



CAFOs in Oregon

Frequently Asked Questions

WHAT IS A CONFINED ANIMAL FEEDING OPERATION (CAFO)?

The State of Oregon defines CAFOs as the concentrated feeding or holding of animals or poultry, including but not limited to horse, cattle, sheep, or swine feeding areas, dairy confinement areas, and poultry and egg production facilities where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather. A CAFO is further defined to have wastewater treatment works or that discharge any waste into waters of the State. To read the rule in full, please refer to the Oregon Secretary of State rules [OAR 603-074-0010\(3\)](#).

WHAT IS A CAFO PERMIT?

It is an enforceable document that details the requirements that CAFOs must follow to protect surface and groundwaters of Oregon for all beneficial uses. ODA issues a CAFO Permit to livestock owners, so manure does not pollute ground and surface water. There are three main factors to determine if your farm needs a CAFO Permit:

- How many animals (Small, Medium, Large Tier 1 or 2)
- How long the animals are confined for in a prepared area (e.g., in a barn, lot, pen)
- How the manure and wastewater generated by the farm is stored (e.g., do you collect manure in a tank or is it stacked in a pile).

WHAT IS INCLUDED IN THE APPLICATION PROCESS FOR A NEW CAFO PERMIT?

A livestock operator in Oregon can start the CAFO application process by providing these four items:

- An application that provides general information about the proposed operation.
- A Land Use Compatibility Statement (LUCS), which is completed by the local land use authority.
- A Nutrient Management Plan (NMP), which describes how manure and process wastewater will be collected, treated, stored, transferred, and utilized; and

- Application fees.

Additional permits may be required by other state or local regulatory entities prior to construction and population of a CAFO facility.

WHAT DOES A CAFO PERMIT DO?

The permits purpose is to protect surface and ground water, which includes limiting the amount of manure, wastewater and nutrients from all sources that can be applied to fields as fertilizer. A new CAFO permit is typically implemented in two phases to inspect the construction of a facility and permit compliance prior to bringing livestock or poultry on site.

- The permit limits the amount of manure, wastewater and nutrients from all sources that can be applied to fields as fertilizer.
- The permit prohibits discharge to surface or ground waters.
- The permit requires monitoring of any unauthorized discharge.
- The permit regulates the operation for water quality issues only.

There are two types of CAFO permits, the [National Pollutant Discharge Elimination System \(NPDES\) Permit](#), which is effective for five years after the date of permit issuance, and the [Water Pollution Control Facility \(WPCF\) Permit](#), which is effective for 10 years after the date of permit issuance.

WHAT'S THE DIFFERENCE BETWEEN THE TWO TYPES OF CAFO PERMITS?

An [NPDES permit](#) is a permit for concentrated animal feeding operations so that they are in compliance with the federal clean water act. This permit regulates CAFOs for discharges to surface and groundwaters. NPDES permits are authorized by the Environmental Protection Agency.

The [WPCF permit](#) provides coverage for confined animal feeding operations and regulates their operations for discharges to groundwater and prohibits discharges to surface water. The WPCF is a state permit.

HOW DOES ODA AND DEQ DETERMINE WHICH PERMIT TYPE TO ISSUE, NPDES VS. WPCF?

The agencies review the CAFO Permit application and the specific operating characteristics contained in the nutrient management plan (NMP). The application and NMP describe how potential pollutants would be produced, collected, transferred, treated, stored and utilized. The agencies determine what risk of discharge is posed by the operation to surface and ground waters and choose a permit type that provides protection from discharge to the state waters.

Both types of CAFO permit contain a numeric effluent limit of 0 for nitrogen, phosphorous and bacteria in any discharge.

HOW MANY POULTRY CAFOS ARE PERMITTED BY THE OREGON DEPARTMENT OF AGRICULTURE (ODA) AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) IN OREGON?

There are 12 permitted poultry operations that produce eggs and 24 permitted poultry operations that produce meat birds.

WHAT ARE THE ROLES AND RESPONSIBILITIES OF ODA AND DEQ WHEN IT COMES TO CAFOS?

ODA and DEQ work together on developing water-quality permits. ODA and DEQ have a [Memorandum of Understanding](#) that defines each agency's roles and responsibilities.

