

Proposed August 16, 2024

J-S Ranch National Pollutant Discharge Elimination System Individual Permit Fact Sheet and Permit Evaluation Report

FACILITY	SOURCES COVERED BY THIS PERMIT
J-S Ranch 37225 Jefferson Scio Dr Scio, OR 97374	<i>Type of Materials:</i> Poultry manure, litter, and process wastewater <i>Method of Utilization/Disposal:</i> Roofed storage, composting, and export
CAFO TYPE AND LOCATION	RIVER BASIN INFORMATION
<i>Type:</i> Poultry CAFO (broilers) <i>Location:</i> 37225 Jefferson Scio Dr, Scio, OR 97374 <i>Manure and process wastewater land application site:</i> No applications on site <i>Latitude/Longitude:</i> 44°42'53.00"N 122°55'32.00"W Township 10S, Range 02W, Tax lot 501	<i>Basin:</i> Willamette <i>Sub-basin:</i> South Santiam <i>Hydro Code:</i> 17090006 <i>County:</i> Linn
EPA REFERENCE NO.: INV-ORI010828	

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J-S Ranch
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Fact Sheet and Permit Evaluation Report

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1. Overview

1.1 Proposed Permit Action

Oregon Department of Agriculture (ODA) and Oregon Department of Environmental Quality (DEQ) are proposing to issue National Pollutant Discharge Elimination System (NPDES) individual permit coverage for J-S Ranch. J-S Ranch is a broiler facility that has not yet been constructed.

While many of the NPDES individual permit conditions in this proposed permit are similar to those of the extended CAFO NPDES General Permit #01-2016, ODA and DEQ have included requirements that are specific to J-S Ranch. This proposed permit prohibits pollution of surface and groundwater through oversight of CAFO activities. NPDES General Permit #01-2016 regulates CAFOs that have the potential to discharge to surface waters of the state.

This proposed individual permit affects J-S Ranch and interested parties potentially affected by CAFO operations. This proposed NPDES individual permit will expire five years after permit issuance.

1.2 Why is a Permit Needed?

It is the policy of the State of Oregon to protect water quality by preventing the discharge of animal wastes to waters of the state. ORS 468B.200. The state also requires a water quality permit for animal feeding operations that meet the state definition of a CAFO, including where the operation is a concentrated animal feeding operation as defined by EPA's regulations implementing the federal Clean Water Act. ORS 468B.050; OAR 340-051-0010; OAR 603-074-0010. The CAFO permit program is administered jointly by ODA and DEQ, pursuant to special statutory authority. ORS 468B.217.

ODA and DEQ have implemented the statutes by adopting rules and issuing permits that preclude discharges to groundwater and discharges to surface waters except in certain limited situations. For poultry operations, discharges to surface waters may be allowed only during specified storm events and subject to effluent limits protecting water quality standards. Under this proposed permit, there will be no permitted discharges for J-S Ranch.

J-S Ranch meets the federal definition of *large concentrated animal feeding operations* because it is designed to confine more than 125,000 chickens. Under the

state CAFO definition, in the context of individual permitting, J-S Ranch is considered an Individual Tier II operation. Because J-S Ranch proposes a CAFO the operation of which could, absent protective permit requirements, alter the physical, chemical or biological properties of waters of the state, or result in a discharge to waters of the state, the agencies have determined that ORS 468B.050(1)(d) requires J-S Ranch to obtain a water quality permit from the Departments.

The purpose of the permit requirement is to prevent contamination of surface and ground waters, which can occur due to improper collection and storage of wastes, contamination of storm water runoff, or undersized or leaking waste storage facilities.

1.3 Regulated Activities

This proposed NPDES individual permit regulates manure, litter, and process wastewater from CAFO activities. CAFO activities at J-S Ranch include the confinement and feeding of poultry for meat in barns, and the storage and export of generated manure, litter, and process wastewater. Process wastewater may include:

- Spillage or overflow from animal watering systems that comes into contact with manure, litter, or bedding;
- Water from direct contact washing or spray cooling of animals;
- Water from dust control; and
- Washing and cleaning of cool cell system and fans.

1.4 Description of Pollutants

The most common pollutants found in manure, litter, and process wastewater from CAFOs include biochemical oxygen demand (BOD), total suspended solids (TSS), nutrients (nitrogen and phosphorous compounds), and bacteria. While CAFO manure, litter, and process wastewater may be used beneficially as fertilizer, pollutants within these products can be harmful to groundwater and surface water if there is an application to crops in excess of recommended agronomic rates, a discharge directly to groundwater and surface water in the event of a spill, or an application near wells or stormwater drainage ditches.

