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Bluestone Coke sued for water pollution

The plant continues to pollute Five Mile Creek, violating the Clean Water Act

BIRMINGHAM, Ala.—Today Black Warrior Riverkeeper and GASP, represented by the Southern Environmental Law Center, filed a lawsuit against Bluestone Coke for violating the Federal Clean Water Act.

Although Bluestone Coke is not operating, the plant is still discharging harmful and illegal pollutants. The plant has a permit to discharge wastewater into Five Mile Creek, which flows into the Locust Fork of the Black Warrior River. However, the company has violated that permit more than 390 times and is not maintaining an onsite wastewater treatment facility. Additionally, water sampling by Black Warrior Riverkeeper revealed pollutants in the discharge not allowed by the permit, including barium, strontium, and *E. coli*.

“Five Mile Creek is a beautiful spring-fed stream that would be regularly enjoyed by locals if it weren’t for all the pollution discharged by Bluestone Coke,” said Black Warrior Riverkeeper Nelson Brooke.

“We must hold the owners of Bluestone Coke accountable for their track record of putting their bottom line in front of the health and safety of Birmingham families,” said Jilisa Milton, Deputy Director of GASP.

“We gave Bluestone Coke 60 days to stop their illegal actions. Because they refuse to keep polluted water from flowing off the property, filing suit is a necessary next step at this point,” said Sarah Stokes, Senior Attorney for the Southern Environmental Law Center.

Bluestone is owned by the family of West Virginia Governor Jim Justice, who is currently running for U.S. Senate. Recently, the U.S. Department of Justice filed suit against the Justice coal empire for failing to pay more than \$5 million in civil penalties assessed by the federal government.

The Jefferson County Department of Health also cited Bluestone for violating its air permit by leaking hazardous emissions from coke ovens at the plant. In December 2022, GASP, SELC, Bluestone, and the Jefferson County Department of Health agreed to a [consent decree](#) ordering Bluestone to pay a \$925,000 penalty to the Department — the largest fine issued in the agency’s 105-year history.

However, in May, Bluestone failed to pay more than \$283,000 of these fines to the health department. The company owes an additional \$1,000 every day a payment is late.

For years, residents of predominantly Black neighborhoods near the plant, including Harriman Park, Fairmont, and Collegeville, were exposed to high levels of visible air pollution and noxious odors. Bluestone Coke is in the heart of Birmingham's [35th Avenue Superfund site](#), where the Environmental Protection Agency has remediated more than 650 residential properties due to dangerous levels of industrial pollution in the soil.

To read today's lawsuit, [click here](#).

For a map of Bluestone Coke's Clean Water Act violations, [click here](#).

For a high-resolution photo of black polluted water from Bluestone Coke flowing into Five Mile Creek, [click here](#). Photo by Nelson Brooke, Black Warrior Riverkeeper.

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The Southern Environmental Law Center is one of the nation's most powerful defenders of the environment, rooted in the South. With a long track record, SELC takes on the toughest environmental challenges in court, in government, and in our communities to protect our region's air, water, climate, wildlife, lands, and people. Nonprofit and nonpartisan, the organization has a staff of 200, including more than 100 attorneys, and is headquartered in Charlottesville, Va., with offices in Asheville, Atlanta, Birmingham, Chapel Hill, Charleston, Nashville, Richmond, and Washington, D.C.

southernenvironment.org

Black Warrior Riverkeeper's mission is to protect and restore the Black Warrior River and its tributaries. The nonprofit water advocacy organization promotes clean water for the sake of public health, recreation, and wildlife habitat throughout the Black Warrior River watershed.

BlackWarriorRiver.org

GASP is a nonprofit health advocacy organization based in Birmingham, Ala. Our mission is to advance healthy air and environmental justice in the Greater-Birmingham area through education, advocacy, and collaboration. We strive to reduce exposure to air pollution, educate the public on the health risks associated with poor air quality, and encourage community leaders to serve as role models by advocating for clean air and clean energy. GASPgroup.org