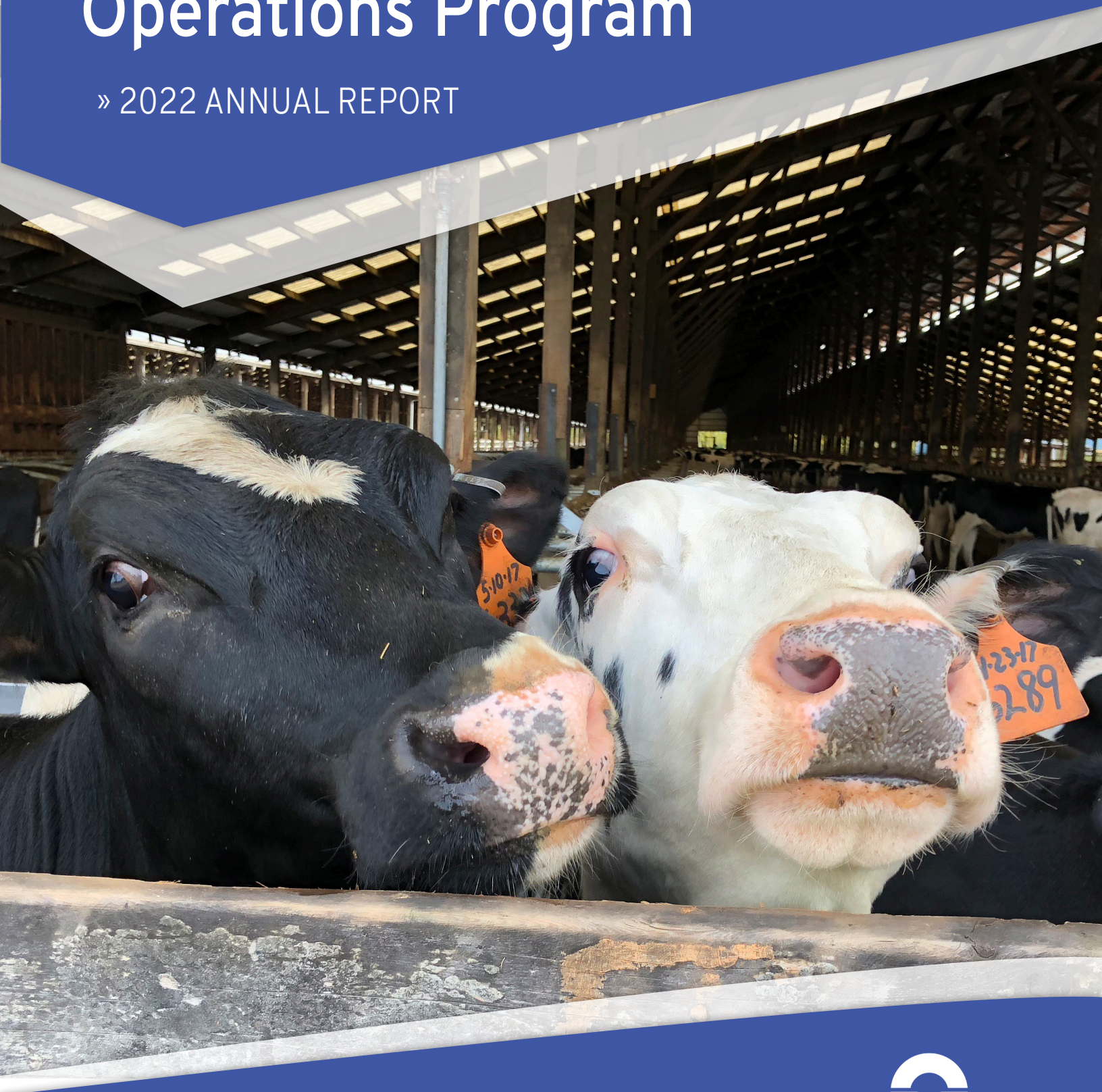


Confined Animal Feeding Operations Program

» 2022 ANNUAL REPORT



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AGRICULTURE

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INTRODUCTION

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 signed on Aug. 31, 2021, by the Director of ODA, Alexis Taylor, and the Director of DEQ on behalf of the EQC, Richard Whitman. The MOU will remain effective until Dec. 31, 2026.

This report has been prepared as required by the MOU. The 2022 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

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 4**.

