



**For Immediate Release
July 22, 2011**



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Shepherd Bend Mine Receives Favorable Recommendation

Birmingham – Yesterday, an administrative Hearing Officer recommended that the state Environmental Management Commission (“EMC”) uphold a *National Pollutant Discharge Elimination System* (“NPDES”) wastewater discharge permit previously issued to Shepherd Bend Mine by the Alabama Department of Environmental Management (“ADEM”). Black Warrior Riverkeeper is disappointed by the Hearing Officer’s report, which we believe is not in the public interest.

Now, the Hearing Officer’s report must go before the EMC on August 19, 2011, and the EMC must decide whether to adopt the Hearing Officer’s recommendations. The EMC can make an independent determination about the adequacy of the Hearing Officer’s findings. Southern Environmental Law Center’s (SELC) Managing Attorney in Alabama, Keith Johnston, states “I hope the EMC thoroughly considers the ramifications of issuing this permit. It affects not only the Mulberry Fork, but 200,000 people who rely on the Mulberry Fork for a drinking water supply.”

If the EMC chooses to adopt the Hearing Officer’s recommendations, Black Warrior Riverkeeper, together with the SELC, will appeal that decision. Black Warrior Riverkeeper Nelson Brooke adds, “It is a shame that the Hearing Officer failed to understand that this coal mine permit is weak and will allow unacceptable levels of pollution to harm the river and drinking water for people in the greater Birmingham area. We will continue to fight this permit until justice is served.”

Black Warrior Riverkeeper and SELC first challenged ADEM’s issuance of permit because, even if Shepherd Bend Mine strictly adheres to the terms of its NPDES permit, the permit will allow the mine to discharge a variety of pollutants—iron, manganese, total suspended solids, total dissolved solids, sulfates and chlorides—into Birmingham-area drinking water.

Black Warrior Riverkeeper supplied expert testimony in the permit challenge about how the discharge of these pollutants would harm drinking water. Moreover, the Birmingham Water Works Board (“BWVB”) has offered detailed information as to how the allowed discharge from the mine will introduce pollutants and sediment into the source water, leading to increased treatment costs (typically passed on to customers) and possible health risks. The mine site is located on a bend of the Mulberry Fork approximately 800 feet across the river and upstream of a BWVB drinking water intake on the Mulberry Fork of the Black Warrior River which serves 200,000 area citizens.

Despite these compelling facts, the Hearing Officer, while expressing reservations, found that “there is not a preponderance of evidence that the permit in question authorizes discharges of pollutants which, upon discharge, will cause or contribute to a detectable contravention of state water quality standards.” According to the Director of SELC’s Georgia and Alabama offices, David Pope, “this decision is completely detached from the evidence presented, none of which the Hearing Officer’s report references.”

Black Warrior Riverkeeper’s Executive Director, Charles Scribner states “No matter what, we remain hopeful that the UA System, a majority land owner at Shepherd Bend, will not lease their land for mining so close to a major Birmingham drinking water intake.”

Black Warrior Riverkeeper encourages citizens to continue sharing their views about the Shepherd Bend Mine proposal with Dr. Robert E. Witt, President, University of Alabama, (205) 348-5100.

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Black Warrior Riverkeeper (www.blackwarriorriver.org) is a citizen-based nonprofit environmental advocacy organization whose mission is to protect and restore the Black Warrior River and its tributaries. The Southern Environmental Law Center (www.SouthernEnvironment.org) 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). For more information contact Black Warrior Riverkeeper Nelson Brooke at 205-458-0095 or Gil Rogers, Senior Attorney, Southern Environmental Law Center, 678-891-0410.