



Oregon

Kate Brown, Governor

Department of Environmental Quality
Eastern Region Bend Office
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TTY 711

November 22, 2021

Mr. Flyg Neal
Lamb Weston, Inc.
78153 Westland Rd
Hermiston, OR 97838

Re: Pre-Enforcement Notice
Lamb Weston, Inc.
2021-PEN-6696
File 48780, WPCF 101326
Umatilla County

DEQ is committed to continuing to protect the environment, deter non-compliance, and maintain a consistent statewide enforcement program. However, DEQ recognizes that public health and economic disruptions related to the COVID-19 outbreak may temporarily impact your ability to comply with DEQ requirements. DEQ encourages you to respond to this letter with specific information regarding outbreak related impacts to your operations, including staffing and service shortages.

Dear Mr. Neal:

You are receiving this letter because you are listed as the legal contact person in DEQ's database for Lamb Weston, Inc. who operates an industrial wastewater treatment and land application program in accordance with Water Pollution Control Facility (WPCF) Permit #101326.

In preparation for permit renewal, DEQ reviewed the file records to determine compliance with your WPCF permit. Based on DEQ's review, we have documented the following violations of the assigned permit and Oregon environmental law.

VIOLATIONS:

- 1) Oregon Revised Statute (ORS) 468B.025 (2). No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050.
 - a) DEQ reviewed Lamb Weston, Inc. 2016 to 2020 annual land application reports and associated OM&M plans and documented 75 separate incidences (Table 1 as appendix to this notice) where maximum agronomic nitrogen rates were exceeded. See Schedule A of WPCF permit #101326, Conditions 8 &

10, that prohibits this activity. This resulted in approximately 377,778 additional pounds of nitrogen loaded onto the land application network within a groundwater management area. These are Class 1 violations of Oregon environmental law per OAR 340-012-0055 (1)(m).

Matching up proper agronomic rates with the crop is important to ensure that waste constituents are utilized to the maximum extent possible before migrating below the root zone. Exceeding established maximum agronomic rates for nitrogen loading increases the risk of impacting groundwater through land application soils.

- b) Per Schedule B, Item 5 of Lamb Weston, Inc. WPCF permit #101326, Lamb Weston is to immediately report all instances of non-compliance with the permit within 5 days of the incident.

The violations cited in item a) of this letter were not reported to DEQ immediately or within 5 days of the overloading incidents. The overloading was only discovered upon review of submitted annual reports. Failing to timely report noncompliance in accordance with your permit is a violation of an otherwise unclassified requirement according to OAR 340-012-0053(2), and is a Class II violation.

- c) DEQ was notified by Lamb Weston, Inc. Environmental Manager on September 29, 2021, that a valve leak resulted in 24,489 gallons of industrial wastewater being improperly discharged near Cottonwood Bend Road – south of the plant near I-84. Per Schedule A, Condition 2, wastewater must be managed and disposed of by land application for beneficial use on sites approved by DEQ. The area of the spill is not approved for land application. This is a Class II violation per OAR 340-012-0055 (2)(d).

Class I violations are the most serious violations; Class III violations are the least serious.

DEQ regulates the disposal of industrial wastewater and waste solids to ensure that waste constituents are either treated or land applied beneficially to prevent groundwater and environment contamination, as well as protecting public health. Improperly operated systems and/or placing waste materials in locations that have not been approved can create conditions that fail to protect these goals.

Please be apprised that compliance with your permit is required by Oregon Revised Statute 468B.025(2). The noted violations above also occurred within the Lower Umatilla Basin Groundwater Management Area, which is designated due to nitrate-nitrogen.

Corrective Action Required

Your facility must ensure that all permit limitations are being met and must follow the DEQ approved Operations, Monitoring and Management (OM&M) Plan. DEQ also requests that Lamb Weston, Inc. update their OM&M plan to match the requirements in the forthcoming renewed WPCF permit.

The violations, as noted above, have been referred to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of civil penalties and/or a Department order. A formal enforcement action may include a civil penalty assessment for each day of violation.

