



CHATTAHOOCHEE RIVERKEEPER®

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Chattahoochee Riverkeeper threatens Clean Water Act lawsuit against Phenix City, AL

PHENIX CITY, AL – On July 16, Chattahoochee Riverkeeper told the Phenix City Department of Public Utilities it would have 60 days to stop discharging illegal levels of pollution into the Chattahoochee River from the Phenix City Wastewater Treatment Plant or the group would file a lawsuit in federal court for violations of the federal Clean Water Act and the Alabama Water Pollution Control Act.

A 60-Day Notice of Intent to Sue is required under the Clean Water Act. If the city does not correct violations after 60 days, Chattahoochee Riverkeeper (CRK) will move forward with a federal lawsuit.

The move comes two weeks after CRK and the Southern Environmental Law Center [sent a similar notice](#) to the Atlanta Department of Watershed Management for ongoing pollution violations stemming from Atlanta's R.M. Clayton Water Reclamation Center.

The Phenix City plant is permitted to release up to six million gallons of treated wastewater into the Chattahoochee River per day. In 2024, CRK received multiple reports of visibly undertreated sewage in the Chattahoochee River near Phenix City. CRK staff subsequently began more frequent monitoring at the plant's outfall where treated wastewater is released into the river.

Testing conducted by CRK has confirmed multiple spikes in bacteria levels at the plant's outfall that have exceeded the U.S.

Environmental Protection Agency's recommendations for safe water recreation. Public records confirm that the plant has also committed dozens of violations of its chemical and nutrient pollution limits since 2023.

Additionally, the city's outdated wastewater collection system suffers from repeated and ongoing failures. Data from the Alabama Department of Environmental Management show that



Wastewater from the Phenix City Wastewater Treatment Plant enters the Chattahoochee River on June 6, 2024.

sanitary sewer overflows have occurred regularly in Phenix City since at least 2021, including an overflow of two million gallons of raw sewage from the plant into the river in February of 2024.

In meetings with CRK, representatives from the Phenix City Department of Public Utilities have attributed the violations to equipment and maintenance failures within the plant and wastewater collection system. The city is working to secure resources for further enhancements to bring the plant into compliance with its permit, but the threat to the Chattahoochee River remains.

Until operational issues are resolved, CRK recommends that recreators exercise caution on the river immediately downstream of the plant's outfall located off State Docks Road in Alabama. When the risk of harmful bacteria exposure is high, recreators should wash their hands after contacting the water, avoid fully submerging underwater, and use particular caution if young, elderly, or immunocompromised.

"Recreators throughout the Chattahoochee River Basin should be guaranteed the right to swim, paddle, and fish on clean waterways," says Jason Ulseth, CRK's Riverkeeper and executive director. "The pollution entering the river from the Phenix City Wastewater Treatment Plant violates that right, and the facility must work to resolve its operational failures before further harm is done to the river and those who depend on it."

Represented by the law firm Smith, Gambrell & Russell, CRK is prepared to file a lawsuit against Phenix City if conditions at the plant fail to improve within 60 days. CRK will seek an injunction to prevent further violations, as well as civil penalties, attorney's fees and costs.

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About Chattahoochee Riverkeeper:

Chattahoochee Riverkeeper's mission is to educate, advocate, and secure the protection and stewardship of the Chattahoochee River, including its lakes, tributaries, and watershed, in order to restore and conserve their ecological health for the people and wildlife that depend on the river system and in recognition of the important ecosystem functions provided throughout the region and planet. For more information, visit www.chattahoochee.org.