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

June 25, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 6039 90

Lamb Weston, Inc.
c/o The Prentice-Hall Corporation System, Inc., Registered Agent
1127 Broadway St., NE, Suite 310
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/I-ER-2025-665

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of $14,400 for the June 11, 2024 unpermitted discharge of food processing wastewater from your Hermiston facility to the Umatilla River.

Food processing wastewater contains pollutants that degrade water quality and can reduce the oxygen in water bodies needed by fish and other aquatic life. Oregon law requires permits before any discharge of pollutants to public waters to ensure water quality is protected.

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
Mike Hiatt, DEQ
Jeffrey L. Hunter, Perkins Coie, LLP, 1120 NW Couch Street, Portland, OR 97209-4128
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF: LAMB WESTON, INC, a Delaware corporation, Respondent.	))))	NOTICE OF CIVIL PENALTY ASSESSMENT AND ORDER CASE NO. WQ/I-ER-2025-665

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 Chapters 183 and 468B and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011 and 012.

II. FINDINGS OF FACT

1. At all relevant times, Respondent operated an industrial wastewater collection, treatment and disposal system for its food processing facility located on Westland Road in Hermiston, Oregon, pursuant to a Water Pollution Control Facilties Permit (the Permit) issued and administered by DEQ.

2. The Permit authorizes Respondent to operate its wastewater system and dispose of adequately treated wastewater through land application, but only in conformance with the requirements, conditions and limitations of its Permit

3. The Permit does not authorize Respondent to discharge wastewater to waters of the state, as defined in ORS 468B.025(10).

4. On June 11, 2024, Respondent discharged wastewater from an overflow in its effluent treatment system to the Umatilla River.

5. Schedule A, Condition 2 of the Permit authorizes Respondent to dispose of wastewater only in accordance with Respondent's Operations, Management and Maintenance (OM&M) Plan and only on land that has been approved by DEQ in writing.

6. Respondent disposed of wastewater in a manner inconsistent with its OM&M plan and/or on land not authorized by DEQ in writing as follows:

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a. On July 9, 2024, Respondent discharged process water to ground surface from a vault on the North Farm pipeline.

b. On August 1, 2024, Respondent discharged wastewater mixed with freshwater to ground surface during transport of hopper bins at 78153 Westland Road in Hermiston.

c. On November 6, 2024, Respondent discharged process water from a fracture crack in the main pipeline that conveys effluent to the North Farm to ground surface.

d. On June 3, 2025, Respondent discharged reuse process water to ground surface during repair work on an isolation valve on the East side of Cottonwood Road.

e. On July 7, 2025, Respondent discharged wastewater to ground surface from a defective pipe sidewall on a pipeline that transfers reuse water from the treatment plant to North Farm.

f. On July 11, 2025, Respondent discharged wastewater to ground surface from its UF 3 unit.

g. On July 20, 2025, Respondent discharged wastewater to ground surface at its treatment plant.

h. On August 1, 2025, Respondent discharged wastewater to ground surface at its treatment plant.

i. On August 27, 2025, Respondnet discharged wastewater to ground surface from the booster station east pipeline..

j. On September 3, 2025, discharged wastewater to ground surface from the pipeline that transfers reuse water from the plant to the North Farm.

k. On September 26, 2025, Respondent discharged wastewater to ground surface along the roadway and parking lot at Respondent's facility.

l. On October 28, 2025, Respondent discharged wastewater to its facility parking lot, into a storm drain and into a dry stormwater basin.

m. On December 23, 2025, Respondent discharged wastewater to ground surface at the Lamb Weston Line 5 plant hopper bin area.

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n. On December 28, 2025, Respondent discharged wastewater to ground surface from its digester gas scrubber at the treatment plant.

III. CONCLUSIONS

1. Respondent violated ORS 468B.050(1)(a) by discharging food processing wastewater, a waste pursuant to ORS 468B.005(9), to the Umatilla River, a water of the state pursuant to ORS 468B.005(10) as described in Section II, Paragraph 4, above. This is a Class I violation pursuant to OAR 340-012-0055(1)(c). DEQ hereby assesses a $14,400 civil penalty for this violation.

2. Respondent violated ORS 468B.025(2) by disposing of wastewater in a manner not authorized by its permit as described in Section II, Paragraphs 5 and 6. These are Class II violations pursuant to OAR 340-012-0053(2). DEQ has not assessed a civil penalty for these violations.

