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For Further Information:

Nina Bell (NWEA): 503/295-0490
Allison LaPlante (Earthrise): 503/768-6894
Dan Mensher (Earthrise): 503/768-6926

**COURT SIGNS ORDER APPROVING AGREEMENT IN
OREGON WATER TEMPERATURE LAWSUIT**

Today, a federal judge in Portland signed an agreement between an environmental organization and the federal government requiring more rigorous oversight of Oregon's setting of water temperature standards for the state's rivers and streams. The agreement, between the Portland, OR-based Northwest Environmental Advocates (NWEA) and the U.S. Environmental Protection Agency (EPA), comes after the court ruled in favor of NWEA's challenge to numerous aspects of Oregon's water quality standards under the Clean Water Act and the Endangered Species Act. The lawsuit is the second time NWEA has successfully challenged EPA's approval of Oregon's temperature standards.

"For 20 years Oregon has tried – and repeatedly failed – to put standards in place that protect salmon, steelhead, and bull trout," said NWEA Executive Director Nina Bell. "We hope that the court's order will usher in a new day in which the State of Oregon and the federal agencies take seriously their obligations to protect these threatened and endangered species from the most widespread pollution problem in Oregon: high water temperatures."

"This case is important for Oregon water quality and salmon but it also has important national implications," said Allison LaPlante, Staff Attorney with the Earthrise Law Center at Lewis and Clark College (formerly the Pacific Environmental Advocacy Center), one of NWEA's lawyers on the case. "Importantly, the court ruled that EPA could not allow Oregon to essentially exempt the very human activities – logging and farming – that are causing high water temperatures across the state."

Among the most sweeping provisions the court struck down was EPA's approval of an Oregon Department of Environmental Quality (DEQ) rule that allowed the agency to

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automatically replace its other criteria with temperatures it deems “natural,” without any subsequent federal agency review. A provision widely used by DEQ, it has generated temperatures as high as 32° C (90° F), compared to the 18° C (64° F) numeric criterion that the court found was, while high, acceptable for fish.

“We are very pleased the court has vacated provisions that allowed Oregon to automatically change its water quality standards to temperatures clearly unsafe for fish,” said Dan Mensher, an attorney with Earthrise. “Those provisions made a mockery of the law, of common sense, and of the science that shows that salmon and steelhead need cold water, not temperatures up to 90 degrees Fahrenheit.”

EPA agreed to take action on these rules within four months. It also agreed to review an Oregon DEQ guidance document that allegedly shows how Oregon will implement federal requirements intended to protect clean water from becoming more polluted.

In an earlier order signed in January, the court approved an agreement between the parties that allowed Oregon DEQ to remove the provisions in its rules that exempt the major sources of temperature pollution from the standards. Oregon must complete that rulemaking by June or face an EPA action on those provisions. The January order also directed EPA, the National Marine Fisheries Service, and the U.S. Fish & Wildlife Service to properly analyze the temperature standards under the Endangered Species Act. The federal agencies have roughly two years to complete those actions.

In a separate lawsuit filed in September 2012, NWEA challenged all the temperature clean-up plans developed since 2004 in which Oregon DEQ automatically changed its water quality standards from 16° C and 18° C to much higher temperatures. Known as Total Maximum Daily Loads or “TMDLs,” each clean-up plan invoked the provision that allowed Oregon to change its standards without federal agency review. That case is still pending.

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