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# Citizen Suit Enforcement/Clean Water Act: Alabama Department of Environmental Management/Environmental Organizations and Gadsden Wastewater Facility Enter into Settlement Agreement

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The Alabama Department of Environmental Management along with 4 environmental organizations entered into a January 22nd Settlement Agreement (“SA”) with the Water Works and Sewer Board of the City of Gadsden, Alabama (“Gadsden”). See Civil Action No. CV-22-900009.00.

The 4 environmental organizations included:

- Coosa Riverkeeper
- Advance Etowah
- Center for Biological Diversity
- Our Children’s Earth Foundation

The SA was entered into the Circuit Court of Etowah County, Alabama.

The SA provides that Gadsden operates two wastewater treatment plants under the authority of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. A Complaint had been filed alleging that Gadsden is responsible for violations of the NPDES Permit including sanitary sewer overflows of untreated sewage from points within the collection system.

Gadsden admits no liability.

The SA requires that Gadsden:

- Undertake certain remedial actions/repairs.
- Undertake more frequent inspections.
- Increase maintenance of the sewer system.
- Undertake additional engineering analysis to prevent sewage overflow to the extent reasonably feasible.

- Enact a process intended to assist eligible residents who are Gadsden customers pay for necessary repairs to their private lateral sewer pipes that connect to their homes to the sewer system.
- Provide one-time funding to the Alabama Aquatic Biodiversity Center.

A civil penalty of \$90,000 is assessed.

A copy of the news release regarding the SA can be found [here](#).