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June 21, 2022

Walter J. Scheller, III
Chief Executive Officer and Director
Warrior Met Coal, LLC
16243 Highway 216
Brookwood, Alabama 35444-3058

Jim Reyher
Vice President
MRC-FG, LLC
5002 Monument Avenue
Richmond, Virginia 23230

Re: Notice of Intent to File Citizen Suit under Clean Water Act, Surface Mining Control and Reclamation Act, and Alabama Surface Mining Control and Reclamation Act for Violations at Warrior Met Coal Mining, LLC's Mine No. 7

To Whom It May Concern:

Black Warrior Riverkeeper, Inc. (Riverkeeper) intends to file a lawsuit against Warrior Met Coal, LLC (Warrior Met Coal) and/or MRC-FG, LLC (MRC-FG) under § 505 of the Clean Water Act (CWA), 33 U.S.C. §1365, for violations of the CWA at its Mine No. 7 as more fully set out below. Riverkeeper further notifies you that it intends to file a lawsuit against Warrior Met Coal and/or MRC-FG under § 520 of the Surface Mining Control and Reclamation Act ("SMCRA"), 30 U.S.C. § 1270, for violations of the Alabama Surface Mining Act (ASMCR) as more fully set out below. Finally, Riverkeeper notifies you that it intends to file a lawsuit against Warrior Met Coal and/or MRC-FG under the ASMCR, Ala. Code § 9-16-95, for the violations of ASMCR described below.

These violations are occurring at Warrior Met Coal's Mine No. 7 and associated coal preparation plant, located in Tuscaloosa County at 18069 Hannah Creek Road, Brookwood, Alabama 35444. Based upon public records, Warrior Met Coal owns and operates Mine No. 7 where these violations are occurring. Based upon public records, MRC-FG is permitted to operate the coal processing facility at the site known as Mine No. 7 Preparation Plant at 18069 Hannah Creek Road, Brookwood, Tuscaloosa County, Alabama.

MRC-FG, LLC has the NPDES permit to operate the associated coal preparation plant, which is contributing to these violations at Mine No. 7. Although the outfalls closest to where the violations are occurring are covered under MRC-FG's NPDES permit, Warrior Met Coal has represented in the past¹ that it continues to have operational control of discharges from the outfalls at the preparation plant. Seeps of mine wastewater flowing offsite originate within the area identified as the Mine No. 7 permit boundary on maps included in the facility's most recent draft NPDES permit. Riverkeeper provides this notice pursuant to 40 C.F.R Part 135, Subpart A, 30 C.F.R. § 700.13, and Ala. Admin. Code r. 880-X-2A-.09.

I. PERSON GIVING NOTICE

Pursuant to 40 C.F.R. § 135.3(a), 30 C.F.R. § 700.13 and Ala. Admin. Code r. 880-X-2A-.09., notice is hereby provided that the name, address and telephone number of the person giving notice of intent to sue is as follows: Black Warrior Riverkeeper, Inc., 712 37th Street South, Birmingham, AL 35222, Tel: (205) 458-0095. Riverkeeper is an entity organized under the laws of the State of Alabama that seeks to protect, restore and preserve the Black Warrior River and its tributaries through education, advocacy, and pollution prevention. It is a member organization with over 6,000 members, some of whom live, work and/or recreate in the area of the violations discussed herein, and who are harmed by those violations. Furthermore, these injuries or risks are traceable to Warrior Met and/or MRC-FG's violations as alleged in this notice letter, and redressing those ongoing violations will redress the members' injuries or harm.

II. BACKGROUND

Mine No. 7 is an underground coal mining operation with an associated preparation plant with surface water discharges to Davis Creek, Prudes Creek, Shoal Creek, an unnamed tributary (UT) to Clark Branch, UTs to Davis Creek, a UT to Hannah Mill Creek, UTs to Mudd Creek, a UT to Lye Branch, UTs to Prudes Creek, UTs to Rockhouse Creek, a UT to Texas Creek, and a UT to Woods Creek, all classified as Fish and Wildlife, in the Black Warrior River basin.

On August 3, 1983, the ASMC issued ASMC Permit P-3247 authorizing surface mining operations at Mine No. 7 incident to an underground coal mine. On March 16, 2018, the ASMC reissued ASMC Permit P-3247 to Warrior Met Coal. That permit expires March 1, 2023.

¹ See ADEM May 10, 2021 Memorandum from Jasmine L. White to Catherine McNeill ("Warrior Met Coal is still running the prep plant site" and "MRC is not in operation at the site at this time.") See also ADEM Consent Order 22-043-CWP § 5 ("Outfalls 001, 002, and 008 ("the Outfalls") were previously covered by NPDES Permit Number AL0029181 which was issued to Warrior Met Coal Mining, LLC ("WMC") for its Mine No. 7 facility. Although Outfalls are now covered by the Permit held by the Permittee, upon information and belief, WMC has continued to have operational control of discharges to Outfalls at the Plant.")

On February 24, 2021, 2021, the Alabama Department of Environmental Management (ADEM) modified and reissued National Pollutant Discharge Elimination System (NPDES) Permit Number AL0029181 (the WMC permit) to Warrior Met Coal, effective March 1, 2021. The WMC permit authorizes Warrior Met to discharge treated process wastewater from mining operations at specific outfalls at Mine No. 7, subject to certain limitations.² The WMC permit further requires Warrior Met “to operate and maintain all facilities and systems of treatment and control (and related appurtenances) ...”³ Finally, the WMC permit specifically prohibits the “discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit;” such a discharge “is not authorized and shall constitute noncompliance with this Permit.”⁴

On February 24, 2021, ADEM issued NPDES Permit No. AL0084140 to MRC-FG (the MRC-FG permit). The MRC-FG permit covers a new source coal wet preparation plant at Mine No. 7 and authorizes MRC-FG to discharge treated process wastewater from the coal fines recovery process, along with drainage from the underground workings of the underground mine, drainage from mine reclamation, discharge of process water from the coal fines recovery, and runoff from disturbed and auxiliary areas.⁵ The MRC-FG permit authorizes these discharges at specific outfalls at Mine No. 7 and its prep plant, subject to certain limitations. Outfalls 001, 002 and 008, previously permitted under the WMC NPDES permit AL0029181, are now permitted under MRC-FG’s NPDES permit. The MRC-FG permit further requires MRC-FG “to operate and maintain all facilities and systems of treatment and control (and related appurtenances) ...”⁶ Finally, the MRC-FG permit specifically prohibits the “discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit;” such a discharge “is not authorized and shall constitute noncompliance with this Permit.”⁷

Warrior Met Coal was authorized under the previous version of the WMC permit to discharge from Slurry Impoundment No. 14 through Outfall DSN-007 to waters of the State. However, ADEM released Warrior Met Coal from monitoring at DSN-007 on August 10, 2020. Warrior Met instructed ADEM on July 23, 2020 that the flow previously discharged through DSN-007 had been rerouted to flow through Basin 009/Outfall DSN-008⁸ and that discharges from DSN-007 had been discontinued.

² WMC permit, Part I.A.

³ *Id.*, Part II.A.1.

⁴ *Id.*, Part II.D.1.f.

⁵ MRC-FG Draft Permit Rationale at 1.

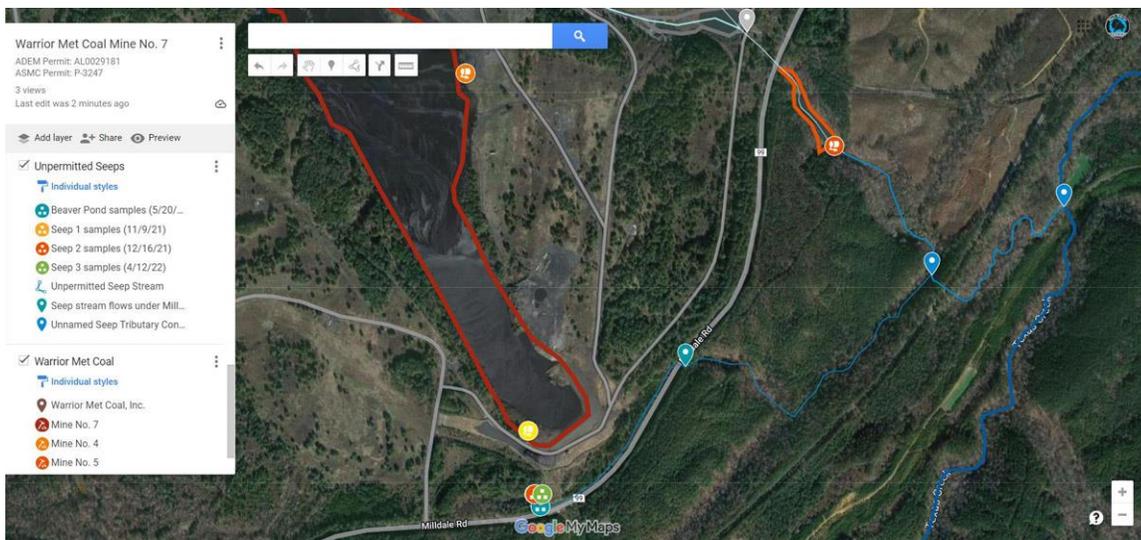
⁶ *Id.*, Part II.A.1.

