Oregon Department of Agriculture
Proposal to Renew Registration to the Oregon Confined Animal Feeding Operation (CAFO) National Pollutant Discharge Elimination System (NPDES) General Permit #01-2026 for Multiple CAFOs – 9/3/2026 Public Notice
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 renew 42 Confined Animal Feeding Operations (CAFOs) to the National Pollutant Discharge Elimination System (NPDES) General Permit #01-2026. The Oregon CAFO NPDES General Permit #01-2026 regulates manure, litter, and process wastewater generated by CAFOs to protect waters of the state. This permit replaces Oregon CAFO NPDES General Permit #01-2016 which expired and was administratively extended in 2021. As of October 2026, approximately 276 CAFOs are registered to Oregon CAFO NPDES General Permit #01-2016 and 51 are registered to the Oregon CAFO NPDES General Permit #01-2026.

ODA provides a public notice and comment period for the proposed renewal of registrations to the general permit. On September 3, 2026, the Department issued a public notice with a written comment due date of October 12, 2026. On October 5, 2026, ODA hosted a virtual public hearing for oral comments.

All CAFOs currently registered to Oregon CAFO NPDES General Permit #01-2016 with administratively extended permit coverage will continue to operate under Oregon CAFO NPDES General Permit #01-2016 until they renew to Oregon CAFO NPDES General Permit #01-2026.

II. Summary of public comments

In total, the Department received one oral comment and four written comments during the public comment period which remained open from September 3, 2026, through October 12, 2026.

Oral comments

One oral comment was received at the virtual public hearing hosted on October 5, 2026. The commenter expressed support for two of the facilities to have their permit registrations renewed, citing a history of compliance and good land stewardship.

Written comments

The Department received four written comments during the public comment period. One commenter expressed a desire for the renewal application to be easier for farmers. Three other written comments were from the Northwest Environmental Defense Center (NEDC). Each of the three comments focused on a different CAFO seeking renewal to the permit. NEDC recommended that the Department require significant changes to the CAFOs' Nutrient Management Plans (NMPs) or deny the renewal applications due to issues with the NMPs and

alleged discharges. NEDC's perceived issues with the NMPs included insufficient recordkeeping, insufficient mortality and irrigation water management, storage volume inconsistencies, the use of out-of-date records/data, missing procedures and affirmations, missing facility information, and inaccurate herd compositions.

III. Responses to comments within the scope of this permit

A. NEDC comments regarding all three CAFOs

1. **There is concern for those who live and recreate near the CAFOs or in waters impacted by their discharges.**

   Oregon CAFO NPDES General Permit #01-2026 regulates discharges to waters of the state and contains requirements intended to prevent such discharges. To the extent that the comments are concerning impacts to water quality, the Department has determined that compliance with the permit requirements is protective of waters of the state. *Additionally, general permit conditions require monitoring and construction standards to prevent permit violations. Once a CAFO is permitted, the permittee must comply with the conditions of the permit. Any violations of permit requirements are handled through compliance and enforcement procedures. In 2025, the CAFO program had a 99.2% compliance rate across 497 routine inspections, which occur every ten months. Complaint driven inspections represent four inspections statewide during 2025, two of which identified violations. ODA prioritizes investigating complaints alleging CAFO permit violations, including discharges to waters of the state. Should a commenter have concerns regarding a violation of permit conditions, they should submit a complaint to the Department for review via phone or by submitting a complaint on ODA's website. No changes were required as a result of this comment.*

2. **There is concern that calculations for manure application are outdated.**

   ODA has not required CAFOs with several-year-old NMPs to update manure application calculations because they reflect established agronomic rates and are supported by current science and industry standards. There is no requirement that permittees update NMP calculations because the elements of those calculations remain accurate. Additionally, the Department may require the permittee to use sampled manure results instead of book values should there be questions about nutrient content analyses. No changes were required as a result of this comment.