ODA:

- Approves General Permit coverage, and reviews and approves plans and specifications
- Determines compliance
- Maintains permitting and compliance database

DEQ:

- Assists in review of plans
- Provides technical/subject matter expertise
- Provides water quality training and guidance as needed
- May require additional DEQ permits

WHAT HAPPENS AFTER ODA RECEIVES A COMPLETED GENERAL CAFO PERMIT APPLICATION?

There is a coordinated application review by multiple agencies [ODA, DEQ, Oregon Water Resources Department (OWRD), Oregon Health Authority (OHA), Oregon Department of Fish and Wildlife (ODFW), Department of State Lands (DSL), and local land use authorities].

- ODA releases the draft application and draft permit to the public.
 - Public participation process begins
 - Notice to the public issued

- Public hearing held within 30 days of notice. 35-day public comment period begins. Comment period remains open for at least 5 days after the hearing
 - Public comment ends
- ODA reviews all public comments and makes modifications to the General Permit as appropriate.

WHAT ARE THE OUTCOMES FOR A CAFO GENERAL PERMIT APPLICATION?

ODA can:

- Issue the Permit registration as proposed.
- Require applicant to modify the proposal or Nutrient Management Plan.
- Deny the Permit registration.

HOW CAN THE PUBLIC BE INVOLVED IN THE CAFO PERMIT PROCESS?

The CAFO permitting process includes a public comment period. The public can provide comments to the agencies by regular mail, email, and oral testimony at a public hearing. For information, sign up for [CAFO public notices notifications](#). ODA and DEQ will review and consider all public comments received during the public comment period regardless of the method used to provide the comments.

HOW CAN THE PUBLIC GET UPDATES ON THE CAFO PERMIT PROCESS?

ODA strives to be transparent with the public in all its work. New applications and substantial changes within the CAFO Program require public notice and participation opportunities. The public can receive updates straight to their email boxes by signing up to ODA's email/text updates. If you would like to sign up to receive updates about the proposed CAFO facility, please visit [ODA's Email/Text Updates page](#) to create an account and indicate which types of updates you would like to receive including news releases, animal health news, plant health news and much more.

WHAT DOES ODA AND DEQ CONSIDER WHEN REVIEWING A CAFO PERMIT?

In considering a CAFO permit, protection of surface and ground water quality are critical elements of the CAFO program, and an important and necessary component of approval. ODA and DEQ issue permits that meet all requirements in Oregon's water pollution control laws and rules, and federal water pollution requirements. These requirements include a nutrient management plan, information about the facility's animal numbers, and detailed construction

plans and specifications. The state reviews this information to ensure that the facility's design and operation will be protective of surface water and groundwater.

In addition to water pollution control laws, the proposed facility must independently comply with state and local land use requirements. Applicants are required to obtain a land use compatibility statement from the local jurisdiction stating that the proposed facility is consistent with the zoning of the proposed facility location.

DOES ODA RESPOND TO COMPLAINTS ABOUT PERMITTED POULTRY CAFOS?

Yes, for complaints about potential violations of the CAFO Permit conditions, see ODA's [CAFO complaint form](#).

HOW OFTEN DOES ODA STAFF INSPECT PERMITTED POULTRY CAFOS?

Permitted CAFO facilities on a General Permit are scheduled to be inspected every 10 months. CAFO inspections may happen more frequently as necessary or if ODA determines follow-up inspections are necessary to ensure compliance.

WHO ARE THE OTHER STATE AGENCIES THAT MAY BE INVOLVED IN SITING OR PERMITTING A NEW CAFO?

ODA's authority to regulate CAFOs is limited to issuing and determining compliance with water quality permits ([ORS 468B.050](#)). ODA partners with several local and state agencies to inform them when ODA receives a new CAFO application so that they can inform the applicant of potential additional requirements. These requirements and processes are outside of ODA authority and have their own unique process not controlled by ODA.

- Department of State Lands (DSL)
 - [Wetland determination, removal/fill permit](#)
- Department of Environmental Quality (DEQ)
 - DEQ is Oregon's Clean Air Act authority/air quality permits: [Construction Stormwater Permit 1200c](#)
 - [Septic system permit and rules](#)
- Water Resources Department (WRD)
 - [Water quantity and water rights](#)
- Local land use authority (county planning department) implementing Department of Land Conservation and Development (DLCD) rules
 - [Land Use Compatibility Statement \(LUCS\)](#)

- Statewide land-use planning
- Oregon Health Authority
 - Drinking water quality standards and public drinking water systems