

Oregon

Tina Kotek, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

March 10, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 5985 24

J.R. Simplot Company, LLC
c/o Corporation Service Company
1127 Broadway St., NE, Suite 310
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/I-ER-2025-565

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$31,800 for violations of your wastewater disposal permits at your facilities in Hermiston and Ontario, Oregon and for a violation of your Air Contaminant Discharge Permit (ACDP) at your Ontario facility. Violations of the Hermiston permit include exceeding nitrogen limits for your wastewater land application program and failing to conduct required wastewater monitoring. Violations of the Ontario wastewater permit include discharging effluent to waters of the state that contained pollutants in excess of limits of the permit.

Your Hermiston wastewater permit limits nitrogen application because of nitrogen-related groundwater contamination in the Lower Umatilla Basin Groundwater Management Area. Your exceedance of the pollutant limits at the Ontario facility created a risk of harm to aquatic life and water quality.

In addition, the emissions limits of your ACDP are set to ensure that air contaminant sources maintain optimum efficiency of pollution controls to protect air quality and to ensure that national air quality health standards are met. In this case, you exceeded the particulate matter limit for your Line 1 Fryer. Particulate matter, when emitted in excess, can contribute to respiratory distress in members of the public. Once inhaled, particulate matter can affect the heart and lungs, causing serious health problems such as decreased lung function, irregular heartbeat and chronic bronchitis.

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:

<https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges, or

Pay by check or money order: Make checks payable to "Department of Environmental Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – DEQappeals@deq.oregon.gov

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of your penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <https://www.oregon.gov/deq/Regulations/Pages/Administrative-Rules.aspx> or by calling the number below.

If you have any questions, please contact Jeff Bachman at 503-229-5950 or toll free in Oregon at 800-452-4011, extension 5950.

Sincerely,



Erin Saylor, Manager
Office of Compliance and Enforcement

Enclosures

cc: Justin Sterger, DEQ
Anna Morgan-Hayes, DEQ
Mike Hiatt, DEQ
Erik Shafer, DEQ
Ania Loyd, DEQ
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
J.R. SIMPLOT COMPANY, LLC) ASSESSMENT AND ORDER
a Nevada limited liability company,)
Respondent.) CASE NO. WQ/I-ER-2025-565

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011 and 012, 200, 216 and 226.

II. FINDINGS OF FACT

Water Quality

1. At all relevant times, Respondent operated an industrial wastewater conveyance, storage, and land application program in Umatilla County, Oregon, as authorized by a Water Pollution Control Facilities Permit (WPCF Permit) issued and administered by DEQ.

2. Specifically, the Permit authorizes Respondent to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system in conformance with all the requirements, limitations, and conditions set forth in the WPCF Permit. The WPCF permit does not authorize Respondent to directly or indirectly discharge wastewater to waters of the state.

3. Schedule A, Condition 10 of the WPCF Permit states that Respondent “is prohibited from allowing the nitrogen available to crops at approved application sites to exceed the crop-specific agronomic rates listed in the approved OM&M Plan.”

4. Properties known as the Levy Farm, located at Township 2N and 3N, Range 28E, Located on Tax Lots 300, 800, 7100, 7300, 7403, 7404, 7500, 8100, 8103, 8105, and the Terrace Farm, located at Township 3N, Range 28E, Located on Tax Lots 1000, 1500, 1600, 1700, 1702, 2902 in Umatilla County, are wastewater application sites approved pursuant to the terms of the WPCF Permit.

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5. Respondent allowed the nitrogen available to crops at the Levy Farm, as required to be calculated by the permit, to exceed the crop-specific agronomic rates listed in the approved OM&M Plan as follows:

Year	Farm and Field	Crop	OM&M Plan Agronomic Loading Rate for Nitrogen from All Sources in Pounds	Nitrogen Loading Rate from All Sources in Pounds
2023	Levy 4	Corn	350	415
2023	Levy 5	Corn	350	412
2023	Levy 27	Corn	350	398
2024	Terrace 5	Reclamation Grass - Triticale	225	252
2024	Terrace 6	Reclamation Grass - Triticale	225	351
2024	Terrace 11	Rye Grass - Triticale	225	274
2024	Levy 3	Mustard Seeds/Greens	120	190
2024	Levy 5	Mustard Seeds/Greens	120	124

6. Schedule B, Condition 2 of the WPCF Permit requires Respondent to monitor its irrigated wastewater twice monthly for Total Kjeldahl Nitrogen (TKN), Nitrate+Nitrite-N, Ammonia + Ammonium-N, and Total Dissolved Solids (TDS).

