



# **OREGON DEPARTMENT OF AGRICULTURE**

**CONFINED ANIMAL FEEDING OPERATION  
(CAFO) PROGRAM**

**2020 ANNUAL REPORT**

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## INTRODUCTION

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The mission of the Oregon Department of Agriculture (ODA) Natural Resources Program Area is to ensure healthy natural resources, environment, and economy for Oregonians now and in the future through inspection and certification, regulation and promotion of agriculture and food.

The Oregon Department of Agriculture remains able to serve the changing needs of Oregon's diverse agricultural and food sectors to maintain and enhance a healthy natural resource base and strong economy in rural and urban communities across the state.

### Oregon Department of Agriculture Core Values:

Honesty, integrity and fairness

Diversity, equity and inclusion

Respect for people and property

Practical collaborative approaches to problem solving

Science-based approaches: technical and professional competence

Transparency

Quality customer service

As part of protecting Oregon's natural resources, the Oregon Legislature established a special regulatory program for Confined Animal Feeding Operations (CAFO) in 1989. The legislation required the Oregon Department of Environmental Quality (DEQ) to issue CAFO permits and directed ODA to inspect CAFO facilities. In 1993, the CAFO statutes were amended to direct the Environmental Quality Commission (EQC) and ODA to enter into a formal memorandum of understanding (MOU). The MOU authorizes ODA to perform the CAFO related functions of DEQ and the EQC. ODA has continued to operate the CAFO Program in concert with DEQ under this MOU.

The most current CAFO Program MOU was extended by joint signatures on December 7, 2020 and now expires July 31, 2021.

This report has been prepared as required by the MOU. The 2020 CAFO Program Annual Report describes the CAFO Program's activities that have occurred over the last year. The report includes:

- Program statistics
- Permitted CAFO inspection types and results
- Non-permitted CAFO inspection types and results
- Enforcement actions
- Administrative functions

## CAFO PROGRAM OVERVIEW

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### CAFO Geographic Boundaries

Permitted CAFO facilities are located across the entire State of Oregon. The CAFO Program has divided the state into six geographic regions. The CAFO areas have been created to capitalize on geographic similarities, CAFO facility similarities, and equitable distribution of work responsibilities.

Below is a map detailing the six CAFO areas. The number of permitted CAFO facilities located in each area can be found in **Table 1, Page 8**.

### CAFO Program Staff

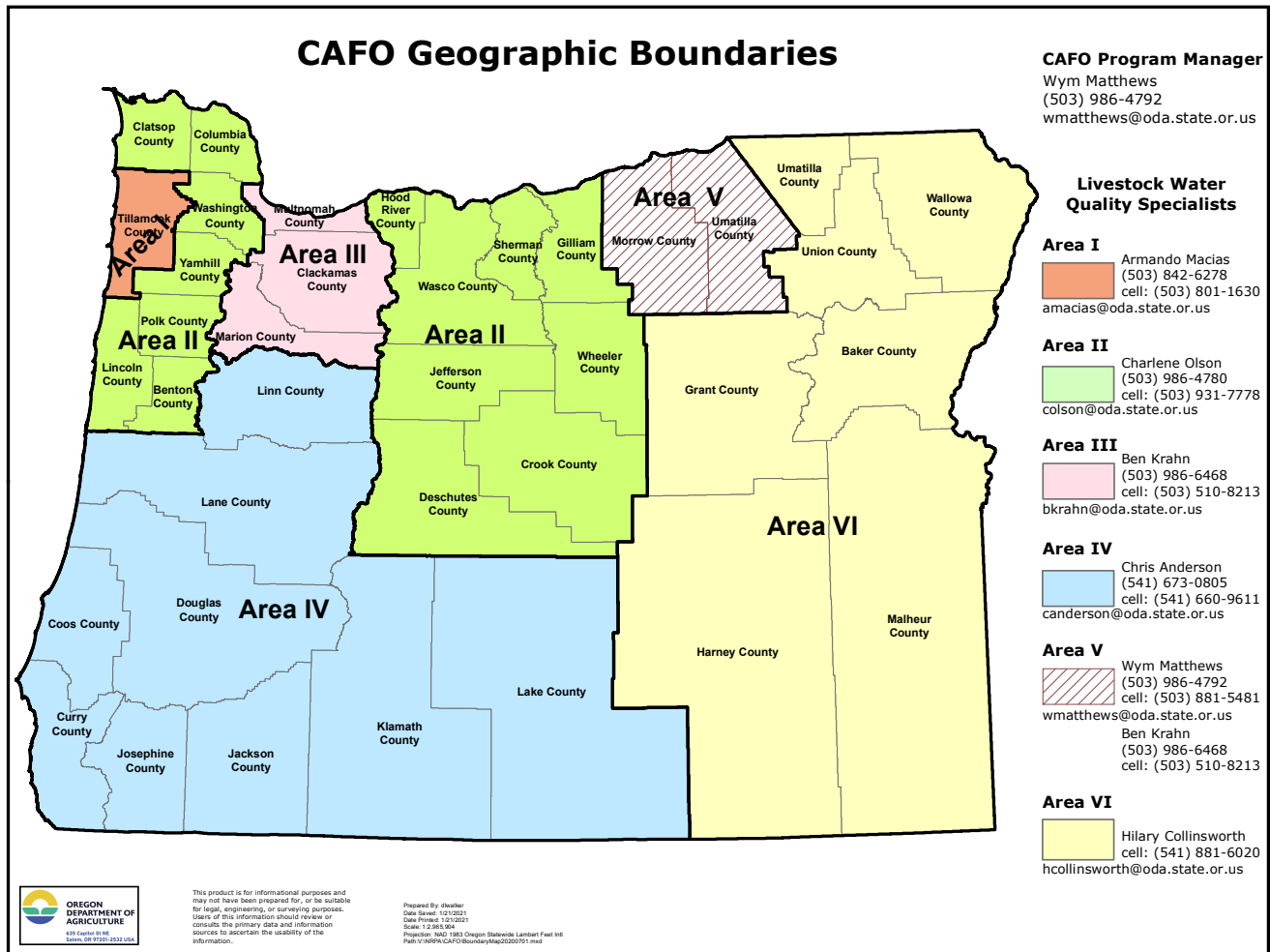
The CAFO Program had a staff of 9.0 FTE. In June of this year, one position was cut for the remainder of the fiscal year due to budget constraints. The CAFO inspector position located in Bend/Area 5, was selected for the reduction. In December that position was eliminated. The program is led by the CAFO and Fertilizer Program Manager. The CAFO Program now includes five regional Livestock Water Quality Specialists (LWQS). The LWQS is primarily responsible for assessing a facility's compliance with the CAFO Program. In addition to the LWQS, the CAFO Program has a Program Analyst and a Program Support staff.

