



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

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February 7, 2025

Rice Hill Lagoon East, LLC  
581 John Long Road  
Oakland, OR 97462

Re: Pre-Enforcement Notice  
Rice Hill East Lagoon  
2025-PEN-9834  
NPDES Permit #101158, EPA ID OR0029564  
File 73705  
WQ-Douglas County

Dear Rice Hill Lagoon East, LLC:

DEQ has completed a records review for the Rice Hill Lagoon East, LLC to determine compliance with the conditions of the National Pollutant Discharge Elimination System permit number 101158, issued by DEQ on October 2, 2023. The findings are summarized below.

### Permit Violations

DEQ has concluded that the Rice Hill Lagoon East, LLC is responsible for violations of its permit as follows. 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).

### Records Review

I reviewed records from January 2024 to December 2024. Rice Hill Lagoon East LLC has not submitted all monthly discharge monitoring reports (DMR) on time in NetDMR.

**Table 1: DMR Submittal Data**

Schedule B of the permit requires that DMRs are submitted by the 15<sup>th</sup> of the following month.

Monthly DMR Due	Date Submitted	Number of days late
March 2024	4/16/2024	1
May 2024	6/18/2024	3
November 2024	12/16/2024	1

Failing to timely submit a report or plan as required by rule, permit or license is a Class III violation of the permit per OAR 340-012-0055(2)(b).

**Schedule A Violations**

Schedule A of the permit lists the waste discharge limitations. Rice Hill Lagoon East, LLC violated these limitations as shown in Tables 2-5 below.

**Table 2 – BOD Load Limit Violations**

Exceeded monthly average, weekly average, and/or daily maximum limits of 2.5, 3.8, and 5.0 pounds per day, respectively, as follows.

Monitoring Period	Limit	Reported Value	Percentage Over Limit	Violation Class
February 2024	Monthly average, lb/d	5.2	108%	I
Week of Feb 11, 2024	Weekly average, lb/d	5.2	37%	II
Feb 13, 2024	Daily maximum, lb/d	5.2	4%	III

Violating BOD loading limits is a Class I violation if the discharge level exceeds the limit by 50% or more per OAR 340-012-0055(1)(k); a Class II violation if the discharge level exceeds the limit by 20% or more but less than 50% per OAR 340-012-0055(2)(a); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(2)(a).

**Table 3 – BOD Percent Removal Limit Violations**

Failed to achieve minimum percent removal efficiency of 85 percent for BOD and 65 percent for TSS as follows.

Monitoring Period	Parameter	Reported Value	Violation Class
February 2024	BOD % Removal	73%	III
March 2024	TSS % Removal	56%	III
November 2024	BOD % Removal	73%	III
November 2024	TSS % Removal	-112%	III

Failing to achieve a removal efficiency established in a permit is a Class III violation per OAR 340-012-0055(3)(c).

**Table 4 – pH Limit Violations**

Exceeded the compliance range of 6.5 to 8.5 as follows.

Monitoring Period	Parameter	Reported Value	Over/Under Limit by how much?	Violation Class
January 13, 2024	pH daily minimum, SU	6.3	<1	III

If the discharge is outside the permitted pH range by 1 pH unit or less, it is a Class III violation per OAR 340-012-0055(3)(b).

**Table 5 – Total Chlorine Residual Limit Violations**

Exceeded daily maximum concentration of 0.02 mg/L, as follows:

Monitoring Period	Reported Value	Violation Class
January 1, 4, & 9, 2024	0.1 mg/L	I
January 2, 2024	0.09 mg/L	I

DEQ has established a Quantitation Limit of 0.05 mg/L for Total Residual Chlorine. Any analysis done for Total Residual Chlorine must have a quantitation limit that is either equal to or less than 0.05 mg/L. In cases where the average monthly or maximum daily limit for Total Residual Chlorine is lower than the Quantitation Limit, DEQ will use the reported Quantitation Limit as the compliance evaluation level. The Total Residual Chlorine permit limit is considered a Water Quality Based Effluent Limit. Exceeding this type of limit is a Class I violation per OAR 340-012-0055(1)(1).

**Schedule B Violations**

1. Schedule B Table B3 of the permit requires Rice Hill Lagoon East, LLC to monitor for the items listed in the table at the frequency noted in the permit. Rice Hill Lagoon East, LLC failed to monitor at the required frequency for the following items:

**Table 6 – Failure to Monitor Violations**

Monitoring Period	Parameter	Monitoring Event Missed	Violation Class
March 2024	<i>E. coli</i>	Missed 1 of 2 for the month	I
December 8, 2024	Total Chlorine Residual	Missed daily grab	I

Failing to collect monitoring data required in Schedule B of the permit is a Class I violation per OAR 340-012-0055(1)(o).

**Corrective Actions**

The following corrective actions were performed by Rice Hill Lagoon East, LLC and submitted with the respective noncompliance reports to DEQ.

1. Additional dechlorination tables were added to the system and monitored closely for chlorine residual permit violations in January 2024. No further chlorine residual violations occurred.
2. February 2024 BOD load limit violations and % reduction violations were attributed to a weak influent sample and poor sampling methods. Rice Hill Lagoon East, LLC will consider adding a biological additive for BOD/TSS reduction in the lagoons and ensure representative samples are collected for future testing.
3. Back up staff was improperly informed on testing requirements for March 2024 and resulted in a missed sampling event and TSS % reduction violation. Rice Hill Lagoon East, LLC will ensure proper training is given to all personnel.

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4. High water volumes combined with storm events and I&I in the collection system attributed to the TSS % reduction violation in November 2024.
5. Failure to monitor chlorine residual in December 2024 was attributable to a broken chlorine meter. A replacement and back up meters are suggested to be obtained for future events.

These are serious violations and, accordingly, they are being referred 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 pre-enforcement notice 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 the new information you submit and take appropriate action.

If you have any questions, please contact me in writing at [brenda.kuiken@deq.oregon.gov](mailto:brenda.kuiken@deq.oregon.gov) or by phone at (503) 893-0924.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Kuiken', written in a cursive style.

Brenda Kuiken

WQ Compliance Specialist

cc: DEQ Salem Office file  
ec: Ranei Nomura, Manager, Western Region DEQ  
Oregon Records Management Solutions  
Mel Stiner, Operations Lead, Delta Operations