



July 25, 2023

By electronic mail

Morrow County Planning Commission
c/o Tamra Mabbott
Planning Director
215 NE Main Ave.
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tmabbott@co.morrow.or.us

Re: AC-145-23; ACM-146-23; AZM-147-23 Comprehensive Plan and Map Amendment.
Rowan Percheron, LLC, Applicant.

On behalf of 1000 Friends of Oregon, please accept the following statement for the record in the proceedings before the planning commission to consider applicant Rowan Percheron, LLC's application for a Comprehensive Plan and Map Amendment, including exceptions to Goals 3, 11, and 14.

Please include 1000 Friends in any subsequent notice related to proceedings in this matter and any notice of decision.

Pursuant to ORS 197.797(4)(b), 1000 Friends of Oregon additionally requests that the record be left open until August 22 to provide additional time to respond to the applicant's many supplementary materials submitted in advance of this hearing. See *Fasano v. Washington Co. Comm.*, 264 Or 574, 588, 507 P2d 23 (1973).

1. The applicant's plan to obtain water from the POM poses several concerns.

While the applicant's removal of the option of obtaining water rights from nearby properties clears up some issues, many unanswered questions and issues remain with the applicant's plan to obtain water from the Port of Morrow (POM).

First, public facilities must be proven to be able to be provided to the project in a timely and efficient manner. OAR 660-014-0040(3)(d). The facility's proposed water source will require completion of negotiations with the POM (to date, the applicant has only secured a letter of intent). Assuming those negotiations pan out, the agreement will require the construction of new wastewater processing facilities and pipeline infrastructure. The Port does not appear to have existing capacity for the amount of wastewater required by the applicant. This infrastructure will require new permitting, financing, and land use approvals. The feasibility of the proposed use is entirely dependent on the provision of this water source, yet its provision remains uncertain. The letter of intent does not include any indication of a timeline or assurance of completion by a certain time. The applicant has not demonstrated that it will be able to secure public facilities in a timely and efficient manner.

Second, the POM has a history of pollution violations associated with its industrial wastewater and piping systems. In March 2023, thousands of gallons of wastewater leaked from the port's pipeline.¹ An investigation into the leak found that the POM had known about it for several weeks before acting upon it or reporting it to DEQ. Additionally, the Port has been fined for contaminating groundwater with its wastewater by overapplying and failing to monitor nitrate contamination.² The present proposal would require extension of pipelines and/or new infrastructure for industrial wastewater directly through agricultural land that could potentially contaminate groundwater if another leak were to occur. Relatedly, the applicant has not addressed the potential impacts of the pipeline on the properties it will need to cross, particularly in the event of a leak.

Third, to justify exceptions under Goal 11 and 14, the applicant must demonstrate that the proposed urban uses are compatible with adjacent uses. OAR 660-014-0040(3)(c). The applicant has not addressed the impacts on adjacent uses of the pipeline that will be required to deliver water to the project. The pipeline will be routed over nine miles from the Port to the subject property. The pipeline route is surrounded by active agricultural operations on both sides along virtually its entire route. *See* Proposed POM Pipeline route submitted by applicant. The applicant has not addressed how this will impact uses such as agricultural operations impacted by the route, particularly given risks of leaks and a history of violations.

Fourth, the letter of intent is for 22 million gallons of water, while the application is seeking approval for a facility requiring 20 to 60 million gallons of industrial wastewater, in addition to potable water for employees. The LOI does not indicate how much of the water procured will be industrial wastewater versus potable water. The applicant should be required to revise its application to limit its water usage to 22 million gallons in line with the LOI, or explain where any additional water (up to an additional 38 million gallons) would be secured from. OAR 660-014-0040(3)(d) (requiring that *an appropriate level of* public facilities and services are likely to be provided in a timely and efficient manner). Additionally, as demonstrated by the applicant's water demand spreadsheet, water usage is highly dependent on temperature because it is used for cooling. Oregon is experiencing consistently and consecutively hotter and longer summers. The applicant should explain the basis for its water estimates and whether they accurately depict when and how much water will be required to cool the facility.

