

Notice of Public Hearing and Opportunity for Comment

Request for Comments on Proposed Confined Animal Feeding Operation Water Quality General Permit Renewal

NOTICE ISSUED: Sept. 16, 2021

WRITTEN COMMENTS DUE:
5 p.m., Oct. 25, 2021

The Oregon Department of Environmental Quality and Oregon Department of Agriculture invite the public to provide oral and written comment on the conditions of the Confined Animal Feeding Operation water quality permit, known officially as a National Pollutant Discharge Elimination System permit.

Summary

Subject to public review and comment, DEQ and ODA intend to renew the CAFO NPDES general permit. Part of the review and renewal process is an opportunity for public comment.

A summary of major changes and updates include the following:

- Updates in the definition section, such as using the term nutrient management plan in place of animal waste management plan, as well as updates and additions to other permit terms.
- Addition of Tier I and Tier II large CAFO categories.
- A two-step permitting process for permit coverage for new large Tier II CAFOs and CAFOs that expand to a Tier II category
- Addition of conditions that support implementation of the nutrient management plan.
- Increased inspection frequency, and increased soil sampling in Groundwater Management Areas.
- More detail on minimum quantification limits.
- Electronic reporting requirements.

Where can I get more information?

View information about this proposed permit, including the fact sheet either online at <https://oda.direct/CAFO> or by contacting Janet Short to request documents electronically.

Phone: (503) 986-4699

Fax: (503) 986-4730

Email: janet.SHORT@oda.oregon.gov

How do I participate?

You may submit your comments by mail, fax or email to:

ODA CAFO Program
Attn: NPDES Permit Renewal Comments
635 Capitol St. NE
Salem OR 97301

Fax: (503) 986-4730

Email: janet.SHORT@oda.oregon.gov

All comments are due by 5 p.m., Oct. 25, 2021. All comments will become part of the public record.

Hearing details

ODA and DEQ will hold a public hearing via Go-to Meeting.

Date: Oct. 18, 2021

Time: 1:30 p.m.

Join via: Go-to Meeting

General Permit Renewal Public Hearing Mon, Oct 18, 2021, 1:30 p.m. (PDT)

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/894139613>

You can also dial in using your phone.

United States (Toll Free): 1-866-899 4679

United States: +1-571-317-3116

Access Code: 894-139-613

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Meeting ID: 894 139 613

Or dial directly: 894139613@67.217.95.2 or 67.217.95.2##894139613

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State of Oregon
**Department of
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Water Quality Permitting and
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What is proposed?

ODA and DEQ propose to renew CAFO NPDES General Permit #01-2016 that expired on Feb. 28, 2021. The permit is referred to as General Permit #01.

As of January 2021, approximately 370 animal operations are registered to this CAFO NPDES General Permit. The majority of these operations are dairy and beef cows, but the permit includes other operations, such as poultry, lambs and horses. ODA estimates that these CAFOs collectively generate approximately 10 million tons of waste on a yearly basis.

This permit regulates manure, litter, and process wastewater generated by CAFOs to protect surface water and groundwater of the state. CAFOs develop and implement nutrient management plans to ensure that manure, litter, and process wastewater are applied to crops at agronomic rates to prevent the pollution of surface water and groundwater. These plans must receive approval by ODA.

Who may be affected?

Owners and operators of CAFOs and residents in the vicinity of CAFOs may be affected by these permit actions.

What other ODA or DEQ permits are required?

Generally, there are no other ODA or DEQ permits required at this time for CAFO operations. CAFOs conducting composting activities may be required to obtain a DEQ permit for such activities. See OAR Chapter 340, Division 93 for more information.

What types of pollutants does the permit regulate?

The most common pollutants in manure, litter, and process waste water include biochemical oxygen demand, total suspended solids, nutrients (nitrogen and phosphorous compounds), and bacteria. These pollutants could be harmful to the environment and public health if they are discharged to surface water or groundwater in violation of water quality standards.

This permit is a no-discharge permit with effluent limits of zero for nitrate plus nitrite nitrogen, phosphorous and bacteria.

A discharge of pollutants to surface water, is only allowed in rare circumstances, as required by 40 CFR Part 412, which prohibits discharges except when:

- There is a large storm event (25-yr, 24-hr storm event) for some facilities,
- The CAFO is being operated according to permit requirements.

To be protective of impaired water, additional limits or controls may be necessary for some facilities.

How did DEQ determine the proposed permit requirements?

ODA and DEQ evaluated the types and amounts of pollutants associated with the activity, and the water quality of the surface water or groundwater where the pollutants are proposed to be discharged, and determined permit requirements to ensure the proposed discharges will meet applicable statutes, rules, regulations and effluent guidelines of Oregon and the U.S. Environmental Protection Agency.

For this permit action, the following legal requirements apply:

- Oregon Revised Statute 468B.050(1)(d), Oregon Administrative Rule (OAR) Chapter 340, Div. 40, 41, 45, 51 and 52, and OAR Chapter 603, Div. 74.
- Title 40 Code of Federal Regulations (CFR) Parts 122 and 412 for the NPDES general permit.

Which CAFO activities are not under ODA or DEQ jurisdiction?

Land use decisions related to the siting of CAFOs are not within ODA or DEQ jurisdiction.

How does DEQ monitor compliance with the permit requirements?

This permit requires manure, litter and process wastewater be regularly monitored to determine nutrient concentrations and land application volumes. Soil monitoring is also required in fields where wastewater irrigation occurs to determine if agronomic rates are being maintained.

ODA inspects all of the permitted CAFOs on an annual basis. In 2019, ODA conducted 872 site inspections of both permitted and non-permitted



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CAFOs and issued 50 notices of noncompliance. Eleven notices were for unauthorized discharges. Out of 370 CAFOs registered under an NPDES permit, three CAFOs were fined in 2019 for a discharge or other permit non-compliance.

What happens after the public comment period closes?

ODA and DEQ will consider and respond to all comments received and may modify the proposed permit based on comments. Equal weight is given to written and oral comments.

Once final, NPDES general permit #01 will expire no more than five years from issuance.

Alternative formats

ODA and DEQ can provide documents in an alternate format or in a language other than English upon request.

Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

Call ODA at 503-881-9049 or email andrea.CANTU-SCHOMUS@oda.oregon.gov.

Accessibility Information

ODA and DEQ are committed to accommodating people with disabilities at our hearings. Please notify ODA of any special physical or language accommodations or if you need information in large print, Braille, or another format. To make these arrangements, contact ODA at (503) 986-4700.



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