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April 10, 2025

Via CERTIFIED MAIL—Return Receipt Requested

Managing Agent
Pacific Aquaculture, Inc.
16797 SE 130th Avenue
Clackamas, Oregon 97015-8966

Managing Agent
Pacific Aquaculture – Nespelem, LLC
3378 Columbia River Road
Nespelem, Washington 99155

Managing Agent
Pacific Seafood Aquaculture, LLC
16797 SE 130th Avenue
Clackamas, Oregon 97015-8966

Managing Agent
Pacific Aquaculture – Nespelem, LLC
P.O. Box 665
Nespelem, Washington 99155

Re: NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT

Dear Managing Agent(s):

This letter provides you with 60 days' notice of Center for Food Safety and Wild Fish Conservancy's intent to file a citizen suit against Pacific Aquaculture, Inc., Pacific Aquaculture – Nespelem, LLC, and/or Pacific Seafood Aquaculture, LLC (collectively, "Pacific") under section 505 of the Clean Water Act ("CWA"), 33 U.S.C § 1365, for the violations described below.

Pacific owns and operates three commercial net pen aquaculture facilities (collectively, the "Facilities" or "Sites" and individually, the "Facility" or "Site") at or about the following locations:

- 3378 Columbia River Road, Columbia River Mile 579, Nespelem, Washington 99155 (48.1390°N, 119.0951°W) ("Site 1");
- 3560 Columbia River Road, Columbia River Mile 581.8, Nespelem, Washington 99155 (48.1390°N, 119.0533°W) ("Site 2"); and
- Columbia River Mile 576.4, Nespelem, Washington 99155 (48.1446°N, 119.1578°W) ("Site 3").

The Facilities raise rainbow trout (*Oncorhynchus mykiss*), marketed as steelhead, and discharge untreated effluent to the Columbia River, including to the impoundment of the Columbia River behind Chief Joseph Dam known as Rufus Woods Lake. The Facilities are

classified as concentrated aquatic animal production (“CAAP”) facilities under U.S. Environmental Protection Agency (“EPA”) regulations and require National Pollutant Discharge Elimination System (“NPDES”) permits under the CWA. *See* 40 C.F.R. § 122.24.

EPA issued Pacific substantively identical NPDES permits for the Facilities dated April 20, 2020, effective May 1, 2020, with an expiration date of April 30, 2025¹, under NPDES Permit Nos. WA0026336 for Site 1, WA0026328 for Site 2, and WA0026719 for Site 3 (collectively, the “Permits”). Pacific has violated and continues to violate the terms and conditions of the Permits with respect to the operations of, and discharges of pollutants from, the Facilities. Pacific has also violated and continues to violate section 301(a) of the CWA, 33 U.S.C. § 1311(a), by discharging pollutants from the Facilities to waters of the United States in a manner that is not authorized by NPDES permits.

I. CENTER FOR FOOD SAFETY AND WILD FISH CONSERVANCY’S COMMITMENT TO PROTECT ECOSYSTEMS FROM HARMFUL COMMERCIAL AQUACULTURE.

Center for Food Safety’s mission is to empower people, support farmers, and protect the earth from harmful impacts of industrial agriculture, including aquaculture. Wild Fish Conservancy is dedicated to preserving, protecting, and restoring the northwest’s wild fish and the ecosystems they depend on. Center for Food Safety and Wild Fish Conservancy are non-profit organizations with members who live, recreate, and work throughout the Columbia River Basin, including near and downstream of the Facilities’ discharges.

II. PACIFIC’S VIOLATIONS OF THE PERMITS.

A. Pacific’s Violations of the Permits’ Numeric Effluent Limitations.

Condition II of the Permits requires that Pacific’s pollution discharges comply with numeric effluent limits at all times. The following table, located in Condition II of the Permits, identifies the applicable numeric effluent limits.

