

HOUSE AMENDMENTS TO HOUSE BILL 3613

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 27

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert
2 “468B.105, 561.191 and 568.930.”

3 Delete lines 5 through 30 and delete page 2 and insert:

4 “**SECTION 1.** ORS 468B.105 is amended to read:

5 “468B.105. (1) Upon request of the State Board of Forestry, the Environmental Quality Com-
6 mission shall review any water quality standard that affects forest operations on forestlands. The
7 [*commission’s*] review **by the commission** may be limited to or coordinated with the triennial or
8 any other regularly scheduled review of [*the*] **this** state’s water quality standards, consistent with
9 ORS 468B.048 and 468B.110 and applicable federal law.

10 “(2) **Upon request of the Director of Agriculture, the commission shall review any water**
11 **quality standard that affects agricultural activities on agricultural lands. The review by the**
12 **commission may be limited to or coordinated with the triennial or any other regularly**
13 **scheduled review of this state’s water quality standards, consistent with ORS 468B.048 and**
14 **468B.110 and applicable federal law.**

15 “**SECTION 2.** ORS 561.191 is amended to read:

16 “561.191. (1) The State Department of Agriculture shall develop and implement [*any program or*
17 *rules that directly regulate farming practices, as defined in ORS 30.930, that are for the purpose of*
18 *protecting water quality and that are applicable to areas of the state designated as exclusive farm use*
19 *zones under ORS 215.203 or other agricultural lands in Oregon,*] **programs and adopt rules for the**
20 **protection of water quality from nonpoint sources of pollution associated with agricultural**
21 **activities on agricultural lands, including but not limited to rules related to:**

22 “(a) Protection of the quality of surface or ground water;

23 “(b) Wellhead protection areas;

24 “(c) Coastal zone management areas;

25 “(d) Areas of ground water concern; [*and*]

26 “(e) Ground water management areas[.]; **and**

27 “**(f) Activities prohibited under ORS 468B.025.**

28 “[*(2) Any program or rules adopted by the State Department of Agriculture under subsection (1)*
29 *of this section shall be designed to assure achievement and maintenance of water quality standards*
30 *adopted by the Environmental Quality Commission.*]

31 “(2) **The State Department of Agriculture shall design any programs or rules described**
32 **in subsection (1) of this section to achieve and maintain the water quality standards adopted**
33 **by the Environmental Quality Commission by reducing, to the maximum extent practicable,**
34 **the level of pollution resulting from nonpoint sources of pollution associated with agricul-**
35 **tural activities on agricultural lands. The department shall implement the programs and**

1 rules developed and adopted by the department under this section using the procedures es-
2 tablished under ORS 568.900 to 568.933.

3 **“(3) Except as required by the Federal Water Pollution Control Act, the Environmental**
4 **Quality Commission and the Department of Environmental Quality may not adopt or enforce**
5 **any management practices regarding, or control measures for, nonpoint sources of pollution**
6 **associated with agricultural activities on agricultural lands. The programs, rules and plans**
7 **developed and adopted by the State Department of Agriculture under ORS 568.900 to 568.933**
8 **are the exclusive programs, rules, plans and regulations of any public body to protect and**
9 **improve water quality with regard to nonpoint sources of pollution associated with agricul-**
10 **tural activities on lands located outside an urban growth boundary. As used in this sub-**
11 **section, ‘public body’ has the meaning given that term in ORS 174.109.**

12 “[3] (4) If two or more state agencies are required to adopt rules under ORS 468B.150 to
13 468B.190, the agencies:

14 “(a) Shall consult with one another and coordinate the rules; and

15 “(b) May consolidate the rulemaking proceedings.

16 **“(5) Subsection (3) of this section does not change or reduce the authority of the Envi-**
17 **ronmental Quality Commission or the Department of Environmental Quality under ORS**
18 **468B.110 (1) to adopt a total maximum daily load that includes load allocations for nonpoint**
19 **sources of pollution associated with agricultural activities on agricultural lands.**

20 “[4] (6) *[Nothing in this section is intended to]* **This section does not** change or reduce the
21 authority of the Water Resources Commission or the Water Resources Department under ORS
22 chapters 536 to [543] **543A.**

23 **“SECTION 3.** ORS 568.930 is amended to read:

24 **“568.930. (1)** Landowners shall conduct all agricultural activities on agricultural lands within
25 the boundaries of an area subject to a water quality management plan in full compliance with the
26 rules implementing the plan. *[and with all the rules and standards of the Environmental Quality*
27 *Commission relating to water pollution control. In addition to any other remedy provided by law, any*
28 *violation of those rules or standards shall be subject to all remedies and sanctions available to the*
29 *Department of Environmental Quality or the Environmental Quality Commission.]*

30 “(2) The State Department of Agriculture and the State Board of Agriculture shall consult with
31 the Department of Environmental Quality or the Environmental Quality Commission in the adoption
32 and review of water quality management plans and in the adoption of rules to implement the plans.

33 “(3)(a) The Environmental Quality Commission may petition the State Department of Agriculture
34 for a review of part or all of any water quality management plan and rules implementing the plan.
35 The petition must allege with reasonable specificity that the plan or the rules are not adequate to
36 achieve compliance with applicable state and federal water quality standards.

37 “(b) The State Department of Agriculture, in consultation with the State Board of Agriculture,
38 shall complete its review of a petition submitted under paragraph (a) of this subsection within 90
39 days of the date of the filing of the petition for review. The State Department of Agriculture may
40 not terminate the review without the concurrence of the Environmental Quality Commission unless
41 the department initiates revisions to the rules implementing the water quality management plan that
42 address the issues raised by the Environmental Quality Commission. If the State Department of
43 Agriculture adopts any revisions in response to a petition by the Environmental Quality Commis-
44 sion, the department shall adopt the revisions not later than two years from the date the Environ-
45 mental Quality Commission submits the petition, unless the department, with the concurrence of the

1 Environmental Quality Commission, finds that special circumstances require additional time.
2 “(4) A water quality management plan and rules implementing the plan that pertain to a ground
3 water management area shall be subject to the coordination requirements of ORS 468B.162.”.
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