CAFO Program Staff

The CAFO Program has a staff goal of 9.0 FTE. The program has been short one FTE for most of 2022 and received authorization to fill the vacant LWQS position in May of 2022. A recruitment was launched and filled but ultimately resulted in failed employee retention and the position remains vacant. Existing program staff resources were divided up to service the vacant area duties. The program had one retirement, Janet Smith, in June. The vacant program support position was filled in August 2022.

Other challenges faced in 2022 were a moratorium on poultry CAFO inspections due to High Pathogenic Avian influenza (HPAI) and periodic, temporary employee reassignments to respond to staffing emergencies and complete agency priority programs.

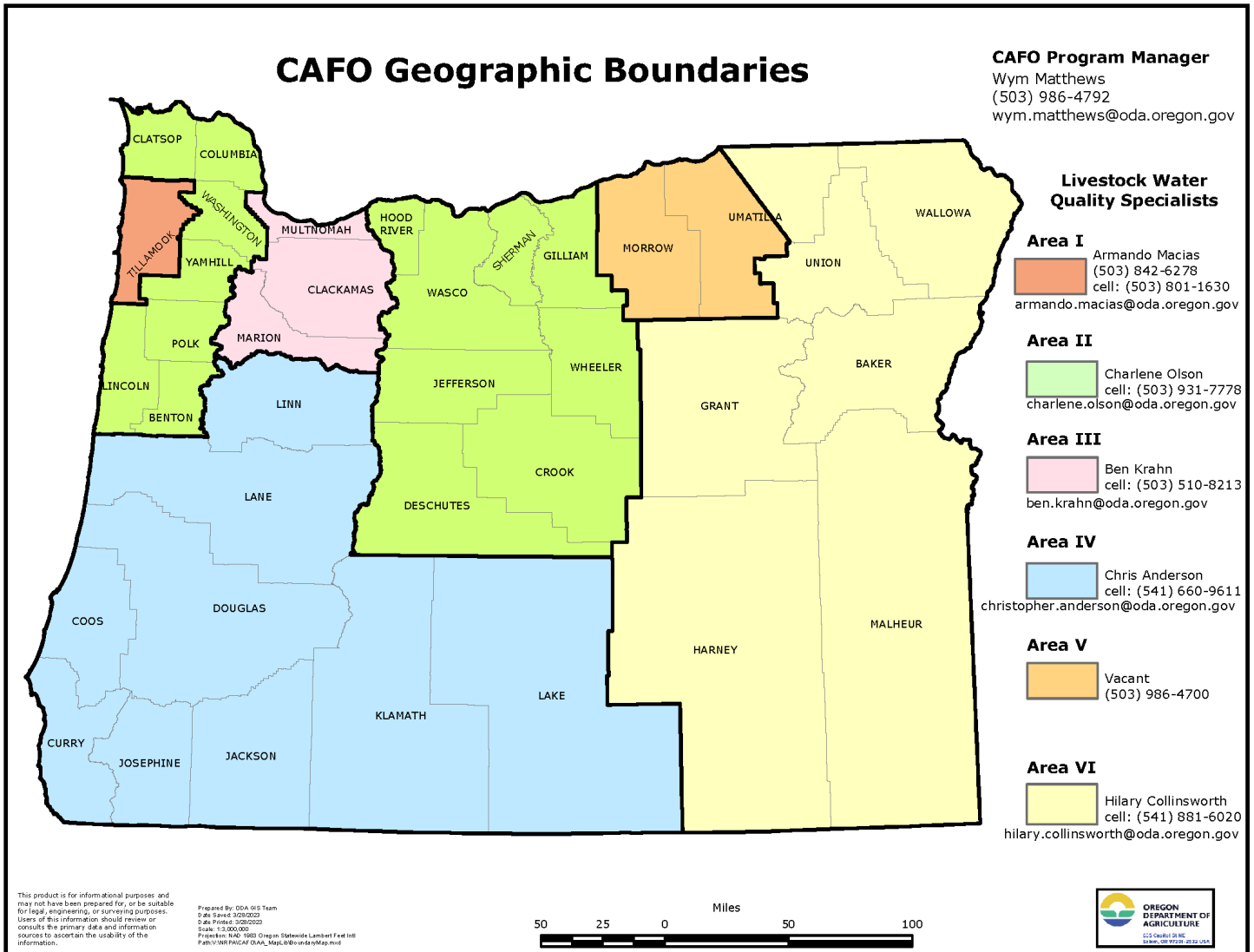
The program is led by the CAFO and Fertilizer Program Manager. The CAFO Program after budget restoration consists of six regional Livestock Water Quality Specialists (LWQS) with one position currently vacant. The LWQS are primarily responsible for assessing a facility's compliance with the CAFO Program. 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 2022 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, Livestock Water Quality Specialist
- » **Area V - Morrow and Umatilla counties**
Vacant, Livestock Water Quality Specialist

