Message

From: Wilson, Dane [Wilson.Dane@epa.gov]
Sent: 1/23/2020 10:30:10 PM
To: Speir, Jeffrey [speir.jeffrey@epa.gov]; King, Carol [King.Carol@epa.gov]; Rausch, Heidi [Rausch.Heidi@epa.gov]
Subject: FW: Petition for SDWA 1431 for Nitrate Contamination in Lower Umatilla Basin
Attachments: 2020.01.16 FINAL Petition for Emergency Action Pursuant to the Safe Drinking Water Act.pdf

Carol, Heidi and Jeff,

Please see the draft FYSA email to Susan below. Please review and edit as you see necessary. Also note that I had three comments that we discussed after the call with Region 10: whether to use the term 'petitioners'; mentioning the controlled correspondence; and the document—which I have attached to this draft.

I'm out of the office tomorrow. And I know this needs to go up as soon as we can. I don't feel that I need to see this again if you both get a chance to review.

Thank you,
Dane

Susan,

This email is being provided 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 exercise its emergency powers in Section 1431 of SDWA to address groundwater contamination in the Lower Umatilla Basin in Oregon. This request was submitted on behalf of eight petitions, including Food & Water Watch, Columbia Riverkeeper, Friends of Family Farmers, Water Watch of Oregon, the Center for Biological diversity et al., and the petition is largely based on information and data compiled by the state and local governments. The data shows that nitrate contamination has been a long-standing issues for the region. Testing conducted in the 1990s found 23% of sampled private wells exceeded 10mg/L. In 2016, sampling suggests that the problem has grown worse—60% of wells exceed 7 mg/L and 48% exceed 10mg/L.

Petitioners contend that the cause of the nitrate contamination is related to CAFO 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 which 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 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.

Please let us know if you have any questions.

Dane A. Wilson

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