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

Middle Willamette

603-095-2300
Purpose

(1) These rules have been developed to implement a water quality management area plan for the Middle Willamette 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 Middle Willamette Agricultural Water Quality Management Area Plan.

(2) The purpose of these rules is to outline requirements for landowners in the Middle Willamette Agricultural Water Quality Management Area to prevent and control 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 Middle Willamette Agricultural Water Quality Management Area.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912
Stats. Implemented: ORS 568.900 - 568.933

603-095-2320
Geographic and Programmatic Scope

(1) The Middle Willamette Agricultural Water Quality Management Area includes the drainage area of the Marys River, Luckiamute River, Ash Creek, Dixon Creek, Frazier Creek, Rickreall Creek, and Glen Creek, as well as several smaller streams that drain directly to the Willamette River. The physical boundaries of the Middle Willamette 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 Middle Willamette Agricultural Water Quality Management Area in agricultural use, agricultural and rural lands that are lying idle or on which management has been deferred, and forest lands with agricultural activities, with the exception of public lands managed by federal agencies.

(3) Current productive agricultural use is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are within 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 Middle Willamette 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 shall 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, ORS 568.912
Stats. Implemented: ORS 568.900 - 568.933

603-095-2340
Prevention and Control Measures

(1) All landowners or operators conducting activities on lands in agricultural use shall comply with the following criteria. A landowner shall be responsible for only those conditions caused by activities conducted on land controlled by the landowner. A landowner is not responsible for violations of the Prevention and Control Measures resulting from actions by another landowner. Conditions resulting from unusual weather events (equaling or exceeding a 25-year, 24-hour storm event) or other exceptional circumstances are not the responsibility of the landowner. Limited duration activities may be exempted from these conditions subject to prior written approval by the department.

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

(b) By January 1, 2003, agricultural activities shall allow the growth and establishment of vegetation along perennial streams consistent with site capability to promote infiltration of overland flow, streambank stability and provide moderation of solar heating. Minimal breaks in shade vegetation for essential management activities are considered appropriate.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912
Stats. Implemented: ORS 568.900 - 568.933

603-095-2360
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 investigation activities with the appropriate Local Management Agency.

(2) Each notice of an alleged 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 evaluate or investigate a complaint filed by a person under section OAR 603-095-2360(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.

