

# Oregon's Zombie Permits: Fact Sheet

## Groups Sue Oregon Over Zombie Permits

### Who is suing whom?

Northwest Environmental Advocates (NWEA) and the Northwest Environmental Defense Center (NEDC) have sued the Oregon Department of Environmental Quality (DEQ) in state court.

### Why are NWEA and NEDC suing DEQ?

Oregon DEQ is authorized by the U.S. Environmental Protection Agency (EPA) to issue Clean Water Act permits to industrial and municipal dischargers of water pollution to state waters.

### What's the Problem?

Clean Water Act permits expire after five years. When DEQ fails to issue new permits to water pollution dischargers, they continue to operate on old permits. The vast majority of Oregon permits have expired, some for as long as 28 years.

### But Don't These Permits Expire?

Unlike your driver's license, DEQ permits are "administratively extended" if a discharger has applied for a new permit. This means that expired permits live on indefinitely . . . like zombies.

### What's So Wrong with These Old Permits?

The Clean Water Act is set up to constantly adjust downward the amount of pollution allowed by dischargers by requiring states to issue water pollution discharge permit every five years.

- On a regular basis states track improvements in pollution clean-up equipment to make sure all pollution sources use the best available technology.
- Every three years, states update water quality standards to make sure their water quality goals are based on the best science.
- Every two years, states compare actual pollution levels to those standards to prepare a list of waters with unsafe levels of pollution.
- On a regular basis, states develop clean-up plans for polluted waters to set limits for all the pollution sources that are causing the unsafe pollution levels.

When DEQ fails to issue new permits with conditions that limit pollution in response to new information it's like having the DMV refusing to put a restriction on your license to prevent nighttime driving after your doctor reports that you should not drive at night.

### What's the Take Home Message?

DEQ's zombie permits allow polluters to avoid meeting new water quality goals, new pollution prevention rules, and new scientific information on the quality of Oregon's waters. DEQ is violating the public trust by failing to run a permit program that meets the Clean Water Act.