

**Press statement from the Southern Environmental Law Center:
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Bluestone Coke and West Virginia Governor's Son fail to fulfill federal contempt requirements in Birmingham pollution case

Representatives for Bluestone Coke, including Jay Justice, the son of West Virginia Governor and U.S. Senate candidate Jim Justice, ignored a [federal judge's warnings](#) and failed to fulfill all federal contempt requirements by the court's Wednesday September 11 deadline.

Chief U.S. District Judge R. David Proctor held Jay Justice and Bluestone Coke in civil contempt on August 22 after Justice was a no-show in federal court. The company has now violated four court orders in a Clean Water Act lawsuit filed by the Southern Environmental Law Center (SELC), on behalf of Black Warrior Riverkeeper and GASP. Just before the September 11 deadline, Bluestone finally provided long-delayed documents, which SELC lawyers are currently reviewing, but did not pay fees ordered by the court.

In response, SELC senior attorney Sarah Stokes and Black Warrior Riverkeeper Nelson Brooke released the following statements:

“While it is pitiful it took this level of scrutiny for Bluestone Coke to begin taking the court seriously, we’re grateful for Judge Proctor’s commitment to push this case forward,” SELC senior attorney Sarah Stokes said. “Bluestone is still in contempt for failing to pay fees ordered by the court. We are reviewing the documents Bluestone provided and hope they are in compliance with the court’s order. We will continue our fight holding the representatives of Bluestone Coke, including the Justice family, accountable for the ongoing pollution happening in Birmingham.”

“While Jay Justice and Bluestone Coke defiantly skirt court orders, their toxic pollution continues to taint North Birmingham communities and Five Mile Creek,” Black Warrior Riverkeeper Nelson Brooke said. “This industrial facility has polluted the air, land, groundwater, and streams in this area with impunity for far too long. It is time to hold Bluestone fully accountable for the proper cleanup of impacted communities and water resources.”

Background:

In September 2023, SELC, on behalf of Black Warrior Riverkeeper and GASP, filed a [lawsuit](#) against Bluestone Coke for violating the Federal Clean Water Act. Although Bluestone Coke ceased operations over a year ago, the plant continues to discharge harmful pollutants, including Benzo(a)pyrene – a known carcinogen – into Five Mile Creek, which flows into the Locust Fork of the Black Warrior River.

The Jefferson County Department of Health previously 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.

The Bluestone Coke facility is adjacent to the neighborhoods in the [35th Avenue Superfund Site](#), where federal funds are being used to excavate contaminated soil at hundreds of properties in historically Black neighborhoods. For decades, these North Birmingham neighborhoods endured air and water pollution because of densely populated coal, coke, and steel industrial facilities.

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 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