¹ <https://oregoncapitalchronicle.com/2023/03/29/port-of-morrow-allows-thousands-of-gallons-of-wastewater-to-leak-and-fails-to-alert-deq/> (Attachment A)

² <https://www.opb.org/article/2022/01/11/state-fines-port-of-morrow-for-groundwater-contamination/> (Attachment B)

Fifth, the applicant ostensibly seeks to obtain millions of gallons of industrial wastewater from the Port. Under OAR 660-004-0005(1)(c), a Goal 11 exception must comply with OAR 660-011-0060. Despite applicant's classification of the water it will receive from the Port as water, OAR 660-011-0060 defines "sewage" as "water-carried . . . industrial waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present." OAR 660-011-0060(1)(f). The applicant must address whether the proposed "water" in fact should be treated as sewage under Goal 11 and its requirements. Additionally, OAR 660-011-0060(3) includes additional criteria required when extending sewer (or ostensibly water) systems outside of the UGB. Such an extension is only allowed when:

- (a) Such placement is necessary to:
 - (A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;
 - (B) Serve lands inside a nearby UGB or unincorporated community;
 - (C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0090;
 - (D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or
 - (E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;
- (b) The local government:
 - (A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and
 - (B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.

OAR 660-011-0060(3). The applicant has not addressed these criteria and whether its agreement with the Port can satisfy these criteria.

Finally, the applicant has not addressed the impact of receiving water from the POM on the port's ability to provide services to its existing users. This analysis is required under OAR 660-014-0040(3)(c)(A).

2. The applicant has not provided adequate justification for new urban development on undeveloped rural lands.

OAR 660-014-0040(2) requires a justification for new urban development on undeveloped rural resource land for the requested goal exceptions. The applicant must also demonstrate why the use requires a location on resource land. OAR 660-004-0020(2)(a). Specifically, the applicant must demonstrate:

Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

OAR 660-014-0040(2). The applicant fails to demonstrate why a data center requires a location on resource land or how the use relies on a resource associated with the subject property. OAR 660-004-0020(2)(a). The applicant also fails to explain how the proposed data center is dependent upon an “adjacent or nearby natural resource.” OAR 660-014-0040(2). In its supplementary materials, the applicant asserts that the nearby resource it is relying on is the “quality water supply that the Port of Morrow can provide from a nearby natural resource, the Columbia River.” The Columbia River is over nine miles away from the subject property and cannot be considered a nearby resource. *See* OAR 660-014-0040(3)(a) and (3)(b)(B) (piped water is just as easily, if not more available to other locations within and adjacent to UGBs). This is emphasized by the fact that the applicant needs to seek a Goal 11 exception to transport water through miles of undeveloped rural land (and land zoned EFU) to the site.

Additionally, although it is not entirely clear from the application materials, the POM may be sending industrial wastewater to the subject property, rather than water directly from the Columbia River. It is unreasonable to justify the location of the project based on this stretched connection to the Columbia River. The proposed project is relying on industrial wastewater, and does not demonstrate that it “requires a location on resource land” as opposed to non-resource land with a utility connection to water. OAR 660-004-0020(2)(a). The data center is not dependent upon the Columbia River. The applicant has not adequately justified its proposed development under OAR 660-004-0020(2) or OAR 660-014-0040(2).

3. The applicant has not adequately addressed impacts on adjacent uses.

The applicant has not adequately addressed the impact of the proposed site on surrounding agricultural operations. OAR 660-004-0020(2)(d); OAR 660-014-0040(3)(b)(B).

Increased traffic caused by the facility may have impacts on surrounding agricultural operations. Tower Road is a primary transportation route for agricultural producers and is already heavily trafficked. The applicant indicates they are negotiating a Road Use Agreement

with the County. They also suggested a condition in proposed findings that the applicant must notify Threemile Canyon Farm (the adjacent farm landowner as well as owner of the project parcel) of its construction traffic schedule and coordinate with the farm to minimize any potential impacts to farm traffic during harvest. Neither of these proposals address impacts to other agricultural users of the road.

