

**OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF AGRICULTURE
CHAPTER 603, DIVISION 95
AGRICULTURAL WATER QUALITY MANAGEMENT PROGRAM**

Mid Coast Agricultural Water Quality Management Area

603-095-2200

Purpose

(1) These rules have been developed to implement a water quality management area plan for the Mid Coast Agricultural Water Quality Management Area pursuant to authorities vested in the department through ORS 568.900 – 568.933 and ORS 561.190 – 561.191. The area plan is known as the Mid Coast Agricultural Water Quality Management Area Plan.

(2) The purpose of these rules is to outline requirements for landowners in the Mid Coast Agricultural Water Quality Management Area to prevent and control water pollution from agricultural activities and soil erosion. Compliance with Division 95 rules is expected to aid in the achievement of applicable water quality standards in the Mid Coast Agricultural Water Quality Management Area.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-2220

Geographic and Programmatic Scope

(1) The Mid Coast Agricultural Water Quality Management Area includes the drainage area of the Salmon, Siletz, Yaquina, Alsea, Yachats, Siuslaw, Siltcoos Rivers, and Tahkenitch Lake, as well as other small streams between these watersheds that drain directly to the Pacific Ocean. The physical boundaries of the Mid Coast Agricultural Water Quality Management Area are indicated on the map included as Appendix 1 of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Mid Coast Agricultural Water Quality Management Area in agricultural use, agricultural and rural lands that are lying idle or on which management has been deferred, and forest lands with agricultural activities, with the exception of public lands managed by federal agencies.

(3) Current productive agricultural use is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are within the purview of these rules.

(4) The provisions and requirements outlined in these rules may be adopted by reference by Designated Management Agencies with appropriate authority and responsibilities in other geographic areas of the Mid Coast Agricultural Water Quality Management Area.

(5) For lands in agricultural use within other Designated Management Agencies' or state agency jurisdictions, the department and the appropriate Local Management Agency shall work with these Designated Management Agencies to assure that provisions of these rules apply and to assure that duplication of any services provided or fees assessed does not occur.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-2240

Prevention and Control Measures

(1) All landowners or operators conducting activities on lands in agricultural use shall comply with the following criteria. A landowner shall be responsible for only those conditions caused by activities conducted on land controlled by the landowner. A landowner is not responsible for violations of Prevention and Control Measures resulting from actions by another landowner. Conditions resulting from unusual weather events (equaling or exceeding a 25-year, 24-hour storm event) or other exceptional circumstances are not the responsibility of the landowner. Limited duration activities may be exempted from these conditions subject to prior approval by the department.

(2) Near-Stream Management Areas. Effective January 1, 2005:

(a) Agricultural activities must allow for the establishment and development of riparian vegetation consistent with site capability. Vegetation must be sufficient to provide the following riparian functions: shade, streambank integrity during stream flows following a 25-year storm event, and filtration of nutrients and sediment.

(b) Exemptions:

(A) Levees and dikes are exempt from OAR 603-095-2240 (2)(a) except for areas on the river-side of these structures that are not part of the structures and which can be vegetated without violating U.S. Army Corps of Engineers vegetation standards.

(B) Drainage areas where the only connection to other water bodies is through pumps shall be exempt from OAR 603-095-2240 (2)(a).

(C) Access to natural waterways for stream crossings and livestock watering are allowed provided OAR 603-095-2240(2)(a) is met.

(D) Legally constructed drainage and irrigation ditches as defined in Division of State Lands Rules and ditches subject to Division of State Lands fill-removal laws are exempt from OAR 603-095-2240(2).

(3) Effective on rule adoption, landowners or operators shall prevent nutrient applications that cause pollution to waters of the state.

(4) Effective on rule adoption, no person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.

(5) Erosion and Sediment Control:

(a) Effective January 1, 2004, agricultural activities will not cause the following visual indicators of erosion where erosion may cause sediment runoff into waters of the state:

(A) Sheet erosion, noted by visible pedestalling, surface undulations, and/or flute marks on bare or sparsely vegetated ground;

(B) Visible active gullies;

(C) Multiple rills, which have the form of gullies, but are smaller in cross-sectional area than one square foot.

(b) This prevention and control measure applies to farm roads and staging areas, pastures, cropland, and other areas where agricultural activities occur.

(6) By January 1, 2003, landowners must prevent pollution from irrigation return flow to waters of the state.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-2260

Complaints and Investigations

- (1) When the department receives notice of an alleged occurrence of agricultural pollution through a written complaint, its own observation, through notification by another agency, or by other means, the department may conduct an investigation. The department may, at its discretion, coordinate investigation activities with the appropriate Local Management Agency.
- (2) Each notice of an alleged occurrence of agricultural pollution shall be evaluated in accordance with the criteria in ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.
- (3) Any person allegedly being damaged or otherwise adversely affected by agricultural pollution or alleging any violation of ORS 568.900 to 568.933 or any rules adopted thereunder may file a complaint with the department.
- (4) The department will evaluate or investigate a complaint filed by a person under section OAR 603-095-2260(3) if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:
 - (a) The waters of the state allegedly being damaged or impacted; and
 - (b) The property allegedly being managed under conditions violating criteria described in ORS 568.900 to 568.933 or any rules adopted thereunder.
- (5) As used in section OAR 603-095-2260(4), “person” does not include any local, state or federal agency.
- (6) Notwithstanding OAR 603-095-2260, the department may investigate at any time any complaint if the Department determines that the violation alleged in the complaint may present an immediate threat to the public health or safety.
- (7) If the department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred, the landowner may be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

Appendix 1. Mid Coast Agricultural Water Quality Management Area boundaries.

