

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, August 15, 2018 at 9:00 a.m.
Bartholomew Building, Upper Conference Room
Heppner, Oregon
AMENDED

1. **Call to Order and Pledge of Allegiance: 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on issues not on the agenda
3. **Open Agenda:** The Board may introduce subjects not already on the agenda
4. **Consent Calendar**
 - a. Approve Claims: Accounts Payable dated August 16th; Payroll Payables, Immediates & Electronic dated July 26th in the amount of \$178,541.39
5. **Business Items**
 - a. Eastern Oregon Counties Association Invoice
 - b. ~~Umatilla County Jail contract (Sheriff Matlack)~~
6. **Correspondence**
7. **Commissioner Reports**
8. **Sign documents**
9. **Adjournment**

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under "Upcoming Events"). Meeting Packets are also available the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutcher at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, County Administrator at (541) 676-2529.

Item #5a



Union County

1106 K Avenue
La Grande, OR 97850
(541) 963-1001

INVOICE

Date: July 30, 2018
Invoice #7036

To **Morrow County**
Melissa Lindsay
P.O. Box 788
Heppner, OR 97836

PAYMENT TERMS	
Net 30	

QUANTITY	DESCRIPTION	AMOUNT
	EOCA 2017-18 residual expenses As discussed at 7/26/18 meeting	\$244.14
SUBTOTAL		\$244.14
ADMIN FEE		\$0
TOTAL		\$244.14

Make checks payable to: **Union County**
1106 K Avenue
La Grande, OR 97850

THANK YOU!

Notice of Public Participation Opportunity

Proposal to Renew Permit Coverage for Confined Animal Feeding Operations (CAFO) in AREA 5 and proposed substantial changes to CAFOs in areas 1, 3, 5, and 6



Oregon
Department
of Agriculture

**Natural Resources
Program Area**
635 Capitol St. NE
Salem, OR 97301-2532
Phone: (503) 986-4792
Fax: (503) 986-4730
Contact: Wym Matthews
www.oregon.gov/ODA

Notice issued: August 8, 2018

Written comments due:
5 p.m., September 12, 2018

What is proposed?

The Oregon Department of Agriculture (ODA) is proposing to renew the Confined Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) CAFO General Permit coverage for forty-three (43) facilities plus six (6) renewals with modifications to existing facilities located in Area 5. In addition, there are three (3) existing facilities applying for registration for the first time and four (4) CAFO facilities are implementing substantial changes to their Animal Waste Management Plans (AWMP) in areas 1, 3, and 6. The CAFO NPDES General Permit #01-2016 was issued on March 31, 2016 and regulates manure, litter, and process waste water generated by CAFOs to ensure that CAFO activities do not harm water quality.

See a list of facilities and proposed permit actions online at: <https://oda.direct/CAFO>

How can I get more information?

You can review the renewal applications and AWMP substantial modifications in person at the ODA Salem office or at the respective ODA field office (call Salem office or check the ODA website for contact information). You may also request the documents electronically. To schedule a review appointment at the Salem ODA office located at 635 Capitol St. NE, Salem, OR 97301 or request documents electronically, please call the CAFO Program at (503) 986-4699 or email: jshort@ODA.state.or.us. You may also view the NPDES CAFO General Permit No. 01-2016 online at: <https://oda.direct/NPDESPermit>.

Where can I send comments?

ODA accepts comments by mail, fax, or e-mail. Please send to:

William Matthews
ODA/CAFO Program
635 Capitol St. NE
Salem, OR 97301
Phone: (503) 986-4792
Fax: (503) 986-4730
E-mail: wmatthews@oda.state.or.us

Opportunity for public hearing

A public hearing will be scheduled for the above proposal if written requests are received during the comment period from at least ten (10) persons or from an organization or organizations representing at least ten (10) persons. If a hearing is scheduled, ODA will provide at least 30 days notice before the hearing is held. The public comment period will remain open for an additional seven (7) days after the public hearing.

What happens next?

ODA will review and consider all comments received during the comment period regardless of the method used to provide the comments. Following this review, ODA may proceed as proposed, request that modifications be made to the application for renewal or AWMP, or deny permit registration renewal or AWMP approval.

Accessibility information

ODA is committed to accommodating people with disabilities at our hearings. Please notify ODA of any special physical or language accommodations or if you need information in large print, Braille, or another format. To make these arrangements, contact ODA at (503) 986-4700.



State of Oregon
Department of
Environmental
Quality

**Water Quality
Division**
811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-6402
(800) 455-4011
Fax: (503) 229-6037
Contact: Beth Moore
www.oregon.gov/DEQ



Lost Valley Farm CAFO Permit

How does the CAFO permit protect Oregon's water from animal waste generated by the dairy?

ODA and DEQ have crafted a permit that is the most protective of surface water and groundwater of any CAFO permit issued to date. In addition, the dairy is required to conduct the most extensive monitoring of any CAFO permitted facility to date. The dairy will establish 11 groundwater monitoring wells located around the operation. The dairy will also conduct soil monitoring as well as leak detection monitoring in the animal waste storage. The permit regulates storage and the application of manure and wastewater on crops grown on the farm. The only surface water body near the facility is a concrete-lined irrigation canal located at an elevation that is higher than the CAFO production area, making it highly improbable for wastewater or stormwater runoff to enter the canal. In addition, the entire facility, including the farm fields, is in a depression and so topography prevents water from leaving the site via surface pathways.

Isn't the dairy located in a Groundwater Management Area?

Yes. The dairy is located in the Lower Umatilla Ground Water Management Area, a region known for having elevated levels of nitrate. It's very important to protect groundwater in this area, which is why the CAFO permit for Lost Valley Farm is the most protective of surface and groundwater of all similar permits in Oregon. In addition, the permit requires the dairy to conduct extensive ongoing groundwater monitoring. The permit provisions controlling pollution are designed to lead to improvements (nitrate reduction) in the aquifer over time, which will be measured through monitoring.

