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**COURT ASKED TO FIX OREGON WATER POLLUTION PROGRAM
Case Challenges “Zombie Permits”**

Challenging the legality of a water pollution permitting program in which over 75 percent of Oregon’s largest polluters operate under expired permits, two environmental groups filed suit today against the Oregon Department of Environmental Quality (DEQ). The groups say they are seeking to make sure that Oregon discharge permits reflect modern science. Oregon ranks 49th out of 50 states when it comes to keeping permits up-to-date.

“Oregon’s expired discharge permits are like zombies,” said Nina Bell, Executive Director of Northwest Environmental Advocates (NWEA), one of the petitioners. “They last indefinitely while stalking Oregon’s streams and rivers with unsafe levels of pollution. These zombie permits are based on outdated science from the last century and lack the pollution restrictions needed to protect human health and salmon from toxics and a host of other pollution effects,” she added.

Oregon DEQ has been struggling to issue timely discharge permits since it first issued a report on the problem in 2001. More recently, Oregon DEQ spent \$250,000 on a consultant to obtain recommendations on how to fix the permit backlog problem. The consultant’s report acknowledged that DEQ is reluctant to issue permits to municipalities and industry that require installation of new pollution controls.

“Water quality data, science, and pollution control technology have all rapidly evolved,” said Mark Riskedahl, Executive Director of the Northwest Environmental Defense Center (NEDC). “It is time for Oregon’s oldest permits to modernize as well.”

The groups' lawsuit seeks to put Oregon DEQ under a court order to issue new permits for all dischargers with permits that have been expired for five years or more, approximately 140 permits or 40 percent of Oregon's 360 total permits for individual sources. On average, to avoid a backlog, Oregon would need to reissue 72 permits each year.

Under the Clean Water Act, water pollution discharge permits are issued for five-year periods. However, as long as a discharger submits a timely application for renewal, the old permit stays in place and is considered "administratively extended" indefinitely.

The recent consultant's report places much of the blame on changing requirements and circumstances: new water quality standards, new information on waterbodies with unsafe levels of pollution, and DEQ-authored pollution clean-up plans. In contrast, today's court filing points out that Clean Water Act programs are required to be constantly updating, with water quality standards being improved every three years and lists of waters that violate those standards updated every two years. The five-year cycle of a discharge permit is intended to reflect the most up-to-date science and information.

The oldest administratively extended permit is for Columbia Plywood, which discharges to the Klamath River, and which expired in 1989, 28 years ago. While many of the oldest expired permits are for industrial dischargers, there are also many municipalities on the list. The oldest municipal permit is for the Klamath Falls wastewater treatment plant, which dates to 1995.

The case was filed in Multnomah County Circuit Court. Attorneys representing the plaintiffs are Allison LaPlante and Ryan Shannon of the Earthrise Law Center at Lewis & Clark Law School and Karl G. Anuta, in private practice.

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