Oregon
Tina Kotek, Governor

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February 21, 2024

Jerry Gillham
City of Sutherlin
126 E. Central Ave.
Sutherlin, OR 97479-9556

RE: **Pre-Enforcement Notice**
Sutherlin STP
2024-PEN- 9003
NPDES permit #101993, EPA OR0020842
WQ file #86662
WQ – Douglas County

Dear Mr. Gillham:

On August 15, 2023, I conducted a site visit of the City of Sutherlin recycled water use system. I also reviewed your 2022 and 2023 annual recycled water report and associated discharge monitoring reports for Outfall 003 at the Oak Hill Golf Course.

Violations

Based on this review, DEQ has concluded that the City is responsible for the following violations of its permit and recycled water use plan.

1. *Schedule D, condition 3* of Sutherlin's NPDES permit requires compliance with its recycled water use plan for Class A recycled water. Sutherlin did not meet Class A requirements in 2022 and 2023 on the dates listed in the attached table. Violating a management plan required by a waste discharge permit is a Class II violation per OAR 340-012-0055(2)(d).

2. In 2022 the City had multiple exceedances of the single sample bacteria limit and in 2023 multiple exceedances of the turbidity limit for Class A recycled water, as shown in the attached table. As specified in *Schedule A, Table A4* of the permit and Oregon OAR 340-055-0012, Class A recycled water must not exceed a median of 2.2 total coliform organisms per 100 milliliters based on results of the last seven days that analyses have been completed, and 23 total coliform organisms in any single sample. In addition, the permit requires turbidity may not exceed: 2 NTUs within a 24-hour period, 5 NTU's more than five precent of the time within a 24-hour period and 10 NTU's at any time. The classification of these violations is indicated in the attached table.

3. In 2022 and 2023 the City monitored but did not report all required turbidity criteria including: exceeding 5 NTU's more than 5 percent of the time within a 24-hour period as required by Schedule B, condition7 of the permit. Failing to submit a complete discharge monitoring report is a Class III violation per 340-012-0055(3)(a).

4. The flow or quantity of recycled water irrigated (inches/acre) for 2022 and 2023, required by Schedule B, condition7 of the permit. Failure to collect monitoring data required in Schedule B of the permit is a Class I violation per 340-012-0055(1)(o).

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

Environmental Impact of Violations

Sutherlin's recycled water plan identifies Class A recycled water, which is Oregon's highest classification of recycled water in terms of treatment and the class of recycled water with the least amount of restrictions in terms of beneficial use. Use of recycled water at a lower recycled water classification than Class A requires more stringent environmental and public health protections including but not limited to increased separation distance to property lines, drinking water sources, etc. It is imperative that Class A consistently meets the criteria for Class A to be protective of human health and the environment.

Without determining the quantity irrigated/ inches/acre for the amount irrigated each day, the City cannot show that the use if for a beneficial purpose and in compliance with Oregon's recycled water use rules.

Requested Corrective Action

By April 21, 2024**,** submit to DEQ a letter detailing the corrective actions Sutherlin is taking to address and prevent recurrence of the violations listed in this notice.

In addition, when I was at the golf course on August 15, 2024, with the City, I observed water flowing from one of the golf courses curtain drains into a ditch and not the lower golf course pond. The particular drain also appeared to accept stormwater from the neighboring residential development. Recycled water and recycled water comingled with surface water is not authorized to be discharged to waters of the state. Discharging any recycled water to waters of the state is a violation. The irrigation of the recycled water needs to be effectively managed so the application rates do not exceed vegetative use and end up in golf course's water features then flow to waters of the state.

In the letter detailing the corrective actions, also provide detailed information how the City and Oak Hills Golf course will work together to prevent recycled water reaching waters of the state.

Referral for DEQ Formal Enforcement Action

We are referring this matter to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of a civil penalty and/or DEQ order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this enforcement letter are in error, you may provide information to me at the address shown at the top of this letter or steve.mcmillan@deq.oregon.gov by March 22, 2024. I will consider any new information you submit and take appropriate action.

If you have any questions, please contact me by email or at 541-686-7799.