How is air quality addressed in the CAFO permit?

Air quality is beyond the scope of this type of permit, which can only regulate discharges to surface and ground waters. As part of the dairy's operational plan, Lost Valley Farm will implement Best Management Practices for wastewater that mitigate air emissions as well. In addition, the dairy has indicated a willingness to install a methane digester in the future if economically feasible. This would greatly limit methane emissions. While not required, this is beneficial because methane is a greenhouse gas

This is a large dairy that will be permitted to have a maximum of 30,000 animals. Does the size of the dairy alone warrant concern?

Permits for dairies of this size have environmental protections above and beyond those imposed on smaller dairies, with specific and strict requirements prescribing how animal waste is handled and utilized, and how the facility is operated to protect surface and ground waters. Although permitted for 30,000 animals, the dairy expects to have 16,500 animals during the first year of operation and build the herd over the course of three years.

This dairy is close in proximity to other large dairies. What about the cumulative impact of multiple large dairies in the same area?

Lost Valley Farm's permit is the most protective of surface water and groundwater of any CAFO permit issued to date. Other nearby dairies are also required to be permitted with the same type of requirements as Lost Valley that don't allow for discharge to surface water. In short, all dairies in the immediate area, which is sparsely populated, have CAFO permits that require management and monitoring of all animal waste. With each dairy properly regulated and operated, there should be no cumulative impact on water quality.

How is animal care addressed in the CAFO permit?

Animal health and welfare is beyond the scope of the CAFO permit, which regulates how animal waste is handled and utilized. Animal welfare concerns are handled by the county sheriff's office or the Oregon Humane Society. The processor purchasing the milk from Lost Valley requires that the dairy participate in Farmers Assuring Responsible Management (FARM), a national voluntary, third-party audited animal care program that includes an on-farm evaluation.

Is use of antibiotics at the dairy addressed in the CAFO permit?

The on-farm use of antibiotics is beyond the scope of the CAFO permit. Nonetheless, the regulation of antibiotics is the responsibility of the Food and Drug Administration (FDA). New regulations restrict all animal antibiotic use in feed and water to only those materials prescribed by a licensed veterinarian. FDA regulations implemented January 2017 prohibit antibiotics used for growth promotion purposes. In addition, all milk produced at Lost Valley Farm and all other dairies will be required to be tested for antibiotic residues and cannot be sold if it violates any FDA standards.

How will worker health and safety at the dairy be taken into account?

Like most workplaces in Oregon, this facility may be inspected by Oregon OSHA, the division that addresses the safety and health of workers. Employers are required by federal and state law to furnish a place of employment that is safe and healthful for employees. As a comparison, a 2005 federal study conducted by the National Institute for Occupational Safety and Health (NIOSH) at nearby Threemile Canyon Farms, which is similar in size and operation to Lost Valley Farm, found both ammonia and hydrogen sulfide were within recommended limits for worker exposure.

Lost Valley Farm will be using a large amount of water as part of its operation. How is water quantity addressed for the dairy?

ODA and DEQ have coordinated with the Oregon Water Resources Department (WRD) to ensure that the amount of water necessary to operate the facility is legally available. The proposed dairy is located in a Critical Groundwater Area, a designation designed to limit additional groundwater level declines. Groundwater use will not increase because Lost Valley Farm has proposed to transfer existing surface water rights to another landowner for their existing groundwater rights. Lost Valley Farm holds certificated water rights for irrigation purposes. WRD is also reviewing two short-term water uses for construction and dairy operations. For both the transfer and the short-term uses, WRD will protect the resource through conditions of metering and reporting water use. If needed, the Lost Valley Farm has an agreement to purchase drinking and process water from the Port of Morrow. The dairy has provided the state with a copy of that agreement.

How were public comments regarding the CAFO permit considered?

The permitting for Lost Valley Farm has been a two-year process. More than 4,000 public comments were received on the proposed permit. ODA and DEQ carefully reviewed all public comments and made modifications to the permit based on concerns pertinent to protecting surface and groundwater quality, which is within the scope of the CAFO permit. Many comments in opposition to permitting the dairy dealt with issues of which ODA and DEQ have no authority.

How did the permit process take into account under-represented communities?

Based on initial public comments and a request from the Oregon Environmental Justice Task Force, ODA and DEQ agreed to re-open the public comment period to enhance outreach to under-represented communities in the area. Outreach efforts resulted in an additional 2,021 comments. During the extended comment period and as part of a hearing held in the community, members of the local communities expressed support for the permit and the dairy's operation.

What benefit does Lost Valley Farm bring to the local economy and does that outweigh potential environmental concerns?

The dairy is important to the local economy. Lost Valley estimates the dairy will spend about \$50 million annually, much of it going into the local economy, and provide 125 to 150 jobs in a rural area. Milk from this dairy will be sent to a local processor that also provides jobs in the area. Local governments and labor groups support its construction. However, the positive economic benefit does not factor into the CAFO permit approval decision. ODA and DEQ have determined the permit conditions adequately address the dairy's potential impact on water quality, which is the purpose of the permit.

How will the state ensure that the dairy is operating under the terms of the permit?

ODA conducts routine inspections of all permitted CAFOs, generally every 10 months. However, large individually permitted dairies, like Lost Valley Farm, are more frequently inspected, at least 3 to 4 times a year. In addition, the CAFO permit for Lost Valley Farm requires extensive monitoring, record keeping, and reporting. ODA and DEQ will continually review monitoring data in order to assess compliance with the permit's conditions.