

Oregon Administrative Rules
Oregon Department of Agriculture
Chapter 603, Division 95
Agricultural Water Quality Management Area
Umatilla Basin

603-095-0300

Purpose

(1) These rules have been developed to implement a water quality management area plan for the Umatilla Agricultural Water Quality Management Area pursuant to authorities vested in the department through ORS 568.900-568.933 and ORS 561.190 – 561.191. The area plan is known as the Umatilla Agricultural Water Quality Management Area Plan.

(2) The purpose of these rules is to outline requirements for landowners in the Umatilla Agricultural Water Quality Management Area 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 Umatilla Agricultural Water Quality Management Area.

Statutory Authority: ORS 561.190 – 561.191, and ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-0320

Geographic and Programmatic Scope

(1) The Umatilla Agricultural Water Quality Management Area includes all land that drains into the Umatilla River and all land in Oregon that drains directly to the Columbia River between the Umatilla River and the Walla Walla River. The physical boundaries of the Umatilla Agricultural Water Quality Management Area 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 Umatilla Agricultural Water Quality Management Area in agricultural use and agricultural and rural lands which are lying idle or on which management has been deferred, with the exception of public lands managed by federal agencies (e.g. U.S. Forest Service, U.S. Fish and Wildlife Service), lands which make up the Reservation of the Confederated Tribes of the Umatilla, and activities which are subject to the Forest Practices Act.

(3) The provisions of these rules apply to all agricultural and rural land whether or not in current productive agricultural use.

(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 Umatilla Agricultural Water Quality Management Area.

(5) For lands in agricultural use within other Designated Management Agencies' or state agency jurisdictions, the department and the appropriate Local Management Agency will work with

these Designated Management Agencies to assure that provisions of these rules apply and to assure that duplication of any services provided or fees assessed does not occur.

Statutory Authority: ORS 561.190 – 561.191, and ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-0340

Prevention and Control Measures

(1) All landowners or operators conducting activities on lands in agricultural use must be in compliance with the following rules. A landowner is responsible for only those conditions caused by activities conducted on land managed by the landowner or operator. Rules will be applied with consideration of agronomic and economic impacts.

(a) These rules do not apply to conditions resulting from unusual weather events or other exceptional circumstances.

(b) Temporary exceptions to the rules are allowed when a specific integrated pest management plan is in place to deal with certain weed, insect pest, or disease problems.

(c) Unless otherwise indicated, the rules below become effective on January 1, 2008.

(2) Waste Management

Effective on rule adoption, no person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.

(3) Soil Erosion and Sediment Control

Landowners must control upland soil erosion using technically sound and economically feasible methods.

(a) Landowners must control active channel (gully) erosion to protect against sediment delivery to streams.

(b) On croplands, a landowner may demonstrate intent to comply with this rule by:

(A) Operating consistent with a Soil and Water Conservation District (SWCD)-approved conservation plan that meets Resource Management Systems (RMS) quality criteria for soil and water resources; or

(B) Operating in accordance with an SWCD-approved plan for Highly Erodible Lands (HEL) developed for the purpose of complying with the current US Department of Agriculture (USDA) farm program legislation and farming non-HEL cropland in a manner that meets the requirements of an approved USDA HEL compliance plan for similar cropland soils in the county; or

(C) Farming such that the predicted sheet and rill erosion rate does not exceed 5 tons/acre/year, as estimated by the Revised Universal Soil Loss Equation (RUSLE); or

(D) Constructing and maintaining terraces, sediment basins, or other structures sufficient to keep eroding soil out of streams.

(c) On rangelands, a landowner may demonstrate intent to comply with this rule by:

(A) Operating consistent with a Soil and Water Conservation District (SWCD)-approved conservation plan that meets Resource Management Systems (RMS) quality criteria for soil and water resources;

(B) Maintaining sufficient live vegetation cover and plant litter to capture precipitation, slow the movement of water, increase infiltration, and reduce excessive movement of soil off the site; or

(C) Minimizing visible signs of erosion, such as pedestal or rill formation and areas of sediment accumulation.