A complete list of CAFO Program staff in 2020 is available below:

- **Wym Matthews**, CAFO and Fertilizer Program Manager (located at ODA, Salem)
- **Area I** - *Tillamook county*
  - **Armando Macias**, Livestock Water Quality Specialist
- **Area II** - *Benton, Clatsop, Columbia, Crook, Deschutes, Jefferson, Hood River, Gilliam, Lincoln, Polk, Sherman, Wasco, Washington, Wheeler and Yamhill counties*
  - **Charlene Olson**, Livestock Water Quality Specialist
- **Area III** - *Clackamas, Marion, and Multnomah counties*
  - **Ben Krahn**, Livestock Water Quality Specialist
- **Area IV** - *Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane and Linn counties*
  - **Chris Anderson**, Area IV Livestock Water Quality Specialist
- **Area V** - *Morrow and Umatilla counties*
  - **Ben Krahn**, Livestock Water Quality Specialist
  - **Wym Matthews**, CAFO and Fertilizer Program Manager
- **Area VI** - *Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallowa counties*
  - **Hilary Collinworth**, Livestock Water Quality Specialist

- Program Analyst: Christy Caldwell (Located at ODA, Salem)
- Program Support Staff: Janet Short (Located at ODA, Salem)

Figure 1: CAFO Geographic Boundaries Map



## 2020 CAFO PROGRAM STATISTICS

### General Statistics

Together, ODA and DEQ issued the Oregon CAFO National Pollutant Discharge Elimination System (NDPES) General Permit Number 01-2016. This permit was issued on March 31, 2016, was effective on April 20, 2016, and expired February 28, 2021. On October 1, 2015, the Oregon CAFO Water Pollution Control Facilities General Permit Number 01-2015 was issued, was effective on October 21, 2015 and expires September 30, 2025. An update of the Permit renewal activities is on page 26. In addition to the General Permit, ODA and DEQ also administer Individual NDPES Permits.

On December 31, 2020, the CAFO Program had a total of 513 permitted CAFO facilities. Of the permits issued:

- 369 CAFO operators are registered to the General NPDES Permit.
- 4 CAFO operators are registered to Individual NPDES Permits.
- 139 CAFO operators are registered to the General WPCF Permit.
- 1 CAFO operator is registered to the General WPCF Individual Permit.
- Dairy cattle (milk production) are the species with the largest number of permits.
- Almost one-half of the facilities registered to the CAFO Permit meet the size designation of Medium.

**Tables 1, 2 and 3** Summary of CAFO Permit type by area and designation, NAICS by area and CAFO designation by area.

**Table 1: CAFO Permit Type by Area and Designation**

	NPDES General Permit registrations	Individual Permits	WPCF General Permit registrations	Total
<b>Area 1</b>	<b>89</b>	<b>0</b>	<b>22</b>	<b>111</b>
Large Tier 2 Concentrated	1	0	0	1
Large Tier 2 Confined	0	0	0	0
Large Tier 1 Concentrated	9	0	0	9
Large Tier 1 Confined	0	0	0	0
Medium Concentrated	53	0	0	53
Medium Confined	0	0	7	7
Small Concentrated	26	0	0	26
Small Confined	0	0	15	15
<b>Area 2</b>	<b>56</b>	<b>0</b>	<b>9</b>	<b>65</b>
Large Tier 2 Concentrated	5	0	0	5
Large Tier 2 Confined	0	0	0	0
Large Tier 1 Concentrated	12	0	0	12



Large Tier 1 Confined	0	0	1	1
Medium Concentrated	22	0	0	22
Medium Confined	0	0	1	1
Small Concentrated	17	0	0	17
Small Confined	0	0	7	7
<b>Area 3</b>	<b>59</b>	<b>0</b>	<b>22</b>	<b>81</b>
Large Tier 2 Concentrated	6	0	0	6
Large Tier 2 Confined	0	0	0	0
Large Tier 1 Concentrated	10	0	0	10
Large Tier 1 Confined	0	0	0	0
Medium Concentrated	24	0	0	24
Medium Confined	0	0	6	6
Small Concentrated	19	0	0	19
Small Confined	0	0	16	16
<b>Area 4</b>	<b>39</b>	<b>0</b>	<b>52</b>	<b>91</b>
Large Tier 2 Concentrated	2	0	0	2
Large Tier 2 Confined	0	0	2	2
Large Tier 1 Concentrated	9	0	0	9
Large Tier 1 Confined	0	0	3	3
Medium Concentrated	14	0	0	14
Medium Confined	0	0	12	12
Small Concentrated	14	0	0	14
Small Confined	0	0	35	35
<b>Area 5</b>	<b>54</b>	<b>5</b>	<b>18</b>	<b>77</b>
Tier 2 Individual	0	1	0	1
Tier 1 Individual	0	4	0	4
Large Tier 2 Concentrated	14	0	0	14
Large Tier 2 Confined	0	0	0	0
Large Tier 1 Concentrated	15	0	0	15
Large Tier 1 Confined	0	0	5	5
Medium Concentrated	16	0	0	16
Medium Confined	0	0	7	7
Small Concentrated	9	0	0	9
Small Confined	0	0	6	66
<b>Area 6</b>	<b>72</b>	<b>0</b>	<b>16</b>	<b>88</b>
Large Tier 2 Concentrated	7	0	0	7
Large Tier 2 Confined	0	0	1	1
Large Tier 1 Concentrated	16	0	0	16
Large Tier 1 Confined	0	0	2	2

