Oregon
Tina Kotek, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

May 2, 2024

CERTIFIED MAIL: 9589 0710 5270 0688 6531 06

Rice Hill Owners Association, Inc.
c/o CT Corporation System, Inc., Registered Agent
780 Commercial St., SE, Ste 100
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/D-WR-2021-079

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of $51,407 for violating multiple conditions of the permit authorizing the operation of your wastewater collection, treatment and disposal system. The Notice cites over 2,700 permit and statutory violations, including discharging wastewater containing pollutants in excess of permit limits and failing to conduct wastewater monitoring necessary to determine whether you complied with permit conditions.

Permit effluent limits are set at levels necessary to protect water quality and aquatic life. By exceeding these limits, you impaired water quality and created a risk of harm to aquatic life. The permit also requires you to monitor pollutants in your wastewater and report the results to DEQ. By failing to conduct required monitoring and also reporting inaccurate results in instances where sampling was conducted, you deprived DEQ of information need to determine whether you complied with the condition of your permit.

DEQ does appreciate the steps you have taken in recent years that have resulted in improved compliance with your permit, in particular replacing the wastewater treatment system operator.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232
Via email – DEQappeals@deq.oregon.gov
Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due. Alternatively, you can pay the penalty by sending a check or money order to the above address.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of the penalty. Further information is available by calling the number below or at http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx.

DEQ's rules are available at http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx or by calling the number below.

If you have any questions, please contact Jeff Bachman at 503-229-5950 or toll free in Oregon at 800-452-4011, extension 5950.

Sincerely,

Rebecca J Puskas

Becka Puskas, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Brenda Kuiken, DEQ
Ranei Nomura, DEQ
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF: RICE HILL OWNERS ASSOCIATION, INC., an Oregon mutual benefit corporation, Respondent.	))))))	NOTICE OF CIVIL PENALTY ASSESSMENT AND ORDER CASE NO. WQ/D-WR-2021-079

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140, ORS Chapters 183 and 468B and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012 and 52.

II. FINDINGS OF FACT

1. At all relevant times, Respondent operated a domestic wastewater collection, treatment and disposal system in Yoncalla, Oregon, as authorized by National Pollutant Discharge Elimination System Permit No. 101725 (the Permit), issued and administered by DEQ.

2. The Permit authorized Respondent to construct, install, modify, or operate a wastewater collection, treatment, control and disposal system and discharge to public waters adequately treated wastewaters only in conformance with all the requirements, limitations, and conditions of the Permit.

3. Schedule A, Condition 1 of the Permit limits the monthly average concentration of biochemical oxygen demand (BOD_5) in Respondent's discharged effluent during the period November 1 to April 30 to 30 milligrams per liter (mg/L).

4. Respondent discharged effluent with monthly average BOD_5 concentrations as follows:

Month	BOD_5 Concentration in mg/L	Percentage over Limit
February 2014	54	80%
March 2014	49	63%
January 2016	43	43%
March 2016	42	40%
February 2017	47	57%

March 2017	50	67%
April 2017	51	70%
March 2018	41	37%
April 2018	77	390%
March 2019	61	103%
December 2019	32	7%
March 2020	31	3%
November 2020	35	17%
December 2020	33	10%
February 2021	58	93%
March 2021	58	93%
December 2021	38	27%
January 2022	46	53%
February 2022	33	10%
March 2022	47	57%
April 2022	49	63%
November 2022	38	27%
January 2023	43	43%
February 2023	48	60%

5. Schedule A, Condition 1 of the Permit limits the weekly average concentration of BOD_5 in Respondent's discharged effluent during the period November 1 to April 30 to 45 mg/L.

6. Respondent discharged effluent with weekly average BOD_5 concentrations as follows:

Week of	BOD_5 Concentration in mg/L	Percentage over Limit
February 23, 2014	54	20%
March 9, 2014	49	9%
March 27, 2016	54	47%
February 19-25, 2017	47	4%

March 26 to April 1, 2017	50	11%
April 23, 2017	62	38%
April 29, 2018	77	71%
March 24, 2019	61	36%
February 28, 2021	58	29%
January 30, 2022	54	20%
March 20, 2022	47	4%
April 17, 2022	49	9%
February 5, 2023	48	7%

7. Schedule A, Condition 1 of the Permit limits the monthly average loading of BOD_5 in Respondent's discharged effluent during the period November 1 to April 30 to 5.0 pounds per day (ppd).

8. Respondent discharged effluent with monthly average BOD_5 loading as follows:

Month	BOD_5 Loading in ppd	Percentage over Limit
March 2014	6.3	26%
January 2016	11.0	120%
March 2016	8.1	62%
January 2017	7.5	50%
February 2017	11.0	120%
March 2017	6.0	20%
April 2017	15.0	300%
March 2018	8.0	60%
April 2018	37.0	640%
March 2019	12.0	140%
December 2019	14.8	196%
January 2020	9.8	96%
March 2020	10.7	114%

November 2020	15.2	204%
December 2020	17.5	250%
January 2021	5.5	10%
February 2021	58	860%
March 2021	13.9	178%

9. Schedule A, Condition 1 of the Permit limits the weekly average loading of BOD_5 in Respondent's discharged effluent during the period November 1 to April 30 to 7.5 ppd.

10. Respondent discharged effluent with weekly average BOD_5 loading as follows:

Week of	BOD_5 Loading in ppd	Percentage over Limit
January 24, 2016	14.0	87%
March 13, 2016	8.2	9%
February 19, 2017	11.0	47%
April 9, 2017	17.0	127%
March 11, 2018	9.0	7%
April 29, 2018	37.0	393%
March 24, 2019	12.0	60%
December 15, 2019	14.8	97%
January 26, 2020	7.7	3%
March 22, 2020	8.7	16%
February 28, 2021	22.6	201%

11. Schedule A, Condition 1 of the Permit limits the daily loading of BOD_5 in Respondent's discharged effluent during the period November 1 to April 30 to 10.0 ppd.

12. Respondent discharged effluent with daily BOD_5 loading as follows:

Date	BOD_5 Loading in ppd	Percentage over Limit
January 27, 2016	14.0	40%
February 22, 2017	11.0	10%
April 28, 2017	17.0	70%

April 30, 2018	37.0	270%
March 28, 2019	12.0	20%
December 18, 2019	14.8	48%
February 28, 2021	58.0	480%
March 3, 2021	13.9	39%

13. Schedule A, Condition 1 of the Permit requires Respondent to achieve a monthly average BOD_5 removal efficiency of 85% in its discharged effluent.

14. Respondent achieved the following monthly average BOD_5 removal efficiencies in its discharged effluent: March 2016 - 81%, February 2017 – 20%, March 2017 – 75%, April 2017 – 84%, December 2017 – 79%, April 2019 – 61%; December 2019 – 66%, January 2020 - 84%, March 2020 – 84%, November 2020 – 83%, December 2020 – 52%, February 2021 – 58%, March 2021 – 58%, December 2021 – 51%, January 2022 – 43%, February 2022 – 79%, March 2022 – 51% and April 2022 – 65%.

15. Schedule A, Condition 1 of the Permit limits the monthly average concentration of total suspended solids (TSS) in Respondent's discharged effluent during the period November 1 to April 30 to 50 mg/L.

16. Respondent discharged effluent with monthly average TSS concentrations as follows:

Month	TSS Concentration in mg/L	Percentage over Limit
February 2014	65	30%
March 2014	67	34%
January 2017	51	2%
March 2017	59	18%
April 2018	100	100%
January 2020	84	68%
January 2021	53	6%
February 2021	70	40%
March 2021	70	40%

November 2021	59	18%
January 2022	61	22%
February 2022	61	22%

17. Schedule A, Condition 1 of the Permit limits the weekly average TSS concentration in Respondent's discharged effluent during the period November 1 to April 30 to 75 mg/L.

18. Respondent discharged effluent with weekly average TSS concentrations as follows:

Week of	TSS Concentration in mg/L	Percentage over Limit
April 29, 2018	100	33%
January 26, 2020	84	12%

19. Schedule A, Condition 1 of the Permit limits the monthly average loading of TSS in Respondent's discharged effluent during the period November 1 to April 30 to 8.3 ppd.

20. Respondent discharged effluent with monthly average TSS loading as follows:

Month	TSS Loading in ppd	Percentage over Limit
March 2014	8.6	4%
January 2016	12.0	45%
January 2017	14.0	69%
April 2017	15.0	81%
February 2018	8.5	2%
April 2018	48.0	478%
December 2018	13.0	57%
December 2019	18.5	123%
January 2020	35.7	330%
March 2020	8.6	3%
November 2020	20.8	151%
December 2020	20.2	143%
January 2021	9.6	16%
February 2021	27.3	229%

March 2021	16.8	102%

21. Schedule A, Condition 1 of the Permit limits the weekly average loading of TSS in Respondent's discharged effluent during the period November 1 to April 30 to 12.0 ppd.

22. Respondent discharged effluent with weekly average TSS loading as follows:

Week of	TSS Loading in ppd	Percentage over Limit
January 24, 2016	20.0	67%
January 8, 2017	15.0	25%
April 9, 2017	17.0	42%
February 25, 2018	13.0	8%
April 29, 2018	48.0	300%
December 16, 2018	13.0	8%
December 15, 2019	18.5	54%
January 26, 2020	28.2	135%
February 28, 2021	27.3	128%

23. Schedule A, Condition 1 of the Permit limits the daily loading of TSS in Respondent's discharged effluent during the period November 1 to April 30 to 17.0 ppd.

