



September 27, 2021

Joseph Roy, Water Division, Alabama Department of Environmental Management
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Montgomery, AL 36130-1463
e-mail at jtr@adem.alabama.gov

Attn: Lance R. LeFleur, Director
director@adem.alabama.gov

Attn: Anthony Scott Hughes, Chief Field Operations Division
ash@adem.alabama.gov

Attn: Richard Hulcher, Office of Field Services
rfh@adem.alabama.gov

RE: Lake Watch of Lake Martin data and comments for
consideration in ADEM development of the 2022 Section
303(d) list, comments on Alabama's Draft Water
Assessment and Listing Methodology, and follow up
development of TMDLs

Dear Mr. Roy, Director LeFleur, Mr. Hughes and Mr. Hulcher:

Lake Watch of Lake Martin (LWLM) is a citizen-based clean water advocacy group and an Alabama Water Watch (AWW) member/affiliate. Our cadre of water quality monitors are all AWW trained and certified according to EPA approved protocols. Our monitors perform testing in Lake Martin, our Treasured Alabama Lake (TAL), and in the Tallapoosa River and selected streams in the Middle Tallapoosa Basin. Over the last three years, testing of streams conducted by Lake Watch in watersheds with significant poultry production in the Middle Tallapoosa River Basin indicate significant pathogen loading (*E. coli*) in these streams above Lake Martin.

Lake Watch of Lake Martin submits the following comments and LWLM data for consideration in the ADEM development of the 2022 Section 303(d) list and follow up development of TMDLs. Specifically, we call your attention to the electronically attached LWLM *E. coli* testing data from upper Lake Martin (above Hwy 280 bridge), Crooked Creek in Clay County Alabama and Emuckfaw Creek, Timbergut Creek and Hillabee Creek in Tallapoosa County Alabama. We submit data from each of these streams for use in compilation of the 2022 Section 303(d) list and follow up development of TMDLs because of frequent high *E. coli* levels as indicated from our bacteriological monitoring test results, attached. (See also Bacteriological Test Results, reported to ADEM as COMPLAINT# 0A-000PP2S67 on June 24, 2020, and COMPLAINT #6I-006DG4S34 on October 20, 2020).

Attached LWLM bacteriological test results from 11 monitoring sites in the upper lake and tributary streams (above HWY 280) indicate 20 of the 56 tests (values in bold-red in spreadsheet) showing *E. coli* above the ADEM standard for the given season of sample test. The



highest *E. coli* value, 9100/100 mL, was measured at Crooked Creek. High values at our new sampling site, Lake Martin just above Andrew Jackson, and at Lake Martin above the confluence of Coley Creek were detected in early September – the first time that LWLM ever detected high *E. coli* in the mainstem lake. This recent data in the mainstem reservoir above Hwy 280 bridge, constituting upper Lake Martin, demonstrates that our Treasured Alabama Lake is being negatively impacted by upstream loading of pathogens to the point of being at times unsafe for swimming according to EPA and ADEM standards.

Laboratory microbial source tracking is underway at Auburn University to positively identify the animal source of the bacterial pathogen load, e.g., human, poultry, cattle, other.

To address these contamination issues, LWLM advocates for the following undertakings by ADEM:

1. ADEM should act promptly to have ADEM personnel confirm the Lake Watch findings of high *E. coli* levels as mentioned above. High *E. coli* levels tend to correlate with significant rain events, not unusual events in Alabama.
2. ADEM should consider placing the above-mentioned streams on the 303(d) list and assign them high priority for the development of TMDLs and other timely protective measures.
3. ADEM should act promptly to determine whether poultry litter that has been field surface applied is in fact entering into groundwater and/or surface waters of the streams of the Middle Tallapoosa Basin.
4. ADEM should act to develop and enforce stringent protections that address nonpoint source pollution entering the lake from streams and the Tallapoosa River in the Middle Tallapoosa Basin – the watershed of Alabama’s one and only Treasured Alabama Lake. Specifically, protections against nutrient, organic matter, and pathogen loading into the lake from private septic systems, from surface application of poultry CAFO waste, and other sources.
5. ADEM should conduct inquiries, public meeting and otherwise assess the community tolerance/intolerance for pollution of our Treasured Alabama Lake. Solutions to polluting of our lake require effective input from the public, the state and federal regulators, the university community, conservation and resource services, the farmers, property owners and industry representatives and local government and chambers of commerce.
6. We urge that the ADEM response must be progressive in protecting our TAL in the face of the rapid expansion of poultry CAFOs and other potential threats in the Middle Tallapoosa Basin.
7. We urge that ADEM require all animal feedlot operations to register with the State based on the number of animals on the farm. Any farm that meets the definition of an AFO/CAFO should register with ADEM and conform to ADEM’s CAFO rules and



regulations and enforcements. We urge that ADEM re-examine the text of ADEM Rule 335-6-7.11 to be sure that there are no "loop holes" to mandatory registration. Further, we urge that ADEM recognize storm water runoff from surface application disposal of poultry waste to be a source of pollution which must be regulated, and prohibited where appropriate, under the provisions of ADEM Rules 335-6-7.

8. We urge a 3-year moratorium on construction of new poultry production facilities in the Middle Tallapoosa Basin to allow testing and analysis of the impact of poultry production expansion on our TAL and the further development of effective BMPs and their enforcement.
9. We urge a ban on land application of CAFO waste in the Middle Tallapoosa Basin to protect our waters, and our TAL in particular, from nutrient and pathogen loading.
10. We urge all poultry CAFO waste be required to be put through an effective composting process to mitigate pathogen content before land application.

Lastly, we, urge ADEM to expand *Swimming and Other Whole Body Water-Contact Sports* classification to 1) the Tallapoosa River from Harris Dam downstream to Lake Martin, and to 2) Hillabee Creek from AL- 22 to its confluence with Lake Martin. These waters are widely advertised (see Harold Banks Canoe Trail - Tallapoosa River www.alexcitychamber.com/harold-banks-canoe-trail) and used regularly by canoeist and other recreators who need to be protected from contact with high levels of pathogens.

Lake Watch looks forward to continue participating, as partners with ADEM, in the decisions that affect our watershed and our community.

Sincerely,

A handwritten signature in cursive script that reads "Eric Reutebuch".

Eric Reutebuch, President
Lake Watch of Lake Martin