- » **Area VI - Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallowa counties**
Hilary Collinsworth, Livestock Water Quality Specialist
- » **Program Analyst:** Christy Caldwell (Located at ODA, Salem)
- » **Program Support Staff:** Janet Smith (through June 2022) (Located at ODA, Salem)
- » **Program Support Staff:** Manda Sweeney (started August 2022) (Located at ODA, Salem)

Figure 1: CAFO Geographic Boundaries Map



2022 CAFO PROGRAM STATISTICS

General Statistics

Together, ODA and DEQ issued the Oregon CAFO National Pollutant Discharge Elimination System (NPDES) General Permit Number 01-2016. This permit was issued on March 31, 2016, was effective on April 20, 2016, and expired Feb. 28, 2021, and is administratively extended until a new permit is approved. On October 1, 2015, ODA and DEQ issued the Oregon CAFO Water Pollution Control Facilities General Permit Number 01-2015. The WPCF CAFO General Permit became effective on Oct. 21, 2015, and expires Sept. 30, 2025. An update of the Permit renewal activities is on Page 22. In addition to the General Permit, ODA and DEQ also administer Individual NPDES and WPCF Permits.

On Dec. 31, 2022, the CAFO Program had a total of 500 permitted CAFO facilities. Of the permits issued:

- » 350 CAFO operators are registered to the General NPDES Permit.
- » 4 CAFO operators are registered to Individual NPDES Permits.
- » 145 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 Summarize CAFO Permit types 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
Area 1	85	0	19	104
Large Tier 2 Concentrated	1	0	0	1
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	51	0	0	51
Medium Confined	0	0	6	6
Small Concentrated	23	0	0	23
Small Confined	0	0	13	13

Table 1. CAFO Permit Type by Area and Designation

	NPDES General Permit Registrations	Individual Permits	WPCF General Permit Registrations	Total
Area 2	51	0	10	61
Large Tier 2 Concentrated	5	0	0	5
Large Tier 2 Confined	0	0	0	0
Large Tier 1 Concentrated	11	0	0	11
Large Tier 1 Confined	0	0	1	1
Medium Concentrated	22	0	0	22
Medium Confined	0	0	2	2
Small Concentrated	13	0	0	13
Small Confined	0	0	7	7
Area 3	58	0	24	82
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	1	1
Medium Concentrated	21	0	0	21
Medium Confined	0	0	6	6
Small Concentrated	21	0	0	21
Small Confined	0	0	17	17
Area 4	35	0	53	88
Large Tier 2 Concentrated	2	0	0	2
Large Tier 2 Confined	0	0	3	3
Large Tier 1 Concentrated	9	0	0	9
Large Tier 1 Confined	0	0	3	3
Medium Concentrated	12	0	0	12
Medium Confined	0	0	13	13
Small Concentrated	12	0	0	12
Small Confined	0	0	34	34

Table 1. CAFO Permit Type by Area and Designation

	NPDES General Permit Registrations	Individual Permits	WPCF General Permit Registrations	Total
Area 5	53	5	18	76
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	16	0	0	16
Large Tier 1 Confined	0	0	5	5
Medium Concentrated	16	0	0	16
Medium Confined	0	0	6	6
Small Concentrated	7	0	0	7
Small Confined	0	0	7	7
Area 6	68	0	21	89
Large Tier 2 Concentrated	8	0	0	8
Large Tier 2 Confined	0	0	1	1
Large Tier 1 Concentrated	14	0	0	14
Large Tier 1 Confined	0	0	5	5
Medium Concentrated	39	0	0	39
Medium Confined	0	0	11	11
Small Concentrated	7	0	0	7
Small Confined	0	0	4	4
Total	350	5	145	500

