

Enrolled
House Bill 2061

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Department of Agriculture)

CHAPTER

AN ACT

Relating to fees for animal feeding operations; creating new provisions; amending ORS 468B.215 and 561.255; and prescribing an effective date.

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

SECTION 1. ORS 468B.215 is amended to read:

468B.215. (1) Any person operating a confined animal feeding operation [*shall pay a fee established*] **or concentrated animal feeding operation under an NPDES or WPCF permit shall annually pay a fee for a confined animal feeding operation permit or concentrated animal feeding operation permit as provided by State Department of Agriculture rules adopted under ORS 561.255. As used in this subsection, “NPDES” and “WPCF” have the meanings given those terms in ORS 561.255.**

(2) Except for an animal feeding operation subject to regulation under 33 U.S.C. 1342, a fee shall not be assessed to nor a permit required under ORS 468B.050 (1)(d) of confined animal feeding operations of four months or less duration or that do not have waste water control facilities. A confined animal feeding operation of four months or less duration or that does not have waste water control facilities is subject to all requirements of ORS chapters 468, 468A and 468B if found to be discharging wastes into the waters of the state.

(3) The Department of Environmental Quality or the State Department of Agriculture may impose on the permit required for a confined animal feeding operation only those conditions necessary to ensure that wastes are disposed of in a manner that does not cause pollution of the surface and ground waters of the state.

(4) A permit for a confined animal feeding operation may be revoked or modified by the Department of Environmental Quality or the State Department of Agriculture or may be terminated upon request by the permit holder. An animal feeding operation may be inspected for compliance with water quality laws and regulations by the Department of Environmental Quality or the State Department of Agriculture.

SECTION 2. ORS 561.255 is amended to read:

561.255. (1) **As used in this section:**

(a) **“Confined animal feeding operation” has the meaning given that term in rules adopted by the State Department of Agriculture.**

(b) **“Large confined animal feeding operation” has the meaning given that term in rules adopted by the department.**

(c) **“Medium confined animal feeding operation” has the meaning given that term in rules adopted by the department.**

(d) "NPDES" means the National Pollutant Discharge Elimination System.

(e) "Small confined animal feeding operation" has the meaning given that term in rules adopted by the department.

(f) "WPCF" means a water pollution control facility operated under a permit issued by the Director of the Department of Environmental Quality or a designee of the director. *[(1) The State Department of Agriculture shall charge the following annual permit fees to be paid under ORS 468B.215 by any persons operating the following categories of confined animal feeding operations:]*

(2) The State Department of Agriculture shall adopt rules establishing annual permit fees for payment under ORS 468B.215 by confined animal feeding operations or concentrated animal feeding operations that operate under a general NPDES or WPCF permit. The department may adopt rules that establish tiers within each confined animal feeding operation size category for purposes of annual permit fee assessment. Subject to subsection (3) of this section, the annual permit fees may not exceed:

(a) \$125 for a small confined animal feeding *[operations, \$100]* operation or small concentrated animal feeding operation.

(b) \$250 for a medium confined animal feeding *[operations, \$200]* operation or medium concentrated animal feeding operation.

(c) \$900 for a large confined animal feeding *[operations, \$300]* operation or large concentrated animal feeding operation.

[(2) As used in this section:]

[(a) "Confined animal feeding operation" has the meaning given that term in rules adopted by the department.]

[(b) "Large confined animal feeding operations" has the meaning given that term in rules adopted by the department.]

[(c) "Medium confined animal feeding operations" has the meaning given that term in rules adopted by the department.]

[(d) "Small confined animal feeding operations" has the meaning given that term in rules adopted by the department.]

(3) The department may not charge more than \$10,000 in annual permit fees for payment under ORS 468B.215 by a person operating confined animal feeding operations or concentrated animal feeding operations under an individual NPDES or WPCF permit.

(4) The department shall charge a permit application fee for:

(a) A new confined animal feeding operation or concentrated animal feeding operation proposing to operate under an NPDES or WPCF permit; or

(b) The transfer of an NPDES or WPCF permit for a confined animal feeding operation or concentrated animal feeding operation.

(5) Subject to subsection (6) of this section, a permit application fee charged under this section may not exceed:

(a) \$100 for a small confined animal feeding operation or concentrated animal feeding operation.

(b) \$150 for a medium confined animal feeding operation or concentrated animal feeding operation.

(c) \$300 for a large confined animal feeding operation or concentrated animal feeding operation.

(d) \$200 for the transfer of a confined animal feeding operation or concentrated animal feeding operation under a general NPDES or WPCF permit or an individual NPDES or WPCF permit.

(6) The department may not charge more than \$15,000 in permit application fees for payment under ORS 468B.215 for new confined animal feeding operations or concentrated animal feeding operations proposed for operation under an individual NPDES or WPCF permit.

SECTION 3. (1) The amendments to ORS 468B.215 and 561.255 by sections 1 and 2 of this 2019 Act become operative on January 1, 2020.

(2) The State Department of Agriculture may take any action prior to January 1, 2020, that the department deems reasonable to facilitate the administration of ORS 561.255 by the department on or after January 1, 2020.

SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.

Passed by House May 28, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 6, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State