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For Immediate Release

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New Lawsuit Challenges Zenith Energy’s Illegal Expansion of Portland Oil-by-Rail Terminal

On January 11, 2021, Willamette Riverkeeper and Columbia Riverkeeper sent Zenith Energy Terminal Holdings, LLC a [sixty-day notice of intent to sue](#) under the Clean Water Act, alleging that the company unlawfully started construction to expand its Portland, Oregon, oil-train terminal without a required construction stormwater permit from the Oregon Department of Environmental Quality (DEQ).

“Zenith’s illegal construction activity flies in the face of the public’s stance against fossil fuel expansion,” said Elisabeth Holmes, Staff Attorney for Willamette Riverkeeper. “Our organization has worked for over 20 years to protect the Willamette River, and disregarding basic Clean Water Act protections is unacceptable.”

In 2015, Portland’s City Council adopted a binding policy—[Resolution No. 37168](#)—that flatly opposes the expansion of fossil fuel infrastructure in or through the City or adjacent waterways. In defiance of this prohibition, Zenith has been looking for loopholes to expand its oil-by-rail facility since it purchased its Portland Terminal property in 2018. After the City denied Zenith’s request to build additional pipes under NW Front Ave in October 2019, the company then focused its efforts on expanding its railcar unloading capacity. Zenith [claims](#) the new infrastructure will be used solely for biofuels, but admitted in a permit application that once constructed, the new infrastructure will “become part of the terminal’s existing petroleum, petroleum products, and renewable fuels bulk distribution operations[.]”

“Fossil fuel companies are not above the law,” said Erin Saylor, Staff Attorney at Columbia Riverkeeper. “Zenith’s oil-by-rail terminal poses a huge threat to people that live near the rail lines and the terminal. We won’t stand for Zenith Energy’s illegal effort

to expand a fossil fuel terminal that already threatens our climate, public safety, and clean water.”

Less than three weeks ago, a train carrying Bakken crude oil [derailed and caught fire](#) north of Bellingham, WA. Fortunately, no one was injured and the spill was quickly contained, but the accident joins the growing list of oil train accidents, and yet again illustrates the significant dangers these oil trains pose.

In May 2020, Zenith applied to DEQ for a construction stormwater permit at the Portland Terminal Site. However, DEQ rightly refused to process the company’s application without a new Land Use Compatibility Statement (LUCS) from the City of Portland. The City has not yet made a LUCS determination, and until it does so, and until DEQ processes Zenith’s permit application, Zenith is prohibited from starting any construction on the project. As early as April 2020, before applying for a permit, Zenith began significant land clearing and grading activity in the proposed expansion area. Zenith has ignored federal law, the DEQ and City’s processes, and plowed ahead with construction at the Portland Terminal Site.

If Zenith fails to correct its Clean Water Act violations during the sixty-day notice period, Willamette Riverkeeper and Columbia Riverkeeper will file a formal complaint against the company in federal district court.

Images: Columbia Riverkeeper can furnish images of the site upon request.

Since 1996, the non-profit organization Willamette Riverkeeper has worked to protect and restore the Willamette River’s water quality and habitat. WR advocates, educates, and on-the-ground projects to benefit the river’s ecological health. With offices in Eugene and Portland, WR has hundreds of members throughout Portland and the Willamette Valley. www.willametteriverkeeper.org

Columbia Riverkeeper’s mission is to restore and protect the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper is a non-profit organization with over 16,000 members who live, work, and recreate throughout the Columbia River Basin. www.columbiariverkeeper.org

The law firm of Kampmeier & Knutsen, PLLC and Columbia Riverkeeper and Willamette Riverkeeper’s in-house counsel represent the organizations in the case.

Resources:

- [Notice of Intent to File Suit for Violations of the Clean Water Act, Jan. 11, 2021](#)

