



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Salem Office

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TTY 711

March 10, 2025

Joey Cupp, Pilot Travel Centers LLC
The Rice Hill Owners Association, Inc.
PO Box 10146
Knoxville, TN 39739-0146

Re: Pre-Enforcement Notice
Rice Hill West Lagoon
2025-PEN-9858
NPDES Permit #101725, EPA ID OR0028789
File 75064
WQ-Douglas County

Dear Mr. Cupp,

DEQ has completed a records review for The Rice Hill Owners Association, Inc. to determine compliance with the conditions of the National Pollutant Discharge Elimination System permit number 101725, issued by DEQ on February 6, 2023. The findings are summarized below.

Permit Violations

I reviewed records from November 2023 to December 2024. DEQ has concluded that The Rice Hill Owners Association, Inc. 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).

Schedule A Violations

Schedule A of the permit lists the waste discharge limitations. Rice Hill West Lagoon violated these limitations as shown in Tables 1-6 below.

Table 1 – BOD Load Limit Violations

Exceeded monthly average, weekly average, and/or daily maximum limits of 5, 7.5, and 10 pounds per day, respectively, as follows.

Monitoring Period	Parameter	Reported Value	Percentage Over Limit	Violation Class
November 2024	Monthly average, lb/d	9.43	89%	I
Week of Nov 8, 2024	Weekly average, lb/d	9.43	26%	II
January 2025	Monthly average, lb/d	8.4	68%	I
January 28, 2025	Daily maximum, lb/d	11.1	48%	II
Week of Jan 26, 2025	Weekly average, lb/d	11.1	11%	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); 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)(A); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(3)(b)(A).

Table 2 – BOD Concentration Limit Violations

Exceeded monthly average and/or weekly average limits of 30 and 45 mg/L, respectively, as follows:

Monitoring Period	Parameter	Reported Value	Percentage Over Limit	Violation Class
November 2023	Monthly average, mg/L	35.0	17%	III
March 2024	Monthly average, mg/L	44.95	49.8%	II
Week of Mar 29, 2024	Weekly average, mg/L	46.9	4.2%	III
January 2025	Monthly average, mg/L	35.0	17%	III

Violating BOD concentration limit is a Class I violation if the discharge level exceeds the limit by 50% or more per OAR 340-012-0055(1)(k)(A); 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)(A); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(3)(b)(A).

Table 3 – TSS Load Limit Violations

Exceeded monthly average, weekly average, and/or daily maximum limits of 8.3, 12, and 17 pounds per day, respectively, as follows.

Monitoring Period	Parameter	Reported Value	Percentage Over Limit	Violation Class
November 2024	Monthly average, lb/d	10.9	31%	II
January 2025	Monthly average, lb/d	8.6	4%	III
Week of Jan 26, 2025	Weekly average, lb/d	13.0	8%	III

Violating TSS 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); 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)(A); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(3)(b)(A).

Table 4 – TSS Concentration Limit Violations

Exceeded monthly average and/or weekly average limits of 50 and 75 mg/L, respectively, as follows:

Monitoring Period	Parameter	Reported Value	Percentage Over Limit	Violation Class
November 2023	Monthly average, mg/L	67.0	34%	II
April 2024	Monthly average, mg/L	93.8	63%	I
Week of Apr 15, 2024	Weekly average, mg/L	93.8	9%	III

Violating TSS concentration limit is a Class I violation if the discharge level exceeds the limit by 50% or more per OAR 340-012-0055(1)(k)(A); 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)(A); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(3)(b)(A).

Table 5 – BOD/TSS 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
January 2024	BOD % Removal	79%	III
January 2024	TSS % Removal	58%	III
March 2024	BOD % Removal	75%	III
April 2024	TSS % Removal	51%	III

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

Table 6 – E. coli Limit Violations

Exceeded the limits of 126 organisms per 100 mL, monthly geometric mean or 406 organisms per 100 mL for a single sample, as follows:

Monitoring Period	Parameter	Reported Value	Limit	Less than factor of 5?	Violation Class
November 2023	Monthly geometric mean	228	126	Yes	III
November 2024	Monthly geometric mean	1200	126	No	II
Nov 13, 2024	Single sample	1200	406	Yes	III

If the discharge exceeds a bacteria limit by a factor of five or more, it is a Class II violation per OAR 340-012-0055(2)(a)(C). If the discharge exceeds a bacteria limit by less than 5 times the limit, it is a Class III violation per OAR 340-012-0055(3)(b)(C).

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 or by phone at (503) 893-0924.

Sincerely,



Brenda Kuiken
WQ Compliance Specialist

cc: DEQ Salem Office file
ec: Ranei Nomura, Manager, Western Region DEQ
Oregon Records Management Solutions
Tony Miller, Operations Manager