



# Oregon

Tina Kotek, Governor

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February 21<sup>st</sup>, 2024

Mr. Jerry Preston  
Oregon Water Wonderland Unit II Sanitary District  
55841 Swan Rd  
Bend, Oregon 97707

RE: Warning Letter with Opportunity to Correct  
Oregon Water Wonderland Unit II SD  
**2024-WLOTC-9000**  
File #65000, WPCF Permit #102213  
Deschutes County

Dear Mr. Preston:

Oregon Water Wonderland Unit II Sanitary District operates municipal wastewater (sewage) treatment facilities and irrigates nondisinfected recycled water under Water Pollution Control Facilities (WPCF) Permit #102213. DEQ recently performed a site visit on October 11, 2023, during which District staff informed DEQ that no hay would be harvested in 2023 due to insufficient growth of the crop. The District also reported that they did not harvest a hay crop in 2023, in their 2023 recycled water annual report, submitted to DEQ January 22<sup>nd</sup>, 2024.

Based on this reporting, DEQ has documented the following violation of Oregon environmental law. With this violation, Oregon Water Wonderland Unit II SD failed to comply with the terms and conditions of WPCF Permit #102213, which is a violation of ORS 468B.025(2).

### **Violation #1: Failing to cut and remove vegetation in order to adequately use irrigation water and capture nutrients**

Schedule A, Item 5 of the permit states “Unless otherwise approved in writing by the Department, a natural vegetative cover with plants indigenous to the area shall be maintained on the land irrigation area at all times. Vegetation shall be periodically cut and removed to ensure maximum evapotranspiration and nutrient capture.” During the 2023 growing season, the district failed to manage the irrigation area in a manner sufficient to raise a hay crop. Therefore, no hay was able to be cut at the end of the growing season. Failure to follow a permit condition is a Class II violation. See OAR 340-012-0053(2).

### **Corrective Action Required**

From this point forth, the District must use appropriate agronomic practices to ensure that a hay crop will be raised that is sufficient to remove the nutrients applied and to beneficially use irrigation water.

**By March 22<sup>nd</sup>, 2024**, the District must submit to DEQ a written plan detailing the steps that will be taken to ensure compliance with Schedule A, Item 5 of their permit.

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

**Summary:**

This notice is a warning letter. DEQ has concerns that additional violations will occur if proper operation, oversight, and maintenance is not being routinely conducted. 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 22, 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 ([carl.makepeace@deq.oregon.gov](mailto:carl.makepeace@deq.oregon.gov)) or by phone at 541-300-5142.

Sincerely,

A handwritten signature in black ink that reads "Carl Makepeace". The signature is written in a cursive style with a small flourish at the end.

Carl Makepeace  
WQ Permitting and Compliance Specialist

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