Medium Concentrated	41	0	0	41
Medium Confined	0	0	9	9
Small Concentrated	8	0	0	8
Small Confined	0	0	4	4
<b>Total</b>	<b>369</b>	<b>5</b>	<b>139</b>	<b>513</b>

**Table 2: NAICS (North American Industry Classification System) by Area**

NAICS	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
All Other Animal Production, includes, dog kennels, alpaca, bison, worm production, and llama production	0	0	1	6	2	0	9
Auction Yard	0	0	1	2	1	1	5
Beef Cattle Ranching and Farming, Back Grounding Cattle, Veal Calf Production	0	4	5	14	3	6	32
Broiler Chicken Production	0	10	8	7	0	0	25
Cattle Feedlots, Fattening cattle	11	10	5	10	36	61	133
Chicken Egg Production	0	0	7	2	2	0	11
Dairy Cattle and Milk Production	100	33	42	36	24	14	249
Fur-Bearing Animal and Rabbit Production, includes mink, chinchilla, and fox	0	2	8	1	0	0	11
Goat Farming (e.g., meat, milk, mohair production)	0	2	1	5	3	3	14
Hog and Pig Farming	0	4	3	1	1	1	10
Horses and Other Equine Production, includes burro, donkey, mule, and pony	0	0	0	2	2	1	5
Nature Parks and Other Similar Institutions	0	0	0	1	0	0	1
Other Poultry Production	0	0	0	1	0	0	1
Sheep and Lambs	0	0	0	3	3	1	7
<b>Total</b>	<b>111</b>	<b>65</b>	<b>81</b>	<b>91</b>	<b>77</b>	<b>88</b>	<b>513</b>

**Table 3: CAFO Designation by Area**

CAFO Designation	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Individual Tier 1	0	0	0	0	4	0	4
Individual Tier 2	0	0	0	0	1	0	1
Large Tier 2 Concentrated	1	5	6	2	14	7	35
Large Tier 2 Confined	0	0	0	2	0	1	3
Large Tier 1 Concentrated	9	12	10	9	15	16	71
Large Tier 1 Confined	0	1	0	3	5	2	11
Medium Concentrated	53	22	24	14	16	41	170
Medium Confined	7	1	6	12	7	9	42
Small Concentrated	26	17	19	14	9	8	93
Small Confined	15	7	16	35	6	4	83
<b>Total</b>	<b>111</b>	<b>65</b>	<b>81</b>	<b>91</b>	<b>77</b>	<b>88</b>	<b>513</b>

## 2020 CAFO INSPECTIONS

### INSPECTION TYPE

The CAFO Program conducts multiple types of inspections on permitted and non-permitted facilities. The vast majority of the inspections conducted are routine inspections of permitted facilities. Routine inspections are used to assess the facility's compliance with permit conditions and state water quality laws.

In 2020, the twenty-second year of performance-based inspections, CAFO Program staff completed 629 inspections of all types. These inspections took place on both permitted and non-permitted operations.

28 complaints were received in 2020, and resulted in complaint inspections (CI) with various outcomes. The complaints not resulting in an inspection were transferred to other programs or agencies or they were solved over the phone.

Below is a list, and descriptions, of the inspection types completed by the CAFO Program. **Table 4** also provides a summary of the number of inspections, by type, completed during 2020.

- **Administrative (ADMS)**: Business transaction completed in the office.
- **Close Out**: A final facility inspection conducted to assess if the permitted facility is appropriately prepared to prevent discharge during a permit transfer or permit cancellation.
- **Complaint (CI)**: Complaint investigations for water quality concerns on permitted and non-permitted animal agriculture facilities.

- **Drive By**: A visual inspection of a facility (permitted or non-permitted) from public access. Contact is not typically made with landowner of the facility. Typically used when the program receives a complaint. The drive-by allows for a quick assessment to determine next steps.
- **Educational Review (EDR)**: Requested by permitted CAFO operators, LWQS discusses performance standards and best management practices for enabling producers to attain permit compliance. LWQS may also evaluate new proposals from producers. An EDR is not a formal inspection and generally will not result in enforcement action.
- **Fall Storage Check (Fall S/C)**: Inspect liquid and solid storage to ensure sufficient winter storage.
- **Follow-up (FUP)**: Follow-up inspections are performed to determine whether a facility found to be in violation during a prior inspection is now in compliance with the terms of their permit.
- **Initial Visit**: This is the first on-site meeting with a potential CAFO operator.
- **Planning Assistance (PA)**: LWQS provided both planning and technical assistance designed to increase client awareness of pollution prevention practices and innovative technologies to enhance their environmental performance and maintain Permit compliance.
- **Routine (RI)**: An announced regular, routine inspection on a scheduled frequency determined by overall program resources and workload, number of facilities, and size of inspection staff.
- **Self-Reported Discharge (SR)**: CAFO operator reports a discharge to surface water.

