

SB 1513 A STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Action Date: 02/13/20

Action: Do pass with amendments and requesting referral to Rules. (Printed A-Engrossed.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Findley, Olsen, Prozanski, Roblan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 2/11, 2/13

WHAT THE MEASURE DOES:

Establishes specified permitting requirements for large confined or concentrated animal feeding operation (qualifying operation) that houses 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 qualifying operation that is located in a groundwater management area and applies animal waste to land. Requires preliminary approval of permit issued by agencies for a qualifying operation prior to constructing or installing 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 the Department of Agriculture (ODA) to determine, in consultation with the Water Resources Department (WRD), that use of water for supplying the needs of the qualifying operation at the level and duration described in the proposed permit is legally authorized. 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 confined animal feeding operation. Authorizes agencies to take action to clean, repurpose, or decommission a qualifying operation waste treatment works and recover reasonable expenses from any responsible party if: (1) a qualifying 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 Department of Environmental Quality believes there is a potential or imminent threat to the waters of the state from the facility. Applies provisions to permits first issued on or after the effective date of the Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Work group discussions
- Water supply needs for confined animal feeding operations
- Issues with establishment of a large dairy in Eastern Oregon
- Permitting requirements for facility expansion

EFFECT OF AMENDMENT:

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.

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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 would have also addressed the authority of DEQ and ODA when a CAFO has been abandoned or vacated.

Senate Bill 1513-A 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 at the level and duration described in the proposed permit is legally authorized.