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Citizen Suit Action/Clean Water Act: Friends of Hurricane Creek and City of Tuscaloosa, Alabama Enter into Consent Decree

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Black Warrior Riverkeeper and Friends of Hurricane Creek (collectively, “Friends”) entered into a November 19th Order on Consent Decree (“CD”) with the City of Tuscaloosa, Alabama addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit and the Alabama Water Pollution Control Act (“AWPCA”).

The Alabama Attorney General and the Alabama Department of Environmental Management were the original Plaintiffs and Friends intervened on behalf of the Plaintiffs.

The CD was filed in the Circuit Court of Tuscaloosa County, Alabama because it is the judicial district in which the City of Tuscaloosa’s wastewater treatment plant is located, and in which the alleged violations occurred.

The CD addresses Tuscaloosa’s wastewater treatment plant which is stated to discharge pollutants into the Black Warrior River and Cribbs Mill Creek. These are waters of the State of Alabama.

The CD requires that Tuscaloosa:

- Reduce sewage spills.
- Provide more robust public notice of spills.
- Post signs by impacted waterways in recreation areas.
- Commit to implementing wastewater system improvement by reducing sewage spill rate and funding approximately \$18 million in collection and treatment system upgrades over the next decade.

The CD outlines specific projects which include:

- Replacing or upgrading the Fletcher Water Treatment Plant’s UV system to protect against E. coli pollution.
- Rehabbing or replacing miles of the “Mercedes” sewage line.
- Replacing or upgrading sewage lift stations 39, 40, and 41 with permanent pumps.
- Upgrading sewage lift station 42.
- Completion of additional studies including a Hydraulic Model Update and an engineering plan; evaluations of the clarifiers, problematic sanitary sewer overflow (SSO) locations, and all lift stations including 13 and 18; and an update to the CMOM (Capacity Management Operations and Maintenance) Program.

The CD is stated to provide no admission of liability or a denial by any party of any allegation, defense, fact, nor liability of wrongdoing of any kind regarding any of the matters addressed in the CD.

Friends had transmitted a Clean Water Act citizen suit Notice of Intent to Sue in 2023 to Tuscaloosa alleging violations of the Clean Water Act and AWPCA. The Alabama Attorney General and the Alabama Department of Environmental Management subsequently filed the referenced state lawsuit in Circuit Court before that 60-day period ended.

A copy of the CD can be found [here](#).