



# Oregon

Tina Kotek, Governor

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

January 30, 2024

Scott Coleman  
City of Umatilla  
P.O. Box 130  
Umatilla, OR 97882

RE: Pre-Enforcement Notice  
City of Umatilla  
**2024-PEN-8912**  
NPDES permit # 103196/ WQ file # 125025  
EPA OR ID# OR0044709  
Umatilla County

Dear Mr. Coleman:

Department of Environmental Quality (DEQ) completed an audit of the discharge monitoring reports (DMRs) submitted by the City of Umatilla (Industrial) in accordance with National Pollution Discharge Elimination System (NPDES) permit #103196. The audit was conducted for the period of September 2023 through November 2023. The DMRs reported six violations during a time when the City was discharging to the Phase 1 Exchange Canal.

Based on this review and subsequent correspondence, DEQ has concluded that the City of Umatilla (Industrial) is responsible for the following violations of Oregon environmental law. Additionally, with each violation, the city of Umatilla failed to comply with the terms and conditions of NPDES Permit #103196, which is a violation of ORS 468B.025(2).

**Violation #1: Reducing the water quality of waters of the state below water quality standards**  
OAR 340-012-0055(1)(b)

Effluent Limit	Reported Result	Violation Date	Violation Class	Effluent Flow from Plant on day of sampling (mgd)	USGS Stream Flow (mgd)
pH Instantaneous Limit of between a daily	9.27	09/29/2023	I	0.033	39

minimum of 6.0 and a daily maximum of 9.0					
pH Instantaneous Limit of between a daily minimum of 6.0 and a daily maximum of 9.0	9.38	10/03/2023	I	0.024	41
pH Instantaneous Limit of between a daily minimum of 6.0 and a daily maximum of 9.0	9.28	10/04/2023	I	0.008	41

The City (Industrial) reported daily effluent pH violations in exceedance of 9.0 SU. The permit requires that effluent pH must maintain a minimum of 4.5 SU and maximum of 9.0 SU. The Umatilla Basin water quality standard for pH is 4.5-9.0 (OAR 340-041-0315), and there is no mixing zone for pH. Per DEQ's enforcement guidance, Reducing the water quality of waters of the state below water quality standards is a Class I violation (OAR 340-012-0055(1)(b)). There are three Class I violations for exceedance of the pH daily maximum limit.

**Violation #2: Violating a water quality based effluent limitation [WQBEL] in an NPDES permit OAR 340-012-0055(1)(l)**

Effluent Limit	Reported Result	Violation Date	Violation Class	Effluent Flow from Plant on day of sampling (mgd)	USGS Stream Flow (mgd)
pH Instantaneous Limit of between a daily minimum of 6.0 and a daily maximum of 9.0	9.27	09/29/2023	I	0.033	39
Total Residual Chlorine daily maximum concentration	0.18 mg/L	09/29/2023	I	0.033	39

limit of 0.05 mg/L					
Total Residual Chlorine monthly average concentration limit of 0.04 mg/L	0.07 mg/L	September 2023	I	0.09	48
pH Instantaneous Limit of between a daily minimum of 6.0 and a daily maximum of 9.0	9.38	10/03/2023	I	0.024	41
pH Instantaneous Limit of between a daily minimum of 6.0 and a daily maximum of 9.0	9.28	10/04/2023	I	0.008	41
Total Residual Chlorine daily maximum concentration limit of 0.05 mg/L	0.14 mg/L	10/03/2023	I	0.033	39

Umatilla Industrial discharged treated effluent water with chlorine residual over the permitted daily maximum concentration of 0.05 mg/L and over the monthly average concentration limit of 0.04 mg/L. Umatilla Industrial also discharged treated effluent water with pH in exceedance of the pH limit of 4.5 -9.0. Exceedance of a water quality based effluent limit is a Class I violation (OAR 340-012-0055(1)(l)) There are three Class I violations for exceedance of chlorine residual daily maximum and monthly average limits, and three Class I violations for exceedance of pH limits.

**Summary:**

Class I violations are considered to be the most serious violations; Class III violations are the least serious.

The violations cited above have been referred to the DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of civil penalties

and/or a Department order. A formal enforcement action may include a civil penalty assessment for each day of violation.

If you believe any of the facts in this Pre-Enforcement Notice are in error, you may provide information to me at the office at the address shown at the top of this letter. DEQ will consider new information you submit and take appropriate action. DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter or desire any follow-up technical assistance, please contact me at (541) 714-0035.

Sincerely,

*Stuart Blois*

Stuart Blois  
WQ Permit Writer

cc: Mike Hiatt, DEQ Water Quality Manager  
Shane Cossel, DEQ  
Leon Scheel, City of Umatilla  
DEQ Office of Compliance and Enforcement  
Water Quality Data Team