⁷ *Id.*, Part II.D.1.f.

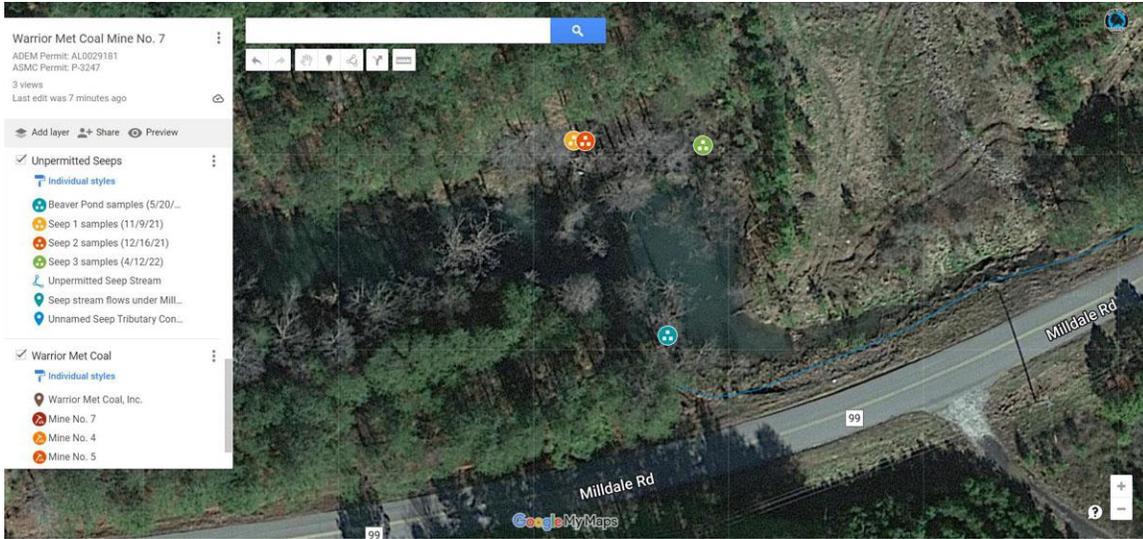
⁸ Discharges from Basin 009/Outfall DSN-008 are authorized by NPDES Permit No. AL0084140, issued to MRC-FG.

However, not all of the flow from Slurry Impoundment No. 14 was rerouted to DSN-008. Warrior Met Coal and/or MRC-FG continue to discharge pollutants and a significant volume of wastewater through seeps from Slurry Impoundment No. 14 in the area downgradient of former DSN-007. ADEM’s August 10, 2020 release approval specifically requires WMC to notify ADEM in writing and immediately resume the monitoring and reporting requirements if “any changes occur at the site or discharge conditions upon which the release is based....” That approval letter also states that “the Department may require the Permittee in writing to resume monitoring requirements” at Outfall DSN-007.”

The seeps are emanating from the base of the hillside downgradient of the southwestern tip of Slurry Impoundment No. 14. Large volumes of water that reek of mine wastewater are seeping out of the hillside in multiple locations. The ground is saturated with water and the plants and trees are mostly dead, causing the area to be bare and muddy. Algae is present at the seep locations. Beavers have dammed up the seep water at the bottom of the hillside, where it meets the next hillside and Milldale Road. The water in the beaver pond is cloudy and grey blue-green, indicative of mine wastewater. The seep water then flows through the beaver dam to the east in an unnamed tributary along the north side of Milldale Road.



[Google Map](#) of Warrior Met Coal’s Mine No.7 Slurry Impoundment No. 14, associated outfalls, and receiving streams



Close-up of [Google Map](#) showing locations of unpermitted seeps and beaver pond downgradient of Slurry Impoundment No. 14



Beaver Pond next to Milldale Road created by beavers damming up water emanating from unpermitted seeps at the southwestern end of Slurry Impoundment No. 14 (5/20/21) | Nelson Brooke [GPS coordinates: 33.284067, -87.240481]



Beaver Pond and Seep (6/11/21 and 6/14/21) | Mark Meador



Seep and Beaver Pond (7/8/21) | Chuck Garrison



Seep 1 coming out of the ground and flowing overland into the beaver pond next to Milldale Road in background (11/9/21) | Nelson Brooke [GPS coordinates: 33.2843540, -87.2406456]



Seep 2 coming out of the ground and flowing overland into the beaver pond next to Milldale Road in background (12/16/21) | Nelson Brooke [GPS coordinates: 33.2843531, -87.2406248]



Beaver Pond (3/25/22) | Mark Meador



Beaver Pond (4/6/22) | Chuck Garrison



**Seep 3 coming out of the ground and flowing overland into the beaver pond next to Milldale Road (4/12/22) | Nelson Brooke
[GPS coordinates: 33.2843461,-87.2404180]**



Beaver Pond and Seep (6/3/22) | Chuck Garrison



Beaver Pond and Seep (6/16/22) | Mark Meador

Analytical results from Black Warrior Riverkeeper’s samples of the seep discharges show the presence of iron, manganese, magnesium, aluminum, nickel, and zinc as well as chloride, sodium, which are characteristic of coal mining and prep plant operations, as well as the presence of a hazardous chemical, di-n-octylphthalate. The analytical results also show elevated levels of specific conductance (conductivity), sulfate, and total dissolved solids that are characteristic of wastewater from coal mining, coal preparation and their associated activities.⁹ EPA has recommended a conductivity benchmark of

⁹ The samples were taken on May 20 [33.284067, -87.240481], November 9 [33.2843540, -87.2406456], December 16 [33.2843531, -87.2406248], 2021, and April 12, 2022 [33.2843461,-87.2404180]. The sample results are attached as Exh. A, Exh. B, Exh. C, and Exh. D. The December 16 sample shows the presence of Di-n-octylphthalate, a volatile organic compound which is classified as a hazardous substance. <https://wwwn.cdc.gov/TSP/PHS/PHS.aspx?phsid=971&toxid=204>.

300 - 500 $\mu\text{S}/\text{cm}$ for the Central Appalachian region based upon peer-reviewed scientific studies. *See Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order* (July 21, 2011) at 18.¹⁰ On May 20, November 9, and December 16, 2021 as well as April 12, 2022 the conductivity levels in the sampled seep discharges below Slurry Impoundment No. 14 were 3-6 times the highest benchmark level of 500 $\mu\text{S}/\text{cm}$.¹¹

III. CLEAN WATER ACT

Congress enacted the Clean Water Act to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”¹² The Act further declared that “it is the national goal that the discharge of pollutants into the navigable waters be eliminated”¹³ As one means of achieving that objective, the CWA prohibits “the discharge of any pollutant by any person” unless it meets the National Pollutant Discharge Elimination System (“NPDES”) permitting requirements set forth in section 402 of the Act, 33 U.S.C. § 1342.¹⁴

IV. SURFACE MINING CONTROL AND RECLAMATION ACT

SMCRA was established to “protect society and the environment from adverse effects of surface coal mining operations.”¹⁵ SMCRA covers all surface coal mining operations in the United States as well as the surface effects of underground coal mining.¹⁶ In addition, SMCRA covers coal preparation and processing facilities, coal waste piles, and those coal-loading facilities that are located at or near a mine site.¹⁷ Pursuant to SMCRA § 503, 30 U.S.C. § 1253, and State law, the State of Alabama issued rules and regulations to provide for the regulation of surface coal mining and reclamation operations consistent with regulations issued by the Secretary of the Interior under SMCRA. On January 11, 1982, Alabama submitted a surface coal mining and reclamation regulatory program to the Secretary of the Interior for review. On May 20, 1982, and at other times thereafter, the Secretary of the Interior

¹⁰ Alabama is in central Appalachia and Eco-region 68 (as is Kentucky, which is one of the two states where the scientific studies underlying the Final Guidance were conducted).

¹¹ See Exhs. A, B, C, and D attached, and the following specific conductance measurements. May 20, 2021: 2,580 $\mu\text{S}/\text{cm}$, November 9, 2021: 3,010 $\mu\text{S}/\text{cm}$, December 16, 2021: 2,850 $\mu\text{S}/\text{cm}$, and April 12, 2022: 1,743 $\mu\text{S}/\text{cm}$.

¹² 33 U.S.C. § 1251.

¹³ 33 U.S.C. § 1251(a)(1).

¹⁴ 33 U.S.C. § 1311.

¹⁵ 30 U.S.C. § 1202(a).

¹⁶ 30 U.S.C. 1266.