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 $14,400. The determination of the civil penalty is attached as Exhibit 1 and is 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 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for further information about requests for hearing.) You must send your request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge employed by the Office of Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you request a hearing, you will be notified of the time and place of the hearing and you will be given information on the procedures, and other rights of parties relating to the conduct of the hearing before commencement of the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

If you fail to file a timely request for hearing, the Notice will become a final order by default without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates

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the relevant portions of its files, including information submitted by you, as the record for purposes of proving a prima facie case.

6/25/2025
Date

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 — Discharging wastes to waters of the state without a permit authorizing such discharge in violation of ORS 468B.050(1)(a).

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

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 $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(E)(ii) because Respondent has a Tier 1 industrial source wastewater 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 9 or more Class I equivalent violations as established in Case Nos. WQ/I-ER 2018-170, WQ/I-ER-2019-189, WQ/I-ER-2019-249 and WQ/I-ER-2021-190.

"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 0 according to OAR 340-012-0145(4)(a) because there was only one occurrence of the violation.

"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. Respondent knew or should have known that it is prohibited from discharging wastewater to waters of the state without a permit. By failing to take the actions necessary to prevent the unpermitted discharge, 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 available to arrive at a reasonable estimate of any avoided or delay compliance costs.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $6,000 + [(0.1 x $6,000) x (10 + 0 + 0 + 4 + 0)] + $0
= $6,000 + ($600 x 14) + $0
= $6,000 + $8,400 + $0
= $14,400

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:	June 25, 2026
RESPONSE DATE*:	September 3, 2026
TOTAL PENALTY:	$14,400.00

Account Name:	LAMB WESTON HERMISTON PLANT		
Account Type:	Vendor/Organization/Company	Reference Number:	**CPGFD2600122**
SubSystem ID:	179615	FIMS Acct. ID:	570

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
$ 14,400.00	$ 0.00	$ 0.00	$ 0.00	$ 14,400.00

*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

DEQ

REFERENCE NO.	CPGFD2600122		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	September 3, 2026
FIMS ACCT. ID:	570	TOTAL PENALTY DUE:	$14400.00

AMOUNT ENCLOSED: _____

MAKE CHECK PAYABLE TO: Department of Environmental Quality

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

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

00401 7400 10040 74001 0500 000000 00950000005704CPGFD2600122000144000005

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
6/24/2026	2025-665 WQ-I-ER-2025-665	$14,400.00

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:

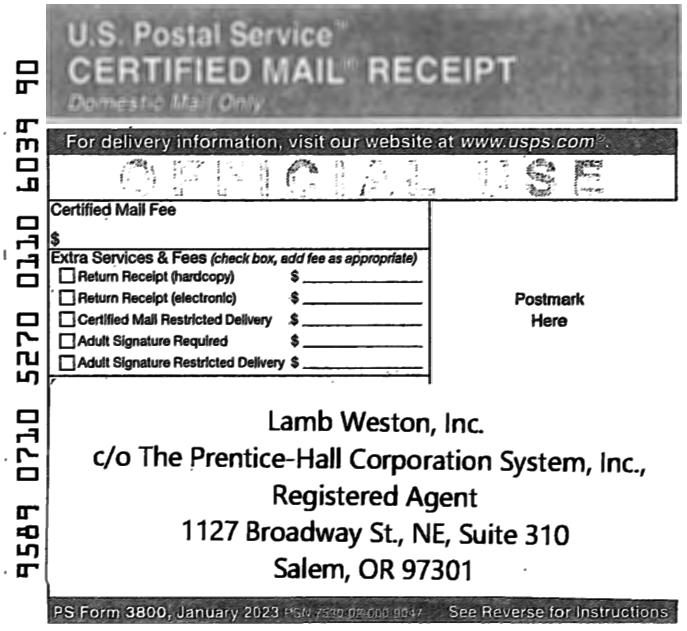
Name _____

Address _____

City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. WQ/I-ER-2025-665 upon:



Jeffrey L. Hunter
Perkins Coie, LLP
1120 NW Couch Street
Portland, OR 97209-4128

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 June 26, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator
Office of Compliance & Enforcement
Department of Environmental Quality