

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

Tualatin River Watershed

603-095-0100

Purpose

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

(2) The purpose of these rules is to provide requirements for landowners and operators (as defined in ORS 568.903) in the Tualatin River Watershed Agricultural Water Quality Management Area to prevent and control water pollution from agricultural activities and soil erosion and to meet water quality standards.

Stat. Auth.: ORS 561.190-561.191 and ORS 568.912

Stats. Implemented: ORS 568.900-568.933

603-095-0120

Geographic and Programmatic Scope

(1) The Tualatin River Watershed Agricultural Water Quality Management Area includes the drainage area of the Tualatin River upstream from the confluence with the Willamette River near West Linn. The physical boundaries of the Tualatin River Watershed are mapped in Appendix A of these rules.

(2) Operational boundaries for the land base under the purview of these rules include all lands within the Tualatin River Watershed Agricultural Water Quality Management Area in agricultural use, agricultural and rural lands lying idle or on which management has been deferred, and forested lands with agricultural activities, except for public lands managed by federal agencies, Tribal Trust lands, and activities subject to the Oregon Forest Practices Act (ORS Chapter 527).

(3) Current productive agricultural use or profitability is not required for the provisions of these rules to apply.

(4) 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 that any services or fees are not duplicated.

Stat. Auth.: ORS 561.190-561.191 and ORS 568.912

Stats. Implemented: ORS 568.900-568.933

603-095-0140

Required Prevention and Control Measures

All landowners or operators conducting activities on lands described in OAR 603-095-0120(2) and (3) must comply with the following rules: A landowner or operator is responsible for only those conditions caused by activities conducted on land managed by the landowner or operator. These rules do not apply to conditions resulting from unusual

weather events or other exceptional circumstances that could not have been reasonably anticipated.

(1) Erosion

(a) There must be no visible evidence of erosion resulting from agricultural activities in a location where the eroded sediment could enter waters of the state.

(b) Visible evidence of erosion consists of one or more of the following features:

(A) Sheet wash, noted by visible pedestalling, surface undulations, and/or flute marks on bare or sparsely-vegetated ground; or

(B) Active gullies, as described in OAR 603-095-0010(1); or

(C) Multiple rills, which have the form of gullies but are smaller in cross section than one square foot; or

(D) Soil deposition that could enter surface water; or

(E) Streambanks breaking down, eroding, tension-cracking, shearing, or slumping beyond the level that would be anticipated from natural disturbances given natural hydrologic characteristics; or

(F) Underground drainage tile outlets that contribute to soil or bank erosion.

(c) Private roads used for agricultural activities, including road surfaces, fill, ditch lines, and associated structures, must not contribute sediment to waters of the state. All private roads used for agricultural activities not subject to the Oregon Forest Practices Act are subject to this regulation.

(2) Streamside Vegetation

(a) Landowners or operators must allow vegetation, consistent with site capability, to become established along perennial and intermittent streams to protect water quality by providing shade, filtering out pollutants from surface runoff, and protecting streambank integrity during high stream flows, such as would be expected to follow a 25-year, 24-hour storm.

(b) If any agricultural activity disturbs enough streamside vegetation to impair the conditions and functions described in 603-095-0140(2)(a), the landowner or operator must replant or restore the disturbed area with vegetation that will provide the functions required in 603-095-0140(2)(a).

(c) Agricultural activities are allowed if they do not impair the conditions and functions described in 603-095-0140(2)(a).

(3) Irrigation Water

Irrigation discharge, both surface and subsurface, that enters waters of the state must not exceed water quality standards or cause pollution of the receiving water.

(4) Nutrient Management

Landowners and operators must store and use feed, fertilizer, manure, and other sources of crop nutrients in a manner that prevents transport of pollutants to waters of the state.

(5) Waste

Persons subject to these rules must not violate any provision of ORS 468B.025 or ORS 468B.050.

Stat. Auth.: ORS 561.190-561.191 and ORS 568.912

Stats. Implemented: ORS 568.900-568.933

603-095-0180

Complaints and Investigations

(1) When the department receives notice of an alleged occurrence of agricultural pollution through a written complaint, its own observation, notification by another agency, or other means, the department may conduct an investigation. The department may coordinate inspection activities with the appropriate Local Management Agency (as defined in ORS 568.906).

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

(3) Any person alleging any violation of ORS 568.900 through 568.933, or any rules adopted thereunder, may file a complaint with the department.

(4) The department will evaluate and may investigate a complaint filed by a person under section OAR 603-095-0180(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 603-095-0180(4) "person" does not include any local, state, or federal agency.

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

Stat. Auth.: ORS 561.190-561.191

Stats. Implemented: ORS 568.900-568.933

Appendix A: Map