¹ Pacific has submitted renewal applications for the Permits. The Permits will likely be administratively extended until such time as EPA acts on those renewal applications.

Table 1 Effluent Limitations		
Pollutant	Instantaneous Minimum Limit	Instantaneous Maximum Limit
Turbidity— --when background turbidity is 50 NTU ¹ or less --when background turbidity is greater than 50 NTU ¹	--	5 NTU above background level
		10% over background level
Dissolved Oxygen	8.0 mg/L ²	--
<p>1. Nephelometric Turbidity Units</p> <p>2. If the upstream DO measure is less than 8.0 mg/L, the sample taken at the edge of the net pen (as described below in Permit Part I.D.1.a.ii.) shall be considered in compliance with the permit requirement if that DO measure is no more than 0.2 mg/L less than the upstream DO measure.</p>		

Condition II.A.1.a of the Permits specifies that Pacific must monitor its effluent for compliance with the limitations at three separate locations on the downstream edge of each Facility: at the water surface; at half the water depth; and within three feet of the lake/river bottom.

As shown in Table 2 below, Pacific has repeatedly violated the numeric effluent limits imposed by Condition II of the Permits. These violations occurred on the dates that Pacific collected the applicable samples that exceeded the effluent limitations.

Table 2: Pacific's Violations of the Dissolved Oxygen Effluent Limitation				
Monitoring Period	Monitoring Point	Background Level (mg/L)	Applicable Limit (mg/L)	Result (mg/L)
			If upstream < 8.0 mg/L, Instant. Min. = 0.2 mg/L less than upstream	
			If upstream ≥ 8.0 mg/L Instant. Min. = 8.0 mg/L	
WA0026336 – SITE 1				
Oct. 2021	surface	8.07	8.0	7.99
	½ depth	8.03	8.0	7.92
	bottom	8.02	8.0	7.93

Sept. 2024	surface	7.66	7.46	NODI A ²
	½ depth	7.58	7.38	NODI A
	bottom	7.65	7.45	NODI A
Oct. 2024	surface	8.14	8.0	7.46
	½ depth	8.16	8.0	7.58
	bottom	8.13	8.0	7.59
WA0026328 – SITE 2				
Aug. 2021	surface	7.67	7.47	7.41
	½ depth	7.86	7.66	7.55
Sept. 2021	surface	7.54	7.34	7.33
Oct. 2021	surface	8.04	8.0	7.97
	½ depth	8.05	8.0	7.92
	bottom	8.02	8.0	7.91
Sept. 2022	surface	8.23	8.0	7.99
Sept. 2024	surface	7.67	7.47	NODI A
	½ depth	7.71	7.51	NODI A
	bottom	7.66	7.46	NODI A
WA0026719 – SITE 3				
Oct. 2021	surface	8.05	8.0	7.97
	½ depth	8.09	8.0	7.93
	bottom	8.04	8.0	7.88
Oct. 2023	½ depth	8.0	8.0	7.82
Aug. 2024	surface	8.04	8.0	7.84
	½ depth	8.05	8.0	7.86
	bottom	8.0	8.0	7.82
Sept. 2024	surface	7.78	7.58	NODI A
	½ depth	7.74	7.54	NODI A
	bottom	7.76	7.56	NODI A
Oct. 2024	surface	8.23	8.0	7.87
	½ depth	8.18	8.0	7.91
	bottom	8.15	8.0	7.92

B. Pacific’s Violations of Discharge Monitoring and Reporting Requirements.

Condition II.A.1.c of the Permits requires that Pacific monitor water quality for dissolved oxygen and turbidity on a weekly basis from May through October. Condition II.A.1.a of the Permits requires that Pacific conduct such weekly monitoring for these two parameters at six separate locations for each of the three Facilities: three locations upstream of each Facility for background data (at the water surface, at half the water depth, and within three feet of the lake/river bottom) and three locations at the downstream edge of each Facility for compliance with the effluent limitations (at the water surface, at half the water depth, and within three feet of

