

# Request for Comments

## Proposed WPCF Permit Modification for Hermiston Foods, LLC

The purpose of this notice is to invite you to provide written comments on this proposed Water Pollution Control Facilities (WPCF) permit modification.

### DEQ's Role:

The Oregon Department of Environmental Quality (DEQ) is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. One way DEQ does this is by requiring permits for certain activities. DEQ issues permits to regulate the type and amount of wastewater discharged at a regulated facility.

### Comments due:

Written comments due: 5 p.m.  
February 12, 2010

### Where can I send my comments?

Jackie Ray, Permit Coordinator  
(541) 278-4605 or 800-304-3513  
Department of Environmental Quality  
Eastern Region - Pendleton Office  
700 SE Emigrant, Suite 330  
Pendleton, OR 97801  
Fax No. (541) 278-0168  
Email: [Jackie Ray](mailto:Jackie.Ray@deq.state.or.us)

### Where can I get technical information?

Carl Nadler, Permit Writer  
(541) 298-7255, ext.227 or 800-452-4011  
Department of Environmental Quality  
Eastern Region – The Dalles Office  
400 E. Scenic Drive, Suite 307  
The Dalles, OR 97058  
FAX No. (541) 298-7330  
Email: [Carl Nadler](mailto:Carl.Nadler@deq.state.or.us)

### Where can I get background information?

Information about this project is viewable online by clicking the following link(s):

[Draft Permit Modification Evaluation Report Modification](#)

You can review hard copies of the draft permit modification and related documents at the nearest DEQ office in Pendleton. For a review appointment, call Jackie Ray at (541) 278-4605.

### What is proposed?

DEQ proposes to modify Hermiston Foods' WPCF permit to allow the company to move its wastewater storage and land application activities to its New Site, also known as the Chowning and Koester Farms. At this time, DEQ is inviting public comment on the proposed permitting action. During the comment period the public is invited to make comments related to specific conditions within the proposed permit modification.

### Permit expiration

The permit will expire on December 31, 2015.

### Who is the applicant?

Hermiston Foods, LLC  
2250 S. Hwy 395  
Hermiston, OR 97838

### Where is the facility located?

Hermiston Foods' vegetable processing plant is located at 2250 Highway 395 South, Hermiston, Oregon. The New Site is located approximately a mile northeast of the plant.

### Who might have an interest?

People who work, live, and recreate in the area.

### What does Hermiston Foods do that affects water quality?

Hermiston Foods disposes of nitrogen-rich vegetable processing wastewater by land application on crops. Nitrogen is a plant nutrient, so land application of the wastewater is a beneficial reuse. However, over application of nitrogen-rich wastewater may result in surface run-off and groundwater contamination. This is a special concern because the company's New Site is located within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA), which has been designated as such by the Department because groundwater nitrate concentrations are elevated in a wide spread area.

### What legal requirements apply?

Oregon Revised Statutes (ORS) 468B and Oregon Administrative Rules (OAR) Chapter 340 Division 45 give DEQ the authority to issue permits.



State of Oregon  
Department of  
Environmental  
Quality

### Eastern Region Water Quality

700 SE Emigrant #330  
Pendleton, OR 97801  
Phone: (541) 276-4063  
800-452-4011  
Fax: (541) 278-0168  
Contact: Carl Nadler

[www.oregon.gov/DEQ/](http://www.oregon.gov/DEQ/)

If you received a hard copy of this notice in the mail, please consider receiving updates via e-mail instead. Send your request to: [subscriptions@deq.state.or.us](mailto:subscriptions@deq.state.or.us)

Please include your full name, e-mail address and mailing address so that we can purge you from our print mailing list, thus saving trees and taxpayer dollars.

Notice Issued: 1/13/10  
By: Jackie Ray

**How does DEQ determine what requirements go in the permit?**

Various federal and state regulations apply to a facility depending on the type of industry, the type and amount of pollutants discharged and the location of the facility. All applicable regulations must be contained in the permit, including the appropriate recordkeeping, monitoring, and reporting requirements to ensure compliance with these rules.

DEQ used discretion in developing limitations and monitoring requirements.

**What are the known health effects or environmental impacts of the permitted substances disposed of or discharged by Hermiston Foods?**

As noted above, Hermiston Foods wastewater contains nitrogen compounds. At concentrations greater than 10 mg/l, orally ingested nitrate can be hazardous to infants.

**How are the permitted substances measured?**

The proposed permit requires self-monitoring. Monitoring must be conducted according to test procedures specified in the most recent edition of **Standard Method for the Examination of Water and Wastewater**, unless other test procedures have been specified in this permit.

**Compliance history:**

On November 24, 2009, DEQ issued Warning Letter (WL) ERP-09-056 to Hermiston Foods for not following its Operations, Monitoring and Management (OM&M) Plan by land applying wastewater on a parcel that was not approved for wastewater. The violation was a Class II of the Department’s Enforcement Rules. Class I violations are the most serious violations; Class III violations are the least serious.

**What are the special conditions of this permit modification?**

As noted above, Hermiston Foods acquired new land application sites. Following submittal of a

site characterization report, the Department granted site authorization on November 24, 2009. Therefore, the proposed permit is structured to allow transition to the new sites.

**What other DEQ permits are required?**

No other DEQ permits are affected by this proposed permit action.

**What similar activities take place in the vicinity of the facility?**

Lamb-Weston, Snack Alliance and Morstarch land apply process wastewater in the area.

**What other information about this company is related to this permit?**

None

**What happens next?**

DEQ will consider and provide responses to all comments received at the close of the comment period. DEQ may modify provisions in the proposed permit modification, but the permit writers can only modify conditions of the permit in accordance with the rules and statutes under the authority of DEQ. Participation in the rulemaking or the legislative process is the only way to change the rules or statutes. Ultimately, if a facility meets all legal requirements, DEQ will issue the facility’s WPCF permit modification.

**Accessibility information**

DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at 800-452-4011; fax to (503) 229-6762; or e-mail to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

People with hearing impairments may call the Oregon Telecommunications Relay Service at 800-735-2900.