¹⁷ 30 U.S.C. § 1291(28).

approved the State of Alabama’s surface coal mining and reclamation regulatory program under SMCRA § 503, 30 U.S.C. § 1253. 30 C.F.R. Part 901; 47 Fed. Reg. 22057 (1982).

Persons seeking to engage in coal mining operations in the state of Alabama must first obtain a permit for those operations in accordance with the state’s regulatory program.¹⁸ “[N]o person shall engage in or carry out surface coal mining within the State of Alabama unless that person has first obtained a valid permit issued by the State Regulatory Authority.”¹⁹ “All persons shall conduct surface coal mining and reclamation operations under permits issued pursuant to this Chapter and by the State Regulatory Authority and shall comply with the terms and conditions of the permit.”²⁰ Violations of applicable regulatory standards is a violation of SMCRA § 503.²¹ Included in Alabama’s surface coal mining and reclamation regulatory program are environmental protection performance standards promulgated by the Alabama Surface Mining Commission applicable to coal mine operations.²²

V. SUMMARY OF CLAIMS

A. *Unpermitted Discharges – Clean Water Act*

Warrior Met Coal and/or MRC-FG are in violation of §§ 301 and 402 of the CWA (33 U.S.C. §§ 1311 and 1342). These laws mandate that Warrior Met Coal and MRC-FG shall not discharge pollutants to waters of the United States except in compliance with any permit issued pursuant to the NPDES program. On May 20, 2021; June 11, 2021; June 14, 2021; July 8, 2021; November 9, 2021; December 16, 2021; March 25, 2022; April 6, 2022; April 12, 2022; June 3, 2022 and June 16, 2022 Black Warrior Riverkeeper members or employees have documented large volume seeps discharging from the hillside at the southwest end of Slurry Impoundment No. 14, downgradient of the location of former Outfall DSN-007. Warrior Met Coal and/or MRC-FG are each a person who is (1) discharging (2) pollutants (3) into waters of the United States (4) from a point source (5) without a permit at Mine No. 7. *Parker v. Scrap Metal Processors, Inc.*, 386 F.3d 993, 1003 (11th Cir. 2004).

Warrior Met Coal and MRC-FG are “persons” pursuant to 33 U.S.C. § 1362(5) and are subject to the citizen suit provisions of the CWA, 33 U.S.C. § 1365. Warrior Met owns and/or operates Mine No. 7 where the polluted water is being discharged from seeps downgradient of Slurry Impoundment No. 14.

¹⁸ See Ala. Admin. Code r. 880-X-8A-.03(1).

¹⁹ Ala. Admin. Code r. 880-X-8B-.03.

²⁰ Ala. Admin. Code r. 880-X-8B-.04.

²¹ 30 U.S.C. § 1253.

²² See Chapter 880-X-10A and 10C.

MRC-FG is permitted to discharge wastewater from a single outfall at Slurry Impoundment No. 14, DSN-008. Neither the WMC permit nor the MRC-FG permit authorizes the seep discharges.

The activity described above constitutes a “discharge of pollutants” as that term is defined at 33 U.S.C. § 1362(12) and 40 C.F.R. § 122.2. Specifically, Warrior Met Coal and/or MRC-FG are discharging polluted water that is characteristic of mining and coal preparation wastewater with the presence of iron, manganese, magnesium, aluminum, nickel, and zinc as well as chloride, sodium, and high concentrations of conductivity, sulfate and total dissolved solids.²³ They are also discharging a hazardous chemical, di-n-octylphthalate.

The unnamed tributary below the seep discharge, which flows into an unnamed tributary (UT) to Texas Creek, Texas Creek, Davis Creek, and the Black Warrior River are all “Waters of the U.S.” The Eleventh Circuit has interpreted *Rapanos v. United States*, 547 U.S. 715 (2006), the seminal case addressing CWA jurisdiction over WOTUS, to mean that a tributary is a WOTUS if it has a “significant nexus” to a navigable water. *United States v. Robison*, 505 F.3d 1208, 1222–23 (11th Cir. 2007) (adopting Justice Kennedy’s test). The significant nexus test is met if there is downstream pollutant transport from the tributary to a navigable river. *United States v. Cundiff*, 555 F.3d 200, 211 n.4 (6th Cir. 2009); *N. Cal. River Watch v. City of Healdsburg*, 496 F.3d 993, 1001 (9th Cir. 2007); *United States v. Hubenka*, 438 F.3d 1026, 1034 (10th Cir. 2006).

The unnamed tributary is physically, biologically, and chemically connected to a UT to Texas Creek, which flows into Texas Creek, which flows into Davis Creek, a navigable-in-fact stream which is physically connected to the navigable-in-fact Black Warrior River. Waters of the U.S. include “tributaries of waters that can be navigated.” *Parker*, 386 F.3d at 1009. A tributary is a “stream which contributes its flow to a larger stream or other body of water.” *Headwaters, Inc. v. Talent Irrigation Dist.*, 243 F.3d 526, 533 (9th Cir. 2001). “[D]itches and canals, as well as streams and creeks,” including man-made ditches and man-altered water bodies, are navigable waters if they are tributaries of a larger body of water. *Parker*, 386 F.3d at 1009. ADEM previously required Warrior Met to have NPDES permit coverage for discharges from Slurry Impoundment No. 14 via DSN-007, and only released Warrior Met from coverage based upon a representation that all drainage was being re-routed to DSN-008. Warrior Met is not authorized by the WMC Permit to discharge wastewater from Slurry Impoundment No. 14 in the area downgradient of former DSN-007 where the seeps are discharging. Similarly, MRC-FG is not authorized by the MRC-FG permit to discharge wastewater from Slurry Impoundment No. 14 in the area downgradient of former DSN-007 where the seeps are discharging.

The CWA defines a point source to include “any discernable, confined, and discrete conveyance,” including pipes, ditches, channels, tunnels, conduits, wells and discreet fissures from which “pollutants are or may be discharged.” 33 U.S.C. § 1362(14). Slurry Impoundment No. 14 and the

²³ See Exh. A.

seeps downgradient of Outfall DSN-007²⁴ are “point sources” as that term is defined by the CWA. The Eleventh Circuit broadly construes the term “point source. *See Black Warrior Riverkeeper v. Drummond Co.*, 387 F.Supp.3d 1271, 1291 (N.D. Al 2019) (ditches, channels, gullies, basins, and dams that formed drainage system at mine are point sources).

Neither Warrior Met Coal nor MRC-FG is authorized, under Section 301(a), 33 U.S.C. 1311(a), and Section 402, 33 U.S.C. 1342, of the CWA, to discharge pollutants from the seep downgradient of former Outfall DSN 007 into the UT to Texas Creek. Warrior Met and/or MRC-FG are violating Section 301(a) of the CWA on an ongoing and continuous basis, by illegally discharging pollutants from a point source into the UT to Texas Creek, to Texas Creek, to Davis Creek, and to the Black Warrior River without a permit.

B. Violations of NPDES Permit Nos. AL0029181 and AL0084140 – Clean Water Act

Warrior Met Coal and/or MRC-FG are in violation of Section 301(a) of the CWA, 33 U.S.C. 1311(a), which prohibits the discharge of pollutants by any person into Waters of the United States except in compliance with the terms of a permit, such as an NPDES permit issued by the EPA or an authorized State pursuant to section 402 of the CWA, 33 U.S.C. § 1342. On May 20, 2021; June 11, 2021; June 14, 2021; July 8, 2021; November 9, 2021; December 16, 2021; March 25, 2022; April 6, 2022; April 12, 2022; June 3, 2022 and June 16, 2022 Black Warrior Riverkeeper members or employees have documented large volume seeps discharging from the hillside at the southwest end of Slurry Impoundment No. 14, downgradient of the location of former Outfall DSN-007. The seep discharges have been occurring for over a year and have increased over time: there are more of them, the bare areas around them have gotten larger and there is more dead vegetation. The seep discharges are violations of the following terms and conditions of the WMC and MRC-FG permits.

The seep discharges downgradient of Slurry Impoundment No. 14 constitute the “discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit.”²⁵ The seep discharges are not authorized and constitute noncompliance with the WMC and MRC-FG permits.²⁶

In addition, the seep discharges downgradient of Slurry Impoundment No. 14 result from the failure of Warrior Met Coal and/or MRC-FG “to operate and maintain all facilities and systems of

²⁴ Outfall DSN-007 is identified as 007 in the 2008 permit and as 007-1 in the 2021 permit. They are the same outfall. For ease of reference, Riverkeeper will refer to this and other outfalls discussed in this notice letter without the “-1” attached at the end.

²⁵ WMC permit, Part II.D.1.f.; MRC-FG permit, Part II.D.1.f.

²⁶ *Id.*

treatment and control (and related appurtenances)” at Mine No. 7”²⁷ That failure constitutes noncompliance with a condition of the permits.