² “NODI” is a “no data” indicator and NODI code A indicates “general permit exemption.” See *ICIS–NPDES DMR Summary and Data Element Dictionary*, U.S. Env’t Prot. Agency, <https://echo.epa.gov/tools/data-downloads/icis-npdes-dmr-summary> (last visited Apr. 10, 2025). On information and belief, it indicates that Pacific failed to monitor and report on the parameter as required.

the lake/river bottom). Condition V.B of the Permits requires that Pacific report all monitoring data each month on discharge monitoring reports (“DMRs”) to EPA and the Coville Confederated Tribes (“CCT”) Environmental Trust Department. The DMRs must be submitted by the 20th of the month following the reporting period.

Pacific has violated these requirements by failing to monitor and/or report as required by these provisions. Specifically, Pacific has monitored and reported for dissolved oxygen and turbidity only once each month from May through October since and including 2020 for each of the three Facilities. Accordingly, for every month from May through October since and including 2020 (30 months), Pacific failed to monitor and/or report the following:

- three weekly samples upstream of each Facility at the water surface for dissolved oxygen;
- three weekly samples upstream of each Facility at half the water depth for dissolved oxygen;
- three weekly samples upstream of each Facility within three feet of the lake/river bottom for dissolved oxygen;
- three weekly samples at the downstream edge of each Facility at the water surface for dissolved oxygen;
- three weekly samples at the downstream edge of each Facility at half the water depth for dissolved oxygen;
- three weekly samples at the downstream edge of each Facility within three feet of the lake/river bottom for dissolved oxygen;
- three weekly samples upstream of each Facility at the water surface for turbidity;
- three weekly samples upstream of each Facility at half the water depth for turbidity;
- three weekly samples upstream of each Facility within three feet of the lake/river bottom for turbidity;
- three weekly samples at the downstream edge of each Facility at the water surface for turbidity;
- three weekly samples at the downstream edge of each Facility at half the water depth for turbidity; and
- three weekly samples at the downstream edge of each Facility within three feet of the lake/river bottom for turbidity.

Pacific further violated these requirements by failing to conduct any weekly monitoring and/or reporting of effluent for dissolved oxygen in September 2024. Specifically, for all three Facilities, Pacific did not conduct any weekly monitoring and/or reporting in September 2024 for dissolved oxygen at the downstream edge of each Facility at the water surface, at the downstream edge of each Facility at half the water depth, and at the downstream edge of each Facility within three feet of the lake/river bottom.

C. Pacific’s Violations of Lake Bottom Monitoring and Reporting Requirements.

Condition II.A.2 of the Permits requires Pacific to monitor, document, and report lake/river bottom conditions at the Facilities. Condition II.A.2.a provides that Pacific must document the lake bottom by video recording to the perimeter of the sediment impact zone as

prescribed in Table 3 of the Permits and Appendix A to the Permits, both of which are reproduced below.

Table 3 Photographic Surveys		
Parameter	Frequency	Location
Diving and underwater photographic survey for sediment accumulation on lake bottom	Semi-monthly ¹ , June through October	Sediment observation stations at down-current edge of each net pen facility and downstream of the facility to the edge of the sediment impact zone
Remote monitoring of lake bottom	Continuous, June 1 through December 31 each year	Down-current of pens: at the edge of the facility and downstream to the extent of the sediment impact zone
1. Approximately two weeks apart		

Appendix A to the Permits provides the following specifications for the required dive surveys:

The permittee must conduct a dive at the net pen facility twice a month, approximately two weeks apart between June and October, inclusive, each year. Divers must make and document observations from just upstream of the pens to about 150 feet downstream. Observations must be at indexed established reference points (at least 15), so that the same locations can be revisited on later dives. Divers will record a description of the lake bottom and biota for a radius of five feet from each reference point with respect to the presence of feed, feces, demersal fish (such as cottids), or other biota. Any feed, feces or out of the ordinary observations (e.g. *Sphaerolitus* growth) seen at the reference points or elsewhere must be recorded.

