



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Western Region Salem Office

4026 Fairview Industrial Dr SE

Salem, OR 97302

(503) 378-8240

FAX (503) 373-7944

TTY 711

June 12, 2024

Greg Graven, Interim City Administrator  
City of Yamhill  
PO Box 9  
Yamhill, OR 97148

Re: Warning Letter with Opportunity to Correct  
Yamhill Stabilization Lagoons without Aeration  
2024-WLOTC-9353  
NPDES Permit #101473, EPA ID OR0022802  
File 99314  
WQ-Yamhill County

Dear Mr. Graven,

DEQ has reviewed the noncompliance reporting form received on May 7, 2024 in which the City described the discharge of treated effluent directly from lagoon #4 with an external pump rather than discharging through the permitted outfall. The discharge occurred from February 5 until February 14, 2024. During this time the influent flows exceeded the capacity of the effluent discharge pipe, causing the lagoon levels to rise. Rainfall prior to the unauthorized discharge was a total of 12 inches for January 2024. City staff made a choice to pump treated effluent out of Lagoon 4 rather than let the water overtop the dikes surrounding the lagoon system which could have caused catastrophic damage to the wastewater treatment facilities. Effluent was released to City property rather than the permitted outfall on to the North Yamhill River.

### Violations

Based on this review, DEQ has concluded the City of Yamhill is responsible for the following violations of its permit and Oregon environmental law.

Page 1 of the City's NPDES states *Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharge to an underground injection control system.* Pumping treated effluent from Lagoon #4 violated this condition. This is a Class II per OAR 340-053(2).

Schedule F Condition D6 of the City's NPDES permit requires the City of Yamhill to report any noncompliance not reported under Condition D4 or D5 at the time monitoring reports are submitted. The City failed to notify DEQ about the lagoon pumping system. This is a Class II violation per OAR 340-012-0055(2)(b).

Class I violations are the most serious violations; Class III violations are the least serious. Oregon Revised Statute 468B.025(2) requires compliance with your permit.

### **Requested Corrective Action**

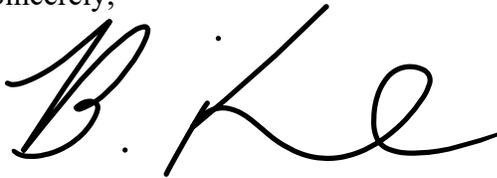
By October 1, 2024, develop and submit for DEQ approval a plan and schedule to manage the liquid levels in the lagoons. Measures could include, but are not limited to, drawing down the level in Lagoon #4 to increase holding capacity, increasing the capacity of the discharge line, or reducing inflow and infiltration.

This notice is a warning letter. DEQ does not intend to take formal enforcement action at this time. However, should you repeat these violations, the matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of a civil penalty and/or a DEQ order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this warning letter notice are in error, you may provide information to me at the office at the address shown at the top of this letter. DEQ will consider the new information you submit and take appropriate action.

If you have any questions, please contact me in writing at [brenda.kuiken@deq.oregon.gov](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  
Kyle Adams, Plant Operator  
Jason Wofford, Facilities Manager