



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Citizen Suit Enforcement/Clean Water Act: Coosa Riverkeeper U.S. District Court Complaint Alleging Oxford Waterworks and Sewer (Alabama) Violations

## Arkansas Environmental, Energy, and Water Law Blog

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Coosa Riverkeeper, Inc. ("CRI") filed a Complaint in the United States District Court (Northern District of Alabama) against the Oxford Waterworks and Sewer Board ("Oxford") of Oxford, Alabama alleging violations of the Clean Water Act.

The Complaint was filed pursuant to the Section 505(a) citizen suit provisions of the Clean Water Act.

CRI previously issued a 60-day notice ("notice") to Oxford on August 3, 2016 stating its intention to file a citizen suit in federal district court to address alleged Clean Water Act violations. The focus of the proposed action was stated to be alleged National Pollution Discharge Elimination System ("NPDES") permit violations by Oxford's wastewater treatment plant.

The Complaint alleges the violations have continued since the prior 60-day Notice of Intent to Sue and are argued to be expected to continue in the future absent a court order for corrective action.

The Clean Water Act provides that:

...when the State commences "a civil or criminal action in a court of . . . a State to require compliance with the standard, limitation, or order" a citizen cannot bring those particular claims. 33 U.S.C. A. § 1365(b)(1)(B).

The Alabama Attorney General and Alabama Department of Environmental Management filed suit in state court against Oxford during the 60-day notice period alleging Clean Water Act violations. CRI argues that this state lawsuit does not include other ongoing violations of the Clean Water Act such as:

1. Multiple ongoing permit violations documented by Riverkeeper in the 60-day notice, and
2. The Oxford plant's unlawful discharge of formaldehyde into Choccolocco Creek without a permit

The counts in the CRI Complaint include:

1. The Oxford plant has violated and continues to violate its NPDES E.coli and Chlorine Permit Discharge Limitations

2. The Oxford plant has violated and will continue to violate its NPDES permit reporting requirements
3. The Oxford plant's unpermitted formaldehyde discharges

[A link to the Complaint can be downloaded here.](#)