If you believe any of the facts in this Pre-enforcement notice are in error, you may provide information to me at the address shown at the top of this letter or by email. DEQ will consider new information you submit and take appropriate action. Should you have any questions about the content of this letter or would like follow-up technical assistance, please contact me at 541-633-2025 or brown.larry@deq.state.or.us

Sincerely,



Lawrence Brown REHS

Registered Environmental Health Specialist

Water Quality - Eastern Region, Land Application Program

ec: Kayla Boylan, ConAgra Lamb Weston Inc. Environmental Manager
Chad Gubala, Water Quality Eastern Region Manager DEQ
Jeff Bachman, DEQ – Office of Compliance and Enforcement

Appendix to Pre-Enforcement Notice:
 Table I: Summary of Violations

Table I: Lamb Weston Agronomic Rate Exceedances

Violation #	1	2	3	4	5	6	7
Annual report referred to:	2017	2020	2016	2019	2019	2016	2017
	FIELD 4	FIELD 4	Field 5	Field 5	Field 6	Field 7	Field 7
Date planted	9/6/2016	8/1/2019	10/8/2015	8/29/2018	9/21/2018	10/8/2015	9/6/2016
CROP	Winter Wheat	Canola	Soft Winter Wheat	Cover grain	Vol Wheat pasture	Alfalfa Seed	Alfalfa Seed
Acres	124	124	124	128	128	124	127
Maximum Application Rate lbs/a	310	250	310	0	310	200	200
ROOT DEPTH feet	5	5	5	5	5	5	5
SOIL-N residual lbs/a	120	152	89	112	214	112	170
Process Water applied ac in	10.3	6	7.5	2.7	4.6	3.2	1.9
Total Water applied ac in	33.7	33.6	51.3	17.6	16	49.5	36.6
Applied N in Process Water lbs/a	24	132	182	59	117	67	52
Applied N in Fresh Water lbs/a	48	4	36	3	2	35	49
Applied N FERTILIZER lbs/a	134	0	66	0	0	64	0
Total N applied lbs/a	326	288	373	174	333	278	271
Excess N applied lbs/a	16	38	63	62	23	78	71
Excess N applied per field lbs	1984	4712	7812	7936	2944	9672	9017

In calculating excess N applied; only that amount of additional N which was applied over the maximum agronomic rate was used.

Violation #	8	9	10	11	12	13	14
Annual report referred to:	2019	2016	2017	2016	2017	2017	2019
	Field 7	Field 8	Field 8	Field 9	Field 10	Field 11	Field 11
Date planted	8/29/2018	7/27/2015	9/6/2016	11/2/2015	7/18/2016	9/30/2016	8/24/2018
CROP	Canola	Alfalfa Seed	Alfalfa Seed	Alfalfa	Peas	Winter Wheat	Cover grain
Acres	127	124	124	55	126	82	82
Maximum Application Rate lbs/a	250	200	200	400	150	310	0
ROOT DEPTH feet	5	5	5	5	3	5	5
SOIL-N residual lbs/a	473	141	159	90	52	268	112
Process Water applied ac in	1.4	3.5	3.2	11.6	2.9	0.9	2.6
Total Water applied ac in	31.8	42.2	37.9	55.3	36.1	24.1	14.6
Applied N in Process Water lbs/a	33	70	73	275	71	26	58
Applied N in Fresh Water lbs/a	7	29	51	37	44	33	2
Applied N FERTILIZER lbs/a	0	64	0	0	16	100	0
Total N applied lbs/a	513	304	283	402	183	427	172
Excess N applied lbs/a	40	104	83	2	33	117	60
Excess N applied per field lbs	5080	12896	10292	110	4158	9594	4920

