

**For Immediate Release
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Two Waterkeeper Groups Sue Black Warrior Minerals' Fleetwood Mine in Tuscaloosa

Tuscaloosa – Nonprofit Waterkeeper organizations Black Warrior Riverkeeper and the Friends of Hurricane Creek filed a lawsuit today against Black Warrior Minerals, Inc. in United States District Court. The lawsuit alleges that pollution from Black Warrior Minerals' Fleetwood Mine in Tuscaloosa County is polluting Hurricane Creek, a tributary of the Black Warrior River.

According to John Wathen, Hurricane Creekkeeper for the Friends of Hurricane Creek, "Coal mining has been a serious problem in Hurricane Creek for many generations causing it to be placed on the EPA's impaired streams list. Black Warrior Minerals has not only failed to reduce those pollutants but has exceeded effluent standards repeatedly and should be held accountable. The state has failed to do so. With no recourse left, we have joined forces with Black Warrior Riverkeeper to step in to enforce the laws."

Nelson Brooke, staff Riverkeeper at Black Warrior Riverkeeper, added, "Fleetwood Mine's numerous violations of the Clean Water Act at Hurricane Creek and its tributaries are unacceptable. Orange, polluted water flowing from this strip mine is an unwelcome sight along this beautiful stretch of Hurricane Creek. Coal mines like this one should not be allowed to operate if they cannot meet applicable effluent standards."

Black Warrior Minerals is in violation of the Clean Water Act (CWA), which prohibits their Fleetwood Mine from discharging pollutants to waters of the United States except in compliance with applicable New Source Performance Standards ("NSPS") for coal mining. In their complaint, the two Waterkeeper Alliance member groups catalogued over 1,200 NSPS violations at the Fleetwood Mine over the past five years. The mine has violated standards for iron, manganese, total suspended solids and pH.

Black Warrior Riverkeeper and the Friends of Hurricane Creek are asking the Court to enjoin Black Warrior Minerals from discharging pollutants from Fleetwood Mine in violation of the CWA and to assess appropriate penalties for the violations alleged. Most citizen suits require a sixty day waiting period before suit can be filed. However, in this situation, David Ludder, counsel for Friends of Hurricane Creek explains, "Congress authorizes immediate citizen suits to enforce NSPS rather than allowing those violations to continue."

Eva Dillard, Black Warrior Riverkeeper's Staff Attorney, added, "We expect the coal mines that operate in the Black Warrior River watershed to follow the law and meet all regulatory standards. When they fail to do so, we are willing to take action to ensure that the law is properly applied and enforced."

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Nelson Brooke's July 7, 2011 **photo** of Fleetwood Mine's orange discharge polluting Hurricane Creek:

<http://www.blackwarriorriver.org/images/FleetwoodMine.jpg>

Black Warrior Riverkeeper (www.blackwarriorriver.org) is a citizen-based nonprofit organization whose mission is to protect and restore the Black Warrior River and its tributaries. A member of Waterkeeper Alliance, Black Warrior Riverkeeper won Alabama Environmental Council's 2007 Conservation Organization of the Year and American Canoe Association's 2008 Green Paddle Award. Nelson Brooke, Riverkeeper, won Alabama Rivers Alliance's 2010 River Hero Award. For more information, contact: Nelson Brooke, Riverkeeper: 205-458-0095.

The Friends of Hurricane Creek (www.hurricane-creek.org/) is a citizen-based nonprofit organization whose mission is to restore and maintain the creek's ecosystems through education, outreach, and advocacy for the good of the community. The Friends of Hurricane Creek is a member of Waterkeeper Alliance. Hurricane Creekkeeper is the advocate for Hurricane Creek and heads up the investigations and enforcement division of the Friends of Hurricane Creek. For more information, contact: John Wathen, Creekkeeper, (205) 233-1680.