Divers must use an underwater camera or video camera to photograph the lake bottom at the 15 reference sites (at least) from a distance of 3-7 feet above the bottom, preferably on each dive. At a minimum, photographs must be taken at each station in late summer during low flow (worst case conditions). Artificial light (50 watt or greater) must be used at all times in taking 4-5 color photographs or 15-30 seconds of motion photography at each site; reference information on linear dimensions, time, date, station location, and net pen facility must be included with each picture or section of film footage. Photographs must clearly portray the appearance of the lake floor at each station.

After every dive, observations must be recorded. Records must be retained for at least five years, or longer upon request by the EPA or CCT Environmental Trust Department. Photographs of each station must be compared to earlier photographs at the same station, and any feed or feces accumulations must be noted in reports. Temporal or spatial trends in sediment accumulations must be described.

At least once per year, photographs must be timed to capture conditions before, during and after feeding. In reports, each photo must have a caption indicating date, location including indexed referenced site, and an observation comment.

Appendix A to the Permits provides the following specifications for the required remote observations:

In order to monitor the effect of the net pen operations on the river/lake bottom, the permittee must install and operate continuous river bottom monitoring camera stations at the down-current edge of the net pen facility. These cameras must be positioned near an indexed sediment observation stations used by the divers.

The permittee will record observations of bottom conditions as viewed by the cameras at least daily between June and December, inclusive, using a qualitative index of conditions, e.g., ranking on a scale of 0 to 3 for feed and feces occurrence and other conditions. Since fish fecal matter often appears similar to feed, this remote survey system must be evaluated and calibrated with diving observations and photography.

The location of diving/underwater and remote survey observation stations may be modified, if warranted by field conditions and bottom sediment accumulation patterns. The intent of the requirement is for the permittee to monitor areas of highest potential sedimentation.

Records of bottom surveys must be retained in accordance with Permit Part IV.F. (at least 5 years, longer if requested by the agencies).

Conditions II.A.2.c and V.B of the Permit require that Pacific submit the monitoring and photographic survey results to EPA and to the CCT Environmental Trust Department monthly no later than the 20th of the month following the reporting period.

Pacific has violated these requirements by failing to timely monitor, document, and report lake bottom conditions in accordance with each of the procedures, specifications, and deadlines identified above. These violations have occurred throughout the months of May through October since and including 2020 for all three Facilities.

D. Pacific's Violations of Noncompliance Reporting Requirements.

Conditions V.G and V.H of the Permits require that Pacific take certain specified actions when it violates or is unable to comply with any permit condition. As documented in Table 2 of this Notice of Intent to Sue, Pacific has repeatedly violated the Permits' numeric effluent limitations and thereby made unauthorized discharges in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a). *See* Permit, Condition I (“[T]he permittee is authorized to discharge pollutants at the location specified herein . . . within the limits and subject to the conditions set forth herein.”).

Condition V.G.1 of the Permits requires that Pacific report any of the following events to EPA and the CCT Environmental Trust Department via telephone within 24 hours of becoming aware of the event:

1. any discharge to the receiving water not authorized under the Permits;
2. any unanticipated bypass that exceeds any effluent limitation in the Permits (see Condition VI.F of the Permits, "Bypass Treatment Facilities");
3. any upset that exceeds any effluent limitation in the Permits (see Condition VI.G of the Permits, "Upset Conditions");
4. any violation of the maximum daily discharge limitation for total residual chlorine; or
5. any noncompliance that may endanger health or the environment.