24. Respondent discharged effluent with daily TSS loading as follows:

Date	TSS Loading in pounds	Percentage over Limit
January 27, 2016	20.0	18%
April 30, 2018	48.0	182%
December 18, 2019	18.5	9%
January 28, 2020	28.2	66%
February 28, 2021	27.3	61%

25. Schedule A, Condition 1 of the Permit requires Respondent to achieve a monthly average TSS removal efficiency of 75% in its discharged effluent.

26. Respondent achieved the following monthly average TSS removal efficiencies in its discharged effluent: February 2017 – 40%, December 2017 – 64%, February 2018 – 72%, April 2019 – 51%, December 2019 – 59%, January 2020 – 48%, December 2020 – 32%, February 2021 – 44%, March 2021 – 44%, November 2021 – 73%, December 2021 – 62%, January 2022 – 35%, March 2022 – 63%, April 2022 – 53% and December 2022 – 65%.

27. Schedule A, Condition 1 of the Permit limits the monthly average total residual chlorine concentration (TRC) in Respondent's discharged effluent to 0.01 mg/L.

28. Respondent discharged effluent with the following monthly average TRC concentrations in mg/L: November 2013 – 1.20, December 2013 – 1.10, January 2014 – 1.20, February 2014 – 1.50, March 2014 -1.36, February 2014 – 1.23, November 2014 – 1.90, December 2014 – 2.10, January 2015 – 2.00, February 2015 – 2.00, March 2015 – 1.97, April 2015 – 1.95, November 2015 – 1.90, December 2015 – 2.10, January 2016 – 2.00, February 2016 – 1.90, March 2016 – 2.00, April 2016 – 1.90, October 2016 – 2.20, November 2016 – 1.60, December 2016 – 1.80, January 2017 – 1.40, February 2017 – 1.40, March 2017 – 1.40, April 2017 – 1.40, November 2017 – 1.60, December 2017 – 1.50, January 2018 – 1.30, February 2018 – 1.40, March 2018 – 1.40, April 2018 – 1.30, December 2018 – 1.20, January 2019 – 1.20, February 2019 – 1.20, March 2019 – 1.20, April 2019 – 1.20, December 2019 – 1.10, January 2020 – 1.10, February 2020 – 1.10, March 2020 – 1.08, April 2020 – 1.03, November 2020 – 1.00, December 2020 – 1.25, January 2021 – 1.10, February 2021 – 1.13, March 2021 – 1.20, January 2022 – 1.20 and February 2022 – 1.18.

29. Schedule A, Condition 1 of the Permit limits the maximum daily concentration of TRC in Respondent's discharged effluent to 0.02 mg/L.

30. Respondent discharged effluent with the following daily maximum TRC concentrations:

Date	Concentration in mg/L	Date	Concentration in mg/L
11-17-2013	1.10	11-18-2013	0.90
11-19-2013	1.30	11-20-2013	1.20
11-21-2013	1.30	11-22-2013	1.40

11-23-2013	1.00	11-24-2013	0.90
11-25-2013	1.10	11-26-2013	1.40
11-27-2013	1.00	11-28-2013	0.80
11-29-2013	0.80	11-30-2013	1.20
12-01-2013	0.90	12-02-2013	0.90
12-03-2013	1.00	12-04-2013	1.10
12-05-2013	1.00	12-06-2013	1.30
12-07-2013	1.00	12-08-2013	1.10
12-09-2013	1.30	12-10-2013	1.50
12-11-2013	1.30	12-12-2013	1.00
12-13-2013	1.10	12-14-2013	1.20
12-15-2013	1.10	12-16-2013	1.10
12-17-2013	1.00	12-18-2013	1.30
12-19-2013	1.20	12-20-2013	0.90
12-21-2103	0.90	12-22-2013	1.00
12-23-2013	1.30	12-24-2013	1.10
12-25-2013	1.40	12-26-2013	1.20
12-27-2013	1.20	12-28-2013	1.10
12-29-2013	1.10	12-30-2013	1.30
12-31-2013	1.20	01-09-2014	1.20
01-10-2014	1.00	01-11-2014	1.40
01-12-2014	1.40	01-13-2014	1.80
01-14-2014	1.40	01-15-2014	1.20
01-16-2014	1.0	01-17-2014	0.90
01-18-2014	1.10	01-29-2014	1.30
01-30-2014	1.10	01-31-2014	1.00
02-06-2014	1.70	02-07-2014	1.80

02-08-2014	1.60	02-09-2014	1.40
02-10-2014	1.80	02-11-2014	1.30
02-12-2014	1.30	02-14-2014	1.60
02-15-2014	1.50	02-16-2014	1.70
02-17-2014	1.20	02-18-2014	1.50
02-19-2014	1.00	02-20-2014	1.40
02-21-2014	1.80	02-22-2014	1.40
02-23-2014	1.80	02-24-2014	1.40
02-25-2014	1.30	02-26-2014	1.10
02-27-2014	1.50	02-28-2014	1.30
03-01-2014	1.50	03-02-2014	1.30
03-03-2014	1.40	03-04-2014	1.40
03-05-2014	1.00	03-06-2014	1.30
03-07-2014	1.60	03-08-2014	1.70
03-09-2014	1.30	03-10-2014	1.20
03-11-2014	1.40	03-21-2014	1.20
03-22-2014	1.40	03-23-2014	1.10
03-24-2014	1.50	03-25-2014	1.70
03-26-2014	1.40	03-27-2014	1.40
03-28-2014	1.20	03-29-2014	1.30
03-30-2014	1.40	03-31-2014	1.20
04-01-2014	1.10	04-02-2014	1.00
04-03-2014	1.40	04-04-2014	1.00
04-05-2014	1.30	04-29-2014	1.40
04-30-2014	1.40	11-05-2014	2.00
11-06-2014	1.60	11-07-2014	1.90
11-08-2014	2.00	11-09-2014	2.10

11-10-2014	1.90	11-11-2014	2.20
11-12-2014	.1.70	11-13-2014	1.80
11-14-2014	1.80	11-15-2014	2.10
11-16-2014	2.00	11-17-2014	2.20
11-18-2014	1.90	11-19-2014	2.10
11-20-2014	2.10	11-21-2014	2.00
11-22-2014	2.20	11-23-2014	2.00
11-24-2014	2.10	11-25-2014	1.90
11-26-2014	2.00	11-27-2014	1.70
11-28-2014	1.80	11-29-2014	1.90
11-30-2014	2.20	12-01-2014	1.80
12-02-2014	1.80	12-03-2014	2.10
12-04-2014	2.10	12-05-2014	2.00
12-06-2014	2.10	12-07-2014	2.20
12-08-2014	2.00	12-09-2014	2.10
12-10-2014	2.00	12-11-2014	2.10
12-12-2014	2.20	12-13-2014	2.00
12-14-2014	2.10	12-15-2014	2.30
12-16-2014	2.10	12-17-2014	2.0
12-18-2014	2.00	12-19-2014	2.40
12-20-2014	2.20	12-21-2014	2.10
12-22-2014	2.20	12-23-2014	2.20
12-24-2014	2.10	12-25-2014	2.10
12-26-2014	2.10	12-27-2014	1.80
12-28-2014	1.70	12-29-2014	1.90
12-30-2014	2.00	12-31-2014	2.10
01-01-2015	1.90	01-02-2015	2.10

01-03-2015	2.00	01-04-2015	2.00
01-05-2015	1.80	01-06-2015	1.90
01-07-2015	2.00	01-08-2015	2.10
01-09-2015	2.10	01-10-2015	1.90
01-11-2015	1.70	01-12-2015	2.10
01-13-2015	2.00	01-14-2015	1.90
01-15-2015	2.10	01-29-2015	2.40
01-30-2015	1.90	01-31-2015	2.10
02-01-2015	2.00	02-02-2015	1.80
02-03-2015	1.90	02-04-2015	2.10
02-05-2015	2.20	02-06-2015	2.00
02-07-2015	1.90	02-08-2015	1.90
02-09-2015	2.20	02-10-2015	2.10
02-11-2015	2.40	02-12-2015	2.30
02-13-2015	2.00	02-14-2015	2.10
02-15-2015	1.90	02-16-2015	2.00
02-25-2015	1.90	02-26-2015	1.80
02-27-2015	2.10	02-28-2015	2.00
03-01-2015	2.10	03-02-2015	1.90
03-03-2015	1.80	03-04-2015	2.00
03-05-2015	2.00	03-06-2015	2.10
03-07-2015	1.90	03-08-2015	2.30
03-09-2015	2.20	03-10-2015	1.90
03-11-2015	2.00	03-12-2015	2.20
03-13-2015	2.10	03-14-2015	1.80
03-15-2015	2.00	03-16-2015	2.00
03-17-2015	2.00	03-18-2015	2.10

