



September 21, 2022

Chair Helm, Vice Chair McLain, Vice Chair Owens, and members of the House Interim Committee on Agriculture, Land Use, and Water,

My name is Kristin Anderson Ostrom and I am Executive Director of Oregon Rural Action, a grassroots, community-based organization in rural Eastern Oregon. Our mission as community members is to work for the well-being of people and our environment.

Thank you for the opportunity to testify on the Lower Umatilla Basin Groundwater Protection and to submit written statements from 19 community members in Morrow County who are directly affected and whose drinking water wells have tested above the Safe Drinking Water Standard of 10 mg/L.

As a community-based organization, we have long been concerned about the high concentrations of nitrates in the groundwater of the Lower Umatilla Basin (LUB) and the lack of progress to meet the state-defined goal to reduce nitrate levels back to below 7 mg/L.

As early as 2009, our previous Board Chair, Mitch Wolgamott, then DEQ eastern regional administrator, noted in an article published by the East Oregonian, “For all the efforts to remedy the high nitrate levels in the groundwater of the lower Umatilla basin, they remain stubbornly high.” The “preliminary indicators are not promising.” Unfortunately, these trends continued as documented by subsequent LUBGWM reports. (Stubbornly high nitrate numbers could lead to DEQ regulation, East Oregonian, Nov 28, 2009, Updated Dec 13, 2018)

This spring, in partnership with Morrow County, we began to go door-to-door to test domestic drinking water wells in rural Boardman and Irrigon. With a team of people who speak Spanish and English, we collected water samples, engaged in one-on-one conversations with people with domestic wells, and offered basic information in a written factsheet (English and Spanish) developed from available information online from OHA, DEQ, and Lower Umatilla Basin Ground Water Management Area (LUBGWMA).

Since then, over 100 impacted community members in rural Boardman and Irrigon have come together to better understand the problem and work together to get access to safe water in our area. A total of 498 people who live in the LUB have signed a petition calling for “emergency water, well testing, and water treatment until we can become a Safe Rural Water Community.”

The interests and voices of people directly impacted have often been missing during the past 30 year-effort and yet their expertise as people is important to meet the immediate need for safe drinking water, reduce health risks, and seek long-term solutions.

Based on our one-on-one conversations, and community meetings with people directly impacted in Morrow County, we've learned that overall:

- Most people have lived in the area for decades and work in the area's agricultural economy.
- While many people knew the water in the area was "not good" - most did not know why or that the water had high concentrations of nitrates, nor did they know of the health risks associated with drinking and cooking with water with high concentrations of nitrates.
- Some people were drinking the water; most people were cooking with the water.
- Many people were spending money to buy bottled water.
- A number of people shared health concerns.
- Many people believed that they could mitigate the risk by boiling the water and regularly did so. This only increases the concentrations of nitrates.
- There were a number of people who sought information about wells and filtration systems to protect themselves and their families but had difficulty finding the information, including information in Spanish.
- There are a number of people who had taken individual actions to purchase and install filtration systems and/or dig new wells - and yet many still had recent test results above the 10 mg/L MCL level.

Since people whose wells have tested high for nitrates in the recent Morrow County testing efforts could not be here at this hearing, I'd like to read from a few peoples' statements.

"My name is M. Martínez. I have been living in Boardman for the past 36 years...Unfortunately, last year I had two miscarriages. Now, hindsight, I wonder if the nitrates in the water caused me to have this problem because I used to drink the water and even cooked with the water since living here....No one had ever warned me about the danger that existed...Maybe if I knew the information, if I had had this information before, I wouldn't have done it... My well tested at 26.

"My name is S. Pacheco, I'm 73 years old, I've been living in this area for a long time...Back then, we did drink the water from the well, because we didn't know that it could harm us...We recently had our water tested and got a result of 32.6. I think it would be good to inform people better so that they don't get sick like me..."

"My name is C. Sanchez and I live here in the town of Boardman, I have been living here for more than 20 years outside of the city limits and in fact, this was the first year that I learned that this water is not good to drink...I have a four-year-old son and a son that's two months old..."

"My name is M. Colin...My parents have a long history of working in agriculture and harvesting in these areas since they arrived in the 1980s...I can't say for sure if I suffer or if my family suffers from any symptoms related to the effects of high levels of water nitrates. But what I can say with certainty is that we felt fear and concern when we received the news... Now I have to say (to my children), don't drink that water because it hurts you....My parents and neighbors have spent a lot of money on bottled water weekly,... installed expensive water filters that only worked a few years, this being the reason our water test resulted in a 36.5..."