***Table 4: Total Number of Inspections by Type (Permitted and Non-Permitted Facilities)***

Inspection Type	Number of Inspections	Percentage (%)
ADMS	28	4.45
CI	23	3.50
Close Out	25	3.98
Drive By	2	0.31
EDR	15	2.32
FALL S/C	41	6.53
FUP	33	5.25
INITIAL VISIT	2	0.31
PA	26	4.14
RI	434	69.21
<b>Total</b>	<b>629</b>	<b>100%</b>

## Inspection Outcome

During the closing conference of each inspection, an inspection result is issued. An inspection report form is completed and records compliance, or noncompliance, with permit conditions or state water quality laws or rules. Inspection results may be delivered after ODA receives results of sampling, confirms data, and/or confers with management on matters identified during the inspection.

Below is a list and descriptions of the inspection outcomes used by the CAFO Program. **Table 5** also provides a summary of the inspection outcomes completed during CY 2020.

- **Consent Order (CO)**: A negotiated Final Order for an appealed NACP. A CO outlines owner/operator Required Actions (RAs) including timelines for implementation. A CO often specifies future enforcement action if RAs are not completed, or if repeat violations occur.
- **Educational Review (EDR)**: Educational review was completed.
- **Facility in Compliance (FIC)**: The permittee operated in compliance with their permit, state water quality law or rule.
- **Final Inspection Result Pending (FIRP)**: Additional time needed to assess the full extent of an inspection. This result is often issued if samples have been collected and results are needed before a conclusion can be issued.
- **Follow Up (FUP)**: Follow-up inspections are performed to determine whether a facility found to be in violation during a prior inspection is now in compliance with the terms of their permit.
- **Notice of Noncompliance/Plan of Correction (NON/POC)**: See 2020 CAFO Enforcement Activities - Formal Enforcement Actions.
- **Notice of Assessment of Civil Penalty (NACP)**: See 2020 CAFO Enforcement Activities - Formal Enforcement Actions.
- **On-Schedule (O/S)**: The owner/operator is completing the step-by-step required actions (RAs) of their compliance schedule and is currently on schedule with all RAs.
- **On-Schedule (O/S) A**: On schedule Written
- **On-Schedule (O/S) B**: On Schedule Verbal
- **Planning Assistance (PA)**: LWQS provided both planning and technical assistance to prepare and submit required AWMP(s), reports, or applications.
- **Termination**: A notice of intent to terminate an operation(s) CAFO permit.
- **Water Quality Advisory (WQA)**: The permittee was in compliance during the inspection event, however, potential problems were noted, and voluntary efforts were encouraged to prevent permit violations.

**Table 5: Inspection Outcome (Permitted and Non-Permitted Facilities)<sup>1</sup>**

<b>Inspection Outcome</b>	<b>Number of Inspections</b>	<b>Percentage (%)</b>
Consent Order	2	.31
EDR	18	2.70
FIC	469	74.63
Final Order	1	.15
FIRP	23	3.82
FUP	1	.15
NCP	6	0.95
NON/POC	30	4.76
O/S	41	6.52
O/S B	2	.31
PA	22	3.50
Registration Modification	1	.15
Termination	6	0.95
WQA	7	1.10
<b>Total</b>	<b>629</b>	<b>100%</b>

### **Permitted CAFOs**

A total of 588 inspections were completed on permitted CAFOs in 2020. Of all of the inspection activities completed, routine compliance inspections are the greatest number of inspections completed on permitted CAFO facilities, followed by follow-up inspections.

Of the inspections completed during 2020, **94%** of the inspection outcomes were facilities in compliance with permit conditions.

**Tables 6 and 7** summarize the number of inspections completed, and the associated outcome, on permitted CAFO facilities.

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1. Also includes facilities in the process of applying for permit coverage.

**Table 6: Inspection Type by Area for Permitted CAFOs<sup>2</sup>**

Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
ADMS	4	4	2	2	1	12	25
CI	2	3	0	6	1	0	12
Close Out	8	5	1	5	4	2	25
Drive By	0	0	0	2	0	0	2
EDR	0	0	0	2	5	1	8
FALL S/C	41	0	0	0	0	0	41
FUP	3	6	2	12	2	0	25
PA	0	2	4	3	2	7	18
R	105	67	52	93	44	71	432
<b>Total</b>	<b>163</b>	<b>87</b>	<b>61</b>	<b>125</b>	<b>59</b>	<b>93</b>	<b>588</b>

**Table 7: Inspection Outcome by Area of Permitted CAFOs**

Inspection Outcome	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Consent Order	1	0	0	1	0	0	2
EDR	0	0	0	1	5	1	7
FIC	130	68	48	97	50	71	464
FIRP	5	5	3	4	0	0	17
Final Order	1	0	0	0	0	0	1
NCP	1	1	0	1	1	2	6
NON/POC	3	1	4	6	0	12	26
O/S	19	5	3	8	2	0	37
O/S B	0	0	0	2	0	0	2
PA	0	2	3	2	1	7	15
Termination	0	3	0	2	0	0	5
WQA	3	2	0	1	0	0	6
<b>Total</b>	<b>163</b>	<b>87</b>	<b>61</b>	<b>125</b>	<b>59</b>	<b>93</b>	<b>588</b>

**Dam Safety Inspections**

In 2011, the Oregon Department of Agriculture entered into a Memorandum of Understanding (MOU) with the Oregon Water Resources Department (OWRD). This MOU allows the CAFO Program to conduct dam safety inspections on statutory dams (as defined by ORS 540.340 through 540.400) during site inspections. OWRD completed rulemaking that includes the dam safety program and the agencies updated and signed a new Internal Agency Agreement (IAA) on July 6, 2020. The 2020 IAA is in effect until June 30, 2030.

