Message

From: Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]
Sent: 1/17/2020 10:26:33 PM
To: Thurmon, Clarke [Thurmon.Clarke@epa.gov]; Contreras, Peter [Contreras.Peter@epa.gov]; Martinson, Mathew [martinson.mathew@epa.gov]
CC: MacDonald, Jennifer [Macdonald.Jennifer@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Winiecki, Eric [Winiecki.Eric@epa.gov]; Peak, Nicholas [Peak.Nicholas@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
Subject: RE: DEQ statement - Lower Umatilla Basin Groundwater Management Area nitrates

Also today...

Ecology Blog | Tackling nitrate contamination: Groundwater monitoring in the Lower Yakima Valley to reduce risks

From: Thurmon, Clarke <Thurmon.Clarke@epa.gov>
Sent: Friday, January 17, 2020 10:10 AM
To: Contreras, Peter <Contreras.Peter@epa.gov>; Martinson, Mathew <martinson.mathew@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Winiecki, Eric <Winiecki.Eric@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Kowalski, Edward <Kowalski.Edward@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: RE: DEQ statement - Lower Umatilla Basin Groundwater Management Area nitrates

Mat,

I am also teleworking today.

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Thanks to Jennifer M. for digging this link up yesterday:
http://www.cleanwisconsin.org/wp-content/uploads/2015/01/2014-10-22-Kewaunee-SDWA-Petition-to-EPA_final.pdf

Thanks,
Clarke

Clarke Thurmon
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From: Contreras, Peter <Contreras.Peter@epa.gov>
Sent: Friday, January 17, 2020 9:50 AM
To: Martinson, Mathew <martinson.mathew@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Winiecki, Eric <Winiecki.Eric@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Kowalski, Edward <Kowalski.Edward@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: RE: DEQ statement - Lower Umatilla Basin Groundwater Management Area nitrates

Matt—I am teleworking today, or I think Jeff is in the office later today. For reference, attached is the 1431 guidance.

FYI, the guidance does not identify a "petition process", but states (p.20):

No Citizen's Suits To Compel EPA Action Under Section 1431
SDWA Section 1449 authorizes citizen's suits against EPA when the Agency has failed to take actions that are mandatory under the statute. Because EPA's authority to act under Section 1431 is discretionary, citizen's suits to compel EPA to act under Section 1431 are not authorized.[53]

We'll still need to consult with ORC to undertand any nuances.

Peter

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From: Martinson, Mathew <martinson.mathew@epa.gov>
Sent: Friday, January 17, 2020 8:57 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Cc: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Contreras, Peter <Contreras.Peter@epa.gov>; Winiecki, Eric <Winiecki.Eric@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Kowalski, Edward <Kowalski.Edward@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: Re: DEQ statement - Lower Umatilla Basin Groundwater Management Area nitrates

I think it would be productive to have a face-to-face regarding this today if possible to confirm immediate next steps. I'll look at Outlook Calendars to see who we can pull together.

Mathew J. Martinson, P.E., BCEE
CAPT, U.S. Public Health Service
Branch Chief, Permitting, Drinking Water and Infrastructure
U.S. EPA, Region 10
206-553-6334 (Direct)
206-247-2254 (Cell)

Sent from my iPhone

On Jan 17, 2020, at 7:58 AM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

FYI see below: ODEQ and OHA statements to news media.

What I could use your help with today is a statement on the "petition" itself. Is there a petition process under SDWA 1431? For EPA? For ODEQ or ODA?

I think the rest of our public statement would be similar to DEQ/OHA. However, I think there should be a statement on compliance/enforcement for the public/community water systems that exceed the nitrate MCL.

More news clips:

Salem Statesman | EPA petition asks for emergency action on tainted drinking water in Eastern Oregon
Capital Press | Groups want action on nitrates from dairies
Associated Press | EPA petition seeks action on tainted drinking water

I'm in the office today and available to discuss this in person or on the phone.

Thanks!

Suzanne Skadowski
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Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Modie Jonathan N <JONATHAN.N.MODIE@dhsoha.state.or.us>
Sent: Thursday, January 16, 2020 4:31 PM
To: GLEIM Laura <Laura.GLEIM@state.or.us>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; CANTU-SCHOMUS Andrea <Andrea.Cantu-Schomus@state.or.us>
Subject: RE: DEQ statement - Lower Umatilla Basin Groundwater Management Area

Thanks, Laura. Here's what we would say on the issue if asked:

Oregon Health Authority regulates public water systems to ensure the water supplied to residents meets all standards. If nitrate levels exceed safe levels, public water suppliers are required to issue advisories to notify the public and to take necessary corrective action. There are public water systems that have been impacted by nitrates in the Lower Umatilla Basin and some have had to install additional treatment or drill new wells.

For private well operators, OHA has recommended annually testing wells for nitrate. Nitrate levels above 10 mg/L (10 ppm) most likely means that surface contamination has found its way into the well. In this case, OHA recommends operators identify and remove any possible sources of nitrates near the well (fertilizers, animal waste, septic system, etc.). OHA also recommends they contact a licensed well constructor to inspect the well for possible repairs and/or treatment options.

Jonathan

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From: GLEIM Laura <Laura.GLEIM@state.or.us>
Sent: Thursday, January 16, 2020 3:25 PM
To: 'Skadowski, Suzanne' <Skadowski.Suzanne@epa.gov>; CANTU-SCHOMUS Andrea <Andrea.Cantu-Schomus@state.or.us>; MODIE JONATHAN N <JONATHAN.N.MODIE@state.or.us>
Subject: DEQ statement - Lower Umatilla Basin Groundwater Management Area

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Hey partners,

See below the statement I'll be providing to reporters. Tracy Loew with Statesman Journal and Courtney Flatt with OPB have both reached out.

DEQ has been concerned about nitrate contamination in groundwater in the Lower Umatilla Basin for decades. There are many sources of nitrates in the area, including farm fertilizers, septic systems,

wastewater treatment systems, animal waste, and food processing systems. Nitrate contamination in this area is a complex problem that requires long-term coordination between a variety of government agencies, local businesses and residents. DEQ will continue working with our governments partners and others in Lower Umatilla Basin Groundwater Management Area to address this issue.

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