



# Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Salem Office

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December 20, 2024

Brad Thayer  
Nehalem Bay Wastewater Agency  
P.O. Box 219  
Nehalem, OR 97131

RE: **Warning Letter with Opportunity to Correct**  
NPDES Permit No. 101515 / File No: 61787  
**2024-WLOTC-9760**  
WQ-Tillamook County

Mr. Thayer,

On December 18, 2024, DEQ engineering staff received plan review materials for proposed sewer infrastructure to be installed at Nehalem Bay State Park. During engineering plan review, it was noted that construction had begun prior to DEQ approval of the wastewater plans.

Oregon Administrative Rule 340-052 states the following:

“Except where exempted under OAR 340-052-0040, all plans and specifications along with other data submitted for a proposed construction, installation, or modification project involving disposal systems, treatment works, sewerage systems or common sewers shall first be submitted to the Department for review. No construction, installation or modification shall be commenced until the plans and specifications submitted to the Department are approved.”

Therefore, the permittee is responsible for violating Oregon Administrative Rules (OAR), which is considered a Class I violation:

**Violation:** OAR 340-012-0055(1)(g): Making unauthorized changes, modifications, or alterations to a facility operating under a Water Pollution Control Facility (WPCF) or National Pollution Discharge Elimination System (NPDES) permit.

**Corrective Action Required:**

DEQ must review and approve projects prior to construction. DEQ is working to review and approve plans before construction resumes.

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The facility should review and address comments provided and wait for DEQ approval prior to resuming construction of the wastewater system.

In accordance with rule and permit language cited above, in the absence of an exemption, the facility must attain plans and specifications approval from DEQ for future wastewater infrastructure projects.

**Summary:**

This notice is a Warning Letter. DEQ does not intend to take formal enforcement action at this time. However, should you repeat this violation, the matter may be referred to DEQ'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 any of the facts in this Warning Letter are in error, you may provide information to me at the office at the address shown at the top of this letter. 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 desire any follow-up technical assistance, please contact me at (971) 344-1055.

Sincerely,

*Kenzie Billings*

Kenzie Billings, PE  
Senior Environmental Engineer  
Western Region - Water Quality

ECC: Tiffany Yelton-Bram  
Mike Pinney, PE, DEQ  
WQ file  
Ryan Rudnick, PE, Parametrix