



TENNESSEE RIVERKEEPER®

<p>Meredyth Mine lawsuit <i>Suit filed against persistent polluter in Winston & Franklin Counties, Alabama.</i> Page 2</p>	<p>Volunteers of the Year <i>Max Kennedy, Frank Chitwood, Doug Cruickshank, and Willy Gansa.</i> Page 3</p>	<p>WATERKEEPER Alliance <i>Founded in 1999 to protect water systems from polluters and unite 190+ Waterkeepers.</i> Page 3</p>	<p>Membership form <i>Show your support for the Tennessee River by becoming a member today!</i> Page 4</p>
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TENNESSEE RIVERKEEPER IN 2010

A major campaign in Tennessee Riverkeeper’s mission to address illegal pollution is to investigate facilities with Clean Water Act permits that allow for pollution to be discharged into the Tennessee River or its tributaries. Riverkeeper identified hundreds of pollution permits in Alabama and Tennessee. Throughout 2010, the staff and volunteers examined the discharge monitoring reports of over 210 of these facilities in Tennessee and Alabama. In both states, Riverkeeper found 1,413 illegal pollution violations in the 12 month period examined, with the majority of violations being in Alabama. In 2011, Tennessee Riverkeeper will continue to examine the remaining facilities, while keeping a close eye on the known violators we have already identified.

In 2010, Tennessee Riverkeeper also:

- Launched our patrol boat “Tennessee Riverkeeper”
- Investigated sewage related discharges from over 50 Waste Water Treatment Plants
- Produced PSA videos with Edward James Olmos, Max Kennedy, and John Legend
- David Whiteside, staff Riverkeeper, elected to the Waterkeeper Alliance Board of Directors
- Presented comments to the U.S. EPA to regulate coal ash as hazardous waste
- Sent notice of intent to sue to Arab Sewer Board for 700 violations at Gilliam Creek
- Filed our first Clean Water Act Citizen lawsuit (see article on Page 2)

Please become a member today, the more members we have the stronger we become in addressing these pollution violations. A membership form is on the back of this newsletter.



Staff and Volunteers in Nashville, Tennessee



Presenting comments to the EPA in Knoxville, TN

Community Stats

As of December 2010, we have:

- 250+ members
TennesseeRiver.org
- 50+ volunteers
TennesseeRiver.org/volunteer.html
- 3,250+ on Facebook
causes.com/causes/370143
- 2,200+ on YouTube
YouTube.com/TennesseeRiverkeeper
- 2,600+ on MySpace
MySpace.com/TennesseeRiverkeeper
- 480+ on Twitter
Twitter.com/TNRRiverkeeper

DID YOU KNOW?

Every winter approximately 100 American bald eagles normally spend the season on and around the shoreline of Lake Guntersville of the Tennessee River. Lake Guntersville State Park is set amid 6,000 acres of woodlands adjacent to the 69,000 acre Lake Guntersville. There are special park programs devoted to bald eagles during the winter. Contact: 1-800-ALAPARK or 256-571-5440

MEREDYTH MINE LAWSUIT



On December 17, 2010, Tennessee Riverkeeper filed a lawsuit in United States District Court against the operators of Meredyth Mine for violations of the Clean Water Act. Tennessee Riverkeeper's lawsuit is based on illegal discharges into two tributaries of Bear Creek of the Tennessee River in Winston County and Franklin County, Alabama. Our lawsuit alleges 2,052 violations of the federal Clean Water Act since August 2008. These violations occurred at the Meredyth Mine located on Highway 243, near Haleyville, Alabama. This coal mine has violated its permit by illegally discharging excessive amounts of iron and total suspended solids (TSS) since August 2008.

Hope Coal Company received a permit from the Alabama Department of Environmental Management (ADEM) to operate the Meredyth Mine effective November 1, 2007. Their first reported water discharge was in the month of May 2008. Shortly afterward, in August 2008, they committed their first permit violation by discharging total suspended solids at twice the permitted daily maximum level and three times the monthly average permitted level. Since then they have committed multiple and persistent violations for total suspended solids and iron.

These are very serious violations with total suspended sediment levels reaching 24 times the permitted limits and total iron levels at almost five times the allowable

levels. TSS measures the total suspended solids in water. When it is 24 times higher than the permitted limit it can reduce the penetration of light in the water column, clogging the gills of fish and other aquatic life, making it impossible for them to breathe. High sediment loads in streams from coal mines can be particularly toxic because they often contain high levels of heavy metals. High TSS, combined with high iron violations, literally means this company is polluting at a level that has the potential to choke the life out of Allen Mill Creek and Butler Falls branch, tributaries of Bear Creek, which flows into the Tennessee River.