7. During the month of July 2024, Respondent monitored its irrigated wastewater for TKN, Nitrate+Nitrite-N, Ammonia + Ammonium-N, and TDS only once.

8. At all relevant times, Respondent operated an industrial wastewater treatment and disposal system at its potato processing facility located at 175 N. 6th Street, Ontario, Oregon, pursuant to a National Pollutant Discharge Elimination System Permit No. 101607 (the NPDES Permit).

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1 9. The NPDES Permit authorizes Respondent to 1) operate a wastewater collection,
2 treatment, control and disposal system; and 2) discharge treated wastewater to waters of the state only
3 in conformance with the requirements, limits, and conditions set forth in the permit.

4 10. Schedule A, Condition 1 of the NPDES Permit limits the daily loading of total suspended
5 solids in Respondent's discharged effluent to 8,400 pounds.

6 11. Respondent discharged effluent with daily TSS loadings in pounds as follows: February
7 11, 2025 – 56,986; February 12, 2025 – 34,964; December 21, 2025 – 14,713; and December 23, 2025
8 – 10,491 pounds.

9 12. Schedule A, Condition 1 of the NPDES Permit limits the monthly average loading of
10 TSS in Respondent's discharged effluent to 4,200 pounds per day.

11 13. During the month of February 2025, Respondent discharged effluent with a monthly
12 average TSS loading of 7,691 pounds per day.

13 14. Schedule A, Condition 1 of the NPDES Permit limits the daily loading of biochemical
14 oxygen demand (BOD₅) in Respondent's discharged effluent to 8,400 pounds.

15 15. On February 12, 2025, Respondent discharged effluent with a BOD₅ of 9,392 pounds.

16 16. Schedule A, Condition 3 of the NPDES Permit authorizes Respondent to land apply
17 wastewater during the period between April 1st and October 31st provided that the water is managed in
18 accordance with Respondent's DEQ-approved Operation, Monitoring and Management (OM&M).

19 17. On October 30, 2025, a pipe leak at Respondent's facility discharging wastewater
20 effluent to the ground surface in an area that was not authorized in Respondent's OM&M plan for land
21 application.

22 \\\

23 Air Quality

24 18. Respondent's potato processing facility in Ontario, as referred to in Paragraph 8 above,
25 (the Facility) includes eight processing lines, some of which include fryers.

26 19. On August 18, 2022, DEQ issued Respondent Standard Air Contaminant Discharge
27 Permit No. 23-0003-ST-01 (the ACDP). The Permit was in effect at all material times.

20. The Permit authorizes Respondent to discharge air contaminants from the Facility in conformance with the requirements, limitations and conditions set forth in the Permit.

21. Condition 2.3.b of the ACDP prohibits Respondent from emitting particulate matter (PM) from the Line 1 Fryer at the Facility in excess of 0.15 grains per dry standard cubic foot (gr/dscf).

22. On September 14, 2023, Respondent conducted a source test using ODEQ Method 7 on the Line 1 Fryer to measure PM emissions from the fryer in accordance with Condition 7.1 of the ACDP.

23. During the test, Respondent's Line 1 Fryer PM emissions were 0.187 gr/dscf.

III. CONCLUSIONS

1. Respondent violated ORS 468B.025(2) when it allowed the nitrogen available to crops at approved wastewater land application sites to exceed the crop-specific agronomic rates listed in the approved OM&M Plan of the WPCF Permit, as described in Section II, Paragraphs 3 through 5, above. These are Class I violations pursuant to OAR 340-012-0055(1)(l). DEQ assesses a \$10,800 civil penalty for these violations.

2. Respondent violated ORS 468B.025(2) when in July 2024 it failed to conduct twice monthly monitoring of irrigated wastewater for TKN, Nitrate+Nitrite-N, Ammonia + Ammonium-N, and TDS as required by Schedule B of the WPCF permit, as described in Section II, Paragraphs 6 and 7, above. These are Class I violations pursuant OAR 340-012-0055(1)(o). DEQ assesses a \$10,400 civil penalty for these violations.

3. Respondent violated ORS 468B.025(2) when it discharged effluent containing TSS in excess of the loading limits in the NPDES Permit as described in Section II, Paragraphs 10 through 13, above. These are Class I violations pursuant to OAR 340-012-0055(1)(k)(A) as the limits were exceeded by 50% or more. DEQ assesses a \$7,800 civil penalty for these violations.

4. Respondent violated ORS 468B.025(2) by discharging effluent containing BOD₅ in excess of the daily loading limit in the NPDES Permit, as described in Section II, Paragraphs 14 and 15, above. This is a Class III violation pursuant to OAR 340-012-0055(3)(b)(A). DEQ does not assess a penalty for this violation.

