

**Oregon Department of Agriculture
Proposed Registration of Symons Livestock, LLC
Oregon CAFO WPCF General Permit No. 01-2015
Response to Public Comments**

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I. Summary of public comment process

The Oregon Department of Agriculture (ODA) and the Oregon Department of Environmental Quality (DEQ) (collectively the Department) are proposing to register Symons Livestock, LLC to the Oregon Confined Animal Feeding Operation (CAFO) Water Pollution Control Facilities (WPCF) General Permit #01-2015 as a large tier II feedlot.

ODA provided a public notice and comment period for the expanding CAFO in ODA Area 5 (Central Oregon). On July 30, 2025, the Department issued a public notice. On August 29, 2025, ODA hosted a virtual public hearing, during which 2 oral comments were made. ODA continued to accept written comments from the public until 5:00 pm on September 3, 2025. ODA received a total of 343 written comments on the proposed expansion and registration of Symons Livestock, LLC to the CAFO WPCF General Permit.

II. Summary of oral public comments

Oral comments in favor

No oral comments in favor of the proposed expansion and registration were received at the virtual public hearing.

Oral comments in opposition

Two oral comments received at the virtual public hearing were opposed to the proposed expansion and registration based on concerns regarding water quality, water scarcity, climate change, insufficient permit conditions, and insufficient engineering.

Responses to these concerns, as well as a description of permit modifications made in response to the comments, can be found below.

III. Responses to comments beyond the scope of the permit:

Many of the comments addressed the following areas of concern: 1) animal welfare, 2) air pollution, and other miscellaneous issues. The Department's authority to regulate confined animal feeding operations is defined by Oregon Revised Statutes and is limited to the regulation of discharges to waters of the state. Comments concerning issues that fall outside the Department's statutory and jurisdictional limits are acknowledged, but they are not within the scope of this water quality permit and are addressed through other regulatory mechanisms. A summary addressing each concern is found below.

1. Animal welfare

Commenters expressed concerns about the impact of large-scale confinement on animal health and wellbeing.

Comments regarding animal health and welfare concerns are beyond the scope of the proposed registration to the CAFO WPCF general permit. The permit to which the Department is proposing to register the operation regulates discharges to waters of the state. Animal welfare concerns, including any alleged violations of Oregon animal welfare laws, could be handled by the local sheriff's office or the [Oregon Humane Society](#). The Oregon Humane Society has Humane Special Agents who are certified police officers commissioned by the Oregon State Police to investigate animal crimes.

2. Air pollution and aerial emissions

Commenters expressed concerns that air emissions from the feedlot would include methane, volatile organic compounds, dust, ammonia, hydrogen sulfide, and fine particulate matter would threaten air quality for human health and worsen climate change and wildfires.

The comments regarding air pollution and aerial emissions are beyond the scope of the CAFO WPCF general permit. The permit to which the Department is proposing to register the operation regulates discharges to waters of the state. DEQ is the Oregon agency responsible for implementing the Clean Air Act (CAA) and for issuing air quality permits where required. ORS 468A.020(1)(a) exempts agricultural operations from most air quality laws. DEQ Air Programs monitor air pollutants to determine status with National Ambient Air Quality Standards (NAAQS). When ambient monitoring reveals a NAAQS violation, DEQ takes necessary steps to identify the pollutant sources and to implement strategies to retain compliance with the standards. Currently, the DEQ monitoring station in closest proximity to the operation is located in Madras, Oregon. The air quality data from the Madras monitoring site is contained in the 2022 DEQ Air Quality Report available at the following link: [Oregon Air Quality Monitoring 2022 Annual Report](#).

IV. Responses to comments within the scope of the permit:

The Department's responses are based on a comprehensive review of the entire administrative record, which includes the Application to Register (ATR), the Nutrient Management Plan (NMP), the Construction Approval Package, the Water Supply Plan (WSP), all public comments received, and the Department's technical analysis of this information.

Written comments in favor

No written comments in favor of the proposed expansion and registration were received during the public comment period.

Written comments in opposition

Various commenters urged the Department to deny the proposed expansion and permit registration due to concerns regarding water quality, insufficient permit conditions, and water usage. This section summarizes such comments and provides Department responses to the described concerns.

