protection efforts.

Tracy Bennett Smith Consulting created the PSA pro-bono. Charter Media then generously donated airtime for a wide variety of popular channels on both Charter and Bright House for the summers of 2014 and 2015. The PSA features Bennett Smith of Vestavia Hills, Alabama who earned a spot on Team USA for the world championship last fall. He finished 5th in the world in the junior division.

Bennett trains on the Locust and Mulberry Forks of the Black Warrior River near Oneonta and Cullman, respectively. He knows firsthand how important it is for everyone to do their part in keeping our rivers clean. View his PSA at [BlackWarriorRiver.org](http://BlackWarriorRiver.org).



*Team USA Kayaker and Black Warrior Riverkeeper member Bennett Smith competing on the Black Warrior's Locust Fork in Blount County.*

Photo by Nelson Brooke.

## Update on the \$5,445,000,000.00 Northern Beltline Boondoggle



*Muddy water runoff from the Northern Beltline construction site in Palmedale pollutes Self Creek after a big rain.*

*Photo by Nelson Brooke.*

The Birmingham Metropolitan Planning Organization's (MPO) draft of the 2040 Regional Transportation Plan shows that over half of available funding for new road projects for the next 25 years will be squandered on the Northern Beltline, even as that project is now slated to take more than double the time to build than originally estimated.

The long range plan presented in a public meeting on November 19 estimates that only 19 miles (36%) of the 52-mile, \$5.4 billion Northern Beltline is projected to be complete by 2040, and that the Alabama Department of Transportation (ALDOT) plans to sink 55% of the capacity money for building or widening roads in Jefferson, Shelby, Chilton, St. Clair, Blount and Walker counties on this one project.

"This has been a wasteful project from the start," said Sarah Stokes from the Southern Environmental Law Center. "The new draft plan shows that ALDOT has only budgeted to build a third of the entire Beltline, and at that rate, it would take approximately 75 years to build. And ALDOT's continued diversion of limited funds to this boondoggle means that numerous needed improvements to Birmingham's transportation system will continue to be delayed or shelved indefinitely."

Construction continues on the first segment between Highway 79 and Highway 75 in northeast Jefferson County. This 1.34-mile stretch will likely drain the remainder of the limited dedicated federal funding that had been set aside for the project over the past decade. Given the Northern Beltline's ballooning price tag and prolonged construction timeline, allocating the majority of available capacity money to the Beltline will now have major ramifications for other new transportation projects across Alabama, as well as much needed maintenance for area bridges and highways.

"The funding realities set forth in this new transportation plan highlight that this destructive project is not a done deal, and if actually built, will not be ready for use by anyone until nearly the next century," said Nelson Brooke, Black Warrior Riverkeeper. "Not only is the Beltline going to siphon most of the region's available money away from other much-needed projects, it will do so at a high cost to our waterways with little to no traffic relief."

The dire situation for the federal transportation budget has caused Department of Transportation officials in many states across the region, including Georgia, South Carolina and Tennessee, to pull the plug on numerous road projects to account for the realities of fiscal constraints. The federal Highway Trust Fund has teetered on the edge of insolvency for most of 2014, requiring numerous stopgap measures to prevent running deficit, leaving the future of highway funding bleak at best.

After the November 19 public meeting, the public had 21 days to comment on the greater Birmingham Regional Transportation Plan, which prioritizes projects such as bridges, new and improved roadways and safety enhancements. After committee review, the final plan will be up for adoption on January 18, 2015.

If ever finished, the Northern Beltline would cross and permanently alter Black Warrior and Cahaba river tributary streams in 90 places (including impacts to two major regional sources of drinking water). It would also impact 35 wetlands and 3,078 football fields' worth of forest. For more information about the Northern Beltline, including fact sheets, maps, a copy of the 2040 Regional Transportation Plan, and details of our ongoing lawsuit, visit: [BlackWarriorRiver.org/northern-beltline](http://BlackWarriorRiver.org/northern-beltline).

## Orvis helps Black Warrior RIVERKEEPER® Protect Local Waters



*Surrounded by colleagues, Mary Ellen McGlothlin, Manager of Orvis' Birmingham Store, presents a grant to Charles Scribner, Executive Director of Black Warrior Riverkeeper.*

Photo by Mark McGlothlin, Dry Fly Media.

“Orvis has done so much worldwide to promote outdoor recreation, a multi-billion dollar industry here in Alabama,” said Charles Scribner, Executive Director of Black Warrior Riverkeeper. “We are grateful to have their financial support as well as their help with recreation and advocacy”.

