



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

# Citizen Suit Enforcement/Clean Water Act: Black Warrior Riverkeeper, Inc. Notice of Intent to Sue Birmingham, Alabama, Foundry Coke-Producing Facility

08/07/2023

The Southern Environmental Law Center on behalf of Black Warrior Riverkeeper, Inc., and the Greater-Birmingham Alliance to Stop Pollution (collectively, “Riverkeeper”) sent a July 14th Notice of Intent (“NOI”) to file a citizen suit under the Clean Water Act to Bluestone Coke, LLC, (“Bluestone”) for alleged violations of that statute.

The NOI states that Bluestone operates a foundry coke-producing facility (“Facility”) in Birmingham, Alabama.

Riverkeeper states that the Bluestone Facility is not operating.

The Facility is stated to operate pursuant to a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Alabama Department of Environmental Management. The NPDES permit is stated to address a discharge that flows into a tributary of Five Mile Creek which eventually enters the Locust Fork of the Black Warrior River.

The Facility is also stated to be subject to a Resource Conservation and Recovery Act (“RCRA”) Administrative Order (“AO”) with the United States Environmental Protection Agency. Pursuant to the AO certain interim measures are stated to have been implemented to provide hydraulic containment of a groundwater plume. Such measures are stated to include groundwater recovery which results in its being pumped and discharged into a process water treatment system. The discharge of groundwater pursuant to the NPDES permit is stated to include several pollutants not disclosed during the application process.

The NOI alleges violations of the Clean Water Act and Alabama Water Pollution Control Act which are stated to include:

- Violation of NPDES permit effluent limitations addressing ammonia, nitrogen, and phenols
- Failure to operate and maintain the treatment facility on site
- Failure to treat certain stormwater discharges
- Discharging unpermitted undisclosed pollutants at a permitted discharge point
- Unpermitted stormwater discharges

Riverkeeper states that if it files a Clean Water citizen suit, it will seek monetary penalties, injunctive relief, attorneys' fees, and expenses of litigation.

A copy of the NOI can be downloaded [here](#).