Sincerely,

Steve McMillan

Steve McMillan
Land Application Specialist
DEQ Western Region

Enclosure: April 19, 2023, inspection narrative

cc: WQ Compliance File, DEQ Medford Office
Scott Simpson, Umpqua Golf Management, LLC
1919 Recreation Lane, Sutherlin, OR 97479
ec: Andy Ullrich, Medford, Western Region, DEQ
Ranei Nomura, Manager, Western Region, DEQ
Oregon Records Management System
Jody Gardner, Wastewater Division Supervisor

Recycled Water Limit Violations			
Date	**Violation**	**Permit Limit**	**Class**
May 25, 2022	62 total coliform organisms per 100 mls	23 total coliform, maximum organisms per 100 mls	Class II*
May 28, 2022	41 total coliform organisms per 100 mls	23 total coliform, maximum organisms per 100 mls	Class II*
August 27, 2022	61 total coliform organisms per 100 mls	23 coliform maximum organisms per 100 mls	Class II*
August 1, 2023	2.96 NTU	Average of 2 NTUs within a 24-hour period	Class II**
August 2, 2023	2.74 NTU	Average of 2 NTUs within a 24-hour period	Class II**
August 3, 2023	2.34 NTU	Average of 2 NTUs within a 24-hour period	Class II**
August 12, 2023	2.87 NTU	Average of 2 NTUs within a 24-hour period	Class II**
August 13, 2023	3.46 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 14, 2023	3.92 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 15, 2023	4.07 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 16, 2023	4.89 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 17, 2023	5.48 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 18, 2023	5.54 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 19, 2023	4.86 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 20, 2023	4.94 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 21, 2023	4.72 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 22, 2023	6.85 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 23, 2023	2.86 NTU	Average of 2 NTUs within a 24-hour period	Class II**
August 24, 2023	3.32 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 25, 2023	3.98 NTU	Average of 2 NTUs within a 24-hour period	Class I***

Recycled Water Limit Violations			
Date	**Violation**	**Permit Limit**	**Class**
August 26, 2023	5.27 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 27, 2023	5.83 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 28, 2023	6.18 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 29, 2023	8.85 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 30, 2023	9.28 NTU	Average of 2 NTUs within a 24-hour period	Class I***
August 31, 2023	9.25 NTU	Average of 2 NTUs within a 24-hour period	Class I***
September 5, 2023	15.13 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I**
September 5, 2023	15.13 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 6, 2023	16.19 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 7, 2023	16.12 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 8, 2023	14.63 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 10, 2023	12.67 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 11, 2023	11.39 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 12, 2023	10.12 NTU	Average of 2 NTUs within a 24-hour period, not to exceed 10 NTU at any time	Class I***
September 13, 2023	9.28 NTU	Average of 2 NTUs within a 24-hour period	Class I***
September 14, 2023	8.14 NTU	Average of 2 NTUs within a 24-hour period	Class I***
September 15,2023	6.26 NTU	Average of 2 NTUs within a 24-hour period	Class I***

Recycled Water Limit Violations			
Date	**Violation**	**Permit Limit**	**Class**
September 16, 2023	43 organisms per 100 mls	23 coliform maximum organisms per 100 mls	Class II*
September 16, 2023	5.78 NTU	Average of 2 NTUs within a 24-hour period	Class I***
September 18, 2023	3.66 NTU	Average of 2 NTUs within a 24-hour period	Class I***
September 19, 2023	3.31 NTU	Average of 2 NTUs within a 24-hour period	Class I***
September 20, 2023	2.89 NTU	Average of 2 NTUs within a 24-hour period	Class II**
September 22, 2023	2.54 NTU	Average of 2 NTUs within a 24-hour period	Class II**

* Exceeding a bacteria limit for recycled water by less than five times the limit is a class II violation per OAR 340-012-0055(3)(b).

** Exceeding a limit by 20 percent or more but less than 50% (except for pH and bacteria) is a Class II violation per OAR 340-012-0055(2)(a)

** Exceeding a limit by 50% or more (except for pH and bacteria) is a class I violation OAR 340-012-0055(1)(k)