(d) Private roads that traverse rural lands or roads used for agricultural activities must be constructed and maintained such that road surfaces, fill and associated structures are designed and maintained to limit contributing sediment to waters of the state. All roads on agricultural lands not subject to the Oregon Forest Practices Act (OFPA) are subject to this regulation. Homesteads and other non-crop areas must be laid out and managed in a manner that controls soil erosion and prevents delivery of sediments to the stream. Stream crossings, with or without culverts or bridges, must be kept to a minimum, and must be installed and maintained to prevent sediment delivery to the stream. Agricultural lands must be managed to prevent runoff of sediment to public road drainage systems.

(4) Stream-side Area Management

(a) Agricultural land management activities must not cause streambank instability.

(b) Agricultural land management near streams must include establishment and maintenance of riparian vegetation, vegetative buffers, filter strips, sediment retention structures, or equally effective water pollution control practices, placed so as to prevent sediment, thermal and other pollution of waters of the state.

(c) When establishment or reestablishment of crops occurs near waters of the state during the growing season (March through October), cropping and management systems must be employed that prevent erosion. An adequate vegetative buffer or equally effective erosion control practice must be provided during the winter months (November through March).

(5) Livestock Management

(a) Pastures and rangeland must be managed to prevent sediment, nutrient and bacterial contributions to waters of the state. Adequate vegetative buffers or filter strips must be installed and maintained, and vegetative cover must be maintained or restored after use as needed to control contaminated runoff or weed infestations. Where appropriate, waste management systems must be installed to collect, store and utilize animal wastes.

(b) Barnyards, feedlots, drylots, confinement and non-pasture areas, and other livestock facilities located near waters of the state must employ an adequate runoff control system, or an equally effective pollution control practice. Where necessary to prevent waste delivery, waste management systems must be installed to collect, store and utilize animal wastes.

(c) Grazing must be done in a manner that does not degrade waters of the state or negatively impact the stability of streambanks. Grazing management systems must be applied that allow for

recovery of plants and leaves adequate vegetative cover to ensure streambank stability, reduce sediments entering the stream, and provide stream-side shading consistent with site capability. The grazing management system must maintain or develop the desired vegetative cover.

(6) Irrigation Management

(a) Irrigation systems must be designed and operated to prevent runoff of potential contaminants. Irrigation scheduling must consider such factors as soil conditions, crop, climate and topography.

(b) Overland return flows from irrigation must be managed to prevent the delivery of pollution including water temperature increases to waters of the state.

(7) Nutrient and Farm Chemical Management

(a) Crop nutrient applications, including manure, sludge and commercial fertilizers, must be done at a time and in a manner that does not pollute waters of the state

(b) Nutrients and farm chemicals must be stored in a location and condition that makes them unlikely to be carried into the waters of the state by any means.

(8) Channel and Drain Management

Whenever major construction, reconstruction or maintenance occurs in ditches and water channels, exclusive of perennial and intermittent streams, they must be designed and maintained with a capacity to handle a greater than normal runoff event with a minimum likelihood of bank erosion or erosion impacts on nearby land areas. -

Statutory Authority: ORS 561.190 – 561.191, and ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

603-095-0380-

Complaints and Investigations

(1) When the department receives notice of an alleged occurrence of agricultural pollution through a written complaint, its own observation, through 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 alleged occurrence of agricultural pollution will 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 evaluate or investigate a complaint filed by a person under section OAR 603-095-0380(3) if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:

(a) The 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 OAR 603-095-0380(4), “person” does not include any local, state or federal agency.

(6) Notwithstanding OAR 603-095-0380, 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) If the department determines that a violation of ORS 568.900 through 568.933 or any rules adopted thereunder has occurred, that landowner may be subject to the enforcement procedures of the department outlined in OAR 603-090-0060 through 603-090-0120.

Statutory Authority: ORS 561.190 – 561.191, and ORS 568.912

Stats. Implemented: ORS 568.900 - 568.933

Appendix 1

