

## ***Northwest Environmental Advocates et al. v. Oregon DEQ et al.*** **DEQ commitments for its NPDES Water Pollution Discharge Program**

### **PERMIT TIMELINESS**

- Within ten years, DEQ will act on 100 percent of permits that are over ten years old at the time the settlement is finalized.
- DEQ will meet binding milestones for reducing its backlog at 2 years (10 %), 4 years (25 %), 6 years (40 %, including all permits older than 15 years), and 8 years (75 %).
- DEQ will publish a Five-Year Permit Issuance Plan with proposed dates for taking action on all individual permits and will update this Plan annually.
- Each October, DEQ will publish an Annual Permit Issuance Plan that will identify the permits DEQ intends to issue each quarter.
- DEQ may obtain extensions to this schedule by demonstrating: budget reductions; invalidation of water quality standards, Total Maximum Daily Loads (other than those currently in litigation), variances, and methods for compliance with permits; newly-recognized data collection needs for new water quality standards; prolonged consultation under the Endangered Species Act that affects permits; delays in EPA review of permits; regulation changes requiring additional resources; material compromise of information management systems; and increased rates of permit appeals or new permit applications.

### **PERMIT QUALITY**

- DEQ agrees that permittees may have to gather additional data to meet federal requirements for issuing permits. DEQ will develop guidance to ensure proper characterization of effluent and receiving streams to meet strict federal regulations it has routinely ignored, including: meeting narrative criteria, accounting for existing controls or lack thereof on other point and nonpoint sources, and ensuring that no discharge causes or contributes to violations of water quality standards.
- DEQ will not retract a proposed permit when EPA formally objects to a permit (in an attempt to avoid having EPA issue the permit).
- DEQ will consider establishing internal experts in its program and sponsor a training.
- DEQ will regularly review and update its permit templates.
- DEQ will complete a quality assurance review on draft individual permits.

### **TRANSPARENCY**

- DEQ will post draft and final permits and fact sheets on its website.
- DEQ will post an updated list of all Mutual Agreement and Orders issued to individual dischargers on water quality-related issues.
- DEQ will post the results of its Permit Readiness Review.

### **GENERAL NPDES PERMITS**

- DEQ agrees to take action on the following general permits within three years of the settlement: Seafood Processing (900J), Pesticides (2300A), and Cleanup Sites (1500A).