

House Bill 2061

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Department of Agriculture)

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**.

Changes structure for annual permit fees for confined animal feeding operations. Allows State Department of Agriculture to establish tiers within size categories for confined animal feeding operations for purposes of determining amount of mandatory annual permit fee assessment. Provides for department to establish annual permit fee for confined animal feeding operations and concentrated animal feeding operations. Requires department to establish permit application fees for new confined animal feeding operations or concentrated animal feeding operations or for transfer of permits for confined animal feeding operations or concentrated animal feeding operations.

Becomes operative January 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to fees for animal feeding operations; creating new provisions; amending ORS 468B.215 and
3 561.255; and prescribing an effective date.

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

5 **SECTION 1.** ORS 468B.215 is amended to read:

6 468B.215. (1) Any person operating a confined animal feeding operation [*shall pay a fee estab-*
7 *lished*] **or concentrated animal feeding operation under an NPDES or WPCF permit shall an-**
8 **nually pay a fee for a confined animal feeding operation permit or concentrated animal**
9 **feeding operation permit as provided by State Department of Agriculture rules adopted under**
10 **ORS 561.255. As used in this subsection, "NPDES" and "WPCF" have the meanings given**
11 **those terms in ORS 561.255.**

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

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

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

27 **SECTION 2.** ORS 561.255 is amended to read:

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.

1 561.255. (1) **As used in this section:**

2 (a) **“Confined animal feeding operation”** has the meaning given that term in rules adopted
3 by the State Department of Agriculture.

4 (b) **“Large confined animal feeding operation”** has the meaning given that term in rules
5 adopted by the department.

6 (c) **“Medium confined animal feeding operation”** has the meaning given that term in rules
7 adopted by the department.

8 (d) **“NPDES”** means the National Pollutant Discharge Elimination System.

9 (e) **“Small confined animal feeding operation”** has the meaning given that term in rules
10 adopted by the department.

11 (f) **“WPCF”** means a water pollution control facility operated under a permit issued by
12 the Director of the Department of Environmental Quality or a designee of the director. [(1)
13 The State Department of Agriculture shall charge the following annual permit fees to be paid under
14 ORS 468B.215 by any persons operating the following categories of confined animal feeding
15 operations:]

16 (2) **The State Department of Agriculture shall adopt rules establishing annual permit fees**
17 **for payment under ORS 468B.215 by confined animal feeding operations or concentrated ani-**
18 **mal feeding operations that operate under a general NPDES or WPCF permit. The depart-**
19 **ment may adopt rules that establish tiers within each confined animal feeding operation size**
20 **category for purposes of annual permit fee assessment. Subject to subsection (3) of this**
21 **section, the annual permit fees may not exceed:**

22 (a) **\$500 for a small confined animal feeding [operations, \$100] operation or small concentrated**
23 **animal feeding operation.**

24 (b) **\$1,000 for a medium confined animal feeding [operations, \$200] operation or medium con-**
25 **centrated animal feeding operation.**

26 (c) **\$3,500 for a large confined animal feeding [operations, \$300] operation or large concen-**
27 **trated animal feeding operation.**

28 [(2) *As used in this section:*]

29 [(a) *“Confined animal feeding operation”* has the meaning given that term in rules adopted by the
30 department.]

31 [(b) *“Large confined animal feeding operations”* has the meaning given that term in rules adopted
32 by the department.]

33 [(c) *“Medium confined animal feeding operations”* has the meaning given that term in rules adopted
34 by the department.]

35 [(d) *“Small confined animal feeding operations”* has the meaning given that term in rules adopted
36 by the department.]

37 (3) **The department may not charge more than \$10,000 in annual permit fees for payment**
38 **under ORS 468B.215 by a person operating confined animal feeding operations or concen-**
39 **trated animal feeding operations under an individual NPDES or WPCF permit.**

40 (4) **The department shall charge a permit application fee for:**

41 (a) **A new confined animal feeding operation or concentrated animal feeding operation**
42 **proposing to operate under an NPDES or WPCF permit; or**

43 (b) **The transfer of an NPDES or WPCF permit for a confined animal feeding operation**
44 **or concentrated animal feeding operation.**

45 (5) **Subject to subsection (6) of this section, a permit application fee charged under this**

1 section may not exceed:

2 (a) \$75 for a small confined animal feeding operation or concentrated animal feeding op-
3 eration.

4 (b) \$100 for a medium confined animal feeding operation or concentrated animal feeding
5 operation.

6 (c) \$300 for a large confined animal feeding operation or concentrated animal feeding
7 operation.

8 (6) The department may not charge more than \$15,000 in permit application fees for
9 payment under ORS 468B.215 for new confined animal feeding operations or concentrated
10 animal feeding operations proposed for operation under an individual NPDES or WPCF per-
11 mit.

12 SECTION 3. (1) The amendments to ORS 468B.215 and 561.255 by sections 1 and 2 of this
13 2019 Act become operative on January 1, 2020.

14 (2) The State Department of Agriculture may take any action prior to January 1, 2020,
15 that the department deems reasonable to facilitate the administration of ORS 561.255 by the
16 department on or after January 1, 2020.

17 SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019
18 regular session of the Eightieth Legislative Assembly adjourns sine die.

19