



Kathy Aney for Oregon Capital Chronicle

A pivot sits in a crop of canola on land owned by Madison Farms near Echo. Along with water from the Columbia River, the farm sprays nitrogen-rich water from processing plants at the Port of Morrow.

Water:

Continued from Page A1

agriculture — fertilizer runoff from irrigated crops and waste from large cattle feeding operations. Industrial operations such as the food processors at the port's Boardman complex also were identified as adding to the problem.

Studies came to a head in 1997, when evidence of that contamination was so compelling that a committee including government and private interests recommended immediate action. The hope was to see improvement within about a decade, by 2009.

Among the recommendations was that food processors reduce their wastewater and cut the nitrogen content of that wastewater before it was pumped to area farms. The groundwater committee also recommended that facilities develop better methods to measure the amount of nitrogen from wastewater that was absorbed by crops and how much was leaching into the soil and groundwater as nitrate.

"If after a scheduled evaluation point, DEQ determines that the voluntary approach is not effective, then mandatory requirements may become necessary," the 1997 report said.

Nine years later, the results weren't encouraging.

"Nitrate results compared between years 1992 and 2003 at ~130 wells: concentrations are increasing at most wells," according to 2006 meeting minutes of the committee pursuing reforms.

Another 14 years later, in 2020, the committee updated its action plan with sobering findings.

In more than half of the wells DEQ had been testing since the early 1990s, the nitrate levels had gone up. Just about one-third of the wells had nitrate levels that were decreasing.

"Nitrate concentrations are going up more than they are going down," the 2020 report said.

The average concentration of nitrate in a third of the wells was above the EPA's threshold of 10 parts per million, and some were as high as 76 parts per million.

The committee again planned how to reduce nitrate levels, outlining voluntary steps that could be taken. The report recommended that the port and the food processors continue studying best practices for land application of the water and to "continue to follow their permit conditions and requirements and meet or exceed all requirements."

DEQ made no move to invoke the mandatory changes it had raised as a prospect

A HISTORY OF VIOLATIONS

2007-2009: The Port of Morrow violates its permit 42 times, applying an excess of 3,670 pounds of nitrogen per acre on fields across three farms. No fine is imposed.

2011: The port gets DEQ permission to expand the acreage used for disposing wastewater. DEQ and the port agree to a mutual order and agreement, which spares the port from fines as it promises to deliver a new plan for wastewater disposal.

2012-2014: The port applies more than 200 tons of excess nitrogen across farm fields through nitrogen-rich wastewater.

2015: DEQ fines the port \$129,000 for violations in 2012-2014 as the port again seeks to expand acreage for its disposal program.

2016: DEQ fines the port \$8,400 for building a wastewater storage pond without state permission.

2015-2017: The port applies 263 tons of excess nitrogen through wastewater disposal on farm fields.

2017: DEQ identifies port's past violations but settles for a new mutual order and agreement that imposes no fines. DEQ renews the port's permit, restricting the types of crops that can get the nitrogen-rich wastewater in the winter.

September 2020: The port asks DEQ for permission to add more acreage for wastewater disposal, triggering a detailed review by DEQ of port operations.

November 2021: DEQ concludes the port applied 165 tons of excess nitrogen to area farms over four years, violating its permit 1,100 times.

January 2022: DEQ fines the port nearly \$1.3 million for the violations

SOURCE: Oregon Department of Environmental Quality.

30 years earlier.

Instead, records and interviews establish, they left the polluters to act voluntarily — and little happened.

More than 1,100 violations

Meanwhile, Port of Morrow officials had stalled on the construction of the digesters proposed in 2017 and none were operational. In September 2020, Miff Devin, the port's water specialist, asked the DEQ for permission to expand the acreage where wastewater could be dumped.

By then, a new team was handling permit reviews in Eastern Oregon. Chad Gubala, a hydrologist and chemist, had joined the agency a year earlier to manage DEQ's water quality program out of the Pendleton office. He was joined by Justin Sterger, an environmental scientist who came aboard in January 2019 as a senior water quality permit writer, based in Bend.

Sterger had the task of viewing the port's latest request to amend its permit. That involved, in part, reviewing years of compliance reports submitted to DEQ since its permit was renewed in 2017.

In all, Sterger documented port violations over three years that resulted in 165 tons of excess nitrogen being spread. He and Gubala prepared to alert the Port of Morrow to the findings and potential enforcement.

On June 9, 2021, Sterger and Gubala got an internal email marked "URGENT" that said the agency's deputy director, Leah Feldon, wanted them to hold up issuing the notice to the port.

The message arrived too late.

Sterger already had sent

the 15-page "pre-enforcement notice" to Ryan Neal, who had succeeded his father as executive director of the port.

Sterger had ranked the violations as Class I, the most severe.

As a fine was being evaluated, DEQ's Office of Compliance and Enforcement asked Sterger to review not just monthly, but daily wastewater discharge data. That's when he found the port had violated its permit more than 1,100 times since 2018.

Gubala, who left the agency earlier this year, told the Capital Chronicle that he, Sterger and the employees that worked with them at DEQ's Office of Compliance and Enforcement figured a maximum \$25,000 per day of violation could be coming, resulting in a nearly \$29 million fine.

