



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
(541) 388-6146
FAX (541) 388-8283
TTY 711

March 31, 2025

Black Butte Ranch Corporation
P.O. Box 8000
Black Butte Ranch, OR 97759

RE: Pre-Enforcement Notice
Black Butte Ranch Corporation
2025-PEN-9877
File #11364, NPDES Permit #102218
Deschutes County

Dear Mr. Petterson:

DEQ received the NetDMR submittals and reports of non-compliance for the Black Butte Ranch wastewater treatment plant. Black Butte Ranch employs staff to operate a domestic wastewater treatment plant with discharge to Indian Ford Creek under National Pollutant Discharge Elimination System (NPDES) Permit #102218. Based on review of Discharge Monitoring Reports (DMRs) since January 2024, DEQ has documented the following violations of Oregon environmental law.

With each violation, the facility failed to comply with the terms and conditions of NPDES Permit #102218, which is a violation of ORS 468B.025(2).

Violation: Effluent Discharge Limit Exceedances for Ammonia

The Black Butte Ranch NPDES permit contains effluent limitations required for the treated water discharged from the chlorine contact basin to control discharge of pollutants to Indian Ford Creek. Schedule A, Condition 1 of the permit establishes effluent limits for ammonia in the facility discharge at the end of the chlorine contact basin for Outfall 001. However, the facility failed to meet these limits when discharging to the creek on the violation dates shown in the table below and as reported in the facility's non-compliance report (Appendix I).

The NPDES permit provides water quality-based effluent limits for ammonia.

Table 1: Ammonia - Effluent Limit Monthly Average Exceedances

Date Observed	Reported Value – Monthly Average *	Permit Required Limit – Monthly Average	Monthly Average Effluent Flow from Plant	Reported Monthly Avg. Stream Flow**	7Q10 Flow Data (cfs)
January 2025	9.8 mg/L	7.0 mg/L	0.134 cfs	5.78 cfs	4.5 cfs

* Data from permit required monitoring. Schedule A limit applicable to the sample monitored at end of effluent chlorine contact chamber for Outfall 001. The facility reported discharge to the creek through the pasture on days of January 1-7, 2025.

**Receiving stream flows reported by the facility monitoring via Excel DMR’s for “RW”, monthly average used for Indian Ford Creek monitoring at the weir near stables.

Per DEQ’s enforcement guidance, violating a water quality-based effluent limitation is a Class I violation (OAR 340-012-0055(1)(1)). Class I violations are considered to be the most serious violations; Class III violations are the least serious. Using stream flow data along with the submitted DMRs provided by the facility, the exceedances were determined to be during times of low creek flow (less than twice the flow used to calculate the WQBEL).

Corrective Actions Required

The permittee must ensure compliance with the terms and conditions of the issued NPDES permit, including all Schedule A effluent limits.

The following corrective actions must be completed in response to this notice and confirmation provided to DEQ in writing. These corrective actions must be completed by the due dates shown below.

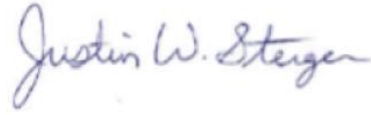
- 1) **By June 1, 2025**, provide an update to address potential future non-compliance with effluent ammonia limits, to include ensuring compliance with the ammonia limit via system upgrades or operational process changes.

Summary:

The violations cited above have been referred to the DEQ’s Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of civil penalties and/or a Department order. A formal enforcement action may include a civil penalty assessment 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 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 (541) 714-0206.

Sincerely,

A handwritten signature in blue ink that reads "Justin W. Sterger". The signature is written in a cursive, flowing style.

Justin W. Sterger
Senior WQ Permit Writer

cc: Mike Hiatt, DEQ Water Quality Manager
Alyssa Witt, DEQ Compliance Specialist
Anna Morgan-Hayes, DEQ WQ Permit Writer
Kyle Cummings, Black Butte Ranch
DEQ Office of Compliance and Enforcement
Water Quality Data Team

Appendix I – Non-Compliance Report for January 2025 Ammonia Exceedances



Oregon Department of Environmental Quality

Noncompliance Reporting Form

For all permit violations, including monitoring requirements.

Use this form to report all instances of noncompliance *except* sanitary sewage overflows. Fill out all fields and sign. You may attach additional information to this report to explain the circumstances of noncompliance. This information may include but is not limited to maintenance records and monitoring results.

FACILITY / CONTACT INFORMATION		
Name of Permittee: BLACK BUTTE RANCH CORPORATION		
Contact Name: SWEN PETTERSON		
Phone: 541-595-1280	Email: spetterson@bbranch.org	Date: 02/14/2025
DEQ Permit #: 102218	DEQ File #: 11364	EPA ID #: OR 003403
Has non-compliance been corrected?: <input type="radio"/> Yes <input checked="" type="radio"/> No		
Expected time noncompliance is expected to continue: Unknown		
Date/Time Started: Unknown (est. Jan. 2025) Date/Time Stopped : Unknown		
Description of Noncompliance: Exceeded the monthly average ammonia limit of 7.0 mg/L The ammonia result for January is - 9.83 mg/L		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes	<input checked="" type="radio"/> No <input type="radio"/>
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes	<input type="radio"/> No <input checked="" type="radio"/>
• An upset which exceeds any effluent limitation in this permit	Yes	<input type="radio"/> No <input checked="" type="radio"/>
• Violation of maximum a daily discharge limitation	Yes	<input type="radio"/> No <input checked="" type="radio"/>
If yes to any of the above, complete the rest of this section.		
OERS Number: N/A		
Signs posted? Where?: No, none believed to be required for exceedance of monthly average.		
Media contacted? Who?: No, see above.		
List any other steps taken to notify the public and/or state and federal agencies: Contacted DEQ via phone call to Justin Sterger on 2/13/2025 after receiving lab results		
CAUSE(S)		
Cause or suspected cause(s): We suspect the cold ambient temperatures and high holiday flow played a part in the exceedance. BBRC is working with our engineers to further investigate the exact causes. Investigation is ongoing.		

Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA

Rainfall (for storm-related noncompliance): N/A inches Design Storm: N/A inches

Source of rainfall data: N/A

CORRECTIVE ACTIONS

List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Actions taken (describe):

BBRC continues to work with engineers on possible short-term and long-term solution(s) for consideration. Examples include:

Adding outside seed to assist/rebuild organism growth.

Increasing seed additive to assist/rebuild organism NAOH addition for alkalinity.

Increasing mlss to assist/rebuild organisms.

Adding additional pump to increase return activated sludge rate.

Actions planned and schedule for those actions (describe):

See above. Working with engineering firm on a plan and a schedule. Investigation is ongoing.

COMMENTS

Comments:

The dates in January of flow into the creek were Jan 1-7, the remaining days of January there was NO flow into the creek, flow being held in the pasture.

We are continuing to investigate (see comments above). BBRC intends to provide a written follow-up report as it learns more during its investigation. Pending investigation, BBRC reserves all rights to modify, change, and update the information in this report.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Authorized Signature

Swen Petterson

Name (print)

Utilities Manager

Title (print)

02/14/2025

Date

541-595-1280

Phone

spetterson@bbranch.org

Email