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Court Rules that Drummond is Violating the Clean Water Act on Black Warrior River's Locust Fork

Birmingham, Ala. – An Alabama federal judge has ruled that Drummond Company is violating the Clean Water Act by continuously discharging acid mine drainage into the Black Warrior River's Locust Fork from the Maxine Mine site. In an [order issued May 7](#), Judge Abdul Kallon rejected Drummond's arguments that the Clean Water Act does not prohibit ongoing pollution originating from a substantial coal mine waste pile left at the site when mining operations ceased.

"We are pleased with the ruling in our lawsuit challenging Drummond's ongoing pollution at its Maxine Mine site, which poses a significant threat to people and wildlife on the Black Warrior River's Locust Fork," said Barry Brock, senior attorney for the Southern Environmental Law Center. "The Court found as a matter of law that Drummond is violating the Clean Water Act by discharging acid mine drainage at the site."

The [lawsuit was filed in 2016](#) by Black Warrior Riverkeeper, which is represented by the Southern Environmental Law Center and Public Justice. The ruling granted Black Warrior Riverkeeper's motion for summary judgment seeking to hold Drummond liable for discharges of contaminants contained in surface water being channeled from the waste pile to the river. Additional liability claims by Black Warrior Riverkeeper, as well as the determination of an appropriate remedy for the site, will be determined later at trial.

"This case is a prime example of the need to address long-standing, serious water pollution violations in Alabama," said Jim Hecker, co-counsel in the case and Environmental Enforcement Director for Public Justice. "The Riverkeeper's citizen suit has worked as Congress intended to enforce the law when governmental agencies have not."

The abandoned underground coal mine is located on the banks of the Locust Fork of the Black Warrior River near Praco, Alabama. When mining operations at the Maxine Mine ceased, an enormous pile of mining waste was left at the site, as well as sediment basins full of coal mining waste and contaminated runoff. As a result, mining waste and acid mine drainage have been illegally discharging from the site into the Locust Fork and tributaries through surface water runoff and seeps for years. The mine's waste has also completely filled what was once a flowing tributary of the Locust Fork.

"Drummond's abandoned Maxine Mine has been illegally discharging coal mine waste and toxic water loaded with heavy metals into the lower Locust Fork for decades," said Nelson Brooke, Black Warrior Riverkeeper. "Maxine Mine's discharges are upstream of homes, recreation areas, and drinking water sources. It is about time for this nasty site to be cleaned up."

For Nelson Brooke's high-resolution picture of polluted water from the Maxine Mine waste pile entering the Locust Fork, [click here](#). For a gallery of additional Maxine Mine pictures by Nelson Brooke, [click here](#).

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[Black Warrior Riverkeeper](#)'s mission is to protect and restore the Black Warrior River and its tributaries. The citizen-based nonprofit organization promotes clean water for improved public health, recreation, and wildlife habitat throughout the Black Warrior River watershed.

[Public Justice](#) pursues high impact lawsuits to combat social and economic injustice, protect the Earth's sustainability, and challenge predatory corporate conduct and government abuses.

[Southern Environmental Law Center](#) has used the power of the law to champion the environment of the Southeast for more than 30 years. With over 80 attorneys and nine offices across the region, SELC is widely recognized as the Southeast's foremost environmental organization and regional leader. SELC works on a full range of environmental issues to protect our natural resources and the health and well-being of all the people in our region.