Adjusted to approved agronomic rate

Violation #		15	16	17	18	19	20	21
Annual report referred to:		2019	2017	2018	2019	2017	2019	2016
		Field 12	Field 13	Field 13	Field 14	Field 15	Field 15	Field 16
Date planted		7/26/2018	7/18/2016	7/17/2017	8/24/2018	9/12/2016	8/30/2018	7/27/2015
CROP		1st year Bluegrass	Canola	1st year Bluegrass	Alfalfa Seed	Alfalfa Seed	Alfalfa Seed	Alfalfa
Acres		126	124	124	126	126	126	124
Maximum Application Rate	lbs/a	170	250	170	300	200	300	400
ROOT DEPTH	feet	3	5	3	5	5	5	5
SOIL-N residual	lbs/a	129	30	12	35	46	34	25
Process Water applied	ac in	0	4.9	0	13.2	3	12.3	10.9
Total Water applied	ac in	6.4	42.3	30.7	55.8	39.5	56.6	67.5
Applied N in Process Water	lbs/a	0	125	0	302	82	274	249
Applied N in Fresh Water	lbs/a	1	52	26	7	53	8	47
Applied N FERTILIZER	lbs/a	211	108	230	0	20	0	100
Total N applied	lbs/a	341	315	268	344	201	316	421
Excess N applied	lbs/a	171	65	98	44	1	16	21
Excess N applied per field	lbs	21546	8060	12152	5544	126	2016	2604
		Adjusted to approved agronomic rate						

Violation #		22	23	24	25	26	27	28
Annual report referred to:		2019	2017	2018	2017	2019	2019	2019
		Field 16	Field 17	Field 17	Field 18	Field 18	Field 19	Field 20
Date planted		7/25/2018	7/18/2016	8/27/2017	9/19/2016	6/18/2018	7/12/2018	7/26/2018
CROP		1st year Bluegrass	Peas	1st year Bluegrass	Winter Wheat	1st year Bluegrass	1st year Bluegrass	Vol Wheat
Acres		125	125	125	64	64	105	127
Maximum Application Rate	lbs/a	170	150	170	310	170	170	310
ROOT DEPTH	feet	3	3	3	5	3	3	5
SOIL-N residual	lbs/a	87	55	50	295	89	87	170
Process Water applied	ac in	1	4.7	3.4	0	3.2	0	0
Total Water applied	ac in	33.6	39.9	38.6	35	41.4	37.4	16.5
Applied N in Process Water	lbs/a	22	121	60	0	73	0	0
Applied N in Fresh Water	lbs/a	7	49	29	54	10	10	3
Applied N FERTILIZER	lbs/a	100	0	131	0	70	156	173
Total N applied	lbs/a	216	225	270	349	242	253	346
Excess N applied	lbs/a	46	75	100	39	72	83	36
Excess N applied per field	lbs	5750	9375	12500	2496	4608	8715	4572
		Adjusted to approved agronomic rate						

Violation #		29	30	31	32	33	34	35
Annual report referred to:		2020	2020	2020	2017	2018	2016	2017
		Field 20	Field 21	Field 22	Field 23	Field 23	Field 24	Field 24
Date planted		7/2/2019	10/25/2019	7/16/2019	9/2/2016	7/17/2017	8/3/2015	12/5/2016
CROP		1st year Bluegrass	Alfalfa	1st year Bluegrass	Canola	1st year Bluegrass	Triticale	Winter Wheat
Acres		127	121	132	122	122	123	123
Maximum Application Rate	lbs/a	170	450	170	250	170	310	310
ROOT DEPTH	feet	3	5	3	5	3	5	5
SOIL-N residual	lbs/a	47	63	75	47	25	297	352
Process Water applied	ac in	0	17.4	0	5.4	0	1.2	0
Total Water applied	ac in	37.6	65.3	36.1	33.8	31.4	22.1	16.8
Applied N in Process Water	lbs/a	0	418	0	141	0	28	0
Applied N in Fresh Water	lbs/a	6	8	6	39	31	11	20
Applied N FERTILIZER	lbs/a	153	0	123	128	218	0	0
Total N applied	lbs/a	206	489	204	355	274	336	372
Excess N applied	lbs/a	36	39	34	105	104	26	20
Excess N applied per field	lbs	4572	4719	4488	12810	12688	3198	2460
		Adjusted to approved agronomic rate						

