



# NEWS RELEASE

## FOR IMMEDIATE RELEASE

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## BLUESTONE COKE AGREES TO CIVIL PENALTIES TO HEALTH DEPT

*JCDH to Seek Public Input on Use of Funds*

**December 9, 2022, Jefferson County, AL**— On July 16, 2020, The Jefferson County Department of Health (“Department” or “JCDH”) issued a Notice of Violation (NOV) to Bluestone Coke, LLC, located at 3500 35th Avenue North, Birmingham, AL 35207. The NOV described violations of local and federal air regulations and was part of ongoing comprehensive evaluations performed by the Department to protect the air quality of communities throughout Jefferson County, AL.

The Department filed a Complaint in the Circuit Court of Jefferson County against Bluestone Coke on August 11, 2021. The JCDH sought civil penalties and injunctive relief under the Alabama Air Pollution Control Act of 1971 (the “Air Pollution Control Act”) and the Jefferson County Board of Health Air Pollution Control Rules and Regulations (the “Regulations”). The lawsuit related to Bluestone’s violations of the Air Pollution Control Act and the Regulations at Bluestone’s coke production facility in the North Birmingham community of Birmingham, Alabama. In addition, the Department issued a formal denial of Bluestone’s operating permit. The Department declined to renew Bluestone’s permit based on Bluestone’s inability to operate its machines and equipment in compliance with the Regulations. Bluestone ceased production on October 14, 2021.

In order to resolve the above NOV and Complaint, Bluestone Coke has agreed to the terms of a Consent Decree with the Jefferson County Department of Health and the environmental advocacy group GASP. As part of the agreement, Bluestone Coke agreed to pay a \$925,000 penalty to JCDH. Fifty percent of the penalty amount will go into the Sustainable Residential-Industrial Buffers Fund to be used in the community near the Bluestone Coke facility. This Fund was previously established at JCDH by the Board of Health “for the public health benefit of residential areas in close proximity to heavy industrial sites in Jefferson County, including creation of buffer zones, green spaces and other environmental improvement projects.” The public will have opportunities to provide comments in writing and at a public input session to voice opinions and preferences regarding how that fifty percent is spent.

“While civil penalties related to air pollution regulation are not typically invested directly back into the community, all parties to the agreement wanted a significant portion of the penalty to be used in a way that would further improve the environment and quality of life for the people living in the area,” said Dr. Mark Wilson, Jefferson County Health Officer. Jason Howanitz, PE, Principal Air Pollution Control Engineer at the Department, also commented, “This is the result of a significant effort to address violations and their potential impact to the surrounding community. We look forward to hearing from residents on how these funds can be used to improve their community.”

This Consent Decree does not authorize Bluestone to resume operations, nor does the Consent Decree serve as a permit. Instead, the Consent Decree details what steps Bluestone must take if it chooses to reopen. This process includes specific steps required before receiving a new permit authorization from JCDH. Some of those activities include: 1) Requiring Bluestone to develop a Corrective Action Plan, a Work Practice Plan, and other measures to ensure compliance; 2) requiring Bluestone to conduct fence line air monitoring for sulfur dioxide; 3) requiring Bluestone to hire an independent auditor to monitor compliance and provide reports of any issues (in addition to the requirements imposed by local and federal regulations); and 4) the potential of JCDH (or the Court) imposing additional monetary penalties on Bluestone if it fails to comply with the Consent Decree’s requirements.

The parties to the civil lawsuit (JCDH, GASP and Bluestone) have filed a joint motion requesting that the Court enter and approve the Consent Decree. The Consent Decree will become effective if and when the Court approves the Consent Decree. Click [here](#) to view the Consent Decree.

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**About JCDH**

*The Jefferson County Department of Health (JCDH) was established in 1917. JCDH serves as the primary resource for public health issues in Jefferson County. JCDH has three health centers strategically located throughout the county. JCDH is responsible for providing health care, preventing the spread of diseases, and protecting against outbreaks. JCDH provides outpatient health care for Jefferson County's underinsured and uninsured residents. JCDH health centers provide child health, dental health, family planning, immunizations, maternity care, nutrition (WIC), case management, and Medicaid enrollment. JCDH Disease Control Specialty Clinics include: Tuberculosis, Sexual Health, and International Travel Clinics. Vital Records can be obtained for birth, death, or marriage events that occurred in the state of Alabama. Environmental Health Services is responsible for Air and Radiation, Food and Lodging, Community Assessment, and Community Environmental Protection. For additional information please visit [www.jcdh.org](http://www.jcdh.org)*