



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Eastern Region Bend Office
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July 31, 2024

Duane Petty, Public Works Foreman
Bruce Goodell, Public Works Lead Operator
City of Nyssa
301 Main Street
Nyssa, Oregon 97913-3845

RE: Pre-Enforcement Notice
City of Nyssa
2024-PEN-9466
Permit No. 102989, File No. 118971
Malheur County

Dear City of Nyssa,

The City of Nyssa's wastewater treatment facility is permitted under a Water Pollution Control Facility Permit (WPCF) No. 102989 which authorizes the City to treat and land apply wastewater at sites identified in the City's Recycled Water Use Plan. On July 23, 2024, the Department of Environmental Quality (DEQ) conducted an inspection at City of Nyssa Wastewater Treatment Facility located at 110 E 5th Street, Nyssa, Oregon. In preparation for the inspection, DEQ conducted a comprehensive file review of annual reports, discharge monitoring reports (DMRs), and other documents related to compliance with the WPCF permit.

Schedule B.1(b) of the WPCF permit requires minimum monitoring requirements for effluent recycled water:

b. Reuse Water Outfall 001		
Item or Parameter	Minimum Frequency	Type of Sample
Total Flow (MGD)	Daily	Measurement
<i>E. coli</i>	Weekly	Grab (See Note 2)
Quantity Chlorine Used	Daily	Measurement
Total Chlorine Residual	Daily	Grab
TKN, NH3-N, NO3-N	Annually	Grab

Based upon the inspection and file review of the facility, the Department has concluded that the City of Nyssa is responsible for the following seven (7) violations of Oregon environmental law:

Violations

Date of Violation(s)	Violation	Class
June 13-19, 2021	The City failed to monitor once weekly for effluent <i>E. coli</i> as required by Schedule B of the permit; June 16 sample QA/QC failure for missed holding time Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
July 18-24, 2021	The City failed to monitor once weekly for effluent <i>E. coli</i> as required by Schedule B of the permit. Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
April 24-30, 2022	The City failed to monitor once weekly for effluent <i>E. coli</i> as required by Schedule B of the permit. Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
July 3-9, 2022	The City failed to monitor once weekly for effluent <i>E. coli</i> as required by Schedule B of the permit. Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
July 20, 2022	The City failed to meet holding times for effluent bacteria causing a failure to monitor once weekly. Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
July 30-August 5, 2023	The City failed to monitor once weekly for effluent <i>E. coli</i> as required by Schedule B of the permit. Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
April 28-May 4, 2024	The City failed to monitor once weekly for effluent <i>E. coli</i> as required by Schedule B of the permit. Failing to collect monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I

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

Environmental Consequences

Fulfilling the mandatory monitoring and reporting conditions is an important obligation. Without monitoring, the City, DEQ, and the public are unable to evaluate the effectiveness of the City's wastewater treatment system. An ineffective treatment system can cause water quality impairments and/or public health hazards.

Analytical data from laboratories are used to determine compliance with effluent limitations. Without accurate data, the City, DEQ, and the public are unable to evaluate the effectiveness of

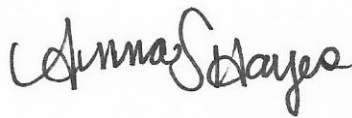
the City's wastewater treatment system. An ineffective treatment system can cause water quality impairments and/or public health hazards.

Summary

We are referring this matter to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of a civil penalty and/or DEQ order. Civil penalties can 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 address shown at the top of the letter. The Department will consider new information you submit and take appropriate action.

The Department endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, feel free contact me in writing or by phone at (541) 246-4562.

Sincerely,



Anna Morgan-Hayes
Permit Writer and Compliance Specialist

Cc: Shane Cossel, ER Water Quality Permitting and Compliance, DEQ
Carl Makepeace, ER Water Quality Permitting and Compliance, DEQ