



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Salem Office
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Salem, OR 97302
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TTY 711

February 26, 2025

Amy Wentworth
Pacific Seafood – Brookings, LLC
PO Box 97
Clackamas, OR 97015-0097

Re: Pre-Enforcement Notice
Pacific Seafood - Brookings
NPDES general 900-J permit
WQ file #123988
2025-PEN-9839
WQ – Curry County

Dear Amy:

Background

I recently reviewed the September 2022 through December 2024 discharge monitoring reports for the above referenced facility. Pacific Seafood reported violating Schedule A permit limits for total suspended solids, oil & grease, biochemical oxygen demand. Pacific Seafood also reported exceeding benchmarks for *E. Coli*, ammonia, chlorine, and temperature. Schedule B violations were reported in August 2023.

DEQ documented violations and omissions as detailed below and in the attached tables.

Violations

Schedule A – effluent limit violations

DEQ has concluded that Pacific Seafood – Brookings is responsible for the attached *Schedule A* effluent violations of its NPDES permit. Biochemical Oxygen Demand violations are documented in Table 1, Total Suspended Solids violations in Table 2 and Oil and Grease violations in Table 3. These are Technology Based Effluent Limits (TBEL).

Exceeding a TBEL by 50 percent or more is a Class I violation per Oregon Administrative Rule (OAR) 340-012-0055(1)(k)(A). Exceeding a TBEL by 20 percent or more but less than 50 percent is a Class II violation per OAR 340-012-0055(2)(a)(A). Exceeding a TBEL by less than 20 percent is a Class III violation per OAR 340-012-0055(3)(b)(A).

Schedule B - Reporting/Monitoring Violations

DEQ has concluded that the city failed to conduct the monitoring required by *Schedule B* as documented in Table 5. Failing to collect monitoring data required in *Schedule B* are Class I violations per OAR 340-012-0055(1)(o).

Class I violation 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).

Required Corrective Action

In March 2023, Pacific Seafood – Brookings submitted a Level 1 Corrective Action Plan in response to 2022-PEN-7684, issued on September 30, 2022. Per *Schedule D(9)(b)* a Level 2 Corrective Action Plan is to be developed in response to the continued benchmark exceedances by March 1, 2026.

Referral for 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 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 notice are in error, you may provide information to me at the address shown at the top of this letter or at Jennifer.Maglinte-Timbrook@deq.oregon.gov. DEQ will consider any new information you submit and take appropriate action.

If you have any questions, please contact me at (541) 743-1663.

Sincerely,



Jennifer Maglinte-Timbrook
Wastewater Compliance Specialist
Water Quality - Western Region

cc: Pacific Seafood – Brookings- file #123988, Enforcement, Salem, DEQ
ec: Amy Wentworth, Pacific Seafood
Brett Hester, Pacific Seafood - Brookings
Ranei Nomura, WQ manager, Western Region, DEQ
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Table 1: Biochemical Oxygen Demand Concentration and Loading Limit Violations

Exceeded monthly average concentrations and daily loading limits. These are technology-based effluent limit violations.

Year	Month/Date	Pollutant	Type	Units	Limit	Reported value	Percent exceedance	Class
2023	October	BOD	Monthly Average	mg/L	62	94	32.00%	II
2023	September	BOD	Daily Maximum	mg/L	160	230	70.00%	I
2023	September	BOD	Monthly Average	mg/L	62	110	48.00%	II
2023	29-Aug	BOD	Daily Maximum	mg/L	160	230	70.00%	II
2023	August	BOD	Monthly Average	mg/L	62	173	111.00%	I
2023	31-Jul	BOD	Daily Maximum	mg/L	160	170	10.00%	III
2023	July	BOD	Monthly Average	mg/L	62	94.5	32.50%	II
2023	June	BOD	Monthly Average	lbs/day	62	78.7	16.70%	III
2023	May	BOD	Monthly Average	lbs/day	62	70.5	8.50%	III
2022	September	BOD	Monthly Average	lbs/day	5.7	16	10.30%	III

Table 2: Total Suspended Solids (TSS) Loading Limit Violations

Exceeded monthly average concentrations and daily limits. These are technology-based effluent limit violations.

