

SB 1513 A STAFF MEASURE SUMMARY

Senate Committee On Rules

Action Date: 02/19/20

Action: Do pass the A-Eng bill. Requesting referral to Ways and Means.

Vote: 4-1-0-0

Yeas: 4 - Boquist, Burdick, Dembrow, Roblan

Nays: 1 - Baertschiger Jr

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/19

WHAT THE MEASURE DOES:

Establishes water quality permit requirements for large confined animal feeding operation and large concentrated animal feeding operation that houses specified number and type of animal. Requires issuance of individual water quality permit by Department of Environmental Quality (DEQ) or State Department of Agriculture (ODA) for qualifying operation located in ground water management area where waste from qualifying operation is applied to land in the area. Requires preliminary approval of construction or installation from DEQ or ODA prior to construction or installation and final approval of construction or installation prior to populating qualifying operation. Requires DEQ or ODA, prior to granting final approval, to consult with Water Resources Department (WRD) to determine that use of water is legally authorized at the level and duration described in the proposed qualifying operation permit. Allows ODA to consider other information when making determination regarding water authorization, including information provided in certified water right examination report submitted by applicant or information provided in public comments. Authorizes DEQ and ODA to assess fees for granting preliminary or final approval and prohibits total fees from exceeding the maximum fee allowed for a single large confined feeding animal operation permit. Allows DEQ or ODA to independently or jointly clean, repurpose, or decommission a qualifying operation waste treatment works and recover from any responsible party reasonable expenses incurred or authorized if: (1) the qualifying operation facility is vacated or abandoned, or no longer holds a valid water quality permit; (2) the operator of a qualifying operation facility does not clean the facility site or properly decommission the waste treatment works of the facility in a manner consistent with the terms of the permit prior to abandoning the site; (3) there is no person or entity responsible for the financial or operational management of the qualifying operation facility that can sufficiently comply with the terms of the permit; and (4) DEQ or ODA believes there is a potential for imminent threat to the waters of this state from the facility. Applies new permit requirements to qualifying operation permits first issued on or after effective date of measure. Applies agency authority to clean, repurpose, or decommission waste treatment works to qualifying operation facilities vacated or abandoned after effective date of measure. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Work group process to develop proposed measure
- Committee process to select proposed amendments in prior policy committee
- Cleanup of Lost Valley Farm by ODA
- Potential impact of measure on existing permit holders

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EFFECT OF AMENDMENT:

No amendment.

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 requires specified CAFOs to obtain a water quality permit from DEQ or ODA. One of those agencies must give preliminary approval before the construction or installation of the facility, and final approval before the facility is populated. Prior to final approval, the agency must consult with the Water Resources Department to confirm that water use is authorized at the level and duration described in the proposed qualifying operation permit. The measure also authorizes DEQ or ODA to clean, repurpose, or decommission the waste treatment system of an abandoned or vacated CAFO and recover fees for that work from any responsible party.