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November 28, 2018
IMMEDIATELY

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COURT TELLS OREGON TO ISSUE TIMELY WATER POLLUTION PERMITS

Portland (OR) -- Water pollution permits in Oregon will now be issued in a timely fashion due to an order signed today by an Oregon court. The order will have the effect of moving Oregon up from being the state with the worst major individual permit backlog in the nation. The settlement signed by the court, between environmental groups and the Oregon Department of Environmental Quality (DEQ), requires the agency to issue new permits for all permits that are older than 10 years.

In the settlement, plaintiffs Northwest Environmental Advocates (NWEA) and the Northwest Environmental Defense Center (NEDC) also obtained DEQ's commitment to improve the quality of the pollution discharge permits that DEQ issues, to address the root causes of DEQ's delays, and to improve the transparency of Oregon's permitting program.

Although the federal Clean Water Act limits permits to five-year terms, approximately 150 individual permits and 15 general permits in Oregon are at least 10 years old, with some permits older than 25 years. When DEQ fails to issue new permits after the five year terms are completed, the old permits are considered "administratively continued" for an indefinite period. These permits may not comply with new or updated water quality standards that Oregon has adopted to protect human health and fish, many of which have been made more stringent.

"These old permits, that we call 'zombie permits' because they seem to live forever, have allowed polluters to avoid meeting modern standards for pollution controls," said Nina Bell, Executive Director of NWEA. "The resolution of this lawsuit will bring Oregonians the cleaner water they want, to protect people and salmon. DEQ will be required to actually reduce the pollution in Oregon's rivers based on the more protective water quality standards the state has adopted for pollutants such as toxic chemicals and temperature," she added.

In addition to ensuring the issuance of new permits for all permits that are over ten years old, the court order requires DEQ to make progress towards achieving a less-than-ten-percent backlog within ten years. At the end of 2017, Oregon's backlog stood at 84 percent. DEQ also agreed to meet binding milestones set for years two, four, six, and eight, with 100 percent of the "zombie permits" issued by year ten.

In addition, DEQ agreed to take actions to improve the quality of Oregon's discharge permits. DEQ will issue guidance to its staff on how to make sure that it has enough data on the pollutants, in both the discharges and in the waters that receive the discharges, in order to meet strict federal regulations. According to the plaintiffs, DEQ has routinely ignored these laws.

"This is not the first lawsuit we have filed seeking to force DEQ to restrict pollution dischargers as required by federal law," said Mark Riskedahl, Executive Director of NEDC. "We are very

pleased that we have achieved an enforceable outcome here that brings one part of Oregon's water pollution program into the 21st century," he added.

Lia Comerford, an attorney for the plaintiffs, said "Oregonians count on DEQ to take care of business, just the way each of us takes our car to DEQ for emissions testing every two years. Remarkably, DEQ has violated that trust for a very long time, frequently in an effort to protect dischargers from having to invest money in pollution controls. DEQ's real job is to protect public waters. and we believe the outcome today will help the agency achieve that goal."

The case was filed in Multnomah County Circuit Court. Attorneys representing the plaintiffs were Lia Comerford and Allison LaPlante of the Earthrise Law Center, at Lewis & Clark Law School, and Karl G. Anuta, a public interest attorney with a small private practice (Portland OR).

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