Region 10 Briefing Paper for the Office of the Regional Administrator

MEETING/EVENT TITLE: Lower Umatilla Basin Nitrates and GWMA
MEETING DATE: 3/17/2020 2:00 PM
LOCATION: 21-Tahoma
PREPARED BY: Anthony Barber, Mat Martinson
DATE: 3/4/2019
ATTENDEES: Chris Hladick, Michelle Pirzadeh, Ed Kowalski, Dan Opalski, Lucy Edmondson, Anthony Barber, Mat Martinson, Jeff Kenknight, Peter Contreras, Nick Peak, Cara Steiner-Riley
EXTERNAL PARTICIPANTS: None

I. REQUESTING OFFICE

ECAD, WD, OOO

II. TIMING

EPA received the petition on January 16, 2020, with initial response from RA on January 19th. We completed initial review February 26th. We plan to meet with State of Oregon officials from ODA, ODEQ, and OHA on March 18, 2020. There is no legal procedural requirement or timeline to provide a written response to the petition.

III. PURPOSE (Informational)

We seek to provide an update on activities thus far and outline the next steps for further evaluation of the information in the petition.

IV. BACKGROUND/HISTORY

Region 10 ECAD, WD and ORC are evaluating a petition from Food & Water Watch and 8 other organizations asking EPA to use authorities under SDWA §1431 to respond to nitrate exceeding drinking water standards in the Lower Umatilla Basin Groundwater Management Area in north central Oregon. The petition identifies CAFOs as a concern and provides over 1500 pages of information to support their request, much of which is publicly available from the GWMA's efforts. The petitioners requested that EPA institute a moratorium on new CAFOs in the GWMA, and requests additional investigation, monitoring, enforcement, and provision of alternative drinking water. Region 10 is coordinating with OECA & OGC and making initial inquiries of state agency contacts for the GWMA at ODA, ODEQ and OHA as we evaluate the information submitted.

V. KEY ISSUES

Key human health considerations that inform this briefing:

- Nitrate is an acute contaminant, meaning it can cause serious harm in hours or days at concentrations exceeding the 10 mg/L nitrate-N drinking water standard.
- The nitrate MCL is set to protect infants from methemoglobinemia, a condition in which oxygen is displaced in the blood. Infants are the most sensitive population because their digestive systems are underdeveloped. Methemoglobinemia if untreated can result in death.

Region 10 staff, in consultation with OECA & OGC, have conducted an initial analysis of the information in the petition to assess whether there is an imminent and substantial endangerment and if so whether state and local authorities have acted to address it. OECA/ OGC stressed that ensuring notice to people potentially affected by residential wells is a key first issue.
The EPA team engaged has focused the inquiry and evaluation of information on the following human-health related outcomes as a result of the process of engaging the States:
(1) Protecting vulnerable populations, especially infants, from the dangers of nitrate in drinking water and specifically methemoglobinemia in the LUBGWMA, and other GWMAs.
(2) Assuring that, the State's plans and implementation offers assurance that people, including transient populations within the GWMAs, have access to safe drinking water, information and resources to protect human health.

VI. ANTICIPATED STAKEHOLDER REACTION/INVOLVEMENT

A spectrum of stakeholders exists for this situation. Petitioners focused, in part, on CAFOs – especially the former Lost Valley Dairy. Local animal and cropland agricultural interests are heavily vested in the issue. The Port of Morrow has extensive land holdings and interest in expanding industrial opportunities in the area and this might tend to run counter to reducing nitrate inputs. State agencies involved include ODA, ODEQ, and OHA, and it remains to be seen what their various reactions may be, but all have indicated appreciation for EPA's primary focus to be on determining safety of drinking water.

VII. ROLL-OUT / COMMUNICATIONS PLAN

EPA Region 10 has had initial conversations with managers and staff with the ODA, ODEQ, and OHA to gather facts. EPA Region 10 is scheduled to meet with these three agencies on March 18th. The team participating is developing talking points and questions to ensure that the message is on-point and achieves the intended outcomes. Following the completion of the discussions and inquiries, EPA Region 10 will reassess next steps for external communications.

Incidental to the petition, EPA has been invited to the April 2nd GWMA meeting to present on technical aspects of our work on nitrates in the Yakima Valley. Eric Winiecki is tentatively planning to attend for this purpose.

VIII. NEXT STEPS / UPCOMING DEADLINES

The next steps involve having management-level meeting with ODA, OHA, and ODEQ to (1) convey EPA's concerns developed as a result of initial evaluation, (2) define the public health protections that would constitute adequate protection, and (3) listen to the ODA, OHA, and ODEQ regarding plans and implementation steps that the State may have already taken that are not in the publicly available information or petition. Additionally, after completion of the engagement with the State, EPA is likely to communicate with the petitioners.