

**For immediate release**

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**FEDERAL JUDGE RULES CITY OF MEDFORD IS VIOLATING  
CLEAN WATER ACT PERMIT**

**Nutrient Pollution in Treated Sewage Causes Poor Water Quality in Oregon's Rogue River**

Portland (OR) – A federal judge ruled late Thursday that the City of Medford, Oregon, is liable for violating its Clean Water Act pollution discharge permit by its discharge of inadequately treated sewage to the Rogue River. Medford contested whether it was liable but had previously admitted that nutrient pollution in its discharge causes the rampant growth of algae and aquatic weeds in one of the country's first Wild and Scenic Rivers.

The lawsuit was brought by Northwest Environmental Advocates (NWEA) in 2018 after years in which the Oregon Department of Environmental Quality (DEQ) took no action.

“While this court decision is very important for water quality of the Rogue River, it's essential for Oregonians to understand that this lawsuit is as much about the failure of the Oregon Department of Environmental Quality as it is about Medford's failure,” said Nina Bell, NWEA Executive Director. “If DEQ were doing its job, we wouldn't have had to sue Medford to clean up the mess in the Rogue.”

The lawsuit was set off by a study completed in January 2013 for the Rogue Fly Fishers and Federation of Fly Fishers 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. But neither DEQ nor Medford acted and NWEA sued the city in May 2018.

“We're extremely pleased to be able to put an end to Medford's excessive nutrient pollution, which has gone unchecked for far too long,” said Jamie Saul, Earthrise Law Center staff attorney, who represents NWEA. “There has been no excuse for the city's inaction given the widely available treatment options that can easily solve this ongoing pollution problem. That Medford was able to point to a poorly written permit as its excuse to keep polluting demonstrates how deeply flawed Oregon's permitting program is.”

An earlier partial settlement of the case resulted in further studies that showed two nutrients are causing violations of Oregon water quality standards. The standards prohibit pollution that fundamentally alters the health of a river. Nutrient pollution stimulates the growth of algae that, in turn, causes changes to water chemistry and the die-off of pollution sensitive species.

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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