03-19-2015	1.90	03-20-2015	2.00
03-21-2015	1.70	03-22-2015	1.50
03-23-2015	1.80	03-24-2015	2.20
03-25-2015	1.90	03-26-2015	2.20
03-27-2015	2.10	03-28-2015	2.00
03-29-2015	1.70	03-30-2015	2.00
03-31-2015	1.80	04-01-2015	1.80
04-02-2015	1.80	04-03-2015	2.00
04-04-2015	2.00	04-05-2015	2.10
04-06-2015	2.20	04-07-2015	1.80
04-08-2015	1.70	04-09-2015	1.80
04-10-2015	2.10	04-11-2015	2.00
04-12-2015	2.10	04-13-2015	2.00
04-14-2015	1.90	04-15-2015	2.10
04-16-2015	2.10	04-17-2015	1.70
04-18-2015	1.90	04-19-2015	1.40
04-20-2015	1.70	04-21-2015	1.80
04-22-2015	2.20	04-23-2015	1.90
04-24-2015	1.70	04-25-2015	1.90
04-26-2015	2.10	04-27-2015	2.00
04-28-2015	2.40	04-29-2015	2.20
04-30-2015	2.00	11-01-2015	2.00
11-02-2015	1.80	11-03-2015	2.10
11-04-2015	2.30	11-05-2015	1.90
11-06-2015	2.20	11-07-2015	2.00
11-08-2015	1.90	11-09-2015	1.70
11-10-2015	1.90	11-11-2015	2.10

11-12-2015	1.90	11-13-2015	2.20
11-14-2015	1.80	11-15-2015	2.00
11-16-2015	2.10	11-17-2015	1.90
11-18-2015	1.80	11-19-2015	2.20
11-20-2015	1.70	11-21-2015	1.80
11-22-2015	1.80	11-23-2015	2.10
11-24-2015	2.20	11-25-2015	1.80
11-26-2015	1.70	11-27-2015	1.80
11-28-2015	1.70	11-29-2015	1.80
11-30-2015	1.80	12-01-2015	2.00
12-02-2015	1.90	12-03-2015	2.00
12-04-2015	2.20	12-05-2015	2.00
12-06-2015	2.00	12-07-2015	2.10
12-08-2015	2.10	12-09-2015	2.10
12-10-2015	2.20	12-11-2015	2.00
12-12-2015	2.30	12-13-2015	2.0
12-14-2015	2.20	12-15-2015	2.00
12-16-2015	2.10	12-17-2015	2.20
12-18-2015	2.10	12-19-2015	2.40
12-20-2015	2.10	12-21-2015	2.10
12-22-2015	2.20	12-23-2015	2.30
12-24-2015	2.40	12-25-2015	2.10
12-26-2015	2.00	12-27-2015	2.10
12-28-2015	2.20	12-29-2015	2.00
12-30-2015	2.40	12-31-2015	2.10
01-01-2016	2.00	01-02-2016	1.80
01-03-2016	1.80	01-04-2016	2.00

01-05-2016	2.10	01-06-2016	2.00
01-07-2016	2.00	01-08-2016	2.30
01-09-2016	2.10	01-10-2016	1.70
01-11-2016	1.80	01-12-2016	1.90
01-13-2016	2.20	01-14-2016	2.00
01-25-2016	2.20	01-26-2016	2.00
01-27-2016	1.80	01-28-2016	1.90
01-29-2016	2.10	01-30-2016	2.20
01-31-2016	2.30	02-01-2016	2.00
02-02-2016	1.70	02-03-2016	1.80
02-04-2016	1.70	02-05-2016	1.40
02-06-2016	1.80	02-07-2016	2.10
02-08-2016	1.90	02-09-2016	1.80
02-10-2016	2.00	02-11-2016	2.20
02-12-2016	2.00	02-13-2016	2.00
02-14-2016	1.70	02-15-2016	1.80
02-16-2016	1.90	02-17-2016	2.10
02-18-2016	2.00	02-19-2016	1.70
02-20-2016	1.80	02-21-2016	1.80
02-22-2016	2.20	02-23-2016	1.90
02-24-2016	2.00	02-25-2016	1.80
02-26-2016	2.00	02-27-2016	2.10
02-28-2016	1.90	03-01-2016	1.80
03-02-2016	2.00	03-03-2016	2.10
03-04-2016	1.70	03-05-2016	2.00
03-06-2016	1.90	03-07-2016	1.90
03-08-2016	1.70	03-09-2016	2.10

03-10-2016	2.20	03-11-2016	2.00
03-12-2016	2.00	03-13-2016	2.30
03-14-2016	1.90	03-15-2016	2.00
03-16-2016	2.20	03-17-2016	2.00
03-18-2016	1.70	03-19-2016	2.10
03-20-2016	1.90	03-21-2016	1.80
03-22-2016	2.10	03-23-2016	2.00
03-24-2016	2.00	03-25-2016	1.90
03-26-2016	2.10	03-27-2016	2.00
03-28-2016	2.20	03-29-2016	2.00
03-30-2016	2.10	03-31-2016	2.00
04-01-2016	2.00	04-02-2016	2.40
04-03-2016	1.90	04-04-2016	2.10
04-05-2016	2.20	04-06-2016	1.80
04-07-2016	2.10	04-08-2016	2.20
04-09-2016	2.00	04-10-2016	2.00
04-11-2016	1.70	04-12-2016	1.90
04-13-2016	2.10	04-14-2016	2.20
04-15-2016	2.00	04-16-2016	1.70
04-17-2016	1.90	04-18-2016	1.90
04-19-2016	1.80	04-20-2016	2.10
04-21-2016	2.00	04-22-2016	2.10
04-23-2016	1.90	04-24-2016	1.70
04-25-2016	1.70	04-26-2016	1.80
04-27-2016	1.80	04-28-2016	1.70
04-29-2016	1.80	04-30-2016	1.80
11-01-2016	1.70	11-02-2016	1.80

11-03-2016	1.80	11-04-2016	1.50
11-05-2016	1.80	11-06-2016	1.80
11-07-2016	1.70	11-08-2016	1.40
11-09-2016	1.20	11-10-2016	1.40
11-11-2016	1.50	11-12-2016	1.80
11-13-2016	1.50	11-14-2016	1.40
11-15-2016	1.40	11-16-2016	1.20
11-17-2016	1.50	11-18-2016	1.40
11-19-2016	1.40	11-20-2016	1.70
11-21-2016	1.80	11-22-2016	1.80
11-23-2016	1.40	11-24-2016	1.50
11-25-2016	1.70	11-26-2016	1.80
11-27-2016	1.90	11-28-2016	1.30
11-29-2016	1.80	11-30-2016	1.70
12-04-2016	1.50	12-05-2016	1.70
12-06-2016	1.60	12-07-2016	1.50
12-08-2016	1.70	12-09-2016	1.70
12-10-2016	1.50	12-11-2016	1.80
12-12-2016	1.60	12-13-2016	1.50
12-14-2016	1.80	12-15-2016	1.70
12-16-2016	1.80	12-17-2016	1.40
12-18-2016	1.20	12-19-2016	1.40
12-20-2016	1.40	12-21-2016	1.60
12-22-2016	1.70	12-23-2016	1.20
12-24-2016	1.30	12-25-2016	1.40
12-26-2016	1.80	12-27-2016	1.30
12-28-2016	1.50	12-29-2016	1.00

12-30-2016	1.20	12-31-2016	1.20
01-01-2017	1.40	01-02-2017	1.60
01-03-2017	1.40	01-04-2017	1.50
01-05-2017	1.70	01-06-2017	1.50
01-07-2017	1.80	01-08-2017	1.50
01-09-2017	1.60	01-10-2017	1.50
01-11-2017	1.20	01-12-2017	1.60
01-13-2017	1.40	01-14-2017	1.00
01-15-2017	1.20	01-16-2017	1.50
01-17-2017	1.40	01-18-2017	1.40
01-19-2017	1.50	01-20-2017	1.30
01-21-2017	1.10	01-22-2017	1.40
01-23-2017	1.30	01-24-2017	1.60
01-25-2017	1.40	01-26-2017	1.50
01-27-2017	1.50	01-28-2017	1.30
01-29-2017	1.50	01-30-2017	1.60
01-31-2017	1.50	02-01-2017	1.80
02-02-2017	1.50	02-03-2017	1.70
02-04-2017	1.40	02-05-2017	1.60
02-06-2017	1.40	02-07-2017	1.50
02-08-2017	1.30	02-09-2017	1.10
02-10-2017	1.20	02-11-2017	1.60
02-12-2017	1.50	02-13-2017	1.40
02-14-2017	1.20	02-15-2017	1.40
02-16-2017	1.40	02-17-2017	1.60
02-18-2019	1.30	02-19-2017	1.50
02-20-2017	1.20	02-21-2017	1.00

02-22-2017	1.10	02-23-2017	1.40
02-24-2017	1.70	02-25-2017	1.80
02-26-2017	1.30	02-27-2017	1.20
02-28-2017	1.10	03-01-2017	1.40
03-02-2017	1.30	03-03-2017	1.40
03-04-2017	1.60	03-05-2017	1.30
03-06-2017	1.10	03-07-2017	1.50
03-08-2017	1.70	03-09-2017	1.40
03-10-2017	1.40	03-11-2017	1.20
03-12-2017	1.50	03-13-2017	1.60
03-14-2017	1.30	03-15-2017	1.40
03-16-2017	1.30	03-17-2017	1.50
03-18-2017	1.80	03-19-2017	1.50
03-20-2017	1.20	03-21-2017	1.20
03-22-2017	1.50	03-23-2017	1.70
03-24-2017	1.40	03-25-2017	1.40
03-26-2017	1.50	03-27-2017	1.40
03-28-2017	1.20	03-29-2017	1.50
03-30-2017	1.40	03-31-2017	1.00
04-01-2017	1.50	04-02-2017	1.10
04-03-2017	1.00	04-04-2017	1.20
04-05-2017	1.30	04-06-2017	1.60
04-07-2017	1.40	04-08-2017	1.70
04-09-2017	1.20	04-10-2017	1.40
04-11-2017	1.60	04-12-2017	1.50
04-13-2017	1.50	04-14-2017	1.80
04-15-2017	1.50	04-16-2017	1.60

