

TENNESSEE RIVERKEEPER®

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For Immediate Release

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Tennessee Riverkeeper Served Notice of Intent to Sue the Operators of Meredyth Mine In Winston and Franklin County, Alabama

On October 9, 2010, Tennessee Riverkeeper served notice of its intent to sue the operators of Meredyth Mine for violations of the Clean Water Act. Tennessee Riverkeeper's notice of intent to sue is based on illegal discharges into two tributaries of Bear Creek of the Tennessee River in Winston County and Franklin County, Alabama. Riverkeeper's notice lists 2,052 violations of the federal Clean Water Act since August 2008. These violations occurred at the Meredyth Mine (National Pollution Discharge Elimination System (NPDES) Permit No: AL0078280) located on Highway 243, near Haleyville, Alabama. The coal mine has violated its permit by illegally discharging excessive amounts of iron and total suspended solids (TSS) between August 2008 and June 2010.

Hope Coal Company received a NPDES permit from the Alabama Department of Environmental Management (ADEM) to operate the Meredyth Mine effective November 1, 2007. Their first reported water discharge was in the month of May 2008. Shortly afterward, in August 2008, they committed their first permit violation by discharging total suspended solids at twice the permitted daily maximum level and three times the monthly average permitted level. Since then, and continuing to the present, they have committed at least one discharge violation each month except one, October 2008, in which there was no discharge at all. They have committed multiple and persistent violations for total suspended solids and iron.

These are very serious violations with total suspended sediment levels reaching 24 times the permitted limits and total iron levels at almost five times the allowable levels. TSS measures the total suspended solids in water. When it is 24 times higher than the permitted limit it can reduce the penetration of light in the water column, clogging the gills of fish and other aquatic life, making it impossible for them to breathe. High sediment loads in streams from coal mines can be particularly toxic because they often contain high levels of heavy metals. High TSS, combined with high iron violations, literally means this company is polluting at a level that has the potential to choke the life out of Allen Mill Creek and Butler Falls branch, tributaries of Bear Creek, which flows into the Tennessee River.

Hope Coal Company transferred its Alabama Surface Mining Commission permit to National Coal of Alabama on May 7, 2010, and National assumed liability of the permit. However, as of the date of this writing, the violations have continued. On October 1, 2010, National entered into a Consent Order with ADEM for its violations of TSS and iron at seven of its other Alabama mines and was ordered to pay a civil penalty of \$87,200 and cease its many permit violations. The Consent Order does not cover violations at Meredyth Mine. However, it does illustrate an atmosphere of permit noncompliance by National Coal at its many Alabama coal mines.

Alabama's permit requirements for coal mines are notoriously lax. Coal mines are well known dischargers of many harmful pollutants including selenium, aluminum, mercury, arsenic, lead, chlorides, sulfates, and total dissolved solids, in addition to the four that Meredyth Mine is required to test for: pH, Total Suspended Solids, Iron and Manganese. Testing for conductivity and toxicity is also required in many states, but not Alabama. Meredyth Mine has discharged 24 times the permitted level of TSS and almost 5 times the permitted level of iron. It has violated its lax permit over 2,000 times. It is impossible to know the amounts of harmful pollutants which have been discharged yet have gone undetected due to the lax permit with its lax monitoring requirements.

FOR MORE INFORMATION: Please refer to the attached 60-Day Letter of Intent to Sue

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Tennessee Riverkeeper was created by David Whiteside and Mark Martin. David Whiteside serves as Executive Director and Riverkeeper. Whiteside founded non-profit Black Warrior Riverkeeper in Alabama in 2001. Whiteside is the great nephew of Judge Frank M. Johnson, Jr. (of Haleyville) who fought to desegregate the South; Whiteside is also the godson of Robert F. Kennedy, Jr., who serves as the President of the Waterkeeper Alliance, of which Tennessee Riverkeeper is a member. Mark Martin serves as prosecuting attorney for Tennessee Riverkeeper. Mark Martin is an environmental attorney with 29 years of legal experience, including over 10 years enforcing the Clean Water Act and other environmental laws. Mark Martin was named a Sierra Club Legal Hero for his work. Tennessee Riverkeeper is governed by a Board of Directors.

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