

Citizen Suit Enforcement/Clean Water Act: Columbia Riverkeeper and Port of Vancouver U.S.A. Enter into Consent Decree



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Columbia Riverkeeper and the Port of Vancouver U.S.A. (collectively, “Port”) entered into a Consent Decree (“CD”) on September 12th to address alleged violations of the Clean Water Act.

The Washington State port district is described as encompassing approximately four miles of riverfront property along the Columbia River west of downtown Vancouver, Washington.

Port operations are stated to include leasing out certain areas and structures within the Port facility for a dry bulk commodities terminal. This terminal is utilized to receive via rail bulk commodities, including copper ore, to store those commodities, and then to load the commodities onto vessels for export on the Columbia River.

Stormwater discharges associated with industrial activity are stated to occur from an area of the Port under a permit issued by the Washington Department of Ecology under a National Pollutant Discharge Elimination System (“NPDES”) permit.

Columbia Riverkeeper previously issued a notice of intent to sue letter to the Port and subsequently filed a Complaint under Section 505 of the Clean Water Act alleging that the Port is in violation of certain terms and conditions of its NPDES permit. The alleged violations are stated to involve discharging copper ore and other pollutants from operations at the bulk terminal to waters of the United States in a manner not authorized by the NPDES permit.

The Port does not admit and expressly denies any liability for all of Columbia Riverkeeper’s claims alleged in the notice of intent to sue letters and in subsequent Complaints.

Pursuant to the Consent Decree the Port agrees to undertake such actions such as:

- Work with tenant Vancouver Bulk Terminal to install a \$25.5 retainer system which will receive and store copper ore in fully enclosed containers
- Develop and implement an operations and maintenance plan for the bioretention treatment system at Terminal 2
- Relocate metals stored in the boneyard near the maintenance shop to a location where it will not come into contact with precipitation or stormwater runoff
- Develop and implement a study to identify the locations most responsible for exceedances of the Port’s benchmark for total copper
- Purchase a Vactor Truck to reduce stormwater pollution

- Make a payment-in-lieu-of-a-penalty of \$500,000 to the Lower Columbia Fish Recovery Board, the Regional Salmon Recovery Organization, and lead entity for salmon habitat restoration for the Lower Columbia River in southwest Washington
- Fund and implement a \$150,000 project to improve water quality in Vancouver Lake

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