



# Oregon

Tina Kotek, Governor

Department of Environmental Quality  
Eastern Region Bend Office  
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Bend, OR 97701  
(541) 388-6146  
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TTY 711

March 5, 2024

Mr. Benjamin Burgener  
City of Stanfield  
PO Box 369  
Stanfield, Oregon 97875

RE: Pre-Enforcement Notice  
City of Stanfield  
**2024-PEN-9024**  
File #84405, NPDES Permit #101136  
Umatilla County

Dear Mr. Burgener:

The City of Stanfield operates a municipal wastewater (sewage) treatment facility and discharges treated effluent to the Umatilla River under National Pollutant Discharge Elimination System (NPDES) Permit #101136. Based on the review of permit required discharge monitoring reports and information discussed with the facility operational staff, DEQ has documented the following violations of Oregon environmental law. With these violations, the City of Stanfield failed to comply with the terms and conditions of the NPDES Permit, which is a violation of ORS 468B.025(2).

**Violations: Effluent Limit Exceedances for 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS)**

Schedule A, Condition 1.a (2) of the permit establishes seasonal effluent limits for BOD<sub>5</sub> and TSS for discharges November 1 – April 30 each year to the Umatilla River. However, the City failed to meet these limits on the violation dates shown in the table below:

| Permit Effluent Limit                                        | Reported Effluent Value in NetDMR | Violation Date              | Violation Class |
|--------------------------------------------------------------|-----------------------------------|-----------------------------|-----------------|
| BOD <sub>5</sub> Weekly Average Loading must be ≤84 lbs/day  | 206 lbs/day (145% exceedance)     | Week of November 5-11, 2023 | I               |
| BOD <sub>5</sub> Daily Maximum Loading must be ≤110 lbs/day  | 218 lbs (98% exceedance)          | November 8, 2023            | I               |
| BOD <sub>5</sub> Monthly Average loading must be ≤56 lbs/day | 115 lbs/day (105% exceedance)     | November 2023               | I               |

|                                                                      |                              |                                 |     |
|----------------------------------------------------------------------|------------------------------|---------------------------------|-----|
| BOD Monthly Average Concentration must be $\leq 30$ mg/L             | 38 mg/L (27% exceedance)     | November 2023                   | II  |
| TSS Daily Maximum Loading must be $\leq 170$ lbs/day                 | 236 lbs (39% exceedance)     | November 8, 2023                | II  |
| TSS Weekly Average Loading must be $\leq 130$ lbs/day                | 194 lbs/day (49% exceedance) | Week of November 5-11, 2023     | II  |
| TSS Monthly Average Loading must be $\leq 84$ lbs/day                | 106 lbs/day (26% exceedance) | November 2023                   | II  |
| BOD <sub>5</sub> Weekly Average Concentration must be $\leq 45$ mg/L | 51 mg/L (13% exceedance)     | Week of January 14-20, 2024     | III |
| BOD <sub>5</sub> Daily Maximum Loading must be $\leq 110$ lbs/day    | 136 lbs (24% exceedance)     | January 16 <sup>th</sup> , 2024 | II  |
| BOD <sub>5</sub> Weekly Average Loading must be $\leq 84$ lbs/day    | 95 lbs/day (13% exceedance)  | Week of January 14-20, 2024     | III |

The BOD<sub>5</sub> and TSS limits in the City's permit are technology based effluent limitations. Violating a technology-based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by 50% or more is a Class I violation (OAR 340-012-0055(1)(k)). Violating a technology-based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by 20% or more, but less than 50% is a Class II violation (OAR 340-012-0055(2)(a)). Violating a technology-based effluent limitation by less than 20% is a Class III violation (OAR 340-012-0055(3)(b)). There are a total of ten (10) effluent exceedance violations.

### **Corrective Action Required**

The City must ensure that effluent limitations are met, including all Schedule A effluent limits.

