

Senate Bill 651

Sponsored by Senator GIROD, Representative GILLIAM; Representative CLEM

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**.

Prohibits Water Resources Department from charging or collecting temporary fee for dam that is part of waste water control facility for confined animal feeding operation.

Exempts dam that is part of waste water control facility for confined animal feeding operation, and water being retained in dam, from Water Resources Department regulation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to confined animal feeding operations; creating new provisions; amending ORS 468B.215;
3 and declaring an emergency.

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

5 **SECTION 1. Notwithstanding ORS 536.050 (2), during the period beginning on the effective**
6 **date of this 2011 Act and ending July 1, 2013, the Water Resources Department may not**
7 **charge or collect an annual fee under ORS 536.050 (2) for a dam that is part of a waste water**
8 **control facility that the State Department of Agriculture is authorized to regulate under**
9 **ORS 468B.050 or 468B.200 to 468B.230.**

10 **SECTION 2. Section 1 of this 2011 Act is repealed January 1, 2014.**

11 **SECTION 3. ORS 468B.215 is amended to read:**

12 468B.215. (1) Any person operating a confined animal feeding operation shall pay a fee estab-
13 lished under ORS 561.255.

14 (2) Except for an animal feeding operation subject to regulation under 33 U.S.C. 1342, a fee shall
15 not be assessed to nor a permit required under ORS 468B.050 (1)(d) of confined animal feeding op-
16 erations of four months or less duration or that do not have waste water control facilities. A con-
17 fined animal feeding operation of four months or less duration or that does not have waste water
18 control facilities is subject to all requirements of ORS chapters 468, 468A and 468B if found to be
19 discharging wastes into the waters of the state.

20 (3) The Department of Environmental Quality or the State Department of Agriculture may im-
21 pose on the permit required for a confined animal feeding operation only those conditions necessary
22 to ensure that wastes are disposed of in a manner that does not cause pollution of the surface and
23 ground waters of the state.

24 (4) A permit for a confined animal feeding operation may be revoked or modified by the De-
25 partment of Environmental Quality or the State Department of Agriculture or may be terminated
26 upon request by the permit holder. An animal feeding operation may be inspected for compliance
27 with water quality laws and regulations by the Department of Environmental Quality or the State
28 Department of Agriculture.

29 **(5) Notwithstanding ORS 540.350 to 540.390, any dam that is part of the waste water**
30 **control facility for a confined animal feeding operation, and any water retained by that dam,**

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 are exempt from regulation by the Water Resources Department.

2 SECTION 4. This 2011 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
4 on its passage.

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