

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

July 16-17, 2020



Environmental Quality  
Commission (EQC)



**Oregon**  
Department  
of Agriculture

# Overview

---

- Agreement
  - History
  - Proposed Updates
  
- CAFOs
  - Defined
  - Program Perspective

# History- Earlier Agreements

---

- 1989 - Oregon Legislature required DEQ to develop and issue CAFO permits and directed ODA to inspect facilities for compliance
- 1993 - Oregon Legislature directed EQC and ODA to transition the permit program for CAFOs from DEQ to ODA, ORS 468B.217
- 1995 - First EQC/ODA MOU included this transition
- 2001 - Oregon Legislature gave ODA authority to seek direct delegation of Federal Clean Water Act CAFO permit program for National Pollution Discharge Elimination System permits
  - 2002 and subsequent MOUs reference this option, not yet exercised
- 2009 - MOU updates included new federal public notice requirements

# History- Current Agreement

---

- MOU renewed in December 2015 with updates
  - Electronic data reporting requirements
  - Inspection frequency targets
- Current MOU expires December 31, 2020
  - Role and responsibilities are not expected to change
  - ODA and DEQ work within its general framework for
    - Permit development and implementation
    - Administration
- Proposed Updates
  - Electronic data reporting requirements
  - Clarifications on CAFO permit coverage

## 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

## PROGRAM OVERVIEW

- 515 permitted facilities
- All facilities must maintain and follow nutrient management plan
- Routine inspections of all facilities
- High rate of compliance (98%)
- Progressive compliance approach
- Enforcement action when needed to achieve compliance

## CAFO PERMITS

Permit Type	Facilities Eligible for Coverage	Facilities Registered	Expiration Date
NPDES General Permit	Potential for surface water discharge Can elect coverage	373	February 28, 2021
WPCF General Permit	Potential for groundwater discharge only	137	September 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

\*CAFOs have three size classifications

## PERMITTING PROCESS

- **Application**
- **Evaluate need for coverage**
- **Facility submits application to register**
  - Construction plans
  - Proposed animal numbers
  - Animal waste management plan
- **ODA evaluates for complete information**
- **Public notice and comment**
- **Decision to issue permit**



## PERMIT REQUIREMENTS

- Oregon requirements go beyond EPA
- Numeric effluent limits
- AWMP site-specific for each registrant
- All elements in AWMP are permit conditions
- ODA-DEQ dialogue re: off-farm wastes



## COMPLIANCE PROGRAM

- 100% of staff time
- Assist permittees with compliance
- Progressive approach
- Coordinate with partner agencies
- Performance-based



## 2020 STATISTICS

515 Registrations to both Permit types

- At least 1 routine inspection / 10 months
- Civil Penalties (5)
- 121 Large Concentrated CAFOs
- 215 Medium Concentrated/Confined CAFOs
- 174 Small Confined CAFOs
- 5 Individual Permits
- 8 Pending registrations



# Scope – Roles and Responsibilities

ODA	DEQ
Review and approve plans and specifications	Assists in review of plans
Approves Permit coverage 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	

# MOU

---

- Renewal Dates
  - MOU expires Dec. 31, 2020
  - Requests EQC Approval November, 2020 (New Expiration 2025)
- Updates considered each five-year term
  - New regulations
  - Permit development
  - Clarifications