

The Times-Journal

Schools may get sued over sewer

By Jared Felkins
The Times-Journal

Published April 8, 2008

A state environmental policy group has filed an intent to sue the DeKalb County Board of Education concerning sewer practices at three schools.

The Conservation Alabama Foundation contends Geraldine, Sylvania and Ider schools where sewer plants are located have failed to be in compliance with permits with the Alabama Department of Environmental Management.

The board received a letter Thursday from the CAF's attorney stating it has 60 days to respond to the allegations and show ways the board has rectified the problems. At each school, the letter further cites ADEM reports of higher levels of solid waste, ammonia and other items than allowed by the ADEM permit.

"Basically what we have is the DeKalb County Board of Education has been violating their permit for about three years now," said Adam Snyder, CAF executive director. "It's more about ADEM enforcing their permit than the DeKalb County Board of Education violating it."

"This is a chronic problem we are seeing all over the state. The health of the citizens of DeKalb County with this pollution going into the water, it can't go on without something being done about it."

DeKalb County Superintendent Charles Warren said the board has set out to prove it is now in compliance with the ADEM permits. He said a response letter will be ready next week.

"They want to know what corrective action we are taking to get within the perimeters ADEM sets up," Warren said. "We are in the process of getting together a letter that states what kind of corrective action we have taken. We are hoping that will take care of it."

"There are some specific months where we have had some breakdowns. We are doing everything we know to do to stay in compliance. We are working with ADEM to get some additional training."

Warren said the board has hired ADL Engineering of Fort Payne to act as a consultant to rectify some of the problems.

“We are assisting them in helping them come into compliance,” said ADL consultant Darrell Sears. “They have had some issues and we are trying to help them. It’s an inconsistent flow since school is only in session for seven to eight hours a day. We are investigating some methods so that this system will flow in a more consistent manner.”

Sears said he believes the schools are in compliance.

“The last lab results we received, they were in compliance,” Sears said. “Whether it is satisfactory to those people, I don’t know. There’s the potential there are excursions beyond the limits any time. We are working with them to get within the levels where they are compliant with a certain degree of certainty.”

Warren said it’s the board’s ultimate goal to be in compliance with the ADEM permits.

“We want our sewer plants to run effectively and have made significant upgrades over the years,” Warren said. “We want to be out of the sewer business one of these days, but until then, we want to be in compliance.”

CAF attorney David Ludder said the foundation has problems with both the DeKalb board and ADEM.

“The primary purpose is to get the DeKalb County Board of Education to comply with the permits or ADEM to enforce its permits,” Ludder said. “If either of those scenarios does not play out, then the foundation may sue the board of education.

“There is no cause of action to sue ADEM to get them to enforce. The intent is to throw down the gauntlet to ADEM. We would prefer ADEM do its job in the first place, but we can’t continue to allow ADEM to escape doing its job.”

Ludder said this is not the first time the CAF has taken action against ADEM and its enforcement of the board.

“We’ve been trying to do something much earlier,” Ludder said. “Last summer, the Conservation Alabama Foundation served notices on several chronic violators. We served notice on ADEM in September 2007 that the board of education was out of compliance at Sylvania. We served notice on ADEM in October 2007 that the board of education was out of compliance at Ider and Geraldine. ADEM didn’t respond.”

ADEM spokesperson Jerome Hand said ADEM had received copies of the intent to sue but would not comment further.

Warren said at Sylvania, the school's sewer lines are being connected to the town's and will eliminate the need for a sewer plant there.

"Hopefully with the sewer extension in Sylvania starting this spring, we will be out of the business there," Warren said.

Copyright © 2008 The Times-Journal