Orvis Manager Mary Ellen McGlothlin added, “The mission of Black Warrior Riverkeeper is right in line with Orvis’ commitment to protecting nature and promoting outdoor recreation. We are pleased to celebrate such a conscientious steward of our natural resources”.

Founded in 1856, Orvis pioneered the mail order industry in the United States, operates more than 80 retail stores in the U.S and the U.K., including its Flagship store in Manchester, VT; and maintains a network of over 400 dealers worldwide. The oldest continuously operating catalog company in the country, Orvis is the premier outfitter of outdoor adventures. A leading corporate steward for the environment, Orvis contributes 5% of its pre-tax profits to protect nature, support communities and advance canine health and well-being. Learn more [Orvis.com](http://Orvis.com).

### Board Bio: Robert Findlay

Dr. Robert H. “Bob” Findlay is the Bishop Professor of Freshwater Biology at the University of Alabama. Bob earned his PhD at Florida State University and held appointments at University of Miami, University of Maine and Miami University prior to joining UA.

Bob teaches General Ecology, Microbial Ecology and Ecosystem Ecology in the Department of Biological Sciences and added General Microbiology to his rotation in 2013.

Bob has co-authored over 65 peer-reviewed scholarly publications and has received funding from a variety of agencies including National Science Foundation, National Institutes of Health, Department of Energy and the Department of Education.

Bob’s current research is wide-ranging and includes the role of dissolved organic matter in structuring stream microbial communities and the accumulation of mercury in fishes. His hobbies include fishing and the raising of orchids.

View bios of our other Board members at: [BlackWarriorRiver.org/board](http://BlackWarriorRiver.org/board).



*Dr. Findlay enjoys fishing throughout the Black Warrior River watershed, such as on Lake Tuscaloosa, his city's tap water source, and on the Mulberry Fork, shown here.*

Photo by Nelson Brooke.

On behalf of its Birmingham Retail Store, The Orvis Company, Inc. has made a \$2,500 grant to the Black Warrior Riverkeeper. The grant supports our mission to protect and restore the Black Warrior River and its tributaries throughout the great state of Alabama.

Black Warrior Riverkeeper was also the recipient of proceeds from the recent Grand Opening of the new Orvis Birmingham location at The Summit. The store features hunting and fishing gear plus outdoor apparel for men and women. It is located at 305 Summit Boulevard, Birmingham, AL 35243. Call 205-970-517 for details.

Orvis recently designated Black Warrior Riverkeeper an official *Conservation Partner*, and joined their Shepherd Bend Mine Opposition Coalition, a collection of over 130 corporate, non-profit, government and scholastic groups urging the University of Alabama to stop a proposed coal mine from polluting a major source of drinking water for the greater Birmingham area.

To learn more about that issue and view the full Shepherd Bend Mine Opposition Coalition, visit [BlackWarriorRiver.org/ShepherdBendMine](http://BlackWarriorRiver.org/ShepherdBendMine).

# Update on the Proposed Shepherd Bend Mine: Pressure Mounting on UA

On August 28, around 100 people attended the Alabama Department of Environmental Management (ADEM) public hearing in Sumiton about a water pollution permit for Drummond’s proposed Shepherd Bend Mine on the Mulberry Fork of the Black Warrior River. Attendees overwhelmingly opposed the strip mine permit, which would allow 29 pollution discharges into the Mulberry Fork daily drinking water source for 200,000 people in the greater Birmingham area. Only one person spoke in favor of the mine.

