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ADEM Welcomes a Settlement with Tyson Foods

*Terms of \$3 million consent order hold company accountable for wastewater spill
and provide benefits to local river community that suffered*

MONTGOMERY, Ala. – The Alabama Department of Environmental Management welcomes a settlement to the lawsuit by the state against Tyson Foods for the 2019 discharges of partially treated wastewater from Tyson’s Hanceville plant into the Mulberry Fork of the Black Warrior River, which resulted in a large fish kill.

The civil lawsuit was filed against Tyson Foods in April 2020 to ensure the state is “made whole for the damage done to our environment and to see the affected communities adequately compensated for their unique and devastating losses.” The lawsuit said the unpermitted discharges of partially treated wastewater in May and June of 2019 due to pipe failures resulted in the killing of various species of fish and other wildlife downstream of the facility.

ADEM Director Lance LeFleur said the settlement holds Tyson accountable for the environmental damage the spills caused, compensates the state for the loss of fish and commits the company to making an investment that will benefit both the environment and the local community.

“In addition to the \$350,000 fine to be paid to ADEM for the unpermitted discharges and the \$650,000 compensation to be paid to the Alabama Department of Conservation and Natural Resources for the fish killed, we are pleased that the people who live near and use the river weren’t forgotten,” LeFleur said. “The local communities suffered the most. A fine exacts a cost against the company, which is appropriate. But it alone does nothing for the local residents. The \$500,000 for public recreational access to the river and \$1.5 million in other investments provide value to the community and, I hope, help heal wounds and begin building trust.”

LeFleur also pointed out the settlement requires reports by a licensed Professional Engineer detailing the causes of the incidents and the corrective actions designed to prevent future unpermitted discharges. It further requires maintenance and operational changes as well as modifications and additions to the treatment and collection systems necessary to prevent future unpermitted discharges. Regular reports from the Professional Engineer tracking progress toward implementing the compliance plan are also required.

LeFleur thanked local elected officials, including Sen. Greg Reed of Jasper, the Senate president pro tem, and Sen. Garland Gudger of Cullman for working to ensure that funding for the local projects was included in the settlement. "Sens. Reed and Gudger have been key players since the very beginning. I don't know if this funding for the community projects would have been possible without their active support," LeFleur said.

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