04-17-2017	1.20	04-18-2017	1.40
04-19-2017	1.60	04-20-2017	1.50
04-21-2017	1.30	04-22-2017	1.00
04-23-2017	1.20	04-24-2017	1.60
04-25-2017	1.50	04-26-2017	1.30
04-27-2017	1.40	04-28-2017	1.20
04-29-2017	1.40	04-30-2017	1.10
11-01-2017	1.50	11-02-2017	1.40
11-03-2017	1.40	11-04-2017	1.70
11-05-2017	1.50	11-06-2017	1.90
11-07-2017	1.70	11-08-2017	1.80
11-09-2017	1.60	11-10-2017	1.30
11-11-2017	1.70	11-12-2017	1.20
11-13-2017	1.20	11-14-2017	1.00
11-15-2017	1.80	11-16-2017	1.90
11-17-2017	1.70	11-18-2017	1.70
11-19-2017	1.50	11-20-2017	1.70
11-21-2017	1.60	11-22-2017	1.50
11-23-2017	1.40	11-24-2017	1.80
11-25-2017	1.40	11-26-2017	1.70
11-27-2017	1.50	11-28-2017	1.60
11-29-2017	1.40	11-30-2017	1.50
12-01-2017	1.40	12-02-2017	1.50
12-03-2017	1.50	12-04-2017	1.60
12-05-2017	1.50	12-06-2017	1.40
12-07-2017	1.70	12-08-2017	1.50
12-09-2017	1.50	12-10-2017	1.80

12-11-2017	1.60	12-12-2017	1.30
12-13-2017	1.50	12-14-2017	1.40
12-15-2017	1.60	12-16-2017	1.60
12-17-2017	1.30	12-18-2017	1.50
12-19-2017	1.40	12-20-2017	1.50
12-21-2017	1.70	12-22-2017	1.60
12-23-2017	1.90	12-24-2017	1.70
12-25-2017	1.50	12-26-2017	1.40
12-27-2017	1.20	12-28-2017	1.50
12-29-2017	1.40	12-30-2017	1.40
12-31-2017	1.60	01-01-2018	1.20
01-02-2018	1.20	01-03-2018	1.40
01-04-2018	1.30	01-05-2018	1.20
01-06-2018	1.50	01-07-2018	1.20
01-08-2018	1.30	01-09-2018	1.40
01-10-2018	1.30	01-11-2018	1.20
01-12-2018	1.60	01-13-2018	1.40
01-14-2018	1.50	01-15-2018	1.30
01-16-2018	1.30	01-17-2018	1.50
01-18-2018	1.40	01-19-2018	1.00
01-20-2018	1.20	01-21-2018	1.10
01-22-2018	1.40	01-23-2018	1.50
01-24-2018	1.20	01-25-2018	1.30
01-26-2018	1.50	01-27-2018	1.40
01-28-2018	1.50	01-29-2018	1.60
01-30-2018	1.40	01-31-2018	1.50
02-01-2018	1.50	02-02-2018	1.40

02-03-2018	1.20	02-04-2018	1.30
02-05-2018	1.20	02-06-2018	1.40
02-07-2018	1.30	02-08-2018	1.20
02-09-2019	1.40	02-10-2018	1.40
02-11-2018	1.30	02-12-2018	1.20
02-13-2018	1.40	02-14-2018	1.50
02-15-2018	1.30	02-16-2018	1.50
02-17-2018	1.70	02-18-2018	1.50
02-19-2018	1.30	02-20-2018	1.30
02-21-2018	1.40	02-22-2018	1.60
02-23-2018	1.10	02-24-2018	1.50
02-25-2018	1.60	02-26-2018	1.50
02-27-2018	1.20	02-28-2018	1.40
03-14-2018	1.30	03-15-2018	1.40
03-16-2018	1.40	03-17-2018	1.50
03-18-2018	1.20	03-19-2018	1.40
03-20-2018	1.60	03-21-2018	1.20
03-22-2018	1.30	03-23-2018	1.30
03-24-2018	1.50	03-25-2018	1.60
03-26-2018	1.40	03-27-2018	1.30
03-28-2018	1.20	03-29-2018	1.20
03-30-2018	1.40	03-31-2018	1.50
04-01-2018	1.40	04-02-2018	1.50
04-03-2018	1.10	04-04-2018	1.40
04-05-2018	1.20	04-06-2018	1.40
04-07-2018	1.30	04-08-2018	1.50
04-09-2018	1.50	04-10-2018	1.20

04-11-2018	1.10	04-12-2018	1.00
04-13-2018	1.20	04-14-2018	1.30
04-15-2018	1.50	04-16-2018	1.10
04-17-2018	1.60	04-18-2018	1.20
04-19-2018	1.20	04-20-2018	1.40
04-21-2018	1.50	04-22-2018	1.30
04-23-2018	1.00	04-24-2018	1.10
04-25-2018	1.00	04-26-2018	1.20
04-27-2018	1.10	04-28-2018	1.30
04-29-2018	1.50	04-30-2018	1.40
12-01-2018	1,10	12-02-2018	1.20
12-03-2018	1.10	12-04-2018	1.30
12-05-2018	1.10	12-06-2018	1.20
12-07-2018	1.40	12-08-2018	1.10
12-09-2018	1.20	12-10-2018	1.30
12-11-2018	1.30	12-12-2018	1.00
12-13-2018	1.10	12-14-2018	1.20
12-15-2018	1.40	12-16-2018	1.30
12-17-2018	1.30	12-18-2018	1.20
12-19-2018	1.30	12-20-2018	1.30
12-21-2018	1.10	12-22-2018	1.30
12-23-2018	1.40	12-24-2018	1.20
12-25-2018	1.40	12-26-2018	1.20
12-27-2018	1.40	12-28-2018	1.30
12-29-2018	1.40	12-30-2018	1.30
12-31-2018	1.20	01-01-2019	1.20
01-02-2019	1.10	01-03-2019	1.30

01-04-2019	1.20	01-05-2019	0.90
01-06-2019	1.00	01-07-2019	1.20
01-08-2019	1.20	01-09-2019	1.30
01-10-2019	1.50	01-11-2019	1.40
01-12-2019	1.00	01-13-2019	1.20
01-14-2019	1.20	01-15-2019	1.40
01-16-2019	1.20	01-17-2019	1.10
01-18-2019	1.20	01-19-2019	1.10
01-20-2019	1.00	01-21-2019	1.10
01-22-2019	1.10	01-23-2019	1.00
01-24-2019	1.40	01-25-2019	1.20
01-26-2019	1.00	01-27-2019	1.10
01-28-2019	1.10	01-29-2019	1.30
01-30-2019	1.00	01-31-2019	1.20
02-01-2019	1.20	02-02-2019	1.10
02-03-2019	1.30	02-04-2019	1.20
02-05-2019	0.90	02-06-2019	1.0
02-07-2019	1.20	02-08-2019	1.20
02-09-2019	1.30	02-10-2019	1.50
02-11-2019	1.40	02-12-2019	1.00
02-13-2019	1.20	02-14-2019	1.20
02-15-2019	1.40	02-16-2019	1.20
02-17-2019	1.10	02-18-2019	1.20
02-19-2019	1.10	02-20-2019	1.00
02-21-2019	1.10	02-22-2019	1.10
02-23-2019	1.00	02-24-2019	1.40
02-25-2019	1.20	02-26-2019	1.00

02-27-2019	1.10	02-28-2019	1.10
02-29-2019	1.30	03-01-2019	1.30
03-02-2019	1.10	03-03-2019	1.30
03-04-2019	1.20	03-05-2019	0.90
03-06-2019	1.00	03-07-2019	1.20
03-08-2019	1.20	03-09-2019	1.30
03-10-2019	1.50	03-11-2019	1.40
03-12-2019	1.00	03-13-2019	1.20
03-14-2019	1.20	03-15-2019	1.40
03-16-2019	1.20	03-17-2019	1.10
03-18-2019	1.20	03-19-2019	1.10
03-20-2019	1.00	03-21-2019	1.10
03-22-2019	1.10	03-23-2019	1.00
03-24-2019	1.40	03-25-2019	1.20
03-26-2019	1.00	03-27-2019	1.10
03-28-2019	1.10	03-29-2019	1.30
03-30-2019	1.00	03-31-2019	1.20
04-01-2019	1.20	04-02-2019	1.10
04-03-2019	1.30	04-04-2019	1.10
04-05-2019	0.80	04-06-2019	1.00
04-07-2019	1.20	04-08-2019	1.20
04-09-2019	1.30	04-10-2019	1.50
04-11-2019	1.40	04-12-2019	1.00
04-13-2019	1.20	04-14-2019	1.20
04-15-2019	1.40	04-16-2019	1.20
04-17-2019	1.10	04-18-2019	1.20
04-19-2019	1.10	04-20-2019	1.00

