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August 29, 2014

Russell Kelly, Chief  
Alabama Department of Environmental Management | Permits and Services Division  
P. O. Box 301463 | Montgomery, AL 36130-1463

**Re: Shepherd Bend, LLC - Shepherd Bend Mine (NPDES Permit No. AL0079162)**

Dear Mr. Kelly,

Thank you for the extended opportunity to provide comments on the Alabama Department of Environmental Management's proposed reissuance of the NPDES permit referenced above. I write to you individually as the Executive Director of Black Warrior Riverkeeper, a nonprofit organization dedicated to protecting and restoring the Black Warrior River and its tributaries. My staff at Black Warrior Riverkeeper has already sent you a letter relaying our concerns regarding the proposed Shepherd Bend Mine's overwhelmingly negative ramifications for the Black Warrior River's Mulberry Fork and the drinking water source for 200,000 citizens. My goal is not to reiterate those points, which are here: <http://www.blackwarriorriver.org/pdf/BWRk.ShepherdBend.ADEM.Comments3.7.14.pdf>.

I submit this comment letter to relay additional information. While my staff's recent comment letter focused on the mine's potential to affect water quality in the Mulberry Fork and the drinking water source, I would like to call your attention to the overwhelming public opposition to the proposed mine. Because ADEM is a state agency required to serve the public interest, this information should be equally important in guiding your decision.

Citizens have created several petitions opposing the mine on websites including Change.org (12,375 signatures), AmericanRivers.org (6,139 signatures), and TakePart.com (3,103 signatures). Over 100 businesses, corporations, student groups, and public interest groups with a stake in ADEM's permit decision have joined the Shepherd Bend Mine Opposition Coalition, announcing their belief that the public interest would best be served by denying the permit. Additionally, several local governments and student government associations have passed formal resolutions calling for an end to the proposal to mine Shepherd Bend. Please see the lists below for all the groups opposed to Shepherd Bend Mine.

**The following businesses and groups have joined the Shepherd Bend Mine Opposition Coalition:**

Affordable Solar Hot Water and Power, LLC  
Alabama Chapter of the Sierra Club  
Alabama Environmental Council  
Alabama Environmental Pest Management, Inc.  
Alabama Environmental Turf, Inc.  
Alabama Fisherman's and Hunters Association  
Alabama Pure Water Company  
Alabama Rivers Alliance

American Rivers  
Athens Imports  
Avondale Brewing Company  
Avondale Bricks Gallery  
B Clean Carpet Cleaning, LLC  
Berkeley Bob's Coffee House  
Beth Maynor Young Conservation Photography  
Big Blue Bagel  
Birmingham Audubon Society  
Birmingham City Council  
Birmingham Craft Beer Examiner  
Birmingham Free Press  
Birmingham Weekly  
Birmingham Yoga  
Black Warrior Riverkeeper  
Blue Horizon Enterprises  
Boehm Realty  
Cahaba Brewing Company  
Cahaba Riverkeeper  
Cahaba River Society  
Cayaban Clark, LLC  
Choctawhatchee Riverkeeper  
Citizens Advisory Board  
Citizens for Better Schools & Sustainable Communities  
Citizens Opposed to Strip Mining on the Warrior River  
Coalition of Alabama Students for the Environment  
College Hills Neighborhood Association  
Coosa Riverkeeper  
Crestline Neighborhood Association  
Crestwood Café  
Crestwood North Neighborhood Association  
Dishin' It Out  
Dogtrot Studio, LLC  
Druid City Brewing Company  
DS Art  
Earthbound  
EBSCO Industries, Inc.  
Eco Three  
EnAct at Birmingham-Southern College  
Environmental Awareness Organization at Auburn University  
Episcopal Diocese of Alabama's Task Force for the Stewardship of Creation  
Forest Park / South Avondale Neighborhood Association  
Friends of the Locust Fork River  
GASP  
Glen Iris Neighborhood Association  
Good People Brewing Company

Greater Birmingham Ministries  
Green Initiative at UAB  
Greenworks Design/Build  
Gregory Zarzaur - Zarzaur Law, LLC  
Grow Alabama  
Highland Park Neighborhood Association  
Hop City  
Hot & Hot Fish Club  
Hurricane Creekkeeper  
The J. Clyde  
John S. Bivona DMD Family Dentistry  
JohnnyGreenSeeds Wines, Inc.  
Lake Crest Family Dentistry  
League of Women Voters of Alabama  
Little River Waterkeeper  
Macknally Land Design, PC  
Metro-Birmingham NAACP  
Mobile Baykeeper  
Montevallo Environmental Club  
Morris Avenue Eyecare  
Mountain High Outfitters  
Neighborhood Hops and Vine  
New Merkel Consulting Group  
North Titusville Neighborhood Association  
Norwood Rising, LLC  
Occupy Birmingham  
Patagonia  
Patriots for Conservation  
PDM Advisors  
Post Office Pies  
Restoring Eden at Samford University  
Riverlawn Association  
Roebuck / South East Lake Community  
Roebuck Springs / South Roebuck Neighborhood Association  
Rojo  
Ruffner Mountain Nature Preserve  
Shaheed & DJ Supreme  
Shindigs Catering  
South East Lake Neighborhood Association  
South Titusville Neighborhood Association  
Southeast Green  
Southern Environmental Law Center  
SouthWings  
Snow's Bend Farm  
Stellar Accounting  
Stewart Perry Construction