“My name is M. Brandt and I have served in the Marine Corps. My wife and I have been residents of Morrow County for the last 25 years.... In order to get my mortgage, I had to install a water filtration... It was a frustrating experience having to come up with an additional \$1,500 to get a system...I recently had my water tested and the nitrate levels are at 34.5, which are more than 3 times the contaminant level...”

“My name is A. Lopez, and it is going to be almost 29 years of me living in Morrow County now... When I purchased the house, I was required to install a filtration system so that we had access to the clean water. ...I had to install a pricey filtration system that was around \$5,000...After we tested it recently, the nitrate level in our water came at 39.4 ppm, which is almost 4 times the contaminant level...I quickly learned that in order to have an effective filtration system, I have to change the filters out every 4 months. It costs me about \$280 each time I change the filters, so that totals to more than \$1,120 of unnecessary expense if I only had clean water out my well.”

Thank you for the information offered today from 2 of the 4 state agencies involved, as well as private businesses and the newly reconstituted Lower Umatilla Basin Groundwater Management Committee.

The bottom line is that our area’s groundwater contamination is a 30-year problem. Despite multiple efforts, the goal of reducing nitrates in the groundwater back to below 7 mg/L has failed, and people with domestic drinking water wells are at risk.

Education efforts during these 30 years - state agencies and LUBGWMA Action Plans - have failed to effectively inform residents and the public of the risks.

Today, people are at risk, and yet urgency to meet the immediate and long-term need for safe drinking water seems to be lacking.

It’s been more than 2 years since the January 2020 EPA Petition for Emergency Action Pursuant to Safe Drinking water Act Section 1431 to Address Nitrate in LUBGMWA in North Central Oregon. And during this time, OHA reported to the EPA that the state’s Domestic Well Safety Program “will go dormant until we secure further funding.” (September 30, 2020, OHA letter to EPA)

In December 2021, the state submitted a joint OHA, DEQ, and ODA multi-agency workplan to “eliminate LUBGWMA domestic well water consumer exposure to high nitrates...” (State of Oregon Workplan: Protecting Public Health from Nitrate Exposure in the Lower Umatilla Basin Ground Water Management Area, page 3). The state workplan components include:

- Conduct outreach and education regarding nitrate contamination;
- Perform a detailed hazard assessment;
- Offer free drinking water testing;
- Provide alternative water where necessary.

Yet, even after testing results this spring and the June 2022 Morrow County Emergency Water Declaration, there has been no progress to begin implementing this plan.

In a July 29, 2022 letter to the Oregon Health Authority, Oregon Department of Environmental Quality, and Oregon Department of Agriculture, the EPA raised concerns about the “lack of sufficient detail” in the state plan and specifically “identified criteria we believe critical for an effective drinking water response action in the LUB.” “The EPA considers that an adequate response plan to address the immediate health risks in the LUB must include the following minimum components:

- Coordination among the Governor’s Office, state agencies, counties, and private businesses.
- Identification of each resident that obtains drinking water from a private well in the LUBGWMA.
- Education and outreach to reach all impacted LUB residents.
- Well testing at no cost to LUB residents
- Offer each resident where the drinking water sample exceeds the federal maximum contaminant level (MCL) of 10 mg/L - alternative water as needed for drinking, cooking maintaining oral hygiene, and dishwashing at no cost to residents and in a manner that minimizes the burden on the impacted resident to obtain safe drinking water. This can include reverse osmosis filter systems and maintenance, water delivery, or connecting to a public water system.
- Maintain and regularly publish records so that LUB residents and the general public better understand the scope and severity of nitration contamination and Oregon’s progress in implementing a response plan. This includes information on the number and general location of private drinking water wells, data, and public outreach efforts.” (July 29, 2022, EPA letter to OHA, DEQ, and ODA)

We are thankful that OHA has submitted an Emergency Board request for \$882,000, but given the extent of the ongoing risk, this amount will only begin to address the immediate need let alone fund an effective state response.

As community members in the LUB who are directly affected - we are committed to working with all partners including state agencies with regulatory authority to protect our groundwater and ensure access to safe drinking water, businesses, and the LUBGWMA, to meet the immediate and long term need for safe drinking water.

Thank you for your support to ensure safe drinking water for all residents of the Lower Umatilla Basin.