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	2	6	3	0	11
Auction Yard	0	0	0	2	1	1	4
Beef Cattle Ranching and Farming, Back Grounding Cattle, Veal Calf Production	0	4	6	14	5	6	35
Broiler Chicken Production	0	9	7	8	0	0	24
Cattle Feedlots, Fattening cattle	10	10	5	10	35	65	135
Chicken Egg Production	0	0	9	2	2	0	13
Dairy Cattle and Milk Production	94	32	40	34	22	11	233
Fur-Bearing Animal and Rabbit Production, includes mink, chinchilla, and fox	0	1	7	1	0	0	9
Goat Farming (e.g., meat, milk, mohair production)	0	1	1	3	3	3	11
Hog and Pig Farming	0	4	4	1	1	1	11
Horses and Other Equine Production, includes burro, donkey, mule, and pony	0	0	1	3	2	1	7
Nature Parks and Other Similar Institutions	0	0	0	1	0	0	1
Other Poultry Production	0	0	0	0	0	0	0
Sheep and Lambs	0	0	0	3	2	1	6
Total	104	61	82	88	76	89	500

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	8	36
Large Tier 2 Confined	0	0	0	3	0	1	4
Large Tier 1 Concentrated	10	11	10	9	16	14	70
Large Tier 1 Confined	0	1	1	3	5	5	15
Medium Concentrated	51	22	21	12	16	39	161
Medium Confined	6	2	6	13	6	11	44
Small Concentrated	23	13	21	12	7	7	83
Small Confined	13	7	17	34	7	4	82
Total	104	61	82	88	76	89	500

2022 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 2022, the twenty-fourth year of performance-based inspections, CAFO Program staff completed 632 inspections of all types. These inspections took place on both permitted and non-permitted operations.

Twenty complaints were received in 2022 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 2022.

- » **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	22	3.46
CI	18	2.83
Close Out	28	4.42
Drive By	1	0.15
EDR	7	1.10
FALL S/C	14	2.20
FUP	22	3.46
PA	28	4.42
RI	473	75
R/Drive By	17	2.66
SR	2	0.30
Total	632	100%

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 2022.

- » **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 2022 CAFO Enforcement Activities - Formal Enforcement Actions.
- » **Notice of Assessment of Civil Penalty (NACP):** See 2022 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 future permit violations.

Table 5. Inspection Outcomes (Total All Permitted and Non-Permitted Facility Inspections)¹

Inspection Type	Number of Inspections	Percentage (%)
EDR	5	0.80
FIC	509	80.50
Final Order	1	0.16
FIRP	36	5.70
NCP	2	0.31
NON/POC	28	4.44
O/S	5	0.80
O/S A	1	0.16
PA	31	4.90
WQA	14	2.23
Total	632	100%

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

Permitted CAFOs

A total of 607 inspections were completed on permitted CAFOs in 2022. 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.

For all of the inspections completed during 2022, 95% of all 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.

Table 6. Inspection Type by Area for Permitted CAFOs ²							
Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
ADMS	3	4	6	2	3	3	21
CI	1	0	4	4	1	5	15
Close Out	10	2	5	2	3	4	26
Drive By	0	0	0	0	0	1	1
EDR	0	0	1	0	1	0	2
FALL S/C	14	0	0	0	0	0	14
FUP	1	2	6	0	8	3	20
PA	0	1	0	3	3	13	20
R	104	53	61	93	69	89	469
R/Drive By	1	0	0	0	2	15	17
SR	0	1	0	1	0	0	2
Total	134	63	83	105	90	132	607

² Also includes facilities in the process of applying for permit coverage.

Table 7. Inspection Outcome by Area of Permitted CAFOs

Inspection Outcome	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
EDR	0	0	0	0	1	0	1
FIC	117	55	67	87	74	101	501
Final Order	1	0	0	0	0	0	1
FIRP	6	3	3	3	4	16	35
NCP	1	0	0	0	0	1	2
NON/POC	2	3	8	8	4	2	27
O/S	1	1	1	1	0	0	4
O/S A	0	0	1	0	0	0	1
PA	0	1	1	4	5	12	23
WQA	6	0	2	2	2	0	12
Total	134	63	83	105	90	132	607

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.