4. The applicant has not addressed all of the criteria required for the alternatives analysis.

The applicant has not addressed all of the relevant criteria for evaluating alternatives. The alternatives analysis in OAR 660-004-0020(2)(b) establishes a strong policy against siting on resource land by requiring thorough analysis of whether there are viable alternative sites that would not require goal exceptions and conversion of resource land. *See also* OAR 660-014-0040(3). Given the need for urban levels of infrastructure it is unclear whether the data center cannot be accommodated within an urban growth boundary on land that may require a zone change but would not require an exception, or through an expansion of an urban growth boundary. OAR 660-004-0020(2)(b)(B); OAR 660-014-0040(3).

The overarching inquiry for the alternatives analysis is whether “[a]reas that do not require a new exception cannot reasonably accommodate the use.” OAR 660-004-0020(2)(b); OAR 660-014-0040(3)(a) (requiring showing that the use cannot be reasonably accommodated within the UGB or with a rural community). The applicant must also make a showing that “the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities.” OAR 660-014-0040(3)(a). The applicant does not appear to have addressed the possibility of expanding existing UGBs or increasing densities of existing nonresource areas. OAR 660-014-0040(3); OAR 660-004-0020(2)(b).

These overarching analyses also require the applicant to address a series of questions and types of sites that must be evaluated to determine whether an alternative on non-resource land exists. The applicant does not appear to have fully evaluated all of the questions posed by OAR 660-004-0020(2)(b) or OAR 660-014-0040(3)(a)-(e). First, it is not clear whether the applicant looked at “resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands.” OAR 660-004-0020(2)(b)(ii). Nowhere in the applicant’s alternatives analysis does the applicant indicate that they looked into unincorporated communities or other irrevocably committed lands in Morrow and Umatilla Counties.

Another question required to be addressed in conducting the alternatives analysis is: “Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?” OAR 660-004-0020(2)(b)(i). While the applicant did examine RLIZ, LRLIZ, and HI Zones in Umatilla County, the applicant only included “the limited areas that fall within the zones that allow data centers to be permitted outright.” *Application Appendix D Alternatives Memo*. The applicant appears to unnecessarily impose a criterion that data centers be permitted *outright* for this land category, while tolerating the need for multiple goal exceptions for the subject parcel. *See* OAR 660-014-0040(3) (requiring different analysis). The applicant has not proven that it has reasonable justification not to pursue a project in the RLIZ, LRLIZ, or HI Zones or land designated by those zones. OAR 660-004-0020(2)(b), OAR 660-014-0040(3).

5. The applicant’s soils analysis does not demonstrate that the subject property is not viable farmland.

As demonstrated by the applicant’s supplemental soil analysis, the subject property contains prime farmland, farmland of statewide importance, prime farmland if irrigated, and American Viticultural Area soils. The applicant has not addressed the impact of rezoning and rendering unusable the higher quality soils on the eastern side of the property. While the applicant attempts to address these impacts by indicating that the project footprint will avoid those areas, the reality remains that those higher quality soils will also be rezoned for non-agricultural uses and permanently unusable for agricultural practices due to fragmentation and the industrial activities proposed on the site. The applicant must address the impact of its proposal on these higher quality soils beyond just stating that they will not be covered by the project footprint. *See* OAR 660-004-0020(2)(c).

Additionally, the applicant asserts that the subject property is not farmable. Based on the maps provided in the applicant’s supplementary analysis, the same soil capabilities (including the lower quality soils on the western side of the property) clearly support pivot agriculture on the neighboring parcel. July 25 Packet, Exhibit V. The applicant has not explained why the same agricultural practices would not be viable on the subject parcel despite having the same soil capability as the neighboring parcel.

6. The applicant has not addressed the impact on affected jurisdictions (OAR 660-014-0040(3)(e)).

The applicant must demonstrate that the development “is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.” OAR 660-014-0040(3)(e). Because it will be extending



water service from the Port of Morrow, which is located in the city of Boardman, the applicant needs to address coordination with the Port and the city's comprehensive planning.

Conclusion

Many questions and issues remain unresolved by the applicant's analyses. 1000 Friends requests the planning commission to require the applicant to address these issues and should not approve the application at this time.

Sincerely,

A handwritten signature in cursive script that reads "Devin Kesner".

