

# Senate Bill 80

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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; amending ORS 468B.050;  
3 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 holding a permit from the  
7 Director of the Department of Environmental Quality or the State Department of Agriculture, which  
8 permit shall specify applicable effluent limitations, a person may not:

9 (a) Discharge any wastes into the waters of the state from any industrial or commercial estab-  
10 lishment or activity or any disposal system.

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

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

15 (d) Construct, install, operate or conduct any industrial, commercial, confined animal feeding  
16 operation or other establishment or activity or any extension or modification thereof or addition  
17 thereto, the operation or conduct of which would cause an increase in the discharge of wastes into  
18 the waters of the state or which would otherwise alter the physical, chemical or biological proper-  
19 ties of any waters of the state in any manner not already lawfully authorized.

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

21 (2) The Department of Environmental Quality or the State Department of Agriculture may issue  
22 a permit under this section as an individual, general or watershed permit. A permit may be issued  
23 to a class of persons using the procedures for issuance of an order or for the adoption of a rule.  
24 Notwithstanding the definition of "order" or "rule" provided in ORS 183.310, in issuing a general  
25 or watershed permit by order pursuant to this section, the State Department of Agriculture or De-  
26 partment of Environmental Quality:

27 (a) Is not required to direct the order to a named person or named persons; and

28 (b) May include in the order agency directives, standards, regulations and statements of general

**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 applicability that implement, interpret or prescribe law or policy.

2 (3) When deciding whether to issue a permit to a confined animal feeding operation under this  
3 section, the Department of Environmental Quality or the State Department of Agriculture shall  
4 consider any relevant determination by the Water Resources Department pursuant to ORS 468B.216  
5 (2).

6 (4) Notwithstanding subsection (2) of this section, the Department of Environmental Quality or  
7 the State Department of Agriculture may not issue a [*general*] NPDES or WPCF permit to a [*new*  
8 *large*] confined animal feeding operation that:

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

10 [*(b) Applies manure, litter, wastewater or processed waste to land within the ground water man-*  
11 *agement area.*]

12 **(b) Is a new large confined animal feeding operation, an expanding large confined animal**  
13 **feeding operation or an expanding confined animal feeding operation that is expanding oper-**  
14 **ational size into the largest tier described in ORS 561.255 (2).**

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

17 (6) The State Department of Agriculture or the Department of Environmental Quality may define  
18 “confined animal feeding operation” by rule for purposes of implementing this section.

19 (7) As used in this section:

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

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

24 **SECTION 2. This 2025 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
26 **on its passage.**