Hope Coal Company transferred its Alabama Surface Mining Commission permit to National Coal of Alabama on May 7, 2010, and National assumed liability of the permit. However, as of the date of this writing, the ADEM permit has not been transferred to National and it is unknown whether the sale of the mine to National is still pending. On October 1, 2010, National entered into a Consent Order with ADEM for its violations of TSS and iron at seven of its other Alabama mines and was ordered to pay a civil penalty of \$87,200 and cease its many permit violations. The Consent Order does not cover violations at Meredyth Mine. However, it does

illustrate an atmosphere of permit noncompliance by National Coal at its many Alabama coal mines.

Alabama's permit requirements for coal mines are notoriously lax. Coal mines are well known dischargers of many harmful pollutants including selenium, aluminum, mercury, arsenic, lead, chlorides, sulfates, and total dissolved solids, in addition to the four that Meredyth Mine is required to test for: pH, Total Suspended Solids, Iron and Manganese. Testing for conductivity and toxicity is also required in many states, but not Alabama. Meredyth Mine has discharged 24 times the permitted level of TSS and almost 5 times the permitted level of iron. It has violated its lax permit over 2,000 times. It is impossible to know the amounts of harmful pollutants which have been discharged yet have gone undetected due to the lax permit with its lax monitoring requirements.



The denuded landscape at Meredyth Mine. Our lawsuit alleges 2,052 violations of the Clean Water Act.

2010 VOLUNTEERS OF THE YEAR

Max Kennedy, Doug Cruickshank and Willy Gansa

Max Kennedy (nephew of Waterkeeper Alliance President and Founder, Robert F. Kennedy, Jr.) led his friends Doug Cruickshank and Willy Gansa down to the Tennessee River Valley for a summer internship. Max, Doug, and Willy volunteered a combined 1,800+ hours for Tennessee Riverkeeper performing mission-related tasks including: analyzing hundreds of Clean Water Act pollution permits, river patrol work, online outreach, boat maintenance, research and many other projects. Two different 30-second public service announcements of Max Kennedy speaking about Riverkeeper can be seen on our YouTube channel: www.YouTube.com/TennesseeRiverkeeper



Our volunteers reviewing pollution permits at TDEC in Nashville. L to R: Max, Willy, Doug



Launching Riverkeeper's patrol boat



Max Kennedy in his video for Tennessee Riverkeeper

About WATERKEEPER Alliance

The first Riverkeeper patrol boat was launched by fishermen and their friends who mobilized in 1966 to challenge polluters on the Hudson River. Hudson Riverkeeper's contributions to the Hudson's amazing recovery has inspired the creation of 190+ locally funded and controlled "Waterkeeper" organizations on waterways across the country and the world. Tennessee Riverkeeper is the first group patrolling a major waterbody in Tennessee. Waterkeepers (including Alabama's Black Warrior Riverkeeper, Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper, Hurricane Creekkeeper and Mobile Baykeeper) patrol local waterways, respond to citizen complaints, and enforce environmental laws.

Frank Chitwood

Frank Chitwood recently became the Coosa Riverkeeper. Chitwood assists Tennessee Riverkeeper by editing this newsletter, as well as with online outreach and website development. Frank attended The Altamont School, alma mater of David Whiteside, Nelson Brooke and John Kinney (the latter two working at Black Warrior Riverkeeper), and graduated from Boston University where he studied accounting, entrepreneurship and environmental analysis & policy. For more info on Coosa Riverkeeper visit www.coosariver.org.



Frank Chitwood on Lake Neely Henry of the Coosa River

Waterkeeper Alliance was founded in 1999 to connect and support local Waterkeeper organizations, while allowing them full control over their finances and administrative decisions. Waterkeeper offers legal, scientific, and administrative advice, provides networking opportunities, and often advocates for issues common to local Waterkeepers.

Please visit www.waterkeeper.org to learn more.



TENNESSEE RIVERKEEPER

P.O. Box 2594

Decatur, AL 35602

www.TennesseeRiver.org



RIVERKEEPER is a registered trademark of
WATERKEEPER Alliance, Inc.



BECOME A MEMBER TODAY!

Tennessee RIVERKEEPER® MEMBERSHIP FORM

Please complete, detach, and return to:

Tennessee RIVERKEEPER, P.O. Box 2594, Decatur, AL 35602

NAME(S): _____

ADDRESS: _____

PHONE: _____

E-MAIL: _____

RIVER INTERESTS: _____

PLEASE CHECK A CATEGORY

- _____ Student\$10
- _____ Slackwater Darter\$25
- _____ Redfin Darter\$50
- _____ Boulder Darter\$100
- _____ Cavefish\$250
- _____ Hellbender Salamander.....\$1000
- _____ OTHER AMOUNT.....\$ _____

Please make checks payable to: Tennessee RIVERKEEPER
You can also become a member at our website: TennesseeRiver.org