3. **There is concern about insufficient maintenance and storage of records for compost storage, animal mortality, application of nutrients, animal numbers, irrigation events, and/or operational management.**

   The Department has reviewed the record requirements of the permit and determined the permit already requires sufficient documentation and records to demonstrate compliance with nutrient application limits, animal numbers, mortality management, and other operational requirements. During inspections, records are reviewed to verify compliance with permit requirements. No changes were required as a result of this comment.

B. NEDC comments regarding Jenck Farm, LLC's NMP

1. **There is no schedule for irrigation or statement of how much water is applied per event, and the irrigation worksheet results in the NMP are blank.**

   Oregon CAFO NPDES General Permit #01-2026 requires procedures for irrigation water management to be included in the NMP. Upon review, the Department finds that the discussion of proper operation and maintenance of irrigation systems, calibration of application and irrigation equipment, types of soils, and buffers and setbacks are sufficient to demonstrate that adequate consideration has been given to irrigation management in the NMP. In addition to the operation-specific NMP, permittees must comply with all permit conditions, including those that detail proper irrigation water management. The Department understands that irrigation water applications are site specific and dependent on historic and current environmental conditions. Therefore, the Department leaves some day-to-day operational decisions to the CAFO operator, within the confines of all terms and conditions of the permit. With regard to the irrigation worksheet, that document is a planning tool and ODA does not require all CAFOs to include it in an NMP. No changes were required as a result of this comment.

2. **The description of a carcass pickup service and the use of "other methods… as needed" for proper management of animal mortalities is insufficient.**

   The identification of a service which will be used for livestock mortality disposal is sufficient to satisfy the NMP requirement of "procedures for proper management of animal mortalities," (S3.C.2(c) of the NPDES General Permit #01-2026). Additionally, the NMP confirms that mortalities will not be disposed of in any liquid manure storage facility which the terms of the general permit forbid. However, the Department agrees with the commentor that the statement in the NMP that the permittee will employ "other methods of dealing with mortalities… as needed" is vague and not supported by

any other materials in the NMP. The Department will require the permittee to remove this statement to affirm that the operation only disposes of mortalities through the disposal service as described.

3. **The NMP lacks a methodology and affirmation for proper disposal of chemical waste so that it is not combined with manure, litter, process wastewater, or storage or treatments systems.**
   Oregon CAFO NPDES General Permit #01-2026 does not require that the CAFO specify the procedures or methods for the disposal of chemical waste in its NMP. However, the permit does require an affirmation in the NMP that the permittee will ensure the proper disposal of any chemicals and all other wastes on-site. The Department finds the chemical handling checklist included in the NMP is sufficient to serve as the affirmation required by S3.C.2(k), should the permittee sign the NMP. The Department will require the permittee sign the NMP to serve as an affirmation to confirm that chemical wastes will be disposed of properly.

4. **Storage calculations do not demonstrate adequate capacity for the existing operation.**
   The Department acknowledges that the storage worksheets (pages 81-82) show dimensions of 0 for the storage structures. These worksheets are used solely as a tool to estimate required storage volume and is not intended as documentation of storage. The dimensions of the storage facilities at the CAFO are depicted in the maps of the operation and narrative section. Because the information necessary to verify adequate storage is present elsewhere in the NMP, the Department finds the NMP adequately demonstrates compliance with storage requirements. The department will require the removal of the worksheet from the NMP to avoid confusion.

5. **There is inadequate discussion of the timing of applications.**
   The permit does not require an NMP to include precise timing of manure applications. The general permit provides general requirements and guidance for compliance with permit limitations, agronomic rates, and site-specific environmental conditions. This allows operators, within permit limitations, to ensure that applications are done at a time when it is used by the crop and protects waters of the state as conditions are site specific and constantly changing. Additionally, guidance in the NMP regarding applications during freezing or rainy conditions is ultimately subject to limitations in the general permit's terms and conditions. The CAFO may not conduct land applications that result in an unallowable discharge to surface or groundwater. The

Department has determined adequate information is included in the NMP and no changes were required as a result of this comment.

