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Class action lawsuit filed against Port of Morrow and other entities over groundwater pollution

By Chris Sykes

A class action lawsuit has been initiated in the United States District Court by plaintiffs Michael Pearson, Michael Brandt, Virginia Brandt, James Suter, and Silvia Suter against several entities, including the Port of Morrow, Lamb Weston Holdings, Inc., Madison Ranches, Inc., Threemile Canyon Farms, LLC, Beef Northwest Feeders, LLC, and John Does 1-10. The lawsuit alleges that the defendants' activities have resulted in significant nitrate pollution in the groundwater of Morrow and Umatilla counties, posing a grave threat to public health.

The complaint outlines the severe ramifications of nitrate pollution on the communities within these counties. It claims that numerous residents, both those utilizing private wells and those dependent on public water systems, are encountering difficulties in accessing clean drinking water. The contamination has led to unsafe nitrate levels in tap water, compelling residents to rely on bottled water for all consumption, culinary, and household needs. Additionally, the costs associated with mitigating pollution and ensuring access to safe water have placed a burden on residents, with some facing inflated water bills or higher taxes.

The lawsuit attributes agricultural and industrial activities as the primary sources of nitrogen pollution. The defendants, including agricultural operations and industrial wastewater treatment facilities, are accused of depositing substantial amounts of nitrogen onto the land, subsequently contaminating the groundwater with nitrates. This contamination has reached alarming levels, with nitrate concentrations



far surpassing federal and state safety thresholds.

The complaint alleges that the defendants, especially the Port of Morrow and Lamb Weston have repeatedly exceeded permits restricting nitrogen discharge. Despite regulatory oversight, these entities have persisted in releasing nitrogen-heavy wastewater, exacerbating the pollution.

The plaintiffs seek injunctive relief (Injunctive relief refers to a type of legal remedy sought by a plaintiff in a lawsuit, wherein the court issues an injunction, or a court order, to require a defendant to stop or refrain from certain actions or behaviors. This remedy is typically sought when monetary damages alone would not be sufficient to address the harm caused by the defendant's actions, or when there is a need to prevent ongoing or future harm.) and compensatory damages under federal and Oregon law. Specific claims include negligence, trespass, pri-

ate nuisance, public nuisance, and inverse condemnation (Typically when the government exercises its power of eminent domain to take private property for public use, it must provide just compensation to the property owner. However, inverse condemnation occurs when the government takes actions that result in a "taking" of private property rights without formally exercising its eminent domain power or providing compensation.) Additionally, the plaintiffs aim to compel the defendants to conduct assessments and remediation activities to address the nitrate contamination.

Individual plaintiffs shared their experiences with nitrate pollution, detailing the challenges they face in accessing safe water and the financial burdens imposed by contamination.

According to the complaint, exposure to high levels of nitrates is dangerous, with the EPA deeming water unsafe for human consumption when nitrate



concentrations exceed 10 mg/L. Nitrate contamination at levels of 7 mg/L or above triggers action from Oregon's Department of Environmental Quality (DEQ) to designate an area as a Groundwater Management Area to address contamination.

The lawsuit asserts that groundwater in the Lower Umatilla Basin, supplying both private well water and public water systems, has been significantly contaminated with nitrates for decades. Groundwater samples from monitoring wells in the area have exhibited high levels of nitrate contamination, with some exceeding federal limits by seven times.

The defendants, including agricultural entities and concentrated animal feeding operations (CAFOs), are accused of contributing to the contamination by overusing nitrogen fertilizer and mismanaging animal waste. It is alleged that nearly 70 percent of nitrate contamination in the Umatilla Ground Water Management Areas (GMA) groundwater comes from irrigated farmland, with farms applying excessive amounts of nitrogen that leach into the soil and contaminate groundwater.

The lawsuit also underscores the impact on public water systems, with many systems testing above the maximum contamination limit for nitrates. This contamination affects not only residents who rely on public water systems but also those who use well water at home when consuming

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Letter to Morrow County from Morrow County Health District

Morrow County Health District wishes to formally communicate the enclosed information to the Board of Commissioners. Please include this letter in the next BOC packet either as an agenda item or as correspondence.