5. Respondent violated ORS 468B.025(2) by land applying wastewater in a manner not authorized in Schedule A, Condition 3 of the NPDES Permit as described in Section II, Paragraphs 16 and 17, above. This is a Class II violation pursuant to OAR 340-012-0055(2)(d). DEQ does not assess a civil penalty for this violation.

6. Respondent violated ORS 468A.045(2), Condition 2.3.b of the ACDP, and OAR 340-216-0020(8) when its Line 1 Fryer emitted PM in excess of the 0.15 gr/dscf PM emission limit in the ACDP as further described in Section II, Paragraphs 21 through 23, above. This is a Class II violation according to OAR 340-012-0054(2)(b). DEQ assesses a \$2,800 civil penalty for this violation.

IV. ORDER TO PAY CIVIL PENALTY

Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is hereby ORDERED TO: Pay a total civil penalty of \$31,800. The determinations of the civil penalties are attached as Exhibits 1–4 and are incorporated as part of this Notice.

If you do not file a request for hearing as set forth in Section V below, please pay the penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:
<https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Reference Number and FIMS Account ID included on the attached payment slip.
Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges.

Pay by check or money order: Make checks payable to “Department of Environmental Quality” and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached exhibits you must do so in your request for hearing, as factual matters not denied will be considered

1 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
2 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
3 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
4 it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge
5 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
6 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
7 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
8 you will be notified of the time and place of the hearing and you will be given information on the
9 procedures, and other rights of parties relating to the conduct of the hearing before commencement of
10 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
11 limited liability company, unincorporated association, trust or government body, you must be
12 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

13 Active duty Service members have a right to stay proceedings under the federal Service
14 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
15 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
16 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
17 Department does not have a toll free telephone number.

18 If you fail to file a timely request for hearing, the Notice will become a final order by default
19 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
20 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the
21 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates
22 the relevant portions of its files, including information submitted by you, as the record for purposes of
23 proving a prima facie case.

24
25
26
27
Date

3/10/2020

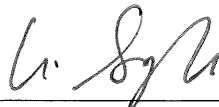

Erin Saylor, Manager
Office of Compliance and Enforcement

EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

- VIOLATION NO. 1 Allowing the nitrogen available to crops at approved wastewater land application sites to exceed crop-specific agronomic rates in violation of Schedule A, Condition 10, of the WPCF Permit and ORS 468B.025(2).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(m) because the violations occurred at land application sites in a groundwater management area so designated because of nitrogen contamination.
- MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.
- CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$
- "BP" is the base penalty, which is \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(ii) as Respondent has a Tier 2 industrial source WPCF permit.
- "P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 10 according to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of 11 Class I violations as established in Case Nos. WQ/SW-NWR-2022-503, WQ/SW-NWR-2020-229 and WQ/SW-NWR-2019-289.
- "H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).
- "O" is whether the violation was repeated or ongoing and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were eight occurrences of the violation as detailed in the Notice.
- "M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The agronomic rate limits are express conditions of Respondent's permit. By failing to take the action necessary to prevent

an exceedance of the limits, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (10 + 0 + 3 + 4 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 17) + \$0 \\ &= \$4,000 + \$6,800 + \$0 \\ &= \$10,800 \end{aligned}$$

EXHIBIT 2

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 2 Failing to conduct monitoring required by Schedule B of the WPCF permit.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(o).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(ii) as Respondent has a Tier 2 industrial source WPCF permit.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 10 according to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of 11 Class I violations as established in Case Nos. WQ/SW-NWR-2022-503, WQ/SW-NWR-2020-229 and WQ/SW-NWR-2019-289.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing and receives a value of 2 according to OAR 340-012-0145(4)(b) because Respondent failed to monitor its irrigated wastewater for four parameters as detailed in the Notice.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The monitoring requirements are express conditions of Respondent's permit. By failing to take the action necessary to conduct the required monitoring, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (10 + 0 + 2 + 4 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 16) + \$0 \\ &= \$4,000 + \$6,400 + \$0 \\ &= \$10,400 \end{aligned}$$

