

# Memorandum of Understanding between EQC and Oregon Department of Agriculture for the Confined Animal Feeding Operation Permit Program

Item C, Action item

Dec. 3, 2020, EQC special meeting

# 2020 CAFO Program MOU

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Environmental Quality  
Commission



# Presentation Overview

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- Agreement
  - History
- CAFOs
  - Defined
  - Program Perspective
- MOU
  - Roles and Responsibilities
  - Renew through July 2021
  - Next Steps

# History: Drivers for Change

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- Reflect changes
  - Types of permits
  - New regulations
  - Responsibilities assigned by Oregon Legislature
- CAFO regulation agreements
  - Earliest in 1980s
- 1993 Statutory direction for CAFO state permit program from DEQ to ODA
  - Water Pollution Control Facility permits
- 2001 Federal Clean Water Act permit program for CAFOs from DEQ to ODA
  - National Pollutant Discharge Elimination System permits
  - ODA can seek approval from EPA to issuing federal CAFO permits

# CAFO IN OREGON

## Confined Animal Feeding Operation as 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



OREGON  
DEPARTMENT OF  
AGRICULTURE

# CAFO PERMITS

Permit Type	Facilities Eligible for Coverage	Facilities Registered	Expiration Date
NPDES General Permit	Potential for surface water discharge Can elect coverage	369	Feb. 28, 2021
WPCF General Permit	Potential for groundwater discharge only	138	Sept. 30, 2025
Individual NPDES or WPCF	Facilities in GWMA that land apply, use new technology, or have a significant compliance history	5	Varies by individual permit

# PROGRAM PERSPECTIVE

- Program Staff
  - 100% of staff time is compliance
  - Nine FTE includes six inspectors
- Oversight of diverse animal types, systems and weather
  - Routine inspections of all facilities
  - Technical Assistance
- Enforcement action when needed to achieve compliance



# MOU: Roles and Responsibilities

ODA	DEQ
Approves Permit coverage Reviews and approve plans and specifications	Assists in review of plans
Determines Compliance	Provides technical assistance
Maintains a database	Provides program training and guidance as needed
ODA and DEQ work together on developing water quality permits	



# Proposal: Renew through July 2021

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- Creates a framework for regulating CAFOs
- Combines experience and authorities
- Renew
  - Seven months (July 2021)
    - Include lessons learned
    - Have a robust, meaningful and valuable agreement
  - Continues balanced partnership for effective CAFO program regulation

# Next Steps

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- Action Item Request
  - Renew short-term agreement with expiration in July 2021
  
- Next Steps
  - Present updated agreement July 2021
  - Request approval of updates
  - Request a five-year agreement