6. **The procedures to prevent direct contact of confined animals with surface water are insufficient.**
   Direct animal contact, as described in the permit, is when animals in the production area have free access and are allowed to loiter or drop waste in surface water (S2.B.6 of the NPDES General Permit #01-2026). The permit prohibits confined animals in the production area from having unrestricted access to surface waters and the NMP describes the procedure to ensure that. Animal contact with surface water is not necessarily a violation of the permit. The description of the operation and maintenance of fences is sufficient to meet the permit requirements to prevent free access from the production area. The permit requires this language in the NMP (S3.C.2(e)), and inspectors verify the actions described in the NMP are in place during inspections. No changes were required as a result of this comment.

C. NEDC comments regarding Silveira, Tony's NMP

1. **The procedures to ensure the proper operation and maintenance of anaerobic digestion activities are missing and the denitrification process being used is not described.**
   There are no ongoing deliberate anaerobic digestion activities nor a digester at the CAFO so procedures to ensure proper operation of such activities or equipment are not necessary. Denitrification is a natural process that occurs in the soil following manure application. There is no requirement to describe this process in the NMP, rather, denitrification is considered when determining agronomic application rates. No changes were required as a result of this comment.

2. **The NMP is missing an "affirmation to ensure proper disposal of any chemicals and all other wastes on-site" per requirements of the permit.**
   The Department appreciates the commenter pointing out this oversight and will require the addition of an affirmation of chemical waste disposal that is consistent with the permit requirements (S3.C.2(k)).

3. **There are discrepancies in waste storage dimensions, and several solids storage facilities are not described across different sections.**

Upon review, the Department agrees that there are discrepancies in the storage facility dimensions. The dimensions given in the narrative portion of the plan match with the facility maps and operation and maintenance worksheets barring one below ground manure storage tank which is listed as 30x7.5 ft in the map but is actually 35x7.5 ft, correctly described elsewhere in the plan and used in storage calculations. The storage facilities are described at different points as their aggregate volumes and as their dimension; this is allowable and equates to the same amount of storage. The summary descriptions given in the Comprehensive NMP (pages 50-56) were prepared by an outside consultant and have redundant information found elsewhere in the plan but with several typos. The Department will require the permittee to remove these pages from the NMP to resolve this confusion. Furthermore, recent inspections by the Department have found the facility to be in compliance with sufficient storage.

4. **The mention of provided animal mortality disposal services provided by the Tillamook County Creamery Association, alongside a statement that animals are not disposed of in liquid storage facilities, is not sufficient.**
   The Department has determined that language in reference to a mortality disposal service, along with the affirmation that animals are not added to liquid manure storage is sufficient to meet requirement S3.C.2(c) of this permit. The Department will require the modification of language on the NMP to reflect a general carcass disposal service rather than the one through Tillamook County Creamery Association.

D. NEDC comments regarding Cream Line Milk Co.'s NMP

1. **The NMP fails to adequately reflect the proposed population of animals as required.**
   The herd composition described in the NMP is reflective of maximum permitted animal numbers. Animal numbers are the basis for manure generation calculations, so the permittee must remain at or below maximum permitted numbers. Day-to-day business decisions, such as the selling and moving of animals to maintain the permitted herd composition, are left to the permittee, within permit limitations. Should the herd composition exceed permitted animal numbers as described in the NMP by 25 animals or 10%, whichever is greater, the operation would be out of compliance. The Department finds the information provided in the NMP to be adequate to calculate manure generation; upon routine inspections, the operation has been in compliance. No changes were required as a result of this comment.

2. **The collection of contaminated stormwater, diversion of clean stormwater, and site-specific conservation practices for controlling runoff are insufficient.**
   The Department has determined that information provided detailing the collection of contaminated stormwater and diversion of clean stormwater described below is sufficient to protect water quality and meet the relevant NMP elements described in S3.C.2 of the permit. The stormwater system is described in the narrative section and production area maps with diagrams detailing the direction of water flow and location of different liquid conveyances, storages, and treatment areas. The CAFO will collect some clean stormwater in its system and has accounted for the amount in its storage calculations. The operation and maintenance section further describes how these elements will be maintained. Regarding relevant conservation practices that the operation will employ, vegetated setbacks, fences, vegetated treatment areas, and diversions are mapped and discussed. No changes were required as a result of this comment.