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 500 permitted CAFO facilities, there are 30 earthen manure lagoons that meet the definition of a statutory dam. Each of these manure lagoons statutory dam(s) are 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 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 CAFOs³

Number of CAFOs that received Dam Safety Inspection	Statutory Dams Inspections	Non-Statutory Dams Inspections
142	15	127

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 2022, there were a total of five sampling events with three of the sampling events taking place during complaint inspections, one event during close out inspection, one during a follow-up inspection, one during a routine inspection and one during a SR. A total of 15 samples were collected in the sampling events.

All of the water sampling events were conducted on permitted CAFO facilities. See **Table 12** on Page 14 for non-Permitted.

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

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	1	0	1	0	1	0	3
FUP	0	0	0	0	1	0	1
R	1	0	0	0	0	0	1
Total	2	0	1	0	2	0	5

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 2022, the CAFO Program conducted 25 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.

³ Some of the CAFOs have more than one lagoon.

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
ADMS	0	1	0	0	0	0	1
CI	0	1	1	1	0	0	3
Closeout	0	2	0	0	0	0	2
EDR	0	1	1	3	0	0	5
FUP	0	1	1	0	0	0	2
PA	0	0	1	3	2	2	8
RI	1	1	2	0	0	0	4
Total	1	7	6	7	2	2	25

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	1	1	2	0	0	4
FIC	1	3	3	2	0	0	9
FIRP	0	1	0	0	0	0	1
O/S	0	1	0	0	0	0	1
NON/POC	0	0	1	0	0	0	1
PA	0	0	1	3	2	2	8
WQA	0	1	0	0	0	0	1
Total	1	7	6	7	2	2	25

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 2022, there were no 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
Total	0	0	0	0	0	0	0

2022 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 2022, there was one NACP issued for administrative permit violations and one NACP for discharge or other permit non-compliance was issued for a total of \$33,220. **Table 13** and **14** summarize the NACPs issued in 2022.

Table 13. NACP issued for administrative permit violations

County	Amount	CAFO Permit Violation
Baker	\$680	S4.D.3 Reporting Requirements – Annual Report by March 15th

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

County	Amount	CAFO Permit Violation
Tillamook	\$32,540	S2.A Prohibitions and Discharge Limitations S.2.H Proper Operation and Maintenance S4.A Monitoring Requirements S4.B Inspection Requirements S4.C Recordkeeping and Availability Requirements S4.E Additional Monitoring
Subtotal	\$33,220	
Total	\$33,220	

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 2022, 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 **tables 15, 16 and 17** for a summary of enforcement actions other than NACPs.

Table 15. Other Enforcement Actions

County	Total
Linn	1

Table 16. Appeals

Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Final Order	1	0	0	0	0	0	1
Total	1	0	0	0	0	0	1

Table 17. Court Proceedings

Programwide	Outcome
Circuit Court Cases	0
Contested Case Hearings	0
Federal District Court	0

2022 CAFO 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.). Animal Waste Management Plan and Nutrient Management Plan (NMP) have the same meaning.

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 2022.

Table 18. Inspection Type by Area for Non-Permitted CAFOs

	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
ANIMAL INCREASE							
Approved	1	0	2	0	1	1	5
Approvable/Pending	1	0	0	0	1	1	3
Conditionally Approved	2	0	0	0	0	1	3
Under Review/Pending	2	1	1	1	0	2	7
Conditionally Approvable	0	0	0	1	0	0	1
Not Approvable	1	0	0	0	0	0	1
AWMP							
Approved	0	1	0	1	0	0	2
Cancelled	2	0	0	1	0	1	4
Conditionally Approved	0	0	0	3	0	0	3
Not Approvable	0	0	1	1	0	0	2
Pending/Under Review	2	4	2	2	2	2	14
Superseded	0	0	1	0	0	0	1
Transferred	1	0	0	0	1	0	2
Total	12	6	7	10	5	8	48
CONSTRUCTION							
Approved	0	0	4	3	2	1	10
Conditionally Approved	1	0	1	0	0	0	2
Under Review	1	0	0	0	0	0	1
2-Step Construction – Approval to Construct	0	0	1	1	0	0	2
Approval to Occupy/Populate	0	0	1	1	0	0	2
Total	2	0	7	5	2	1	17

Cancellation of CAFO Permits

In 2022, the program cancelled 22 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	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Broiler Chicken Production	0	2	0	0	0	0	2
Cattle Feedlots, Fattening cattle	2	1	0	1	2	1	7
Dairy Cattle and Milk Production	5	1	1	2	0	2	11
Fur-Bearing Animal and Rabbit Production, includes mink, chinchilla, and fox	0	0	1	0	0	0	1
Goat Farming (e.g., meat, milk, mohair production)	0	0	0	1	0	0	1
Total	7	4	2	4	2	3	22

CAFO Permit Registrations Issued

A total of 18 CAFO permit registrations were issued in 2022. 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 1.

