

OSPIRG, NEDC forge environmental lawsuit

■ A local company faces allegations of water pollution near Rattlesnake Creek

By Lindsay Buchele
Oregon Daily Emerald

The Oregon state PIRG and the Northwest Environmental Defense Center have joined forces to sue an alleged Eugene polluter and the Department of Environmental Quality, but a permit recently obtained by the company may hinder their suit.

Giustina Resources Dexter Sort Yard, which sorts timber to be distributed to saw mills, received a 60-day notice of intent to sue on March 15 from the Oregon State Public Interest Research Group and the NEDC.

The two groups are filing a federal Clean Water Act lawsuit against the company, contending it illegally discharged pollutants into Rattlesnake Creek, a Willamette River tributary located off Highway 58.

The Lane Community College branch of OSPIRG said it became aware of the alleged pollution after one of LCC's instructors, who lives by the sort yard, said he had seen oil-like substances floating in Rattlesnake Creek several times over the past five years.

The LCC and University branches of OSPIRG presented the situation to the state PIRG in order to file a lawsuit for the company's failure to obtain a storm water permit. Student branches of the organization are not allowed to file their own lawsuits.

"We went out ourselves and saw the seriousness of the situation," said Jill Katzenberger, an LCC OS-

PIRG member. "The majority of it looked like oil and grease and is probably auto by-products."

Katzenberger said Giustina had no permit from the DEQ as of March 15 to discharge substances into storm runoffs, which eventually end up in the Willamette River.

But according to Giustina's land manager Peter Sikora, the company requested a storm water discharge permit in January and received one March 8. Sikora also said that Giustina had no idea such pollution was taking place until the press conference held by OSPIRG on March 15, during which the notice of intent to sue was issued.

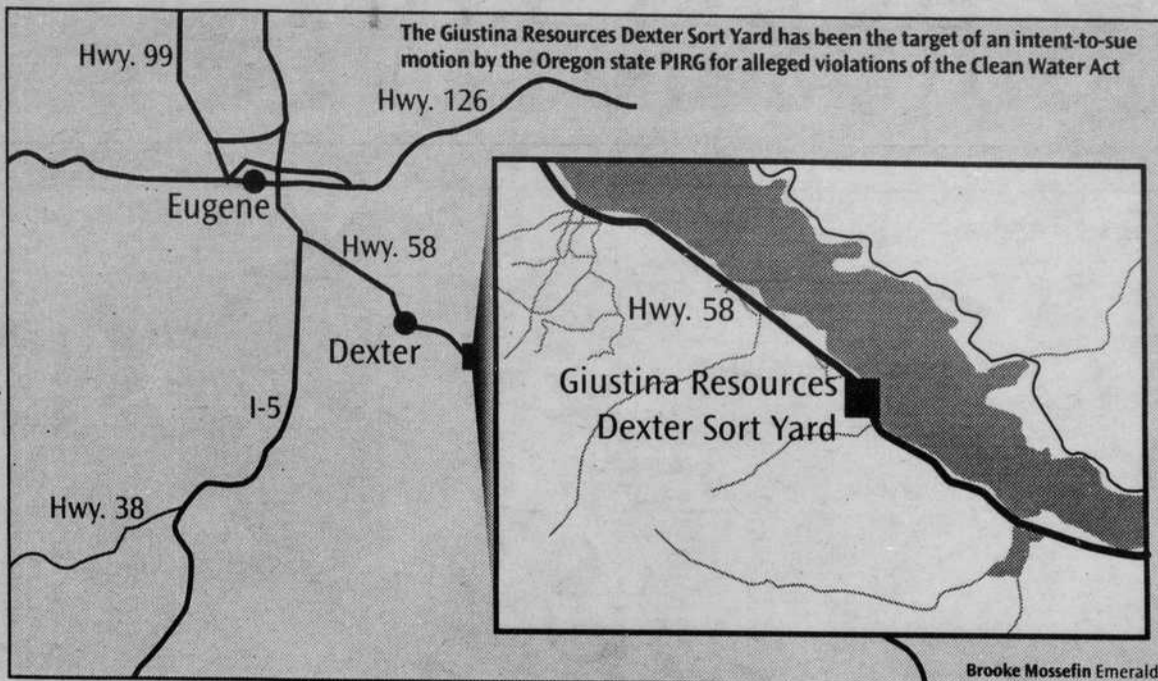
"We have people whose job it is to patrol our site and determine if there are any problems," Sikora said. "This site is only a sorting yard and we've never seen anything like this."

Sikora said since the press conference, Giustina has taken immediate action to absorb the pollutants and intends to define the source and control any further discharge.

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Brent Foster
environmental lawyer

Brent Foster, an environmental lawyer who is handling state PIRG and NEDC's suit against Giustina, said Giustina got the storm water



permit only after the student PIRG brought the problem to their attention.

"Giustina's been going along its merry way without a permit for six years," Foster said. "Before OSPIRG students started making a stink, getting a permit wasn't on their schedule. When the DEQ visited their site, they did not have a permit."

Foster also said the Eugene office of the DEQ neglected its duties by not monitoring Giustina and by taking over a month to investigate the polluted site after state PIRG officials notified the department. Both Giustina and state PIRG are waiting for the DEQ's test results on the substances found at the site.

Foster also said DEQ assured

state PIRG that they would not give Giustina a permit before the actual lawsuit began.

"It is outrageous that DEQ would take such a clear step to protect polluters," Foster said.

But DEQ environmental specialist Bill Perry said the DEQ never said it would deny Giustina a permit.

"They applied for a permit and were granted one," Perry said.

Sikora said it came to Giustina's attention that they needed a permit for the sorting site and that's why they applied for one, not because of state PIRG's recent intent-to-sue notice.

Despite the lawsuit, Sikora said Giustina is thankful that the problem was brought to their attention and can now be resolved.

Since Giustina has received a

permit from DEQ, Foster said the company is placed into the state environmental system, which means they will be monitored more closely and be held accountable for further violations of the Clean Water Act.

"We will continue to review what's going on with the permit and assess the situation," Foster said. "This does not eliminate our notice of intent-to-sue."

Sikora said Giustina will continue to monitor its site and wait for the DEQ's test results on the substances found at the site.

"We would appreciate getting contacted by groups like OSPIRG if a problem arises instead of getting an intent-to-sue notice," Sikora said. "People talking to people is always the best approach."

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