

1 RE Sources sues Sumas lumber company over stormwater runoff Herald 100220  
2 JOHN STARK / THE BELLINGHAM HERALD

3 A Bellingham environmental group has taken a Sumas lumber company to federal court alleging  
4 Clean Water Act violations, and a company official says the cost of settling the action could threaten  
5 the future of his company and its 45 jobs.

6 "We can't pay what they are asking," said Achim Fuchs, manager at Teal Jones Lumber Services. "It  
7 would break us. ... We're struggling right now."

8 Bob Bromley, mayor of Sumas and owner of the town's major grocery, said the city of about 1,200  
9 can ill-afford to lose the company.

0 "If Teal Jones isn't there, it ripples through the economy of Sumas," he said. "It affects other  
1 businesses, and city income too."

2 But Wendy Steffensen, North Sound Baykeeper at RE Sources for Sustainable Communities, said  
3 the lawsuit is an important part of the group's effort to stop pollution from stormwater runoff, to help  
4 reduce the deterioration of Puget Sound.

5 "Puget Sound is in trouble, and we all know that stormwater is one of the largest contributors to  
6 pollution in Puget Sound," she said. "We have undertaken a legal strategy to identify facilities that  
7 pose a threat to water quality and are not in compliance" with federal Clean Water Act standards for  
8 stormwater runoff from industrial sites.

9 In the lawsuit filed in September, RE Sources accuses Teal Jones of discharging polluted runoff into  
0 Johnson Creek at levels in excess of standards in its permit, and seeks civil penalties at a maximum  
1 of more than \$30,000 a day for violations.

2 "There are a lot of companies that are compliant with the law, and their cost of business is greater  
3 than a company that does not comply with the law," Steffensen said. "While it may seem heavy-  
4 handed to come down with a legal case, we're doing something that the Department of Ecology and  
5 the business should have done a long time ago."

6 Fuchs said his company wants to comply with the law. He characterized his firm's troubles as  
7 technical violations of complex reporting requirements, based on a misunderstanding of reporting  
8 deadlines. He questioned RE Sources' tactics in using a lawsuit to promote clean water.

9 "Their intentions may be right and may be justified, but the money they're taking from us does nothing  
0 to improve our environmental impact," Fuchs said.

1 The Clean Water Act standards are established in regulations attached to wastewater discharge  
2 permits issued to individual companies by the state Department of Ecology.

3 The state agency has authority to enforce the federal law, but the law also allows private parties to  
4 sue to challenge violations.

5 Steffensen said RE Sources and its environmental law firm, Smith & Lowney of Seattle, are using that  
6 provision to protect water quality. She described the Department of Ecology as "lax in its duties" in  
7 many cases.

8 Kurt Baumgarten, an Ecology water-quality specialist in the Bellingham office, said he and one other  
9 person must keep track of more than 100 industrial stormwater permit holders in a three-county area,  
0 as well as about 400 other permit holders. A third water-quality specialist position was cut recently  
1 due to state financial troubles.

2 Baumgarten said Teal Jones appears to have been filing its required reports on stormwater  
3 discharges, but he still needs to do a full review of the complex reports as well as a site inspection.  
4 The state enforcement system is geared toward educating companies and showing them how to get  
5 back into compliance when problems occur, he added.

6 Teal Jones is a Canadian-based company that makes dimensional lumber - lumber that is planed and  
7 cut to standardized sizes. The U.S. market for its products crashed with the rest of the economy.

8 Fuchs said the Sumas operation is staying afloat by shipping lumber to Australia and Japan, but its  
9 position is precarious. In November, Port of Bellingham commissioners gave the company a small  
0 break on its lease payments at the port's Sumas industrial park to help it survive.

1 The port's leases require tenants to comply with environmental laws. Mike Stoner, the port's  
2 environmental director, said he and his staff have worked with Teal Jones and other tenants to help  
3 them do that, but compliance requirements are complex.

