



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Northwest Region

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March 28, 2024

Oregon Department of Fish & Wildlife

ATTN: Scott Patterson.

24500 S Entrance Rd

Estacada, OR 97023-9675

RE: Rescinding Pre-Enforcement Notice
ODFW - Clackamas River Hatchery
2024-PEN-8961
DEQ Permit #102663 / EPA ID# OR0034266
Facility ID#64442
Clackamas County

Dear Oregon Department of Fish & Wildlife:

This letter rescinds 2024-PEN-8961 which was issued on February 05, 2024. On the 5th of March, DEQ received a letter from ODFW-CRH that provided details about erroneous ETL calculations. These errors were produced by sampling at an incorrect location that was not specified by the permit, and resulted in the ETL limit excursions that precipitated PEN8961. ODFW-CRH has corrected the data and, as the excursions did not occur, this PEN is rescinded. The original text is preserved below for reference only.

In December of 2023, the Department of Environmental Quality (DEQ) examined National Pollutant Discharge Elimination System (NPDES) permit violations at ODFW - Clackamas River Hatchery (ODFW-CRH). According to self-reporting, the ODFW-CRH discharged effluent at an excess thermal load (ETL) that was above permitted limits during the summers of 2022 and 2023.

The facility has experienced warmer weather conditions and extremely low flows in the Clackamas River. As a result, calculated ETL values exceeded the permit limit. In June 2023, the ambient temperature of the Clackamas River increased above the temperature criteria for the basin. On June 3, 11, 22-24, 26-29 and 30. In July, on 1-9, 11-16, 18-23, 26, 28, and 30. On August 3 10-11, and 13 And in September on 2, 8, and 10-15. Daily temperature increases are not limited in Schedule A and had a maximum of 0.35 deg C. It should be noted that none of the daily temperature excursions increased beyond 1.0 deg C, which is allowable when the Clackamas River flows are above 1500 cubic feet per second. In 2022, summer 7-day rolling average temperatures in the Clackamas River were between 18.2 and 14.2 deg C, and the facility never increased water temperature by more than 1.0 deg C. These daily temperature increase data points over 0.5 degrees Celsius are offered here for characterization.

DEQ has concluded that Clackamas River Hatchery is responsible for the following violations of Oregon environmental law:

Date	Reported excursion	Violation Class
June 8-15, 2023	ETL 7-day average was 215.5 mkcal/day, limit is ≤ 49 mkcal/day (340% exceedance)	Class I (WQBEL)
July 02 through September 28, 2023	ETL 7-day average was 377 mkcal/day, limit is ≤ 49 mkcal/day (669% exceedance)	Class I (WQBEL)
July 01 through September 30, 2022	ETL 7-day average was 516 mkcal/day, limit is ≤ 49 mkcal/day (% exceedance)	Class I (WQBEL)

These are violations of OAR 340-012-0055(1)(l) Violating a Water Quality Based Effluent Limit (WQBEL) Temperature limit set by the TMDL. This is a Class I violation.

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

This exceedance is a Class 1 violation of the Schedule A in permit #102663. This matter is being referred to the Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of civil penalties and/or a Department order. A formal enforcement action may include a civil penalty assessment for each day of violation.

If you believe any of the facts in this Pre-Enforcement Notice are in error, you may provide additional information within 30 days to the address shown at the top of this letter. DEQ will consider new information you submit and take appropriate action.

DEQ wants to help you comply with your permit conditions and limits. If you have any questions about this letter's content, please contact me at mark.bentz@deq.state.or.us or 503-869-8264.

Sincerely,



Mark Bentz
Water Quality Compliance Specialist
Oregon DEQ, Source Control, Northwest Region

Ecc: Tiffany Yelton-Bram, DEQ-NWR
Randy Bailey, DEQ-NWR
Daniel Straw, ODFW