Biochemical oxygen demand (BOD) represents the amount of oxygen consumed by bacteria and other microorganisms while they decompose organic matter under aerobic (oxygen is present) conditions at a specified temperature. Excessive BOD uses dissolved oxygen that would normally be needed to support aquatic life. Nutrients exert a demand for oxygen when the nutrients break down. Nutrients also can increase algae and aquatic plant growth and the decomposition of algae and aquatic plant growth can deplete dissolved oxygen levels. The lowering of dissolved oxygen levels in waters of the state can cause fish kills. Other forms of nitrogen can also have direct negative effects: ammonia at high levels in surface water can be toxic to fish and high nitrate levels in drinking water can have harmful effects on humans. Bacteria, viruses, and parasites found in animal waste can increase the risk of waterborne diseases in livestock, wildlife and humans. Fecal coliform and *E. coli* are

types of bacteria that are commonly used as biological indicators to assess whether there is a threat to public health or beneficial uses of a water body (recreational, industrial, domestic drinking water supply, or agricultural uses).

2. J-S Ranch Operations

2.1 General Description

J-S Ranch is proposing to construct a broiler operation to raise 566,400 birds per flock, six flocks per year, with a dry waste system. It will be responsible for managing and exporting its own manure, litter, and process wastewater.

The operation will be located in Scio, Oregon; see cover page and figures 2-1 and 2-2 below for more detail. The operation is in the South Santiam sub-basin because the proposed location of the facility and pre-submitted designs demonstrate that the facility will be graded such that all rainwater and any discharge in violation of the permit would flow into the South Santiam sub-basin. Table 2-1 illustrates the amount of manure and process wastewater expected to be generated if this CAFO is operated at maximum capacity. For information on nutrient content and more detail on manure and wastewater generation, please see the individual CAFO Nutrient Management Plan.

Table 2-1: Estimated Manure and Process Wastewater Generated at Maximum Capacity

Animal Type	Animal Number	Estimated Manure and Litter Generated		Estimated Process Wastewater Generated
		Cu Feet/ Day	Cu Feet/ Year	Gallons/ Year
Broiler	566,400	2,580	941,680	25,740

