

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

Item E

July 22, 2021

Oregon Environmental Quality Commission meeting



State of Oregon

DEQ Department of Environmental Quality

MOU – Renew through December 2026

- Continues the interagency framework for regulating CAFOs
- Combines experience and authorities
- Approach
 - Leverages the expertise of each agency
 - Continues the active partnership for effective CAFO program regulation
 - Protects surface water and groundwater

MOU – Roles and Responsibilities

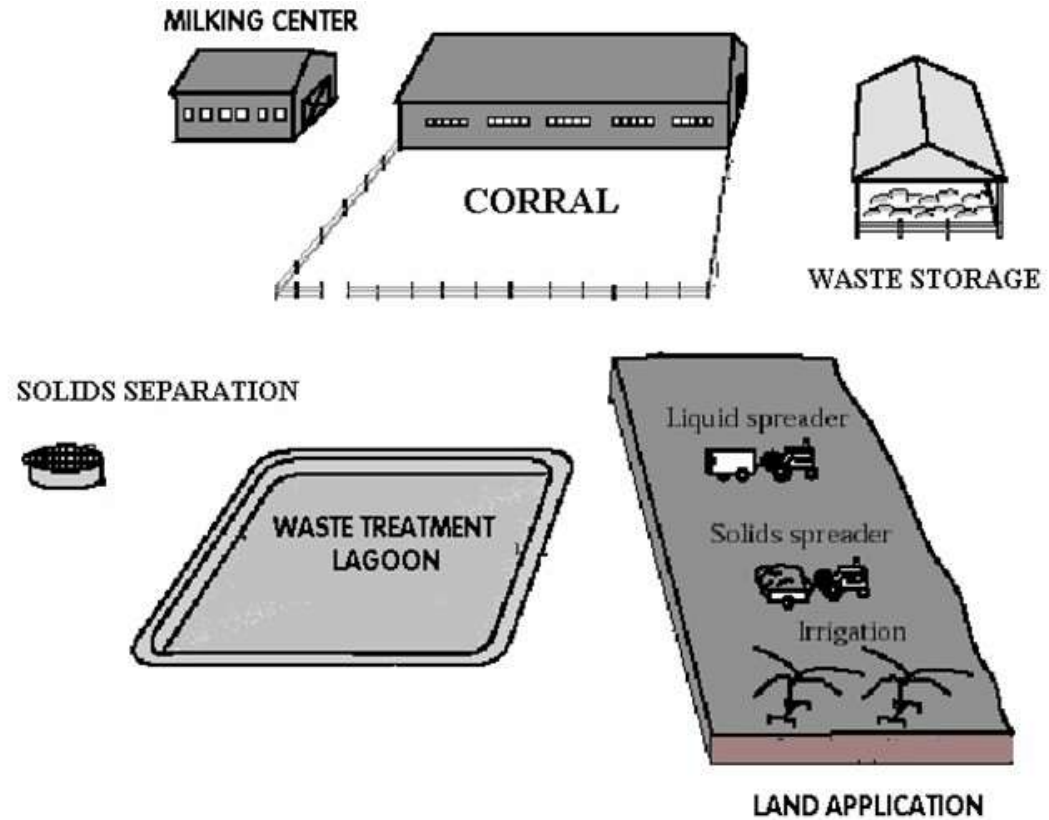
ODA	DEQ
Approves Permit coverage Reviews and approve plans and specifications	Assists in review of plans
Determines Compliance	Provides technical/subject matter expertise
Maintains permitting and compliance database	Provides WQ program training and guidance as needed
ODA and DEQ work together on developing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

CAFO 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”

CAFO Program



CAFO Permits

Permit Type	Facilities Eligible for Coverage	Facilities Registered	Expiration Date
NPDES General Permit	Potential for surface water discharge Can elect coverage	362	Feb. 28, 2021
WPCF General Permit	Potential for groundwater discharge only	143	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

CAFO Dairy Permit Numbers

Permit Type	# Facilities Registered	# of Small	# of Medium	# of Tier 1 Large	# of Tier 2 Large
Mature Dairy Cows (General Permit)	238	<200	200-699	700-2,499	2,500 or more
Mature Dairy Cows (Individual Permit)	5	<200	200-699	700-9,999	10,000 or more
NPDES General Permit	193	55	96	30	12
WPCF General Permit	45	27	17	1	0
Individual NPDES	4			3	1
Individual WPCF	1			1	

Program perspective

Program Staff (ODA)