3. Water Quality

Commenters expressed concerns regarding threats to water quality resulting in negative health impacts and loss of beneficial uses in the Crooked and Deschutes Rivers, Lake Simtustus, and other downstream waterways. Commenters assert that this operation will result in the degradation of groundwater through leaching, and the degradation of surface water through a direct discharge or the functional equivalent of a direct discharge.

Direct Discharges

The permit to which the Department is proposing to register the operation is a non-discharge permit and the CAFO is prohibited from discharging to surface waters. Additionally, the permit conditions require monitoring and construction standards to prevent water quality violations. Once a permit registration has been approved, the permittee must comply with the conditions of the permit. Any subsequent violations of the permit requirements are handled through compliance and enforcement procedures.

The operation has no direct discharge infrastructure, and facilities are designed for and have operational characteristics so that they will not cause any discharges to surface waters or degradation of water quality. Manure at the operation will be handled in solid form and scraped and mounded within feedlot pens. Any precipitation that comes into contact with manure in the pens will run off to conveyance pipes that carry the liquid wastes to compacted or lined evaporation ponds.

The Nutrient Management Plan (NMP) estimates that average annual rainfall on the

site is 10.38 inches, and average annual evaporation is 40.96 inches. The evaporation ponds are designed to meet Natural Resources Conservation Service (NRCS) compaction standards with a coefficient of permeability of 1×10^{-7} cm/s or they will have a bentonite clay liner. Given high rates of evaporation, limited rainfall, and compaction or lining, there will be minimal standing water in the ponds, manure will be handled mostly in a solid state, and groundwater will be protected with minimal seepage in accordance with S2.B Production Area Limitations of the permit.

Functional equivalent of a direct discharge

For concerns regarding surface water discharges via aerial depositions, please see response to comment 2. Air pollution and aerial emissions.

For concerns regarding surface water discharges via groundwater discharges, the Department does not have information that demonstrates that a functional equivalent discharge will occur to surface water via groundwater. The facilities are designed for and have operational characteristics so that they will not cause any discharges to surface waters or degradation of water quality. Manure at the operation will be handled in solid form and scraped and mounded within feedlot pens. Any precipitation that comes into contact with manure in the pens will run off to conveyance pipes that carry the liquid wastes to compacted or lined evaporation ponds. The operation is located over 10 km from the nearest surface water. While there are sandy soils, given the distance to surface waters and the minimal amount of seepage below the evaporation ponds, if any pollutant does eventually make it to surface waters, that amount would be diluted and chemically distinct from any discharge that occurred at the facility. Thus, the Department has concluded that the operation is unlikely to have the functional equivalent of a direct discharge from the proposed CAFO to navigable waters.

Additionally, the permit to which the Department is proposing to register the operation is a non-discharge permit, and the operation is prohibited from discharging to surface waters through a functionally equivalent discharge or otherwise. Once an operation is registered to a permit, the permittee must comply with the conditions of the permit. Any violations of the permit requirements are handled through compliance and enforcement procedures.

4. Insufficient permit type, documentation, and conditions

Commenters suggested that the proposed permit registration and permit related documents are insufficient. One commenter suggested that the WPCF permit is inappropriate for the operation and that it requires coverage under an NPDES individual permit. The same commenter also highlighted specific elements of the Nutrient Management Plan (NMP) and the Water Supply Plan (WSP) that this commenter believes are inaccurate or insufficient to proceed with permitting, and additional missing permits.

Individual Permit and Insufficient monitoring

The Department analyzed whether the operation will have a functional equivalent of a direct discharge to navigable waters, which is described in response to comment 3. Water Quality. Based on this, the Department believes that the expansion and registration of Symons Livestock to the CAFO WPCF General Permit is appropriate and current monitoring requirements are sufficient. The Department will require confirmation that any new manure and wastewater storage facilities do not exceed seepage design rates approved by the Department.

Nutrient Management Plan (NMP)

Symons Livestock submitted a Construction Approval Package with its NMP and other application materials. The NMP does not, in fact, specify whether the compost pad and runoff ponds are clay- or synthetically-lined; however the construction documents make clear that if the seepage design rates cannot be met by compaction alone, the waste storage facilities will be lined. When an operation is registered to a CAFO permit, that registration is contingent upon both the NMP and construction approval. As outlined in ORS 468B.215, ODA will confirm that all new construction and installation of waste management systems and relevant operational functions comply with conditions of the CAFO permit before animals can be brought to expanded CAFO facilities.

