

D R A F T

SUMMARY

Digest: This Act prohibits the DEQ from giving a water permit to some CAFOs that are in a managed ground water area. (Flesch Readability Score: 64.6).

Prohibits the Department of Environmental Quality from issuing a water quality permit to certain confined animal feeding operations located in a ground water management area.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to water quality permits for confined animal feeding operations;
3 amending ORS 468B.050; and declaring an emergency.

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

5 **SECTION 1.** ORS 468B.050 is amended to read:

6 468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without
7 holding a permit from the Director of the Department of Environmental
8 Quality or the State Department of Agriculture, which permit shall specify
9 applicable effluent limitations, a person may not:

10 (a) Discharge any wastes into the waters of the state from any industrial
11 or commercial establishment or activity or any disposal system.

12 (b) Construct, install, modify or operate any disposal system or part
13 thereof or any extension or addition thereto.

14 (c) Increase in volume or strength any wastes in excess of the permissive
15 discharges specified under an existing permit.

16 (d) Construct, install, operate or conduct any industrial, commercial,
17 confined animal feeding operation or other establishment or activity or any
18 extension or modification thereof or addition thereto, the operation or con-

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 duct of which would cause an increase in the discharge of wastes into the
2 waters of the state or which would otherwise alter the physical, chemical
3 or biological properties of any waters of the state in any manner not already
4 lawfully authorized.

5 (e) Construct or use any new outlet for the discharge of any wastes into
6 the waters of the state.

7 (2) The Department of Environmental Quality or the State Department
8 of Agriculture may issue a permit under this section as an individual, gen-
9 eral or watershed permit. A permit may be issued to a class of persons using
10 the procedures for issuance of an order or for the adoption of a rule. Not-
11 withstanding the definition of “order” or “rule” provided in ORS 183.310, in
12 issuing a general or watershed permit by order pursuant to this section, the
13 State Department of Agriculture or Department of Environmental Quality:

14 (a) Is not required to direct the order to a named person or named per-
15 sons; and

16 (b) May include in the order agency directives, standards, regulations and
17 statements of general applicability that implement, interpret or prescribe law
18 or policy.

19 (3) When deciding whether to issue a permit to a confined animal feeding
20 operation under this section, the Department of Environmental Quality or
21 the State Department of Agriculture shall consider any relevant determi-
22 nation by the Water Resources Department pursuant to ORS 468B.216 (2).

23 (4) Notwithstanding subsection (2) of this section, the Department of En-
24 vironmental Quality or the State Department of Agriculture may not issue
25 a [*general*] NPDES or WPCF permit to a [*new large*] confined animal feeding
26 operation that:

27 (a) Is located in a ground water management area declared under ORS
28 468B.180; and

29 [*(b) Applies manure, litter, wastewater or processed waste to land within*
30 *the ground water management area.*]

31 **(b) Is a new large confined animal feeding operation, an expanding**

1 **large confined animal feeding operation or an expanding confined an-**
2 **imal feeding operation that is expanding operational size into the**
3 **largest tier described in ORS 561.255 (2).**

4 (5) Subsection (4) of this section does not apply to the issuance of water
5 quality permits to regulate stormwater.

6 (6) The State Department of Agriculture or the Department of Environ-
7 mental Quality may define “confined animal feeding operation” by rule for
8 purposes of implementing this section.

9 (7) As used in this section:

10 (a) **“Expanding confined animal feeding operation,” “expanding**
11 **large confined animal feeding operation” and “new large confined animal**
12 **feeding operation”** [*has the meaning given that term*] **have the meanings**
13 **given those terms** in ORS 468B.215.

14 (b) “NPDES” and “WPCF” have the meanings given those terms in ORS
15 561.255.

16 **SECTION 2. This 2025 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2025 Act takes effect on its passage.**

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