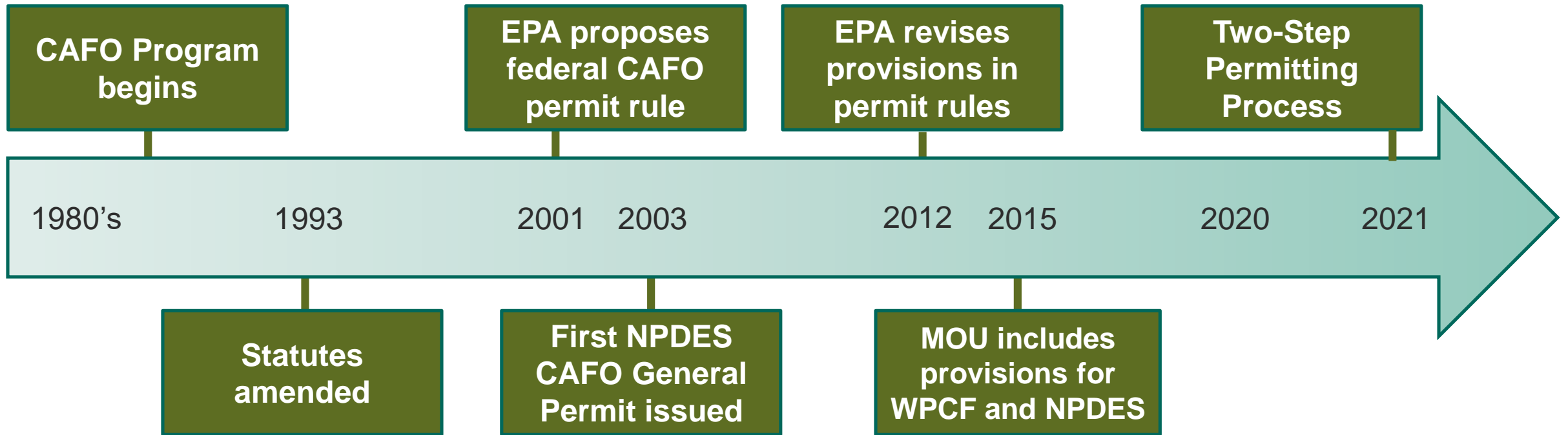
- 100% of staff time dedicated to permitting, technical assistance, inspection, and compliance
- Eight FTE includes five inspectors

Oversight of diverse animal types, systems and weather

- Routine inspections of all facilities
- Technical Assistance
- 94% compliance rate for all inspection types (2020)

Enforcement action when needed to achieve compliance

History: Drivers for change



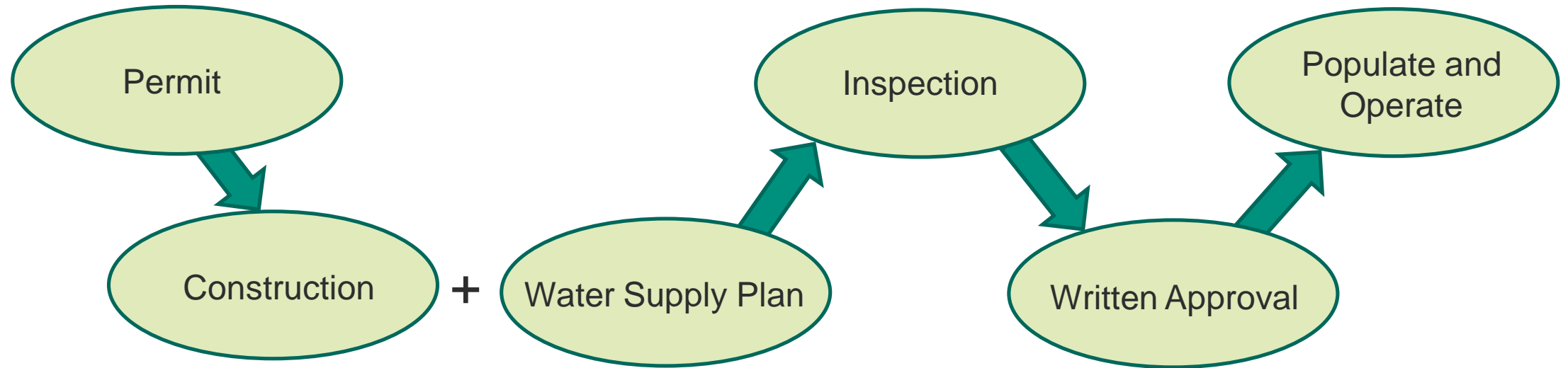
Proposed updates

- Two-step permitting process
- Efficient permitting and management of wastewater
- Proactive engagement of adjacent communities
- OAR Chapter 340 Division 052 – Plan Review and Specifications
- Coordination and reporting

Proposed changes, continued

Two-step permitting process:

Applicable for new Large Tier 2 CAFOs and for existing CAFOs expanding to become Large Tier 2 CAFOs:



PUBLIC COMMENT OPPORTUNITY

AGENCY RESPONSE AND
COMMISSION DISCUSSION

Next steps

Recommendation:

DEQ recommends that the Oregon Environmental Quality Commission approve the proposed 2021 MOU, as seen in Attachment A of this report, and authorize DEQ Director Richard Whitman to sign the MOU on behalf of the commission.