Condition V.G.2 of the Permits requires that Pacific submit a written report to EPA and to the CCT Environmental Trust Department for any event that must be reported under Condition V.G.1 within 5 days of becoming aware of the event. The report must contain the following:

1. a description of the noncompliance and its cause;
2. the period of noncompliance, including exact dates and times;
3. the estimated length of time that noncompliance is expected to continue if it has not been corrected; and
4. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Condition V.H of the Permits requires that Pacific report all other instances of noncompliance that are not subject to the 24-hour reporting requirement of Condition V.G.1 of the Permits. These reports must be submitted with the monthly DMRs and other reports under Condition V.B of the Permits (within 20 days of the month following the reporting period) and must contain the information required under Condition V.G.2 of the Permits.

Upon information and belief, Pacific has failed to fully comply with the requirements of Conditions V.G and V.H of the Permits. Pacific has failed to report to EPA and to the CCT Environmental Trust Department each exceedance of the Permits' numeric effluent limits (including those identified in Table 2 of this Notice of Intent to Sue), and the resulting unauthorized discharges, that have occurred during the last five years within 24-hours of learning of the event. For each of these events, Pacific has further failed to submit complete and accurate reports containing all information required by Condition V.G.2 of the Permits within five days of learning of the exceedance of the numeric effluent limit.

Pacific has violated the requirements of Condition V.H. of the Permits by failing to timely submit complete and accurate reports containing all information required by Condition V.G.2 of the Permits for all other violations of the Permits identified in this Notice of Intent to Sue.

E. Pacific's Violations of Requirements for Quality Assurance and Best Management Practices Plans.

Condition II.B of the Permits requires that Pacific develop and implement Quality Assurance Plans ("QAP"), and Condition III of the Permits requires that Pacific develop and implement best management practices ("BMP") plans for the Facilities. Upon information and belief, including the exceedances of numeric effluent limits and the failures to monitor and report documented in the publicly available records, Pacific has violated these requirements by failing to develop and/or implement QAPs and BMP plans that meet the requirements of the Permits. These violations, described in more detail below, have occurred each and every day during the last five years at all three Facilities and continue to occur each day.

Pacific has violated Condition II.B of the Permits by failing to develop and/or implement QAPs for all monitoring required by the Permits. Pacific has violated Conditions II.B.1 and 2 because its QAPs are not designed to assist in the planning for the collection and analysis of water samples in support of the Permit and in explaining data anomalies when they occur, and because the QAPs do not use EPA-approved QA/QC and chain-of-custody procedures or follow the specified format.

Pacific has violated Condition II.B.3 of the Permits by failing to develop and/or implement QAPs for all three Facilities that include the following: details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements; map(s) indicating the location of each sampling point; qualification and training of personnel; and name(s), address(es), and telephone number(s) of the laboratories used by or proposed to be used by the permittee.

Pacific has violated Condition II.B.4 of the Permits by failing to amend the QAPs for the Facilities whenever there is a modification in sample collection, sample analysis, or other procedures addressed by the QAP.

Pacific has violated Condition III of the Permits by failing to develop and/or implement BMP plans for each Facility that prevent or minimize the generation and the potential release of pollutants from the Facilities to waters of the United States. Pacific violated Condition III.B of the Permits by failing to develop and implement, with written notice to EPA and the CCT Environmental Trust Department, BMP plans by June 30, 2020, by failing to retain the plans on site, and by failing to implement the plans as conditions of the Permits by July 30, 2020. Pacific violated Condition III.E of the Permits by failing to review annually and certify annually BMP plans for the Facilities as fulfilling the requirements of the Permits.

Pacific violated Condition III.G of the Permits by failing to amend the BMP plans whenever there is a change in the Facilities or in the operation of the Facilities which materially increases the generation of pollutants or their release to surface waters or whenever the BMP plans are found to be ineffective in achieving the general objective of preventing and minimizing

the generation and the potential for the release of pollutants from the Facilities to waters of the United States and/or other permit requirements. Pacific violated the Permits by failing to report all changes to the BMP plans for the Facilities to EPA with the required annual certifications of the BMP plans and because the changes were not consistent with the permit objectives and requirements.