1. After consulting with legal counsel, MCHD has determined that we can provide the following backup emergency med-

ical services county wide after March 12, 2024 when MCHD ceases to be the ambulance service provider for Morrow County:

a. MCHD's Quick Response Teams, located in each community, may respond as needed to medical calls to provide stabilizing care.

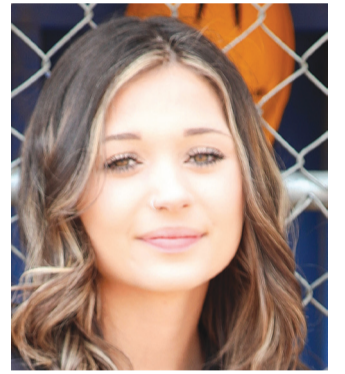
b. MCHD may transport patients by ambulance

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Lady Mustang girls Basketball All-Stars



Hallee Hisler



Hadlie Nation



Delaney Stefani

In an impressive display of skill and determination, three girls from Heppner High School's girls basketball team have been selected to the All League All-stars. Hallee

Hisler, wearing jersey number 2, was named to the 1st Team, while Hadlie Nation, sporting number 3, secured a spot on the 2nd Team. Delaney Stefani, wearing number 13, received an Honorable Mention.

These outstanding athletes showcased their talent throughout the season, contributing significantly to their team's overall performance. With a commendable record of 18 wins and only 8 losses, the Heppner High School girls basketball team displayed great teamwork, perseverance, and commitment on the court.

Propheter wins Wee Bit O' Ireland button contest



Naomi Propheter

Congratulations to Naomi Propheter, an 8th grader in Mrs. Nelson's HJSHS art class, for winning our 2024 Wee Bit O' Ireland Button Contest! Naomi was presented with a \$100 check for her



2024 St. Pats button art.

award! This year's buttons can be purchased for \$3 at the Heppner Chamber of Commerce or the City of Heppner! Proceeds go to the St. Patrick's Day Committee for future funding!

2024 St. Patrick's Remembrance Walk & 5K Run



Names and photos hung up along the remembrance walk. - Contributed Photo

Here we are again... it's time to dust off those ghillies (or kicks, rather), gather all your green garb, get your heart rate going and get together with your old friends and family for a walkabout, in memory or your loved ones.

The 2024 Remembrance Walk & 5K Run will be held on Saturday, March 16th, 2024. As usual, we will have lots of yummy breakfast treats and beverages available during the social hour and registration, beginning at 8:30am. The grand event is scheduled to take off at 9:30am, at the United Methodist Church, following our annual group photo.

Whether you walk, jog, run, stroll, scoot or bike,

we welcome all walks of life to join in this special event. Our four-legged friends are also welcome, but we ask that they always remain on a leash during the event, and that you pick up any treasures left behind. Please visit our Facebook page for a map of the 5k run route, a clockwise loop around town where we will cross paths with the Sham-Walkers as they head out counter-clockwise on a shorter loop. Both routes start and end at the United Methodist Church, located at 193 W Church St in Heppner, OR. Be sure to swing back through the church for a delicious treat, provided by our committee members, after you cross the finish line!

To keep the event affordable but also beneficial to the cause, we ask for a minimum \$5 participation donation. As always, your donation will be kept in a local 'pot of gold' to assist with health care needs within our community. Our Friends Helping Friends, committee of volunteers and all our event helpers, work very hard to make this annual event happen each year, and are grateful to be able to bless our community members, businesses, and facilities, etc with your donations.

Friends Helping Friends will have both short and long-sleeved shirts for sale again this year, on the morning of the event. But if you'd like to grab one be-

forehand, please check with our friends at Floodtown Books, for your perfect fit!

We hope to see your smiling faces Saturday morning, March 16th! We enjoy putting this event on for our community and have been blessed by Mother Nature with great weather each year; Irish eyes must be watching over us! Erin go Bragh!

Press release from MCHD

Morrow County Residents, We want to provide clarity to the public about what to expect after March 12, 2024, when Morrow County Health District ceases to be the ambulance

service provider for Morrow County.

After consulting with legal counsel, MCHD has determined that we

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