

Coal company faces lawsuit alleging pollution of Black Warrior River

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Kent Faulk -- The Birmingham News

By



Riverkeeper Nelson Brooke, who is among the plaintiffs. (Beverly Taylor/The Birmingham News)

Two environmental groups today filed a federal lawsuit claiming a coal mining company's strip mine in Tuscaloosa County is polluting Hurricane Creek and the Black Warrior River.

The lawsuit was filed in U.S. District Court in Birmingham against Black Warrior Minerals by Black Warrior Riverkeeper, staff riverkeeper Nelson Brooke, the Friends of Hurricane Creek and that group's creekkeeper, John Wathen.

Efforts to reach an official with the company for comment Tuesday were unsuccessful.

The lawsuit claims that Black Warrior Mineral's Fleetwood Mine is violating the Clean Water Act by discharging pollutants into Hurricane Creek, a tributary of the Black Warrior River, and into unnamed tributaries of Hurricane Creek.

The lawsuit asks that a judge: declare that the company has unlawfully operated the mine in violation of federal environmental standards; bar the company from continuing to operate the mine in violation of the standards; and assess civil penalties against the company for violations.

The two groups catalogued more than 1,200 New Source Performance Standards violations at the Fleetwood Mine over the past five years, according to a joint statement from the two groups on Tuesday. The mine has violated standards for iron, manganese, total suspended solids and pH, the lawsuit claims.

"Fleetwood Mine's numerous violations of the Clean Water Act at Hurricane Creek and its tributaries are unacceptable," Brooke said in the statement. "Orange, polluted water flowing from this strip mine is an unwelcome sight along this beautiful stretch of Hurricane Creek. Coal mines like this one should not be allowed to operate if they cannot meet applicable effluent standards."

Most citizen lawsuits require a 60-day waiting period before a lawsuit can be filed, according to the groups' statement. But David Ludder, counsel for Friends of Hurricane Creek, said that Congress authorizes immediate citizen suits to enforce the standards rather than allowing violations to continue.

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