

SB 1513 -4, -5, -6 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 2/11, 2/13

WHAT THE MEASURE DOES:

Establishes specified permitting requirements for large confined or concentrated animal feeding operation (feeding operation) that house a specified number and type of animal. Requires issuance of an **individual permit** under ORS 468B.050 (surface water quality permit) by the Departments of Environmental Quality and Agriculture (agencies) to a feeding operation that is located in a **groundwater management area** and applies animal waste to land; applies this requirement to permits for which initial permit issuance occurs on or after the effective date of the Act and permits initially issued prior to effective date of Act pursuant to an application originally filed on or after January 1, 2020. Requires **preliminary approval** of permit issued by agencies for a feeding operation prior to constructing or installing feeding operation; and prohibits operation, including populating the feeding operation, until **final approval** for the construction or installation is received from agencies. Prior to granting final permit approval, requires Department of Agriculture (ODA) to determine, in consultation with the Water Resources Department (WRD), that the use of water is authorized and the **water supply** is reliable for supplying the needs of the feeding operation at the level and duration described in the proposed permit. In making water supply determination, authorizes ODA to consider, in addition to information provided by WRD, information provided in a certified water right examiner report submitted by an applicant or information provided in public comment. Authorizes agencies to charge a **fee** for granting preliminary or final approval under measure; prohibits fee from totaling more than the maximum annual permit fee allowed for a feeding operation. Authorizes **agencies to take action to clean, repurpose, or decommission a feeding operation waste treatment works** and recover reasonable expenses from any responsible party if: (1) a feeding operation facility is vacated or abandoned on or after the effective date of Act, or no longer holds a valid permit, (2) the operator does not clean the facility site or properly decommission the water treatment works in a manner consistent with the permit, (3) there is no person or entity responsible for the financial or operational management of the facility that can sufficiently comply with the permit terms, and (4) ODA or DEQ believes there is a potential or imminent threat to the waters of the state from the facility.

No subsequent referral.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Adds term "qualifying operation" to identify the large confined or concentrated animal feeding operations affected by this Act. Revises language requiring Oregon Department of Agriculture (ODA) determination regarding the use of water for supplying the qualifying operation; requires that ODA determine that use at the level and duration described in the proposed permit is legally authorized. Revises applicability provision to identify sections of Act that apply to permits first issued after effective date. Declares emergency, effective upon passage.

-5 Adds to the -4 amendment: applies requirement to obtain a preliminary and final approval to an animal feeding operation for which an expansion occurring on or after the effective date of Act causes the operation to constitute a qualifying operation.

-6 Adds to combined -4 and -5 amendments: specifies that water needs of the qualifying operation that are subject to ODA determination must include irrigation, stockwatering, and any other commercial or industrial use of water and may include a water use under ORS 537.141 or 537.545 (exempt uses), unless that use is limited or prohibited by law.

BACKGROUND:

The legislature first established a regulatory program for confined/concentrated animal feeding operations (CAFOs) in 1989. The legislation required the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and directed the Oregon Department of Agriculture (ODA) to inspect CAFO facilities. In 1993, the CAFO statutes were amended to direct the Environmental Quality Commission (EQC) and ODA to enter into a formal memorandum of understanding (MOU). The MOU authorizes ODA to perform the CAFO-related functions of DEQ and the EQC. Most CAFO permits are for dairy operations, but other types of operations with concentrated, confined holding or feeding of animals also require a permit. At the end of 2017, there were 509 permitted CAFO facilities in Oregon.

In 2019, Senate Bill 876 was introduced but not enacted. The measure would have made several changes to permitting requirements for large CAFOs, including requiring that an applicant receive a preliminary approval prior to construction and a final approval prior to operation, and addressed coordination with other regulating entities. The measure also addresses the authority of DEQ and ODA when a CAFO has been abandoned or vacated.

Senate Bill 1513 would prohibit the operation of a CAFO, including populating the feeding operation, until an applicant receives final permit approval for construction or installation from DEQ or ODA. The measure would also require ODA to determine that the water needed to supply the needs of the feeding operation are authorized and reliable.