



## Press Release

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### **Birmingham Water Works appeals Shepherd Bend mine permit**

*Alabama Surface Mining Commission may not have met regulatory requirements*

(BIRMINGHAM, Ala. – November 17, 2010) – The Water Works Board of the City of Birmingham (BWWB) has filed an appeal against the Alabama Surface Mining Commission's (ASMC) issuance of a permit that will allow Shepherd Bend, LLC to develop a strip mine along the Mulberry Fork of the Black Warrior River. The currently proposed strip mine site will discharge 2,200 feet upstream of the BWWB'S Mulberry Intake, and future phases would bring discharges as close as 800 feet from the intake.

BWWB officials expressed concerns that chemicals discharged into the water source could adversely affect water quality. The BWWB is challenging the permit on the grounds that it does not meet certain state administrative code requirements, as it fails to "include geologic information in sufficient detail to assist in determining all potentially toxic-forming strata." The appeal states that toxicity testing was not performed on geologic samples to determine if the materials would contribute to toxic runoff, which would negatively affect water quality.

"Upon review of the additional water quality monitoring requested by the BWWB, the ASMC opted to monitor for an additional 14 parameters," says Darryl Jones, BWWB assistant general manager of operations and technical services. "This gives us reason to believe that they recognize the mine could be discharging a substantial number of potentially dangerous chemicals into our water source."

BWWB engineers and attorneys also charge that while the mine facility does include sedimentation ponds for water treatment, the size, shape and design of the ponds do not meet the design of the guidance of the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas* and, therefore, does not represent the best technology currently available. In addition, the BWWB maintains that the permit does not demonstrate that the sedimentation ponds will be maintained, nor that the ponds will be suitable for their intended use on a permanent basis, as required by state administrative codes.

"We simply do not feel that these sedimentation ponds are optimal," says Jones.

More than 200,000 customers in downtown neighborhoods and communities west of I-65 receive water from the Mulberry Intake, BWWB officials say. This includes residents of Bush Hills, East Thomas, Ensley, Fairfield, Five Points West, Jefferson Avenue, North Birmingham, Pratt City, Wylam and some of downtown Birmingham. This intake also serves wholesale customers in Adamsville, Brookside, Graysville, Mulga and West Jefferson.

Founded in 1951, the Water Works Board of the City of Birmingham serves 600,000 people in Jefferson, Shelby, Blount, St. Clair and Walker counties. For more information about your Birmingham Water Works Board, please call us at (205) 244-4000 or visit our Web site at [www.birminghamwaterworks.com](http://www.birminghamwaterworks.com).

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