

Oregon's Zombie Permits: Fact Sheet

Northwest Environmental Advocates (NWEA) and the Northwest Environmental Defense Center (NEDC) have sued the Oregon Department of Environmental Quality (DEQ) for failing to protect Oregon's waters by not keeping pollution discharge permits current. While Clean Water Act permits expire after five years, they automatically continue indefinitely—like zombies—if DEQ does not issue new permits. DEQ's failure to renew permits ensures that dischargers avoid meeting new goals for water quality, new pollution prevention rules, and can ignore new scientific information on the quality of Oregon's waters.

Clean Water Act 101

Congress passed the Clean Water Act (CWA) to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” The law requires permits for pollution sources—such as industries and sewage treatment plants—that discharge wastes through pipes into streams, rivers, lakes, and oceans. These permits require dischargers to:

1. use the best waste treatment technology to reduce pollution;
2. reduce pollution with even better technology, if needed to protect water quality;
3. monitor their pollution and report the results to the public.

These permits are a part of the “National Pollutant Discharge Elimination System” (NPDES) permitting program. A discharger must have and comply with an NPDES permit in order to legally pollute public waters. In Oregon, EPA has delegated day-to-day operation of the NPDES permitting program to the Department of Environmental Quality (DEQ).

Using the Best Available Technology

When Oregon DEQ writes an NPDES permit, its first job is to ensure that the discharger meets minimum national technology-based treatment requirements. Specific to different industries, these are intended to make sure that, for example, a steel plant in Oregon uses the same up-to-date pollution removal technology as a steel plant in any other state. This is pollution prevention—making progress towards eliminating the unnecessary discharge of pollution.

Protecting Water Quality

A permit writer’s second step is to ensure the protection of human health and the environment. This is done by making sure that the permit complies with state goals for clean, healthy waterways that are set out in formal water quality standards and pollution clean-up plans.

All of the restrictions necessary to meet minimum technology and water quality protections become conditions of the permit with which a discharger must comply or face stiff fines.