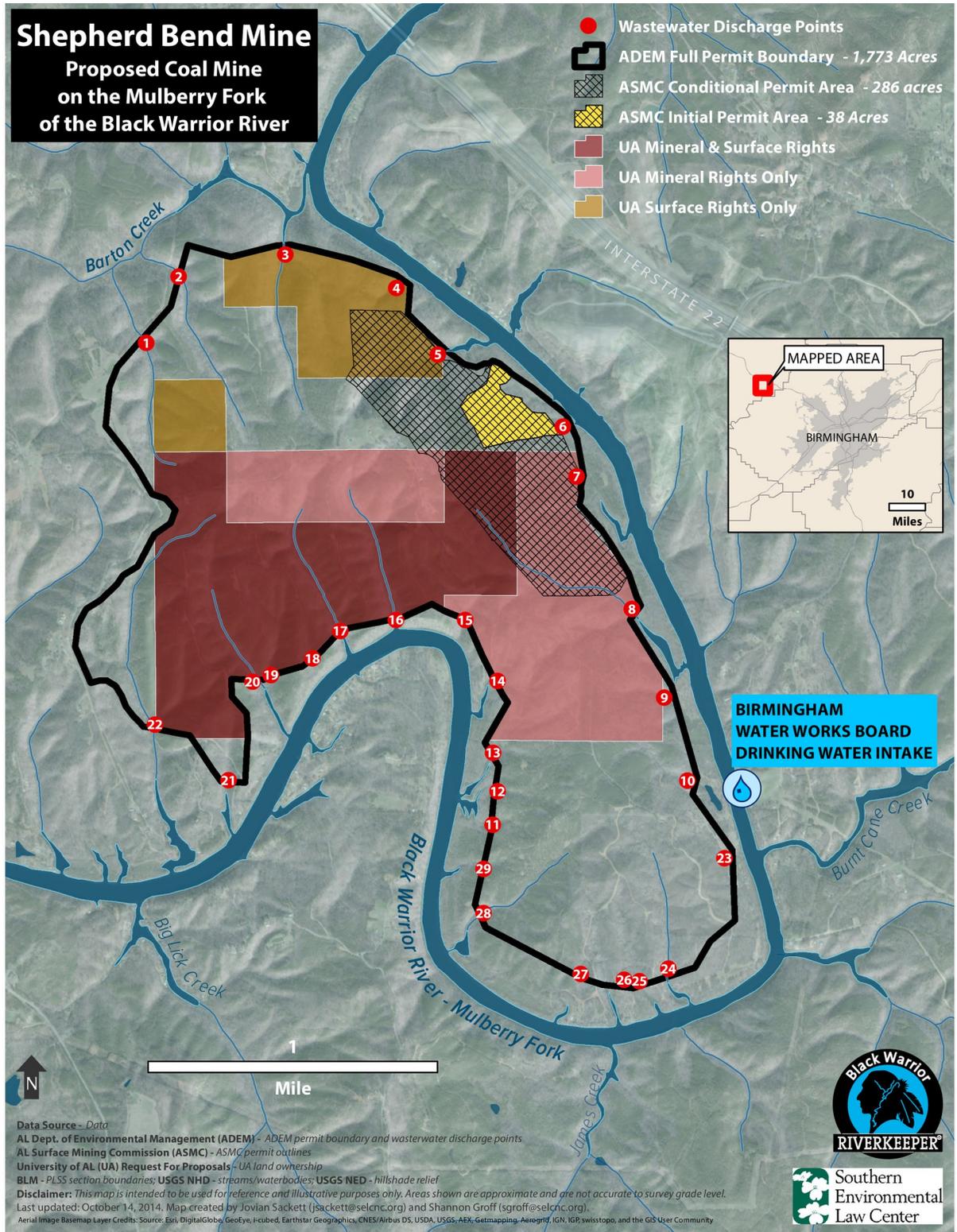
Commenters asked ADEM to deny the permit and hold another hearing in Birmingham to allow drinking water customers of the Birmingham Water Works Board (BWVB) equal access to the public hearing comment process. Other comments included concerns about the extremely close proximity of this 1,773 acre coal mine to the drinking water source; potential deterioration of water quality in the river where people regularly swim, recreate, and fish; the BWVB’s potential inability to adequately treat source water contaminated by coal mine pollution; and the fact that the river is already carrying a heavy sediment load which is filling in the river and streams that feed it.

Despite heavy opposition to the mine from a wide array of citizens, organizations, businesses, municipal groups, and the Birmingham Water Works Board over the past seven years, ADEM predictably announced at the beginning of the hearing that they believe the permit is protective of the Mulberry Fork of the Black Warrior River, and that they intend to issue the permit.

Black Warrior Riverkeeper provided comments about our ongoing concern that the ADEM permit is inadequate, as is their oversight and enforcement of coal mine operations along the river. Additionally, we raised our concern that coal mines have runoff issues and rarely have perfect compliance records, leaving far too much room for the possibility of contaminating a major source of municipal drinking water.

Now that ADEM’s permit comment period has ended, Black Warrior Riverkeeper and the large Shepherd Bend Mine Opposition Coalition has shifted the focus back towards pressuring The University of Alabama System to commit that they will never lease nor sell their land and mineral rights for mining at Shepherd Bend, regardless of any mining permits or proposals.

