

EXECUTIVE ORDER NO. 25-02

**PROCLAMATION OF STATE OF EMERGENCY DUE TO RISK OF
ECOMOMIC SHUT DOWN**

WHEREAS, The Port of Morrow ("The Port") is currently discharging wastewater for reuse on irrigated agricultural lands pursuant to terms of a Wastewater Pollution Discharge Permit No.102325 issued by the Oregon Department of Environmental Quality ("DEQ") on December 21, 2017, and subsequent modifications (hereafter "DEQ Permit"); and

WHEREAS, Terms and conditions of the DEQ Permit set forth multiple parameters governing reuse of wastewater which the Port receives from food processing, power, data center, and agricultural facilities employing over 6,000 people at various locations in Umatilla and Morrow counties; and

WHEREAS, Having been found in violation of the DEQ Permit terms, the Port and DEQ entered into a Mutual Agreement and Final Order with a Stipulated Penalty Framework on October 31, 2023 (hereafter "Enforcement Order"). The Enforcement Order allows continued reuse of the wastewater for irrigating agricultural lands according to a Non-Growing Season Irrigation Plan set forth in the DEQ Permit as part of specific terms and conditions intended to protect ground water relied upon as a source of domestic drinking water from further contamination, while also recognizing that construction of additional lagoon storage capacity and treatment of wastewater received by the Port would require investment of over \$400 million and take approximately 6 years to complete; and

WHEREAS, Natural precipitation in the Lower Umatilla Basin in November and December of 2024 was approximately 95% above the 20-year average for those months and is predicted to continue at levels up to 40% above average in the first two months of 2025. This is causing levels of soil saturation from natural causes that cannot be controlled, and will likely result in current lagoon storage capacity of the Port falling short of what is necessary to avoid land application of wastewater for a short interval of time during the "non-growing season" designated in the DEQ Permit which contains specific limitations that end at the start of the irrigation season on March 1, 2025; and

WHEREAS, The compounding effects of greater than normal precipitation resulting in lack of lagoon storage capacity necessary to avoid land application of wastewater during the "non-growing season" prohibited by the DEQ Permit poses imminent risk that the Port will have to stop receiving wastewater from industrial food processing and agricultural facilities in February 2025 or sooner. This action by the Port will necessarily cause those facilities to cease operations, which will in turn trigger furloughs of potentially thousands of workers resulting in substantial economic harm to the region and the State of Oregon; and



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WHEREAS, Oregon's Department of Environmental Quality and Department of Agriculture, the Port of Morrow, and industrial food processing and agricultural entities in the Lower Umatilla Basin have all made good faith and substantial efforts to avoid and/or ameliorate land application of reuse wastewater from November 1, 2024 to March 1, 2025.

Pursuant to my authority as Governor of the State of Oregon, specifically ORS 401.165 et seq., I find that:

To avoid a shutdown of food processing and agricultural industries in Morrow and Umatilla counties and the resulting economic consequences while still ensuring the protection of groundwater and groundwater users, the restrictions specifically set forth in Schedule A, Conditions (6), (8), (11) and (13) of the DEQ Permit, as applied to Farm 1 and Farm 3, and exclusively to fields that are ranked as "Low Risk" by the Enforcement Order on Farm 4 and Farm 5, are waived for the duration of this Executive Order. In doing so, the Port will adhere to the following conditions:

IT IS HEREBY DIRECTED AND ORDERED:

1. Wastewater that cannot be stored because wastewater storage capacity controlled by the Port has been exhausted, or is predicted to be exhausted within seven days, and that cannot be applied consistent with Schedules A(6), A(8), A(11), and A(13) of the DEQ Permit, may be applied during the non-growing season notwithstanding these provisions and Schedule A(6) of the DEQ Permit.
2. Land application (if any) must be consistent with the following:
 - a. The application site is eligible to receive non-growing season irrigation under Schedule A(13)(A)(i) and (ii) of the DEQ Permit; and
 - b. The application site:
 - i. Must have no downgradient domestic user of alluvial groundwater, as determined by the DEQ-approved field risk ranking set forth in the existing DEQ Enforcement Order, or be ranked as "Low Risk" for nitrate leaching, as determined by the DEQ-approved field risk ranking in the DEQ Enforcement Order and the DEQ approved Non-Growing Season Irrigation Plan referenced in that Order; and



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- ii. Land application on Farm 1 and Farm 3 will be prioritized as the primary locations for land application of wastewater, with application on Farm 4 and Farm 5 undertaken only as necessary with notice and concurrence of DEQ; and
- iii. The application of wastewater is managed to minimize runoff and channeling; and
- iv. The Port notifies DEQ in writing within 24 hours after determining land application of wastewater in the non-growing season will be necessary to initiate within seven (7) days pursuant to the terms and conditions listed above.

3. All terms and conditions of the DEQ Permit and Enforcement Order not specifically referenced here and waived remain in full force and effect.

This emergency is effective as of 8:00 a.m. on January 15, 2025, and shall exist until 11:59 p.m. on February 28, 2025, unless extended or terminated sooner by the Governor.

Done at Salem, Oregon, this 13th day of January, 2025.



A handwritten signature in black ink, reading "Tina Kotek".

Tina Kotek
GOVERNOR

ATTEST:

A handwritten signature in blue ink, reading "Tobias Read".

Tobias Read
SECRETARY OF STATE