C. Surface Mining Control and Reclamation Act: Violation of Performance Standards (Protection of Environmental Values and Water Quality)

The ASMC also developed performance standards under SMCRA designed to protect environmental values and water quality at the mine site. “Surface-water quality shall be protected by handling earth materials, ground-water discharges, and runoff in a manner that . . . prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow outside the permit area; and otherwise prevents water pollution.”²⁸ In addition,

[d]ischarges from sedimentation ponds, permanent and temporary impoundments, coal processing waste, dams and embankments, and diversions shall be controlled, by energy dissipaters, riprap channels, and other devices, where necessary, to reduce erosion, to prevent deepening or enlargement of stream channels, and to minimize disturbance of the hydrologic balance.²⁹

Moreover, “the operator shall, to the extent possible using the best technology currently available, minimize disturbances and adverse impacts on fish, wildlife, and related environmental values and shall achieve enhancement of such resources where practicable.”³⁰

Warrior Met Coal and/or MRC-FG have not protected water quality at Mine No. 7. Instead, Warrior Met Coal and/or MRC-FG’s seep discharges allow the contribution of pollutants through the unpermitted seeps into an unnamed tributary, which flows into a UT to Texas Creek, Texas Creek, Davis Creek, and the Black Warrior River. These failures by Warrior Met Coal and/or MRC-FG at Mine No. 7 contribute to adverse impacts on fish, wildlife, water quality, and those who live and recreate downstream.

VI. CONCLUSION

If Warrior Met Coal and/or MRC-FG fail to stop discharging the polluted water as discussed herein and fail to come into full compliance with the CWA, SMCRA, and ASMCRA within 60 days of the receipt of this letter, Riverkeeper intends to file a citizen suit seeking declaratory and injunctive

²⁷ WMC permit, Part II.A.1.; MRC-FG permit, Part II.A.1.

²⁸ Ala. Admin. Code r. 880-X-10C-.12 (4)(a).

²⁹ Ala. Admin. Code r. 880-X-10C-.18.

³⁰ Ala. Admin. Code r. 880-X-10C-.49 (1).

relief as well as civil penalties. Riverkeeper will request, among other remedies, a judgment declaring the discharges or violations described herein to be unlawful; declaring that Warrior Met Coal and/or MRC-FG are in continuing violation of the CWA; declaring that Warrior Met Coal and/or MRC-FG are in continuing violation of SMCRA and ASMCRA at Mine No. 7; enjoining Warrior Met Coal and/or MRC-FG from continuing to discharge polluted water from the seeps downgradient of Slurry Impoundment No. 14; and ordering Warrior Met Coal and/or MRC-FG to immediately cease the discharges. Riverkeeper intends to pursue these and similar or related violations, including all violations which occur or continue after service of this notice and all violations revealed in the course of the litigation discovery process.

Riverkeeper will also seek the imposition of civil penalties. *See* 40 C.F.R. Part 19. In addition, if successful in the prosecution of this suit, Riverkeeper intends to seek an award of the costs of litigation (including reasonable attorney and expert witness fees) under 33 U.S.C. § 1365 and 30 U.S.C. § 1270.

If Warrior Met Coal and/or MRC-FG have taken any steps to eradicate the violations described above, or if anything in this letter is inaccurate, please let me know. If Warrior Met Coal and MRC-FG do not advise me of any remedial steps taken during the notice period, we will assume that no such steps have been taken, that there are no material errors in this letter, and that violations are likely to continue. Finally, we would be happy to meet with Warrior Met Coal, MRC-FG or their representatives to attempt to resolve these issues within the notice period. Our preference always is to work with polluters to address and resolve the environmental compliance concerns we have identified.

Thank you for your attention to this matter and we look forward to hearing from you.

Sincerely,



Eva Dillard
Attorney for
Black Warrior Riverkeeper, Inc.

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Exhibit A

Sutherland

Environmental Company, Inc.

2515 5th Avenue South
Birmingham, AL 35233
205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	May 26, 2021
Attention:	Mr. Nelson Brooke	Reference #	45044
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Sample Collector:	N. Brooke		
Date Received:	5/20/21	Method Reference:	EPA, Standard Methods & Hach Methods		
Date /Time Collected:	5/20/21 @ 0951	Field ID:	Texas Creek	Lab ID:	226563

Parameter	Result	Units	Date / Time Assay		Analyst	Method	D.L.
Kjeldahl Nitrogen, Total	0.82	mg/L	5/20/21	1444	CCR	H 10242	0.10
Nitrate-Nitrite	BDL	mg/L	5/20/21	1444	CCR	SM4500-NO3-E	0.10
Phosphorus, Total	BDL	mg/L	5/20/21	1440	CRR	SM4500-P E	0.05
Ammonia	BDL	mg/L	5/20/21	1328	CCR	SM4500NH3-G	0.10
Total Coliform	320	#cols/100ml	5/21/21	1210	MSH/MJH	SM 9222B	10
E. Coli	200	#cols/100ml	5/21/21	1215	MSH/MJH	E 1603	10
TSS	14	mg/L	5/21/21	1242	CRR	SM 2540D	1
TDS	2,020	mg/L	5/24/21	1405	CRR	SM 2540C	10
Turbidity	12.50	NTU	5/20/21	1307	CCR	SM 2130B	1.00
Alkalinity	610	mg CaCO ₃ /L	5/26/21	1230	KD	SM 2320B	0.1
Sulfate, Total	849	mg/L	5/20/21	1412	CCR	SM4500-SO4-E	0.10
Specific Conductance*	2,900	umho/cm	5/21/21	1425	CRR	SM 2510B	10.0
Hardness	337	mgCaCO ₃ /L	5/26/21	1210	KD	SM 2340 B	1
Chloride, Total	98.6	mg/L	5/20/21	1353	CCR	SM4500-Cl-B	0.10

E. Coli start date/time: 5/20/21 @ 1250
Dilution Factor (mL): 10

Total Coliform start date/time: 5/20/21 @ 1250
Dilution Factor (mL): 10

*Specific Conductance analyzed at 24°C

BDL = Below Detection Limit
DL = Detection Limit , Method
ND = Non Detect
NA = Not Available

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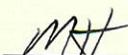
Client:	Black Warrior Riverkeeper	Report Date:	May 26, 2021
Attention:	Mr. Nelson Brooke	Reference #	45044
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

Sample Matrix:	water	Sample Collector:	N. Brooke		
Date Received:	5/20/21	Method Reference:	Standard Methods		
Date /Time Collected:	5/20/21 @ 1034	Field ID:	Beaver Pond	Lab ID:	226564

Parameter	Result	Units	Date / Time Assay		Analyst	Method	D.L.
Alkalinity	680	mg CaCO ₃ /L	5/26/21	1230	KD	SM 2320B	0.1
TSS	10	mg/L	5/21/21	1242	CRR	SM 2540D	1
TDS	1,980	mg/L	5/24/21	1405	CRR	SM 2540C	10
Turbidity	3.18	NTU	5/20/21	1307	CCR	SM 2130B	1.00
Sulfate, Total	521	mg/L	5/20/21	1412	CCR	SM4500-SO ₄ -E	0.10
Specific Conductance*	2,580	umho/cm	5/21/21	1425	CRR	SM 2510B	10.0
Hardness	87	mgCaCO ₃ /L	5/26/21	1210	KD	SM 2340 B	1
Chloride, Total	83.9	mg/L	5/20/21	1353	CCR	SM4500-Cl-B	0.10

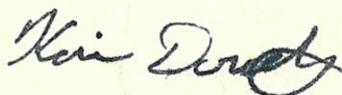
*Specific Conductance analyzed at 24°C

BDL = Below Detection Limit
DL = Detection Limit , Method
ND = Non Detect
NA = Not Available

 / QAQC

EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

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Client:	Black Warrior Riverkeeper	Report Date:	May 26, 2021
Attention:	Mr. Nelson Brooke	Reference #	45044
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

Sample Matrix:	water	Analytical	
Date Received:	5/20/21	Analyst:	Kevin Doriety
Date Collected:	5/20/21	Date Analysis:	5/25-26/21
Sample Collector:	N. Brooke	Method:	EPA Method 200.8

METALLIC ANALYTES

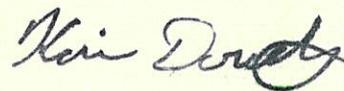
	FIELD ID	FIELD ID					Detection Limit,mg/L
	Texas Creek	Beaver Pond					
Analyte, mg/L as Total	LAB ID	LAB ID					
	226563	226564					
Arsenic	BDL	BDL					0.01
Cadmium	BDL	BDL					0.01
Chromium	BDL	BDL					0.01
Lead	0.0040	BDL					0.0020
Mercury	BDL	BDL					0.0005
Selenium	BDL	BDL					0.01
Silver	BDL	BDL					0.01
Aluminum	0.75	BDL					0.01
Thallium	BDL	BDL					0.01
Nickel	0.02	0.02					0.01
Zinc	0.06	0.08					0.01
Copper	BDL	BDL					0.01
Iron	2.12	0.05					0.01
Manganese	2.21	0.14					0.01
Magnesium	66	18					0.01
Calcium	26	5.27					0.02
Potassium	8.01	3.59					0.01
Sodium	200	228					0.07

