



## The National Agricultural Law Center

[nationalaglawcenter.org](http://nationalaglawcenter.org) | [nataglaw@uark.edu](mailto:nataglaw@uark.edu) | [@nataglaw](https://twitter.com/nataglaw)

## State NPDES Authority Statutes:

*Oregon*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

# A National Agricultural Law Center Research Publication

## State NPDES Authority Statutes: Oregon

[O.R.S. § 468B.035](#)

[O.R.S. § 468B.037](#)

[O.R.S. § 468B.038](#)

*Current through the 2022 legislative session.*

### **§ 468B.035. Federal Water Pollution Control Act; Implementation.**

(1) The Environmental Quality Commission may perform or cause to be performed any acts necessary to be performed by the state to implement within the jurisdiction of the state the provisions of the Federal Water Pollution Control Act, P.L. 92-500, as amended, and federal regulations or guidelines issued pursuant to the Act. The commission may adopt, modify or repeal rules, pursuant to ORS chapter 183, for the administration and implementation of this subsection.

(2) The State Department of Agriculture may perform or cause to be performed any acts necessary to be performed by the state to implement the provisions of the Federal Water Pollution Control Act, P.L. 92-500, as amended, and any federal regulations or guidelines issued pursuant to the Act, relating to the control and prevention of water pollution from livestock and other animal-based agricultural operations. The department may adopt rules pursuant to ORS chapter 183 for the administration and implementation of this subsection.

### **§ 468B.037. Control of Pollutants.**

To the extent allowable by federal law, the Department of Environmental Quality, through its administration of the National Pollutant Discharge Elimination System permit program of the Federal Water Pollution Control Act and granting of variances, shall strive to protect human health and ecosystem health by controlling pollutants that are discharged into the waters of the state, as defined in ORS 468B.005, while also minimizing negative economic impacts on this state's economy incurred through meeting conditions included in the variances.

### **§ 468B.038. Grant of Variance.**

When the Department of Environmental Quality grants a variance as part of its administration of the National Pollutant Discharge Elimination System permit program of the Federal Water Pollution Control Act, the department shall consult with the applicant and, to the extent allowable by federal law, seek to:



(1) Minimize negative economic impacts that will be incurred by the applicant as a result of the variance; and

(2) Ensure that if conditions are included in the variance, the conditions are directly related to the purpose of the variance and that any negative economic impacts incurred by the applicant will be minimized.

