



# HUMANE VOTERS | OREGON

Testimony of Humane Voters Oregon on Senate Bills 103, 104 and 876  
Senate Committee on Environment and Natural Resources

March 21, 2019

Chair Dembrow and Members of the Committee:

Humane Voters Oregon (previously known as Humane Oregon) is a nonprofit organization that works in Oregon's political process and elections to promote humane treatment of animals. We have board members from several different animal welfare organizations but are not affiliated with any other state or national organization.

Humane Voters Oregon supports Senate Bill 103, which would put a moratorium on new industrial dairies until Oregon gets a better handle on their impacts and how to manage those impacts. SB 103 would help address animal welfare issues on industrial dairies by creating a Dairy Animal Welfare Task Force that would review animal welfare practices at industrial dairies and report back to the Legislature by September 2020. We oppose SB 104 and SB 876 because they would not do enough to address problems with industrial dairies and would do nothing to address animal welfare issues.

SB 103, 104 and 876 all arose from the high-profile problems at Lost Valley Farm. Lost Valley was an industrial dairy near Boardman. It opened in March 2017. It closed earlier this year after a long string of problems including waste-water permit violations, drug arrests, lawsuits brought by the state to enforce permit requirements, unpaid creditors, and bankruptcy. Information coming out of Lost Valley also suggested animal welfare concerns. For example:

- In May 2017, inspectors from the Oregon Department of Agriculture (“ODA”) found cows standing in knee-deep manure. (Attachment 1.) The East Oregonian newspaper in Pendleton agreed that the treatment of cows on the dairy was “inhumane.” (Attachment 2.)
- In October 2017, an ODA inspector “viewed the mortality management area and observed that the trailer used for mortality storage and transport was full and leaking liquid.” (Attachment 3.)
- In April 2018, our visits to the dairy also showed cows crowded into small, dirty spaces. (Attachment 4.)
- In January 2019, the cleanup settlement agreement between ODA and Lost Valley required, among other things, that “[a]ll [a]nimal mortalities [be] removed to landfill or rendering.”

Industrial dairies by nature also raise other animal welfare issues, including separation of calves from mothers, access to space to move around, diet, and production demands on the cows.

For all these reasons, we support creation of an animal welfare task force to at least have an organized conversation about animal welfare issues on industrial dairies. SB 103 would accomplish this. It would create a task force with equal representation from the dairy industry and animal welfare groups. The task force would be chaired by the head of ODA or a designee.

We oppose SB 104 and SB 876 because they would purport to address problems with industrial dairies but would not do nearly enough, and they would do nothing to address animal welfare issues. If either of these bills nevertheless moves forward, and if SB 103 does not, we ask that they at least include provisions from SB 103 to create an animal welfare task force.

Thank you for considering our comments.

*Brian Posewitz*

Brian Posewitz

Board Member/Administrator



















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### Our view: Tips and kicks – Editorials – East Oregonian

March 23, 2018

A kick in the pants to the terrible scene at Lost Valley Dairy, shared Thursday by the Oregon Department of Agriculture.

Photos taken by their inspectors back in May show dairy cows standing hoof-deep in manure and waste – unhealthy, inhumane and dangerous for the aquifer and the people who depend on it. Not to mention stinky, smelly and plumb gross. We published the photos online Thursday morning.

Source: [Our view: Tips and kicks – Editorials – East Oregonian](#)

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BEFORE THE OREGON DEPARTMENT OF AGRICULTURE

In the Matter of Greg teVelde, )
dba Lost Valley Farm )
Registrant to OREGON CAFO NPDES )
Individual Permit No. OR995129, )
Master Address No. 1000184. )
NOTICE OF NONCOMPLIANCE
AND PLAN OF CORRECTION
#1727781
Sent via certified and regular mail.

I. BACKGROUND

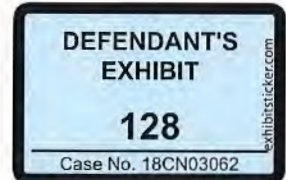
Pursuant to its authority, the Oregon Department of Agriculture ("ODA" or "department") has adopted General Permit No.1 for Confined Animal Feeding Operations ("CAFOs"). Oregon Revised Statute (ORS) 468B.035. ORS 468B.217. Oregon Administrative Rule (OAR) 603-074-0014. Any person owning or operating a CAFO must seek coverage under the Oregon CAFO National Pollutant Discharge Elimination System (NPDES) General Permit No. 01-2016, an Individual NPDES CAFO Permit or, the Oregon CAFO Water Pollution Control Facilities (WPCF) General Permit No. 01-2015 and must comply with the permits terms, ORS 468B.050. 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.217. No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050. ORS 468B.025. A Notice of Noncompliance (NON) informs the owner or operator of a violation, including a reference to a particular statute, administrative rule, or order involved, the location of the violation and the consequences of the violation or future violations. OAR 603-074-0040(1)(a).