Pacific violated Condition III.C of the Permits by failing to develop and/or implement BMP plans for the Facilities that are consistent with specified objectives for the control of pollutants; i.e., by failing to develop and implement plans that: minimize, to the extent feasible by managing each waste stream in the most appropriate manner, the number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged at the Facilities; ensure the proper operation of and maintenance of the Facilities and contain elements developed in accordance with good engineering practices; and require examination of each Facility component or system for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, including examination of all normal operations and ancillary activities including material storage areas, stormwater, in-plant transfer, materials handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, and drainage from raw material storage.

Pacific has violated Condition III.D of the Permits by failing to develop and/or implement BMP plans for the Facilities that are consistent with the general guidance in *Guidance Manual for Developing Best Management Practices* (EPA 833-B-93-004, Oct. 1993) and *Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R92-006) or any subsequent revisions to those guidance documents. Pacific violated Condition III.D of the Permits by failing to develop and/or implement BMP plans for the Facilities that include: (1) a statement of management commitment to provide necessary financial, staff, equipment, and training resources to develop and implement the BMP plans on a continuing basis; (2) a BMP Committee responsible for developing, implementing, and maintaining the BMP plans; (3) standard operating procedures to achieve the BMP plans' objectives; (4) reporting of BMP incidents, including a description of the circumstances, corrective actions taken, and recommended changes to operating and maintenance practices; (5) security; (6) prior evaluation of any planned modifications to the Facilities to ensure that the requirements of the BMP plans are considered as part of the modifications; (7) final constructed site plans, drawings, and maps for the Facilities; (8) feed management to limit feed input and minimize the accumulation of uneaten food; (9) waste collection and disposal; (10) plans to minimize any discharge associated with transport or harvest; (11) carcass removal; (12) materials storage, including proper storage of drugs, pesticides, and feed, procedures for properly containing, cleaning, and disposing of spilled material, and proper management of solid and hazardous waste; (13) maintenance, including routine inspections and regular maintenance of the production systems; (14) recordkeeping; and (15) training for spill prevention, spill response, and proper operation and cleaning of production systems.

F. Pacific's Violations of the Annual Reporting Requirements.

Condition IV.F of the Permits requires that Pacific submit complete and accurate annual reports for each Facility to EPA and to the CCT Environmental Trust Department by January 15 of each year that includes all information for the prior year specified in Appendix E to the Permits. Pacific has violated these requirements by failing to timely submit complete and accurate annual reports for the Facilities for all reporting years since and including 2020 (which report was due January 15, 2021). These violations include, but are not limited to, a failure to timely submit reports that include: (1) a summary of all noncompliance with the Permits (including the noncompliance identified herein), including descriptions and dates of noncompliance, the reasons for the incidents, and the steps taken to correct the problems; (2) a summary of all changes to the BMP plans; (3) information on solid waste disposal, including all types of solid wastes, the methods of disposal, and when and where the disposals occurred; (4) information on fish mortalities, including total mortalities from all causes and a description and dates for mass mortalities, including the reasons for each incident and the steps taken to correct the problem; (5) information on all chemical usage, including the dates the chemicals were used, identification of the chemicals used, the number of days the chemicals were used, the maximum concentration of the chemicals in the effluent, and the yearly totals of the chemicals used; and (6) information on all inspections and repairs for production and wastewater treatment systems, including the dates of the inspections, the dates of the repairs, and descriptions of the system inspected and/or repaired.

III. PACIFIC'S VIOLATIONS OF SECTION 301(a) OF THE CWA.

Section I.A of the Permits authorizes Pacific to discharge pollutants from the Facilities "within the limits and subject to the conditions set forth" in the Permits. As described above, Pacific has repeatedly and continuously violated the Permits during the last five years, including by exceeding numeric effluent limitations, failing to monitor and report discharges as required, and failing to develop and/or implement plans intended to reduce pollution in the manner required. These and the other violations identified herein nullify the Permits' authorizations to discharge.