Year	Month/Date	Pollutant	Type	Units	Limit	Reported Value	Percent exceedance	Class
2023	November	TSS	Monthly Average	lbs/day	15	24	9.00%	III
2023	2-Oct	TSS	Daily Maximum	lbs/day	38	54	16.00%	III
2023	10-Oct	TSS	Daily Maximum	lbs/day	38	57	19.00%	III
2023	11-Oct	TSS	Daily Maximum	lbs/day	38	61	23.00%	II
2023	21-Oct	TSS	Daily Maximum	lbs/day	38	41	3.00%	III
2023	24-Oct	TSS	Daily Maximum	lbs/day	38	42	4.00%	III
2023	October	TSS	Monthly Average	lbs/day	15	34	19.00%	III

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Year	Month/Date	Pollutant	Type	Units	Limit	Reported Value	Percent exceedance	Class
2023	6-Sep	TSS	Daily Maximum	lbs/day	38	75	37.00%	II
2023	19-Sep	TSS	Daily Maximum	lbs/day	38	43	5.00%	III
2023	20-Sep	TSS	Daily Maximum	lbs/day	38	52	14.00%	III
2023	September	TSS	Monthly Average	lbs/day	15	29	14.00%	III
2023	1-Aug	TSS	Daily Maximum	lbs/day	38	49	11.00%	III
2023	19-Aug	TSS	Daily Maximum	lbs/day	38	100	62.00%	I
2023	22-Aug	TSS	Daily Maximum	lbs/day	38	69	31.00%	II
2023	24-Aug	TSS	Daily Maximum	lbs/day	38	90	52.00%	I
2023	29-Aug	TSS	Daily Maximum	lbs/day	38	82	44.00%	I
2023	August	TSS	Monthly Average	lbs/day	15	78	63.00%	I
2023	18-Jul	TSS	Daily Maximum	lbs/day	38	44	6.00%	III
2023	24-Jul	TSS	Daily Maximum	lbs/day	38	39	1.00%	III
2023	July	TSS	Monthly Average	lbs/day	15	31.3	16.30%	III
2023	11-Jun	TSS	Daily Maximum	lbs/day	38	41	3.00%	III
2023	13-Jun	TSS	Daily Maximum	lbs/day	38	53	15.00%	III
2023	June	TSS	Monthly Average	lbs/day	15	29.7	14.70%	III
2023	May	TSS	Monthly Average	lbs/day	15	23	8.00%	III
2023	April	TSS	Monthly Average	lbs/day	15	27	12.00%	III
2022	9-Sep	TSS	Daily Maximum	lbs/day	38	41	3.00%	III
2022	18-Sep	TSS	Daily Maximum	lbs/day	38	40	2.00%	III
2022	19-Sep	TSS	Daily Maximum	lbs/day	38	58	20.00%	III

Table 3: Oil & Grease Concentration Limit Violations

Exceeded monthly average concentrations and daily limits. These are technology-based effluent limit violations.

Year	Month/Date	Pollutant	Type	Units	Limit	Reported Value	Percent exceedance	Class
2023	October	O&G	Monthly Average	mg/L	5.7	14	146%	I
2023	2-October	O&G	Daily Maximum	mg/L	14	20	43%	II
2023	11-October	O&G	Daily Maximum	mg/L	14	22	57%	I
2023	12-October	O&G	Daily Maximum	mg/L	14	18	29%	II
2023	21-October	O&G	Daily Maximum	mg/L	14	18	29%	II
2023	September	O&G	Monthly Average	mg/L	5.7	17	198%	I
2023	6-September	O&G	Daily Maximum	mg/L	14	22	57%	I
2023	19-September	O&G	Daily Maximum	mg/L	14	34	143%	I
2023	20-September	O&G	Daily Maximum	mg/L	14	36	157%	I
2023	29-September	O&G	Daily Maximum	mg/L	14	23	64%	I
2023	1-August	O&G	Daily Maximum	mg/L	14	17	21%	II
2023	19-August	O&G	Daily Maximum	mg/L	14	24	71%	I
2023	22-August	O&G	Daily Maximum	mg/L	14	24	71%	I
2023	30-August	O&G	Daily Maximum	mg/L	14	21	50%	I
2023	July	O&G	Monthly Average	mg/L	5.7	13.3	133%	I
2023	19-July	O&G	Daily Maximum	mg/L	14	16	14%	III
2023	25-July	O&G	Daily Maximum	mg/L	14	28	100%	I
2023	26-July	O&G	Daily Maximum	mg/L	14	18	29%	III
2023	June	O&G	Monthly Average	mg/L	5.7	11	11%	III
2023	6-June	O&G	Daily Maximum	mg/L	14	18	10%	III

