

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

Upper Grande Ronde River Subbasin

603-095-0400

Purpose

(1) These rules have been developed to effectuate the implementation of a water quality management area plan for the Upper Grande Ronde River subbasin pursuant to authorities vested in the department through ORS 568.900-568.933, due to a determination by the Environmental Quality Commission to establish Total Maximum Daily Loads and allocate a load to agricultural nonpoint sources. The area plan is known as the Upper Grande Ronde River Subbasin Agricultural Water Quality Management Area Plan.

(2) The purpose of these rules is to outline requirements for landowners in the Upper Grande Ronde River subbasin, for the prevention and control of water pollution from agricultural activities and soil erosion. Compliance with Division 95 rules is expected to aid in the achievement of applicable water quality standards in the Upper Grande Ronde River subbasin.

Statutory Authority: ORS 568.909

Stats. Implemented: ORS 568.900 - 568.933

603-095-0420

Geographic and Programmatic Scope

(1) The Upper Grande Ronde River subbasin includes the drainage area of the Grande Ronde River from the headwaters to its confluence with the Wallowa River. The physical boundaries of the Upper Grande Ronde River subbasin are indicated on the map included as Appendix 1 of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Upper Grande Ronde River subbasin in agricultural use and agricultural and rural lands which are lying idle or on which management has been deferred, with the exception of activities which are subject to the Forest Practices Act and to the lands of USDA Forest Service and USDI Bureau of Land Management.

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

(4) The provisions and requirements outlined in these rules may be adopted by reference by Designated Management Agencies with appropriate authority and responsibilities in other geographic areas of the Upper Grande Ronde River subbasin.

Statutory Authority: ORS 568.909

Stats. Implemented: ORS 568.900 - 568.933

603-095-0440

Prohibited Conditions All landowners or operators conducting activities on lands in agricultural use shall be in compliance with the following criteria. A land occupier shall be responsible for only those prohibited conditions caused by activities conducted on land managed by the landowner or occupier. Criteria do not apply to conditions resulting from unusual weather events

or other exceptional circumstances, which could not have been reasonably anticipated. Limited duration activities may be exempted from these conditions subject to prior approval by the department.

(1) Soil erosion: By January 1, 2003

(a) No agricultural land management or soil disturbing activity shall cause sheet or rill erosion in excess of the soil loss tolerance factor (T) on cropland, and no agricultural land management or soil disturbing activity shall cause active channel erosion that delivers sediment directly into the waters of the state, or

(b) No agricultural land management or soil disturbing activity shall exceed an alternative standard, approved by the Department, that assures protection of water quality, or

(c) No agricultural land management or soil disturbing activity shall cause a discharge of sediment to the waters of the state in excess of water quality standards.

(2) By January 1, 2003 no agricultural land management or soil disturbing activity shall cause streambanks to breakdown, erode, tension-crack, shear or slump beyond the level that would be anticipated from natural disturbances given existing hydrologic characteristics.

(3) By January 1, 2003 nutrient application rates and timing shall not exceed specific crop requirements. Crop requirements will be based on recommendations from the best available data applicable to a specific site.

(4) By January 1, 2003 construction and maintenance of surface drainage field ditches shall not result in sediment delivery to waters of the state from soil erosion caused by excessive channel slope, unstable channel cross-section or placement of disposed soils.

(5) By January 1, 2003 agricultural activities shall allow the development of riparian vegetation to control water pollution by providing control of erosion, filtering of sediments and nutrients, moderation of solar heating, and infiltration of water into the soil profile. Evaluation of riparian vegetation development will consider site-specific capabilities and anticipated levels of natural disturbance. Where cropping or resource protection activities have occurred, an adequate vegetative buffer or equally effective pollution control practice must be in place.

(6) Waste discharges: Effective upon adoption of these rules:

(a) No person conducting agricultural land management or earth disturbing practices shall cause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means.

(b) No person conducting agricultural land management or earth disturbing practices shall discharge any wastes into any waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule by the Environmental Quality Commission.

(c) No person conducting agricultural land management or earth disturbing practices shall violate the conditions of any waste discharge permit issued pursuant to ORS 468B or ORS 568.

Statutory Authority: ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-0460

Complaints and Investigations

(1) When the department receives notice of an apparent occurrence of agricultural pollution through a written complaint, its own observation, notification by another agency, or by other means, the department may conduct an investigation. The department may, at its discretion, coordinate inspection activities with the appropriate Local Management Agency.

(2) Each notice of an apparent occurrence of agricultural pollution shall be evaluated in accordance with the criteria in ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.

(3) Any person allegedly being damaged or otherwise adversely affected by agricultural pollution or alleging any violation of ORS 568.900 to 568.933 or any rules adopted thereunder may file a complaint with the department.

(4) The department will not evaluate or investigate a complaint filed by a person under section (3) unless the complaint is in writing, signed and dated by the complainant and indicates the location and description of:

(a) The property and/or waters of the state allegedly being damaged or impacted; and

(b) The property allegedly being managed under conditions violating criteria described in ORS 568.900 to 568.933 or any rules adopted thereunder.

(5) As used in section (4), "person" does not include any local, state or federal agency.

(6) Notwithstanding OAR 603-095-0460, the department may investigate at any time any complaint if the department determines that the violation alleged in the complaint may present an immediate threat to the public health or safety.

(7) Actions based on investigation findings: If the department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred, the landowner shall be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120.