<sup>2</sup> Also includes facilities in the process of applying for permit coverage.

Statutory dams on CAFO operations are earthen manure lagoons that have an earthen embankment of 10 feet or higher and have a storage capacity of equal, or greater than, 9.2 acre-feet.

Of the 513 permitted CAFO facilities, there are 26 earthen manure lagoons that meet the definition of a statutory dam. Each of these manure lagoons is classified as a ‘low hazard’ by the OWRD. According to the IAA with the Oregon Water Resources Department, inspections for low hazard dams need to be conducted at least once every six years.

In addition to conducting dam safety inspections on the 26 statutory dams, the CAFO Program has also adopted the dam safety inspection protocol for all other earthen manure storage lagoons located on permitted CAFO operations. ODA provides an annual report of dam safety inspections completed to OWRD.

See **Table 8** for a summary of the dam safety inspection activities for both *statutory dams* and *non-statutory dams*.

**Table 8: Summary of Dam Safety Inspections completed on Permitted CAFOs<sup>3</sup>**

Number of CAFOs that received Dam Safety Inspection	Statutory Dams Inspections	Non-Statutory Dams Inspections
106	12	94

### Water Sampling

Collecting water samples is another tool that is utilized by the CAFO Program in order to assess the operator's compliance with the CAFO permit. Water samples are typically collected when CAFO Program staff visually observe an active discharge or suspects a recent discharge.

In 2020, there were a total of 13 sampling events with ten of the sampling events taking place during complaint inspections, two events during follow-up inspections, one during a routine inspection and three during planning assistance inspections. A total of 43 samples were collected in the sampling events.

Six of the 13 water sampling events were conducted on permitted CAFO facilities. See **Table 12** on pg. 15 for Non-Permitted.

See **Table 9** for a summary of the water sampling events that occurred on permitted facilities by area.

<sup>3</sup> Some of the CAFOs have more than one lagoon.



**Table 9: Number of Water Sampling Events on Permitted CAFOs by Inspection Type and Area**

Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
CI	2	2	0	1	0	0	5
RI	0	1	0	0	0	0	1
<b>Total</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>6</b>

**Non-Permitted CAFOs**

Although the majority of the inspection activity completed by the CAFO Program takes place on permitted facilities, the CAFO Program interacts with non-permitted operations as well.

During 2020, the CAFO Program conducted 41 non-permitted CAFO inspections. Of these, almost half were a request from the operator to conduct Planning Assistance or an Educational Review.

See Tables 10 and 11 for a summary of inspection types, and associated outcomes, completed on non-permitted CAFO facilities.

**Table 10: Inspection Type by Area for Non-Permitted CAFOs**

Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
ADMN	0	1	1	0	1	0	3
CI	1	1	5	3	1	0	11
EDR	0	1	3	2	1	0	7
FUP	0	1	6	1	0	0	8
Initial Visit	0	1	0	0	0	1	2
PA	0	2	1	4	1	0	8
RI	1	1	0	0	0	0	2
<b>Total</b>	<b>2</b>	<b>8</b>	<b>16</b>	<b>10</b>	<b>4</b>	<b>1</b>	<b>41</b>

**Table 11: Inspection Outcome by Area of Non-Permitted CAFOs**

Inspection Outcome	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
EDR	0	3	5	2	1	0	11
FIC	1	2	0	2	0	0	5
FIRP	1	0	4	1	0	0	6
FUP	0	0	1	0	0	0	1
NON/POC	0	0	3	0	1	0	4
O/S	0	0	2	2	0	0	4
PA	0	2	1	2	1	1	7

Registration	0	0	0	0	1	0	1
Modification	0	0	0	0	1	0	1
Termination	0	1	0	0	0	0	1
WQA	0	0	0	1	0	0	1
<b>Total</b>	<b>2</b>	<b>8</b>	<b>16</b>	<b>10</b>	<b>4</b>	<b>1</b>	<b>41</b>

### **Water Sampling – Non-Permitted CAFOs**

Similar to permitted facilities, water quality samples are collected on non-permitted CAFO facilities to assess the facility’s compliance with state water quality laws.

In 2020, there were seven water sampling events conducted on non-permitted CAFO facilities, with samples being taken during planning assistance inspections.

**Table 12: Number of Water Sampling Events on Non-Permitted CAFOs by Inspection Type and Area**

Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
CI	0	0	4	1	0	0	5
FUP	0	0	2	0	0	0	2
<b>Total</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>

## **2019 CAFO ENFORCEMENT ACTIVITIES**

### **Formal Enforcement Actions**

If a discharge occurs or violation has been identified and the CAFO operator fails to complete corrective action(s) as required, the CAFO Program can take enforcement actions. Formal enforcement actions include, but are not limited to, Notice of Noncompliance (NON/POC), Notice of Civil Penalty Assessment (NCPA), and permit modification.

Listed below are the types of enforcement actions used by the CAFO Program.

- **Consent Order (C/O)**: A negotiated Final Order for an appealed NACP. A CO outlines owner/operator Required Actions (RAs) including timelines for implementation. A CO often specifies future enforcement action if RAs are not completed, or if repeat violations occur.
- **Final Order Incorporating Settlement Agreement (FO)**: A department order issued after settlement conference between CAFO operator and department representative. The FO reflects modifications to the original order issued by the department.
- **Notice of Noncompliance/Plan of Correction (NON/POC)**: A negotiated department order that contains milestones describing required actions (RAs) that must be completed by the owner or operator to correct permit violations.