Table 20. Number of CAFO Permit Registrations issued by NAICS Code and Area for 2022 CY

NAICS	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Beef Cattle Ranching and Farming, Back Grounding Cattle, Veal Calf Production	0	0	0	0	0	1	1
Broiler chicken production	0	0	0	1	0	0	1
Cattle Feedlots, Fattening cattle	1	1	0	1	2	2	7
Dairy Cattle and Milk Production	5	1	1	0	0	0	7
Goat Farming	0	0	0	1	0	0	1
Horses and Other Equine Production, includes burro, donkey, mule and pony	0	0	0	1	0	0	1
Total	6	2	1	4	2	3	18

Pending Permit Applications

A total of 3 applications to register (ATR) were received in 2022, 7 applications received in 2021 remain pending, 5 of those applications were for facilities that failed to submit the NPDES Permit renewal and had to re-apply for the permit. Three applications received in 2021 remain pending. Three of the pending applications are for Individual CAFO NPDES Permits which require Permit development by the agencies and Public Notice opportunities. One applications received in 2021 was cancelled.

Table 21. Pending Permit Applications							
NPDES Permit	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Small Concentrated	0	1	0	1	0	0	2
Medium Concentrated	0	1	0	0	0	0	1
Large Tier 1 Concentrated	0	1	0	0	0	0	1
Large Tier 2 Concentrated	0	0	1	0	0	0	1
Total	0	3	1	1	0	0	5
WPCF Permit	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	
Small Confined	0	0	1	1	0	0	2
Medium Confined	0	0	0	0	0	0	0
Large Tier 1 Confined	0	0	0	0	1	0	1
Large Tier 2 Confined	0	0	0	1	0	1	2
Total	0	0	1	2	1	1	5
Individual Permit	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	
Tier 1	1	0	0	0	2	0	3
Tier 2	0	0	0	0	0	0	0
Total	1	0	0	0	2	0	3

Public Notice and Participation (S1.H.)⁴

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 2022, the CAFO Program completed three noticing activities. Of the different public notice and participation opportunities, the CAFO Program received comments from all three of the public noticing opportunities. The department reviewed and responded to comments for one of these public noticing activities.

Table 22 summarizes the public notice and participation opportunities by designation and the noticing activities are on Page 21.

⁴For the full public notice and participation schedule, see Table 2: CAFO Public Notice Requirements, Page 8 of the CAFO NPDES General Permit #01-2016. <https://oda.direct/NPDESPermit>

Table 22. Public Noticing Activity by Designation and Area

Substantial Change to Existing CAFO /Combining two operations into one	Area 1	Area 5	Total
Large Tier 1 Concentrated	2	0	2
Substantial Change to AWMP/Animal increase	Area 1	Area 5	
Large Tier 2 Concentrated	0	1	1
Total	2	1	3

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 15th of each year. The Annual Report documents the number of animals, amount of manure, litter and/or process wastewater 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 2022, the CAFO Program collected and processed a total of 360 Annual Reports for 2021. Below is a table that summarizes the 2021 Annual Reports received by area.

Table 23. 2021 Annual Reports Received by Area

Inspection Type	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total
Total	83	55	56	39	57	70	360

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 2022, the CAFO Program awarded two financial agreements for a total of \$37,277.72. The financial agreements were for the following projects:

2022 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: \$2,150.00

Final amount billed for project: \$2,142.72

OSU Bio-Resource Engineering Permeable Reactive Membrane (Woodchip Bio-Reactor) for tile drain water treatment. Project is located at the OSU dairy. #-4245-IG – Report for 7/1/2022 – 12/31/2022 received

Project 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 2022, the CAFO Program responded to 97 different public records requests. The time estimated to produce the requests ranged from less than 30 minutes to 24 hours. Total staff time on PRR in 2022 was 89 hours.

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

2022 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.

