

# 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 these 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.*

## Why Was This Lawsuit Filed and What is it About?

For too long, Oregon has rested on a reputation for being environmentally protective that is based on 1938 legislation that forced cities along the Willamette River to construct sewage treatment plants and the actions of Legislator—and then Governor—Tom McCall to curtail industrial discharges to the Willamette in the 1960s. That was a long time ago.

Today, we can look back at decades of failures by the Oregon DEQ to issue Clean Water Act permits that are consistent with the law—or to issue them at all! Too many pollution discharge permits languish without renewal despite years of purported efforts to get them on track. In 1999, 70 percent of major permits were expired. Today, 75 percent of major permits are expired.

Sixteen years ago, DEQ began evaluating its problem of “zombie” permits. Since then very little has changed:

- 2001 – DEQ issues a report suggesting solutions.
- 2002 – DEQ convenes Blue Ribbon Committee to propose solutions.
- 2004 – Blue Ribbon Committee issues report.
- 2005 – Oregon legislature passes Senate Bill 45, recommending program changes.
- 2011 – DEQ issues report to legislature.
- 2015 – Oregon legislature authorizes hiring outside consultant.
- 2016 – Consultant issues \$250,000 report.

Oregon DEQ has tried to get this job done right and consistently has failed. The Oregon legislature has tried and failed. The U.S. Environmental Protection Agency (EPA) has turned a blind eye. This lawsuit is about asking the Oregon judicial system to step in and hold DEQ accountable for the job that it is required to do to protect human health and the environment from pollution discharged to Oregon's streams and rivers.

## Take Home Message

For decades, DEQ has proven itself incapable of issuing timely water pollution discharge permits. It makes excuses—blaming environmental groups and others. It complains that issuing permits that comply with the Clean Water Act is hard. But it's obvious that when DEQ lets a permit languish for as long as 28 years, the reason is to avoid pollution controls.

If DEQ cannot comply with the most fundamental of its obligations, it must return the permit program back to EPA. Until then, it is obligated to update permits to meet current laws.