Message

**From**: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
**Sent**: 2/4/2020 9:37:07 PM
**To**: Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; King, Carol [King.Carol@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Rausch, Heidi [Rausch.Heidi@epa.gov]; Speir, Jeffrey [speir.jeffrey@epa.gov]
**CC**: Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
**Subject**: RE: Petition for SDWA 1431 for Nitrate Contamination in Lower Umatilla Basin in Oregon

**Flag**: Follow up

And does WED have a position on whether a 1431 should be issued?

Rosemarie

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**From:** Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>
**Sent:** Tuesday, February 04, 2020 12:27 PM
**To:** Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Wilson, Dane <Wilson.Dane@epa.gov>; Rausch, Heidi <Rausch.Heidi@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
**Subject:** RE: Petition for SDWA 1431 for Nitrate Contamination in Lower Umatilla Basin in Oregon

We spoke to Larry about this at our meeting with him this morning. Does the region have any data on drinking water impacts?

Thanks.

**Kristin Buterbaugh**
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**From:** Bodine, Susan <bodine.susan@epa.gov>
**Sent:** Friday, January 24, 2020 6:03 PM
**To:** Denton, Loren <Denton.Loren@epa.gov>
**Cc:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wilson, Dane <Wilson.Dane@epa.gov>; King, Carol <King.Carol@epa.gov>; Rausch, Heidi <Rausch.Heidi@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
**Subject:** RE: Petition for SDWA 1431 for Nitrate Contamination in Lower Umatilla Basin in Oregon

Thank you.

Please keep me posted.
Susan

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**From:** Denton, Loren <Denton.Loren@epa.gov>
**Sent:** Friday, January 24, 2020 5:10 PM
**To:** Bodine, Susan <bodine.susan@epa.gov>
**Cc:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wilson, Dane <Wilson.Dane@epa.gov>; King, Carol <King.Carol@epa.gov>; Rausch, Heidi <Rausch.Heidi@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
**Subject:** RE: Petition for SDWA 1431 for Nitrate Contamination in Lower Umatilla Basin in Oregon
**Importance:** High

Susan,

This email is for your situational awareness. On January 16, 2020 a petition was sent to EPA Administrator Wheeler and Region 10 Regional Administrator Hladick, requesting that EPA invoke its emergency powers under SDWA Section 1431 to address nitrate contamination in the Lower Umatilla Basin in Oregon. This request was submitted on behalf of eight groups, including Food & Water Watch, Columbia Riverkeeper, Friends of Family Farmers, Water Watch of Oregon and the Center for Biological Diversity. WED had a preliminary call with Region 10 yesterday (1/23). The Region is still reviewing the submission, which totaled almost 1,500 pages. The petition appears largely based on information and data compiled by the state and local governments. The data shows that nitrate contamination has been a long-standing issue for this area.

In this Section 1431 petition, the groups contend that the cause of the nitrate contamination is related to concentrated animal feeding operations (CAFOs) and irrigated agriculture, and that the state's past, voluntary measures have been unsuccessful at reducing the nitrate concentration in underground drinking water sources. Based on the petitioners' letter, there are currently 13 CAFOs operating in the Lower Umatilla Basin that have been permitted to house nearly 180,000 head of cattle, producing over 4 billion pounds of manure each year. The state of Oregon estimates that 90% of the animal waste from these CAFOs is land applied.

The petitioners have argued that EPA's Section 1431 authority is necessary to address an imminent and substantial endangerment to human health, and that the state has not acted in a manner to abate the contamination. Specifically, the petitioners have requested that EPA take the following measures under its SDWA 1431 authority: (1) provide alternative water to residents whose wells or PWSs exceed the safe limits for nitrate; (2) conduct additional investigation and monitoring throughout the region; (3) issue orders to require CAFOs land applying manure or fertilizers to modify their practices to cease overburdening the area with nitrogen; (4) issue an order to prevent new CAFOs in the area until the nitrate concentrations fall below the standard; (5) investigate Oregon's BMPs for CAFO nutrient management to determine why they have been unsuccessful at protecting groundwater; and (6) determine what enforcement measures are necessary to effectively reduce the nitrogen concentrations and implement those measures.

As a reminder, SDWA does not expressly provide for a Section 1431 petition process by third-parties. WED has another call scheduled with Region 10 on January 29 to talk about possible paths forward. Please let us know if you have any questions.

Loren

Loren Denton, Chief
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