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# Citizen Suit Enforcement: Columbia Riverkeeper and Cashmere, Washington Fruit Processing Facility Enter into Consent Decree Regarding Alleged Clean Water Act Stormwater Violations

01/15/2020

Columbia Riverkeeper (“Riverkeeper”) and Crunch Pak, LLC, (“Crunch”) entered into a January 7th Consent Decree in the United States District Court (Eastern District of Washington) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) stormwater permit. See No: 2:18-CV-387-RMP.

The Consent Decree provides that Crunch owns and operates a fruit processing facility (“Facility”) in Cashmere, Washington.

The Facility is stated to discharge stormwater runoff under an NPDES permit issued by the Washington Department of Ecology.

Riverkeeper issued a Notice of Intent to Sue and subsequently filed a Complaint on December 18, 2018 under the Citizen Suit section (505) of the Clean Water Act alleging Crunch was in violation of certain terms and conditions of the Facility’s NPDES permit.

The Consent Decree provides that since Crunch’s receipt of the Notice of Intent to Sue it has invested significant efforts and resources in reducing discharges of stormwater and improving the quality of the discharges that remain. Such efforts are stated to include:

- Retaining engineering consultants to assist in the completion of a Level Three Corrective Action
- Additional treatment of industrial stormwater
- Rerouting stormwater from areas in the northern portion of the Facility to an onsite infiltration pond
- Purchase and installation of stormwater treatment systems

The Consent Decree requires certain actions by Crunch which include:

- Revision of the Stormwater Prevention Pollution Plan
- Providing Riverkeeper copies of certain NPDES permit-related documents

- In lieu of a penalty, make a payment in the amount of \$150,000 to the Rose Foundation for Communities and the Environment for projects to improve the water quality of the Columbia River basin
- Pay Riverkeeper's litigation expenses and costs

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