



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Salem Office

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Salem, OR 97302

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TTY 711

February 15, 2024

Kevin Fear, Public Works Director  
City of Philomath  
PO Box 400  
Philomath, OR 97370

Re: Warning Letter with Opportunity to Correct  
Philomath Wastewater Treatment Plant  
2023-WLOTC-8982  
NPDES Permit #102060, EPA ID OR0032441  
File 103468  
WQ-Benton County

Dear Mr. Fear,

On January 9, 2024, DEQ conducted a compliance evaluation inspection at the Philomath wastewater treatment plant. The purpose of the inspection was to determine compliance with the conditions of National Pollution Discharge Elimination System permit number 102060, issued to the City of Philomath on December 27, 2012. 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, Dennis Lewis, Senior Treatment Plant Operator and James Winge, Treatment Plant Operator. Also present during the inspection was Trinh Hansen, DEQ WQ Permit Coordinator. The plant is operated and maintained well.

### Records Review

DEQ reviewed records from January 2021 through December 2023. The City of Philomath has submitted all monthly discharge monitoring reports (DMR) on time in NetDMR. Not all DMRs are complete since several months are missing some stream flow data. All records have been submitted in a timely manner.

### Required Corrective Actions:

By May 1, 2024, please submit documentation that the following issues have been corrected:

1. The City of Philomath needs to submit the stream flow data for the missing days as shown in Table 2 below by averaging the flow from the day before and the day after any missing data point. This is to be reported on the daily data sheet with an "e" indicator, showing that the stream flow is an estimate for that day. Or find the next

- closest stream gage and report that flow data, also with the “e” indicator. The daily maximum receiving stream flow data will need to be updated to report the maximum daily flow as necessary.
2. If receiving stream data is not available or flows are not extrapolated, a noncompliance form must be filled out and attached in NetDMR according to Table 1.
  3. Correct NetDMR entries as shown in Table 3.
  4. Update Emergency Response and Public Notification Plan to meet the requirements listed in Schedule F, Section B, Conditions 7&8 of the permit.
  5. Place signs around the recycled water use area that meet the requirements listed in OAR 340-012-0055(4)(g)(A).

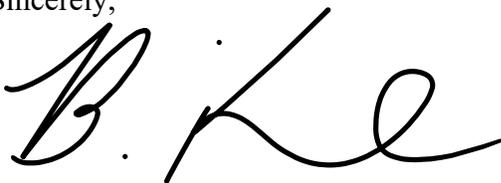
**Recommendations:**

1. The City of Philomath should train a second person in the operation of NetDMR.

This notice is a warning letter with opportunity to correct. DEQ does not intend to take formal enforcement action at this time. However, should you fail to submit documentation that the corrective action has been completed by the date requested, or should you repeat any of these violations, the matter may be referred to DEQ’s Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a DEQ order. Civil penalties can be assessed for each day of violation.

If you have any questions, please contact me in writing at [brenda.kuiken@deq.oregon.gov](mailto:brenda.kuiken@deq.oregon.gov) or by phone at (503) 893-0924.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Kuiken', with a stylized flourish at the end.

Brenda Kuiken  
WQ Compliance Specialist

- cc: DEQ Salem Office file
- ec: Ranei Nomura, Manager, Western Region DEQ  
Oregon Records Management Solution

**Table 1 – Violations of Failure to Report**

Failed to submit the following reports:

<b>Monitoring Period or Due date</b>	<b>Parameter</b>	<b>Monitoring Event Missed</b>	<b>Violation Class</b>
March 2022	Non-compliance report	Failed to collect river flow data on discharging days.	II
April 2022	Non-compliance report	Failed to collect river flow data on discharging days.	II
November 2022	Non-compliance report	Failed to collect river flow data on discharging days.	II
December 2022	Non-compliance report	Failed to collect river flow data on discharging days.	II
January 2023	Non-compliance report	Failed to collect river flow data on discharging days and lab technique/analysis failure.	II
March 2023	Non-compliance report	Failed to collect river flow data on discharging days.	II
April 2023	Non-compliance report	Failed to collect river flow data on discharging days.	II
December 2023	Non-compliance report	Failed to collect river flow data on discharging days.	II

Failing to timely submit a report or plan as required by permit is a Class II violation per OAR 340-012-0055(2)(b).

