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Press Release

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Southern Environmental Law Center

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Environmental Groups Take Rosa Coal Mine Fight to Court of Appeals

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Montgomery, AL – Two Alabama river groups are appealing an administrative law judge’s approval of a permit for a massive strip, auger and underground coal mine in Blount County. The Southern Environmental Law Center, on behalf of the Black Warrior Riverkeeper and Friends of Locust Fork River, filed the necessary papers this week with the Alabama Court of Civil Appeals; only a few coal mine permits have ever been appealed to this level in Alabama.

The groups say the water pollution control permit for the Rosa Mine issued by the Alabama Department of Environmental Management in October 2009 violates federal and state laws on multiple counts, and would fail utterly to protect water quality. The permit issued to MCoal is for a 3,255-acre coal mine that would allow more than 60 pollution discharge points into numerous feeder streams of the Locust Fork, a tributary of the Black Warrior River that is already on ADEM’s list of the most polluted streams in the state.

“The permit that ADEM issued for this huge industrial operation is woefully deficient – there are virtually no meaningful protections for the Locust Fork,” said SELC senior attorney Gil Rogers. “We are committed to protecting these resources and the communities that depend on them, and are not giving up the fight.”

The groups first appealed the permit in late 2009 after a hearing before the Environmental Management Commission last year, which ruled that the coal mine permit would not harm the Locust Fork. The Montgomery County Circuit Court affirmed that ruling in December.

The groups say ADEM violated federal and state laws in several ways when it issued a National Pollution Discharge Elimination System permit for the strip mine. For example, the agency failed to conduct a site-specific environmental analysis and instead issued a “rubber-stamp” permit it gives other coal mines. The Rosa Mine permit is virtually identical to the one ADEM issued for the proposed Shepherd Bend Mine in Walker County, which is roughly half the size. (SELC and Black Warrior Riverkeeper are also challenging that permit; a hearing is scheduled in late February.) In addition, the agency:

- Failed to require a pollution abatement and prevention plan from the company;

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- Allowed pollution to be discharged to an already impaired stream;
 - Granted a blanket exemption for all pollution limits when it rains; and
 - Failed to require limits on chlorides, aluminum and other contaminants that are common problems with coal mine discharges.

“The Locust Fork near the Rosa Mine is an absolutely beautiful stretch of river where thousands of people from across the country go each year to enjoy its scenery, fishing, paddling opportunities, swimming, hiking, wildlife watching, photography, and more,” said Nelson Brooke, Black Warrior Riverkeeper. “This permit should not have been issued and we will continue to advocate its revocation.”

“Heaven forbid there should ever be a major pollution event on the Locust Fork River, but, as we know from the TVA coal ash spill and the BP oil spill, catastrophes do occur,” said Sam Howell, president of the Friends of the Locust Fork River. “That is why our groups are taking these extraordinary steps to ensure that ADEM fully and rigorously evaluates the environmental impacts of this proposed coal mine so close to so many communities.”

The Southern Environmental Law Center is a regional conservation organization using the power of the law to protect the health and environment of the Southeast (Virginia, Tennessee, North and South Carolina, Georgia, and Alabama). Founded in 1986, SELC's team of 40 legal experts represent more than 100 partner groups on issues of climate change and energy, air and water quality, forests, the coast and wetlands, transportation, and land use.

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