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**CLEAN WATER GROUPS CHALLENGE MASSIVE COAL MINE IN BLACK WARRIOR WATERSHED**

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Birmingham – In another challenge of the Alabama Department of Environmental Management’s failure to protect the purity of Alabama’s waterways, the Southern Environmental Law Center today petitioned for a hearing on the permit issued last month for a 3,255-acre coal mine in Blount County. The proposed mine would have more than 60 pollution discharge points into the main stem or feeder streams of the Locust Fork, a tributary of the Black Warrior River that is already on ADEM’s list of the worst polluted streams in the state due to sediment.

Today’s petition was filed on behalf of the Black Warrior Riverkeeper and The Friends of the Locust Fork River. SELC already represents the Black Warrior Riverkeeper in an ongoing legal challenge of ADEM’s actions in permitting the Shepherd Bend coal mine in Walker County. In both cases, the agency has ignored federal and state laws and its own regulations.

“Ultimately, the problem goes beyond these projects, and lands squarely on the shoulders of ADEM which is consistently failing to protect water quality throughout the state. The Rosa and Shepherd Bend coal mines are exhibit A,” said SELC Senior Attorney Gil Rogers.

The Rosa coal mine permit is deficient in numerous ways. The mine would discharge pollution into a segment of Locust Fork which is listed—by ADEM—as “impaired” under the Clean Water Act. Alabama law prohibits causing or contributing to the pollution of an impaired water body. The agency acknowledged the impaired status of the Locust Fork in their permit rationale, but issued the permit anyway.

“ADEM needs to quit rubber-stamping these pollution permits and get serious about its role as the environmental regulator of coal mine operations,” said Black Warrior Riverkeeper Nelson Brooke. “Our waterways are much too precious to be so utterly neglected and exploited.”

Also, in an identical violation as in the Shepherd Bend permit, ADEM issued the Rosa mine permit without first receiving a pollution abatement and prevention plan from the company, MCoal, detailing how pollution would be kept out of nearby waters, as its own rules require. Rather, following ADEM’s practice of many years, MCoal said it would submit the plan to the Alabama Surface Mining Commission. However, the commission has no authority over water pollution, Rogers said, and assessing a mining permit for compliance with water quality standards without a pollution abatement plan is meaningless.

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In addition, the permit's limits for heavy metals, sediment and other pollutants are virtually identical to the ones in the Shepherd Bend permit, despite the fact that the Rosa mine site would be almost twice the size, have twice the number of discharge points, and would be located in a stressed watershed. Further, the permit grants a sweeping exemption from all pollution limits when it rains, even though such limits are designed precisely to protect streams and rivers from storm runoff.

"ADEM has been asleep at the switch for far too long on these coal mine permits, and the Black Warrior watershed has suffered as a result. We will continue to take legal action to ensure that mining operations have as little impact on water quality as possible," Rogers said.

"This is one of the Locust Fork's most scenic sections and locals want to keep the river safe after having seen it take thirty years to recover from past strip mining," said Sam Howell, president of The Friends of the Locust Fork River.

The Black Warrior River watershed stretches over 6,000 square miles entirely within the state of Alabama. The river and its tributaries are a major source of drinking water for many cities, including Birmingham and Tuscaloosa. The Locust Fork is one of Alabama's longest remaining free-flowing rivers. It is a great place to swim, canoe and kayak, fish, photograph, watch wildlife, and is home to a number of rare fish, mussels, snails, turtles and salamanders.

The Warrior Coal Basin lies underneath the majority of the Black Warrior River watershed. This basin is the southernmost coal deposit in Appalachia and the largest coal basin in Alabama, with 94 active mines in the Black Warrior watershed. As a result, the Black Warrior River continues to suffer from impaired water quality due to heavy metals, acids, and sediment that run off from active and abandoned coal mines.

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The Southern Environmental Law Center is the only regional nonprofit 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.

[www.SouthernEnvironment.org](http://www.SouthernEnvironment.org)

Black Warrior Riverkeeper is a non-profit advocacy organization whose mission is to protect and restore the Black Warrior River and its tributaries. The Alabama Environmental Council's 2007 Conservation Organization of the Year, and the American Canoe Association's 2008 Green Paddle Award winner, we are a proud grassroots member of Waterkeeper Alliance. [www.blackwarriorriver.org](http://www.blackwarriorriver.org)

The Friends of the Locust Fork River is a non-profit grassroots organization dedicated to preserving the integrity of the Locust Fork River in its natural free-flowing state, and to that end, the lifestyle of the community which surrounds it. <http://www.flfr.org>