**Table 2 – Failure to Submit a Complete Report Violations**

Failed to conduct the following monitoring:

<b>Monitoring Period</b>	<b>Parameter</b>	<b>Monitoring Event Missed</b>	<b>Violation Class</b>
March 4, 7, 26, & 30, 2022	Marys River flow, cfs	Daily flow when discharging	III
April 15, 18, 26, 29 & 30, 2022	Marys River flow, cfs	Daily flow when discharging	III
November 10, 2022	Marys River flow, cfs	Daily flow when discharging	III
December 7, 23 and 24, 2022	Marys River flow, cfs	Daily flow when discharging	III
January 8, 11, & 20, 2023	Marys River flow, cfs	Daily flow when discharging	III
March 5 & 27, 2023	Marys River flow, cfs	Daily flow when discharging	III

Monitoring Period	Parameter	Monitoring Event Missed	Violation Class
April 4 & 9, 2023	Marys River flow, cfs	Daily flow when discharging	III
December 1 & 5, 2023	Marys River flow, cfs	Daily flow when discharging	III

Failing to submit a complete discharge monitoring report per OAR 340-012-0055(3)(a) is a Class III violation.

**Table 3 – Incorrect Calculations and Reporting in NetDMR**

Monitoring Period	Parameter	Reported Value	Correct Value	Violation Y/N
March 2022	Effluent BOD loading, monthly average, lb/day	49.0	Unknown	N
March 30, 2022	Effluent BOD loading, daily maximum, lb/day	0.0	Calculation	N
March 30, 2022	Effluent BOD concentration, daily maximum, mg/L	0.0	QL	N
March 2022	Effluent BOD concentration, monthly average, mg/L	4.0	Unknown	N
March 2022	Effluent TSS loading, monthly average, lb/day	29.0	Calculation	N
March 2 & 16, 2022	Effluent TSS concentration, daily maximum, mg/L	0.0	QL	N
March 2022	Effluent TSS concentration, monthly average, mg/L	2.3	Unknown	N
March 2022	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
March 7, 14, 21 & 28, 2022	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
March 2022	BOD percent removal	90.0	Unknown	N
March 2022	TSS percent removal	98.0	Unknown	N
April 2022	Effluent TSS loading, monthly average, lb/day	0.0	QL	N
April 13 & 27 2022	Effluent TSS loading, daily maximum, lb/day	0.0	QL	N
Week of April 1-13 and 14-30, 2022	Effluent TSS loading, weekly average, lb/day	0.0	QL	N
April 2022	Effluent TSS concentration, monthly average, mg/L	0.0	QL	N
Week of April 1-13 and 14-30, 2022	Effluent TSS concentration, weekly average, mg/L	0.0	QL	N
April 2022	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
April 4, 11, 18, or 26, 2022	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
April 2022	TSS percent removal	100%	Unknown	N

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Monitoring Period	Parameter	Reported Value	Correct Value	Violation Y/N
November 2022	Effluent BOD loading, monthly average, lb/day	13.0	38.0	N
November 2022	Effluent BOD concentration, monthly average, mg/L	1.0	3.0	N
November 2022	Effluent TSS loading, monthly average, lb/day	0.0	Unknown	N
November 9, 2022	Effluent TSS loading, daily maximum, lb/day	0.0	Unknown	N
Week of November 9, 2022	Effluent TSS loading, weekly average, lb/day	0.0	Unknown	N
November 2022	Effluent TSS concentration, monthly average, mg/L	0.0	QL	N
Week of November 9, 2022	Effluent TSS concentration, weekly average, mg/L	0.0	QL	N
November 2022	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
November 9, 2022	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
November 2022	TSS percent removal	100%	Unknown	N
November 7, 2022	Receiving Water, daily maximum when discharging, cfs	855.0	642	N
December 2022	Effluent BOD loading, monthly average, lb/day	201.0	166	N
December 2022	Effluent TSS loading, monthly average, lb/day	263.0	212	N
December 2022	<i>e. coli</i> , monthly geometric mean, #/100 mL	5.0	2.8	N
January 2023	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
January 2023	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
February 2023	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
February 2023	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
March 2023	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
March 2023	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
April 19, 2023	Effluent TSS concentration, daily maximum, mg/L	0.0	QL	N
April 2023	Effluent TSS concentration, monthly average, mg/L	3.0	Unknown	N
April 2023	Effluent TSS loading, monthly average, lb/day	52.0	Unknown	N
April 19, 2023	Effluent TSS loading, daily maximum, lb/day	0.0	Calculation	N
April 2023	TSS percent removal	97%	Unknown	N
April 2023	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
April 2023	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N
December 2023	<i>e. coli</i> , monthly geometric mean, #/100mL	0.0	Calculation	N
December 2023	<i>e. coli</i> , daily maximum, #/100mL	0.0	QL	N