

Alabama cases involving water permits, minimum wage to be heard by appeals court

Updated Jul 18, 4:12 PM; Posted Jul 18, 4:10 PM



On Thursday, April 28, the Alabama National Association for the Advancement of Colored People and Greater Birmingham Ministries filed a lawsuit in U.S. District Court over Birmingham's blocked minimum wage ordinance. They claim that HB 174 - a bill that was fast-tracked through the state legislature in February and signed by Bentley - is tainted "with racial animus" and violates the Equal Protection clause of the U.S. Constitution. (Kelsey Stein | kstein@al.com)

By [Ivana Hrynskiw](#)
ihrynskiw@al.com

The Eleventh Circuit Court of Appeals will hear oral arguments next week on two Alabama cases - one involving minimum wages and the other water permits.

According to the court's schedule, a three-judge panel will hear arguments on the cases of the Cahaba Riverkeeper versus the U.S. Environmental Protection Agency, and the case of Greater Birmingham Ministries versus the Alabama Secretary of state.

Arguments will take place Friday, July 27, at the U.S. Court of Appeals building in Atlanta.

The Cahaba Riverkeeper case involves several environmental groups' [plea to revoke the](#) Alabama Department of Environmental Management's authority to issue water discharge permits in the state on behalf of the EPA.

The U.S. 11th Circuit Court of Appeals [issued a ruling in](#) 2015, but left the door open for the environmental groups to appeal again. That appeal statement was filed again by the groups last year.

Sixteen environmental groups in Alabama had petitioned EPA between 2001 and 2012 to withdraw the authority it had given ADEM to review and approve National Pollutant Discharge Elimination System permits to industries and others around Alabama, according to court documents.

According to the court's opinion, the EPA can take back that authority if a state violates any environmental laws or regulations. Several environmental groups filed petitions with the EPA, asking that the agency begin the process of taking back the authority to issue permits because of 26 program deficiencies.

In the Greater Birmingham Ministries case, fast-food workers, black lawmakers and civil rights groups [want the appeals court](#) to reinstate their lawsuit challenging a state law that blocked a minimum wage increase in Birmingham.

The Alabama Legislature [passed a law](#) in 2016 blocking cities from setting their own minimum wages, just in time to block the Birmingham City Council's decision to set a minimum wage increase of \$10.10 an hour. The Legislative Black Caucus opposed the bill and is one of the plaintiffs in the lawsuit, [filed in 2016](#).

The lawsuit claims the law is racially discriminatory and violates equal protection, among other claims.

Birmingham would have been the first Alabama city to set its own minimum wage. Alabama does not have a state minimum wage, so employers follow the federal minimum of \$7.25 an hour, last raised in 2009.