### **Violations: Failure to Monitor as required by Schedule B of the Permit**

Schedule B.4, Table B5 requires recycled water monitoring when distributing to a land application site. Schedule B.6, and B.7 require soil and crop monitoring at the authorized land application sites. The City failed to meet monitoring requirements for several parameters as reported on the 2023 recycled water annual report submitted on January 24, 2024:

| <b>Parameter</b>                              | <b>Schedule B Monitoring Frequency / # of missed occurrences</b> | <b>Monitoring Period</b> | <b>Violation Class</b> |
|-----------------------------------------------|------------------------------------------------------------------|--------------------------|------------------------|
| Total Phosphorus in Recycled Water (Table B5) | Quarterly / 2 missed occurrences                                 | 2023 Irrigation Year     | I                      |

| Parameter                                                                  | Schedule B Monitoring Frequency / # of missed occurrences                                     | Monitoring Period    | Violation Class |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------|-----------------|
| Water Holding Capacity, inches of water/ft                                 | Prior to Use, each field / 2 missed occurrences                                               | 2023 Irrigation Year | I               |
| Soil Sampling: Spring sample for TKN, EC                                   | Twice Annually / Missed in Spring Soil Sample each field (2 missed parameters for each field) | 2023 Irrigation Year | I               |
| Soil Sampling: Fall sample for TKN, total ammonia, nitrate/nitrite. EC, pH | Twice Annually / Facility did not collect fall sample (5 missed parameters for each field)    | 2023 Irrigation Year | I               |

Failing to collect monitoring data as required in Schedule B of the permit is a Class I violation (OAR 340-012-0055(1)(o)). Class I violations are considered to be the most serious, Class III violations are considered to be the least serious. There are a total of eighteen (18) violations for failing to monitor.

Soil samples are to be collected as per Table B7 of the permit, from each foot of the soil column. The sampling must be representative and conducted on each field sampled twice annually as per the permit. Each subsample from the one-foot depth increments is to be composited so as to have one representative sample of each foot of soil at each of the land application sites. Oregon State University provides guidance on proper soil sampling procedures for farm sites in EC 628, also linked here: [A Guide to Collecting Soil Samples for Farms and Gardens | OSU Extension Service \(oregonstate.edu\)](#).

In addition to irrigating within the evapotranspiration rate of the crop, the permit requires the facility to identify each field's water holding capacity prior to irrigation. This is to help ensure over irrigation doesn't occur, along with tracking ET rates. One method for calculating water holding capacity can be determined by feel and appearance method as described by Natural Resources Conservation Service: [Estimating Soil Moisture.P7 \(usda.gov\)](#) (1998).

### **Required Corrective Action**

The facility must ensure compliance with the terms and conditions of the issued NPDES permit, including all Schedule B monitoring and reporting requirements for surface water discharge and to the land application sites.

### **Violations: Failing to submit a complete discharge monitoring report**

DEQ reviewed submitted discharge monitoring reports for the period of 2022-2024. Several data discrepancies and corrections are required as identified in the table below to consider the submitted reports as complete.

| Reporting Month(s)                                       | Reporting Parameter                                                                                      | Description                                                                                                                            | Violation Class |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| December 2022 – April 2023, November 2023 – January 2024 | Effluent (001-A) temperature maximum 7-day average                                                       | Value reported in NetDMR is incorrect, Excel column missing/not calculating correctly using last 6 days of previous month              | III             |
| December 2022 – January 2024                             | Effluent (001-A) / Recycled water E. coli monthly geomean                                                | Value reported in NetDMR is incorrect, Excel column calculating monthly average instead of geomean                                     | III             |
| May 2023 – October 2023                                  | Effluent (001-A) discharge daily max                                                                     | NODI Code – 9 incorrectly reported, NODI Code – C (no discharge) required to be used                                                   | III             |
| December 2022                                            | Effluent (001-A) temperature monthly average and daily max, BOD/TSS max weekly average, pH daily minimum | Values reported in NetDMR do not match spreadsheet data                                                                                | III             |
| November 2023                                            | Influent (001-G) TSS concentration monthly average, Influent flow daily max                              | Values reported in NetDMR do not match spreadsheet data                                                                                | III             |
| December 2023                                            | Effluent (001-A) BOD loading daily max, Effluent (001-Q) alkalinity Q4 quarterly value                   | Value reported in NetDMR does not match spreadsheet BOD data, alkalinity data/lab results not included on spreadsheet or as attachment | III             |

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

### Required Corrective Action

No later than April 15<sup>th</sup>, 2024, the facility must provide corrected DMR spreadsheets and correct NetDMR entries in the CDX/NetDMR system for the months noted above. Please contact DEQ's DMR review specialist (Shane Cossel at [shane.cossel@deq.oregon.gov](mailto:shane.cossel@deq.oregon.gov)) or your permit compliance contact (Justin Sterger) for questions about any of the noted issues. DEQ provides guidance in the NetDMR User's Guide here on correcting and resubmitting DMRs. [WQP-guide-NETDMR-Useguide.pdf \(oregon.gov\)](#)

Note that the facility failed to correct the February 2023 DMR as required by the previously issued warning letter, 2023-WLOTC-8451. This correction is required per the table above or the facility must respond stating the 88 lbs/day weekly average BOD value reported on the NetDMR is correct and is a violation of the assigned permit.