Year	Month/Date	Pollutant	Type	Units	Limit	Reported Value	Percent exceedance	Class
2023	11-June	O&G	Daily Maximum	mg/L	14	24	4%	III
2023	April	O&G	Monthly Average	mg/L	5.7	9.1	60%	I
2022	September	O&G	Monthly Average	mg/L	5.7	16	181%	I
2022	2-September	O&G	Daily Maximum	mg/L	14	19	36%	II
2022	6-September	O&G	Daily Maximum	mg/L	14	16	14%	III
2022	17-September	O&G	Daily Maximum	mg/L	14	15	7%	III
2022	19-September	O&G	Daily Maximum	mg/L	14	24	71%	I
2022	27-September	O&G	Daily Maximum	mg/L	14	15	7%	III
2022	28-September	O&G	Daily Maximum	mg/L	14	16	14%	III

Table 4: Benchmark Exceedances

Year	Month	Pollutant	Type	# of exceedances
2022	September	Chlorine	Monthly	1
2022	September	Chlorine	Daily	8
2022	September	E. coli	Daily	4
2022	September	Temperature	Daily	13
2022	September	Temperature 7-day rolling average	Daily	11
2023	April	Chlorine	Daily	4
2023	April	Chlorine	Monthly	1
2023	April	Ammonia	Daily	2
2023	April	Ammonia	Monthly	1
2023	April	E. coli	Daily	3
2023	April	E. coli	Monthly	1
2023	April	Temperature	Daily	2
2023	April	Temperature 7-day rolling average	Daily	3
2023	May	Chlorine	Daily	9
2023	May	Chlorine	Monthly	1
2023	May	Ammonia	Daily	4
2023	May	Ammonia	Monthly	1
2023	May	E. coli	Daily	9
2023	May	E. coli	Monthly	1
2023	May	Temperature	Daily	11

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Year	Month	Pollutant	Type	# of exceedances
2023	May	Temperature7-day rolling average	Daily	9
2023	June	Chlorine	Daily	9
2023	June	Chlorine	Monthly	1
2023	June	Ammonia	Daily	4
2023	June	Ammonia	Monthly	1
2023	June	E. coli	Daily	10
2023	June	E. coli	Monthly	1
2023	June	Temperature	Daily	2
2023	June	Temperature7-day rolling average	Daily	6
2023	July	Chlorine	Daily	9
2023	July	Chlorine	Monthly	1
2023	July	E. coli	Daily	8
2023	July	E. coli	Monthly	1
2023	July	Temperature	Daily	30
2023	July	Temperature7-day rolling average	Daily	6
2023	August	Chlorine	Daily	1
2023	August	Chlorine	Monthly	1
2023	August	Ammonia	Daily	4
2023	August	Ammonia	Monthly	1
2023	August	E. coli	Daily	3
2023	August	E. coli	Monthly	1
2023	August	Temperature	Daily	2
2023	August	Temperature7-day rolling average	Daily	6
2023	September	Chlorine	Daily	9
2023	September	Chlorine	Monthly	1
2023	September	Ammonia	Daily	4
2023	September	Ammonia	Monthly	1
2023	September	E. coli	Daily	10
2023	September	E. coli	Monthly	1
2023	September	Temperature	Daily	2
2023	September	Temperature7-day rolling average	Daily	6
2023	October	Chlorine	Daily	1
2023	October	Chlorine	Monthly	1
2023	October	E. coli	Daily	7
2023	October	E. coli	Monthly	1
2023	October	Temperature	Daily	1
2023	October	Temperature7-day rolling average	Daily	1
2023	November	Chlorine	Daily	1
2023	November	Chlorine	Monthly	1

Table 5: Monitoring Violations

Year	Month/Date	Schedule B Violation	Reason
2023	September	Missed monitoring for the following parameters: BOD, TSS, O&G, total residual chlorine, ammonia, pH, E. coli, and fecal coliform.	Operation shut down on 2 nd day of 2 nd week due to City of Brookings main pump failure and no water supply.
2023	September	2 E. coli and fecal coliform samples.	Lab error. Samples submitted to North Coast Laboratories and the lab failed to conduct analyses. Reaching out to laboratory for documentation indicating error on part of lab.