BDL = Below Detection Limit
Detection Limit is Practical Quantitation Limit
All results expressed as PPM mg/L of total analyte

 / QAQC

EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Exhibit B

Sutherland

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Client: Black Warrior Riverkeeper	Report Date: November 16, 2021
Attention: Mr. Nelson Brooke	Reference # 45918
Address: 712 37th St. South	P.O. # verbal
Birmingham, AL 35222	Project ID: Mine No. 7

Sample Matrix: water	Sample Collector: N. Brooke
Date Received: 11/10/21	Method Reference: Hach, Standard Methods & EPA 600
Date /Time Collected: 11/9/21 @ 1614	Field ID: WMC Seep #1 Lab ID: 231217

Parameter	Result	Units	Date / Time Assay		Analyst	Method	D.L.
Kjeldahl Nitrogen, Total	0.57	mg/L	11/15/21	1106	CCR	H 10242	0.10
TSS	12	mg/L	11/15/21	1135	CCR	SM 2540D	1
TDS	2,305	mg/L	11/15/21	1513	CCR	SM 2540C	10
Conductivity	3,010	umho/cm	11/11/21	0914	CRR	SM 2510B	10
Sulfate, Total	577	mg/L	11/11/21	0921	CRR	SM4500-SO4-E	1.0
Chloride, Total	85.8	mg/L	11/11/21	0950	CRR	SM4500-Cl-B	0.1
Turbidity	1.86	NTU	11/11/21	0901	CRR	SM 2130B	1.00
Nitrate-Nitrite	BDL	mg/L	11/15/21	1106	CCR	SM4500-NO3-E	0.10
Ammonia	0.14	mg/L	11/12/21	1040	CCR	SM4500NH3-G	0.10
Phosphorus, Total	BDL	mg/L	11/15/21	1100	CCR	SM4500-P E	0.05
Sodium, Total	395	mg/L	11/16/21	0806	KD	E 200.8	0.010
Aluminum, Total	BDL	mg/L	11/15/21	0729	KD	E 200.8	0.010
Selenium, Total	BDL	mg/L	11/12/21	1221	KD	E 200.8	0.010
Arsenic, Total	BDL	mg/L	11/12/21	1221	KD	E 200.8	0.010
Calcium, Total	4.41	mg/L	11/15/21	0848	KD	E 200.8	0.010
Potassium, Total	3.44	mg/L	11/15/21	1002	KD	E 200.8	0.010
Cadmium, Total	BDL	mg/L	11/12/21	1025	KD	E 200.8	0.010
Chromium, Total	BDL	mg/L	11/12/21	1025	KD	E 200.8	0.010
Copper, Total	BDL	mg/L	11/15/21	0806	KD	E 200.8	0.010
Iron, Total	0.028	mg/L	11/15/21	0744	KD	E 200.8	0.010
Thallium, Total	BDL	mg/L	11/15/21	0919	KD	E 200.8	0.010
Silver, Total	BDL	mg/L	11/12/21	1046	KD	E 200.8	0.010
Nickel, Total	0.015	mg/L	11/15/21	0806	KD	E 200.8	0.010
Mercury, Total	BDL	mg/L	11/15/21	1238	KD	E 200.8	0.0005
Magnesium, Total	41	mg/L	11/15/21	1104	KD	E 200.8	0.010
Manganese, Total	0.16	mg/L	11/15/21	0744	KD	E 200.8	0.010
Lead, Total	BDL	mg/L	11/12/21	1025	KD	E 200.8	0.0020
Zinc, Total	0.021	mg/L	11/15/21	0806	KD	E 200.8	0.010
Specific Conductance*	3,010	umho/cm	11/11/21	0914	CRR	SM 2510B	10.0

*Specific Conductance analyzed at 13°C

Respectfully submitted,

Kevin Doriety
Analytical Chemist

NA = Not Available
BDL = Below Detection Limit
D.L. = Detection Limit, Method

/ QAQC
EPA Laboratory ID AL01084

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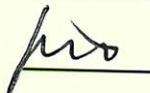
Client:	Black Warrior Riverkeeper	Report Date:	November 16, 2021
Attention:	Mr. Nelson Brooke	Reference #	45918
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

Sample Matrix:	water	Extraction Date:	11/11/21
Date Received:	11/10/21	Analyst:	Hageman/Heard
Date Collected:	11/9/21	Date Analysis:	11/15/21
Sample Collector:	N. Brooke	Method:	EPA Method 8270C

ACID EXTRACTABLES - PHENOLS

Acid Extractable Compounds, ppb	FIELD ID						Detection Limit, ppb
	WMC Seep #1						
	LAB ID						
	231217						
4-chloro-3-methylphenol	BDL						5
2 chlorophenol	BDL						5
cresols - o,m,p	BDL						5
dichlorophenols	BDL						5
2,4 dimethylphenol	BDL						5
4,6-dinitro-2-methylphenol	BDL						5
2,4-dinitrophenol	BDL						5
4-nitrophenol	BDL						5
pentachlorophenol	BDL						50
phenol	BDL						5
tetrachlorophenols	BDL						25
trichlorophenols	BDL						25

BDL = Below Detection Limit, Method
Detection Limit is Method Detection Limit
All results expressed as PPB (ug/L)

 / QAQC

EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Exhibit C

Sutherland

Environmental Company, Inc.

2515 5th Avenue South
Birmingham, AL 35233
205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	December 28, 2021
Attention:	Mr. Nelson Brooke	Reference #	46136
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

Sample Matrix:	water	Analytical	
Date Received:	12/16/21	Analyst:	Hageman/Heard
Date Collected:	12/16/21	Date Analysis:	12/19/21
Sample Collector:	N. Brooke	Method:	EPA Method 624

VOLATILE ORGANIC COMPOUNDS

VOLATILE ORGANIC COMPOUNDS, PPM	FIELD ID WMC Seep #2 LAB ID 232318				Detection Limit PPM
Benzene	BDL				0.005
Bromobenzene	BDL				0.005
Bromochloromethane	BDL				0.005
Bromodichloromethane	BDL				0.005
Bromoform	BDL				0.005
Bromomethane	BDL				0.005
n-Butylbenzene	BDL				0.005
sec-Butylbenzene	BDL				0.005
tert-Butylbenzene	BDL				0.005
Carbon Tetrachloride	BDL				0.005
Chlorobenzene	BDL				0.005
Chloroethane	BDL				0.005
Chloroform	BDL				0.005
Chloromethane	BDL				0.005
2-Chlorotoluene	BDL				0.005
4-Chlorotoluene	BDL				0.005
Dibromochloromethane	BDL				0.005
1,2-Dibromo-3-Chloropropane	BDL				0.005
1,2-Dibromoethane	BDL				0.005
Dibromomethane	BDL				0.005
1,2-Dichlorobenzene	BDL				0.005
1,3-Dichlorobenzene	BDL				0.005
1,4-Dichlorobenzene	BDL				0.005
Dichlorodifluoromethane	BDL				0.005
1,1-Dichloroethane	BDL				0.005
1,2-Dichloroethane	BDL				0.005

Compound List Continued next page

BDL = Below Detection Limit, Practical Quantitation
All results expressed as PPM (mg/L)

Quality Environmental Analytical Services

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205-581-9500



Client: Black Warrior Riverkeeper	Report Date: December 28, 2021
Attention: Mr. Nelson Brooke	Reference # 46136
Address: 712 37th St. South	P.O. # verbal
Birmingham, AL 35222	Project ID: Mine No. 7

Sample Matrix: water	Analytical
Date Received: 12/16/21	Analyst: Hageman/Heard
Date Collected: 12/16/21	Date Analysis: 12/19/21
Sample Collector: N. Brooke	Method: EPA Method 624

VOLATILE ORGANIC COMPOUNDS

VOLATILE ORGANIC COMPOUNDS, PPM	FIELD ID WMC Seep #2 LAB ID 232318				Detection Limit PPM
1,1-Dichloroethene	BDL				0.005
cis-1,2-Dichloroethene	BDL				0.005
trans-1,2-Dichloroethene	BDL				0.005
1,2-Dichloropropane	BDL				0.005
1,3- Dichloropropane	BDL				0.005
2,2-Dichloropropane	BDL				0.005
1,1-Dichloropropene	BDL				0.005
cis-1-3,Dichloropropene	BDL				0.005
trans-1,3-Dichloropropene	BDL				0.005
Ethylbenzene	BDL				0.005
Hexachlorobutadiene	BDL				0.005
Isopropylbenzene	BDL				0.005
4-Isopropyltoluene	BDL				0.005
Methylene Chloride	BDL				0.005
Naphthalene	BDL				0.010
n-Propylbenzene	BDL				0.005
Styrene	BDL				0.005
1,1,1,2-Tetrachloroethane	BDL				0.005
1,1,2,2-Tetrachloroethane	BDL				0.005
Tetrachloroethene	BDL				0.005
Toluene	BDL				0.005
1,2,3-Trichlorobenzene	BDL				0.005
1,2,4-Trichlorobenzene	BDL				0.005
1,1,1-Trichloroethane	BDL				0.005
1,1,2-Trichloroethane	BDL				0.005

Compound List Continued next page

BDL = Below Detection Limit, Practical Quantitation

All results expressed as PPM (mg/L)

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Environmental Company, Inc.