- **Notice of Assessment of Civil Penalty Assessment (NACP)**: A department order assessed against an owner or operator of a CAFO for failure to comply with a provision of Oregon Revised Statutes (ORS) Chapter 468 or 468B or any rule adopted under a permit relating to the control and prevention of water pollution from a CAFO.
- **Permit Registration Modification**: A department order that is used to change the permit conditions for a permitted operator. The modification of the permit is based on the permittee’s program compliance history.

**Notice of Assessment of Civil Penalty (NACP)**

During 2020, 6 NACP’s were issued for a total of \$43,064. One NACP was issued for discharge or other permit non-compliance and 5 NACP’s were issued for administrative permit violations.

Table 13 and 14 summarize the NACPs issued in 2020.

**Table 13: NPCAs issued for administrative permit violations**

County	Amount	CAFO Permit Violation
Jefferson	\$630.00	ORS 561.255, Fees for confined animal feeding operations ORS 561.300, Unpaid license fees, delinquent renewal penalty; notice required; collection procedure
Malheur	\$760.00	ORS 561.255, Fees for confined animal feeding operations ORS 561.300, Unpaid license fees, delinquent renewal penalty; notice required; collection procedure
Malheur	\$890.00	ORS 561.255, Fees for confined animal feeding operations ORS 561.300, Unpaid license fees, delinquent renewal penalty; notice required; collection procedure
Tillamook	\$1,310.00	ORS 561.255, Fees for confined animal feeding operations ORS 561.300, Unpaid license fees, delinquent renewal penalty; notice required; collection procedure
Yamhill	\$890.00	ORS 561.255, Fees for confined animal feeding operations ORS 561.300, Unpaid license fees, delinquent renewal penalty; notice required; collection procedure
<b>Sub Total</b>	<b>\$4,480.00</b>	

**Table 14: NACP issued for discharge or other permit non-compliance**

County	Amount	CAFO Permit Violation
Josephine	\$38,584.00	S2.A Prohibitions and Discharge Limitations S2.E Waste Storage Facilities S2.F Prevention of System Overload S2.I Maintaining Compliance if System Fails S3.A Animal Waste Management Plan

	S3.D Requirements for AWMP Updates and Changes
	S4.B Inspection Requirements
	S4.C Record Keeping and Availability Requirements
	S4.D Reporting Requirements
<b>Sub Total</b>	<b>\$38,584.00</b>
<b>Total</b>	<b>\$43,064.00</b>

**Other Enforcement Actions**

Following the issuance of a NACP, the CAFO operator has the opportunity to file an appeal and to request an informal meeting to discuss the enforcement action or complete a Contested Case Hearing. A Final Order Incorporating Settlement Agreement, Final Order or a Contested Case Hearing are the possible outcomes of this process.

In 2020, the CAFO Program received two appeal requests that resulted in Order and Mutual Agreements.

**S4.E Order on Permit Modification.**

The Permit directs ODA to consider a Permit modification when a registrant has more than 2 discharges in any 24-month period. ODA also may issue a Permit modification to registrants that are experiencing difficulty maintaining Permit compliance.

**Compliance Actions**

See Table 15, 16 and 17 for a summary of enforcement actions other than NACPs.

**Table 15: Other Enforcement Actions**

Notice of Permit Modification	
County	Total
Harney	1

**Table 16: Appeals**

Appeals	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Order and Mutual Agreement (Consent Order)	1	0	0	1	0	0	2
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>

**Table 17: Court Proceedings Program Wide**

	Outcome
Circuit Court Cases	0
	Ongoing appeals

Contested Case Hearings	0
Federal District Court	0

## 2020 ADMINISTRATIVE ACTIVITIES

In addition to conducting field inspections, the CAFO Program staff performs several administrative functions.

The largest ongoing administrative function performed by the CAFO Program includes the review and approval of Animal Waste Management Plans (AWMP). The AWMP is a document unique to the CAFO facility that describes the CAFO’s manure production, storage, transfer and application activities. Every permitted CAFO operator must implement an ODA approved AWMP. The approved AWMP is incorporated into the CAFO permit by reference (S3.A.).

Every AWMP submitted to the CAFO Program is reviewed to ensure that it meets the required AWMP Elements (S3.C.) of the CAFO permit. In certain circumstances, the AWMP may require public notice (S3.B.) therefore; the AWMP approval process can be quite lengthy.

Once the AWMP has been approved, LWQS review the AWMP in advance of inspections to ensure that the AWMP still reflects the CAFO’s operation and maintenance. If there is a discrepancy between the operation and management of the CAFO and the AWMP, the LWQS will work with operators to ensure that AWMP reflects current activities on the CAFO operation while being in compliance in accordance with the required AWMP elements.

The second most common administrative function performed by LWQS is pertaining to construction of manure storage facilities. New construction or modification of existing manure storage facilities must be approved in advance (S2.E.2.).

