

**BEFORE THE OREGON DEPARTMENT OF AGRICULTURE**

In the Matter of: Eric Simon	)	NOTICE OF PERMIT
Dbas JS Ranch	)	REGISTRATION MODIFICATION
Registrant to CAFO WPCF	)	#2231032
General Permit No.01-2015,	)	
Master Address No. 995343	)	<u>Sent via certified and regular mail.</u>

**I. BACKGROUND**

Pursuant to its authority, the Oregon Department of Agriculture (ODA or department) has adopted Water Pollution Control Facilities (WPCF), General Permit No. 01-2015 for Confined Animal Feeding Operations (CAFOs). ORS 468B.035. ORS 468B.217. OAR 603-074-0014. Any person owning or operating a CAFO must obtain coverage under the Oregon CAFO Permit System (NPDES or WPCF) General Permit Number 01-2016, or General Permit Number 01-2015 (“CAFO Permit No. 1”) and must comply with the permit’s terms. ORS 468B.025. OAR 603-074-0014. ODA, as the administering agency, is charged with enforcing the terms of permitted operations so as to protect the public against animal wastes discharged into the waters of the state. ORS 468B.205. No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050 nor cause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. ORS 468B.025.

ODA may revoke or modify a CAFO permit and may impose on the permit only those conditions necessary to ensure that wastes are disposed in a manner that does not cause pollution of the surface and ground waters of the state. ORS 468B.215.

The department herein modifies CAFO permit registration #995343 JS Ranch, as described in Section III below.

**II. FINDINGS OF FACT**

1. Eric Simon (“registrant”) operates a poultry (Eric Simon) located at 37225 Jefferson-Scio Dr. in Scio, Oregon, 97374.
2. Eric Simon is registered as a Confined Animal Feeding Operation (CAFO) as defined in ORS 468B.205. The master address number for the poultry CAFO located at 37225 Jefferson-

Scio Rd. in Scio, Oregon, 97374, is 995343. A WPCF CAFO General permit registration was issued on May 25, 2022.

3. CAFO General Permit No. 01-2015 contains the following Discharge Limitations:

**S2.A. Prohibitions and Discharge Limitations**

1. The permit registrant must not discharge manure, litter or process wastewater to surface water of the state.

4. CAFO General Permit No. 01-2015 contains the following condition allowing additional monitoring:

**S4.E. Additional Monitoring**

1. ODA may establish specific monitoring requirements in addition to those contained in this permit by administrative order. An administrative order is an agency action expressed in writing directed to a named person or named persons (ORS 183.310).
2. If a permittee experiences two or more discharges within a 24-month period that are not associated with a 25-year, 24-hour or greater rainfall event, ODA may require surface water and/or groundwater quality monitoring or transfer the permittee to an individual permit. Monitoring for the following parameters may be required: bacteria, total suspended solids, total kjeldahl nitrogen, biochemical oxygen demand, and other nutrient indicators. If ODA waives the additional monitoring requirements because such monitoring would be impractical or not likely to produce useful information, ODA will set out the basis for the decision in writing and make the decision available to interested persons.

### III. REGISTRATION MODIFICATION

The department hereby modifies Eric Simon registration #995343 to CAFO General Permit No. 01-2015. The department finds that the following conditions are necessary to ensure that wastes are managed in a manner that does not cause pollution of the ground waters of the state. All other terms of the CAFO General Permit No.01-2015 remain in effect.

A. Monitoring and Reporting:

1. Soil and Litter / Compost Monitoring

The permit registrant will conduct the following sampling and analysis:

Sample Type	Analytical Parameter	Minimum Frequency	Sample Method
Exported manure and compost	Total nitrogen Total phosphorus	Annually	Sample according to guidance contained in PNW 0533 and PNW 505.
Soil from crop land located on the CAFO. (Note, no land application of litter or compost is allowed at this CAFO)	Total nitrogen Total phosphorus Nitrate-nitrogen	Annually after summer crop harvest but before October 1 of each year	Sample according to guidance contained in PNW 570-E, EM 8832-E for post-harvest nitrate-nitrogen

## 2. Facility Monitoring

The permit registrant will conduct the following monitoring and inspections:

Item	Minimum Frequency
(a) Stormwater diversion devices, runoff diversion structures, Litter, compost and mortality storage structures, and devices channeling contaminated stormwater to stormwater containment structures	Weekly and record results
(b) Static ground water level monitoring at one upgradient and one down gradient location.	First day of each month and record results.
(c) Drinking water well surveillance monitoring. For all drinking water wells located on CAFO property. Samples analyzed for nitrate-nitrogen and e-coli bacteria	February 1 and July 1 of each year and record results.

### 3. Recordkeeping and Availability Requirements

The permit registrant will record the following information:

Item or Parameter	Minimum Requirements
(a) Date, amount, and nutrient loading of manure, litter, or process wastewater applied to each field.	Required
(b) Weather conditions at the time of application and 24 hours before and after application.	Required
(c) Total amount of nitrogen and phosphorus actually applied annually to each field, including documentation of calculations of the total amount applied.	Required
(d) Total amount of manure or wastewater transferred or exported to other persons.	Required. Also include: (i) Date and amount of each transfer or export (ii) Name and address of each recipient (iii) Copy of the manure nutrient analysis conducted provided to the recipient
(e) Description of actions taken to correct deficiencies discovered during inspections.	Required

#### B. Records Retention:

1. Keep the records and results of monitoring for 5 years and make them available to ODA upon request.
2. The permit registrant must maintain all information required by this permit at the facility for at least five (5) years and make this information available to ODA upon request.
3. Complete and submit a Large CAFO Annual Report by March 15 each year.

IT IS SO ORDERED this 26 day May, 2022.



---

Isaak Stapleton, Director  
Natural Resources & Pesticide Programs

Cc: Chris Anderson, Area IV, LWQS

Attachments: Soil & Manure monitoring publications: PNW 570-E & EM-8832-E,

IS/wm/js