You can help by taking action today. Please tell the UA System leaders they should commit to never selling or leasing their land or minerals at Shepherd Bend for mining. Visit [BlackWarriorRiver.org/ShepherdBendMine](http://BlackWarriorRiver.org/ShepherdBendMine) to learn more and take action.



## Black Warrior RIVERKEEPER® Patrol Log

Here are just a few of Nelson Brooke's many recent activities as Riverkeeper (patrolman/spokesman) of the Black Warrior River basin. Report pollution: Call: (205)458-0095, Email: [reportpollution@blackwarriorriver.org](mailto:reportpollution@blackwarriorriver.org) or use our online "Report Pollution" form at [BlackWarriorRiver.org](http://BlackWarriorRiver.org).

**July 26:** Participated in Waterkeeper Alliance's Swimmable Water Weekend at Turkey Creek Nature Preserve, a Forever Wild property in Pinson.

**August 8:** Patrolled the Mulberry Fork to from the proposed Shepherd Bend Mine site to the Gorgas Steam Plant with a group of UAB faculty members.

**August 11:** Patrolled Bayview Lake with Ken Michallick and the City of Birmingham's Stormwater staff to check out floatable trash coming from Village Creek. Also checked on Miller Steam Plant's barge dock on the Locust Fork, the old Banner Mine's acid mine drainage blowout into the Locust Fork upstream, and Camp Branch at Hwy. 269, upstream of where it flows into Bayview Lake.

**August 22:** Patrolled Five Mile Creek by canoe with John Kinney to check discharges to the creek from ABC Coke in Tarrant and Walter Coke in North Birmingham.

**August 26:** Patrolled the Mulberry Fork to check discharges from Gorgas Steam Plant.

**September 19:** Participated in the Smith Lake Cleanup with the Smith Lake Environmental Preservation Committee and the Cold Springs Fishing Team. We removed lots of styrofoam dock floats and other floatable trash from the lake on Goat Island.

**September 27:** Patrolled a stretch of the Locust Fork near Kimberly by canoe with local river rat Tommy Crane.

**October 3:** Checked on Self Creek near the Northern Beltline's first phase construction site in Palmerdale.

**October 13:** Took Samford biology professor Dr. Betsy Dobbins out on the Mulberry Fork to perform routine background water quality sampling at Shepherd Bend.

**October 31:** Patrolled the Mulberry Fork in the patrol boat with members of UAB's New Horizons club.

**November 3:** Patrolled Carthage Branch to check on wastewater discharges from Veros Energy in Moundville.

**November 5:** Checked on the wastewater discharge from Sumiton Lagoon into the Mulberry Fork near Sipseey and checked on facility conditions at the East Walker County Wastewater Treatment Plant. I found a sewage overflow had occurred at a pump station, which ultimately flowed into Horse Creek.

**November 17:** Patrolled Self Creek the morning after our first big rain in a while, and found very muddy water downstream of the Northern Beltline's first phase of construction between Hwy. 79 & Hwy. 75. In contrast, Self Creek upstream of construction was only slightly muddy.

**December 11:** Took Dr. Betsy Dobbins to the Mulberry Fork to perform more routine water quality sampling at Shepherd Bend.



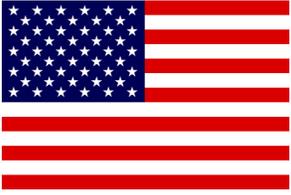
Trash covers Bayview Lake downstream of Village Creek, which drains East Lake, North Birmingham, Ensley, and Minor.

Photo by Nelson Brooke.



Volunteers at Smith Lake Park gather around a dumpster and our patrol boat and truck after a morning of removing trash from Smith Lake.

Photo by Nelson Brooke.



# Membership / Donation Form



Please complete and mail form to:  
Black Warrior Riverkeeper  
712 37th Street South  
Birmingham, AL 35222

Name(s) \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Payment Method:  Check enclosed /  American Express /  MasterCard /  Visa /  Non-monetary Contribution (Volunteer or In-Kind donations)

Credit Card number and expiration date (mm/yy): \_\_\_\_\_

Please Mark a Donation Category

Plicate Rocksnail.....\$25

Watercress Darter.....\$50

Vermilion Darter.....\$100

Flattened Musk Turtle.....\$250

Black Warrior Waterdog.....\$1,000

Other Dollar amount.....\$ \_\_\_\_\_

In-kind donation (List donated goods or professional services): \_\_\_\_\_

Volunteer time (List hours and type of volunteering): \_\_\_\_\_

Stock donation (Please call Charles Scribner at 205-458-0095 for easy instructions).