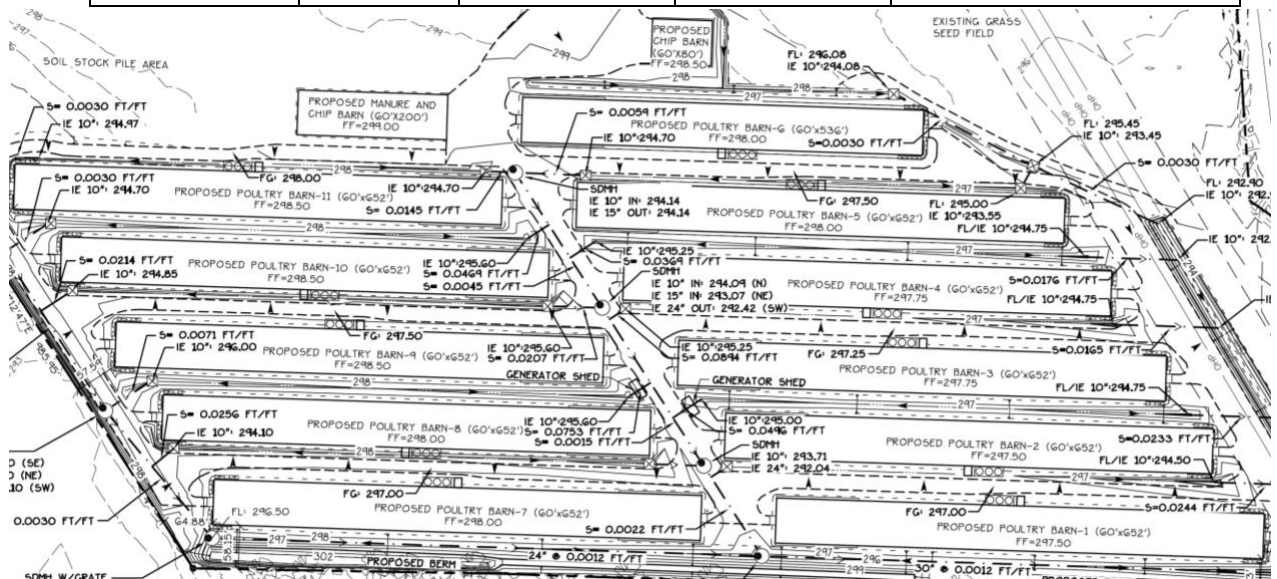


Figure 2-1: Proposed site plan of J-S Ranch

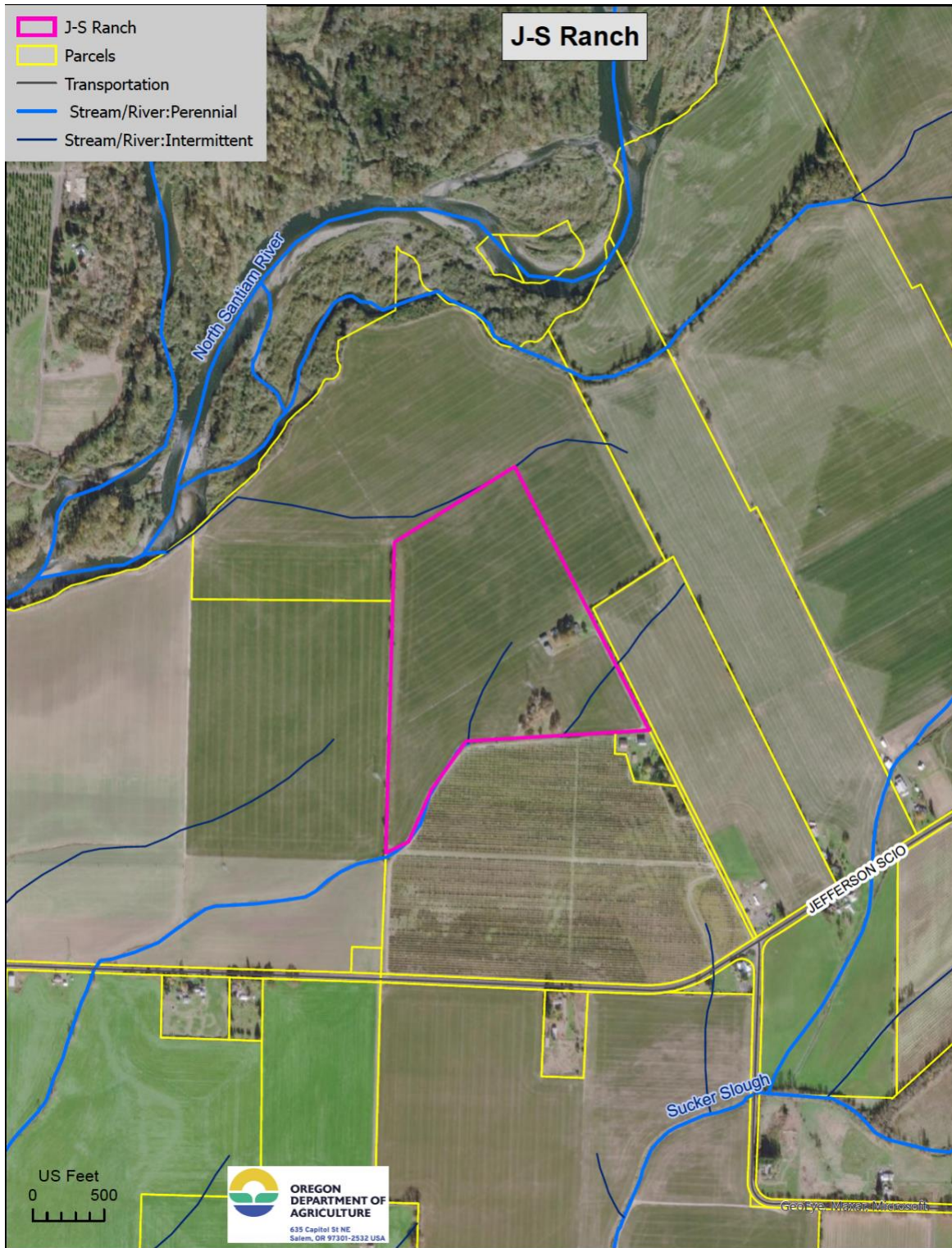


Figure 2-2: Aerial map of J-S Ranch property in Scio, Oregon.

2.2 Compliance History

There is no compliance history for J-S Ranch.

2.3 Nutrient Management Overview

J-S Ranch is proposing to construct an Individual Tier II dry waste broiler facility with 11 poultry housing barns, a chip barn, and one manure and chip barn to raise 566,400 birds per flock, and six flocks per year. J-S Ranch anticipates the operation will produce 941,680 cubic feet of manure and litter per year which will be exported.

Each of the poultry housing barns will be roofed and have earthen floor surfaces constructed to be 2 feet above the seasonal high-water table. Each poultry housing barn floor will contain a compacted soil pad of at least 2 inches thick, 4 to 6 inches below the earthen floor surface. J-S Ranch will use approximately 306,504 cubic feet of kiln dried wood shavings as bedding material to capture liquids and poultry manure per year of production. The manure and chip barn will be roofed and contain cement floors.

