

# House Bill 3613

Sponsored by Representatives BENTZ, SCHAUFLEER; Representatives CONGER, GARRARD

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that State Department of Agriculture water quality management plans and supporting rules and programs of department are exclusive public body means to protect and improve water quality through agricultural practice regulations regarding nonpoint sources of pollution on agricultural and rural lands.

## A BILL FOR AN ACT

1  
2 Relating to the regulation of agricultural practices affecting water quality; amending ORS 468B.025  
3 and 561.191.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 561.191 is amended to read:

6 561.191. (1) The State Department of Agriculture shall develop and implement any program or  
7 rules that directly regulate farming practices, as defined in ORS 30.930, that are for the purpose of  
8 protecting water quality and that are applicable to areas of the state designated as exclusive farm  
9 use zones under ORS 215.203 or other agricultural lands in Oregon, including but not limited to  
10 rules related to:

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

12 (b) Wellhead protection areas;

13 (c) Coastal zone management areas;

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

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

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

17 (2) *[Any program or rules adopted by the State Department of Agriculture under subsection (1) of*  
18 *this section shall be designed to assure achievement and maintenance of water quality standards*  
19 *adopted by the Environmental Quality Commission.]* **Except as provided in this section, the pro-**  
20 **grams, rules and plans developed and adopted by the department under ORS 568.900 to 568.933**  
21 **are the exclusive public body programs, rules and plans to protect and improve water quality**  
22 **in this state through agricultural practice regulations regarding nonpoint sources of water**  
23 **pollution on agricultural and rural lands. Except as provided in this section, any public body**  
24 **program, rule or plan for protecting or improving water quality in this state, other than a**  
25 **program, rule or plan developed or adopted under ORS 568.900 to 568.933, is deemed to be**  
26 **limited in application to the extent necessary to avoid the regulation of agricultural practices**  
27 **with regard to nonpoint sources of water pollution on agricultural and rural lands. As used**  
28 **in this subsection, "public body" has the meaning given that term in ORS 174.109.**

29 (3) If two or more state agencies are required to adopt rules under ORS 468B.150 to 468B.190,  
30 the agencies:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

2 (b) May consolidate the rulemaking proceedings.

3 (4) Nothing in this section is intended to change or reduce the authority of the Water Resources  
4 Commission or the Water Resources Department under ORS chapters 536 to [543] **543A**.

5 **SECTION 2.** ORS 468B.025 is amended to read:

6 468B.025. (1) Except as provided in ORS 468B.050, [or] 468B.053[, *no person shall*:] **or 568.900**  
7 **to 568.933, a person may not:**

8 (a) Cause pollution of any waters of the state or place or cause to be placed any wastes in a  
9 location where such wastes are likely to escape or be carried into the waters of the state by any  
10 means.

11 (b) Discharge any wastes into the waters of the state if the discharge reduces the quality of such  
12 waters below the water quality standards established by rule for such waters by the Environmental  
13 Quality Commission.

14 (2) [*No person shall*] **A person may not** violate the conditions of any waste discharge permit  
15 issued under ORS 468B.050.

16 (3) Violation of subsection (1) or (2) of this section is a public nuisance.  
17

---