**Table 18** summarizes the AWMP and construction activities completed during 2020.

**Table 18: AWMP Type and Construction status by Area**

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
<b>AMENDMENT/REVISION</b>							
Approved	0	1	0	2	0	0	<b>3</b>
Pending	1	0	0	0	0	0	<b>1</b>
<b>ANIMAL INCREASE</b>							
Approved	0	0	1	1	1	2	<b>5</b>
Conditionally Approved	0	0	0	0	1	0	<b>1</b>

Under Review/Pending	0	0	1	0	0	1	2
Superseded	0	0	0	0	0	1	1
Not Approvable	1	0	0	0	0	0	1
<b>ANIMAL/LAND INCREASE</b>							
Conditionally Approved	0	0	1	0	0	0	1
<b>ANIMAL DECREASE</b>							
Approved	0	0	1	1	0	0	2
<b>AWMP</b>							
Approved	1	2	3	2	0	0	8
Conditionally Approved	0	0	2	1	2	0	5
Approvable (Pending)	0	0	0	0	1	0	1
Not Approvable	0	3	0	0	0	0	3
Pending/Under Review	0	3	3	0	2	0	8
Superseded	0	0	0	2	0	1	3
Transferred	0	0	0	0	0	0	0
<b>CONSTRUCTION</b>							
Approved	3	0	5	2	3	1	14
Conditionally Approved	0	1	2	6	3	1	13
<b>Total</b>	<b>6</b>	<b>10</b>	<b>19</b>	<b>17</b>	<b>13</b>	<b>7</b>	<b>72</b>

### Cancellation of CAFO Permits

In 2020, the program cancelled 24 registrations to CAFO permits. The majority of the permits cancelled were for dairy CAFOs.

The primary reason CAFO permits were cancelled was because the facility was sold or leased to a new CAFO operator, and subsequently the permit must be transferred to a new owner or operator and the previous owner or operator permit registration is cancelled. The second most common reason a CAFO permit was cancelled was because the facility no longer met the definition for requiring a CAFO permit. In this case, the operator sold the animals and/or the facility and the operator was no longer going to use or maintain the waste systems on the farm.

**Table 19: Number of CAFO Permits cancelled by NAICS Code and Area**

NAICS Code	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
All Other Animal Production, Includes, Dog Kennels, Alpaca, Bison, worm production, llama production	0	1	0	0	0	0	1

Beef Cattle Ranching and Farming, Back Grounding Cattle, Veal Calf Production	3	0	0	0	0	0	3
Broiler Chicken Production	0	1	0	1	0	0	2
Cattle Feedlots, Fattening cattle	0	1	0	0	1	1	3
Dairy Cattle and Milk Production	5	2	1	1	2	0	11
Fur-Bearing Animal and Rabbit Production, includes mink, chinchilla, and fox	0	0	0	1	0	0	1
Goat Farming (e.g., meat, milk, mohair production)	0	0	0	0	1	0	1
Hog and Pig Farming	0	1	0	1	0	0	2
<b>Total</b>	<b>8</b>	<b>6</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>24</b>

### CAFO Permit Registrations Issued

A total of 28 CAFO permit registrations were issued in 2020. The primary reason for issuance of a new CAFO permit registration was a transfer of permit from a previously permitted operator. The transfer activity was highest in Area 5.

**Table 20: Number of CAFO Permit Registrations issued by NAICS Code and Area for 2020 CY**

NAICS Code	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
All Other Animal Production, Includes, Dog Kennels, Alpaca, Bison, worm production, Llama production	0	0	1	1	0	0	2
Beef Cattle Ranching and Farming, Back Grounding Cattle, Veal Calf Production	0	0	1	0	1	0	2
Broiler chicken production	0	0	0	1	0	0	1
Cattle Feedlots, Fattening cattle	2	0	0	0	2	1	5
Chicken Egg Production	0	0	0	1	1	0	2
Dairy Cattle and Milk Production	9	2	1	1	1	0	14
Goat Farming	0	0	0	1	1	0	2
<b>Total</b>	<b>11</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>28</b>

## Pending Permit Applications

A total of 14 applications to register (ATR) were received in 2020. 8 applications received in 2020 remain pending. Three applications were for Individual CAFO NPDES Permits which require Permit development by the agencies and Public Notice opportunities. One application received in 2020 was cancelled and one pending application from a previous year was cancelled. Five pending applications were submitted previous years.

**Table 21: Pending Permit Applications**

NPDES Permit	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Small Concentrated	0	0	0	0	0	0	0
Medium Concentrated	0	0	0	0	0	1	1
Large Tier 1 Concentrated	0	0	0	0	1	0	1
Large Tier 2 Concentrated	0	0	0	1	0	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>
<b>WPCF Permit</b>							
Small Confined	0	0	3	0	0	0	3
Medium Confined	0	1	0	0	0	1	2
Large Tier 1 Confined	0	0	0	0	1	1	2
Large Tier 2 Confined	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>7</b>
<b>Individual Permit</b>							
Tier 1	1	0	0	0	2	0	3
Tier 2	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>3</b>

## Public Notice and Participation (S1.H.)<sup>4</sup>

Prior to approving new permit coverage, renewing permit coverage or approving proposed substantial changes to an AWMP, the CAFO Program will provide public notice and participation.

In 2020, the CAFO Program completed two noticing activities. Of the different public notice and participation opportunities, the CAFO Program received two requests for additional information and comments from one of the public noticing opportunities. The department reviewed and responded to these comments.

<sup>4</sup> For the full public notice and participation schedule, see Table 2: CAFO Public Notice Requirements, page 8 of the CAFO NPDES General Permit #01-2016. <http://www.oregon.gov/ODA/shared/Documents/Publications/NaturalResources/NPDESGeneralPermit.pdf>



**Table 22** summarizes the public notice and participation opportunities by designation and the noticing activities are below.

**Table 22: Public Noticing Activity by Designation and Area.**

	Area 3	Area 5	Total
<b>Substantial Change to AWMP/Adding land and animal increase</b>			
Large Tier 2 Concentrated	1	0	1
<b>New Registration</b>			
Large Tier 1 Concentrated	0	1	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>

**Annual Report (S4.D.2.)**

Each year the CAFO operator registered to an NPDES General or Individual Permit must submit an annual report to the CAFO Program by March 15<sup>th</sup> of each year. The Annual Report documents the number of animals, amount of manure, litter and/or process waste water generated and exported by the facility, land application information and information about the operation’s AWMP.