(Any gift above) In Memory of: \_\_\_\_\_

(Any gift above) In Honor of: \_\_\_\_\_

Name & address to notify of memorial or honorarium gift: \_\_\_\_\_

Black Warrior Riverkeeper is a 501(c)(3) tax-exempt charitable organization. Contributions are tax deductible to the extent allowed by law. No goods or services of monetary value will be provided in exchange.

To purchase merchandise (long/short-sleeve shirts, stickers, front bumper tags, dock signs, hunting gear, hats), visit [BlackWarriorRiver.org/shop](http://BlackWarriorRiver.org/shop) or contact us at: 205-458-0095 or [info@blackwarriorriver.org](mailto:info@blackwarriorriver.org).

## 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 nonprofit dedicated to improving water quality, wildlife habitat, recreation, and public health in our patrol area, the Black Warrior River watershed. This basin is contained entirely in Alabama, America’s leading state for freshwater biodiversity.

Our staff is Nelson Brooke (Riverkeeper), Eva Dillard (Staff Attorney), John Kinney (Enforcement Coordinator), and Charles Scribner (Executive Director). Call us at 205-458-0095 or email [info@blackwarriorriver.org](mailto:info@blackwarriorriver.org) to report pollution or to discuss how you can help. Learn more at [BlackWarriorRiver.org](http://BlackWarriorRiver.org).

We are proud members of the Alabama Association of Nonprofits, Alabama Rivers Alliance, GuideStar Exchange (Gold), River Network, and Waterkeeper Alliance. Other Waterkeepers in Alabama include Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper, Hurricane Creekkeeper, Little River Waterkeeper, Mobile Baykeeper, and Tennessee Riverkeeper.



Nelson Brooke patrolling near Moundville Archaeological Park.  
Photo by John Wathen, Hurricane Creekkeeper.

Black Warrior RIVERKEEPER®

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## Black Warrior RIVERKEEPER® Ripples

### Interns: Volunteer Student Warriors

According to The Independent Sector, the most recent estimated national dollar value of volunteer time is \$22.14 per hour. Last year, 461 volunteers donated 9,474 service hours through Black Warrior Riverkeeper! Multiplied by \$22.14, our volunteers' 9,474 hours represented a contribution of \$209,754.36 to the community! Thank you, volunteers!

Our staff relies heavily on generous people who donate their time. Volunteers founded Black Warrior Riverkeeper in 2001, and have been increasingly crucial to our advocacy and education campaigns ever since. We offer a wide range of projects for volunteers from any age group or location. Contact Charles Scribner to learn more and get started: call 205-458-0095 or email [info@blackwarriorriver.org](mailto:info@blackwarriorriver.org).

We also offer competitive unpaid internships for top students pursuing structured projects across a semester. Here are recent highlights:

**Jennifer Davidson** is a recent graduate of the University of Alabama and member of the UA Environmental Council. She wrote grants for fundraising and used social media to spread Riverkeeper news. She also wrote an op-ed for *The Crimson White* about the the proposed Shepherd Bend Mine, which the UA System can stop, and delivered petitions about it to the UA System's Chancellor, Dr. Robert E. Witt.

**Jay Harvey** is a senior at The Altamont School. He helped locate and contact potential supporters in the southern part of the Black Warrior River watershed where we have fewer members than elsewhere, including Moundville, Akron, Eutaw, Greensboro, Forkland, Uniontown, and Demopolis. Jay also petitioned against the Shepherd Bend Mine and assisted with fundraising and newsletter circulation.

**Misha Mitchell** is a law student at the University of Alabama School of Law, Lead Editor of The Journal of the Legal Profession, and a member of the UA Environmental Law Society. She has provided research, comment letters, and draft documents on matters pertaining to the proposed Shepherd Bend Mine, failures of Jefferson County's sewage treatment and infrastructure, the 401 water quality certification process, Alabama's (lack of and progression towards a) water management plan, Nationwide Permit 21 authorizations in the watershed, and other cases involving permit exceedances and unauthorized discharges. She also helped coordinate our new partnership with Aveda.

**Trent Tiffin** is a current student at the University of Alabama majoring in advertising communications and minoring in management. As an intern with Lewis Communications, he helped lead SweetWater Brewing Company's "Save Our Water" campaign which generated a great deal of awareness for Black Warrior Riverkeeper in Tuscaloosa while also raising 50% more money than last year's campaign.