Air Enforcement: Jefferson County, Alabama, Board of Health/Environmental Organizations Enter into Consent Decree with Metallurgical Coke Plant Owner

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The Jefferson County, Alabama, Board of Health ("Health Department") and Bluestone Coke, LLC, ("Bluestone") entered into a December 9th Consent Decree ("CD") addressing alleged violations of an air permit. See Case No.: 01-CV-2021-902311.00.

The Southern Environmental Law Center intervened on behalf of Plaintiff Gasp.

The Consent Decree provides that Bluestone owns a metallurgical coke plant in Jefferson County, Alabama. The Health Department is stated to have issued a Notice of Violation to Bluestone in 2020. The violations are stated to have involved Jefferson County Board of Health Air Pollution Control Rules and Regulations and Bluestone's Operating Permit.

Bluestone had responded to a Notice of Violation issued by the Health Department. The Health Department subsequently filed an action in the Circuit Court of Jefferson County, Alabama. The Southern Environmental Law Center intervened on behalf of Gasp.

The Consent Decree states that in October of 2021 Bluestone chose to cold-idle its facility (i.e., remove the heat from its coke ovens and cease all production). The plant remains in cold-idle.

Bluestone states it is entering into the Consent Decree without any admission it has violated any of the Jefferson County Health Department rules or regulations or its operating permit.

A civil penalty of $925,000 is assessed. Fifty percent of the civil penalty will be used by the Health Department to create greenspaces, clear blight, and environmental projects for the benefit of the communities adjacent to Bluestone's plant.

Bluestone must also undertake the following:

- Develop a Corrective Action Plan, a Work Practice Plan, and other measures to ensure compliance
- Conduct fence line air monitoring for at least five years
- Hire an independent auditor to monitor compliance and provide reports of any issues
- Meet certain reporting requirements in addition to those imposed by local and federal regulations

A copy of the Joint Motion to Enter and Approve Consent Decree and the Consent Decree can be downloaded here.