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205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	December 28, 2021
Attention:	Mr. Nelson Brooke	Reference #	46136
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Analytical	
Date Received:	12/16/21	Analyst:	Hageman/Heard
Date Collected:	12/16/21	Date Analysis:	12/19/21
Sample Collector:	N. Brooke	Method:	EPA Method 624

VOLATILE ORGANIC COMPOUNDS						
VOLATILE ORGANIC COMPOUNDS, PPM	FIELD ID					Detection Limit PPM
	WMC Seep #2					
	LAB ID					
	232318					
Trichloroethylene	BDL					0.005
Trichlorofluoromethane	BDL					0.005
1,2,3-Trichloropropane	BDL					0.005
1,2,4-Trimethylbenzene	BDL					0.005
1,3,5-Trimethylbenzene	BDL					0.005
Vinyl Chloride	BDL					0.002
Xylenes, o,m,p	BDL					0.005
MTBE	BDL					0.005

BDL = Below Detection Limit, Practical Quantitation
All results expressed as PPM (mg/L)

MK /QAQC

EPA Laboratory ID AL01084

Respectfully submitted,

Kevin Doriety
Analytical Chemist

Sutherland

Environmental Company, Inc.

2515 5th Avenue South
Birmingham, AL 35233
205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	December 28, 2021
Attention:	Mr. Nelson Brooke	Reference #	46136
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Extraction Date:	12/20/21
Date Received:	12/16/21	Analyst:	Hageman/Heard
Date Collected:	12/16/21	Date of Analysis:	12/20/21
Sample Collector:	N. Brooke	Method:	<i>EPA Method 625</i>

SEMIVOLATILE ORGANIC COMPOUNDS

ACID AND BASE NEUTRAL EXTRACTABLE ORGANIC COMPOUNDS, PPM	FIELD ID				Method Detection Limit, PPM
	WMC Seep #2				
	LAB ID				
	232318				
Acenaphthene	BDL				0.001
Acenaphthylene	BDL				0.001
Anthracene	BDL				0.001
Benzo(a)anthracene	BDL				0.001
Benzo(b)fluoranthene	BDL				0.001
Benzo(k)fluoranthene	BDL				0.001
Benzo(g,h,i)perylene	BDL				0.001
Benzo(a)pyrene	BDL				0.001
Bis(2-chloroethoxy)methane	BDL				0.002
Bis(2-chloroethyl)ether	BDL				0.005
Bis(2-chloroisopropyl)ether	BDL				0.005
Bis(2-ethylhexyl)phthalate	BDL				0.002
4-bromophenyl phenyl ether	BDL				0.001
Butyl benzyl phthalate	BDL				0.002
4-Chloroaniline	BDL				0.002
2-Chloronaphthalene	BDL				0.001
4-Chloro-3-methylphenol	BDL				0.001
2-Chlorophenol	BDL				0.001
4-Chlorophenyl phenyl ether	BDL				0.001
Carbazole	BDL				0.001
Chrysene	BDL				0.001
Dibenzo(a,h)anthracene	BDL				0.001
Dibenzofuran	BDL				0.001
Di-n-butylphthalate	BDL				0.005

Compound List Continued next page

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Client:	Black Warrior Riverkeeper	Report Date:	December 28, 2021
Attention:	Mr. Nelson Brooke	Reference #	46136
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

Sample Matrix:	water	Extraction Date:	12/20/21
Date Received:	12/16/21	Analyst:	Hageman/Heard
Date Collected:	12/16/21	Date of Analysis:	12/20/21
Sample Collector:	N. Brooke	Method:	<i>EPA Method 625</i>

SEMIVOLATILE ORGANIC COMPOUNDS

	FIELD ID					Method Detection Limit, PPM
ACID AND BASE NEUTRAL EXTRACTABLE ORGANIC COMPOUNDS, PPM	WMC Seep #2					
	LAB ID					
	232318					
1,3-Dichlorobenzene	BDL					0.001
1,4-Dichlorobenzene	BDL					0.001
1,2-Dichlorobenzene	BDL					0.001
2,4-Dichlorophenol	BDL					0.001
Diethylphthalate	BDL					0.002
2,4-Dimethylphenol	BDL					0.001
Dimethylphthalate	BDL					0.001
2,4-Dinitrophenol	BDL					0.005
2,4-Dinitrotoluene	BDL					0.001
2,6-Dinitrotoluene	BDL					0.001
Di-n-octylphthalate	0.004					0.001
Fluoranthene	BDL					0.001
Fluorene	BDL					0.001
Hexachlorobenzene	BDL					0.001
Hexachlorobutadiene	BDL					0.001
Hexachlorocyclopentadiene	BDL					0.050
Hexachloroethane	BDL					0.001
Indeno(1,2,3-cd)pyrene	BDL					0.001
Isophorone	BDL					0.005
2-Methylnaphthalene	BDL					0.001
2-Methylphenol (o-cresol)	BDL					0.001
4-Methylphenol (p-cresol)	BDL					0.001

Compound List Continued next page

Sutherland

Environmental Company, Inc.

2515 5th Avenue South
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205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	December 28, 2021
Attention:	Mr. Nelson Brooke	Reference #	46136
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Extraction Date:	12/20/21
Date Received:	12/16/21	Analyst:	Hageman/Heard
Date Collected:	12/16/21	Date of Analysis:	12/20/21
Sample Collector:	N. Brooke	Method:	<i>EPA Method 625</i>

SEMIVOLATILE ORGANIC COMPOUNDS

	FIELD ID					Method Detection Limit, PPM
ACID AND BASE NEUTRAL EXTRACTABLE ORGANIC COMPOUNDS, PPM	WMC Seep #2					
	LAB ID					
	232318					
Naphthalene	BDL					0.001
2-Nitroaniline	BDL					0.010
3-Nitroaniline	BDL					0.010
4-Nitroaniline	BDL					0.010
Nitrobenzene	BDL					0.001
2-Nitrophenol	BDL					0.005
4-Nitrophenol	BDL					0.005
N-Nitrosodimethylamine	BDL					0.001
N-Nitrosodi-n-propylamine	BDL					0.001
Pentachlorophenol	BDL					0.050
Phenanthrene	BDL					0.001
Phenol	BDL					0.005
Pyrene	BDL					0.001
1,2,4-Trichlorobenzene	BDL					0.001
2,4,5-Trichlorophenol	BDL					0.005
2,4,6-Trichlorophenol	BDL					0.005

BDL = Below Detection Limit, Method
All results expressed as PPM (mg/L)

MJD /QAQC

EPA Laboratory ID AL01084

Respectfully submitted,

Kevin Doriety

Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services

Sutherland

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2515 5th Avenue South
Birmingham, AL 35233
205-581-9500



Client: Black Warrior Riverkeeper	Report Date: December 28, 2021
Attention: Mr. Nelson Brooke	Reference # 46136
Address: 712 37th St. South	P.O. # verbal
Birmingham, AL 35222	Project ID: Mine No. 7

Sample Matrix: water	Analytical
Date Received: 12/16/21	Analyst: Kevin Doriety
Date Collected: 12/16/21	Date Analysis: 12/27-28/21
Sample Collector: N. Brooke	Method: EPA Method 200.8

METALLIC ANALYTES

	FIELD ID						
	WMC Seep #2						
Analyte, mg/L as Total	LAB ID						Detection Limit,mg/L
	232318						
Arsenic	BDL						0.01
Iron	0.06						0.01
Magnesium	196						0.01
Cadmium	BDL						0.01
Chromium	BDL						0.01
Lead	BDL						0.0020
Mercury	BDL						0.0005
Selenium	BDL						0.01
Silver	BDL						0.01
Aluminum	0.02						0.01
Thallium	BDL						0.01
Nickel	0.01						0.01
Zinc	0.03						0.01
Copper	BDL						0.01
Manganese	0.24						0.01

BDL = Below Detection Limit
Detection Limit is Practical Quantitation Limit
All results expressed as PPM mg/L of total analyte

 / QAQC

EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services

Sutherland

Environmental Company, Inc.