City of Stanfield  
March 5, 2024

**Environmental Impact of Violations**

Exceeding concentration limits for 5-day biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS) can have negative impacts on the receiving stream and aquatic species.

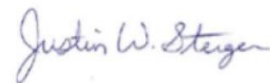
Fulfilling the mandatory monitoring and reporting requirements is an important obligation. Without timely submittal of accurate reports, the facility, DEQ, and the public are unable to promptly evaluate compliance with your permit. Analytical data from laboratories are used to determine compliance with effluent limitations. Without accurate data and quality assurance and quality control procedures, the facility, DEQ, and the public are unable to evaluate the effectiveness of the wastewater system to protect surface water and groundwater.

**Referral for DEQ Formal Enforcement Action**

This matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of potential civil penalties and/or a DEQ order. Civil penalties may be assessed for each day of violation.

If you believe any of the facts in this Pre-Enforcement Notice are in error, you may provide written 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) 633-2016.

Sincerely,



Justin W. Sterger  
Senior WQ Permit Writer

cc: Mike Hiatt, DEQ  
Shane Cossel, DEQ  
Scott Morris, City of Stanfield  
DEQ Water Quality Data Team

Attachment 1:



Oregon Department of Environmental Quality

## Noncompliance Reporting Form

For all permit violations, including monitoring requirements.

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

### FACILITY / CONTACT INFORMATION

|                                                                                                                |                                    |                     |
|----------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------|
| Name of Permittee: City of Stanfield                                                                           |                                    |                     |
| Contact Name: Scott A Morris                                                                                   |                                    |                     |
| Phone: 541-561-8292                                                                                            | Email: smorris@cityofstanfield.com | Date: 12/13/2023    |
| DEQ Permit #: 101136                                                                                           | DEQ File #: 84405                  | EPA ID #: OR0026972 |
| Has non-compliance been corrected?: <input type="radio"/> Yes <input checked="" type="radio"/> No              |                                    |                     |
| Expected time noncompliance is expected to continue: We are still trying different procedure changes. 60 days. |                                    |                     |
| Date/Time Started: 11/1/2023                                                                                   | Date/Time Stopped : Its ongoing    |                     |

Description of Noncompliance:

Monthly B.O.D. average. daily, weekly and monthly pounds of B.O.D discharge average.

### AGENCY AND PUBLIC NOTIFICATION

Was the non-compliance one of the following:

- |                                                                                |     |                                  |    |                                  |
|--------------------------------------------------------------------------------|-----|----------------------------------|----|----------------------------------|
| • A noncompliance which may endanger health or the environment                 | Yes | <input checked="" type="radio"/> | No | <input type="radio"/>            |
| • An unanticipated bypass which exceeds any effluent limitation in this permit | Yes | <input type="radio"/>            | No | <input checked="" type="radio"/> |
| • An upset which exceeds any effluent limitation in this permit                | Yes | <input type="radio"/>            | No | <input checked="" type="radio"/> |
| • Violation of maximum a daily discharge limitation                            | Yes | <input type="radio"/>            | No | <input checked="" type="radio"/> |

If yes to any of the above, complete the rest of this section.

|                                                                                    |
|------------------------------------------------------------------------------------|
| OERS Number:                                                                       |
| Signs posted? Where?:                                                              |
| Media contacted? Who?:                                                             |
| List any other steps taken to notify the public and/or state and federal agencies: |

### CAUSE(S)

Cause or suspected cause(s):

I suspect the Trickling Filter is not removing enough B.O.D.

## Oregon DEQ Noncompliance Reporting Form

continued

| RAINFALL DATA                                                                                      |     |        |               |     |        |
|----------------------------------------------------------------------------------------------------|-----|--------|---------------|-----|--------|
| Rainfall (for storm-related noncompliance):                                                        | N/A | inches | Design Storm: | N/A | inches |
| Source of rainfall data: N/A                                                                       |     |        |               |     |        |
| CORRECTIVE ACTIONS                                                                                 |     |        |               |     |        |
| List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. |     |        |               |     |        |
| Actions taken (describe):                                                                          |     |        |               |     |        |
| We are changing the amount of flow to the Trickling Filter.                                        |     |        |               |     |        |
| Actions planned and schedule for those actions (describe):                                         |     |        |               |     |        |
| The actions have already been taken to lower the B.O.D.                                            |     |        |               |     |        |

