

Port of Morrow appeals \$1.3M fine from DEQ

Port seeks to reduce penalty for spreading wastewater

By **GEORGE PAVEN**
EO Media Group

The Port of Morrow is appealing \$1.3 million in fines levied by state environmental regulators for excessively spreading nitrogen-rich wastewater as fertilizer on area farmland.

The port is seeking to reduce its penalty, and has requested a contested case hearing with the Oregon Department of Environmental Quality.

Located along the Columbia River in northeast Oregon, the Port of Morrow's Boardman Industrial Park is a regional food processing powerhouse, with companies producing everything from frozen french fries to cheddar cheese.

Under a DEQ permit, the port can recycle wastewater from the facilities by spraying it on farmland growing potatoes, wheat, alfalfa and other crops.

However, the amount of wastewater applied cannot exceed a certain threshold to prevent groundwater contamination.

DEQ alleges the port violated its permit more than 1,000 times from 2018 to 2021, exceeding the nitrogen limit and threatening public health and safety.

In its response, the port did not dispute that violations occurred — specifically, that soil nitrates measured more than 30 pounds per acre in the fourth- and fifth-foot levels underground.

The port chalked up these offenses a combination of less available acreage and unusually high winter precipitation that required more fertilizer applications.

Because of those unexpected challenges, the port claims DEQ authorized up to 80 pounds per acre of soil nitrates in the fourth- and fifth-foot levels in 2019. Only six of the 66 fields cited by DEQ exceeded that limit, according to the port.

Violations were "unintentional, and beyond the reasonable control of the port," the appeal states, and "had no adverse effect on groundwater nitrate levels."

The port also denies it violated its permit by failing to monitor nitrogen uptake in crops, since there are no standard methods for such monitoring and DEQ did not provide an agency-approved method until 2021.

Measuring nitrogen in plant tissue is "neither an accurate nor a useful measure of the amount of nitrogen removed from fields by crops, and the information does not measure compliance with any permit requirement or serve any other purpose under the permit," the appeal states.

Groundwater nitrates are a serious concern in the Lower Umatilla Basin, which was designated a Groundwater Management Area in 1990 to curb contamination from non-point sources like farms and municipal wastewater facilities.

Drinking groundwater with elevated nitrates can be harmful in infants, causing a condition known as methemoglobinemia, or "Blue Baby Syndrome."

The management area encompasses parts of northern Umatilla and Morrow counties, including the cities of Hermiston, Echo,

Stanfield, Umatilla, Boardman and Irrigon, with a combined population of 33,534.

Irrigated agriculture contributes most of the leached nitrogen into the groundwater in the area, estimated at 70%. About 12% comes from confined animal feeding operations, such as dairies; 8% from livestock pastures and 4.6% from food processing land application.

The port acknowledged that most, but not all, of the sites for wastewater application are in the Lower Umatilla Basin Groundwater Management Area.



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The Oregon Department of Environmental Quality alleges the Port of Morrow has applied excessive amounts of nitrate-containing water to some area farmland.

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