In between flocks of birds, J-S Ranch will remove manure and litter from the poultry housing barns and store it in the manure and chip barn. J-S ranch will clean entry and exit areas to keep manure and litter contained in appropriate roofed structures. Water used to wash down cooling cells and fans will be captured by a portable water catch basin and transported to the manure and chip barn. Mortalities will be composted on site in in the manure and chip barn.

J-S Ranch will not apply manure, litter, or process wastewater to any of its fields. All manure and litter will be exported from the facility and all process wastewater will be managed such that it is absorbed and contained in the manure, litter, and composting materials, to be handled as solids. Manure and litter exports will be sampled annually according to the NMP and permit.

The proposed permit requires additional monitoring of J-S Ranch to ensure no discharge is occurring to groundwater. The proposed permit requires the permittee to place soil moisture sensors 2, 8, and 12 inches below the compacted soil pad surface in each poultry housing barn to alert the operator of any issues with either rising groundwater or seeping nutrients. The proposed permit requires J-S ranch to respond appropriately to any soil moisture readings by adding absorbent wood shavings to poultry housing barns or adjusting management of the site subsurface drainage system to lower the rising water table.

3. Environmental Concerns

3.1 Antidegradation Policy Review

For surface waters of the state, the antidegradation policy in OAR 340-041-0004 is in place to protect existing water quality when existing water quality meets or exceeds

standards and to restore water quality limited water. Antidegradation requires the protection and maintenance of existing uses and the level of water quality necessary to protect those uses and limits when new or increased pollutants may be allowed.

The Departments have determined that issuance of this proposed NPDES individual permit is consistent with the antidegradation policy and will not degrade existing water quality because the permit prohibits discharge. Prohibiting discharge ensures J-S Ranch will not contribute to a violation of state water quality standards or further degrade impaired water.

If a permittee has the potential to adversely impact groundwater quality, then a Groundwater Quality Protection Program is required under OAR 340-040-0030. Due to the protective designs of J-S Ranch's waste storage facility and poultry housing barns and associated groundwater discharge monitoring scheme, the Departments have determined that an adverse groundwater quality impact is unlikely and no further evaluation is required. DEQ has determined that this permit is consistent with OAR 340-040-0020 for control of groundwater discharges because waste management activities must be consistent with a Nutrient Management Plan (NMP) that is a part of this permit, and the permit prohibits discharge to groundwater.

3.2 Total Maximum Daily Load (TMDL)

OAR 340-045-0035(3) requires the Departments to explain: 1) if the proposed issuance of a new NPDES permit or NPDES permit renewal will allow the discharge of pollutants that could affect parameters for which a water body may be water quality limited under Section 303(d)(1) of the Clean Water Act, and 2) if the permit does allow such discharge, how the Departments can allow it.

As explained below, this NPDES individual permit, much like the CAFO NPDES General Permit #01-2016, does not allow pollutant discharges to surface waters; as a result, waters with and without a TMDL will be protected.

J-S Ranch has the *potential* to discharge a variety of pollutants (see section 1.4) to Thomas Creek, a tributary of the South Santiam River in the South Santiam sub-basin. The South Santiam is listed as water quality limited for temperature. However, this individual permit prohibits any discharge to surface waters.

Water bodies designated as water quality limited on Oregon's EPA approved 303(d) list are evaluated using a comprehensive approach that identifies potential sources of the impairment pollutant entering a water body. TMDLs developed for water bodies that are impaired describe the amount of each pollutant a waterway can receive and meet water quality standards for designated and existing uses. A TMDL takes into account the pollution from all sources and may provide a wasteload allocation to a point source or group of point sources or prohibit discharge. NPDES permits covering

point sources with a wasteload allocation under the TMDL may allow discharges of the pollutant under effluent limits developed to implement the allocation.

Impaired water on Oregon's EPA approved 303(d) list without a TMDL will be protected because the permit is a no-discharge permit with effluent limits of 0 for nitrate plus nitrite nitrogen, phosphorous and bacteria.

If additional site-specific requirements are necessary, J-S Ranch will be required to revise its NMP to incorporate the requirements. ODA will provide a public review of the NMP at the time.

4. Discussion of Proposed NPDES Individual Permit

4.1 Outline of Permit

The proposed NPDES individual permit is organized as follows:

- Face page (identifies the type of permit, statutory authority for permit issuance, issuance date, and expiration date)
- Table of Contents
- Definitions
- Special Conditions 1 (S1): Permit Coverage
- Special Conditions 2 (S2): Discharge Limitations and Operating Requirements
- Special Conditions 3 (S3): Nutrient Management Plan
- Special Conditions 4 (S4): Monitoring, Inspection, Recordkeeping, and Reporting Requirements
- Special Conditions 5 (S5): Water Supply Plan
- General Conditions

Note: The special conditions are unique to this proposed permit, whereas the general conditions are required in all NPDES permits. This proposed individual permit meets all conditions and requirements of the CAFO NPDES General Permit #01-2016 and has additional requirements.

