



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Pendleton Office
800 SE Emigrant Ave., Suite 330
Pendleton, OR 97801
(541) 276-4062

March 13, 2025

John Prigge, Regional EHS&S Manager
J.R. Simplot Company
Simplot Ontario
175 NE 6th Avenue
Ontario, Oregon 97914

RE: Pre-Enforcement Notice
2025-PEN-9865
J.R. Simplot Company
NPDES permit #101607, EPA OR ID# 0002402
WQ file # 63810
Malheur County

Dear John Prigge:

J.R. Simplot Company (Simplot) operates an industrial food processing facility, commonly referred to as Simplot Ontario, under the National Pollution Discharge Elimination System (NPDES) Permit No. 101607. Schedule A, Table A1 of the NPDES permit provides year-round effluent limits for 5-day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS):

Table A.1 Permit Effluent Limits for Outfall 001

Table A1: Permit Limits				
Parameter	Units	Average Monthly	Average Weekly	Daily Maximum
BOD ₅ (year-round)	lb/day	4200	n/a	8400
TSS (year-round)	lb/day	4200	n/a	8400

On February 15, 2025, staff at Simplot notified DEQ of a temporary upset with the in-treatment process resulting in an exceedance of the permit effluent limits for BOD₅ and TSS. On February 27, 2025 DEQ received a noncompliance report with preliminary data showing exceedances, which was later confirmed with submittal of the facility's Discharge Monitoring Report (DMR) (Attachment 1). According to the report, the upset was suspected to be caused by oil spilled at

the facility between January 1, 2025 to January 30, 2025. Corrective actions were taken, including developing a system for preventing and communicating future settling issues.

Effluent Violations:

Based upon this file review, DEQ has concluded that Simplot is responsible for the following four (4) violations of Oregon environmental law:

Date	Violation	Class
February 11, 2025	The facility reported an effluent TSS daily value of 56,985.5 lbs/day, while the daily maximum limit is 8,400 lbs/day. Violating a technology based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by 50% or more; OAR 340-012-0055(1)(k).	I
February 12, 2025	The facility reported an effluent TSS daily value of 34,964 lbs/day, while the daily maximum limit is 8,400 lbs/day. Violating a technology based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by 50% or more; OAR 340-012-0055(1)(k).	I
February 12, 2025	The facility reported an effluent BOD ₅ daily value of 9,392.1 lbs/day, while the daily maximum limit is 8,400 lbs/day. Violating a technology based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by less than 20%; OAR 340-012-0055(3)(b).	III
February 28, 2025	The facility reported an effluent TSS monthly average of 7,691 lbs, while the monthly average limit is 4,200 lbs. Violating a technology based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by 50% or more; OAR 340-012-0055(1)(k).	I

Class I violations are the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

Corrective Actions:

The facility must ensure compliance with the terms and conditions of the issued NPDES permit, including all Schedule A effluent limits, and complete the following:

1. **By April 15, 2025** provide an updated Emergency Response Plan and Spill Response Plan as described in Schedule D.3 and D.6 of the NPDES permit respectively. The plans must address oil spills, alerts, preventative measures, reporting, and responding to prevent future prolonged occurrences.

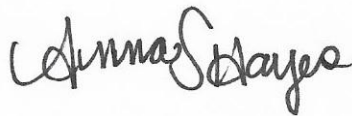
Summary:

Due to the nature of the cited violations this matter has been forwarded to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of a civil penalty and/or DEQ order. Civil penalties can be assessed 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. I will consider any new information you submit and take appropriate action.

If you have any questions, please contact me in writing, at anna.morgan-hayes@deq.oregon.gov, or at 541-246-4562.

Sincerely,



Anna Morgan-Hayes
Permit Writer and Compliance Specialist
WQ Permitting – Eastern Region

cc: Michael Repp, Unit Director, J.R. Simplot
Jeremiah Goodrich, Safety Manager, J.R. Simplot
Justin Smith, J.R. Simplot
ec: Mike Hiatt, Water Quality Permitting and Compliance, Eastern Region, DEQ
Carl Makepeace, Water Quality Permitting and Compliance, Eastern Region, DEQ
Oregon Records Management Solution

Attachment 1: Noncompliance Report Form, Simplot Ontario, February 27, 2025



Oregon Department of Environmental Quality
Noncompliance Reporting Form

For all permit violations, including monitoring requirements.

Use this form to report all instances of noncompliance *except* sanitary sewage overflows. Fill out all fields and sign. You may attach additional information to this report to explain the circumstances of noncompliance. This information may include but is not limited to maintenance records and monitoring results.

