

**Friends of Family Farmers • Oregon Chapter of the Sierra Club •
Center for Biological Diversity • Columbia Riverkeeper •
Oregon Physicians for Social Responsibility •
WaterWatch of Oregon • Food & Water Watch •
Socially Responsible Agricultural Project • Center for Food Safety •
The Humane Society of the United States •
Friends of the Columbia Gorge • Humane Oregon**

January 5, 2016

Via U.S. Mail & Email

Oregon Department of Environmental Quality
attn: Don Butcher
700 SE Emigrant Ave., Ste. 330
Pendleton, OR 97801

Honorable Dennis Richardson
Secretary of State
Public Service Building
255 Capitol St. NE, Ste. 151
Salem, OR 97310

Oregon Department of Agriculture
attn: Wym Mathews
635 Capitol Street NE
Salem, OR 97301-2532

RE: Lost Valley Ranch CAFO

To whom it may concern:

On behalf of a coalition of family farm, environmental, public health, and animal welfare groups, we write to notify the agencies that Lost Valley Ranch may be constructing the second largest confined animal feeding operation (CAFO) in the State of Oregon outside the requirements of state law. This letter raises two issues relevant to the Oregon Department of Environmental Quality (DEQ) and Oregon Department of Agriculture's (ODA) (collectively "the agencies") oversight of Lost Valley Ranch. The second issue, compliance with the State of Oregon's requirement to register as a business, is directed to the agencies as well as the Secretary of State's Office.

- 1. Failure to Obtain Construction Stormwater or CAFO NPDES Permit Prior to Construction:** We request that the agencies investigate whether Lost Valley Ranch should have obtained a construction stormwater permit. If the agencies conclude a permit was necessary, we request that the agencies: (1) order Lost Valley Ranch to cease construction activities until the facility obtains a permit, and (2) penalize Lost Valley Ranch for commencing construction prior to obtaining a permit and complying with the 1200-C permit terms.

New information indicates that Lost Valley Ranch has the potential to discharge stormwater to a surface water. *See* Attachment A. Under state law, facilities that may discharge stormwater to a surface water must obtain a construction stormwater (1200-C) permit before commencing construction. To date, Lost Valley Ranch has not obtained a 1200-C permit. Based on aerial photos, Lost Valley Ranch appears to be at least 70 percent built.

We also request that the agencies investigate whether Lost Valley Ranch violated ORS 468B.050(1)(d) by constructing the CAFO without an NPDES permit regulating discharges of wastes to waters of the state, including groundwater and the pond. The attached memo describes legal and factual background information to support an investigation by the regulatory agencies.

- 2. Violation of the State of Oregon’s Requirement to Register a Business:** Lost Valley Ranch is not a registered business in the State of Oregon.¹ ORS 648.007(1) requires that businesses register with the Secretary of State. The law serves multiple public policy purposes, from promoting public transparency to ensuring workers or others harmed by a corporation’s actions can hold the proper party or parties liable. Lost Valley Ranch proposes managing a herd of 30,000 cows. The company also proposes handling animal waste on par with the waste generated by some of the state’s largest cities. To date, the company has applied for a CAFO NPDES permit and, as noted above, commenced construction. The company’s apparent failure to comply with a relatively straightforward business requirement—to register its name—raises serious questions about the company’s ability to comply with animal welfare, environmental, worker safety, and other laws.

Requests for Investigation & Action

First, we request that the agencies investigate Lost Valley Ranch’s compliance with state water quality and business laws, raised above. In addition, we request that the Secretary of State’s Office take appropriate action if Lost Valley Ranch violated ORS 648.007(1).

Second, we urge the agencies to set aside Lost Valley Ranch’s construction status and evaluate the merits of Lost Valley Ranch’s CAFO NPDES permit application, and deny the permit. Our organizations submitted detailed comments on the proposed CAFO NPDES permit on August 4, and November 4, 2016. These comments join approximately 4,200 other comments, including comments filed by the U.S. Forest Service, Confederated Tribes of the Umatilla Indian Reservation, and Morrow County Court. We request that DEQ and ODA treat public comments with the same weight the agencies would in reviewing a permit

¹ While “Lost Valley Ranch” and “Lost Valley Ranch, LLC” are both registered businesses in the State of Oregon, neither company appears to match the project proponents nor location of the proposed “Lost Valley Ranch” described in the draft ODA/DEQ NPDES permit.

for a new, unconstructed facility. This includes considering whether the applicant meets the requirements of federal and state law and, if not, denying the permit. In short, we request that DEQ and ODA not condone Lost Valley Ranch's decision to build its industrial farm prior to obtaining the CAFO NPDES permit.

We appreciate DEQ and ODA's willingness to meet with our coalition to discuss our concerns about Lost Valley Ranch and regulatory oversight of CAFOs, in general. We look forward to meeting on January 13th.

Sincerely,

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cc via email:

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Lisa Hanson, Director, ODA
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