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Black Warrior Riverkeeper Files Notice of Intent to Sue Drummond for Pumping Polluted Water

ADEM Failed to Require a Necessary Clean Water Act Permit to Limit and Monitor Pollution

Birmingham, AL— Black Warrior Riverkeeper has filed a notice of intent to sue Drummond Company for new violations at its Maxine Mine site, an abandoned underground coal mine located on the banks of the Locust Fork of the Black Warrior River near Praco, Alabama. Black Warrior Riverkeeper is asking Drummond to stop the discharge of pollutants and seek the required Clean Water Act permit.

Black Warrior Riverkeeper, Public Justice, and the Southern Environmental Law Center previously sued Drummond in 2016 to stop the acid mine drainage that Drummond has been illegally discharging from the Maxine Mine site into the Locust Fork for decades. [On May 7, 2019, an Alabama federal judge ruled that Drummond is violating the Clean Water Act](#) by discharging acid mine drainage, without a permit, into the Locust Fork from the Maxine Mine site. The trial is set for May of 2022.

More recently, Drummond started pumping polluted water from the old underground mine and discharging it into an unnamed tributary of the Locust Fork. These pumped discharges of polluted water represent new violations of the Clean Water Act. That law is supposed to prohibit the discharge of pollutants by any person into waters of the United States except in compliance with the terms of a pollution permit issued by the EPA or an authorized state like Alabama.

Despite the Clean Water Act's requirements (and complaints from affected homeowners near the mine), the Alabama Department of Environmental Management (ADEM) allowed Drummond to discharge the pollution without first obtaining the necessary permit. Drummond's own sampling of the discharge shows high levels of iron, conductivity, sulfates, and total dissolved solids.

Property owners downstream noticed adverse effects of the pumped discharge on the water around their homes and complained to ADEM. These residents are already dealing with significant algae and sediment issues in the slough in front of their homes. Despite the Clean Water Act clearly requiring ADEM to do so, ADEM failed to require a pollution permit, which would place limits and other restrictions on Drummond's pollution.

“Drummond should know by now they are not above the law, but ADEM's unwillingness to enforce the law in Alabama is sending them the wrong message,” said Black Warrior Riverkeeper Nelson Brooke. “That is why we are taking action to protect Alabama's water resources, residents, and wildlife.”

[Drone footage of the polluted discharge](#) taken September 30, 2021 shows turbid, orange water gushing out of a pipe into a rip-rap channel and beaver pond before discharging into an unnamed

tributary of the Locust Fork. That tributary flows into Fred Vines Slough on the lower Locust Fork, where people have both permanent and vacation homes. The entire length of the small tributary above the slough has been polluted by the discharge.

“Being a property owner in the slough where mine water being pumped eventually flows to is not beneficial to the Warrior River for any reason,” said neighbor L.J. Blair. “The algae bloom has turned into a stinking nightmare.”

[Click here to read](#) Black Warrior Riverkeeper’s Notice of Intent to Sue Drummond.

[Click here to view](#) a high-resolution photograph of Drummond’s unpermitted well pump discharge of a large volume of polluted water.

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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. Learn more at BlackWarriorRiver.org.