EXHIBIT 3

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

- VIOLATION NO. 3 Discharging effluent that contained TSS in excess of the limits established in the NPDES permit.
- CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0055(1)(k)(A).
- MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.
- CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$
- "BP" is the base penalty, which is \$3,000 for a Class I, minor magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(iii) and applicable pursuant to OAR 340-012-0140(2)(a)(E)(ii) as Respondent has a Tier 1 industrial source WPCF permit.
- "P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 10 according to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of 11 Class I violations as established in Case Nos. WQ/SW-NWR-2022-503, WQ/SW-NWR-2020-229 and WQ/SW-NWR-2019-289.
- "H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).
- "O" is whether the violation was repeated or ongoing and receives a value of 2 according to OAR 340-012-0145(4)(b) because Respondent exceeded the TSS limit on five occasions as detailed in the Notice.
- "M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The TSS limit is an express condition of Respondent's permit. By failing to take the action necessary to comply with the limit, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$3,000 + [(0.1 \times \$3,000) \times (10 + 0 + 2 + 4 + 0)] + \$0 \\ &= \$3,000 + (\$300 \times 16) + \$0 \\ &= \$3,000 + \$4,800 + \$0 \\ &= \$7,800 \end{aligned}$$

EXHIBIT 4

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 6: Respondent's Line 1 Fryer exceeded the 0.15 gr/dscf PM emission limit in its ACDP in violation of ORS 468A.045(2), Condition 2.3.b of the Permit and OAR 340-216-0020(8).

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0054(2)(b).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$2,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(A) because Respondent operates the facility under a Standard Air Contaminant Discharge Permit that was not issued pursuant to NSR or PSD.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c), because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d), because there were more than 28 occurrences of the violation. In accordance with OAR 340-012-0145(4), each day of violation with a duration of more than one day is a separate occurrence. Respondent's Line 1 Fryer is presumed to have exceeded the 0.15 gr/dscf particulate matter emission limit from at least September 14, 2023, until Respondent retested the fryer and demonstrated compliance with the limit on June 19, 2024.

"M" is the mental state and receives a value of 2 according to OAR 340-012-0145(5)(b), because Respondent had constructive knowledge (reasonably should have known) of the requirement to limit its particulate matter emissions from the Line 1 Fryer. Condition 2.3.b of the Permit expressly limits Respondent's PM emissions from the Line 1 Fryer to 0.15 gr/dscf.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -2 according to OAR 340-012-0145(6)(d) because Respondent eventually made some efforts to correct or minimize the effects of the violation by performing maintenance and/or repairs to the emissions controls for the Line 1 Fryer and retesting to demonstrate compliance with the PM grain loading limit on June 19, 2024.

"EB" is the approximate dollar value of the benefit gained, and the costs avoided or delayed as a result of Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 as there is insufficient information on which to base a finding and Respondent's costs to conduct repeated emissions testing likely outweighed any delayed expenditures to return to compliance.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$2,000 + [(0.1 \times \$2,000) \times (0 + 0 + 4 + 2 + -2)] + \$0 \\ &= \$2,000 + (\$200 \times 4) + \$0 \\ &= \$2,000 + \$800 + \$0 \\ &= \$2,800 \end{aligned}$$

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100



State of Oregon
DEQ Department of Environmental Quality

Phone: 503-229-5437
Fax: 503-229-5850

CIVIL PENALTY - ORS 468.135(2)

DATE:	March 10, 2026
RESPONSE DATE*:	May 19, 2026
TOTAL PENALTY:	\$31,800.00

Account Name:	SIMPLOT		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600082
SubSystem ID:	191182	FIMS Acct. ID:	2554

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 31,800.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 31,800.00

*This is the date the penalty is due if you do not exercise your right to appeal the attached order. Payment of this penalty is subject to the exercise of your options or right to appeal as described in the enclosed enforcement documents.

To Pay Online with ACH or Credit Card Visit <https://ydo.oregon.gov> and select 'Register Account'

----- ✂
PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



REFERENCE NO.	CPGFD2600082		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	May 19, 2026
FIMS ACCT. ID:	2554	TOTAL PENALTY DUE:	\$31800.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality

☐

Check this box if updated address information has
been provided on the back of the form.

DEQ FINANCIAL SERVICES - LBX4244
PO BOX 4244
PORTLAND OR 97208-4244

00401 7400 10040 74001 0500 000000 0095000025548CPGFD260008200031800006



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 468.135(2)

700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
Phone: 503-229-5437
Fax: 503-229-5850

Penalty Detail

Transaction Date	Description	Amount
3/9/2026	2025-565 WQ-I-ER-2025-565	\$31,800.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

Address Changes

Please visit <https://ydo.oregon.gov> to update your mailing address online or provide the following information:

Name _____
Address _____
City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. WQ/I-ER-2025-565 upon:

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
JR Simplot Company, LLC c/o Corporation Service Company 1127 Broadway St., NE, Suite 310 Salem, OR 97301	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

By mailing a true copy of the above by placing it in a sealed envelope, with postage prepaid at the DEQ/DAS mail services in Portland, Oregon on March 10, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality