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Clean Water Act Dispute Reaches Conclusion

ATLANTA, GA — A Clean Water Act citizen suit filed by Chattahoochee Riverkeeper (CRK) against M&K Warehouses, LLC (M&K) has come to a close through a settlement agreement. This concludes a case that began in 2013 when CRK alleged that pollutants were entering a Chattahoochee River tributary and traced the pollution back to American Sealcoat, an asphalt sealant manufacturer operating on leased M&K property. A lawsuit was initially filed against American Sealcoat and resulted in a \$10 million default judgment. M&K has worked diligently to reverse the environmental harm caused by American Sealcoat, spending more than \$500,000 on remediation work approved by the Georgia Environmental Protection Division.

With today's settlement, CRK will dismiss its lawsuit against M&K. The agreement resolves the concerns regarding contamination of soils and surface water, while ensuring no further pollutants from the site have the potential to harm the Chattahoochee River. CRK and M&K confirmed their agreement this morning with a Consent Decree filed in federal court.

Under the Consent Decree, M&K will complete the remaining work of the remediation plan, including the restoration and stabilization of an area that drains to the Chattahoochee River in order to reduce the potential for water quality impacts. In addition, M&K intends to perform a Supplemental Environmental Project (SEP) on adjacent property to improve water quality in the Chattahoochee River. M&K will also compensate CRK for its attorney's fees and expenses, and will contribute \$50,000 to local organizations identified by CRK for SEPs that will directly benefit the Chattahoochee River basin.

“CRK is pleased with this resolution and that M&K agreed to a thorough clean-up of the affected property—we're assured that future stormwater runoff from the site will not carry any further contaminants to our beloved Chattahoochee River,” says Riverkeeper Jason Ulseth. “This settlement agreement shows that cooperation is much more effective and successful than conflict. We think this case sends a clear message to other industrial operators and property owners that compliance with water quality laws is not optional, and hope that it encourages them to follow M&K's example of cooperation and compliance.”

CRK intends to direct a portion of the SEP funds to the Georgia Department of Natural Resources, Wildlife Resources Division for stream bank stabilization and maintenance at the Chattahoochee River Highway 166

boat launch and to the Turner Environmental Law Clinic at Emory University School of Law to support legal training for water quality protection.

M&K also expressed satisfaction with the resolution. “This was an unfortunate situation that M&K inherited from its tenant, American Sealcoat,” says Bob Norman, counsel to M&K. “M&K, however, moved quickly after getting the property back from American Sealcoat to address the environmental conditions on the site and we are pleased to reach a cooperative resolution on the Clean Water Act allegations with CRK. The company is glad to have all of this behind them.”

CRK’s mission is to protect and preserve the Chattahoochee River, its lakes and tributaries for the people, fish and wildlife that depend upon it. For more information, visit www.chattahoochee.org.