



TENNESSEE RIVERKEEPER®

Landfill Settlement

Update on our Clean Water Act case against the Old Florence Landfill.

Page 1

Roseanna Whiteside

We mourn the death of Roseanna Whiteside, mother of David Whiteside, our founder, and Lauren Whiteside, one of our best volunteers ever.

Page 2

Waters of the US Ruling

Update on the "Waters of the US" ruling and a letter from our Board President, Karen Thomas.

Page 3

Membership form

One of the best things you can do to help Riverkeeper is join. Become a member today!

Page 4

SUCCESSFUL SETTLEMENT OF OLD FLORENCE LANDFILL LAWSUIT

Tennessee Riverkeeper reached a settlement of its lawsuit against the owner of the old Florence Landfill which became final August 5, 2014. The landfill was in operation from 1965 until its closure in 1987. The landfill was operation before modern landfill regulations and, as such, it had no liner to prevent the leaching of pollutants (leachate) into groundwater and had no leachate collection system. As a result, the landfill leached pollutants from buried waste into groundwater and, subsequently, into Cypress Creek.

During the time of its operation the landfill accepted industrial and municipal waste. An on-site open pit was used by various industries to dump liquid industrial waste. This practice had no regulatory oversight; industries could just pull up and dump whatever they wished, however toxic or environmentally harmful. Water testing by local advocates David Cope and Charles Rose revealed the presence of volatile organic compounds, metals, and high concentrations of ammonia in a groundwater spring leading to the creek. The ammonia is generated by the decomposition of buried organic matter. Test showed that it was being discharged to the creek at a level that is recognized by the EPA as toxic to fish (>50 mg/L). Any discharge of pollutants to jurisdictional waters is prohibited by the Clean Water Act (CWA) without a valid National Pollution Discharge Elimination System (NPDES) permit.

In ruling on the defendant's motion to dismiss, the U.S. District Court ruled that the Court has jurisdiction under the CWA and Resource Conservation and Recovery Act (RCRA) of discharges of a pollutant to groundwater where the groundwater is hydrologically connected to an otherwise jurisdictional waterway. This appears to be the first time a district court in the Eleventh Circuit has extended jurisdiction to groundwater.

The settlement agreement requires the landfill owners to apply to the Alabama Department of Environmental Management (ADEM) for an NPDES permit. In addition, the defendant was required to pay Riverkeeper's litigation expenses and attorney fees. They also paid \$5,000 to Alabama Rivers Alliance for a supplemental environmental project which consisted of purchasing water testing equipment for use by Shoals Environmental Alliance on Cypress Creek.



Illegal leachate from old Florence landfill enters Cypress Creek.



Team Riverkeeper on Cypress Creek. L to R: Charles Rose, David Whiteside, Barry Sulkin, and David Cope

DID YOU KNOW?

Mercury and PFOs

Mercury and Perfluoralkyl sulfonate (PFOs) are among the main toxins polluting the Tennessee River watershed and its fish, according to various state agencies.

Riverkeeper on social media:

Please "follow" Tennessee Riverkeeper: [facebook.com/TennesseeRiverkeeper](https://www.facebook.com/TennesseeRiverkeeper) and twitter.com/TNRRiverkeeper

Fish consumption advisories

The Alabama Department of Public Health has issued new fish consumption advisories in the Tennessee River for 2015: www.adph.org/tox

PRESIDENTIAL ADDRESS

A letter from President Karen Thomas:

Dear Friends,

It is an exciting time for Tennessee Riverkeeper! Over the last five years the organization has experienced tremendous growth and many clean water victories. All of this work was made possible through your generous support.

I became involved with Tennessee Riverkeeper because I wanted to work with an organization that addressed the pollution we don't necessarily see in our water. I grew up enjoying summers on the river and it makes me sad when I hear people saying they wouldn't dare swim or even consider consuming a fish. It seems many in our region have an intuitive sense that there are unseen potentially harmful pollutants lurking in our water. Given the recent fish advisories in our watershed, we know that there is still much work to be done.

The staff at Tennessee Riverkeeper is perhaps one of the most qualified in the country to address these very issues and improve the quality of our river. If you are a member, I want to thank you for your donation and ask for your continued support. If you haven't donated yet, I encourage you to consider making Tennessee Riverkeeper part of your giving plan this year and join us in our fight for clean water. Thank you again for your support and expect great work in the years ahead!

For the River,

Karen Thomas, *President*

Karen Thomas serves as President of Tennessee Riverkeeper's Board of Directors.



*Karen Thomas on the Tennessee River
with Waterkeepers from China.*



WATERS OF THE US RULING UPDATE

Clean Water Rule Protects Streams and Wetlands Critical to Public Health, Communities, and Economy

U.S. Environmental Protection Agency Press Release

In an historic step for the protection of clean water, the U.S. Environmental Protection Agency and the U.S. Army recently finalized the Clean Water Rule to clearly protect from pollution and degradation the streams and wetlands that form the foundation of the nation's water resources.

The rule ensures that waters protected under the Clean Water Act are more precisely defined and predictably determined, making permitting less costly, easier, and faster for businesses and industry. The rule is grounded in law and the latest science, and is shaped by public input. The rule does not create any new permitting requirements for agriculture and maintains all previous exemptions and exclusions.

