

Confined Animal Feeding Operations (CAFO) Permit Process

Senate Interim Committee
On Natural Resources and
Wildfire Recovery

June 2, 2022

CAFO: Defined

CAFO is defined in OAR 603-074-0010(3)

The concentrated confined feeding or holding of animals or poultry

- In buildings or in pens where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather; or
- That have wastewater treatment works; or
- That discharge any wastes into waters of the state; or
- An animal feeding operation that is subject to regulation as a concentrated animal feeding operation pursuant to 40 CFR 122.23



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CAFO: Permit Types

National Pollutant Discharge Elimination System (NPDES)

- The permit regulates the discharge to surface waters or to ground waters
- Limits the amount of manure, wastewater and nutrients from all sources that can be applied to fields as fertilizer
- The permit requires monitoring for any unauthorized discharge
- NPDES Permit effective for five years after the date of permit issuance

Water Pollution Control Facility (WPCF) ORS 468B

- The permit regulates discharge to ground waters and prohibits discharge to surface water
- Limits the amount of manure, wastewater and nutrients from all sources that can be applied to fields as fertilizer
- The permit requires monitoring for any unauthorized discharge
- WPCF Permit effective for 10 years after the date of permit issuance



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ODA & DEQ – Roles and Responsibilities

ODA	DEQ
Approves/Denies Permit coverage Reviews and approve plans and specifications	Assists in review of plans
Determines Compliance	Provides technical/subject matter expertise
Maintains permitting and compliance database	Provides WQ program training and guidance as needed
ODA and DEQ work together on developing water quality permits	

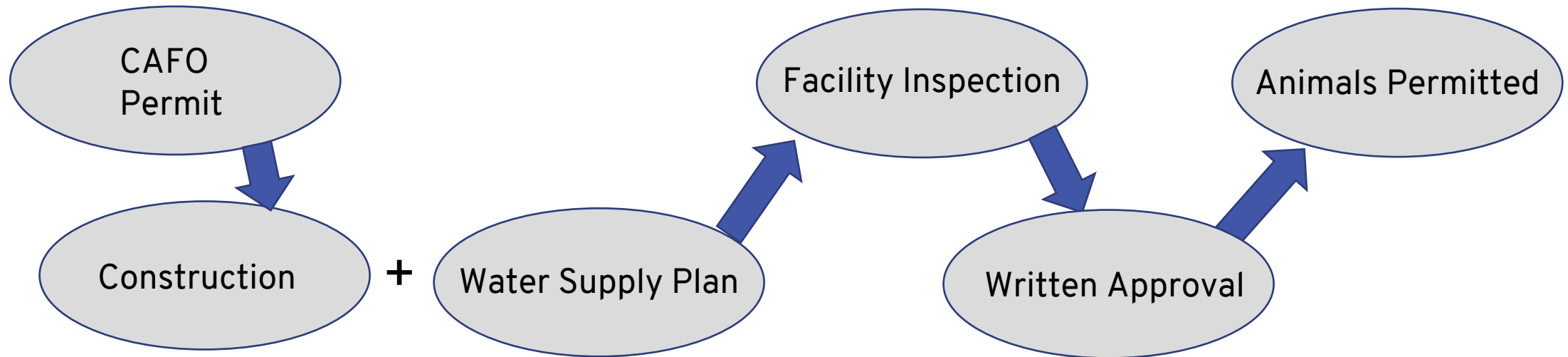
CAFO: Application Process

- ODA and DEQ review the application and work with applicant to ensure it is complete
 - Land Use Compatibility Statement (LUCS)
 - Nutrient management plan
- ODA and DEQ work together to determine what CAFO permit is appropriate (this may require consultation with the applicant).
- ODA coordinates permit review and feedback with DEQ, OWRD, and OHA to review permit
 - Water Supply Plan (OWRD)
 - Stormwater Construction Permit (DEQ)
- ODA and DEQ release application specifics for public comment
 - Notice to the public issued
 - 35-day public comment period begins with possible extension
- ODA and DEQ review all public comments and may add conditions to permit
- ODA-DEQ decision point:
 - Issue permit registration as proposed
 - Issue a conditional permit registration
 - Deny permit for cause



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CAFO: Two Step Permitting Construction



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CAFO: Statistics

- 505 CAFOs permitted in Oregon
 - 237 are dairies
 - 171 are feedlots
 - 36 are poultry/egg producers
 - 6 are equine facilities
 - 55 are other (dog kennels, auction yards, ect.)
- ODA Inspected on 10-month schedule or by complaint
 - In 2020, routine inspection compliance was 97%



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Authorized Sources of Water

- Water right (permit, certificate, registration, or decreed right)
- Hauled (trucked) water from a legal water source
- Water right exemption
 - Surface water: ORS 537.141, 537.142, 537.800
 - Groundwater: ORS 537.545 and 537.141

Exempt Groundwater Uses

- Exemption from the requirement to obtain a water right
 - All exempt groundwater uses are limited to beneficial use without waste
- Stock water
 - No limit for stock drinking water
- Single Industrial or Commercial
 - Not to exceed 5,000 gallons per day
 - Does not include irrigation or watering to promote plant growth