



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
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February 23, 2024

Mr. John Martin
Shearer's Foods
78035 Hwy 207
Hermiston, Oregon 97838

RE: Warning Letter
Shearer's Foods
2024-WLOTC-9007
File #18702, WPCF Permit #101438
Umatilla County

Dear Mr. Martin:

Shearer's Foods operated a food processing facility and manages industrial wastewater and solids under WPCF Permit #101438. DEQ reviewed the 2023 annual report provided by the facility in conjunction with the final decommissioning report provided as part of closure of operations.

Based on this reporting, DEQ has documented the following violation of Oregon environmental law. With this violation, Shearer's Foods failed to comply with the terms and conditions of WPCF Permit #101438, which is a violation of ORS 468B.025(2).

Violation #1: Exceeding the evapotranspiration rate for a crop during the 2023 growing season

Schedule A, Item 9 of the permit states "During the growing season, hydraulic loading shall not exceed the crop-specific evapotranspiration (ET_c) rate reported at Hermiston Agrimet (HRMO) on a monthly basis."

The annual report states that the ET_c rate was exceeded at field B-1 in April 2023. Irrigation occurred only with supplemental water with reported value of non-detect for Total Nitrogen concentration. Soil moisture hydrographs do not indicate irrigation caused leaching past the root zone of the crop. The following excerpt is from the 2023 annual report, Page 4:

Permit Compliance

Effluent water was not applied to the farm; however, field B-1 crop Specific ET exceeded hydraulic loading (hydraulic loading = irrigation + precipitation) by 0.15 inches in April.

This is a Class II violation. See OAR 340-012-0053(2).

Corrective Action Required

No additional corrective actions required as the facility is no longer generating process wastewater and has performed decommissioning activities and requested termination of the assigned WPCF permit. Land application of wastewater has ceased at the 301 acres covered by the wastewater permit. DEQ has approved the requested termination of the permit.

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

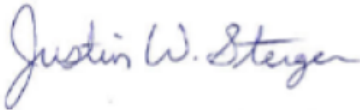
Summary:

This notice is a warning letter. At this time, the Department does not intend to take formal enforcement action. However, should you repeat this violation, the matter may be referred to the Department's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a Department order. Civil penalties can be assessed for each day of violation.

If you believe that any of the facts in this Warning letter are in error, you may provide information to me at the address shown at the top of this letter by March 31, 2024. DEQ will consider new information you submit and take appropriate action.

DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter or require follow-up technical assistance, please feel free to contact me in writing, by email (justin.sterger@deq.oregon.gov) or by phone at 541-633-2016.

Sincerely,

A handwritten signature in blue ink that reads "Justin W. Sterger". The signature is written in a cursive, flowing style.

Justin Sterger
WQ Permitting and Compliance Specialist

cc: Mike Hiatt, Eastern Region Permitting Manager
DEQ Enforcement Section