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205-581-9500



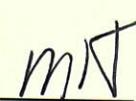
Client:	Black Warrior Riverkeeper	Report Date:	December 28, 2021
Attention:	Mr. Nelson Brooke	Reference #	46136
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Sample Collector:	N. Brooke		
Date Received:	12/16/21	Method Reference:	EPA, Standard Methods & Hach Methods		
Date /Time Collected:	12/16/21 @ 1027	Field ID:	WMC Seep #2	Lab ID:	232318

Parameter	Result	Units	Date / Time Assay		Analyst	Method	D.L.
Potassium, Total	4.90	mg/L	12/28/21	0708	KD	E 200.8	0.010
Calcium, Total	55	mg/L	12/27/21	1255	KD	E 200.8	0.010
Sodium, Total	630	mg/L	12/28/21	0746	KD	E 200.8	0.010
TDS	1,790	mg/L	12/17/21	1336	CRR	SM 2540C	10
TSS	BDL	mg/L	12/21/21	1140	CCR	SM 2540D	1
Turbidity	2.10	NTU	12/17/21	1245	CRR	SM 2130B	1
Kjeldahl Nitrogen, Total	1.36	mg/L	12/21/21	1143	CCR	H 10242	0.10
Nitrate-Nitrite	BDL	mg/L	12/21/21	1143	CCR	SM4500-NO3-E	0.10
Phosphorus, Total	BDL	mg/L	12/21/21	1134	CCR	SM4500-P E	0.05
Ammonia	0.30	mg/L	12/21/21	1328	CCR	SM4500NH3-G	0.10
Chloride, Total	89.6	mg/L	12/21/21	1359	CCR	SM4500-C1-B	0.10
Specific Conductance*	2,850	umho/cm	12/17/21	1300	CRR	SM 2510B	10.0
Sulfate, Total	555	mg/L	12/21/21	1342	CCR	SM4500-SO4-E	0.10

*Specific Conductance analyzed at 21°C

BDL = Below Detection Limit
DL = Detection Limit, Method
ND = Non Detect
NA = Not Available

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EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services

Exhibit D

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2515 5th Avenue South
Birmingham, AL 35233
205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	April 27, 2022
Attention:	Mr. Nelson Brooke	Reference #	46762
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

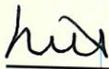
Sample Matrix:	water	Sample Collector:	N. Brooke
Date Received:	4/13/22	Method Reference:	Standard & Hach Methods, EPA 600
Date / Time Collected:	4/12/22 @ 1514	Field ID:	WMC Seep #3
		Lab ID:	235435

Parameter	Result	Units	Date / Time Assay		Analyst	Method	D.L.
Hardness	69	mgCaCO ₃ /L	4/26/22	1210	KD	SM 2340 B	1
TSS	18	mg/L	4/15/22	1100	MSH	SM2540D	1
TDS	1,550	mg/L	4/15/22	1320	MSH	SM 2540C	10
Turbidity	6.68	NTU	4/14/22	1247	CRR	SM 2130B	1.00
Alkalinity	538	mg CaCO ₃ /L	4/26/22	1230	KD	SM 2320B	0.1
Specific Conductance*	1,743	umho/cm	4/27/22	1255	CRR	SM 2510B	10.0
Chloride, Total	64.5	mg/L	4/19/22	1108	CRR	SM4500-CI-B	0.1
Sulfate, Total	429	mg/L	4/19/22	1113	CRR	SM4500-SO ₄ -E	1.0
Nitrate	BDL	mg/L	4/18/22	1350	CRR	H 10206	0.10
Nitrate-Nitrite	BDL	mg/L	4/19/22	1415	CRR	SM4500-NO ₃ -E	0.10
Kjeldahl Nitrogen, Total	0.96	mg/L	4/19/22	1415	CRR	H 10242	0.10
Ammonia	BDL	mg/L	4/19/22	1057	CRR	SM4500NH ₃ -G	0.10
Phosphorus, Total	BDL	mg/L	4/19/22	1406	CRR	SM4500-P E	0.05
Potassium, Total	4.07	mg/L	4/26/22	0817	KD	E 200.8	0.010
Calcium, Total	2.82	mg/L	4/26/22	0752	KD	E 200.8	0.010
Sodium, Total	425	mg/L	4/26/22	0904	KD	E 200.8	0.010

*Specific Conductance analyzed at 22.0°C

BDL = Below Detection Limit

DL = Detection Limit, Method

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EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services

Sutherland

Environmental Company, Inc.

2515 5th Avenue South
Birmingham, AL 35233
205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	April 26, 2022
Attention:	Mr. Nelson Brooke	Reference #	46762
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	<u>Analytical</u>	
Date Received:	4/13/22	Analyst:	Kevin Doriety
Date Collected:	4/12/22	Date Analysis:	4/21-26/22
Sample Collector:	N. Brooke	Method:	EPA Method 200.8

METALLIC ANALYTES

Analyte, mg/L as Total	FIELD ID	LAB ID	235435	Detection Limit, mg/L
	WMC Seep #3			
Arsenic	BDL			0.01
Aluminum	0.04			0.01
Cadmium	BDL			0.01
Chromium	BDL			0.01
Lead	BDL			0.0020
Mercury	BDL			0.0005
Selenium	BDL			0.01
Silver	BDL			0.01
Thallium	BDL			0.01
Nickel	BDL			0.01
Zinc	0.02			0.01
Copper	BDL			0.01
Iron	0.05			0.01
Magnesium	15.6			0.01
Manganese	0.15			0.01

BDL = Below Detection Limit
Detection Limit is Practical Quantitation Limit
All results expressed as PPM mg/L of total analyte

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EPA Laboratory ID AL01084

Respectfully submitted,

Kevin Doriety

Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services

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Environmental Company, Inc.

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Birmingham, AL 35233
205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	April 26, 2022
Attention:	Mr. Nelson Brooke	Reference #	46762
Address:	712 37th St. South Birmingham, AL 35222	P.O. #	verbal
		Project ID:	Mine No. 7

Sample Matrix:	water	Analytical	
Date Received:	4/13/22	Analyst:	Kevin Doriety
Date Collected:	4/12/22	Date Analysis:	4/21-26/22
Sample Collector:	N. Brooke	Method:	EPA Method 3005A/200.8

DISSOLVED METALLIC ANALYTES

Analyte, mg/L as Dissolved	FIELD ID					Detection Limit,mg/L
	WMC Seep #3	LAB ID				
		235435				
Arsenic	BDL					0.0050
Aluminum	BDL					0.0050
Cadmium	BDL					0.0050
Chromium	BDL					0.0050
Lead	BDL					0.0050
Mercury	BDL					0.0020
Selenium	BDL					0.0050
Silver	BDL					0.0050
Thallium	BDL					0.0050
Nickel	BDL					0.0050
Zinc	BDL					0.0050
Copper	BDL					0.0050
Iron	BDL					0.0050
Magnesium	15.4					0.0050
Manganese	BDL					0.0050

*All dissolved metals filtered and preserved in lab
N/A = Not Available
BDL = Below Detection Limit
Detection Limit is Method Detection Limit
All results expressed as PPM mg/L of dissolved analyte

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EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services

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Environmental Company, Inc.

2515 5th Avenue South
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205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	April 26, 2022
Attention:	Mr. Nelson Brooke	Reference #	46762
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Analytical	
Date Received:	4/13/22	Analyst:	Hageman/Heard
Date Collected:	4/12/22	Date Analysis:	4/15/22
Sample Collector:	N. Brooke	Method:	EPA Method 624

VOLATILE ORGANIC COMPOUNDS						
VOLATILE ORGANIC COMPOUNDS, PPM	FIELD ID					Detection Limit PPM
	WMC Seep #3					
	LAB ID					
	235435					
Benzene	BDL					0.005
Bromobenzene	BDL					0.005
Bromochloromethane	BDL					0.005
Bromodichloromethane	BDL					0.005
Bromoform	BDL					0.005
Bromomethane	BDL					0.005
n-Butylbenzene	BDL					0.005
sec-Butylbenzene	BDL					0.005
tert-Butylbenzene	BDL					0.005
Carbon Tetrachloride	BDL					0.005
Chlorobenzene	BDL					0.005
Chloroethane	BDL					0.005
Chloroform	BDL					0.005
Chloromethane	BDL					0.005
2-Chlorotoluene	BDL					0.005
4-Chlorotoluene	BDL					0.005
Dibromochloromethane	BDL					0.005
1,2-Dibromo-3-Chloropropane	BDL					0.005
1,2-Dibromoethane	BDL					0.005
Dibromomethane	BDL					0.005
1,2-Dichlorobenzene	BDL					0.005
1,3-Dichlorobenzene	BDL					0.005
1,4-Dichlorobenzene	BDL					0.005
Dichlorodifluoromethane	BDL					0.005
1,1-Dichloroethane	BDL					0.005
1,2-Dichloroethane	BDL					0.005

Compound List Continued next page

BDL = Below Detection Limit, Practical Quantitation

All results expressed as PPM (mg/L)

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205-581-9500



Client: Black Warrior Riverkeeper	Report Date: April 26, 2022
Attention: Mr. Nelson Brooke	Reference # 46762
Address: 712 37th St. South	P.O. # verbal
Birmingham, AL 35222	Project ID: Mine No. 7