The department herein finds that Greg teVelde ("registrant" or "permit registrant"), dba Lost Valley Farm, is in violation of the Oregon CAFO NPDES Individual Permit No. OR995129 for failing to operate and maintain waste storage facilities consistent with the operation's Animal Waste Management Plan (AWMP). Permit registrant is in violation of the permit's special conditions S2.E.1 Waste Storage Facilities, S2.E.2 Waste Storage Facilities, S2.G Handling of Animal Mortalities, S2.H Proper Operation and Maintenance, S4.B Facility Inspection Requirements, and S4.D Reporting Requirements.

II. NOTICE OF NONCOMPLIANCE ("NON")

A. Findings of Fact

- 1. Greg teVelde operates a Large Concentrated CAFO at 73956 Homestead Lane, Boardman, Oregon, in Morrow County, under the Oregon CAFO NPDES Individual Permit No. OR995129, administered by ODA (CAFO Permit No. 01-2015) registration of Greg teVelde, dba Lost Valley Farm, is under Master Address No. 1000184.
2. The CAFO Permit No. OR995129 contains the following special conditions:
S2.E.1, Waste Storage Facilities, which reads in part:
All manure, process wastewater and contaminated stormwater must be stored on impermeable prepared surfaces.
S2.E.2, Waste Storage Facilities, which reads in part:
The permittee must site, design, construct, operate, and maintain all waste facilities to contain all manure, process wastewater, and stormwater runoff and direct precipitation from a 25 year, 24-hour rainfall event for the storage period established in the ODA-approved AWMP.



**S2.G, Handling of Animal Mortalities, which reads in part:**

The permit registrant must handle animal mortalities in such a way as to prevent discharge of pollutants to waters of the state (surface water and groundwater).

**S2.H, Proper Operation and Maintenance, which reads in part:**

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

**S4.B.1 (a), Inspection Requirements, which reads in part:**

1. The permit registrant must conduct the following inspections:
  - (a) Stormwater diversion devices, runoff diversion devices, Manure and wastewater conveyances, waste storage structures, treatment systems, and liquid impoundments for manure and wastewater.

**S4.D.3 Reporting Requirements, which reads in part:**

3. The permit registrant must notify ODA within 24 hours of any permit noncompliance that may endanger public health or the environment

3. On **October 31, 2017**, an ODA representative conducted a routine CAFO inspection at the Lost Valley Farm with Travis Love. The representative viewed the mortality management area and observed that the trailer used for mortality storage and transport was full and leaking liquid onto an unprepared surface (photo # 1). The representative then viewed ponded water in a swale adjacent to the silage storage pad not approved for wastewater storage. Silage had caused a blockage on the silage pad causing water to runoff into the swale during a rain event. This had occurred approximately ten days prior to the inspection, and ODA was not notified of the system failure and unauthorized discharge as required by the permit (photo #2). The representative also viewed the manure solids composting area and observed ponded water in the area caused from a rain event. The orientation of the composting rows was not allowing storm water to drain into the approved collection point (photo #3). The representative deferred the outcome of the inspection with a FIRP (#1727616) and consulted with the program manager prior to final determination. On November 1, 2017, a second ODA representative was onsite conducting groundwater monitoring observations and observed overflow of lagoon number one into a ditch where a manure transfer line was being installed on the center lagoon berm. Elevated wastewater levels combined with wind action was causing wastewater to overflow into the ditch which was an unprepared surface. The permittee did not notify ODA of the violation (photo #4). This was reported to the CAFO inspector and CAFO manager, and incorporated into the NON-POC

**B. Ultimate Findings of Fact**

1. Permit Registrant, Greg teVelde, is operating a Large Concentrated CAFO, Lost Valley Farm registered to the Oregon NPDES Individual Permit No. OR995129 under Master Address No. 1000184.
2. On **October 31, 2017**, the permit registrant failed to comply with the approved AWMP when handling of animal mortalities to ensure that there was no discharge from the animal mortality storage facility. The storage and transport equipment was full and leaking liquid onto an un-prepared surface.
3. On **October 31, 2017**, the permit registrant failed to properly operate and maintain waste collection and transfer structures at the silage pad and associated collection vaults and transfer pipes at the North end of the silage pad. Leachate from stored silage and feed materials and contaminated stormwater had collected in a swale adjacent to the silage pad that was not approved for liquid waste storage. This area was not routinely inspected by the permittee. ODA was not notified of the permit noncompliance as required.

Photo #1: Mortality trailer filled and leaking liquid waste onto the ground surface.



Photo #2: Ponding on swale between silage pad and lagoons.







