

# Activists want EPA to step in on groundwater ‘emergency’

Group concerned about nitrate levels in groundwater in Umatilla, Morrow counties

By JADE MCDOWELL  
NEWS EDITOR

A coalition of activist groups, known as Stand Up to Factory Farms, filed a petition with the Environmental Protection Agency on Thursday asking the agency to take emergency action to address nitrate levels in the Lower Umatilla Basin Groundwater Management Area.

The area, which was established in 1990 in response to elevated nitrate levels in the groundwater, covers 550 square miles of northwestern Umatilla County and northern Morrow County.

Among the petition’s requested actions is banning all new Concentrated Animal Feeding Operation (CAFO) permits in the affected area, which would block Eastday Farms from its plans to open a dairy on the site of the former Lost Valley Farm mega-dairy outside of Boardman.

“Raising and warehousing cows for milk and meat production — in extremely unnatural numbers for both the animals and the environment — is contaminating drinking water in Eastern Oregon,” Cristina Stella, senior attorney at the Animal Legal Defense Fund, said in a written statement. “The EPA must act to stop the contamination and regulate factory farms like the industrial polluters that they are.”

Lost Valley Farms went bankrupt in 2018 after owner Greg te Velde faced various criminal charges and the dairy racked up hundreds of thousands of dollars in fines for wastewater permit violations. Three weeks ago the Oregon Department of Agriculture declared that cleanup of the site was complete.

The petition submitted to the EPA was signed by Food & Water Watch, Friends of Family Farmers, WaterWatch of Oregon, Columbia Riverkeeper, Humane Voters Oregon, Animal Legal Defense Fund, Center for Food Safety and the Center for Biological Diversity. They cite the possible negative health effects from drinking water with nitrates above the EPA’s



HH file photo  
**Twain carousels simultaneously milk 80 cows on each side while slowly revolving in the milking parlor at the Columbia River Dairy outside of Boardman in 2016. Signers of a petition to the EPA blame dairies in the Lower Umatilla Basin Groundwater Management Area for elevated levels of nitrates in the area’s groundwater.**

recommended level and blame CAFOs for most of the problem.

### Local participation

Eileen Laramore, a Hermiston resident who founded local environmental advocacy groups, such as Friends of Oxbow and Tour of Knowledge, is the only individual to sign.

She said after she was contacted by one of the groups about signing, she had reservations about adding her name, since she doesn’t usually get involved with efforts by “out of town” groups and she formerly sat on the LUBGWMA committee.

“The LUBGWMA people are great, they work really hard,” she said. “But they don’t have the people, don’t have the money to do anything.”

She said reading the petition’s language describing the health effects of nitrates above the EPA’s recommended limit of 10 mg/L “hit hard.” The EPA has stated that young children exposed to high nitrate levels can experience dangerous “blue baby syndrome” from too-low oxygen levels in their blood.

Research on other possible health effects cited in the petition, such as cancer and thyroid disorders, has been less conclusive. The Oregon Department of Environmental Quality states that “some” research has supported a link, but “little is known about the long-

term effects of drinking water with elevated nitrate levels.”

Cities must conduct tests on their drinking water each year for a variety of substances, including nitrates, and the city of Hermiston’s water reports for 2017 and 2018 show the highest levels of nitrates were at 5.97 mg/L and 5.11 respectively, falling below the EPA’s 10 mg/L limit. However, people living off of well water in the area could be drinking water with higher nitrate concentrations.

Laramore said she doesn’t want to panic people about drinking well water or tap water in the area, but she does care about improving water quality in Umatilla and Morrow counties. So she signed the petition in the hopes that the EPA will be able to provide some “muscle” to implement the policy proposals from the LUBGWMA advisory committee.

### NOWA response

JR Cook, president of the Northeast Oregon Water Association, said there are “hot spots” of high nitrate levels throughout LUBGWMA, but provided a map using data from the Oregon Department of Environmental Quality that shows large swaths of the area painted in colors indicating nitrate levels below the EPA’s recommended limits.

There is still work to be done, he said, but progress has been made.

He described dairies as one of the most highly regulated and monitored industries in the LUBGWMA, and said that more localized data over years shows there is no “smoking gun” pointing to a single cause for the nitrate levels. He said the groups that wrote the petition used cherry-picked well numbers and over-generalizations to “attack one industry.”

“This petition is not about fixing the nitrate problems in the area the NOWA members live and raise families in,” he wrote in a statement from NOWA. “This petition is about trying to stop one specific development.”

Cook told the *East Oregonian* that many of the nitrates in the groundwater came not from current operations, but from past practices that have since been halted. Those include unlined washouts at the Umatilla Chemical Depot, well construction that didn’t use modern best practices, plumes from past unlined storage locations along the railroad and old city wastewater systems that have since been upgraded.

He said the desert climate means nitrates aren’t flushed out by rainwater regularly, making it “very hard to get out of the system without pumping and bioremediation or through artificial recharge and artificial dilution.”

NOWA has been working with other area stakeholders on an aquifer recharge project that would help with that.

Another development on the horizon is a bill introduced by Sen. Bill Hansell, R-Athena, for the 2020 legislative session. The bill would appropriate money to the Oregon Department of Agriculture for gathering and reviewing research on LUBGWMA and creating an “implementation plan to improve ground water quality and obtain full or partial removal of ground water management area designation.” The project would create a task force to help coordinate the efforts of stakeholders, such as irrigators, the tribes and state departments to reduce nitrates in the groundwater.

Hansell said the idea came from a policy option package, or POP, from the Department of Agriculture in the last session. POPs are requests that aren’t an actual part

of the budget, but are a suggestion that an agency hopes the Legislature will take and find funding for.

“There really wasn’t opposition to it, just in the budget process it got lost in the shuffle ... The Department of Ag already did the research, they determined the need, I’m just trying to build on the work already done,” Hansell said.

### Petition requests

The petition filed with the EPA this week asks the federal agency to take six actions under the authority of the Safe Drinking Water Act:

- Supply free, clean drinking water to all residents of LUBGWMA whose well or public water source contains nitrate levels above the safe limit set by the EPA.

- Conduct additional research to “more accurately trace the sources and quantities of nitrate-nitrogen pollution, and work to identify which CAFOs and manure management practices are causing nitrate contamination.”

- Issue orders requiring farms and dairies to modify their practices to “cease overburdening the area with nitrogen pollution.”

- Issue an order to stop any new CAFOs from opening in LUBGWMA until nitrate levels across the area consistently fall below 10 milligrams per liter.

- Investigate why Oregon’s best management practices for CAFO nutrient management have not protected groundwater, and what practices would be necessary to do so.

- Determine what enforcement action would “effectively reduce nitrogen pollution from these sources, and initiate those enforcement actions as soon as practicable.”

Amy van Saun, Senior Attorney with Center for Food Safety, said in a statement the groups that signed the petition will not sit by as mega-dairies “treat communities like a hazardous waste dump and sacrifice the health and safety of neighbors in the pursuit of profits.”

“Mega-dairies externalize their significant public health and environmental costs to the people of Oregon, and if our state legislators cannot protect Oregonians, we must enforce our federal laws to protect community drinking water,” she said.

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