4.2 Definitions

This section contains definitions to clarify terms used in the proposed NPDES individual permit.

4.3 Special Conditions: S1. Permit Coverage

4.3.1 S1.A. What activities are covered by this permit?

This proposed NPDES individual permit authorizes the generation and handling of manure, litter, and process wastewater resulting from CAFO operations identified in the ODA-approved NMP. It does not cover any discharges of manure, litter, and process wastewater nor the disposal of human wastes or systems that mix animal and human wastes.

Condition S1.A.3 provides clarification on agricultural stormwater. Pursuant to 40 CFR 122.23(e), precipitation related discharges that qualify as “agricultural stormwater” are not subject to NPDES permit requirements. For discharges from production areas to meet the definition of agricultural stormwater, manure, litter, and process wastewater must be stored in accordance with site specific practices listed in the ODA-approved NMP and the individual permit.

The effect of NPDES permit compliance is provided in OAR 340-045-0080.

4.3.2 S1.B. How do I transfer permit coverage to a new owner or operator?

This condition informs the permittee that permit coverage may be transferred to a new owner or operator if an ODA transfer form is submitted to ODA 30 days before the transfer occurs or as specified by ODA. The previous owner or operator as well as the new owner or operator must sign the form. Permit transfer is described in OAR 340-045-0045 and 40 CFR 122.61.

4.3.3 S1.C. How do I renew permit coverage?

If the permittee would like to renew permit coverage, they must submit an ODA renewal application 180 days before the expiration date of the permit, unless a shorter period is approved by the department. In no event may the renewal notice be submitted after the expiration date of this permit. Renewal applicants are required to ensure that their NMP and Water Supply Plan (WSP) are up to date and approved by the Department.

4.3.4 S1.D. How do I terminate permit coverage?

Coverage under this proposed CAFO NPDES individual permit will be terminated upon issuance of a different CAFO individual permit or cessation of operations and decommissioning of the waste storage and control facilities.

This condition allows termination of NPDES individual permit coverage if any of the following apply:

- Conditions or standards change so that the source or activity no longer qualifies for individual permit coverage; or
- The facility no longer has animals on site and waste storage facilities have been properly repurposed or decommissioned. Requirements for cleaning and repurposing or decommissioning of waste storage and control facilities are specified.

The permittee must certify that it will not commence operations of any other regulated CAFO at the same location without the appropriate CAFO permit coverage.

ODA will respond to a written request for termination by conducting a site inspection and a review of the permit registrant's file. ODA will also notify the permittee in writing of its determination to grant or deny the request with an explanation of why, if the request is denied. Permit termination activities are described in OAR 340-045-0060 and 40 CFR 122.64.

4.3.5 S1.E. Will my information be kept confidential?

This section provides the requirements in EPA's regulations and Oregon statutes relating to public requests for records relating to registrations under the permit. Under EPA's regulation, the name and address of an applicant or permittee and attachments to an application submitted to ODA, and discharge data cannot be kept confidential 40 CFR 122.27(b) and (c). Under Oregon law, certain other records, reports or information may be protected as a trade secret under appropriate circumstances if the permit applicant or registrant requests nondisclosure under the procedures set out in ORS 468.095.

4.3.6 S1.F. What are the public notice and participation requirements of this permit?

The NPDES Individual permit requires public notice prior to approving permit coverage, renewing permit coverage, or modifying the permit. The notice requirements are described in OAR 340-045-0027 and 40 CFR 124.

4.4 Special Conditions: S2. Discharge Limitations and Operating Requirements

The following limitations and prohibitions are consistent with OAR 340-051-0020(1), which states that "all confinement areas, manure handling and accumulation areas and disposal areas and facilities must be located, constructed and operated such that manure, contaminated drainage water or other wastes do not enter the waters of the state at any time, except as may be permitted by the conditions of a specific waste discharge permit issued in accordance with ORS 468B.050."

4.4.1 S2.A. Prohibitions and Discharge Limitations

The proposed individual permit prohibits the discharge of manure, litter, and process wastewater to surface or groundwater. If a discharge does occur, an effluent grab sample must be taken.

Discharges that have the potential to contaminate groundwater will be prevented through engineered controls, calculated with safety factors intended to result in specific discharges that align with technical guidance developed by the Natural Resource Conservation Service, as protective of sensitive groundwaters.