04-21-2019	1.10	04-22-2019	1.10
04-23-2019	1.00	04-24-2019	1.40
04-25-2019	1.20	04-26-2019	1.00
04-27-2019	1.10	04-28-2019	1.10
04-29-2019	1.30	04-30-2019	1.00
12-11-2019	1.10	12-18-2019	1.00
12-31-2019	1.10	01-04-2020	1.20
01-10-2020	1.10	01-12-2020	1.00
01-13-2020	1.00	01-18-2020	1.10
01-24-2020	1.10	01-28-2020	1.10
01-31-2020	1.20	02-04-2020	1.10
03-01-2020	1.10	03-05-2020	1.00
03-13-2020	1.10	03-25-2020	1.10
03-28-2020	1.00	03-31-2020	1.20
04-06-2020	1.10	04-09-2020	1.10
04-14-2020	1.00	01-01-2021	1.10
01-06-2020	1.00	01-08-2021	1.20
01-14-2021	1.10	01-26-2021	1.40
01-28-2021	1.00	02-01-2021	1.10
02-05-2021	1.00	02-14-2021	1.10
02-18-2021	1.20	02-21-2021	1.00
02-26-2021	1.40	02-28-2021	1.00
03-01-2021	1.30	03-02-2021	1.20
03-03-2021	1.40	03-08-2021	1.30
03-09-2021	1.10	03-15-2021	1.20
03-16-2021	1.10	03-17-2021	1.20
03-22-2021	1.10	01-01-2022	1.10

01-04-2022	1.2	01-09-2022	1.30
01-12-2022	1.30	01-25-2022	1.10
02-02-2022	1.20	02-04-2022	1.0
02-10-2022	1.20	02-28-2022	1.40

31. Schedule B of the Permit establishes the following wastewater monitoring requirements:

a. Influent

Item or Parameter	Minimum Frequency
Total Flow (MGD)	Daily
Flow Meter Calibration	Annually
BOD_5	Monthly
TSS	Monthly
pH	2/Week

b. Treated Effluent Outfall 001

Item or Parameter	Minimum Frequency
Total Flow (MGD)	Daily
Flow Meter Calibration	Annual
pH	2/Week
BOD_5	Monthly
TSS	Monthly
Pounds Discharged (BOD_5 and TSS)	Monthly
E. coli	Monthly
Quantity Chlorine Used	Daily
Chlorine Residual	Daily
Temperature	2/week
Average Percent Removed (BOD_5 and TSS)	Monthly

32. Respondent did not complete wastewater monitoring as follows:

Monitoring Period	Parameter	Monitoring Event Missed
January 2014	Influent pH	Did not monitor during the weeks December 29, 2014, and January 19, 2015.
February 2014	Effluent Temperature	Did not monitor during the weeks of February 9 and 16.

February 2014	Influent pH	Did not monitor during weeks of February 9 and 16.
February 2014	Effluent pH	Did not monitor during weeks of February 9 and 16.
March 2014	Effluent Temperature	Did not monitor during the weeks of March 2, 16 and 23.
March 2014	Influent pH	Did not monitor during the weeks of March 2, 16 and 23.
March 2014	Effluent pH	Did not monitor during the weeks of March 2, 16 and 23.
April 2014	Effluent pH	Did not monitor during the week of March 30.
April 2014	Effluent Temperature	Did not monitor the week of March 30.
April 2014	Influent pH	Did not monitor during the weeks of March 30 and April 6, 13 and 27.
May 2014	Influent pH	Did not monitor during the weeks of May 4, 11 and 25.
June 2014	Influent pH	Did not monitor during the week of June 15.
July 2014	Influent pH	Did not monitor during the week of July 20.
August 2014	Influent pH	Did not monitor during the week of August 17.
October 2014	Influent pH	Did not monitor during the weeks October 5, 12 and 19.
November 2014	Effluent Temperature	Did not monitor during the weeks of November 9, 16 and 23.
November 2014	Influent pH	Did not monitor during the week of November 7.
November 2014	Effluent pH	Did not monitor during the week of November 7.
December 2014	Effluent Temperature	Did not monitor during the week of December 7.
December 2014	Influent pH	Did not monitor during the week of December 7.
December 2014	Effluent pH	Did not monitor during the week of December 7.
January 2015	Effluent BOD_5	Did not monitor.
January 2015	Effluent TSS	Did not monitor.
January 2015	Influent pH	Did not monitor the week of January 19.
February 2015	Effluent Temperature	Did not monitor during the weeks of January 8 and 23.
February 2015	Influent pH	Did not monitor during the weeks January 8 and 23.

February 2015	Effluent pH	Did not monitor during the weeks January 8 and 23.
March 2015	Effluent Temperature	Did not monitor during the weeks of March 8, 15, and 22.
March 2015	Influent pH	Did not monitor during the weeks of March 8, 15, and 22.
March 2015	Effluent pH	Did not monitor during the weeks of March 8, 15, and 22.
April 2015	Effluent Temperature	Did not monitor during the weeks of April 5 and 18.
April 2015	Influent pH	Did not monitor during the weeks of April 5 and 18.
April 2015	Effluent pH	Did not monitor during the weeks of April 5 and 18.
May 2015	Influent pH	Did not monitor during the weeks of May 10, 17 and 23.
June 2015	Influent pH	Did not monitor during the weeks of June 7, 14 and 21
July 2015	All Parameters	Did not monitor any parameter.
August 2015	Influent pH	Did not monitor the week of August 23.
November 2015	Effluent Temperature	Did not monitor during the week of November 8.
November 2015	Influent pH	Did not monitor during the week of November 8.
November 2015	Effluent pH	Did not monitor during the week of November 8.
January 2016	Effluent Temperature	Did not monitor during the week of January 17.
January 2016	Influent pH	Did not monitor during the week of January 17.
January 2016	Effluent pH	Did not monitor during the week of January 17.
February 2016	Effluent Temperature	Did not monitor during the week of February 14.
February 2016	Influent pH	Did not monitor during the week of February 14.
February 2016	Effluent pH	Did not monitor during the week of February 14.
March 2016	Effluent Temperature	Did not monitor during the week of March 13.
March 2016	Influent pH	Did not monitor during the week of March 13.
March 2016	Effluent pH	Did not monitor during the week of March 13.
April 2016	Effluent Temperature	Did not monitor twice during the weeks of April 3, 10 and 17.

April 2016	Influent pH	Did not monitor twice during the weeks of April 3, 10 and 17.
April 2016	Effluent pH	Did not monitor twice during the weeks of April 3, 10 and 17.
May 2016	Influent pH	Did not monitor during the weeks of May 1 and 22.
June 2016	Influent pH	Did not monitor during the weeks of June 12 and 26.
July 2016	Influent pH	Did not monitor during the weeks of July 3 and 17.
August 2016	Influent pH	Did not monitor during the weeks of August 7, 14 and 21.
September 2016	Influent pH	Did not monitor during the weeks of September 18 and 23.
October 2016	Influent pH	Did not monitor during the weeks of October 2 and 23.
November 2016	Effluent Temperature	Did not monitor during the week of November 20.
November 2016	Influent pH	Did not monitor during the week of November 20.
November 2016	Effluent pH	Did not monitor during the week of November 20.
December 2016	Effluent Temperature	Did not monitor during the week of December 25.
December 2016	Influent pH	Did not sample during the week of December 25.
December 2016	Effluent pH	Did not sample during the week of December 25.
January 2017	Effluent Temperature	Did not monitor during the week of January 15.
January 2017	Influent pH	Did not monitor during the week of January 15.
January 2017	Effluent pH	Did not monitor during the week of January 15.
April 2017	Effluent Temperature	Did not monitor during the weeks of April 9 and 16.
April 2017	Influent pH	Did not monitor during the weeks of April 9 and 16.
April 2017	Effluent pH	Did not monitor during the weeks of April 9 and 16.
May 2017	Influent pH	Did not monitor during the week of May 7.
June 2017	Influent pH	Did not monitor during the weeks of June 11 and 18.
July 2017	Influent pH	Did not monitor during the week of July 2.
August 2017	Influent pH	Did not monitor during the weeks of August 13 and 27.
		Did not monitor during the weeks of September 9, 17,

September 2017	Influent pH	and 24.
October 2017	Influent pH	Did not monitor during the weeks of October 8, 15, and 22.
November 2017	Effluent Temperature	Did not monitor during the weeks of November 5, 12, and 19.
November 2017	Influent pH	Did not monitor during the weeks of November 5, 12, and 19.
November 2017	Effluent pH	Did not monitor during the weeks of November 5, 12, and 19.
December 2017	Effluent Temperature	Did not monitor during the weeks of December 10, 17, and 24.
December 2017	Influent pH	Did not monitor during the weeks of December 10, 17, and 24.
December 2017	Effluent pH	Did not monitor during the weeks of December 10, 17, and 24.
February 2018	Effluent Temperature	Did not monitor during the weeks of January 28 and February 4 and February 18.
February 2018	Influent pH	Did not monitor during the weeks of January 28 and February 4 and February 18.
February 2018	Effluent pH	Did not monitor during the weeks of January 28 and February 4 and February 18.
March 2018	Influent pH	Did not monitor during the weeks of March 11 and 26.
March 2018	Effluent pH	Did not monitor during the weeks of March 11 and 26.
March 2018	Effluent Temperature	Did not monitor during the weeks of March 11 and 26.
April 2018	Effluent pH	Did not monitor during the week of April 8 and 15.
April 2018	Effluent Temperature	Did not monitor during the week of April 8 and 15.
April 2018	Influent pH	Did not monitor during the weeks of April 8 and 22
May 2018	Influent pH	Did not monitor during the week of May 20.
June 2018	Influent BOD_5	Did not monitor during the month.
June 2018	Influent TSS	Did not monitor during the month.
June 2018	Influent pH	Did not monitor during the week of June 10.