Once the reports have been received, they are then reviewed by the regional LWQS for completeness. If the Annual Report is incomplete, the LWQS will work with the operator to resolve the issues.

In 2020, the CAFO Program collected and processed a total of 361 Annual Reports for 2019. Below is a table that summarizes the 2019 Annual Reports received by area.

**Table 23: 2019 Annual Reports Received by Area**

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
<b>Total</b>	<b>82</b>	<b>57</b>	<b>58</b>	<b>38</b>	<b>58</b>	<b>68</b>	<b>361</b>

**Financial Agreements Administered**

When the CAFO Program issues a Notice of Civil Penalty Assessment (NCPA), the money received from these activities is placed into an account that can only be used for educational projects and

efforts that will benefit the CAFO operators. Funds are awarded through a financial agreement process.

In 2020, the CAFO Program awarded four financial agreements for a total of \$44,845. The financial agreements were for the following projects:

**Nutrient Management Planning Tool (NMPT), H&R Engineering LLC**

**ODA Grant: ODA-4139-GR**

Total Paid in 2020 .....\$3,430.00

**ODA Service Contract. ODA-4208-SC**

Projected Total .....\$4,550.00

Total Paid in 2020 ..... \$4,550.00

**2020 CAFO Record Keeping Calendars, Oregon Dairy Farmers Association**

A record keeping tool developed and printed for permitted CAFO operators to maintain the required CAFO records.

Projected total..... \$1988.00

Final amount billed for project ..... \$1,730.00

**Development and Testing of Permeable Reactive Barrier (PBR) Wood-Chip Bioreactor) Technologies for Treatment of Nitrate and Coliform Runoff in Oregon**

**ODA-4245-IG**

Projected total..... \$35,135.00

**Public Records Requests**

Most information associated with the CAFO NPDES or WPCF Permit is subject to Oregon’s Public Records Law (ORS Chapter 192) and NPDES Program and Permit (S1.G) and Clean Water Act requirements and is publicly available. The CAFO Program received numerous requests for program files and information. Requests range from a single document to complete registrant files. In 2020, the CAFO Program responded to 87 different public records requests. The time estimated to produce the requests ranged from less than 30 minutes to 4 hours. Total staff time on PRR in 2020 was 58 hrs.

A public records request is not required when program or permit records are requested during a public notice and participation opportunity.

### **2020 CAFO Individual Permit Development Activities**

The program staff are involved with development of three, CAFO Individual NPDES Permits and related materials. These Permits are jointly developed by ODA and DEQ staff. These Permits require a multi-agency coordination with OWRD, DEQ, ODA, DSL, OHA and ODFW. Consultations on both technical and policy questions occur during development of these Permits. All Individual Permits require Public Notice and a hearing.

### **2020 General CAFO Permit Renewal Activities**

The CAFO NPDES Permit No. 1-2016 expired on February 28, 2021. On September 25, 2020 CAFO NPDES Permit Renewal forms were mailed to all permittees registered to the CAFO NPDES Permit.

ODA and DEQ developed and reviewed General Permit drafts in preparation for issuing a new CAFO NPDES General Permit in 2021.

The CAFO WPCF General Permit NO. 01-2015 will expire on September 30, 2025.

### **CAFO Education and Research Activities**

CAFO Program staff were invited to make presentations on the CAFO Program operations and activities in 2020. CAFO staff also participated in judging and evaluating presentations and competitions. A list of these activities includes:

- November 3, 2020. An overview of CAFO Program Operations presented to the OSU Bioresource engineering, first year ecological engineering class. Wym Matthews presenting.
- November 5, 2020. Presented an overview of the CAFO Program Operations to ANS 215 class at Linn Benton College. Ben Krahn presenting.
- November 2020. Presented a CAFO Program update on Area VI activities to the Area VI Oregon Dairy Farmers Association (ODFA) NMPC meeting. Hilary Collinworth presenting.
- August 25, 2020. CAFO Program overview presentation with a Q & A follow up at the Coos Area ODFA NMPC meeting. Christopher Anderson presenting.

### **CAFO Advisory Committee**

Each year the CAFO Program holds three regularly scheduled CAFO Advisory Committee (CAC) meetings. Due to COVID protocols, all 2020 meetings were held virtually. The CAC was created to provide feedback to the department about the CAFO Program. The membership of the committee is comprised of permitted CAFO operators, technical advisors, stakeholder representatives, and the public.

In October, the CAC welcomed a new member representing the swine industry.

### **CAFO Program Activities specific to Ground Water Management Areas (GWMA)**

Some permitted CAFOs are located in the three, DEQ named GWMA's. The Lower Umatilla GWMA committee has met regularly and the CAFO subcommittee has updated the CAFO chapter of the action plan this year and added another member representing a permitted CAFO. The South Willamette GWMA group continues to meet with DEQ support and the CAFO staff support the ongoing implementation of the action plan and specific CAFO Compliance with their Permit conditions.

### **New CAFO Program Activities**

The agricultural community continues to embrace and incorporate new technology into their operations. Technologies that impact nutrient management, include, but are not limited to, low-pressure manure application systems, manure nutrient concentration systems, manure digesters with off-farm feed stocks, and robotic milking equipment. When these technologies are incorporated, it requires the CAFO permit registrant's AWMP to be revised to reflect these changes and additions. Staff must review these AWMP updates to ensure that the technology is accurately represented and integrated into waste system calculations. Substantial changes to AWMPs, as defined in the permits, have public notice and participation requirements.