Office of the Governor
900 Court Street NE, Suite 254
Salem, OR 97301-4047
July 19 2024

*Cc: DEQ Director Leah Feldon, ODA Director Lisa Hanson, OWRD Director Ivan Gall*

Re: Solutions for Groundwater Quality in Lower Umatilla Basin

Governor Kotek,

The undersigned agriculture, water, and business organizations appreciate the increased focus on identifying solutions to the longstanding issue of groundwater contamination in certain aquifers within the Lower Umatilla Basin (LUB). In fact, many of our organizations have urged both the legislature and DEQ over many years for more targeted investments in groundwater management programs. A shared, in-depth understanding is needed regarding the diversity and connectivity of aquifers in Oregon, and the sources of groundwater quality issues around the state – both legacy and current - in order to develop effective solutions. As we hear possible solutions being discussed, we would like to request a formal discussion with Governor's office representatives and agency leadership, to review and understand the existing data that are being relied upon, particularly as it relates to aquifer connectivity, and legacy versus current nutrient use and impacts in the LUB.

Our organizations represent thousands of Oregon producers who rely on clean and sustainable water to produce over 225 agricultural commodities. Oregon is among the nation's top specialty crop-producing states, with significant production in the LUB region. Dairy, wheat, potatoes, onions, mint, and wine grapes, among others, are all top commodities produced in the LUB with significant production value to the state, and in domestic and international markets. Indeed, agriculture is central to the state's economy, being one of the top job-creating industries and an economic foundation to many regions of Oregon, including the LUB.

Within our organizations are members that not only produce crops in the LUB, but also live in the community and obtain their drinking water from on-farm or nearby domestic wells. Thus, we appreciate the critical importance of ensuring that drinking water in rural areas is safe, and that nitrates in groundwater do not exceed drinking water standards. This is among the reasons why we have supported increased investments in DEQ's groundwater management program for the last several biennia.[1]

[1] 2017: https://olis.oregonlegislature.gov/liz/2017R1/Downloads/CommitteeMeetingDocument/106579

Our members produce world-class crops in the most efficient way possible, including efficiency in when and how nutrients are applied, based on peer-reviewed science and vetted technology. We would like to request the same commitment from our state agencies to embrace and utilize trusted, vetted science in understanding opportunities to work collaboratively with and transparently with the agricultural community to improve the quality of our shared groundwater resources. The LUB is one of the most heavily studied regions in Oregon for both groundwater and surface water. Unfortunately, those studies have never been consolidated into a peer-reviewed, baseline data set. Sound, trusted science should be leading discussions and action, and we request that state agencies work in a transparent, collaborative process to adopt a science-based, peer-reviewed baseline data set to guide debate and problem solving.

Multi-agency agreement is needed on a baseline data set regarding aquifers in each region. This should be adaptive to new and improved information that helps us identify and isolate problem areas, and understand the impacts of legacy contamination versus current nutrient use. Lacking science-based clarity on the problem, it will be difficult to identify effective short- and long-term solutions. Too often in Oregon, peer-reviewed science and new technologies are pushed aside by entrenched opinions that lack a scientific basis. This has led to mistrust and missed opportunities for collaborative, adaptive solutions to long-standing problems.

The agricultural community is ready to participate fully in investigating and addressing the causes of groundwater issues in the LUB region, and beyond. However, our organizations and the members we serve want to ensure science and evidence-based solutions. This is challenging in a polarized environment where political pressures often dictate outcomes. Effective and lasting solutions will only arise if they are targeted at the real drivers, evidenced by science.

Currently, Oregon State University is working on a peer reviewed data compilation and conceptual groundwater model as part of a multi-phase effort to produce a trusted baseline data set for development, vetting and tracking of long-term solutions in the LUB. This data set is being developed while state and local governments continue to address immediate public health and safety issues for residents with drinking water wells measuring above the safe drinking water limit for nitrates.

Further phases of work on this data set are necessary to take the initial data and conceptual model to the next step, including data proofing the conclusions, filling the data gaps identified, and ultimately vetting, reviewing, and co-adopting the data set across agencies, local governments and LUBGWMA Committee members as the guiding data for solutions, tracking, and accountability. We understand that the State has the additional resources needed to finish this work but has been unwilling to fund completion of the analysis. Funding and completing this work will be critical to building trust between agencies and local community members around solutions. The lack of a trusted, co-adopted baseline data set has been an ongoing underlying challenge in the region since the LUB GWMA was declared in the 1990's. We believe

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2021: https://olis.oregonlegislature.gov/liz/2021R1/Downloads/PublicTestimonyDocument/24564
2022: Letter to Director Whitman urging GWMA program investments

a trusted and co-adopted baseline dataset could not only lead to trusted solutions in the LUBGWMA, but also provide a model for broader application across the State of Oregon.

Legacy contamination is a well-documented and long-standing issue in some regions of Oregon. Contamination prior to 1990 led to the designation of the LUB as a Groundwater Management Area (GWMA), and it is well known that nitrates can remain in groundwater for decades. We want to emphasize the pressing importance of addressing legacy contamination through remediation efforts such as aquifer recharge. We would like to hear an update from state leadership on discussions around this and how the state is seeking to address legacy contamination.

As we look toward solutions, it is critical that 1) the aquifer system(s) are defensibly understood; 2) proposed solutions are well-justified by transparent data and evidence; and 3) that proposed solutions are clearly evidenced to lead to reductions in nitrate levels. Without this understanding and a robust set of data to support proposed solutions, this situation is unlikely to improve. And without improvements, calls for increased regulation on irrigated agriculture in the region will only continue, impacting the sustainability of agriculture in the region and exacerbating the failure to identify solutions that will actually have an impact on the problem. A full understanding regarding the legacy issues of the LUB and the science related to regional aquifers, the past and current impacts upon them, and the solutions that can sustain them are critical factors in collaborative, lasting, and sustainable solutions.

Thank you for your prompt response and we look forward to meeting and discussing further.

Sincerely,

Far West Agribusiness Association
Northeast Oregon Water Association
Oregon Association of Nurseries
Oregon Business and Industry
Oregon Cattlemen's Association
Oregon Dairy Farmers Association
Oregon Farm Bureau
Oregon Potato Commission
Oregon Seed Council
Oregon Sheep Growers Association
Oregon Water Resources Congress
Oregon Wheat Growers League
Oregon Wine Council
Oregonians for Food & Shelter
Water for Eastern Oregon (H20EO)