

**From:** AUNAN Lauri \* GOV Lauri.AUNAN@oregon.gov  
**Subject:** RE: Lost Valley, recent discussions  
**Date:** March 28, 2017 at 1:17 PM  
**To:** BUTCHER Don Don.BUTCHER@state.or.us, FELDON Leah Leah.FELDON@state.or.us, Lisa Hanson lhanson@oda.state.or.us  
**Cc:** HAYES-GORMAN Linda Linda.HAYES-GORMAN@state.or.us, JAINDL Raymond G Raymond.G.Jaindl@state.or.us, Wym Matthews wmatthew@mail.oda.state.or.us

Keep me posted on the discussions. I have talked with Lisa and LVR's attorney about setting up another coordination meeting with the agencies and LVR for tomorrow afternoon so stay tuned for an invitation (phone call option).

Lauri

Lauri Aunan, Natural Resources Policy Advisor  
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**From:** BUTCHER Don [mailto:don.butcher@state.or.us]  
**Sent:** Tuesday, March 28, 2017 1:08 PM  
**To:** FELDON Leah <Leah.FELDON@state.or.us>; Lisa Hanson <lhanson@oda.state.or.us>; AUNAN Lauri \* GOV <Lauri.AUNAN@oregon.gov>  
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**Subject:** Lost Valley, recent discussions

Lauri, Leah and Lisa,

I just spoke with Linda and we want to apprise you of the latest hurdle in startup activities for Lost Valley. We've been so focused on the permit issuance date, that we haven't been paying much attention to the effective date of the permit, which is 20 days after the permit is signed. According to rule (as we've always interpreted the rules included below), they can't operate or construct wastewater components until 20 days after the permit is assigned (scheduled for March 30). And there is no provision for a waiver. Ray, Wym and I have had discussions with Diane Lloyd and she with the applicant's attorney, Elizabeth Howard, over the last few days. This came up several weeks ago and the idea was to see if the 20 days could be waived, sort of thinking it could be (before consulting with DOJ), since it is based on supporting the applicant, but it doesn't look good so far. Diane, Wym, Ray and I are conferencing with Elizabeth at 3:30 today, to discuss further.

Greg te Velde would like to immediately move cows onto the facility and begin completing the lagoon construction, as early as April 1, in line with the schedule we set up with Representative Smith. But it seems that may not be possible. He can install monitoring wells, build equipment off site, bring in portable toilet/washing stations, and hopefully appease his banker via signing of the permit, but would have to put off some of his high priority needs for 20 days.

We will keep you posted,  
Don

**Don Butcher**  
Eastern Region Water Quality Permit Manager

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**340-045-0035** (9) The Department's decision is effective 20 days from the date of service of the notification unless within that time the Department receives a request for a hearing from the applicant. The request for hearing must be made in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340, division 011.

**340-045-0015**

**Permit Required**

- (1) Without first obtaining a permit from the Director, a person may not:
- (a) Discharge any wastes into the waters of the state from any industrial or commercial establishment or activity or any disposal system;
  - (b) Construct, install, modify, or operate any disposal system or part thereof or any extension or addition thereto;
  - (c) Increase in volume or strength any wastes in excess of the discharges authorized under an existing permit;
  - (d) Construct, install, operate, or conduct any industrial, commercial, or other establishment or activity or any extension or modification thereof or addition thereto if the operation or conduct would cause an increase in the discharge of wastes into the waters of the state or would otherwise unlawfully alter the physical, chemical, or biological properties of any waters of the state;
  - (e) Construct or use any new outlet for the discharge of any wastes into the waters of the state.