3. **Agronomic application rates are not calculated based on phosphorus sources and are not reflective of each crop cycle.**
   Based on the phosphorus index completed by and for the CAFO in the NMP, nitrogen is the limiting nutrient and therefore the nutrient upon which application rates were based. Sufficient information is included in the NMP to account for the total amount of phosphorus generated and applied even though the rates were based on a nitrogen basis. Information on the amount of phosphorus that will be applied can be back calculated from the application rate given. No changes were required as a result of this comment.

4. **Necessary considerations of the compost operations are missing.**
   The Department has determined that sufficient information is provided in the NMP with respect to composting activities. The compost area is mapped, and procedures are described in both the operation and maintenance section and the animal mortality facility section. Should the compost area be managed in such a way that there is a violation of any permit conditions, the permittee would be out of compliance, and the Department may require amendments to be made to the NMP. No changes were required as a result of this comment.

5. **Procedures for the export of waste materials are insufficient.**
   The NMP states that "up to all solids are exported off farm." This description of export is clear and sufficient for the NMP because this operation applies and exports its solids.

Nutrients produced on CAFOs must be stored and applied in accordance with permit terms and conditions. An operator of a large CAFO is required to provide nutrient analysis of the exported manure, litter, or processed wastewater to the recipient and is required to maintain export records. Once manure, litter, or processed wastewater are exported from the permitted operation, much like store bought fertilizers, they become the responsibility of the applying party. No changes were required as a result of this comment.

IV. Summary of changes to the proposal to renew registration to the Oregon CAFO NPDES General Permit #01-2026 for multiple CAFOs

The Department has reviewed all comments and requested the following changes to two NMPs:
1. Clarification of animal mortalities management in Jenck Farm LLC's NMP;
2. Signature by an authorized representative on Jenck Farm, LLC's NMP to provide affirmation of proper chemical disposal;
3. Removal of the Storage Calculation worksheet from Jenck Farm LLC's NMP;
4. Addition of an affirmation of proper chemical disposal in Silveria, Tony's NMP;
5.The removal of multiple pages from Silveria, Tony's NMP to resolve confusion around storage capacity; and
6. Clarification of carcass removal service in Silveria, Tony's NMP.

On condition of these changes to two NMPs with no conditions or changes to the NMPs of 40 other operations seeking renewal to the permit, the Department has decided to renew the registration of 42 CAFOs noticed on September 3, 2026, to the permit. The following CAFOs are hereby registered to the Oregon CAFO NPDES General Permit #01-2026:

- Baker City Cattle Feeders
- Randall, Rocky & John
- Kerns Rainbow Ranch, Inc.
- Sullivan Feedlot
- Van Beek Dairy
- Drahnacres Farm
- My Pharm

- Looselea Holsteins
- Vogel Dairy
- Masog Ranch LLC
- Cannon Hill Feeders, LLC
- Nederend Farms LLLP & Beef Northwest Feeders LLC
- Dairy of Ozz Inc.
- Cannon Hill Feeders
- Oregon Trail Cattle Feeders
- JD Milkyway
- Mcelroy Ranches Inc.
- Righter Ranch Inc.
- Oregon Mink Inc.
- Stafford, William
- Diamond Valley Dairy
- Buhler Farms
- Roads End Dairy
- Sanchez Dairy
- Gomes Jersey Dairy LLC
- Sunny Ridge Dairy LLC
- Jenck Farms LLC
- Silveira, Tony
- Jenck, Timothy & Melanie
- Jenck, Timothy & Melanie (2)
- Victor Dairy LLC
- Cream Line Milk Company
- Creamline Farms LLC
- Gordon and Adam Wolfe Partnership
- Wismers Dairy Inc.
- Rieben Farm LLC
- Johnson, Kit
- Foothill Farms
- Forest Glen Heifer Ranch
- Forest Glen Jerseys Inc.
- Forest Glen Oaks (Lancefield)
- Forest Glen Oaks Inc.