

LOWER UMATILLA BASIN GROUNDWATER MANAGEMENT AREA
Draft second local action plan

Lead Agency Response to Public Comment:
Stand Up To Factory Farms-May 8, 2020

We appreciate your comments on the draft second local action plan of the LUBGWMA. Morrow SWCD, as designated Lead Agency, have considered your 4 main concerns with the draft plan.

First and foremost, the LUBGWMA Committee is an advisory committee with no enforcement authority. Our group has formed sub-committees to focus on individual land uses in the management area and we work closely with all stakeholder partners. Committee members agree that a voluntary approach is the best option.

- 1) Permitting requirements for CAFOs are not voluntary. ODA has permitting authority for CAFOS (delegated by DEQ) in the management area and across the state of Oregon. ODA requires that all dairies and other CAFOs defined in OAR 603-074-0010(3) obtain a National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facilities (WPCF) permit and maintain compliance with those permits so that no discharge to surface or ground waters of the state occur. Best Management Practices are not voluntary, but required as specified in each CAFO permit that is issued in the GWMA. In addition, new and improved practices and technologies are employed as they are available which may include flowmeters, anaerobic digesters, lagoon leak detection, real time soil moisture monitoring, telemetry monitored application systems, GPS calibrated application equipment, variable rate irrigation and application, increased soil nutrient and moisture testing requirements, revised crop rotations where needed, and enhanced restrictions for saturated and frozen soil applications.
- 2) ODA monitors all permitted CAFOS in the GWMA and across the state for compliance with permit requirements. All CAFO groundwater monitoring data is public information and used by ODA to identify improvements and contamination increases. The advisory committee is not able to provide that information as it must be obtained by public request from the ODA. Ground water monitoring wells required by permit on CAFOs each have a defined concentration limit based on the background nitrate concentrations present before the CAFOs began operations. As an example, all of the ground water monitoring wells at the former Lost Valley Dairy have sampling results below the concentration limits set in their CAFO Permit.
- 3) We whole heartedly agree that adequate funding is essential for the advisory committee and agency partners to implement the Second Action Plan and successfully lower the nitrate contamination in the region. The advisory committee has researched and applied for funding several times over the years, but unfortunately has received little. ODA provides fertilizer use research funds through a competitive program that is currently funding a nitrogen use and drip irrigation efficiency project in the LUB GWMA. The need for funding is addressed in the Action Plan and recognized by the Committee. The Committee will make additional revisions to the Action Plan to further highlight the need for additional funding.
- 4) The goal of the entire advisory committee, stakeholders and agencies involved in the LUBGWMA is to address the origin of the nitrates and reduce the contamination across the whole region.

The advisory committee appreciates your comments and according to statute “will include any which are feasible for us to have a possibility to be accomplished. Your comments focus mainly on CAFOs as the leading contributor to the regions high nitrates and we offer that when the LUBGWMA was declared, there were few CAFOs in the region. The DEQ N loading document produced with

2011 data showed permitted CAFOs in the LUB GWMA produce about 23.2 % of the fertilizer equivalent pounds of Nitrogen vs 36.0 % of the fertilizer equivalent pounds of Nitrogen used in irrigated agriculture of the total nitrogen applied in the GWMA. There are many head of livestock that are present in the GWMA that are not located on permitted CAFOs and other non-livestock nitrogen sources.

LUBGWMA Lead Agency
Morrow SWCD