Sample Matrix: water	Analytical
Date Received: 4/13/22	Analyst: Hageman/Heard
Date Collected: 4/12/22	Date Analysis: 4/15/22
Sample Collector: N. Brooke	Method: EPA Method 624

VOLATILE ORGANIC COMPOUNDS						
VOLATILE ORGANIC COMPOUNDS, PPM	FIELD ID					Detection Limit PPM
	WMC Seep #3					
	LAB ID					
	235435					
1,1-Dichloroethene	BDL					0.005
cis-1,2-Dichloroethene	BDL					0.005
trans-1,2-Dichloroethene	BDL					0.005
1,2-Dichloropropane	BDL					0.005
1,3- Dichloropropane	BDL					0.005
2,2-Dichloropropane	BDL					0.005
1,1-Dichloropropene	BDL					0.005
cis-1-3,Dichloropropene	BDL					0.005
trans-1,3-Dichloropropene	BDL					0.005
Ethylbenzene	BDL					0.005
Hexachlorobutadiene	BDL					0.005
Isopropylbenzene	BDL					0.005
4-Isopropyltoluene	BDL					0.005
Methylene Chloride	BDL					0.010
Naphthalene	BDL					0.010
n-Propylbenzene	BDL					0.005
Styrene	BDL					0.005
1,1,1,2-Tetrachloroethane	BDL					0.005
1,1,2,2-Tetrachloroethane	BDL					0.005
Tetrachloroethene	BDL					0.005
Toluene	BDL					0.005
1,2,3-Trichlorobenzene	BDL					0.005
1,2,4-Trichlorobenzene	BDL					0.005
1,1,1-Trichloroethane	BDL					0.005
1,1,2-Trichloroethane	BDL					0.005

Compound List Continued next page

BDL = Below Detection Limit, Practical Quantitation

All results expressed as PPM (mg/L)

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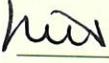


Client:	Black Warrior Riverkeeper	Report Date:	April 26, 2022
Attention:	Mr. Nelson Brooke	Reference #	46762
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	<u>Analytical</u>	
Date Received:	4/13/22	Analyst:	Hageman/Heard
Date Collected:	4/12/22	Date Analysis:	4/15/22
Sample Collector:	N. Brooke	Method:	EPA Method 624

VOLATILE ORGANIC COMPOUNDS						
VOLATILE ORGANIC COMPOUNDS, PPM	FIELD ID					Detection Limit PPM
	WMC Seep #3					
	LAB ID					
	235435					
Trichloroethylene	BDL					0.005
Trichlorofluoromethane	BDL					0.005
1,2,3-Trichloropropane	BDL					0.005
1,2,4-Trimethylbenzene	BDL					0.005
1,3,5-Trimethylbenzene	BDL					0.005
Vinyl Chloride	BDL					0.002
Xylenes, o,m,p	BDL					0.005
MTBE	BDL					0.005

BDL = Below Detection Limit, Practical Quantitation
All results expressed as PPM (mg/L)

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EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Sutherland

Environmental Company, Inc.

2515 5th Avenue South
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205-581-9500



Client:	Black Warrior Riverkeeper	Report Date:	April 26, 2022
Attention:	Mr. Nelson Brooke	Reference #	46762
Address:	712 37th St. South	P.O. #	verbal
	Birmingham, AL 35222	Project ID:	Mine No. 7

Sample Matrix:	water	Extraction Date:	4/19/22
Date Received:	4/13/22	Analyst:	Hageman/Heard
Date Collected:	4/12/22	Date of Analysis:	4/20/22
Sample Collector:	N. Brooke	Method:	EPA Method 8270C

SEMIVOLATILE ORGANIC COMPOUNDS						
ACID AND BASE NEUTRAL EXTRACTABLE ORGANIC COMPOUNDS, PPM	FIELD ID					Method Detection Limit, PPM
	WMC Seep #3					
	LAB ID					
	235435					
Acenaphthene	BDL					0.001
Acenaphthylene	BDL					0.001
Anthracene	BDL					0.001
Benzo(a)anthracene	BDL					0.001
Benzo(b)fluoranthene	BDL					0.001
Benzo(k)fluoranthene	BDL					0.001
Benzo(g,h,i)perylene	BDL					0.001
Benzo(a)pyrene	BDL					0.001
Bis(2-chloroethoxy)methane	BDL					0.002
Bis(2-chloroethyl)ether	BDL					0.005
Bis(2-chloroisopropyl)ether	BDL					0.005
Bis(2-ethylhexyl)phthalate	BDL					0.002
4-bromophenyl phenyl ether	BDL					0.001
Butyl benzyl phthalate	BDL					0.002
4-Chloroaniline	BDL					0.002
2-Chloronaphthalene	BDL					0.001
4-Chloro-3-methylphenol	BDL					0.001
2-Chlorophenol	BDL					0.001
4-Chlorophenyl phenyl ether	BDL					0.001
Carbazole	BDL					0.001
Chrysene	BDL					0.001
Dibenzo(a,h)anthracene	BDL					0.001
Dibenzofuran	BDL					0.001
Di-n-butylphthalate	BDL					0.005

Compound List Continued next page

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Client: Black Warrior Riverkeeper	Report Date: April 26, 2022
Attention: Mr. Nelson Brooke	Reference # 46762
Address: 712 37th St. South	P.O. # verbal
Birmingham, AL 35222	Project ID: Mine No. 7

Sample Matrix: water	Extraction Date: 4/19/22
Date Received: 4/13/22	Analyst: Hageman/Heard
Date Collected: 4/12/22	Date of Analysis: 4/20/22
Sample Collector: N. Brooke	Method: EPA Method 8270C

SEMIVOLATILE ORGANIC COMPOUNDS						
	FIELD ID					Method Detection Limit, PPM
ACID AND BASE NEUTRAL EXTRACTABLE ORGANIC COMPOUNDS, PPM	WMC Seep #3					
	LAB ID					
	235435					
1,3-Dichlorobenzene	BDL					0.001
1,4-Dichlorobenzene	BDL					0.001
1,2-Dichlorobenzene	BDL					0.001
2,4-Dichlorophenol	BDL					0.001
Diethylphthalate	BDL					0.002
2,4-Dimethylphenol	BDL					0.001
Dimethylphthalate	BDL					0.001
2,4-Dinitrophenol	BDL					0.005
2,4-Dinitrotoluene	BDL					0.001
2,6-Dinitrotoluene	BDL					0.001
Di-n-octylphthalate	BDL					0.001
Fluoranthene	BDL					0.001
Fluorene	BDL					0.001
Hexachlorobenzene	BDL					0.001
Hexachlorobutadiene	BDL					0.001
Hexachlorocyclopentadiene	BDL					0.050
Hexachloroethane	BDL					0.001
Indeno(1,2,3-cd)pyrene	BDL					0.001
Isophorone	BDL					0.005
2-Methylnaphthalene	BDL					0.001
2-Methylphenol (o-cresol)	BDL					0.001
4-Methylphenol (p-cresol)	BDL					0.001

Compound List Continued next page

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Birmingham, AL 35233
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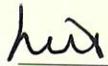


Client: Black Warrior Riverkeeper	Report Date: April 26, 2022
Attention: Mr. Nelson Brooke	Reference #: 46762
Address: 712 37th St. South	P.O. #: verbal
Birmingham, AL 35222	Project ID: Mine No. 7

Sample Matrix: water	Extraction Date: 4/19/22
Date Received: 4/13/22	Analyst: Hageman/Heard
Date Collected: 4/12/22	Date of Analysis: 4/20/22
Sample Collector: N. Brooke	Method: EPA Method 8270C

SEMIVOLATILE ORGANIC COMPOUNDS						
ACID AND BASE NEUTRAL EXTRACTABLE ORGANIC COMPOUNDS, PPM	FIELD ID					Method Detection Limit, PPM
	WMC Seep #3					
	LAB ID					
	235435					
Naphthalene	BDL					0.001
2-Nitroaniline	BDL					0.010
3-Nitroaniline	BDL					0.010
4-Nitroaniline	BDL					0.010
Nitrobenzene	BDL					0.001
2-Nitrophenol	BDL					0.005
4-Nitrophenol	BDL					0.005
N-Nitrosodimethylamine	BDL					0.001
N-Nitrosodi-n-propylamine	BDL					0.001
Pentachlorophenol	BDL					0.050
Phenanthrene	BDL					0.001
Phenol	BDL					0.005
Pyrene	BDL					0.001
1,2,4-Trichlorobenzene	BDL					0.001
2,4,5-Trichlorophenol	BDL					0.005
2,4,6-Trichlorophenol	BDL					0.005

BDL = Below Detection Limit, Method
All results expressed as PPM (mg/L)

 /QAQC

EPA Laboratory ID AL01084

Respectfully submitted,



Kevin Doriety
Analytical Chemist

Quality Environmental Analytical Services