



**FOR IMMEDIATE RELEASE**

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**Millennium Files Claim against Ecology in Court; Appeals Denial of Water Quality Certification**

***Millennium has its EIS and Critical Areas Permit, continues to pursue shoreline permits and others***

**LONGVIEW, WA**—Millennium Bulk Terminals-Longview (MBT) today filed a complaint in Cowlitz County Superior Court against the Department of Ecology and Director Maia Bellon, and an appeal to Washington's Pollution Control Hearings Board (PCHB), for the denial of its 401 certification under the federal Clean Water Act.

"Just last April, Ecology's environmental statement announced that Millennium's project met all state and federal water quality standards," said Bill Chapman, president and CEO, Millennium Bulk Terminals-Longview, "but Ecology has chosen to ignore its own water quality findings and make up special rules for this project."

The filings outline how Ecology and its Director disregarded their legal responsibilities as a state agency and their own Environmental Impact Statement (EIS) while assessing Millennium's 401 certification application under the Clean Water Act by:

1. Failing to appropriately apply Clean Water Act standards to its evaluation of Millennium's application;
2. Using "purported impacts of every kind *other* than water quality" to evaluate Millennium's application for water quality certification;
3. Inventing "special rules and a unique and unprecedented process" to evaluate Millennium's application; and
4. Joining an advocacy movement against the movement of coal in interstate and international commerce while evaluating Millennium's application—rather than administering the rule of law.

"Today's filings by our legal team reveal Ecology reinvented the rules and created an unprecedented process to evaluate our project," Chapman continued. "The law is clearly in our favor and presenting our case will ensure other important economic development projects will not face these same kinds of abuses in the future."

"Ecology's disinterest in following the law and subsequent treatment of Millennium is unfortunate for anyone who thinks the law should be applied with an even hand, but even more damaging is the clear message this sent to Washington's trade-dependent businesses," said John Stuhlmiller, chief executive officer of the Washington Farm Bureau. "Communities like Longview were built on industry and trade, and by politicizing the strict regulatory process, Ecology threatens the very livelihood of these small and rural communities across the state. Our state is about more than trendy neighborhoods and tech jobs. Ecology is killing critical investments in infrastructure that benefit farmers and family-wage jobs for blue-collar workers in Washington."

The appeal to PCHB by Millennium challenges “each and every finding” in Ecology’s denial. The complaint filed in Superior Court clearly spells out many different claims against the agency and its leadership. Visit [www.MillenniumBulk.com/appeal](http://www.MillenniumBulk.com/appeal) to read the court filings and learn more.

### **Upcoming Millennium Milestones**

On Friday, October 27, Cowlitz County Superior Court will hear the merits of Millennium’s case on the Department of Natural Resources sublease. The following week Millennium will be in front of the Cowlitz County Hearing Examiner for evaluation of its shoreline permit application.

### **Excerpts from Legal Filings**

*“...This is the first time in Ecology’s history, that it decided to deny a 401 certification with prejudice based on SEPA findings it made concerning interstate rail capacity, train traffic (and its attendant effect on vehicular traffic), train emissions, vibrations and noise, and train safety. All of these putative effects are an inevitable result of every cargo transportation infrastructure project on the lower Columbia or anywhere else and are a misuse of Ecology’s substantive (or supplemental) SEPA authority.”*

-And-

*“...Despite clear limitations expressed by Congress under CWA section 401 that states base their certification decisions on specifically enumerated water quality grounds, Ecology’s purported bases for Denial with prejudice were, in fact, entirely unrelated to water quality.”*

-And-

In the past six months the agency and its leadership “have processed 42 new or amended water quality certifications, and a number of certifications without prejudice. While tweeting extensively about Millennium’s Project and its certification request, Ecology’s Director Maia Bellon, did not tweet any other certification decisions.”



*“The Attorney General of Washington has emphasized “comments by President Trump and his advisers make clear the intent [of government actors]...” and twitter comments from officials often demonstrate bias.”*

-And-

*“Consistent with permitting reviews for other similar marine transportation infrastructure projects on the Columbia River involving dock construction and dredging (to facilitate vessel access), the EIS unequivocally found that discharges to Washington’s waters related to the proposed CET would not adversely affect water quality, wetlands or fish, and that any effects it might have on those resources could be fully mitigated.”*

-And-

*“Ecology invented special rules and a unique and unprecedented process for the evaluation of Millennium’s section 401 certification application. The U.S. and Washington State Constitutions prohibit this “class of one” approach that discriminates against the movement of a particular product in interstate and international commerce. Millennium is constitutionally guaranteed a fair process, which Ecology did not provide.”*

### **About Millennium Bulk Terminals-Longview**

Millennium Bulk Terminals-Longview is an operating bulk materials port on the Columbia River which was initially home to an aluminum smelter. Millennium is committed to the environmental cleanup and redevelopment of this 1940’s era industrial site into a vibrant, world-class port facility that will create family-wage jobs and help keep Longview and Cowlitz County working. In addition to the coal export facility, Millennium is actively seeking development of the site for other bulk commodity import and export opportunities.

### **Facts and Figures**

- 2,650 direct and indirect jobs
- \$680 million in private investment in Cowlitz County
- \$43.1 million in state and local revenue during construction
- \$5.4 million in state and local revenue each year when fully operational
- Supported by 15 labor unions and endorsed by Kelso-Longview Chamber of Commerce

For more information visit [www.MillenniumBulk.com](http://www.MillenniumBulk.com).

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