The NMP includes broader language than the CAFO WPCF General permit and is intended to be followed as a guide while leaving some day to day operational decisions up to the CAFO operator's best professional judgement. The NMP is also incorporated by reference into the permit. There is no specific numeric metric for the CAFO to reach on the amount of waste that can be in the ponds and solids storage area leading up to the winter season which is why the NMP guidance says they should be "as empty as possible." Regardless, storage facilities must ultimately be operated in such a way that they do not cause an unallowable discharge. Additionally, guidance in the NMP regarding applications during freezing or rainy conditions is still ultimately subject to limitations in the permit. No land applications can be made such that an unallowable discharge to surface or groundwater occurs.

The Department has determined adequate information is included in the NMP.

Water Supply Plan (WSP)

Symons Livestock listed the City of Madras Water System, which gets its water from the Deschutes Valley Water District (DVWD), and two irrigation water rights from the North Valley Irrigation District, as sources of water for their CAFO. The Department requested that Oregon Water Resources Department (OWRD) review the WSP. Through its review, OWRD concluded the proposed use of the irrigation water rights for dust control was not legally authorized and allowable. OWRD advised that the 78,000 G/day, for 25 days per year, for dust control must be supplied directly by

DVWD. The purpose of the WSP is for OWRD, the water use authority, to review intended use and ultimately verify that all water use is legally authorized and allowable. In this case, the review process provided clarity as to allowable sources for specific uses and the operation will ultimately be responsible for following its approved WSP.

Additional Required Permits

Symons Livestock participated in a required pre-application preliminary consultation in accordance with ORS 468B.215 and submitted an attestation of involvement with their application materials. At the consultation, ODA, DEQ, and OWRD discussed different permits and requirements that the operation might need and ultimately it was determined that the slaughterhouse could be covered under the CAFO permit and managed through practices described in the NMP, which is consistent with previous permitting actions for similar facilities, and that no air quality permits were necessary.

For information on air quality please see response 2. Air pollution and aerial emissions, and for guidance on permit requirements for meat processing and slaughter facilities, please see DEQ's fact sheet here:

<https://www.oregon.gov/deq/regulations/pages/meat-processing-and-slaughter-facilities.aspx> .

5. Water usage

Many commenters expressed concerns over water usage at the expanding operation. Primary concerns were water scarcity and the legality of use.

The permit to which the Department is proposing to register the operation regulates discharges to waters of the state. It is primarily a water quality permit. However, ORS 537.545 requires any person that applies for a permit under ORS 468B.050 to submit a WSP with the application. A WSP must identify all sources of water that will supply the level and duration of the water needs of the CAFO. OWRD reviews the WSP to determine whether the water uses identified in the WSP are legally authorized and allowable. The Department may then impose any conditions on a permit that are necessary to ensure that the quantity of water necessary to supply the level and duration of water needs is legally authorized.

Symons Livestock has identified that its water needs will be supplied by the DVWD. The operation is being serviced by DVWD which allows all characters of use and use year-round, and the line is metered so that the operation will be billed monthly based on actual use.

OWRD has reviewed the WSP and has determined the water uses identified are legally authorized and allowable, following the assertion that any water for dust

control be supplied by DVWD. While the Department is responsible for enforcement related to permit violations, OWRD remains the agency responsible for ensuring water use is authorized and allowable and would be the agency responsible for enforcement to curtail unauthorized use of water.

VI. Summary of changes to the proposed CAFO WPCF General Permit registration

To address concerns regarding the possible degradation of groundwater quality from the CAFO, the Department has required Symons Livestock LLC submit an updated NMP which removes any reference to using the neighbor's irrigation pond for storage. Symons Livestock LLC submitted an updated NMP on September 24, 2025, which excludes the use of the neighbor's irrigation pond. The updated NMP is approved with this minor change.

At this time, the Department approves the expansion and registration of Symons Livestock, Inc as a tier II feedlot to the CAFO WPCF General Permit #01-2015.