

Benton County, Oregon TMDL Bacteria Pollution Reduction Strategy
Regulatory Authority and Referral Process for
Agricultural Related Water Quality Complaints

Summary

The Benton County Total Maximum Daily Load (TMDL) Implementation Plan, approved by Oregon Department of Environmental Quality (ODEQ), calls for “coordination with Oregon Department of Agriculture (ODA) regarding small CAFOs/livestock in residential zoned lands” (Benton County TMDL Implementation Matrix pg. A-4, 2008). Benton County residents and property owners use rural residential property for raising livestock, poultry and fur-bearing animals which are major sources of bacteria pollution and have associated management practices that can result in negative impacts to water quality, riparian areas and public health without proper oversight. This document should be used by all applicable Benton County staff for understanding, identifying, and working directly with ODA on agricultural water quality issues. Benton County staff coordinated with ODA Water Quality Program staff during 2009-2010 to complete this document/strategy.

Background

Farms and other animal-related facilities require an ODA permit if they meet the definition of a confined animal feeding operation (CAFO).¹ Many smaller-scale animal operations do not require an ODA permit due to limited size, lack of confinement, and other factors. Many of the roughly 7,000 rural households throughout unincorporated Benton County have a small number of animals such as horses, llamas, goats, sheep cows rabbits and/or chickens. While many of these operations do not require a permit, they are still prohibited from polluting waterways. Under Senate Bill 1010, local Agriculture Water Quality Management Area rules (see rule **Mid-Willamette Valley Agriculture Water Quality Rules Summary attached**) prohibit landowners from discharging agricultural pollution to surface or groundwater. Oversight is complaint-driven. The largest number of complaints received by the ODA relate to waste from a few animals on small acreages. The complaints are often related to uncovered manure. The following section identifies the procedure Benton County staff will take to deal with complaints of animals impacting water quality.

Procedure for Resolving Water Quality Issues Benton County staff from all departments will adhere to the following for understanding, identifying, and working directly with ODA on resolving issues for landowners/properties raising or housing livestock, poultry and fur-bearing animals:

1. Properties that raise or house animals without a state permit are nonetheless required to follow the State of Oregon Agriculture Water Quality Rules which prohibits water pollution and activities that degrade or can lead to impaired water quality. Kennels as currently² defined by the County Development Code are not part of the State Agricultural Water Quality Rules or Program. Currently, there are no kennels in Benton County that have CAFO permits and associated water quality pollution prevention requirements.
2. “Feed lot” is defined by Benton County Development Code as “a premise where six or more cattle or pigs are kept within a confined area of less than five (5) acres such that a

¹ To determine whether a particular operation requires a CAFO permits, contact ODA’s Livestock Water Quality Specialist for the region at 503-986-4780 or www.oregon.gov/ODA/NRD/cafomapfront

² As of March 1, 2010.

nuisance from noise, sound, or odor occurs.” Feed lots are allowed wherever “farm use” is allowed, except in the Urban Residential zone and the Philomath Heavy Industrial zone. Such occurrences are a code violation, and the Community Development Department is responsible for enforcement.

3. If an animal-related water quality issue or complaint is brought to the attention of County Staff, County Staff will contact ODA at 503-986-4700. Additionally, County Staff will give the complainant this phone number, the ODA complaint form, as well as the ODA weblink. ODA will investigate to determine if there is a violation of the Agricultural Water Quality Rules. ODA may work in coordination with Benton Soil and Water Conservation District (SWCD) on the causes of the complaint and work with the landowner to resolve water quality contamination issues resulting from animals.
4. Benton County departments receiving complaints or otherwise discovering agricultural water quality issues will fill out and submit an ODA Water Quality Complaint Form to ODA.

Attachments—

Pg. 3: Agricultural Water Quality Complaint Form (to be filled out by department contacted with/forming complaint

Pg. 4: Agricultural Water Quality Rules summary

Agricultural Water Quality Program Complaint Form

Oregon Administrative Rules 603-090-0000 to 0120 and 603-095-0000 to 3960 describe the Oregon Department of Agriculture's procedures for receiving and investigating complaints. While you are not required to use this form to submit a complaint, persons filing a complaint must submit it in writing, sign and date it, and provide the information requested below. Completed form may be sent to the Oregon Department of Agriculture Natural Resources Division, 635 Capitol St NE, Salem, OR 97301, Fax (503) 986-4730.

Date Filed _____

Individual Filing Complaint (Complainant):

Name _____

Signature _____

Address _____

Phone _____

Please provide information about the property the complaint is against.

Name of landowner (if known) _____

Phone (if known) _____

Property location (required) _____

Waterbodies allegedly being damaged or impacted (required): _____

Nature of Complaint

(circle those that apply)

Soil erosion

Animal waste management

Nutrient management

Damage to near-stream areas

Other _____

Observations and/or evidence leading to complaint:

MIDDLE WILLAMETTE AGRICULTURAL WATER QUALITY MANAGEMENT AREA PLAN AND REGULATIONS

What is the plan?

In 2002, the Oregon Department of Agriculture (Department) developed the Middle Willamette Agricultural Water Quality Management Area and Rules in accordance with the Agricultural Water Quality Management Act of 1993. The Polk and Benton Soil and Water Conservation Districts (Districts) and a panel of local landowners helped the Department craft the area plan and rules.

Summary of regulations that apply in the Middle Willamette Area:

- 1. Riparian vegetation along perennial streams must provide the water quality functions of shade, streambank stability, and filtration of pollutants. A diverse structure and species mix should provide these functions.*
- 2. Landowner actions may not cause pollution to any waters of the state or place any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means.*

Do the plan and regulations apply to me?

The area plan and associated regulations apply to all lands, regardless of size, in current agricultural use and those lying idle or on which management has been deferred. It also applies to agricultural operations within incorporated city boundaries within the designated management area boundary. All of Benton County is covered by this plan.

More information?

If you would like further information, you can contact the Polk Soil and Water Conservation District at (503) 623-9680 or the Benton Soil and Water Conservation District at (541) 753-7208.

Contact the Oregon Department of Agriculture Natural Resources Division at (503) 986-4700 or visit their website at www.oregon.gov/oda/nrd/water_quality_front.shtml