

# CAFO MODERNIZATION

**SB 85-4**

Senate Rules Committee

April 27, 20

# Multi-Step Permitting Process

- ▶ Designed from lessons learned after the Lost Valley Ranch experience in 2017-18:
  - ▶ Inadequate water rights
  - ▶ Poorly-designed infrastructure created contamination
  - ▶ Extreme risk to animals brought on site
- ▶ Legislative work group failed to fix the problem
- ▶ ODA created “two-step” process administratively
- ▶ SB 85-4 builds on that process and puts it in statute.

# SB 85 Multi-Step Process

- ▶ Preliminary consultation with ODA, DEQ, and WRD
- ▶ Notify neighbors (within ½ mile)
- ▶ File Application
- ▶ Submit a Water Supply Plan
- ▶ County Land-Use Compatibility Analysis
- ▶ Public comment
- ▶ Building permits issued
- ▶ Construction
- ▶ Inspection and Certification that construction and operational functions comply with water quality permit
- ▶ Permission for animals to be brought on site.

# Water Quality

- ▶ Existing language prohibits ground discharges that could enter nearby water.
- ▶ New language requires an individual permit for any new large CAFO located in a Groundwater Management Area (GWMA).
- ▶ Operation can only export manure or processed wastewater to a recipient who has a nutrient land-application permit.

# Guaranteeing Adequate Water

- ▶ Applicant must submit a Water Supply Plan for approval by the Water Resources Dept.
- ▶ The Plan must identify adequate and legal sources of water.
- ▶ The Plan may include water using the stockwater exemption within limits.
- ▶ WRD may require a new or expanding CAFO to install water metering and submetering devices.
- ▶ Hauled water may not be part of a long-term supply plan but may be used temporarily if needed for animal welfare.

# New Operations:

- ▶ Use of the stockwatering exemption for new operations is limited to 12,000 gallons per day.
- ▶ A new operation must have legal water rights for its industrial operations and stockwatering above 12,000 gallons per day.

# Existing/Expanding Operations

- ▶ Updated Water Supply Plan required of large operations renewing on or after July 1, 2024, and to a small and medium operation renewing on or after July 1, 2025.
- ▶ Existing operations can continue to use the stockwater exemption their permit currently allows, using the animal water consumption guidelines provided by ODA.
- ▶ If they expand their number of animals by more than 20% above their current permit, they will need to submit a new Water Supply Plan. They will be limited to 12,000 gallons per day of additional exempt-use stock water if they are in a critical groundwater management area or an area where WRD has decided that the aquifer is at sufficient risk that no new permits can be issued.
- ▶ A newly-acquired operation seeking to expand beyond the 20% threshold is subject to the 12K gallon expansion limit during the first five years following its acquisition.

# Air Quality

- ▶ EPA is in the process of completing its “National Air Emissions Monitory Study” for animal feeding operations.
- ▶ No later than December 31, 2023, DEQ shall report to the interim Senate Committee related to agriculture on the results of the study.
- ▶ The report will include a summary of existing statutory authorities the Environmental Quality Commission has relative to air contaminant emissions from dairy, poultry and swine agricultural operations.
- ▶ It may also identify a process to develop recommendations on reducing air contaminant emissions from animal feeding operations in Oregon, as a result of the findings from the EPA.



# Land-Use Sideboards- New Operations

- As part of the Land-Use Compatibility analysis, the governing body of a city or county may determine the siting of a new operation is incompatible within 880 yards of a preexisting school or other facility that offers congregate care to vulnerable adults.
- New CAFOs must be sited at least 100 yards from a property line of an adjacent residence.
- New CAFOs can be sited no less than 880 yards from a fish-bearing stream.
- As a condition of the LUCS, the CAFO applicant may be required to notify property owners within 880 yards of the new proposed CAFO operation.

# Animal Welfare

- ▶ ODA will convene a work group to review best management practices, consider the appropriateness of including CAFOs in 167.335 (Exemption from ORS 167.315 to 167.333), and make recommendations to the appropriate legislative committees.

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**Questions?**