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**For Further Information:**

Nina Bell (NWEA): 503/295-0490

**EPA COMMITS TO TAKING ACTION ON  
OREGON'S TOXICS STANDARDS**

Under a court settlement with an environmental group, the U.S. Environmental Protection Agency (EPA) has committed to take action on Oregon's water quality standards for toxic contaminants based on whether they protect threatened and endangered species. The settlement of a two-year old lawsuit brought by the Portland, OR-based Northwest Environmental Advocates (NWEA) concerns the updating of nearly all of Oregon's toxic standards.

"The Clean Water Act gives EPA three months to approve or disapprove Oregon's standards," said Nina Bell, NWEA Executive Director. "Instead, EPA has taken four years and would, in all likelihood, take another four years if it were not for our legal action. Our settlement commits EPA to making an up or down decision by not later than April 1, 2009."

Despite federal requirements to keep toxic standards current with existing science, at least once every three years, until 2004 Oregon had never revised the standards it first adopted in 1988, 15 years earlier.

"Not only did Oregon fail to keep its toxics standards up-to-date, but EPA ignored the state's flagrant violation. When Oregon finally acted, EPA dragged its feet. And when EPA concludes that Oregon's new criteria are not protective of threatened and endangered species, this process will continue to drag on," said Bell. "The settlement propels EPA to the point of action."

The standards adopted by the Oregon Department of Environmental Quality (DEQ) in 2004 simply adopt EPA's national recommended criteria. "Oregon DEQ has known all along

that it did not have the expertise to determine whether national criteria were sufficient to protect Oregon species on the verge of extinction. Yet Oregon DEQ insisted on pretending it could do the job,” said Bell. “Even though time is running out for species that are being hurt by pollution and habitat loss, the agencies move at a glacial pace,” she added.

Northwest Environmental Advocates represented environmental organizations in the standards review process.

Water quality standards are used to set limits for industries and municipalities that discharge under permits. They are also the measuring stick against which Oregon’s waters are assessed, triggering identification of waters that need to be cleaned up and permit limits that need to be reduced. Water quality standards are set to protect people and fish from unsafe levels of toxic chemicals.

“In 1987 Congress instructed states and EPA to get really serious about reducing unsafe levels of toxic chemicals in the nation’s waters,” noted Bell. “These new legal provisions have been completely ignored by both Oregon and EPA, leaving us no choice but to file this lawsuit.”

NWEA has two other lawsuits against EPA concerning Oregon’s water quality standards the federal agency approved. One addresses EPA’s approval of Oregon’s temperature standards required to protect cold-water species such as salmon and bull trout. The second challenges EPA’s approval of a compliance schedule provision that allows the Oregon Department of Environmental Quality to give permitted dischargers unlimited amounts of time to meet water quality standards.

NWEA is represented in this case by Allison LaPlante of the Pacific Environmental Advocacy Center (PEAC), a clinic at Lewis & Clark Law School.

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