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1000 Friends of Oregon is a non-profit organization founded by Governor Tom McCall shortly after the Legislature passed Senate Bill 100, which created the land use planning rules that shape Oregon's communities. Since its founding in 1975, 1000 Friends has served Oregon by defending Oregon's land use system—a system of rules that creates livable communities, protects family farms and forestlands, and conserves the natural resources and scenic areas that make Oregon such an extraordinary place to live. 1000 Friends accomplishes this mission by monitoring local and statewide land use issues, enforcing state land use laws, and working with state agencies and the Legislature to uphold the integrity of the land use system.

Attachment A




ENVIRONMENT

Port of Morrow allows thousands of gallons of wastewater to leak and fails to alert DEQ

Port officials said initially they didn't know about the leak but later acknowledged they had, violating their wastewater permit

BY: **ALEX BAUMHARDT** - MARCH 29, 2023 9:26 PM



 Water pools above the wastewater pipeline at the Port of Morrow. The photo was taken in November, two months before the port responded to the leak following inquiry from the Oregon Department of Environmental Quality. (Photo courtesy of Mike Pearson)

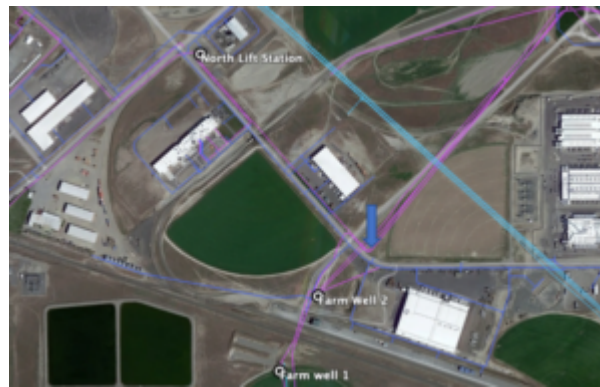
The Port of Morrow, the state's second-largest port, faces a new violation over contamination in eastern Oregon that may have been going on for some time.


The violation is linked to a spill of port wastewater in an area reeling from years of water contamination from the port and other sources. The Department of Environmental Quality, which failed for years [to act](#), is now negotiating a settlement with the port over [previous violations](#).

DEQ appears to have been slow to act again, waiting weeks until two people complained about the spill.

The agency, which regulates the port's wastewater system, asked the port about the leak in mid-January after a second area resident complained to the agency that they'd heard about a leak or seen pooling water around the port's main pipeline. DEQ officials asked port officials the day it received the second complaint whether its main pipeline carrying contaminated water from its industrial facilities in Boardman to nearby storage ponds was leaking atop an already contaminated aquifer.

Port officials acknowledged the leak, and within days temporarily shut down the port's wastewater system, repaired the leak and began cleaning up the contaminated area.



 A map shows where the wastewater leak occurred at the corner of Lewis and Clark Drive and Oscar Peterson Drive at the Port of Morrow, near an Amazon data center. (Oregon Department of Environmental Quality)

Port officials told DEQ that it was the first time they had heard about the leak, according to Laura Gleim, a DEQ spokesperson.

But an investigation by the Capital Chronicle found the port had known about it for some time and had not informed DEQ, violating the port's wastewater permit.

"It would be a violation if the port knew about it and didn't report it to us within 24 hours," Gleim told the Capital Chronicle in a February email.

The leak occurred in an industrial area and does not appear to have harmed residents, DEQ said. Thousands in the county have been exposed for years to well water contaminated with nitrates from port wastewater and agricultural sources.

The port acknowledged the lapse on Wednesday when Lisa Mittelsdorf, the port's executive director, told DEQ it had known about the leak before fixing it, according to Gleim. In January, the port told DEQ officials that its inspectors thought it was snowmelt, Gleim told the Capital Chronicle.

"This shouldn't have happened," Gleim told the Capital Chronicle on Wednesday.

Water swirls above a leak in a wastewater pipe at the Port of ...



Video courtesy of Nella Parks, shot Dec. 14, 2022

The violation is the port's third in just over a year. It is already facing more than \$2 million in fines for allowing too much of its nitrate-laden wastewater to be spread over northeast Oregon fields for years, further contaminating an aquifer that thousands of people in Morrow and Umatilla counties rely on for drinking water.

"We are currently working through a settlement, and this is an additional violation, so it will be taken into account," Gleim said.