2022 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 2022. The CAFO NPDES General Permit was noticed on September 16, 2021 and ended October 25, 2021, and a public hearing was held on October 18, 2021. The agencies received comments and are reviewing and responding to comments so a permit issuance decision can be made. ODA and DEQ are following developments of the Washington and Idaho CAFO NPDES General Permits that are being developed and are facing legal challenges.

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 2022. A list of these activities includes:

- » **Jan. 6, 2022.** Oregon Global Warming Commission
- » **Feb. 4, 2022.** CAFO NPDES e-reporting and DEQ YDO coordination meeting
- » **Feb. 7, 2022.** CAFO program coordination meeting with Oregon NRCS Agronomists
- » **Feb. 10, 2022.** Oregon Legislature SB 1534 hearing
- » **Feb. 25, 2022.** CAFO program public notice activities with Oregon Department of Fish and Wildlife
- » **March 7, 2022.** Oregon Dairy Farmers Association annual meeting
- » **March 10, 2022.** OSU Extension manure research needs meeting
- » **March 16, 2022.** EPA Sensor Monitoring of CAFO compliance meeting
- » **April 8, 2022.** Northwest Chicken Council annual meeting
- » **May 4, 2022.** Oregon interagency coordination meeting on dams
- » **May 13, 2022.** ODA Food Safety Dairy Conference
- » **June 1, 2022.** Oregon House Agriculture Committee hearing, Poultry CAFO Work Group
- » **June 2, 2022.** Oregon Senate Natural Resources Committee Poultry CAFO Work Group meeting
- » **June 6, 2022.** Oregon Forest Service Working Lands Tour, Tillamook CAFOs presentation
- » **June 8, 2022.** Morrow County groundwater nitrate emergency coordination
- » **June 22, 2022.** Oregon Forest Service legislative tour FGO Dairy CAFO
- » **July 7, 2022.** Oregon Legislative Senate Environmental Large CAFO poultry work group
- » **July 8, 2022.** Environmental Protection Agency Per- and Polyfluoroalkyl substances (PFAS) and National Pollutant Discharge Elimination System (NPDES) Permits meeting
- » **July 27, 2022.** Oregon Legislative Senate Environmental Large CAFO poultry work group

- » **Aug. 12, 2022.** Oregon Legislative Senate Environmental Large CAFO poultry work group
- » **Aug. 31, 2022.** DEQ/Environmental Quality Commission (EQC) Dairy Air Petition
- » **Aug. 31, 2022.** Oregon Legislative Senate Environmental Large CAFO poultry work group
- » **Oct. 18-20, 2022.** EPA Region 10 CAFO Roundtable meeting
- » **Nov. 9, 2022.** DEQ/EQC hearing on dairy air quality petition
- » **Dec. 12, 2022.** EPA Region 10 Drinking Water Section CAFO program coordination meeting

CAFO Advisory Committee

Each year the CAFO Program holds three regularly scheduled CAFO Advisory Committee (CAC) meetings. 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. Post-Covid meeting protocol is conducting in-person meetings in Salem with virtual attendance and presentation options through the TEAMS platform.

On May 27, 2022, a news release was sent announcing an open membership seat available for one open position representing the public for the CAC. There are two public member seats on the CAC. ODA received several letters of interest but has not found a member who does not have a livestock operation and represents the public to fill this seat. ODA is evaluating one application for the open public member seat.

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

There are permitted CAFOs located in each of 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.

The CAFO program continues to implement policy requiring all new or expanding CAFOs to implement the following items:

- » Any earthen manure and process wastewater storage facilities constructed in a GWMA must have two synthetic liner layers with a leak detection system.
- » New CAFOs in GWMA locations must conduct surveillance sampling of the drinking water wells located on the CAFO for nitrate levels in the water.
- » New Large, Tier I and Tier II CAFOs must submit a water supply plan. OWRD will review and certify that the proposed sources of water are from legal sources.
- » New Large, Tier I and Tier II CAFOs must utilize a two-step construction approval system. The first step is ODA approval of the construction design plans and specifications. The second step is ODA staff conducting inspections during the construction phase culminating in a final construction completion inspection when the facilities are complete and operable. The CAFO cannot operate until ODA issues a written operational approval.
- » ODA and DEQ are reviewing all new CAFO Permits to ensure harmonization on land application activities and other similar 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.