



Alabama Rivers Alliance  
*W a t e r I s L i f e*

Thursday, January 14<sup>th</sup>, 2010

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Federal Building  
1200 Pennsylvania Avenue, N.W.  
Room 300  
Washington, D.C. 20460

**Regarding: Petition to commence proceedings to withdraw Alabama's authorization to administer the National Pollutant Discharge Elimination System**

Dear Administrator Jackson,

The fourteen undersigned organizations officially submit this petition under 40 C.F.R § 123.64(b) for the issuance of an order commencing proceedings to determine whether to withdraw approval of the National Pollutant Discharge Elimination System (NPDES) permit program for the State of Alabama because the operation of the State program fails to comply with the requirements of 40 C.F.R. Part 123.

Alabama's people and environment deserve the fundamental protections accorded by the Clean Water Act. In accordance with the requirements of Section 402 of the Clean Water Act, 33 U.S.C. § 1342, Alabama's water pollution permitting program must meet minimal federal standards. Under the Clean Water Act, a state may administer such a permitting program only if the program meets minimum federal standards.

Alabama's water pollution permitting program, as currently administered by the Alabama Department of Environmental Management, is fundamentally broken and does not meet these minimum federal standards. This failure is a systemic, statewide problem. From funding to implementation, the failures of the current system are leaving the citizens and environment of Alabama unprotected. Over the course of the last several years, environmental and citizens organizations from across the state have comprehensively documented the failures of ADEM's water program to fully meet the standards of the Clean Water Act. They have shared this information with ADEM over the years as part of our efforts to encourage reform.

For more than a decade, our organizations have attempted to work with agency representatives to find solutions to correct these deficiencies in the state program. When that failed, we sought relief through the Alabama Environmental Management Commission and, when necessary, the courts. While there have been modest gains on a few individual issues, these have not addressed the substantial and systemic failures of the water program as a whole. In consideration of this, the only relief left available is direct intervention by the Environmental Protection Agency.

Therefore, we, the undersigned members of the Alabama environmental community, officially file this petition to the Environmental Protection Agency to withdraw the State of Alabama's authority over the water pollution permitting program under the Clean Water Act.

Ultimately, our goal is for Alabama's water pollution permitting program to meet minimal federal standards. This petition comprehensively describes, in one document, the statewide program failures which have been brought to the attention of state officials over the past decade.

This petition is expected to engage all interested parties in developing concrete solutions to reform ADEM's water pollution permitting program so that it is protective of human health and the environment and meets minimum federal standards.

Sincerely,

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Program Director  
Alabama Rivers Alliance  
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On Behalf of:

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**ADEM Reform Coalition**  
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Re: *Petition to withdraw Alabama's authorization to administer the NPDES Program*  
*Alabama Rivers Alliance*

*August 10, 2010*

Cc: Stanley Meiburg, EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303  
John Hagood, ADEM, 1400 Coliseum Boulevard, Montgomery, AL 36110-2059