She did not answer follow-up calls seeking more information by late Wednesday night, and Mittelsdorf did not answer emailed questions about why the port did not report the leak earlier or for how long port officials knew the pipe was leaking. Mittelsdorf also did not answer questions about the leak in February.

Earliest reports

It's unclear when the leak started. Residents told the Capital Chronicle that it could have dated to last spring.

Ryan McComb, who works at an Amazon data center at the port, said he first saw a large pool of dark and milky water near his workplace in May.

“I take that road to work and to go home, so I drive by it every day, twice a day,” he said.

He described it as a 6- to 8-foot-wide pool. He wasn’t concerned until he read the signs on purple and green stakes at the site that said: “Caution. Industrial Waste Water.”



📷 A stake indicates that a wastewater pipeline is underground at the Port of Morrow. The photo was taken Dec. 14, a month before the port responded to a complaint that it might have a leaking pipeline. (Submitted photo by Nella Parks)

Under its wastewater permit, the port is required to visually inspect its wastewater system daily and note irregularities. Officials must provide them to DEQ upon request. Any leaks or violations of the permit need to be reported within 24 hours. None of these [reports](#) supplied to DEQ after the leak was found, from Jan. 12 to 18, reference a leak or pooling water. DEQ first contacted the port about the leak on Jan. 18.

In August, McComb said he noticed earth movers and workers near the spill.

In November, he told his grandfather, Mike Pearson, about the pool. Pearson is one of hundreds of people in Boardman with wells contaminated by nitrates. Alarmed about the leak, Pearson photographed the site and sent them to Nella Parks, a senior organizer with the nonprofit Oregon Rural Action, Parks said.

Parks alerted DEQ on Dec. 2.

“I am hearing reports that port wastewater is either being dumped or running onto private ground and that there are leaks in the waste water pipes,” Parks said in an email to Mike Hiatt, a regional DEQ specialist. “Are you aware of this?”

Hiatt forwarded the email to the regional water quality permit writer, Justin Sterger, who said he had not heard about a leak from the port, according to an email he sent to Hiatt.

Sterger sent Parks a link to a DEQ portal for submitting pollution complaints, but Parks did not submit one. Neither Hiatt nor Sterger contacted the port about the leak, Gleim, the DEQ spokeswoman, told the Capital Chronicle.

Hiatt now regrets failing to follow up. Hiatt said he had just started his job in August and wasn't entirely sure what to do when Parks emailed.


"I do regret not reaching out to the port right after that," he said.

January report

DEQ receives about 5,000 pollution complaints and emergency spill reports each year, Gleim said. She said the agency acts promptly.

It did on Jan. 18, the day a member of the public anonymously filed a formal pollution complaint through the DEQ portal with photos.



 In response to the wastewater pipeline leak, the port excavated potentially contaminated soils for testing and disposal. (Port of Morrow)

Port engineers said the pipe leaked between 5 to 50 gallons of contaminated water per minute, according to correspondence between the port and DEQ. They show the port sucked at least 6,000 gallons of water from the pools on Jan. 23.

The leak was due to an old fitting on an elbow joint of the pipe, the port's leak report said.

"Age, velocity, type of water with high silts, are all good theories for why this fitting failed," the report said. "There was no unusual activities or uses leading to the leak note."

The leak was not near residential areas, and the groundwater beneath it does not flow toward population centers or private wells, Gleim said.

She said the port plans to fully replace the pipe in 2023.

Attachment B



In The News

Prison nurse

Thornburgh resort

Ammon Bundy

Snake River dams

Centr:

SCIENCE & ENVIRONMENT

State fines Port of Morrow \$1.3 million for groundwater contamination



By **Monica Samayoa** (OPB)

Jan. 11, 2022 5:25 p.m. **Updated:** Jan. 12, 2022 4:11 p.m.

Regulators say the port violated its wastewater permit a thousand times in four years

The Oregon Department of Environmental Quality fined the Port of Morrow [\\$1.3 million](#) Tuesday for repeated wastewater violations that contaminated the groundwater in surrounding counties.

State regulators found the port, which runs an [industrial park outside of Boardman](#), was overapplying wastewater containing nitrogen to agriculture fields and failing to monitor the resulting nitrate contamination.