4 After some earlier problems, Stoner said he believes Teal Jones has gotten back into compliance  
5 with legal requirements, and the company is doing its best to stay that way.

6 He said he admires RE Sources' vigilance on clean water issues but wishes the organization would  
7 emphasize a collaborative approach with companies and the port, before resorting to a costly lawsuit.

8 Steffensen said her organization has settled many Clean Water Act issues with area companies  
9 without going to court. She also noted that Smith & Lowney gives Teal Jones and other companies a  
0 warning letter advising that a suit will be filed in 60 days if issues are not addressed.

1 RE Sources is aware of the tough economic times that Teal Jones is facing, Steffensen said.

2 "We are actively working on this with them and we believe we are being very fair," she said.

3 Federal court records indicate that in the past two years, RE Sources and its law firm have reached  
4 settlement agreements in four similar cases involving Bornstein Seafoods of Bellingham, Oxbo  
5 International's Korvan Division of Lynden, Americold Corp. of Burlington, and the Port of Anacortes.  
6 Those settlements resulted in a total of about \$89,000 in payments to Smith & Lowney for fees and  
7 expenses, and \$81,000 in payments applied to water-quality restoration projects run by other  
8 organizations.

9 "We actually never take the money," Steffensen said.

0 She also observed that reversing decades of environmental damage to Puget Sound will not be a  
1 painless process.

2 "Unfortunately, we need to take some drastic action, and it includes all of us."

3

4 Comments posted as of 07:45 100220:

5 [IrishEyes](#) wrote on 02/20/2010 07:49:15 AM:

6 I liked Whatcom County better when we still had jobs. Remember Georgia Pacific? Remember how  
7 they were run out of town? An economy needs more than parks and kayaks.

8 [Steve](#) wrote on 02/20/2010 06:43:19 AM:

9 Who gave resources permission to enforce the law? We have enough cops without them as holes  
0 getting involved.

1 [Steve](#) wrote on 02/20/2010 06:35:49 AM:

2 Who gave re source permission to enforce the law, we have enough cops on the payroll.

3 [toadie](#) wrote on 02/20/2010 06:24:53 AM:

4 There are laws about polluting public waterways.

5 Thanks to Re Source for watching over this public trust.

6 If you can't follow American law, goodbye.

7 Would you also excuse a Canadian contractor that didn't follow rules?

8 Or a Canadian doctor that didn't follow rules?

9 Or a Canadian accountant that didn't follow rules?

0 All to be more competitive against those companies that do obey the law?

1 [lucky](#) wrote on 02/20/2010 05:05:47 AM:

2 Hey "we never take the money" Steffensen, Where did that brand new Prius come from? Did mother  
3 earth just drop it from a tree magically? Or did you find it on the Beach? You people lie like a rug; all  
4 day.

5 [Maggy77](#) wrote on 02/20/2010 03:53:02 AM:

6 No ecologist will be satisfied until every company moves overseas and there are no more jobs in the  
7 U.S. The overseas companies have no regulations and are destroying the environment, but the  
8 United States will be green - People-less, but green. Good things multiplied, do not always end up  
9 being a good thing.

0 [Dr\\_Gero](#) wrote on 02/19/2010 07:29:57 PM:

1 Where I come from this is called Law and Order!

2 [lucky](#) wrote on 02/19/2010 06:19:35 PM:

3 Just stop business right now this day and shut your doors for ever. RE Source will not be satiated  
4 until these people and all of their employees are out of business.

5  
6 RE Sources does not care about helping this company comply with strangely complex reporting  
7 duties, no they are after green-mail and the death of more blue collar jobs. May earth friendly  
8 buzzards eat their eyes out someday.

9 [maceman08](#) wrote on 02/19/2010 06:05:13 PM:

0 "We actually never take the money,"Steffensen said. Yeah I'm sure they just donate the money to  
1 charity. LOL

2 [duvyacht](#) wrote on 02/19/2010 06:01:34 PM:

3 Where I come from they call this extortion!!

4