FACILITY / CONTACT INFORMATION		
Name of Permittee: J.R. Simplot Company		
Contact Name: John Prigge		
Phone: 208-780-8628	Email: john.prigge@simplot.com	Date: February 27, 2025
DEQ Permit #: 101607	DEQ File #: 63810	EPA ID #: OR0002402
Has non-compliance been corrected?: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Expected time noncompliance is expected to continue:		
Date/Time Started: February 11, 2025 07:00 Date/Time Stopped : February 13, 2025 07:00		
Description of Noncompliance: February 11, 2025: TSS Exceeding daily limit 56,985.5 lbs. February 12, 2025: TSS exceeding daily limit 34,964 lbs. February 12, 2025: BOD exceeding daily limit 9,392.1 lbs. February 28, 2025: Exceedance of TSS monthly lbs. average 7691.0 lbs.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• An upset which exceeds any effluent limitation in this permit	Yes <input checked="" type="radio"/>	No <input type="radio"/>
• Violation of maximum a daily discharge limitation	Yes <input checked="" type="radio"/>	No <input type="radio"/>
If yes to any of the above, complete the rest of this section.		
OERS Number:		
Signs posted? Where?: No signs posted		
Media contacted? Who?: Media not contacted		
List any other steps taken to notify the public and/or state and federal agencies: On February 15, 2025, John Prigge submitted an email to Anna Morgan-Hayes stating the possibility of permit exceedances. Samples had been sent to Analytical laboratories on a 48-hr TAT and results were pending.		
CAUSE(S)		
Cause or suspected cause(s): Oil spills - up to 17,900 total lbs of oil spilled from factory between January 1, 2025 to January 30, 2025. Polymer mixing system for filter presses failed on January 8 and 30, 2025. Freezing temperatures adverse impact on biological and mechanical processes.		

Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA			
Rainfall (for storm-related noncompliance):	inches	Design Storm:	inches
Source of rainfall data:			
CORRECTIVE ACTIONS			
List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.			
Actions taken (describe): See attached sheet.			
Actions planned and schedule for those actions (describe): Continue to dose polymer and ferric chloride until settling problems resolved in full. In collaboration, Simplot and TSG creating a "Trigger" system that will serve to prevent and communicate any future settling issues.			
COMMENTS			
Comments:			

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Authorized Signature _____
 Name (print) Michael Repp
 Title (print) Unit Director

3/11/25

Date _____
 Phone 208-250-1958
 Email michael.repp@simplot.com

022025 LOG

- February 10, 2025
 - Blanket @ 16'
 - 10:00 Solids over the weirs in spots
 - Mark contacted Simplot and TSG leadership
 - TSG setting up to dose WT-1022 polymer that was leftover on site from previous experience several years ago
 - @ 13:30 poly pump was started at .087 LPM
 - .087 LPM was chosen as a dose rate due to historical settings.
 - Secondary Polymer Dosing Protocol sent out to TSG crew
 - Checking blankets every 2 hours – monitoring polymer system
 - Graveyard operator experiencing issues with polymer dosing due to:
 - Age of polymer – reported “snot balls” in poly plugging system
 - Extreme cold freezing push water lines when down to unplug
 - Simplot actions
 - Working at reducing water flows
 - Checking for oil releases
 - Reducing non-essential waste from coming down to WWTP

- February 11, 2025
 - Jar tested FeCl₃ to check efficacy to coagulate sludge
 - Set up FeCl₃ to dose – Informed Simplot and TSG leadership of move to FeCl₃ and off polymer that continue to plug system
 - Started dose off 12:30 @ 2.0 LPM and increased to 2.5 LPM @ 15:00
 - Secondary Polymer Dosing Protocol Revision sent out to TSG staff
 - Requested 48-hour TAT on 021025 BOD and TSS samples
 - Basin and Tower samples shipped to Stillwater, Oklahoma for microbiology analysis.
 - BioBac dosing increased to 9 gal/day

- February 12, 2025
 - Ferric chloride continues to dose at 2.50 LPM
 - Bulk ferric chloride delivery scheduled for tomorrow
 - Secondary Clarifier Polymer has been on since 13:45 without issue
 - Ran jar tests with William Bowen/Nalco @ 12 ppm high efficiency
 - Trying to dose @ 12 ppm – with mixing issues it is hard to maintain consistent
 - Increased dose rate to .174 LPM
 - Instructing night operators to adjust dose every 4 hours only
 - A spreadsheet for hourly rounds has been set up for TSG operators managing poly
 - FE quality remains unacceptable
 - Sludge spills consistent throughout weirs

- BioBac dosing increased to 9 gal/day
 - Water use trending at approximately 3.0 MGD
 - Nalco to be on site tomorrow for a jar test of different polymer technologies
 - RAS flow, Tower Infrastructure, Sludge Judge sampling tools inspected today
 - WWTP mechanic asked to build sheath around leaking poly system mixing cone to prevent motor short-out
 -
- February 13, 2025
 - 06:00 Increased poly dose to 2.00 LPM
Within an hour the blanket had decreased below weirs
 - Slowly walked down poly dose to .370 LPM throughout the day
 - Ferric Chloride continues to dose at 2.5 LPM
 - Met with Nalco/Simplot/TSG over phone to discuss polymer technologies – decision to purchase 3 totes was made.