



Oregon

Tina Kotek, Governor

Department of Environmental Quality

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TTY 711

December 29, 2025

Joey Cupp, Senior Director of Environmental
The Rice Hill Owners Association, Inc.
PO Box 10146
Knoxville, TN 37939-0146

Re: Pre-Enforcement Notice
Rice Hill West Lagoon
2025-PEN-10070
NPDES Permit #101725, EPA ID OR0028789
File 75064, Site RID 21563
WQ-Douglas County

Dear Mr. Cupp,

On November 12, 2025, DEQ conducted a compliance evaluation inspection at the Rice Hill Owner's Association, Inc. wastewater treatment plant. The purpose of the inspection was to determine compliance with the conditions of National Pollutant Discharge Elimination System permit number 101725, issued by DEQ on February 6, 2023. The findings are summarized below. I have enclosed a copy of the inspection report checklist that provides additional information.

Site Visit

I met with you, Neil Pry, Sr. Program Manager, Kleinfelder, and Corey Benzel, Operator of Record. Also present during the inspection was Trinh Hansen, Water Quality Permit Coordinator. The RHOA, Inc. is currently working on a design of a new influent pump station that will replace the existing structure with an influent screen. This should help by reducing the amount of solids entering the primary pond and preventing the consistent clogging of the influent grinder pumps.

Records Review

DEQ reviewed records from January 2025 through October 2025. RHOA, Inc. has submitted most monthly discharge monitoring reports (DMRs) on time in NetDMR. January 2025 was submitted two days late and June 2025 was submitted one day late. All DMRs are complete and include a daily data attachment.

Permit Violations

DEQ has concluded that RHOA, 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 discharge limits for treated wastewater. RHOA, Inc. violated its permit as detailed in the following tables.

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	Limit	Corrected Value	Percentage Over Limit	Violation Class
February 2025	Monthly average	8.3 lb/d	66%	I
Week of Feb 2, 2025	Weekly average	10.5 lb/d	40%	II
February 4, 2025	Daily Maximum	10.5 lb/d	5%	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(3)(b).

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	Limit	Reported Value	Percentage Over Limit	Violation Class
February 2025	Monthly average	35	17%	III

Violating TSS Concentration limit is a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(2)(a).

Table 3 - Total Suspended Solids 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	Limit	Reported Value	Percentage Over Limit	Violation Class
February 2025	Monthly average	8.4	1%	III

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

Schedule B Violations

Schedule B of the permit lists minimum monitoring and reporting requirements. RHOA, Inc. violated its permit as detailed below.

Table 4 – Failure to Monitor Violations

Failed to conduct the following monitoring:

Monitoring Period	Parameter	Monitoring Event Missed	Violation Class
November 2024	<i>E. coli</i> , #/100 mL	Missed 1 of 2 grab samples per month	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).

In addition, Schedule B condition 2 requires the permittee to develop and implement a written Quality Assurance Plan that complies with 40 CFR 136.7. RHOS, Inc. does not have a QA Plan for this facility. This is a Class II violation per OAR 340-012-0055(2)(b).

Schedule D & F Violation

Schedule D, condition 2 and Schedule F B8 of the permit requires RHOA, Inc. to develop an Emergency Response and Public Notification Plan and keep that plan on file at the facility for DEQ review. RHOA, Inc. does not have a plan available at the facility. This is a Class II violation per OAR 340-012-0055(2)(b).

Requested Corrective Actions

Please submit documentation that the following issues have been corrected:

1. By March 1, 2026, update and submit the written Emergency Response and Public Notification Plan. Please use the checklist listed in the inspection checklist document. It must be kept on hand at the treatment plant, distributed to staff, and updated whenever necessary.
2. By March 1, 2026, develop and submit a QA/QC program. Kleinfelder can download the manual to the electronic portal for use by the on-site operator.
3. By October 31, 2026, document annual calibrations of the thermometer, pH meter and colorimeter. If temperature is recorded using the pH meter, the temperature function must also be calibrated annually. Temperature calibration must be done using a NIST certified thermometer or by an outside vendor using an approved calibration method. These records can be loaded into the portal with the other documents for record keeping.

Recommendations

DEQ has the following recommendations for RHOA Inc.:

1. Document the temperature of the samples on ice prior to dropping off with lab courier.
2. Document that pH meters are calibrated using a 3-point calibration prior to each daily use.
3. Create a list of spare parts and standby power supplies needed to operate the facility and upload that to the electronic portal.

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
Neil Pry, Sr. Program Manager, Kleinfelder
Tony Miller, Operations Manager, Kleinfelder
Corey Benzel, Operator of Recor