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Lands Unsuitable for Mining Petition Denied in Flawed Decision

Today the Alabama Surface Mining Commission (ASMC) refused to declare 40,300 acres of land adjacent to the Mulberry Fork of the Black Warrior River as off limits to coal mining, missing an historic opportunity to protect the drinking water source for 200,000 residents in the greater Birmingham area.

Staff Attorney Eva Dillard commented, “It is a shame that state regulatory agencies are not doing more to ensure that the citizens of Birmingham have a safe, dependable and affordable supply of drinking water, both now and for the future.”

Riverkeeper Nelson Brooke believes: “This stretch of river deserves full protection as a vital source of water, and as a recreation resource for the general public. The state should not be allowing companies to discharge water pollution from coal mines into the daily source of water for 200,000 greater Birmingham-area drinking water consumers.”

Black Warrior Riverkeeper filed a petition with the ASMC on September 10, 2012 to designate this area as unsuitable for coal mining under a provision of Alabama’s Surface Mining Control and Reclamation Act which was specifically enacted to preserve public resources like drinking water. The designation is required when surface mining could *potentially* result in a substantial loss or reduction in the long range productivity of the water supply.

Riverkeeper submitted extensive public comments and evidence to support their petition, including an analysis of Birmingham Water Works Board water quality data, as well as preliminary data recently compiled by the Alabama Department of Environmental Management demonstrating that even after reclamation occurs, surface coal mining has negative effects on downstream water quality.

Citing concerns about potential treatment cost hikes or even an inability to treat the water under certain circumstances, the Birmingham Water Works Board intervened in the petition process to represent their concerns about the impacts of surface coal mining on source water quality.

John Kinney, Enforcement Coordinator for Black Warrior Riverkeeper notes that “After initial review, it appears the ASMC severely misinterpreted the available data as well as the standard of review for the petition.” Despite the fact that ASMC made a flawed decision, Riverkeeper will continue to oppose current and potential threats to the largest water source for Alabama’s largest city.

Meanwhile, in a separate effort, Riverkeeper and a growing coalition remain steadfast in their opposition to the proposed Shepherd Bend Mine. The ASMC has granted the Shepherd Bend Mine a permit – still contested – to mine across from the same Birmingham Water Works Board intake that Riverkeeper sought to protect with its Lands Unsuitable for Coal Mining Petition. The Shepherd Bend Mine Opposition Coalition urges the University of Alabama System, the major owner of land and mineral rights at Shepherd Bend, to oppose this threat to a major drinking water source.

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Black Warrior Riverkeeper’s mission is to protect and restore the Black Warrior River and its tributaries. We are a citizen-based nonprofit organization advocating for clean water, wildlife habitat, and recreational opportunities throughout the Black Warrior River watershed. To learn more about the river and threats to it, visit BlackWarriorRiver.org.