Violation #		36	37	38	39	40	41	42
Annual report referred to:		2020	2017	2019	2016	2017	2018	2017
		Field 24	Field 25	Field 25	Field 26	Field 28	Field 35	Field 36
Date planted		8/1/2019	12/1/2016	9/19/2018	7/27/2015	9/12/2016	7/17/2017	9/19/2016
CROP		Pasture Grass	Winter Wheat	1st year Timothy Hay	Alfalfa	Alfalfa Seed	1st year Bluegrass	Alfalfa Seed
Acres		123	119	119	123	74	62	148
Maximum Application Rate	lbs/a	300	310	200	400	200	170	200
ROOT DEPTH	feet	5	5	4	5	5	3	5
SOIL-N residual	lbs/a	226	250	208	128	195	29	159
Process Water applied	ac in	5.8	0.6	19	8.1	0	0	0
Total Water applied	ac in	35.3	28.8	26.3	59.2	36	30.6	32
Applied N in Process Water	lbs/a	101	18	43	195	0	0	0
Applied N in Fresh Water	lbs/a	5	46	4	39	56	24	47
Applied N FERTILIZER	lbs/a	0	0	0	41	0	158	0
Total N applied	lbs/a	332	314	255	403	251	211	206
Excess N applied	lbs/a	47	4	47	3	51	41	6
Excess N applied per field	lbs	5781	476	5593	369	3774	2542	888

Violation #		43	44	45	46	47	48	49
Annual report referred to:		2020	2020	2020	2018	2019	2020	2020
		Field 36	Field 38	Field 38	Field 40	Field 40	Field 40	Field 40
Date planted		10/25/2019	3/25/2019	8/8/2019	10/16/2017	8/3/2018	3/25/2019	8/1/2019
CROP		Alfalfa	Oat Hay	Dry Beans	Hard Red	Fallow	Oat Hay	1st year Bluegrass
Acres		148	100	100	129	129	129	129
Maximum Application Rate	lbs/a	450	200	80	476	0	200	170
ROOT DEPTH	feet	5	3	2	5	0	3	3
SOIL-N residual	lbs/a	50	223	102	630	446	218	183
Process Water applied	ac in	13.1	0	0	0	0	0	0
Total Water applied	ac in	45.8	11.5	38.6	23.9	12.7	11.2	10.2
Applied N in Process Water	lbs/a	354	0	0	0	0	0	0
Applied N in Fresh Water	lbs/a	5	2	6	10	2	2	1
Applied N FERTILIZER	lbs/a	72	0	0	0	0	0	70
Total N applied	lbs/a	481	225	108	640	448	220	254
Excess N applied	lbs/a	31	2	6	10	2	2	71
Excess N applied per field	lbs	4588	200	600	1290	258	258	9159

Violation #		50	51	52	53	54	55	56
Annual report referred to:		2020	2018	2016	2016	2019	2020	2019
		Field 40	Field 41	Field 43	Field 44	Field 44	Field 44	Field 45
Date planted		4/9/2020	8/7/2017	7/27/2015	10/12/2015	7/23/2018	6/16/2020	7/25/2018
CROP		Grain Corn	Canola	Alfalfa Seed	Alfalfa	1st year Bluegrass	Dry Beans	1st year Bluegrass
Acres		129	171	65	116	116	116	125
Maximum Application Rate	lbs/a	350	250	200	400	170	80	170
ROOT DEPTH	feet	5	5	5	5	3	2	3
SOIL-N residual	lbs/a	499	254	61	69	39	93	49
Process Water applied	ac in	0	0	2.6	13.4	0.7	0	1.4
Total Water applied	ac in	26.5	31.1	41.6	62.3	37.9	21.8	34
Applied N in Process Water	lbs/a	0	0	61	306	12	0	26
Applied N in Fresh Water	lbs/a	5	31	28	43	8	4	7
Applied N FERTILIZER	lbs/a	0	28	104	0	130	0	130
Total N applied	lbs/a	504	313	254	418	189	97	212
Excess N applied	lbs/a	5	59	54	18	19	4	42
Excess N applied per field	lbs	645	10089	3510	2088	2204	464	5250
Adjusted to approved agronomic rate								