Accordingly, Pacific has violated section 301(a) of the CWA, 33 U.S.C. § 1311(a), by discharging pollutants from the Facilities to the Columbia River, including Rufus Woods Lake. The pollutants discharged include, but are not limited to, uneaten fish feed, fish feces, deceased fish and parts thereof, and drugs, pesticides, pharmaceuticals, and other chemicals used in fish production. These illegal discharges have occurred each and every day during the last five years at each of the three Facilities and continue to occur.

IV. PARTIES GIVING NOTICE OF INTENT TO SUE.

The full names, addresses, and telephone numbers of the parties giving notice are:

Center for Food Safety
2009 NE Alberta Street, Suite 207
Portland, Oregon 97211

Wild Fish Conservancy
15629 Main Street N.E.
Duvall, Washington 98019

Tel: (971) 271-7372

Tel: (425) 788-1167

V. ATTORNEYS REPRESENTING CENTER FOR FOOD SAFETY AND WILD FISH CONSERVANCY.

The attorneys representing Center for Food Safety and Wild Fish Conservancy in this matter are:

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VI. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Center for Food Safety and Wild Fish Conservancy based on their review of the public record. These violations are ongoing. Center for Food Safety and Wild Fish Conservancy intend to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under section 309(d) of the CWA, 33 U.S.C § 1319(d), Pacific is subject to a separate daily penalty assessment for each violation. The current maximum daily penalty assessment for each violation is \$68,445. 40 C.F.R. § 19.4. In addition to civil penalties, Center for Food Safety and Wild Fish Conservancy will seek injunctive relief to prevent further violations under section 505(a) of the CWA, 33 U.S.C. § 1365(a), and such other relief as is permitted by law. Section 505(d) of the CWA, 33 U.S.C. § 1365(d), further authorizes prevailing parties to recover costs, including attorneys' fees.

Center for Food Safety and Wild Fish Conservancy believe that this Notice of Intent to Sue sufficiently states grounds for filing suit. Center for Food Safety and Wild Fish Conservancy intend, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Pacific Aquaculture, Inc., Pacific Aquaculture – Nespelem, LLC, and/or Pacific Seafood Aquaculture, LLC under section 505(a) of the CWA for the violations described herein.

Center for Food Safety and Wild Fish Conservancy are willing to discuss effective remedies for the violations described in this letter during the 60-day notice period. If you believe

that any of the allegations in this Notice of Intent to Sue are incorrect or based on incomplete information in the public record, please bring those facts to our attention.

Thank you for your prompt attention to this matter.

KAMPMEIER & KNUTSEN, PLLC

By: Erica L. Proulx
Erica L. Proulx

*Attorneys for Center for Food Safety and Wild Fish
Conservancy*

CERTIFICATE OF SERVICE

I, Erica L. Proulx, declare under penalty of perjury of the laws of Washington and the United States that I am counsel for Center for Food Safety and Wild Fish Conservancy and that on April 10, 2025, I caused copies of the foregoing Notice of Intent to Sue Under the Clean Water Act to be served on the following by depositing them with the United States Postal Service, certified mail, return receipt requested, postage prepaid:

Managing Agent
Pacific Aquaculture, Inc.
16797 SE 130th Avenue
Clackamas, Oregon 97015-8966

Managing Agent
Pacific Aquaculture – Nespelem, LLC
3378 Columbia River Road
Nespelem, Washington 99155

Managing Agent
Pacific Seafood Aquaculture, LLC
16797 SE 130th Avenue
Clackamas, Oregon 97015-8966

Managing Agent
Pacific Aquaculture – Nespelem, LLC
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Cogency Global, Inc.
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U.S. Environmental Protection Agency, Region 10
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Director Casey Sixkiller
Washington Department of Ecology
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Olympia, WA 98504-7600



Erica L. Proulx, WSBA No. 60155