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Office of the State Public Health Director

Kate Brown, Governor

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July 7, 2022

Sent via electronic mail to [Kenknight.Jeff@epa.gov](mailto:Kenknight.Jeff@epa.gov)

Mr. Jeff KenKnight  
Chief, Water Enforcement and Field Branch  
Enforcement and Compliance Assurance Division  
Environmental Protection Agency Region X  
1200 Sixth Avenue, Ste. 155, 20-C04  
Seattle, WA 98101

**RE: Oregon Response to EPA Letter June 6, 2022. Petition to EPA for Emergency Action Pursuant to Safe Drinking Water Act Section 1431 to Address Nitrate in LUBGWMA in North Central Oregon**

Dear Mr. KenKnight:

This letter is continuing recent communication between the Environmental Protection Agency Region X (EPA), Oregon Health Authority (OHA), Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA) regarding Oregon's activities to protect public health from nitrate contamination in underground sources of drinking water and particularly private domestic wells in the Lower Umatilla Basin Ground Water Management Area (LUBGWMA).

Specifically, this letter provides additional information, documentation, and data requested in a June 6, 2022, letter from EPA Enforcement and Compliance Assurance Director, Edward Kowalski that responded to the State of Oregon's December 22, 2021, letter including Oregon's workplan for addressing domestic well drinking water concerns related to elevated nitrates.

Mr. Kowalski's June 6 letter confirmed that OHA's component of Oregon's work plan aligns with EPA priorities by offering a multi-faceted action plan to address immediate health risks but raised concerns about the timeline for implementation. The actions include linguistically appropriate outreach and education to low-income households about nitrate contamination; a detailed hazard assessment of nitrate data and demographic analysis of impacted communities; domestic well water testing; and, for well users with elevated nitrate concentrations, alternative drinking water or drinking water treatment options.

In the intervening months since our December 2021 letter, the state has accelerated its activities, secured interim funding for part of OHA's Workplan implementation, and advanced the timeline for requesting supplemental funding from the state legislature. Specifically, OHA's Domestic Well Safety Program has identified agency funding to begin workplan implementation during summer 2022, including development of contracts with testing laboratories and preparation of a hazard assessment, and to

request funding from the Oregon Legislature Emergency Board at its September 2022 meeting, while also moving forward a comprehensive funding request to the 2023 legislature.

Parallel to work the state had proposed in the Workplan, on June 9, Morrow County declared a state of emergency due to concerns about nitrate contamination affecting drinking water in private domestic wells. Morrow County requested assistance from state agencies in meeting the emergent needs of impacted residents related to unsafe drinking water. The emergency declaration did not include city or community water systems, which are regulated and are required to meet health standards. The main concern was for people who use private drinking water wells, which are not regulated and are the responsibility of the well owner.

The Oregon Dept. of Emergency Management coordinated the state-level support, which was provided by teams from OHA, DHS, DEQ, ODA, and WRD. The work of the state agency partners, and Morrow County includes developing short-term solutions, which could include helping install water filters on wells or in-home taps, connecting more residents to public water systems, and enhancing outreach in both Morrow and Umatilla County to ensure both English- and Spanish-speaking residents are aware of potential well safety issues and recommendations and resources for testing their well water.

Many of the Morrow County actions overlap with OHA's Workplan components, and the Oregon Governor's Office is coordinating our and other state agencies in forming a Technical Working Group to support Morrow County and coordinate its activities with those of Umatilla County and implementation of the state Workplan.

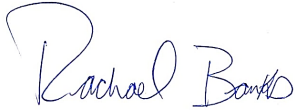
EPA requested additional information from the state including:

1. The results of any groundwater monitoring activities that were not already summarized in the Second Action Plan reports or otherwise provided to EPA in previous communications.
2. A request for a map or other means to identify those geographic focus areas and the nearby sources of nitrate, as well as copies of the applicable waste discharge permits, and any required reports submitted by the permittees within the last year.
3. A request for additional information regarding water supply infrastructure projects including Columbia River winter water use, its funding, the most recent groundwater quality results, and any trend information.
4. A general summary of the status of the voluntary actions identified in the Second Action Plan, including the degree to which each action has been implemented and any measure of its effectiveness in reducing nitrate concentrations in groundwater; and
5. Additional information on 13 registered CAFOs which operate in the LUB, all of which obtained coverage under an NPDES individual permit or the NPDES CAFO General Permit. CAFO specific information includes:
  - The Nutrient Management Plan for each CAFO in the LUB.
  - A copy of any base hydrogeological report for each CAFO in the LUB.
  - A copy of each CAFO's most recent annual report; and
  - Any correspondence between a state agency and a CAFO regarding potential noncompliance with an NPDES permit. With respect to this final request only, EPA indicated that they would contact ODA and ODEQ directly.

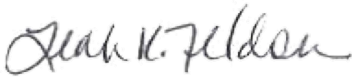
The attachment outlines the documentation and data requested by EPA and provided by ODEQ and ODA. It is anticipated that the documentation and data will be transferred to the EPA via a Google Drive account or other file sharing process. Some of the data may have been shared with EPA previously and be duplicative in nature.

If you wish to discuss the letter and sharing of documentation and data approach or have any questions, please contact André Ourso, Administrator, Center for Health Protection, Public Health Division at (971) 325-5370, [andre.ourso@dhsosha.state.or.us](mailto:andre.ourso@dhsosha.state.or.us).

Sincerely,

A handwritten signature in blue ink that reads "Rachael Banks".

Rachael Banks, MPA  
Public Health Director  
Oregon Health Authority

A handwritten signature in black ink that reads "Leah K. Feldon".

Leah Feldon  
Deputy Director  
Oregon Department of Environmental Quality

A handwritten signature in black ink that reads "Lauren Henderson".

Lauren Henderson  
Deputy Director  
Oregon Department of Agriculture

Attachment Oregon DEQ and ODA Documentation enclosed