July 2018	Influent pH	Did not monitor during the week of July 22.
August 2018	Influent pH	Did not monitor during the weeks of August 12 and 19.
September 2018	Influent pH	Did not monitor during the weeks of September 2 and 16.
October 2018	Influent pH	Did not monitor twice in weeks October 7 and October 21.
November 2018	Effluent BOD	Did not monitor during the month.
November 2018	Effluent TSS	Did not monitor during the month.
November 2018	Chlorine Residual	Did not monitor during the month.
November 2018	*E. coli*	Did not monitor during the month.
November 2018	Influent pH	Did not monitor during the weeks of November 4, 11 and 18.
December 2018	Influent pH	Did not monitor during the weeks of December 2 and 16.
December 2018	Effluent pH	Did not monitor during the weeks of December 2 and 16.
December 2018	Effluent Temperature	Did not monitor during the weeks of December 2 and 16.
January 2019	Influent pH	Did not monitor during the week January 6.
January 2019	Effluent pH	Did not monitor during the week January 6.
January 2019	Effluent Temperature	Did not monitor during the week of January 6.
February 2019	Effluent pH	Did not monitor during the of February 3.
February 2019	Effluent Temperature	Did not monitor during the week of February 3.
April 2019	Influent pH	Did not monitor during the week of April 7.
April 2019	Effluent pH	Did not monitor during the week of April 7.
April 2019	Effluent Temperature	Did not monitor during the week of April 7.
April 2019	Chlorine Usage	Did not monitor during the month.
April 2019	Effluent Temperature	Did not monitor during the month.
May 2019	Influent pH	Did not monitor during the week of May 5.
June 2019	Influent pH	Did not monitor during the week of June 5.

July 2019	Influent pH	Did not monitor during the week of July 21.
July 2019	Influent BOD	Did not monitor during the month.
July 2019	Influent TSS	Did not monitor during the month.
August 2019	Influent pH	Did not monitor during the week of August 4.
September 2019	Influent pH	Did not monitor during the month.
October 2019	Influent pH	Did not monitor during the week of October 6.
November 2019	Influent pH	Did not monitor during the weeks of November 3 and 10.
November 2019	Chlorine Usage	Did not monitor during the month.
November 2019	Effluent Temperature	Did not monitor during the month.
December 2019	Influent pH	Did not monitor during the month.
December 2019	Effluent pH	Did not monitor during the month.
December 2019	Chlorine Residual	Did not monitor during the days of December 1-10, and 12-17 and 19-30.
December 2019	Chlorine Usage	Did not monitor during the month.
December 2019	Effluent Temperature	Did not monitor during the month.
January 2020	Influent pH	Did not monitor during the week of January 15.
January 2020	Effluent pH	Did not monitor during the week of January 15.
January 2020	Chlorine Residual	Did not monitor January 1, 2, 4-9, 11, 14-17, 19-23, 25-27 and 29
January 2020	Chlorine Usage	Did not monitor during the month.
January 2020	Effluent Temperature	Did not monitor during the month.
February 2020	BOD_5	Did not monitor during the month.
February 2020	TSS	Did not monitor during the month.
February 2020	*E. coli*	Did not monitor during the month.
February 2020	Chlorine Usage	Did not monitor during the month.

February 2020	Chlorine Residual	Did not monitor on February 1, 2, and 3.
March 2020	Chlorine Residual	Did not monitor on March 2-4, 6-24, and 26-30.
March 2020	Influent pH	Did not monitor during the week of March 15.
March 2020	Chlorine Usage	Did monitor during the month.
March 2020	Effluent Temperature	Did monitor during the month.
April 2020	Influent BOD_5	Did not monitor during the month.
April 2020	Influent TSS	Did not monitor during the month.
April 2020	Effluent BOD_5	Did not monitor during the month.
April 2020	Effluent TSS	Did not monitor during the month.
April 2020	*E. coli*	Did not monitor during the month.
April 2020	Chlorine usage	Did not monitor during the month.
April 2020	Effluent temperature	Did not monitor during the month.
April 2020	Chlorine Residual	Did not monitor April 1-5, 7, 8 and 10-13.
May 2020	Influent pH	Did not monitor during the week May 24.
June 2020	Influent pH	Did not monitor during the weeks of May 31 and June 7, 14 and 21.
November 2020	Chlorine Usage	Did not monitor during the month.
November 2020	Effluent Temperature	Did not monitor during the month.
December 2020	Chlorine Usage	Did not monitor during the month.
December 2020	Effluent Temperature	Did not monitor during the month.
January 2021	Chlorine Residual	Did not monitor on January 2-5, 7, 9, 10-13, 15-25, 27, 29, 30 and 31.
January 2021	Chlorine Usage	Did not monitor during the month.
January 2021	Effluent Temperature	Did not monitor during the month.
February 2021	Chlorine Residual	Did not monitor on February 2-4, 6, 7, 9-13, 15-17, 19, 20, 22-25 and 27.

February 2021	Chlorine Usage	Did not monitor during the month.
March 2021	Chlorine Residual	Did not monitor on March 4-7, 10-14 and 18-21.
March 2021	Chlorine Usage	Did not monitor during the month.
March 2021	Effluent Temperature	Did not monitor during the month.
July 2021	Influent BOD_5	Did not monitor during the month.
July 2021	Influent TSS	Did not monitor during the month.
August 2021	Influent flow	Did not monitor during month.
September 2021	Influent flow	Did not monitor during month.
October 2021	Influent flow	Did not monitor during month.
November 2021	Chlorine residual	Did not monitor during the month.
December 2021	Effluent Temperature	Did not monitor during the month.
December 2021	Influent pH	Did not monitor during the month.
December 2021	Influent pH	Did not monitor during the month.
December 2021	Chlorine residual	Did not monitor during the month.
December 2021	Chlorine usage	Did not monitor during the month.
January 2022	Effluent Temperature	Did not monitor during the month.

33. Schedule B of the Permit requires Respondents to submit a written Discharge Monitoring Report of its monitoring results on a monthly basis by the 15th day of the following month.

34. Respondent did not accurately report effluent monitoring results by the 15th day of the following month as follows:

Monitoring Period	Parameter	Reported Value	Correct Value
February 2017	BOD_5 percent removal	20%	2%
March 2018	TSS percent removal	79%	92%
March 2018	BOD_5 percent removal	75%	89%
January 2019	BOD_5 percent removal	88%	98%

February 2019	BOD_5 percent removal	95%	87%
February 2019	TSS percent removal	96%	77%
December 2019	Effluent pH Daily Maximum	6.8 SU	7.0 SU
February 2021	Effluent BOD_5 Monthly Average Load	58.0 ppd	22.6 ppd
February 2021	Effluent BOD Daily Maximum Load	58.0 ppd	22.6 ppd
February 2021	BOD_5 percent removal	58%	42%
February 2021	TSS percent removal	44%	56%
March 2021	Effluent BOD_5 Monthly Average Load	13.9 ppd	9.5 ppd
Week of February 28 to March 6, 2021	Effluent BOD_5 Weekly Average Load	9.19 ppd	13.9 ppd
March 2021	Effluent BOD_5 Monthly Average Concentration	58 mg/L	47 mg/L
April 2021	Influent pH Daily Maximum	7.2 SU	7.3 SU
June 2021	Influent pH Daily Minimum	7.2 SU	7.0 SU
June 2021	Influent pH Daily Maximum	7.08 SU	7.2 SU
November 2021	Effluent Temperature Monthly Average in degrees Celsius (C)	12.3	Unknown
November 2021	Effluent BOD_5 Monthly Average Loading	Below Detection Limit	>2.0 mg/L
November 30, 2021	Effluent BOD_5 Daily Maximum Loading	Below Detection Limit	>2.0 mg/L
Week of November 28 to December 4, 2021	Effluent BOD_5 Weekly Average Loading	Below Detection Limit	>2.0 mg/L
November 2021	Effluent BOD_5 Monthly Average Concentration	Below Detection Limit	>2.0 mg/L
Week of November 28 to December 4, 2021	Effluent BOD_5 Weekly Average Concentration	Below detection limit	>2.0 mg/L