People need clean water for their health: About 117 million Americans – one in three people – get drinking water from streams that lacked clear protection before the Clean Water Rule. America's cherished way of life depends on clean water, as healthy ecosystems provide wildlife habitat and places to fish, paddle, surf, and swim. Clean and reliable water is an economic driver, including for manufacturing, farming, tourism, recreation, and energy production. The health of our rivers, lakes, bays, and coastal waters are impacted by the streams and wetlands where they begin.

Specifically, the Clean Water Rule:

- **Clearly defines and protects tributaries that impact the health of downstream waters.**
- **Provides certainty in how far safeguards extend to nearby waters.**
- **Protects the nation's regional water treasures.**
- **Focuses on streams, not ditches.**
- **Maintains the status of waters within Municipal Separate Storm Sewer Systems.**
- **Reduces the use of case-specific analysis of waters.**



ROSEANNA WHITESIDE



ROSEANNA ON EARTH DAY

IN MEMORY OF ROSEANNA WHITESIDE

"The purpose of life is to contribute in some way to making things better." - Robert F. Kennedy, Sr.

Roseanna McCoy Whiteside, age 65 of Birmingham, passed away on Sunday, March 1, 2015.

Roseanna is survived by her children David Powers Whiteside, III and Lauren Johnson Whiteside (Joseph Brook Mestre); god-daughter Dorothy Thompson Goodner; father-in-law Col. David Powers Whiteside, Sr.; devoted in-laws John Whiteside, Dede Whiteside (Harry Hicks), Donna Whiteside, and Mark Whiteside (Eva Dillard); and nephew Jay McSlarrow. She is also survived by a wide circle of loving and loyal friends. She was preceded in death by her husband David Powers Whiteside, Jr.; her parents Frank and Jean McCoy; her brother Frank Wilson McCoy, Jr.; and mother-in-law Dolores Dean Whiteside.

Her funeral service was held at the Cathedral Church of the Advent on Wednesday, March 4, 2015. Robert F. Kennedy, Jr. gave the eulogy and said: *"Roseanna was in many ways a sister to me and my family considers the Whitesides a part of our family. She was an extraordinary person in so many ways and I saw God in her from the first moment I met her. Although she took the ills and issues of the world very seriously, she never took herself seriously and could always laugh and found humor in everything."*

Roseanna was born in Montgomery, Alabama on August 17, 1949 and graduated from Sumter County High in 1967. She attended Samford University, where she earned a degree in elementary education in 1972 and was an active member of the Alpha Delta Pi sorority.

Whiteside's ancestors in Winston County seceded from the Confederacy and declared the *"Free State of Winston."* While Roseanna was growing up, her family was on the front lines of the civil rights movement. Following controversial legal decisions in the 1960s made by her uncle, Judge Frank M. Johnson, Jr., Roseanna and her immediate family were under federal protection for over a decade.

After years of teaching, Roseanna co-founded the Eddleman Pro Tennis Tournament, a nonprofit that became the largest USTA tennis tournament in Alabama. She ran the tournament for 14 years and remained active in US Tennis thereafter through the Special Olympics and international competitions. She also worked at Smith & Hawken, Southern Progress, and Night Owl Paper Goods.

Roseanna was instrumental in founding Black Warrior Riverkeeper, Tennessee Riverkeeper, and other Waterkeeper Alliance organizations throughout the South with her son, David. She was active with The Altamont School and the Cathedral Church of the Advent, serving on its Altar Guild for 13 years. Roseanna enjoyed tennis, needlepoint, baking, dogs, friends, family, and being on the water.

In lieu of flowers, memorials may be made to Tennessee Riverkeeper.



Rosie loved the water.



Roseanna with Robert F. Kennedy, Jr and David Whiteside in Montgomery, AL.



TENNESSEE RIVERKEEPER

P.O. Box 2594

Decatur, AL 35602

www.TennesseeRiver.org

Non-Profit
US Postage
PAID
Decatur, AL
Permit # 14



RIVERKEEPER is a registered trademark of
WATERKEEPER Alliance, Inc.

BECOME A MEMBER TODAY!



RIVERKEEPER[®] MEMBERSHIP FORM

Please complete, detach, and return to:
TENNESSEE RIVERKEEPER[®] P.O. Box 2594 Decatur, AL 35602

NAME(S): _____
ADDRESS: _____
PHONE: _____ DATE: _____
E-MAIL: _____
RIVER INTERESTS: _____

PLEASE CHECK A CATEGORY

- _____ Slackwater Darter\$25
- _____ Redfin Darter\$50
- _____ Boulder Darter\$100
- _____ Alabama Cavefish.....\$250
- _____ Hellbender Salamander.....\$1000
- _____ other amount\$ _____
- _____ Volunteer.....(list hours and type of work) _____

Thanks for your support!
The mission of Tennessee Riverkeeper is to protect the River and its tributaries by enforcing environmental laws and educating the public.
Tennessee Riverkeeper is a 501(c)(3) nonprofit organization. Your donation is tax-deductible to the extent provided by law.

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