

# Stricter rules possible for new wells

By MATEUSZ PERKOWSKI  
Capital Press

SALEM — Oregon water regulators want to impose stricter rules for drilling new irrigation wells next year to preserve groundwater levels and prevent over-pumping.

A preliminary analysis of available data suggests that little groundwater across the state is available for new allocations, said Ivan Gall, field services division administrator at the state's Water Resources Department.

The goal is to create a policy that's "simple and transparent" and also "protective" of groundwater and senior water rights holders, Gall said at the June 16 meeting of the state's Water Resources Commission, which oversees the department.

The agency plans to hold public outreach workshops about the proposal this summer, following by a "rules advisory committee" to weigh in on potential changes.

Under this timeline, the commission could vote to adopt the new regulations in early 2023.

"It's a very large undertaking, when you look at the issues before us," said Doug Woodcock, OWRD's deputy director of water management.

The agency is on an "ambitious schedule" to revise the rules for permitting new wells, he said. It plans to later deal with other groundwater reforms, such as the rules for deepening existing wells.

"We're really looking at the groundwater allocation piece and getting that under control," Woodcock said.

Depletion of groundwater has been a growing concern for several areas in Oregon, drawing increased scrutiny to how

irrigation uses are regulated.

Traditionally, irrigators have been permitted to tap into aquifers as long as the wells didn't immediately interfere with surface waters, according to OWRD.

The agency is now contemplating an approach that would deny permits for new wells where groundwater is over-appropriated or where data is lacking.

Currently, new groundwater uses may be approved even if there's insufficient information about aquifer appropriation.

Under the new regulation, wells would no longer be permitted simply because an area "cannot be determined to be over-appropriated."

During the June 16 meeting, commission members urged OWRD officials to cease approving new wells in areas where the impact to aquifers is unknown — even before the new regulations are finished.

"It's concerning because the existing rules would seem to be the reason for the situation we're in," said Woody Wolfe, a farmer and commissioner.

That sentiment was echoed by Meg Reeves, a retired attorney and the commission's chair.

"I would be in favor of exploring what can be done in the interim," she said.

Waterwatch of Oregon, an environmental nonprofit, believes that current laws and regulations allow OWRD to "default to no" when wells are proposed in areas with limited groundwater data.

"We don't think there's any new process needed to do this," said Lisa Brown, the nonprofit's attorney.

Brown said her organization appreciates the OWRD's regulatory direction but urged the agency to act quickly.

# State raises Port of Morrow fine

East Oregonian

BOARDMAN — Oregon Department of Environmental Quality has increased the penalty against the Port of Morrow from \$1.3 million to a little more than \$2.1 million.

State environmental regulators levied the initial fines in January, accusing the port of excessively spreading nitrogen-rich wastewater as fertilizer on area farmland for years. DEQ announced in a statement Friday, June 17, the additional \$800,000 is "for additional violations involving over application of wastewater containing nitrogen to agricultural fields in the Lower Umatilla Basin, an area with longstanding groundwater contamination."

The Port of Morrow has been appealing the \$1.3 million in fines. Port Executive Director Lisa Mittelsdorf was not available June 17 for comment.

According to the statement from DEQ, the Port of Morrow is one of many sources contributing to nitrate contamination in northern Morrow and Umatilla counties — an area known as the Lower Umatilla Basin Groundwater Management Area.

The primary source of contamination in the area, about 70%, is from fertilizer used on irrigated farmland, according to the management



East Oregonian, File

**Industrial facilities operate Jan. 11, 2022, at the Port of Morrow near Boardman. Oregon Department of Environmental Quality announced Friday, June 17, it increased the penalty against the port for nitrate pollution from \$1.3 million to a little more than \$2.1 million.**

area's action plan. Additional contributors are dairy and cattle farms (about 20%), food processing facilities, such as the port that reuse wastewater to irrigate fields (about 5%) and residential septic systems and other sources (about 5%).

The Port of Morrow collects wastewater from food processors, storage facilities and data centers in its industrial park outside Boardman. The port has a DEQ water quality permit that allows it to use the nitrogen-rich wastewater for irrigation on nearby farms, but the permit includes limits on how much nitrogen the port can apply to the farmland and how much nitrate and moisture can be present in soil prior to applications.

"The amended notice cites the port for additional occurrences of applying wastewater containing nitrogen to fields that already had too much existing nitrate or moisture in the soil," according to the statement. "Having too much nitrate or moisture in the soil when applying wastewater increases the likelihood of nitrates flowing down into the groundwater rather than remaining in the soil for crops to use."

DEQ also reported the port documented additional violations to DEQ in its annual report and in email and phone reports of non-compliance. The additional violations occurred between November 2020 to February 2021 and November 2021 to

February 2022.

The revised fine totals \$2,100,351.

DEQ in its amended notice stated it "acknowledges that the port is committed to finding a long-term solution to the management of its wastewater that both promotes beneficial reuse and is protective of public health and the environment."

Even so, according to the notice, since DEQ issued the notice, the Port of Morrow has not submitted a plan to achieve compliance with the nitrogen loading limits in the permit. The new notice requires the port to "develop and implement an approval plan to achieve compliance with both the nitrogen loading and moisture content limits in the permit."

Because the port already has an appeal going with the initial fine, the DEQ explained it does not need to submit a new appeal, although it can submit an amended request for a hearing.

The state environmental department also encouraged the port to collaborate with local partners to complete a "Supplemental Environmental Project" that addresses high nitrate concentrations in the drinking water in the groundwater management area. DEQ stated the port could resolve as much as 80% of the penalty through such a project.



**Congratulations Pete Teague!**  
**TOP PRODUCER**  
**for the Month of May, 2022**

**Call Pete for a Free Market Analysis**  
**and for all of your Real Estate Needs.**  
**541-620-0841**  
**160 E. Main St., John Day, OR**

15th Annual  
**Family Fun Day**  
Saturday, June 25th  
Grant County Fairgrounds  
from 10:00am - 2:00pm

NO CHARGE for wristbands this year!

**Activities:**

- Arts, Crafts & Activity Booths
- \$1 Hamburgers & Hotdogs
- Kid's bike helmet exchange: bring your old one or purchase one for \$6
- FREE: Waterslide, Bounce House, Ninja Warrior Wipeout Course, Obstacle Course, Rock Wall, Snocones
- Health Information Booths

**PARENTS: Sign waiver at Families First Booth!**

**Special Thanks to our 2022 Sponsors:**  
Community Health Partnership • Families First • Frontier Early Learning Hub • GC Fairgrounds


THE PENDLETON BRANCH OF D.A. DAVIDSON & CO.

**Congratulates**

**Michael Hales, CFP®**  
Financial Advisor  
mjhales@dadco.com | (541) 304-7065

Michael Hales has earned his CERTIFIED FINANCIAL PLANNER™ certification from the CFP Board of Standards, Inc., which is a highly regarded credential in our industry. Michael's achievement allows him to serve clients concerning retirement planning, estate planning, insurance, and other comprehensive wealth management issues.

In a partnership approach and with guiding principles of communication, education, tailored solutions, and trust, Michael serves his clients. We commend Michael on these accomplishments.



**D | A | DAVIDSON**  
**HALES WEALTH MANAGEMENT**  
Advisors with D.A. Davidson & Co. member SIPC

111 S. Main St. | Pendleton, Oregon | dadavidson.com