November 2021	Effluent Flow Monthly Average in millions of gallons per day (mgd)	0.0034 mgd	0.0038 mgd
November 15, 2021	Effluent Flow Daily Maximum	0.004 mgd	0.006 mgd
November 2021	Influent Flow Monthly Average	0.0038 mgd	0.0034 mgd
November 14, 2021	Influent Flow Daily Maximum	0.0057 mgd	0.0002 mgd
November 2021	*E. coli* Monthly Geometric Mean in colonies/100 mL	Below Detection Limit	1 colony/100 mL
November 30, 2021	*E. coli* Daily maximum	Below Detection Limit	1 colony/100 mL
November 2021	BOD_5 Percent Removal	100%	98%
Week of December 19-25, 2021	Effluent BOD_5 Weekly Average Loading	No monitoring conducted	1.14 ppd
Week of December 19-25, 2021	Effluent BOD_5 Weekly Average Concentration	No monitoring conducted	38 mg/L
December 14, 2021	Effluent pH, daily minimum	No monitoring conducted	6.8 SU
December 10, 2021	Effluent pH, daily maximum	No monitoring conducted	7.1 SU
Week of December 19-25, 2021	Effluent TSS Weekly Average Loading	No monitoring conducted	1.5 ppd
Week of December 19-25, 2021	Effluent TSS Weekly Average Concentration	No monitoring conducted	49 mg/L
January 2022	Effluent BOD_5 Monthly Average Loading	1.4 ppd	1.2 ppd
January 5, 2022	Effluent BOD_5 Daily Maximum Loading	1.5 ppd	1.2 ppd

Week of January 2-8, 2022	Effluent BOD_5 Weekly Average Loading	1.4 ppd	1.2 ppd
Week of January 2-8, 2022	Effluent TSS Weekly Average Concentration	1.4 mg/L	49 mg/L
January 2022	Effluent pH Daily Minimum	6.6 SU	Unknown
January 2022	Effluent pH Daily Maximum	7.1 SU	Unknown
January 2022	Influent pH Daily Minimum	7.3 SU	Unknown
January 2022	Influent pH Daily Maximum	7.3 SU	Unknown
January 2022	Effluent TSS Monthly Average Loading	1.8 ppd	1.6 ppd
January 5, 2022	Effluent TSS Daily Maximum Loading	2.3 ppd	1.6 ppd
Week of January 2-8, 2022	Effluent TSS Weekly Average Concentration	1.59 mg/L	73 mg/L
January 2022	Effluent Flow Monthly Average	0.0018 mgd	0.0005 mgd
January 2022	Influent Flow Monthly Average	0.004 mgd	Unknown
January 31, 2022	Influent Flow Daily Maximum	0.0081 mgd	Unknown
January 2022	*E. coli,* Monthly Geometric Mean,	1 colonies/100 mL	2 colonies/100 mL
January 2022	*E. coli* Daily Maximum	1 colonies/100 mL	4 colonies /100 mL
February 2022	Effluent BOD_5 Monthly Average Loading	0.63 ppd	0.25 ppd
February 28, 2022	Effluent BOD_5 Daily Maximum Loading	0.63 ppd	0.25 ppd
Week of February 27 to March 5, 2022	Effluent BOD_5 Weekly Average Loading	0.63 ppd	0.25
February 2022	Effluent TSS Monthly Average Loading	1.17 ppd	0.46 ppd

February 28, 2022	Effluent TSS Daily Maximum Loading	1.17 ppd	0.46 ppd
February 2022	Effluent TSS loading, weekly average, lb/day	1.17 ppd	0.46 ppd
March 4, 2022	Influent pH Daily Minimum	6.8 SU	6.7 ppd
March 2022	Chlorine usage, monthly average, lb/day	6.5 ppd	0.8375 ppd
May 2022	Influent pH Daily Maximum	7.0 SU	7.2 SU
January 2022	Effluent BOD_5 Monthly Average Loading	0.322 ppd	0.108 ppd
January 10, 2022	Effluent BOD_5 Daily Maximum Loading	0.322 ppd	0.108 ppd
Week of January 8, 2023	Effluent BOD_5 Weekly Average Loading	0.322 ppd	0.108 ppd
January 18, 2023	Influent pH Daily Minimum SU	6.8 SU	6.6 SU
January 2023	Effluent TSS Monthly Average Loading	0.304 ppd	0.101 ppd
January 10, 2023	Effluent TSS Daily Maximum Loading	0.304 ppd	0.101 ppd
Week of January 8, 2023	Effluent TSS Weekly Average Loading	0.304 ppd	0.101 ppd
January 2023	*E. coli* Monthly Geometric Mean	Not quantifiable	Below detection limit
January 10, 2023	*E. coli* Daily Maximum, #/100 mL	Not quantifiable	Below detection limit

35. Respondent's Permit does not authorize discharge of treated wastewater to waters of the state during the period May 1 to October 31.

36. Respondent discharged treated wastewater to Yoncalla Creek, a naturally occurring surface water, on October 15 through October 31, 2016.

37. OAR 340-052-0015 states "all plans and specifications along with other data submitted for a proposed construction, installation, or modification project involving disposal systems, treatment works, sewerage systems or common sewers shall first be submitted to the Department for review. No construction, installation or modification shall be commenced until the plans and specifications submitted to the Department are approved."

38. Sometime prior to December 15, 2017, Respondent disconnected its wastewater dichlorination unit from its wastewater treatment system and replaced two influent pumps with a single pump without submitting plans to, and receiving approval from, DEQ.

39. Schedule B, Condition 3 of the Permit requires Respondent to submit to DEQ an annual report of its activities to reduce inflow and infiltration (I&I) to its wastewater system by February 15 of the following year.

40. Respondent did not submit to DEQ I&I reports for the years 2013 through 2022.

41. Schedule A, Condition 1 of the Permit limits the concentration of *E. coli* bacteria in Respondent's discharged effluent to a monthly geometric mean of 126 colonies per 100 mL of effluent.

42. Respondent discharged effluent with the following monthly geometric mean concentrations of *E. coli* bacteria.

Month	Monthly Geometric Mean Concentration in Colonies per 100 mL	Month	Monthly Geometric Mean Concentration in Colonies per 100 mL
November 2013	381	December 2015	261
January 2017	197	November 2017	430
February 2019	2,046	December 2019	727
November 2020	1,990		

43. Schedule A, Condition 1 of the Permit limits the concentration of *E. coli* bacteria in in any single sample of Respondent's discharged effluent to 406 colonies per 100 mL of effluent.

44. Respondent discharged effluent with the following single sample *E. coli* concentrations.

Date	Concentration in Colonies per 100 mL	Date	Concentration in Colonies per 100 mL
November 15, 2015	1,120	November 28, 2016	411
January 12, 2017	613	November 28, 2017	770
February 11, 2019	>2,419	December 18, 2019	727
November 2020 (Unknown day)	1,990		

III. CONCLUSIONS

1. Respondent violated ORS 468B.025(2) by discharging effluent that contained BOD_5 at levels exceeding the limits established in Schedule A of the Permit, as described in Section II, Paragraphs 3-14, above. With the exception of removal efficiency violations, those instances where Respondent exceeded the limit by: 50% or more are Class I violations pursuant to OAR 340-012-0055(1)(k)(A); 20% or more but less than 50% are Class II violations pursuant to OAR 340-012-0055(2)(a)(A) and less than 20% are Class IIIs violations pursuant to OAR 340-012-0055(3)(b)(A). The removal efficiency violations are Class III violations pursuant to OAR 340-012-0055(3)(c). DEQ assesses a $10,800 civil penalty for these violations.

2. Respondent violated ORS 468B.025(2) by discharging effluent that contained TSS at levels exceeding the limits established in Schedule A of the Permit, as described in Section II, Paragraphs 15-26, above. With the exception of removal efficiency violations, those instances where Respondent exceeded the limit by: 50% or more are Class I violations pursuant to OAR 340-012-0055(1)(k)(A); 20% or more but less than 50% are Class II violations pursuant to OAR 340-012-0055(2)((a)(A) and less than 20% are Class IIIs violations pursuant to OAR 340-012-0055(3)(b)(A). The removal efficiency violations are Class III violations pursuant to OAR 340-012-0055(3)(c) DEQ hereby assesses a $10,800 civil penalty for these violations.

3. Respondent violated ORS 468B.025 by discharging effluent that contained chlorine at concentrations exceeding the limits established in Schedule A of the Permit, as described in Section II, Paragraphs 27-30. These are Class I violations pursuant to OAR 340-012-0055(1)(l). DEQ assesses a $10,800 civil penalty for these violations.

4. Respondent violated ORS 468B.025(2) by failing to conduct wastewater monitoring as required by Schedule B of the Permit, as described in Section II, Paragraphs 31-32, above. These are Class I violations pursuant to OAR 340-012-0055(1)(o). DEQ assesses a $6,207 civil penalty for these violations.

5. Respondent violated ORS 468B.025(2) by failing to accurately report wastewater monitoring results as required by Schedule B of Permit, as described in Section II, Paragraphs 33-34, above. These are Class I violations pursuant to OAR 340-12-0053(1)(b). DEQ assesses a $5,400 civil penalty for these violations.

6. Respondent violated ORS 468B.050(1)(c) by discharging wastes to waters of the state without a permit authorizing such discharge. Respondent discharged wastewater to Yoncalla Creek, a water of the state pursuant to ORS 468B.005(10) when its Permit did not authorize it to do so, as described in Section II, Paragraphs 35-36. These are Class I violations pursuant to OAR 340-012-0055(1)(c). DEQ assesses a $2,650 civil penalty for these violations.

7. Respondent violated OAR 340-052-0015 by modifying its permitted wastewater treatment and disposal system with receiving prior approval from DEQ, as described in Section II, Paragraphs 37-38. This a Class I violation pursuant to OAR 340-012-0055(1)(g). DEQ assesses a $2,100 civil penalty for this violation.