4.4.2 S2.B. Production Area Limitations

J-S Ranch is prohibited from discharging manure, litter, or process wastewater from the production area to surface water. An operator is required to assure that

waste storage facilities are adequate and operating properly to comply with permit conditions, so such a discharge does not occur. All manure, litter, and process wastewater must be properly exported, and all manure, litter, and process wastewater handling areas are to be cleaned to prevent the production of contaminated stormwater.

This operation, as proposed, has no uncovered manure and litter storage areas. The liquid waste system is limited to a 275-gallon tote which collects wastewater from cool cells and a catch basin which collects wastewater from fan cleaning, before combining the process wastewater with manure, litter, and composting materials in storage. All liquids are combined with absorbent materials immediately to create a solid waste. Manure and litter are to be stored on concrete or on a compacted soil pad that is defined by the permit as a soil floor with at least 2 inches of soil compacted to 1×10^7 cm/sec permeability.

4.4.3 *S2.C. Land Application Limitations*

This proposed NPDES individual permit does not allow for land application of manure, litter, or process wastewater. All manure, litter, and process wastewater will be exported to third parties.

4.4.4 *S2.D. Direct Access of Animals to Surface Waters of the State in the Production Area Prohibited*

The permit prohibits direct animal contact with surface waters of the state in the production area of the CAFO. Direct contact means any situation where animals in the production area have free access and are allowed to loiter or drop waste in surface waters.

4.4.5 *S2.E. Solid Manure and Process Wastewater Storage Facilities*

J-S Ranch must site, design, construct, operate, and maintain all waste storage facilities consistent with its ODA-approved NMP. New and modified construction of waste storage facilities must be approved in advance and prior to construction by ODA in conformance with ORS 468B.055 and OAR Chapter 340, Division 051 Confined Animal Feeding or Holding Operations and Chapter 603, Division 074 Confined Animal Feeding Operation Program.

This operation is a dry-waste broiler facility that will generate some liquids as process wastewater described in section 1.3 of this Fact Sheet. The permit requires that all waste is stored on prepared surfaces and that there is adequate storage so that any process wastewater produced can be absorbed into the manure, litter, and composting materials to manage all wastes as solids. To ensure sufficient absorbent materials are being used to prevent discharge to groundwater and to monitor for system or management failure, soil moisture monitoring sensors in combination with compacted soil pads are required in each poultry housing barn.

The compacted soil pad required under each poultry housing barn will be overly protective of groundwater because it meets the permeability and specific discharge standards required by NRCS of a liquid waste storage system. Management practices will ensure no free-standing liquids travel to the compacted soil layer, and if they do, soil moisture resistance sensors will alert the permittee to take remedial action. Using the procedures described in Appendix 10d of the Agricultural Waste Management Field Handbook, the Department has determined that the compacted soil layer must be 2 inches thick and compacted to 1×10^{-7} cm/sec and the designed specific discharge must be less than 370 G/acre of compacted soil pad per day.

Any new waste system construction, including to increase storage capacity to accommodate an increase in animal numbers, must be approved in two phases. First, a Construction Plan must be submitted and approved by ODA prior to construction, and upon its completion, the Director must then issue an approval prior to utilizing the new structure or bringing in additional animals.

4.4.6 S2.F. Prevention of System Overloading

The permittee may not increase the number of animals over 10% or 25 animals, whichever is greater, of the maximum number assigned by ODA in the *Notice of Registration and Individual Permit Summary* until an updated plan is approved in writing by ODA. In addition, the permittee must ensure that the animal numbers do not exceed the capacity of the waste storage facilities.

4.4.7 S2.G. Handling of Animal Mortalities

This section prohibits the disposal of animal mortalities in liquid manure or wastewater control facilities. It also requires the permittee to handle animal mortalities in such a way as to prevent discharge of pollutants to surface water or groundwater. Animal mortalities will be composted in the manure and chip barn.

4.4.8 S2.H. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems used for process waste collection, storage and utilization, and correct any deficiencies found as soon as possible.

4.4.9 S2.I. Maintaining Compliance if System Fails

The permittee must control all applications and discharges upon reduction, loss, or failure of the waste storage or utilization facilities until the facilities are restored or an alternative method of storage or utilization is provided. This requirement also applies only when the primary source of power is reduced, lost, or fails.

4.4.10 S2.J. Setback Requirement

This condition would list the federal requirement (40 CFR 412.4(a)(5)) for a 100-foot non-vegetated setback or 35-foot vegetated managed setback. However, under this individual permit, no applications of manure, litter, or process wastewater are permitted so there is no need for a setback.

4.4.11 S2.K. Manure, Litter, or Process Wastewater Transfers

The permit requires the permittee to retain responsibility of the manure, litter, and process wastewater until the transfer or export is completed with the required documentation. This condition specifies the records required under permit condition S4.C. This condition requires that J-S Ranch provide the recipient of manure, litter, or process wastewater with a nutrient analysis from the previous 12 months prior to the transfer.