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The area is already burdened with groundwater pollution, according to DEQ, and the



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The port has a water quality permit to collect nitrogen-rich wastewater from food processors, storage facilities, and data centers to use in irrigation on nearby farms.

But according to DEQ, the port violated its permit more than a thousand times in four years by exceeding the limits on how much nitrogen it can apply and how much nitrate, a common fertilizer ingredient, can be in the soil prior to application.

The state says the port applied approximately 165 tons of excess nitrogen between 2018-2021, leading to extra nitrate in the area where levels already exceed the limit in their permit.

“These are serious violations of water quality regulations that are in place to protect public health and the environment,” DEQ deputy director Leah Feldon said in a press release. “The existing nitrate contamination in the basin’s groundwater means everyone in the region has to do their part to reduce this contamination. The Port of Morrow has not been doing its part.”

DEQ said nitrogen in the basin’s groundwater also comes from cow manure and fertilizers, but that’s separate from the port’s wastewater.



A train snakes through the Port of Morrow.

Courtney Flatt

Boardman, Oregon

[View on Google Maps](#)



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When used in appropriate amounts, nitrogen is considered an important and beneficial plant nutrient. But excess amounts of nitrogen can lead to high levels of nitrate, which is already found in soil, water, and air.

If it's not used, the nitrate leaks into the soil and into the groundwater, where it can pose a health risk in drinking water sources. According to the Environmental Protection Agency, nitrate levels exceeding 10 milligrams per liter can cause serious health effects.

[Drinking high levels of nitrate](#) can lead to “blue baby syndrome,” which decreases the blood’s capacity to carry oxygen, especially in infants drinking baby formula mixed with contaminated water. Drinking water with excessive nitrate levels can also lead to respiratory infections, thyroid dysfunction and stomach or bladder cancer.

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drinking water for residents. But there is a problem for private well owners.

“There are no Oregon regulations on private wells, and so those folks are responsible for monitoring and maintaining their own drinking water, ensuring that it’s safe to drink,” she said.

One of those private well owners is Morrow County Commission Chair Jim Doherty who owns a well at his home west of Boardman. He said he had to get a filter system for his well because nitrate levels have exceeded healthy drinking water limits.

“I don’t drink my own drinking water and that is pretty sad,” he said.

