

ALABAMA CONSERVATION GROUPS APPEAL TO COURT TO HOLD EPA ACCOUNTABLE TO CLEAN WATER ACT

BIRMINGHAM, AL -- On Monday, May 1, seven conservation groups from across Alabama [petitioned the Eleventh Circuit Court of Appeals to review the process undertaken by the Environmental Protection Agency to determine whether the State of Alabama is complying with its obligations to protect water in Alabama.](#)

In 2010, the petitioners -- Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Inc., Friends of Hurricane Creek, Black Warrior Riverkeeper, Inc., Sierra Club Alabama Chapter, Friends of the Locust Fork River, and Alabama Rivers Alliance, Inc. -- sent a petition to the EPA to commence proceedings to withdraw Alabama's water pollution permitting program because of the state's failure to comply with the minimum requirements of the Clean Water Act.

In the 2010 petition, the groups identified 26 separate issues where Alabama failed to meet its obligation or did not comply with the Clean Water Act, including shortfalls in resources and personnel at the Alabama Department of Environmental Management and a failure of the Department to develop an adequate enforcement policy.

“The EPA acknowledged the validity of our concerns throughout their review process,” Cindy Lowry, executive director of the Alabama Rivers Alliance, said. “However, the agency did not follow the proper steps laid out in the Clean Water Act in coming to their final decision

to deny our petition. We must hold EPA and all agencies accountable to following the laws that have been put in place to protect our clean water.”

Along with the procedural problems, petitioners disagree with many of the specific findings by the Agency. “When we brought the original petition, petitioners did their homework and provided very specific examples where ADEM and the State are not meeting its obligations,” David Butler, Cahaba Riverkeeper, said. “Despite having years to fix its program, ADEM is still failing to meet minimum Clean Water Act requirements.”

Among the Clean Water Act requirements that ADEM is still failing to meet are providing adequate public notice of pollution discharge locations, inspecting specific facilities and capturing the economic benefit realized by polluters.

The petitioners’ objective for this petition to the court is to require the EPA to follow the procedure outlined in the Clean Water Act and address the petitioners’ concerns in a fair and transparent process.

Initial briefings to the court are expected in the fall of 2017. To view the petition, [please click here.](#)