4.4.12 S2.L. Proper Disposal of Other Wastes

This NPDES individual permit requires the management and proper disposal of wastes other than manure, litter, and process wastewaters.

State regulations that apply to proper management and disposal are in place. For example, DEQ's Hazardous Waste web page at <http://www.deq.state.or.us/lq/hw/hwmanagement.htm> contains fact sheets and regulations on management of wastes.

- Division 100 – Hazardous Waste Management System: General
- Division 101 – Identification and Listing of Hazardous Waste
- Division 102 – Standards Applicable to Generators of Hazardous Waste
- Division 109 – Management of Pesticide Wastes
- Division 113 – Universal Waste Management

Other state and local agencies also have rules and responsibilities regarding the storage of pesticides and hazardous chemicals:

- Oregon State Fire Marshal www.oregon.gov/OOHS/SFM/index.shtml
- Oregon Department of Agriculture www.oregon.gov/ODA/index.shtml

4.5 Special Conditions: S3. Nutrient Management Plan

4.5.1 S3.A. Nutrient Management Plan (NMP) Implementation and Compliance

This proposed NPDES individual permit:

- 1) Requires the permittee to implement its ODA-approved NMP;
- 2) Incorporates the ODA-approved NMP into the permit by reference; and
- 3) Requires the permittee to comply with its ODA-approved NMP.

4.5.2 S3.B. NMP Submittal and Public Notice

This section of the NPDES individual permit requires J-S Ranch to submit its NMP for review and approval which is subject to public notice requirements.

4.5.3 S3.C. NMP Elements

An ODA-approved NMP is required for permit coverage. Once an NMP is approved by ODA, the CAFO must be managed in compliance with the NMP at all times.

The level of detail of information required in NMPs will depend on the size, complexity, and other specifics of each CAFO, and the need for additional or alternative information in an NMP will continue to be established by ODA on a case-by-case basis as required as part of a separate corrective order. A separate enforcement action can contain a schedule of improvement projects.

Through the individual permit, J-S Ranch must include management practices to manage seasonal high water tables through subsurface drainage to maintain 2 feet of separation with the compacted soil pad in each poultry housing barn.

4.5.4 S3.D. Design Requirements for Waste Storage Facilities and Poultry Housing

All waste storage facilities at J-S Ranch must be approved by the Departments prior to construction and manure must be stored on concrete or a compacted soil pad.

4.5.5 S3.E. Requirements for NMP Updates and Changes

This section defines which types of NMP changes would be considered a substantial change and which types would be considered a non-substantial change. For either a substantial or non-substantial change, J-S Ranch must submit any NMP proposed changes to ODA 60 days in advance of the proposed change and must not implement a proposed change until ODA has approved it. For substantial changes ODA will public notice as described in S1.F.

The following are considered “substantial changes” to the NMP:

- Addition of new land application areas not previously included in the NMP, unless the land application area is covered by an existing NMP that has already been incorporated into an existing NPDES permit and the application of manure, litter, or process wastewater on the newly added land application area is in accordance with that existing NPDES permit.
- Any changes to the field-specific maximum annual rates for land application.
- Any changes to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop.
- Addition of any crop or other uses not included in the NMP and corresponding field-specific rates of application.

- A change in the type of manure system including but not limited to switching from a dry to a liquid manure system, switching from a liquid to a dry manure system, or changing the manure system to accommodate an animal species or type of operation not included in the scope of the current NMP.
- Any changes that are likely to increase the risk of nitrogen and phosphorus transport to waters of the U.S.

4.6 Special Conditions: S4. Monitoring, Inspection, Recordkeeping, and Reporting Requirements

4.6.1 S4.A. Monitoring Requirements

J-S Ranch is required to monitor soil moisture below poultry housing areas to ensure proper management of CAFO wastes. If soil moisture sensors indicate moisture traveling downward from confinement facilities, or upward from a rising water table, management actions must be taken. The permit describes how monitoring sensors will indicate a discharge to groundwater.

J-S Ranch is also required by this proposed permit to visually monitor the production area for manure, litter, or process wastewater that may result in a discharge to surface water and both remedy improperly contained wastes and record the results of those daily inspections.

If a prohibited discharge does occur:

1. Any discharge or runoff that is not allowed by the permit must be recorded and reported to ODA within 24 hours.
2. The record must contain a description and cause of the discharge; the period of discharge, including exact dates, times, and duration of discharge; an estimate of the volume of the discharge; name or location of receiving water; if a grab sample was taken of the discharge; corrective steps to reduce, eliminate or prevent recurrence; and confirmation that Oregon Emergency Response System (OERS) was notified if discharge may have come in contact with a drinking water intake.
3. A written report must be submitted to ODA within (5) days.
4. In the event of equipment failure, ODA must be notified within 24 hours.

