

SUBMITTED BY: Councilor Crystal N. Smitherman

RECOMMENDED BY: Public Improvement Committee

RESOLUTION NO. 728-19

WHEREAS, the Council of the City of Birmingham, believes that clean, safe, and reasonably-priced drinking water and the health of the Black Warrior River watershed are both essential to the quality of life for residents of the greater Birmingham area and the State of Alabama; and

WHEREAS, a new coal mine called the “No. 5 Mine” is being proposed along the Mulberry Fork of the Black Warrior River near Dovertown and Cordova, upstream of one of greater Birmingham’s drinking water intakes for 200,000 residents daily; and

WHEREAS, the No. 5 Mine will discharge polluted water into the Mulberry Fork and its tributaries only 5.5 miles upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB); and

WHEREAS, the Mulberry Fork has an official state designated use classification of “Public Water Supply,” and therefore should not be subjected to 23 polluted water discharge points; and

WHEREAS, the Birmingham Water Works Board’s 2013 Source Water Assessment identifies a “Source Water Protection Area” along the Mulberry Fork and its tributaries fifteen miles upstream and a quarter mile downstream of the Mulberry Intake. This area includes a 500 foot buffer along the river and its main tributaries. The proposed mine significantly encroaches within that SWPA; and

WHEREAS, as a result of litigation by the BWVB, the Alabama Surface Mining Commission (ASMC) and No. 5 Mine were ordered by a court to demonstrate how mining could safely occur on the industrial portion of the property; their first attempt was deemed inadequate and the court ordered them to try again or they could not mine that portion of the site; and

WHEREAS, according to prior BWVB comments, No. 5 Mine “has the potential to adversely impact the Birmingham area drinking water.” The drinking water source, the Mulberry Fork, already carries a heavy pollutant burden at times. Additional pollutant loading into the source upstream of the intake is not advisable; and

WHEREAS, if the mine leads to greater demands on treatment operations as well as increased treatment costs, these costs will be paid by ratepayers, not the mining company; and

WHEREAS, previous comment letters on the mine submitted by the BWVB and Black Warrior Riverkeeper incorporate extensive data about the possible impacts of mining on aquatic resources

and the public water source. In sum, those comments conclusively demonstrate that permitting coal mining so close to a public drinking water source should not happen; and

WHEREAS, until March 29, 2019, the ASMC is accepting permit comments in reference to the No. 5 Mine via surface mail to: ASMC, P.O. Box 2390, Jasper, AL 35502-2390, or via e-mail to Milton.McCarthy@asmc.alabama.gov.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham, that we implore the Alabama Surface Mining Commission to deny the permit for the proposed No. 5 Mine.

ADOPTED this twenty-sixth Day of March, Two Thousand Nineteen.

Adopted by the Council March 26, 2019 and Approved by the Mayor March 29, 2019



A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, Al
Lee Frazier