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OREGON **rural**
ACTION

SOWING SEEDS OF **CHANGE**



April 3, 2024

Chair Golden, Vice Chair Nash, and members of the Senate Committee on Natural Resources & Wildfire,

Oregon Rural Action (ORA) writes to **support advancing SB 1154 to the Senate Committee on Rules** to allow for continued discussion and development of this critical bill. While SB 1154 still has a long way to go, the need to fundamentally reform the Groundwater Quality Protection Act (GWQPA) of 1989, as this bill aspires to do, is abundantly clear to our organization and the rural community members we work with.

Since the spring of 2022, ORA has worked closely with affected community members in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA), which was established under the GWQPA in 1990. Because of our deep and intensive work in this GWMA, we have gained an intimate understanding of this law and can speak directly to the failings of the GWQPA, the reasons for those failures, and the significant human cost associated with them. Fortunately, this also puts us in a position to offer insight and potential solutions.

Since the GWQPA was passed, groundwater management areas have served as Oregon's primary tool for addressing issues of widespread groundwater contamination that pose a threat to human health and the environment. The need for this law was abundantly clear in 1989, and just a year later, the LUBGWMA was established in 1990 to address the region's nitrate crisis.

Unfortunately, 35 years later the LUBGWMA stands as a symbol of the GWQPA's failure to address that crisis and reduce nitrate contamination back to safe drinking water levels. Multiple DEQ studies over the decades have shown that **nitrate levels have consistently risen** since the GWMA was established, including the [most recent study published in January 2025](#). Sources of nitrate pollution like the Port of Morrow have ballooned in size and produced ever-more nitrate pollution over the years, and have spread that pollution over more and more land. Massive dairies like Threemile Canyon Farms, which supplies milk to Tillamook, have opened and repeatedly expanded in the area despite its GWMA status, continuously increasing the amount of nitrate pollution it produces in the form of manure and process water despite the obvious risks and impact on groundwater. And the largest source of pollution – fertilizer use by the industrial-scale irrigated agriculture sector, which accounts for some 70% of the nitrate in the region's groundwater – has remained effectively

unregulated and unchecked by state agencies over the entire course of the LUBGWMA's history.

Today, hundreds of wells show severe and unsafe levels of nitrate contamination, and thousands of Oregonians have been directly affected by this polluted drinking water. Domestic wells have shown contamination nearly ten times the maximum amount allowed under safe drinking water standards, and monitoring wells near pollution sources have shown levels even higher. Pollution continues to get worse – despite the GWMA designation.

If the failure to adequately address and reduce sources of pollution were not enough, the state also failed in historic fashion to protect public health from the effects of nitrate pollution in drinking water. Despite the fact that the GWMA was established in 1990, most people who rely on domestic wells and draw their drinking water directly from the nitrate-polluted aquifer **were not warned about the risk until 2022**, and then only as the result of a locally-led testing initiative.

Astoundingly, the State of Oregon knew for more than 30 years about the public health threat posed by nitrate and did effectively nothing to warn the thousands of well users in the Basin or begin a coordinated public health response. It was only after that local testing in 2022 by Morrow County and Oregon Rural Action, and a subsequent grassroots pressure campaign led by ORA that the state was finally forced to take action and set up the well testing program we have today. For many, that action came too late.

These are not the hallmarks of an effective law. The GWQPA of 1989 was well-intentioned and critically important legislation, but it has failed. It is broken. And it must be repaired.

SB 1154 must fully address each of the issues that have caused the GWQPA to fail. The introduced version of the bill does not fully address these issues, and though the -1 amendment does show some modest improvements, significant gaps and loopholes remain, including:

- Industry capture of advisory groundwater committees;
- Insufficient means for meaningful input or involvement of those directly affected by groundwater pollution in decision-making;
- Weakened standards for nitrate pollution compared to other contaminants, despite clear health risks;
- Insufficient oversight of state agencies assigned to GWMA's;
- Weak standards & rules for reducing pollution at the source; and
- Chronic underfunding of key agencies and programs, including GWMA's.

These are just some of the ways we need to improve SB 1154. The bill needs more work, and we cannot wait for another legislative session to address these critical issues. We need to keep the discussion going and ensure that this bill sets Oregon up for success moving forward, **for the sake of our environment, the thousands of pollution victims in the Lower Umatilla Basin, and the millions of Oregonians who rely on groundwater every day.**

We urge you to advance SB 1154 with the -1 amendment to the Senate Committee on Rules, where we look forward to continuing to share our expertise and ensure the directly affected community in the LUBGWMA can provide their perspective. In doing so, we hope to support a final, community-centered version of SB 1154 later in the legislative session that successfully protects our groundwater and the health of those who rely on it.

Sincerely,

Kaleb Lay
Oregon Rural Action