



# Oregon

Tina Kotek, Governor

Oregon Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

April 30, 2024

John Shafer, Umatilla County Commissioner  
216 SE 4<sup>th</sup> Street  
Pendleton, OR 97801

RE: Artificial Groundwater Application LL-1964 is incomplete

Dear Commissioner Shafer:

The Oregon Water Resources Department (OWRD) has compiled comments from multiple agencies for the captioned application. The Department concludes that the application is deficient per the artificial groundwater recharge application requirements in OAR 690-350-0120. There are a variety of issues to address for the application to move forward. One issue that needs clarification is the legal liability associated with the project's potential effects on groundwater contamination plumes regulated under the US Environmental Protection Agency's (EPA) Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) program. Project operators and authorizing agencies may incur liability if the proposed recharge project negatively impacts site remediation or contaminant mobility, so OWRD is assessing this risk.

OWRD recommends the County and their agent examine the enclosed technical comments related to hydrogeologic feasibility, the proposed monitoring plan, and the numerical groundwater model. Please find attached comment memos from OWRD, Oregon Department of Environmental Quality (DEQ), Oregon Military Department (OMD) and EPA reviewers. The issues identified by these agencies will need to be addressed in the form of an application resubmission. If the County decides to pursue this application to completion, OWRD recommends scheduling a consultation meeting to discuss and clarify next steps.

### Summary of Application Deficiencies

**CERCLA Liability.** The proposed recharge project is in the same aquifer and near groundwater contamination plumes and the pump and treat system regulated under the EPA's CERCLA program. OWRD is assessing potential liability associated with the CERCLA program. Detailed comments are available in EPA and OMD agency comments.

**Hydrogeologic Feasibility Report.** There are issues in the hydrogeologic description that should be remedied to defensibly show how the proposed Artificial Recharge project would impact groundwater levels and flow directions in the aquifer.

**Monitoring Plan.** The plan lacks certain water quality and water quantity monitoring elements.

**Numerical Groundwater Model.** The flow model calibration to water level data is not acceptable. Therefore, the results of predictive exercises are not protective of the public interest.

Please contact me at [Jennifer.L.Woody@water.oregon.gov](mailto:Jennifer.L.Woody@water.oregon.gov) with questions or to set up a meeting to discuss.

Sincerely,

Jen Woody

Hydrogeologist

Cc: Matt Kohlbecker, GSI Water Solutions, Inc.  
Ivan Gall, OWRD  
Chris Kowitz, OWRD  
Annette Liebe, OWRD  
Tim Seymour, OWRD  
Mary Bjork, OWRD  
Ann Farris, ODEQ  
Phil Richerson, ODEQ  
Allen Clements, ODEQ  
Kelly Toynton, OMD  
Jeremy Haney, OMD  
Benjamin Leake, EPA  
Thomas Adler, EPA  
Tessa Rough, USACE