"That's when things really got more of the attention of upper management of Leah and Richard, on this matter," Gubala said, referring to the agency's deputy director and to Richard Whitman, who had become director in 2017.

But as regulators were considering their enforcement action, DEQ officials faced political pressures as they moved on a separate track to impose new operating limits on the Port of Morrow.

— Oregon Capital Chronicle developed this story in collaboration with the Catalyst Journalism Project at the University of Oregon School of Journalism and Communication.

Catalyst brings together investigative reporting and solutions journalism to spark action and response to Oregon's most perplexing issues. To learn more visit catalystjournalism.uoregon.edu or follow the project on Twitter @UO_catalyst.

BMCC:

Continued from Page A1

sional development, for a savings of about \$250,000, and reducing faculty overload pay by \$100,000 to \$200,000. Finally, four full-time faculty members would take early retirement, which, with the internal transfer of a fifth member, would total \$450,000 in savings.

In return for these concessions, the association asked the college only to retract its plan to layoff faculty.

"We came very close to reaching an agreement," Hernberg continued, "but the college was unwilling to budge on a minimum of two layoffs."

The association asked the college to consider giving up some of its budget increases to preserve educational offerings, but, according to Hernberg, BMCC administration refused to discuss the matter.

Those budget increases included \$100,000 in travel expenses, \$165,000 in supplies and \$258,000 in repairs and maintenance, according to Hernberg's statement. The administration also is proposing an increase of \$116,000 in equipment and furniture, \$100,000 in professional services and \$265,000 to hire two new administrators.

"Unfortunately, the college was unwilling even to discuss these unnecessary increases to the budget,"

according to Hernberg's statement. "Nor could they explain why faculty must be laid off to make way for higher travel expenditures or more consultants and administrators. We could not accept arbitrary layoffs because we know BMCC's mission is to educate its students."

Browning pointed out that some of the proposals the faculty union would not accept had been their ideas in the first place, such as the salary freeze they volunteered.

"Freezing salaries for one year doesn't solve our budget shortfall," Browning said, and offering incentives for early retirements for teachers would require doing so for the other two classes of employees as well, which would cost the college more money.

Browning defends increases

Some of the apparent budget item increases aren't real, while others are needed, Browning commented. For instance, the apparent athletics budget increase isn't real, but an accounting change, switching the director's pay into that department from another item.

He also said the two new administration positions are vital jobs the prior budgets had unwisely eliminated. The marketing and communication position is needed to attract more students, he said.

"How are we going to get more students," Browning asked, "without letting them

know what we have to offer?"

The other position is for a data analyst, and the goods and services line item is for new computers for an information system, which faculty themselves complain is horrible, according to Browning.

"They can't have it both ways," he said.

The travel budget is an increase over 2021, but that was an unusually low mileage year due to pandemic restrictions, Browning said. And as with instruction, professional development sessions are better in person.

Both sides say it's about the community

"I'm proud of the service we provide to our communities," Browning concluded. "We've worked hard to reduce layoffs from 10 to (fewer), but with declining enrollment, we just can't keep the same number of teachers."

"We know that students, parents, alumni, taxpayers and community members rely on BMCC to provide an education that we can all be proud of," Hernberg continued in his statement. "We believe that we have made every effort to reach an agreement with the college administration and we have no choice but to resume our campaign of public advocacy."

Hernberg also asked for supporters to join faculty at the June 1 board meeting. The association plans to gather at BMCC's Pendleton campus at 4:30 p.m. that day.

Marigold:

Continued from Page A1

Farm II — Facility for Agriculture Resource Management — has received millions of dollars of state support for Blue Mountain Community College and partners to construct a facility providing education and performance areas related to agriculture.

Pendleton Round-Up

Holdings, an arm of the Pendleton Round-Up Association, wants to take down the structure at 1816 S.W. Byers Ave. to open the space for FARM II. Pendleton Round-Up Holdings then will lease the vacant land to the college.

According to the memo to the commission, the estimated demolition cost is \$73,000, and the urban renewal program covers the entire cost of demolitions.

Pendleton Round-Up

Holdings contacted numerous demolition companies before finding one that could handle the large amount of asbestos in the building and take it back to dirt this year, according to a memo, 3 Kings Environmental, of Vancouver, Washington, got the job. The project may occur in July.

The PDC will meet June 14 to consider altering its grant-giving process to improve financial sustainability.

Good Shepherd Outreach & Events

May is Older American's Month

Good Shepherd's Community Health & Outreach offers free health screenings for community members of all ages!

Healthy Cooking on a Budget

Second Tuesday of the month (May 10, 2022)

Walk with Ease

May 23 - July 1, M/W/F

GOOD SHEPHERD COMMUNITY HEALTH & OUTREACH

541-667-3509 | healthinfo@gshealth.org



LOOK! LOOK! LOOK! FRESH ARRIVALS!

2022 Chevrolet Trax
\$26,170

2022 GMC Terrain
\$40,330

Technician Wanted! Call Us Today

1740 Washington Baker City
1-800-399-391
www.bakercitygmsales.com