Citizen Suit Enforcement/Clean Water Act: Black Warrior Riverkeeper, Inc., Complaint Filed Addressing Birmingham, Alabama, Coking Plant

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

09/19/2023

Black Warrior Riverkeeper, Inc., and GASP (collectively, "Black Warrior Riverkeeper") filed a September 13th Complaint in the United States District Court against Bluestone Coke, LLC, ("Bluestone") alleging violations of the Clean Water Act.

The Complaint states that Bluestone owns a coking facility ("Facility") in Birmingham, Alabama.

The Facility is stated to be discharging unpermitted pollutants into Five Mile Creek and its tributary, violating its Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit.

The alleged violations include self-reported exceedances of NPDES permit limits 392 times. Further, it is alleged that the Facility has violated its permit by failing to operate and maintain the onsite treatment facility.

Pollutants alleged to be discharged but not allowed by the NPDES permit include:

- Barium
- Strontium
- E.coli
- Semi-volatile organic compounds
- Volatile organic compounds

The Complaint also alleges discharges of coal, coke, slag, and associated sediment into an Unnamed Tributary of Five Mile Creek which constitutes unpermitted fill into waters of the United States. This is alleged to constitute a violation of Section 4 of the Clean Water Act.

The Complaint seeks declaratory relief, injunctive relief, civil penalties, and cost of litigation.

A copy of the Complaint can be downloaded here.