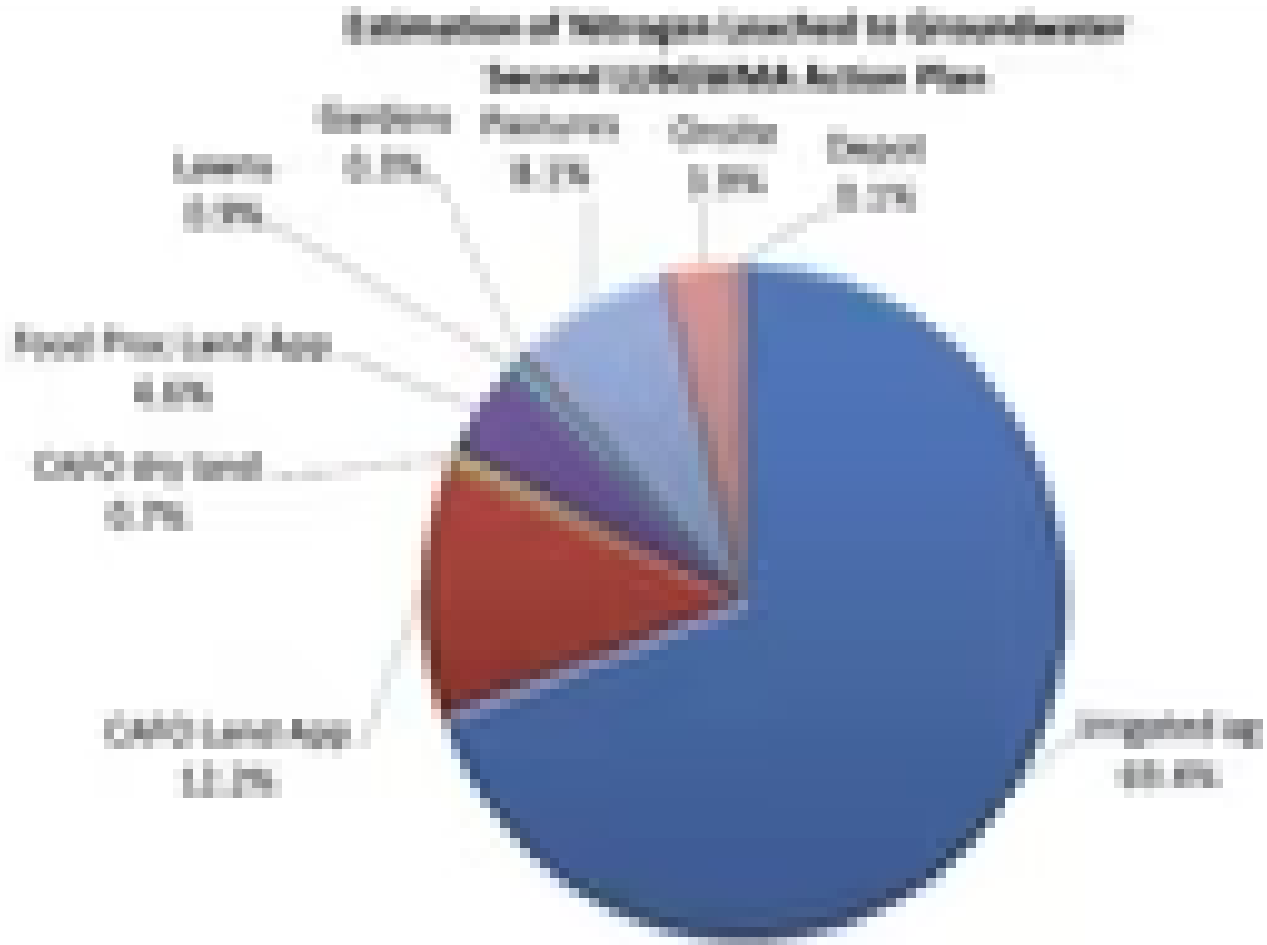
Doherty said the high levels of nitrate found in groundwater are not all naturally occurring, and they don’t all come from one industry. He appreciates the work the port has done to bring in companies that provide jobs and strengthen the economy, he said, but he calls it a “double-edged sword” because those industries are harming the environment.

“We’re at a critical juncture where if we don’t slow down ... and look at what we’re doing with our own environment and in our own area here, we’re not going to be sustainable,” he said.

Doherty said it might not be too late to reduce nitrate levels in groundwater. He said one of the main questions state and local agencies should ask is where the excess level of nitrogen is coming from and why.

“We’ve got to get to that base question of where did it originate and is it getting worse or is it getting better,” he said. “Frankly, it’s not getting better, but we really got to double our efforts to find out and figure out why.”

The [Lower Umatilla Basin Groundwater Management Area](#), a committee charged with addressing the high levels of nitrate in groundwater, has [identified five activities contributing to nitrate contamination](#): irrigated agriculture, food processing wastewater, animal feeding operations like dairies and feedlots, sewage from septic tank systems and the U.S. Army Umatilla Chemical Depot’s bomb washout lagoons.



Pie chart from the Lower Umatilla Basin Groundwater Management Area Local Action Plan that shows the estimate of nitrogen leached to the groundwater.

Oregon Department of Environmental Quality / Oregon Department of Environmental Quality

The group has been working on [an action plan](#) to reduce nitrate contamination from food processors. Lamb Weston’s French fry plant, Oregon’s Potato Company and Boardman Foods’ onion processing plant are among the food processors that [operate at the Port of Morrow](#), and their wastewater is high in nitrogen.

Gleim said DEQ will be working with the port to change their water quality permit to limit the amount of nitrogen-rich water that goes onto agriculture fields.

“That modification will require a schedule for the port to stop irrigation practices during the non-growing season,” she said. “This is like the winter season when crops use up much less nitrate than they do during the normal growing season.”

In November 2015, DEQ fined the port \$279,000 for exceeding nitrogen limits in its permit. According to Gleim, DEQ and the port settled the case for \$129,000 along with

In a press release statement, the port’s Executive Director Ryan Neal said they have been working cooperatively with DEQ on developing a long-term solution for the Port, industries, local farmers and the region.

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