Violation #		57	58	59	60	61	62	63
Annual report referred to:		2020	2019	2017	2017	2016	2017	2020
		Field 45	Field 46	Field 46	Field 51	Field 53	Field 53	Field 53
Date planted		8/1/2019	8/3/2018	8/1/2016	10/24/2016	10/15/2015	9/30/2016	4/24/2019
CROP		2nd year Bluegrass	1st year Bluegrass	Canola	Peas	Peas	Corn	Corn
Acres		125	76	177	122	127	123	123
Maximum Application Rate	lbs/a	275	170	250	150	150	350	350
ROOT DEPTH	feet	3	3	3	3	3	5	5
SOIL-N residual	lbs/a	87	69	87	32	80	78	123
Process Water applied	ac in	0	1.2	5.5	3.9	1.8	8	10.3
Total Water applied	ac in	25.4	24.1	38.7	43.7	45.3	41.1	33.3
Applied N in Process Water	lbs/a	0	22	146	75	32	199	222
Applied N in Fresh Water	lbs/a	4	5	42	65	41	46	4
Applied N FERTILIZER	lbs/a	205	154	0	40	60	40	60
Total N applied	lbs/a	296	250	275	212	213	363	409
Excess N applied	lbs/a	21	80	25	62	63	13	59
Excess N applied per field	lbs	2625	6080	4425	7564	8001	1599	7257
		Adjusted to approved agronomic rate						

Violation #		64	65	66	67	68	69	70
Annual report referred to:		2020	2017	2020	2020	2016	2017	2019
		Field 53	Field 54	Field 54	Field 54	Field 55	Field 55	Field 56
Date planted		9/20/2019	10/24/2016	4/25/2019	9/20/2019	9/24/2015	9/20/2016	10/15/2018
CROP		Peas	Peas	Corn	Peas	Onions	Rye Grass	Hard Red
Acres		123	123	60	60	79	96	123
Maximum Application Rate	lbs/a	150	150	350	150	280	225	476
ROOT DEPTH	feet	3	3	5	3	3	4	5
SOIL-N residual	lbs/a	246	38	183	215	183	89	155
Process Water applied	ac in	1.7	4.5	6.9	1.8	0.5	0	8.8
Total Water applied	ac in	29.9	48.8	29.9	26.7	39.6	37.5	42
Applied N in Process Water	lbs/a	33	83	151	39	14	0	208
Applied N in Fresh Water	lbs/a	4	74	4	4	32	59	5
Applied N FERTILIZER	lbs/a	0	20	60	0	56	80	130
Total N applied	lbs/a	283	215	398	258	285	228	498
Excess N applied	lbs/a	37	65	48	43	5	3	22
Excess N applied per field	lbs	4551	7995	2880	2580	395	288	2706

Violation #		71	72	73	74	75
Annual report referred to:			2017	2020	2020	2017
		Field 89	Field 97	Field 97	Field 107	Field 113
Date planted		3/25/2019	7/12/2016	7/18/2019	7/2/2019	10/17/2016
CROP		Oat Hay	Canola	Timothy	Sweet Corn	Alfalfa Seed
Acres		27	85	85	124	117
Maximum Application Rate	lbs/a	200	250	200	290	200
ROOT DEPTH	feet	3	5	4	5	5
SOIL-N residual	lbs/a	375	256	107	307	37
Process Water applied	ac in	0	0	5.8	0	9.8
Total Water applied	ac in	14.3	28.5	43.5	14	35.6
Applied N in Process Water	lbs/a	0	0	142	0	254
Applied N in Fresh Water	lbs/a	2	32	6	3	36
Applied N FERTILIZER	lbs/a	0	0	0	0	0
Total N applied	lbs/a	377	288	255	310	327
Excess N applied	lbs/a	2	32	55	3	127
Excess N applied per field	lbs	54	2720	4675	372	14859