8. Respondent violated ORS 468B.025(2) by failing to monitor and report on I&I in its collection as required by Schedule B, Condition 3 of the Permit, as described in Section II, Paragraphs 39-40. These are Class I violations pursuant to OAR 340-012-0055(1)(o). DEQ assesses a $2,650 civil penalty for these violations.

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9. Respondent violated ORS 468B.025(2) by discharging effluent that contained *E. coli* bacteria in concentrations in excess of the limits in Schedule A of the Permit, as described in Section II, Paragraphs 41-44, above. Those instances where Respondent exceeded the limit by a factor of five or more are Class II violations pursuant to OAR 340-012-0055(2)(c). Those instances where Respondent exceeded the limit by less than a factor of five are Class III violations pursuant to OAR 340-012-0055(3)(b)(C). DEQ does not assess a civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY

Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is hereby ORDERED TO: Pay a total civil penalty of $51,407. The determinations of the civil penalties are attached as Exhibits 1 through 8 and are incorporated as part of this Notice.

If you do not file a request for hearing as set forth in Section V below, your check or money order must be made payable to "**Department of Environmental Quality**" and sent to the **DEQ, Business Office, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**.

V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached exhibit(s), you must do so in your request for hearing, as factual matters not denied will be considered admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for further information about requests for hearing.) You must send your request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge employed by the Office of Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

Active duty Service members have a right to stay proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free telephone number.

If you fail to file a timely request for hearing, the Notice will become a final order by default without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates the relevant portions of its files, including information submitted by you, as the record for purposes of proving a prima facie case.

5/2/2024
Date

Rebecca J Puskas
Becka Puskas, Interim Manager
Office of Compliance and Enforcement

EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 1 — Exceeding BOD_5 effluent limits established in Schedule A of the Permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A) and OAR 340-012-0145(4)(e).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(2)(a)(A)(i) because Respondent's discharge at the time of the volume was diluted by a factor of two or less in the receiving stream.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $3,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation per violation penalized. To arrive at "P," the total number of violations, 95, is divided by the number of violations that are assessed individual penalties, 2, for a result of 47.5 occurrences per violation penalized.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The BOD_5 limits are express conditions of Respondent's Permit. By failing to take the actions necessary to comply with these limits, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information to arrive at a reasonable estimate of Respondent's delayed or avoided compliance costs.

PENALTY CALCULATION: Penalty = Single Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $3,000 + [(0.1 x $3,000) x (0 + 0 + 4 + 4 + 0)]
= $3,000 + ($300 x 8)
= $3,000 + $2,400
= $5,400

DEQ assesses Respondent individual penalties for two Class I violations.

FINAL PENALTY CALCULATION

$5,400 x 2 + $0 = $10,800

EXHIBIT 2

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 2 — Exceeding TSS effluent limits established in Schedule A of the Permit in violation of ORS 468B.025(2).

CLASSIFICATION: — This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A) and OAR 340-012-0145(4)(e).

MAGNITUDE: — The magnitude of the violation is major pursuant to OAR 340-012-0135(2)(a)(A)(i) because Respondent's discharge at the time of the volume was diluted by a factor of two or less in the receiving stream.

CIVIL PENALTY FORMULA: — The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $3,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation per violation penalized. To arrive at "P," the total number of violations, 62, is divided by the number of violations that are assessed individual penalties, 2, for a result of 31occurrences per violation penalized.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The TSS limits are express conditions of Respondent's Permit. By failing to take the actions necessary to comply with these limits, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information to arrive at a reasonable estimate of Respondent's delayed or avoided compliance costs.

PENALTY CALCULATION: Penalty = Single Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $3,000 + [(0.1 x $3,000) x (0 + 0 + 4 + 4 + 0)]
= $3,000 + ($300 x 8)
= $3,000 + $2,400
= $5,400

DEQ assesses Respondent individual penalties for two Class I violations.

FINAL PENALTY CALCULATION

$5,400 x 2 + $0 = $10,800

EXHIBIT 3

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 3 — Exceeding total residual chlorine effluent limits established in Schedule A of the Permit in violation of ORS 468B.025(2).

CLASSIFICATION: — This is a Class I violation pursuant to OAR 340-012-0055(1)(l) as the Permit's chlorine effluent limits are water-quality based.

MAGNITUDE: — The magnitude of the violation is major pursuant to OAR 340-012-0135(2)(b)(A)(i) as the flow in the receiving stream was less than twice the assumed flow used to calculate the chlorine limits in the Permit.

CIVIL PENALTY FORMULA: — The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $3,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A) because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation per violation penalized. To arrive at "P," the total number of violations, 1,024, is divided by the number of violations that are assessed individual penalties, 2, for a result of 512 occurrences per violation penalized.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The total residual chlorine limits are express conditions of Respondent's Permit. By failing to take the actions necessary to comply with these limits, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information to arrive at a reasonable estimate of Respondent's delayed or avoided compliance costs.

PENALTY CALCULATION: Penalty = Single Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $3,000 + [(0.1 x $3,000) x (0 + 0 + 4 + 4 + 0)]
= $3,000 + ($300 x 8)
= $3,000 + $2,400
= $5,400

DEQ assesses Respondent individual penalties for two Class I violations.

FINAL PENALTY CALCULATION

$5,400 x 2 + $0 = $10,800

EXHIBIT 4

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 4 — Failing to conduct wastewater and facility operations monitoring required by Schedule B of the Permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(o).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $1,500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation per violation penalized. To arrive at "P," the total number of violations, 1,453, is divided by the number of violations that are assessed individual penalties, 2, for a result of 726.5 occurrences per violation penalized.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The monitoring requirements are express conditions of Respondent's Permit. By failing to take the actions necessary to conduct the required monitoring, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $807. DEQ based EB on the avoided $858 costs of analysis for parameters that required analysis by a contract laboratory, BOD_5, TSS and *E. coli.*

PENALTY CALCULATION: Penalty = Single Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $1,500 + [(0.1 x $1,500) x (0 + 0 + 4 + 4 + 0)]
= $1,500 + ($150 x 8)
= $1,500 + $1,200
= $2,700

DEQ assesses Respondent individual penalties for two Class I violations.

FINAL PENALTY CALCULATION

$2,700 x 2 + $807 = $6,207

EXHIBIT 5

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 5 — Submitting inaccurate monitoring data to DEQ in violation of Schedule B, Condition 2 of the Permit and ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0053(1)(b).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $1,500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation per violation penalized. To arrive at "P," the total number of violations, 80, is divided by the number of violations that are assessed individual penalties, 2, for a result of 40 occurrences per violation penalized.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. The reporting requirements are express conditions of Respondent's Permit. By failing to take the actions necessary to ensure correct monitoring results were reported to DEQ, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: Penalty = Single Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $1,500 + [(0.1 x $1,500) x (0 + 0 + 4 + 4 + 0)]
= $1,500 + ($150 x 8)
= $1,500 + $1,200
= $2,700

DEQ assesses Respondent individual penalties for two occurrences of the violation.

FINAL PENALTY CALCULATION

$2,700 x 2 + $0 = $5,400

EXHIBIT 6

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 6 — Discharging waste to waters of the state without a permit authorizing such discharge in violation of ORS 468B.050(1)(a).

CLASSIFICATION: — This is a Class I violation pursuant to OAR 340-012-0055(1)(c).

MAGNITUDE: — The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: — The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $1,500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were more from seven to 28 occurrences of the violation. The violation continued from October 15-31, 2016, for a total of 17 occurrences of the violation.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent's Permit expressly prohibits discharge of effluent to waters of the state during the period May-October. By failing to take the actions necessary to prevent the unpermitted discharge, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $1,500 + [(0.1 x $1,500) x (0 + 0 + 3 + 4 + 0)] + $0
= $1,500 + ($150 x 7) + $0
= $1,500 + $1,050 + $0
= $2,650

EXHIBIT 7

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 7 — Modifying a permitted wastewater treatment and disposal system without prior approval by DEQ in violation of OAR 340-052-0015.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(g).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $1,500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 0 according to OAR 340-012-0145(4)(a) because there is insufficient information on which to base another finding.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent's Permit expressly requires plan approval by DEQ prior to modification to Respondent's wastewater treatment and disposal system. By failing to take the action necessary to obtain DEQ approval, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $1,500 + [(0.1 x $1,500) x (0 + 0 + 0 + 4 + 0)] + $0
= $1,500 + ($150 x 4) + $0
= $1,500 + $600 + $0
= $2,100

EXHIBIT 8

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 8 — Violating ORS 468B.025(2) by failing to conduct infiltration and inflow monitoring as required by Schedule B of the Permit.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(o).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $1,500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(F)(i) because Respondent operates a private utility wastewater treatment facility with a permitted flow of less than two million gallons per day.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. Respondent failed to submit I&I reports for the years 2013-2022 for 10 occurrences of the violation.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent's Permit expressly requires Respondent to inspect and report on I&I into its collection system. By failing to take the action necessary to monitor its system for I&I, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violations.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 as DEQ has insufficient information on which to base another finding.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $1,500 + [(0.1 x $1,500) x (0 + 0 + 3 + 4 + 0)] + $0
= $1,500 + ($150 x 7) + $0
= $1,500 + $1,050 + $0
= $2,650