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**CITY OF MEDFORD, OREGON SUED FOR
CAUSING SLIME IN ROGUE RIVER**

The City of Medford (OR) is unlawfully polluting the Rogue River, one of the nation's original eight rivers protected as "Wild and Scenic," according to a lawsuit filed today. The suit alleges Medford's discharge of nutrient pollution in treated sewage violates its Clean Water Act permit by causing the growth of algae and changing the river's natural composition of aquatic bugs.

Citing three studies, Northwest Environmental Advocates (NWEA) filed the lawsuit to force Medford to clean up its discharge of nutrient pollution. Nutrient pollution is a growing problem across the country, according to the U.S. Environmental Protection Agency (EPA). Known as plant fertilizers for gardens and farms, the nutrients nitrogen and phosphorus also cause lush and unwelcome growth of algae and aquatic weeds in rivers and lakes.

"This sliming of the Rogue River is equal parts the fault of the Oregon Department of Environmental Quality and the City of Medford," said Nina Bell, Executive Director of the Portland, OR-based NWEA. "DEQ never told Medford to clean up its discharge of nutrient pollution. But equally, Medford has been on notice for over five years that it is violating its permit, and it has done absolutely nothing to clean up the mess," she added.

In January 2013, the Rogue Fly Fishers and Federation of Fly Fishers sent the Oregon Department of Environmental Quality (DEQ) a study it had commissioned on Medford's effect on the Rogue River. Prepared by a former DEQ scientist, Rick Hafele, the study demonstrated

that Medford's discharge was having a profound impact on the river. Two subsequent studies, by DEQ and the city's own consultants, confirmed the results. Neither DEQ nor Medford acted.

"Medford is Exhibit No. 1 for the weakness of the DEQ water pollution permit program," said Bell. "But that doesn't excuse Medford for sitting on its hands and violating its permit," she added. Medford discharges under a permit that expired in 2016 but remains valid.

Hafele was known as "the bug man" at DEQ because he studies how poor water quality changes the number and types of aquatic bugs in waterbodies. Focused on algae and aquatic bugs, Hafele's report for the fly fishers showed significant differences between Rogue River water quality immediately upstream and downstream of Medford's discharge outfall.

John MacDiarmid, a member of NWEA and an ardent Rogue River fly fisher, applauded the legal action. "I've just been so incredibly frustrated with the years of inaction by Medford and DEQ," he said. "The Rogue River is one of Oregon's great prizes, only to be treated like it's part of Medford's sewer system. From my perspective, this lawsuit is long overdue."

"Medford's excessive nutrient pollution has gone unchecked for far too long, and we intend to hold the City accountable under the Clean Water Act for the degradation it has caused to the Rogue River," said NWEA attorney Jamie Saul. "Fortunately for the city's residents and Rogue River users, there are widely available treatment options that can easily solve this ongoing pollution problem."

Violators of discharge permits issued under the Clean Water Act are liable for penalties of over \$52,000 per day per violation. The case was filed in federal district court.

NWEA is represented in this case by Jamie Saul and Lia Comerford, both of the Earthrise Law Center at Lewis & Clark Law School.

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Fast Facts from Rick Hafele Report on Medford Discharge

- **Total bio-volume of periphyton**—algae attached to the river bottom—increased more than 10-fold at the lower sample sites as compared to the upper site.
- **Total abundance of invertebrates** dropped over 400% between the upstream sampling site and one lower site.
- **Pollution-sensitive species** (such as mayflies, stoneflies, and caddisflies) declined over 3,000% from upstream to one lower site.
- **Pollution-tolerant species** (aquatic worms and non-insect taxa like snails, clams, and crustaceans) showed a highly significant increase downstream of the outfall.