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OREGON **rural**
ACTION

SOWING SEEDS OF **CHANGE**

May 28, 2024
(updated with additional signatures 6/12/24)

To: Oregon Governor Tina Kotek

From: Oregon Rural Action and the directly impacted
community of the Lower Umatilla Basin Groundwater
Management Area



Dear Governor Kotek,

We write to thank you for meeting with community-based organizations in Boardman and to ask that you reaffirm your commitment and fulfill the promises you made to Oregon Rural Action and our community a year ago.

The needs of Lower Umatilla Basin residents, the values of Oregonian voters, the requirements of the Environmental Protection Agency, and the promises you made last year to those affected by this rural crisis are all aligned. However, the state agencies tasked with protecting Basin residents, reining in sources of pollution, and delivering justice to this community have failed to deliver the timely and sufficient response you promised. This environmental injustice remains among the most pressing in Oregon, and it is clear that intervention is needed.

The Oregon Health Authority has failed to protect residents of the Lower Umatilla Basin from harm. OHA failed to meet your deadline of accomplishing full well testing by September 30, 2023, only testing roughly 30% of wells by that time. Roughly half of those wells identified remain untested today, and the agency has expressed no intent to scale up efforts to reach those well users. OHA also continues to withhold urgent messaging and key data about overall testing results and areas of contamination from the public. **Multiple residents have not received their results until 7-9 months after their well was tested, and in some cases have been told their well water is safe when it had tested at nearly four times the legal limit.** This continued failure is despite significant funding allocated, numerous State staff and highly paid Deloitte consultants involved in the project, and continued pressure from community-based organizations and community members.

Additionally, the Department of Environmental Quality and Department of Agriculture continue to fail to rein in sources of pollution which allows contamination to continue and groundwater conditions to further deteriorate. This not only ensures that progress toward meeting the State's long-standing goal of returning groundwater nitrate levels to 7 mg/L remains on hold, but also puts hundreds of additional domestic wells and dozens of public water systems at risk of becoming contaminated as nitrate levels continue to rise.

The State of Oregon has not responded to this public health crisis with the urgency or seriousness it requires, and it is clear that nothing short of direct intervention by either the Governor or the U.S.

Environmental Protection Agency will be sufficient to protect the residents of the Lower Umatilla Basin from experiencing further harm. Greater action must be taken.

To that end, we again request that you recognize the urgency of this crisis by officially declaring an emergency and delivering the timely and sufficient response that our community requires. This includes the following:

- Transparency, Clarity, and Coordination
 - Work with ORA and directly impacted community members to develop a coordinated plan across OHA, DEQ, ODA, and OWRD, with measurable outcomes and timelines that centers the needs and input of those whose drinking water has been contaminated by end of Q2 2024.
 - Modify communications materials to incorporate the colors, language, and symbols reflective of a public health warning by end of Q2 2024 as outlined in the EPA Tier 1 Notice.
 - Immediately release and regularly update domestic well data and reports for the general public, including the general locations of contamination for all tested contaminants so that LUB residents and the general public can better understand the scope and severity of nitrate contamination and the State's progress.
 - Conduct studies to determine the effect that nitrate has had on the health of the community and individuals in the Lower Umatilla Basin, and increase access to health resources for those exposed to nitrate in their drinking water.
- Fix the Testing Program
 - Test all wells (initial and retest) by the end of Q3 2024 utilizing demonstrated culturally appropriate, rural best practices **unless the well user has explicitly opted out of the testing program, and that opt-out is documented**. This includes a shift from the current "opt-in" testing model to an "opt-out" model consistent with the urgency of a public health crisis.
 - Establish a quality assurance plan for sampling and documentation as requested by the community in September 2023 and provide accurate and timely results noting the source of the water as raw or filtered, and date of the test.
- Rein in the Pollution
 - Begin a review of all permits for sources of groundwater pollution in the Lower Umatilla Basin by the end of 2024.
 - Require permitted sources of wastewater/process water to no more than 7 mg/L total nitrogen.
 - Cease winter spreading of contaminated wastewater by land application in all future permit modifications.
 - Set enforceable and effective pollution control standards for all point and nonpoint contamination sources that are sufficient to prevent further contamination of local groundwater.
 - Require nitrate sources to assume some of the financial responsibilities to mitigate the public health risk.

Finally, we ask that the State ensure that the voices of all LUB residents whose wells have been contaminated can be fully and meaningfully involved in all key decisions. This not only includes holding public hearings on the State's progress, permitting decisions, enforcement actions, and supplemental environmental projects (SEPs), but also includes private meetings between

decision-makers and the directly impacted community in order to protect vulnerable community members from harassment or retaliation by their employers. It is also critical that the voices and needs of contaminated well users be at the heart of all decisions regarding what permanent sources of safe drinking water will be developed, how they will be paid for, and when they will be implemented. This involvement is a core principle of the environmental justice we need.

The groundwater contamination crisis in the Lower Umatilla Basin is among the most pressing environmental justice issues in Oregon. This has been the case for at least 34 years now, and our community understands that this crisis will not be resolved overnight; however, the political and economic interests of large-scale industrial agriculture cannot continue to undercut the need for urgent action to protect public health.

We again ask for your leadership, Governor Kotek. Please declare this crisis to be the emergency that it is and deliver the justice that our community needs. We look forward to your response.

Sincerely,

The undersigned individuals and organizations, in solidarity with the directly impacted community members of the Lower Umatilla Basin

Oregon League of Conservation Voters

Center for Food Safety

Columbia Riverkeeper

Oregon Wild

350 Eugene

Farm Sanctuary

Visión Comunitaria de Oregon

Latino Network

PCUN- Pineros y Campesinos Unidos del Noroeste

Plaza de Nuestra Comunidad

Consejo Hispano

Verde

The Next Door Inc.

Farmworker Housing Development Corporation

The Nature Conservancy of Oregon

Doulas Latinas International

Centro Cultural

Eastern Oregon Center for Independent Living

Animal Legal Defense Fund

Oregon Physicians for Social Responsibility

Ariel's ARC

Oregon Just Transition Alliance

Beyond Toxics

Rogue Climate

OPAL Environmental Justice Oregon

Food and Water Watch

Capaces Leadership Institute

Friends of Family Farmers

Oregon Latino Health Coalition

Greg Pettit, senior retired DEQ Administrator

Mitch Wolgamott, senior retired DEQ Administrator