Attachment 2:

|                                                                                                                                                                                                                                                                                                                                   |                       |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|
|  <b>Oregon Department of Environmental Quality</b><br><b>Noncompliance Reporting Form</b><br>For all permit violations, including monitoring requirements.                                                                                       |                       |                                  |
| Use this form to report all instances of noncompliance <i>except</i> sanitary sewage overflows. Fill out all fields and sign. You may attach additional information to this report to explain the circumstances of noncompliance. This information may include but is not limited to maintenance records and monitoring results.  |                       |                                  |
| <b>FACILITY / CONTACT INFORMATION</b>                                                                                                                                                                                                                                                                                             |                       |                                  |
| Name of Permittee: Stanfield STP                                                                                                                                                                                                                                                                                                  |                       |                                  |
| Contact Name: Scott Morris                                                                                                                                                                                                                                                                                                        |                       |                                  |
| Phone: 541-449-3831                                                                                                                                                                                                                                                                                                               | Email:                | Date: 1/24/2024                  |
| DEQ Permit #: 101136                                                                                                                                                                                                                                                                                                              | DEQ File #: 84405     | EPA ID #: OR 0026972             |
| Has non-compliance been corrected?: <input type="radio"/> Yes <input checked="" type="radio"/> No                                                                                                                                                                                                                                 |                       |                                  |
| Expected time noncompliance is expected to continue:                                                                                                                                                                                                                                                                              |                       |                                  |
| Date/Time Started:                                                                                                                                                                                                                                                                                                                | Date/Time Stopped :   |                                  |
| Description of Noncompliance:<br>Lack of required sampling and testing in accordance with NPDES permit 101136 Schedule B:<br>Section 6. Land Application Site Soil Monitoring; and<br>Section 7. Land Application Site Crop Monitoring                                                                                            |                       |                                  |
| <b>AGENCY AND PUBLIC NOTIFICATION</b>                                                                                                                                                                                                                                                                                             |                       |                                  |
| Was the non-compliance one of the following:                                                                                                                                                                                                                                                                                      |                       |                                  |
| <ul style="list-style-type: none"><li>A noncompliance which may endanger health or the environment</li><li>An unanticipated bypass which exceeds any effluent limitation in this permit</li><li>An upset which exceeds any effluent limitation in this permit</li><li>Violation of maximum a daily discharge limitation</li></ul> | Yes                   | No                               |
|                                                                                                                                                                                                                                                                                                                                   | <input type="radio"/> | <input checked="" type="radio"/> |
|                                                                                                                                                                                                                                                                                                                                   | <input type="radio"/> | <input checked="" type="radio"/> |
|                                                                                                                                                                                                                                                                                                                                   | <input type="radio"/> | <input checked="" type="radio"/> |
|                                                                                                                                                                                                                                                                                                                                   | <input type="radio"/> | <input checked="" type="radio"/> |
| If yes to any of the above, complete the rest of this section.                                                                                                                                                                                                                                                                    |                       |                                  |
| OERS Number:                                                                                                                                                                                                                                                                                                                      |                       |                                  |
| Signs posted? Where?: None                                                                                                                                                                                                                                                                                                        |                       |                                  |
| Media contacted? Who?: None                                                                                                                                                                                                                                                                                                       |                       |                                  |
| List any other steps taken to notify the public and/or state and federal agencies:<br>None                                                                                                                                                                                                                                        |                       |                                  |
| <b>CAUSE(S)</b>                                                                                                                                                                                                                                                                                                                   |                       |                                  |
| Cause or suspected cause(s):<br>Lack of understanding of renewed permit sampling and testing requirements.                                                                                                                                                                                                                        |                       |                                  |

## Oregon DEQ Noncompliance Reporting Form

continued

### RAINFALL DATA

|                                             |        |               |        |
|---------------------------------------------|--------|---------------|--------|
| Rainfall (for storm-related noncompliance): | inches | Design Storm: | inches |
|---------------------------------------------|--------|---------------|--------|

Source of rainfall data:

### CORRECTIVE ACTIONS

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

Actions taken (describe):

Actions planned and schedule for those actions (describe):

### COMMENTS

Comments:

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

Scott A Morris

Authorized Signature

1-24-24

Date

SCOTT A Morris

Name (print)

541-541-8292

Phone

P. W. Director

Title (print)

Smorris@cityofstanfield.com

Email