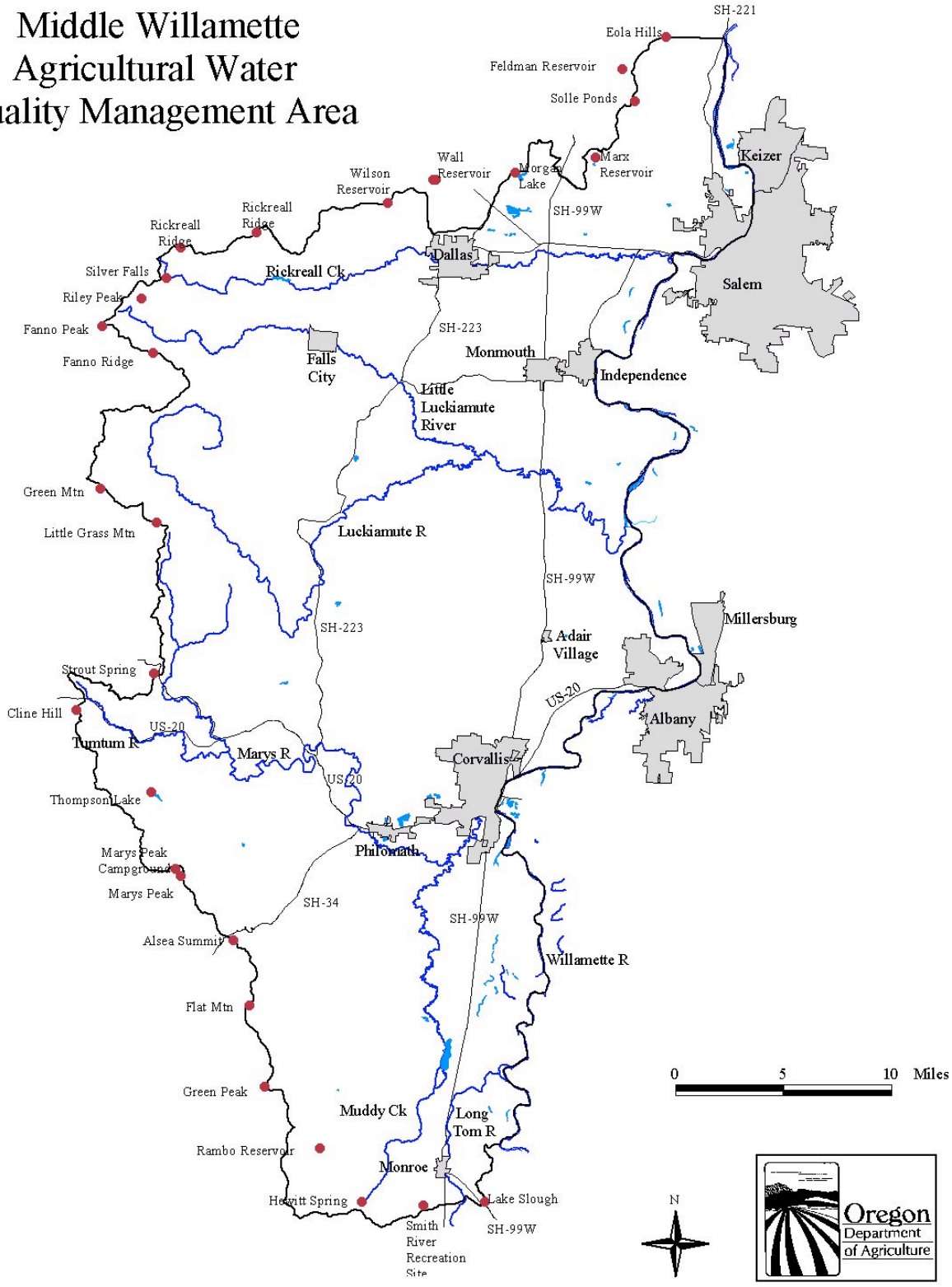
(5) As used in section OAR 603-095-2360(4), “person” does not include any local, state or federal agency.

(6) Notwithstanding OAR 603-095-2360, 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 to 568.933 or any rules adopted thereunder has occurred, the landowner may be subject to the enforcement procedures of the department outlined in OARs 603-090-0060 through 603-090-0120.

Statutory Authority: ORS 561.190 - 561.191, ORS 568.912
Stats. Implemented: ORS 568.900 - 568.933

Appendix 1


Middle Willamette
Agricultural Water
Quality Management Area
SH-221
Eola Hills
Feldman Reservoir
Solle Ponds
Keizer
Wall
Reservoir
Morgan
Lake
Marx
Reservoir
Wilson
Reservoir
SH-99W
Rickreall
Ridge
Rickreall
Ridge
Dallas
Silver Falls
Rickreall Ck
Salem
Riley Peak
Fanno Peak
SH-223
Fanno Ridge
Falls
City
Monmouth
Independence
Little
Luckiamute
River
Green Mtn
Little Grass Mtn
Luckiamute R
SH-99W
Millersburg
SH-223
Adair
Village
Strout Spring
US-20
Cline Hill
Albany
Tumtum R
US-20
Marys R
Corvallis
US-20
Thompson Lake
Philomath
Marys Peak
Campground
Marys Peak
SH-34
SH-99W
Alsea Summit
Willamette R
Flat Mtn
0
5
10
Miles
Green Peak
Muddy Ck
Long
Tom R
Rambo Reservoir
Monroe
Hewitt Spring
Lake Slough
N
Smith
River
Recreation
Site
SH-99W
Oregon
Department
of Agriculture