

Memorandum

To: Keith Andersen, RES Manager

CC: Southern Willamette Valley Groundwater Files

From: Audrey Eldridge, Southern Willamette Valley Groundwater Project Coordinator

Date: January 14, 2004

Re: Response to Comments on the Proposed Groundwater Management Area for the Southern Willamette Valley

On October 1, 2003, the Secretary of State issued a public notice that provided an opportunity for people to comment on a proposed declaration of a groundwater management area (GWMA) in the Southern Willamette Valley. This notice started the 60 days for Oregonians to comment on this proposal, and provided information regarding how the public could attend any of the seven public meetings/hearings held during the last two weeks of October.

The seven public meetings were combined with public hearings, and the attendance sheets showed that at least 176 people participated during these meetings/hearings. The number of people attending each meeting/hearing and the presiding hearing officer is presented on Table 1.

Residents brought in approximately 130 well water samples for the free nitrate screening, which was offered by OSU Extension. The format of these gatherings included a brief introduction, a 20-minute presentation on the previous groundwater studies, and information on potential future actions if a Groundwater Management Area is declared. Following the presentation, there was approximately 30-40 minutes of an informal question and answer period. One hour after the start of the Public Meeting, we would begin the Public Hearing in order to take formal comments. The procedure for the hearing was explained prior to asking for public testimony. When the Public Hearings closed, DEQ would stay to answer any additional informal questions.

There was only one formal comment offered during the public hearings, and this was at the Greenberry Grange meeting, on October 22, 2003. There were three letters sent to the Department with comments on the proposed Groundwater Management Area.

Comment from Greenberry Public Hearing, October 22, 2003

Joanne Hathaway
1531 SE Kiger Island Drive
Corvallis, OR
Member of Benton County Farm Bureau Board
and Oregon Farm Bureau Board of Directors

1.) Ms. Hathaway indicated she shares our concerns about the groundwater, but questions if the problem exists in entire proposed Groundwater Management Area. She also pointed out her understanding that houses and septic systems are the source of the groundwater problems, not farmers. She feels that farmers do not misuse fertilizers, or use fertilizers they do not need. She also does not feel it is fair to establish a GWMA in areas where it is not necessary. (Full Hearings Officer report appended as Attachment A)

Written Comments received by Dec 1, 2003

2.) Leslie Stafford commented by email, and took issue with the fact that there is no nitrate standard for private wells. She feels there should be the same nitrate standard (and preferably the same public water supply standard) for private wells. This commenter provided a case study that she was familiar with to support her concern. She also suggested that non-point source contaminants be regulated, and incorporated into the OARs. Enforcement measures could then be evaluated on a case-by-case basis. This commenter offered to be part of the proposed GWMA 'advisory board.'

3.) The Willamette Association of REALTORS® (the Realtors) indicated their appreciation for good quality groundwater, and would like to thank DEQ for their efforts in bringing this information to public attention. The Realtors are concerned that a groundwater management area may have detrimental affects on homeowners and their property's values. They understand the need for a careful balance of homeowner's rights and maintenance of property values, alongside with the need for good quality drinking water and pollution management for our area. To this end, the Realtors requested to be involved in the process of determining any regulatory or other actions that might be assumed in a management area, and have offered three of their members as possible candidates for the Groundwater Management Committee.

4.) Benton County supports the proposal to create a GWMA. They also request that the area north of Corvallis and east of Highway 20 up to the Willamette River be included in GWMA. Benton County is aware of elevated nitrate levels in the groundwater of this area, which is also a densely populated area of Benton County. This area also has over 100 drinking water wells and many small lots on septic systems, and it is likely to see intense development in the next decade. In addition, there are 5 public water supply systems with nitrate levels greater than 7 milligrams per liter (mg/L) and one of these has had several readings above 10 mg/L. Benton County believes that with DEQ support, sound planning and cooperation of the existing residents, nitrate pollution of northeast Benton County can be minimized.

Response to Comments:

1.) We understand Mrs. Hathaway's concerns regarding not wanting the GWMA to include those areas not affected by nitrate. We struggled with this same issue as we drew the boundary. However, due to the nature of groundwater, it is possible that some minimal areas that do not have high nitrate in the groundwater (greater than 7 mg/L) were included in the GWMA boundary.

The Department does not have all the information we need to identify all specific nitrate sources of impacts to the groundwater. Although septic systems are certainly on the list of potential sources, agricultural amendments and animal wastes are also on that list. The Department is not singling out farmers as the sole source of the nitrates in the groundwater, as we believe there are multiple sources that share this role. We do understand that

farmers are not in the business of wasting fertilizers, and look forward to working with the SWV farmers to discuss our mutual concerns. The Department's next step will be to look at land use activities in the proposed GWMA that may contribute nitrate to the groundwater, and determine feasible and voluntary steps that can be taken to reduce the nitrate impact. This approach will incorporate a Citizen's Committee review of all proposed actions.

2.) . The Director will be appointing the members for this committee shortly after declaring the Groundwater Management Area. The Director will be provided with a list of people who have volunteered to serve on the Groundwater Management Committee, and will likely make her decision after discussing the makeup of this committee with the Western Region Administrator.

