Citizen Suit Action/Clean Water Act/Endangered Species Act: Northwest Environmental Advocates Notice of Intent to Sue City of Tacoma, Washington for Alleged Violations

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Northwest Environmental Advocates and Center for Biological Diversity (collectively, "Northwest") transmitted an April 8th letter to the City of Tacoma, Washington styled:

Notice of Intent to Sue the City of Tacoma for Violations of the Federal Endangered Species Act and the Federal Clean Water Act and Request for Stormwater Pollution Prevention Plan ("Notice").

The Notice alleges that Tacoma is violating Section 9 of the Endangered Species Act by discharging contaminants of emerging concern from Tacoma's Central Wastewater Treatment Plant to the Puyallup River estuary and Commencement Bay. Such discharges are alleged to be causing the unauthorized take of Puget Sound Chinook salmon, a species that is protected under the federal Endangered Species Act.

The Notice also alleges that Tacoma is violating its Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit that authorizes discharges of industrial stormwater from the referenced facility to surface waters, including the cited waterbodies. Such discharges are alleged to constitute violations of the federal Clean Water Act.

The contaminants of emerging concern in the Notice are described as including but not limited to:

…pharmaceuticals, pesticides, industrial chemicals, and personal care products.

Such chemicals of emerging concern are alleged to be adversely affecting Chinook salmon and their food supply by impacting fecundity, behavior, growth, immune function, and more.

Clean Water Act violations are alleged to include:

- Effluent limits.
- Stormwater Pollution Prevention Plan inadequacies.
- Failure to collect quarterly discharge samples.
- Failure to comply with visual monitoring requirements.
- Failure to implement Level One Corrective Actions.
- Failure to implement Level Two Corrective Actions.
- Failure to implement Level Three Corrective Actions.
- Failure to report Permit violations.

- Annual report violations.

Northwest Environmental Advocates states that the Notice is intended to provide sixty days' notice of intent to sue the City of Tacoma for the alleged violations.

A copy of the Notice can be downloaded here.