SweetWater Brewing Company  
Tennessee Riverkeeper  
Titusville Community  
T.K. Thorne  
Tot World Inc Early Learning Centers  
TrimTab Brewing Co.  
UA ECo  
UA NAACP  
UAB Graduate Student Association  
UAB Public Health Student Association  
UAB Student Government Association  
UAH Green Club  
UAH Student Government Association  
University of Montevallo Student Government Association  
Waterkeeper Alliance  
Wild South  
Wolf Creek Creations  
Woodlawn Park Neighborhood Association  
WW Game Birds  
YMBC Civic Forum

**The following groups have passed formal resolutions opposing Shepherd Bend Mine:**

Birmingham's Citizens Advisory Board's Resolution opposing Shepherd Bend Mine:  
[http://blackwarriorriver.org/pdf/CAB\\_ShepherdBend\\_Resolution.pdf](http://blackwarriorriver.org/pdf/CAB_ShepherdBend_Resolution.pdf)

Roebuck / South East Lake Community Resolution opposing Shepherd Bend Mine:  
<http://blackwarriorriver.org/pdf/RoebuckSELCommunityResolution.pdf>

South East Lake Neighborhood Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/pdf/S.EastLakeN.A.ShepherdBendMine-Resolution\\_7.28.14.pdf](http://www.blackwarriorriver.org/pdf/S.EastLakeN.A.ShepherdBendMine-Resolution_7.28.14.pdf)

Roebuck Springs / South Roebuck Neighborhood Resolution opposing Shepherd Bend Mine:  
<http://www.blackwarriorriver.org/pdf/Roebuck.ShepherdBendMine.Resolution.pdf>

College Hills Neighborhood Resolution opposing Shepherd Bend Mine:  
<http://blackwarriorriver.org/pdf/CollegeHillsNeighborhoodShepherdBendResolution.pdf>

Crestwood North Neighborhood Resolution opposing Shepherd Bend Mine:  
<http://blackwarriorriver.org/pdf/CrestwoodNorthResolution.pdf>

Highland Park Neighborhood Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/pdf/Highland\\_Park\\_Shepherd\\_Bend\\_Resolution.pdf](http://www.blackwarriorriver.org/pdf/Highland_Park_Shepherd_Bend_Resolution.pdf)

UAB Student Government Association Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/pdf/UAB\\_USGA\\_Shepherd\\_Bend\\_Resolution.pdf](http://www.blackwarriorriver.org/pdf/UAB_USGA_Shepherd_Bend_Resolution.pdf)

U of Montevallo Student Government Association Resolution opposing Shepherd Bend Mine:  
<http://www.blackwarriorriver.org/pdf/Resolution%201213-R-001.pdf>

UAB Graduate Student Association Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/releases/UAB\\_GSA\\_ShepherdBend\\_Resolution.pdf](http://www.blackwarriorriver.org/releases/UAB_GSA_ShepherdBend_Resolution.pdf)

Forest Park / South Avondale Neighborhood Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/pdf/Forest\\_Park\\_Shepherd\\_Bend\\_Resolution.pdf](http://www.blackwarriorriver.org/pdf/Forest_Park_Shepherd_Bend_Resolution.pdf)

UAB Public Health Student Association Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/pdf/UAB\\_PHSA\\_ShepherdBendResolution.pdf](http://www.blackwarriorriver.org/pdf/UAB_PHSA_ShepherdBendResolution.pdf)

YMBC Civic Forum Resolution opposing Shepherd Bend Mine:  
<http://www.blackwarriorriver.org/pdf/YMBC%20Shephard%20Bend%20Resolution.pdf>

Titusville Community Resolution opposing Shepherd Bend Mine:  
<http://www.blackwarriorriver.org/pdf/TitusvilleCommunityShepherdBendMineResolution.pdf>

UAH Student Government Association Resolution opposing Shepherd Bend Mine:  
[http://www.blackwarriorriver.org/pdf/UAH\\_SGA\\_ShepherdBendResolution.pdf](http://www.blackwarriorriver.org/pdf/UAH_SGA_ShepherdBendResolution.pdf)

Birmingham City Council Resolution opposing Shepherd Bend Mine:  
<http://blackwarriorriver.org/pdf/RESOLUTION%20Shepherd%20Bend%20Coal%20Mine-passed%20CC.PDF>

Considering this mine's potential to harm the river and the drinking water of more than 200,000 daily consumers in the greater Birmingham area, I believe the public interest, which overwhelmingly opposes the proposed mine, demands a permit denial. Please also consider this letter as a formal request for a second public hearing regarding the reissuance of this permit. I request on behalf of the Shepherd Bend Mine Opposition Coalition that this hearing be held at a central location within the distribution area of the BWWB's Mulberry Fork water supply (Birmingham) at a time that is convenient for working citizens who depend upon the Mulberry Intake for their drinking, cooking, bathing, and gardening water. I also request to be notified of ADEM's final decision concerning this permit application. Thank you for your consideration. I look forward to the Department's response.

Sincerely,



Charles Scribner  
Executive Director

Cc: Glenda Dean, Chief  
ADEM Water Division

Lance LeFleur, Director  
ADEM