The Department does not feel it is wise to develop legislation mandating water quality standards for private wells. This might be comparable to creating rules on what foods people should eat. It is important for those who have a private well to know what is in their water, and to understand relative possible health implications. We feel that all residents with private wells need information on why they should test their wells, where they can have this test performed, and how to interpret those results. Every well owner should make those personal decisions relative to the level of risk they feel comfortable accepting. For example, elderly well owners who do not have young children living in their home may not feel it is necessary to ensure the levels of nitrate in their drinking water is protective of young children, the group most at risk from high levels of nitrate.

There are regulations for non-point sources. For example, there are state rules for the designs of septic systems. When groundwater in an area shows impacts from non-point sources, the Department will move towards a declaration of a Groundwater Management Area or a Groundwater Area of Concern. There are safety nets ensuring that activities that may affect the groundwater are addressed and safe measures will be established.

3.) We commend the Realtors understanding of the need for good quality groundwater, and recognize their concerns regarding potential unfavorable effects on property values. We also appreciate the willingness of your members to assist us as members of the Groundwater Management Committee. We do intend to keep the Realtors involved in actions resulting from declaring a Groundwater Management Area. As previously mentioned, the Director will be appointing the members for this committee shortly after declaring a Groundwater Management Area. The Director will be provided with a list of people who have volunteered to serve on the Groundwater Management Committee, and will likely make her decision after discussing the makeup of this committee with the Western Region Administrator.

4.) We value all the support Benton County has provided for the GWMA. The Department has considered the documentation submitted by the County relative to extending the GWMA boundary. Based on a thorough review of all available information, the Department has determined this is a reasonable request. There will be a slight modification of the GWMA boundary to include the area north of Corvallis and east of Highway 20 up to the Willamette River.

TABLE 1:
Southern Willamette Valley Public Meetings & Hearings

Date	Time	Location	Town	Hearing Officer	Number of People who Signed in
October 22	7:00 PM	Greenberry Grange	Greenberry	Jack Arendt	35
October 23	2:00 PM	Public Service Bldg; 530 NW 27th	Corvallis	Bob Barrows	29
October 23	7:00 PM	Tangent Farm Service Agency; 33630 McFarland Rd	Tangent	Amy Parmenter	11
October 28	2:00 PM	Harrisburg Town Hall; 354 Smith Street	Harrisburg	Audrey Eldridge	25
October 29	7:00 PM	City Hall Council Chambers; 680 Greenwood	Junction City	Jack Arendt	40
October 30	2:00 PM	Coburg Municipal Court; 32694 East Pearl St	Coburg	Jack Arendt	15
October 30	7:00 PM	Corvallis Library, 645 NW Monroe	Corvallis	Mark Richardson	21

ATTACHMENT A

State of Oregon

Department of Environmental Quality

Memorandum

Date: 1/14/2004

To: Keith Andersen

From: Jack Arendt, Hearings Officer, Greenberry Grange

Subject: Presiding Officer's Report for Southern Willamette Valley GWMA Hearing
Title of Proposal: Southern Willamette Valley GWMA Declaration
Hearing Date and Time: October 23, 2003, 7:00 PM
Hearing Location: Greenberry Grange

The Department convened the public hearing on the proposal referenced above at 8:03 PM and closed it at 8:10 PM. People were asked to sign registration forms if they wished to present comments. People were also advised that the hearing was being recorded.

35 people attended the hearing; 1 person testified.

Before taking comments, Jack Arendt briefly explained the procedures for the hearing.

The following is a summary of written and oral comments received at the hearing. The Department will include these comments in the Summary of Comments and Agency Responses for this rulemaking.

Joanne Hathaway of 1531 SE Kiger Island Drive, Corvallis testified. The below is a transcript of her comments:

I am a member of Benton County Farm Bureau's Board as well as the Oregon Farm Bureau Board of Directors.

I am here because I do share your concerns, but I question if the problem exists in entire area that you have proposed. It is not fair to regulate where no problem exists. I ...really question whether much of the floodplain in the alluvial area that doesn't even have a house in it. You may go for 2 miles up through the river bottom and never see a house or a well. Because we can't get wells there, we have to go to river for water.

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The water just doesn't come into those areas from the river. A good well in our area would run 10 sprinklers. That will not irrigate a farm. So it just isn't used except for house wells. There's vegetable productive farmland in the Valley and you have a very low density of houses, and I am not certain you have a problem there. You have soil types that are much more compressed than she indicated on her map. And there problem exists – I'm really aware of the areas that do have problems are those where you have houses and septic tanks. And I think that is an indication that you need to really be doing something in those areas. I think you should be attempting to determine a source of problems before you make statements of what the problems are. I heard twice or three times tonight farmers use fertilizer. That does not mean that they misuse fertilizers. That does not mean that they waste money on fertilizers they do not need. Somebody will go home from here and they will say "Oh, she said the farmers are the problems." And I know she didn't say that, but there will people who will interpret it that way. I really would like to see ...not say that anymore.

Another thing I really would like to question, and I am sure the man from the Department of Ag will back me up. The word, don't ever say Best Management Practices to a bunch of farmers. That is like a red flag. You are going to tell them how their soils should be handled, when they've spent 20 years figuring out how to do it, you probably are not going to get very far.

That's my comments.