Grab samples for effluent discharge from production area to surface waters are to be analyzed using test methods in 40 CFR Part 136. The sample is to be analyzed for *E. coli*, nitrate plus nitrite nitrogen (NO₃+NO₂), total phosphorus (P), and TKN.

Item or Parameter	Minimum Frequency	Type of Record
Soil moisture sensors below poultry housing barns	Weekly	Meter reading
Perimeter surrounding poultry housing barns and waste storage facilities	Daily	Visual inspection: record date and condition

Manure and litter removed from poultry housing barns	Each occurrence	Estimated Volume
Process wastewater collected from cleaning activities	Each occurrence	Estimated Volume
Total nitrogen and total phosphorus of exported manure and litter	Annually	Sample according to guidance contained in PNW 0533 and PNW 505
<i>E. coli</i> , nitrate plus nitrite nitrogen, total phosphorus, and TKN of effluent discharge from production area	Upon occurrence	Grab sample analyzed using test methods in 40 CFR part 136

4.6.3 S4.B. Facility Inspection Requirements

The proposed permit requires the permittee to conduct the following inspections, record the results of its inspections, and correct any deficiencies found as a result of these inspections as soon as possible. Also, the permit registrant must record any actions taken to correct these deficiencies and, if deficiencies are not corrected within 30 days, provide an explanation of the factors preventing immediate correction.

Area	Minimum Frequency	Type of Record
Watering systems and cooling cells	Daily when operating	Visual inspection: record date and condition
Stormwater diversion devices, runoff diversion structures, waste storage facilities, and poultry housing barns	Weekly	Visual inspection: record date and condition
Equipment used for manure, litter, and process wastewater collection and transport	Daily when operating	Visual inspection: record date and condition
Water lines, including drinking water or cooling water lines	Daily	Visual inspection: record date and condition

4.6.4 S4.C. Recordkeeping and Availability Requirements

All required records must be kept and maintained at the facility for a period of five years and must be available to ODA upon request. The permit requires the following recordkeeping:

- Total amount of manure and litter transferred or exported to other persons including the date and amount of each transfer or export, the name and address of each recipient, and copy of the manure nutrient analysis conducted provided to the recipient;
- Nutrient Application Permit (NAP) number of the export recipient when applicable; and
- All other records required under the proposed permit listed in S4.A and S4.B.

4.6.5 S4.D. Reporting Requirements

J-S Ranch is required to notify ODA within 24 hours of any discharge to surface water or groundwater that is not allowed by the proposed permit and submit a written report within five days to ODA. Condition S4.D includes a requirement for the permit registrant to call Oregon Emergency Response System to report a prohibited discharge that may encounter a drinking water intake. The permit registrant must also report to ODA within 24 hours of becoming aware of any significant physical failure at any time of a waste storage facility required under this permit. The permit registrant is also required to notify ODA within 24 hours and provide a written report within five days of any permit noncompliance that may endanger public health or the environment.

Annual reporting to ODA is as specified in S4.D of the proposed permit and is consistent with minimum federal reporting requirements.

4.6.6 S4.E. Additional Monitoring

Permittee may be required to submit additional information or conduct additional monitoring if informed by ODA.

4.7 Special Conditions: S5. Water Supply Plan

4.7.1 S5.A. Water Supply Plan

A water supply plan was required to identify all sources of water that will be used to supply the level and duration of the CAFO water needs. A totalizing flow meter is required for the commercial/agricultural water used under the exemption in ORS 537.545(1)(f). J-S Ranch is required to permit ODA and Oregon Water Resources Department access to the meter for inspection upon its installation, and periodically to take readings. The WSP must be reassessed at the time of permit renewal to ensure that the WSP initially submitted with the permit application remains accurate and reflective of the operation for subsequent permit cycles.

4.8 General Conditions

The general conditions are standard permit conditions required by 40 CFR 122.41 and 122.42.

5. Public Participation Process and Response to Comments

5.1 Public Comment Period

The public comment period for this proposal will open on **August 16, 2024** and close at **5:00pm** on **September 23, 2024**. Public notice will be sent to interested parties on ODA interested parties lists and posted on ODA and DEQ websites. During the comment period, the Departments will hold a public hearing as discussed below.

5.2 Public Hearing

The Departments will hold a virtual public hearing on **September 16, 2024**. The formal public hearing to take oral or written comments from the public will begin at **2:00pm**.

5.3 Response to Comments

The Departments will respond to all relevant public comments and may issue the permit as proposed, make changes to the permit/NMP, or deny permit issuance.