

Citizen Suit Enforcement/Clean Water Act: Alabama/Black Warrior Riverkeeper Judicial Action Addressing Alleged City of Tuscaloosa Violations



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/16/2023

The State of Alabama and two environmental organizations filed a Complaint in the Circuit Court of Tuscaloosa County, Alabama, against the City of Tuscaloosa alleging violations of the Clean Water Act. See Civil Action No. CV-2023-900857.00.

Black Warrior Riverkeeper and Friends of Hurricane Creek (collectively, "Riverkeeper") intervened in the lawsuit.

The Complaint filed on September 22nd by the State of Alabama alleges that the City of Tuscaloosa, Alabama, operates a wastewater treatment facility that discharges into the Black Warrior River and Cribbs Mill Creek.

The discharge is pursuant to a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit.

The September 22nd Complaint alleges:

- Discharge Monitoring Reports ("DMRs") were submitted late
- DMRs have errors in reporting such as discrepancies between the violations noted on the DMR
- DMRs for certain monitoring periods are stated to indicate that discharges from certain outfalls did not comply with the permit limitations for:
 - pH
 - E.coli
 - Ammonia as Nitrogen
 - Dissolved Oxygen
 - Total Kjeldahl Nitrogen
 - Total Suspended Solids
 - TSS percent removal

The Alabama Department of Environmental Management is stated to have conducted a Compliance Evaluation Inspection on December 18, 2018, which is stated to have determined that:

- Bar screens were allowing excess solids into the plant
- Excess solids were accumulating on weir teeth of the clarifiers
- Secondary clarifier had excessive algae growth on the weir teeth

- Algae in the sampler tubing was the cause for several 2018 and 2020 E. coli permit limitation violations
- Several of the reported SSOs were stated to be the result of debris/grease, sewer line defects, and equipment failure

Riverkeeper's Motion to Intervene ("Motion") states it issued a 60-day notice letter to Tuscaloosa indicating their intention to initiate a citizen suit under the Clean Water Act if the violations were not remedied within 60 days.

A copy of the Complaint can be found [here](#) and the Motion [here](#).