



Oregon

Tina Kotek, Governor

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September 19, 2024

Mr. Casey Kaiser
Public Works Director
City of Prineville
387 NE Third St.
Prineville, Oregon 97754

RE: Pre-Enforcement Notice
City of Prineville
NPDES permit #101433/ WQ file #72252
EPA OR ID# OR0023612
2024-PEN-9544
WQ – Crook County

Dear Mr. Kaiser:

Recently, the Department of Environmental Quality (DEQ) completed an audit of required reporting submitted by the City of Prineville in accordance with National Pollution Discharge Elimination System (NPDES) permit #101433. In addition to the records audit, an in-person inspection was completed with facility representatives on July 30, 2024. A copy of the inspection report is included with this correspondence. Based on the file review, DEQ has concluded that the facility is responsible for the following violations.

Violations: Failure to submit complete discharge monitoring reports (DMRs)

DEQ reviewed the discharge monitoring reports for the period of January 2021 - August 2024. The facility DMRs that were reviewed contained inconsistencies in reporting (reporting errors or missed attachments) as listed below and cannot be considered complete submittals.

- March 2023 DMR:
 - 001-A Receiving water, missing spreadsheet attachment (DMR March2023) with RW (Crooked River) data
- June 2023 DMR:
 - 001-A Influent CBOD monthly avg reported (179.0 mg/L) is not consistent with spreadsheet attachment value (202.0 mg/L)
- July 2023 DMR:
 - 001-A Influent CBOD monthly avg reported (207.0 mg/L) is not consistent with spreadsheet attachment value (180.0 mg/L)

- August 2023 DMR:
 - 001-A Influent CBOD monthly avg reported (188.0 mg/L) is not consistent with spreadsheet attachment value (192.0 mg/L)
- September 2023 DMR:
 - 001-A Influent CBOD monthly avg reported (211.0 mg/L) is not consistent with spreadsheet attachment value (198.0 mg/L)
- October 2023 DMR:
 - 001-A Influent CBOD monthly avg reported (280.0 mg/L) is not consistent with spreadsheet attachment value (224.0 mg/L)
- November 2023 DMR:
 - 001-A Influent CBOD monthly avg reported (184.0 mg/L) is not consistent with spreadsheet attachment value (169.0 mg/L)
- December 2023 DMR:
 - 001-A Effluent TSS conc monthly/max weekly avg reported (2.0/24.0 mg/L) is not consistent with spreadsheet attachment values (9.0/25.0 mg/L)
 - 001-A Effluent TSS load monthly/max weekly avg/daily max reported (4.0/58.0/60.0 lb/day) is not consistent with spreadsheet attachment values (25.0/60.0/111.0 lb/day)
 - 001-A Effluent CBOD conc monthly/max weekly avg reported (1.1/9.0 mg/L) is not consistent with spreadsheet attachment values (6.5/15.0 mg/L)
 - 001-A Effluent CBOD load monthly/max weekly avg reported (1.8/9.0 lb/day) is not consistent with spreadsheet attachment values (9.0/14.0 lb/day)
- February 2024 DMR:
 - 001-A Effluent TSS conc max weekly avg reported (12.5 mg/L) is not consistent with spreadsheet attachment value (18.0 mg/L)
 - 001-A Effluent TSS load monthly/max weekly avg reported (8.0/45.0 lb/day) is not consistent with spreadsheet attachment values (43.0/62.0 lb/day)
 - 001-A Effluent CBOD conc max weekly avg reported (8.5 mg/L) is not consistent with spreadsheet attachment value (10.8 mg/L)
 - 001-A Effluent CBOD load monthly/max weekly avg reported (5.8/18.5 lb/day) not consistent with spreadsheet attachment values (30.0/44.0 lb/day)
- April 2024 DMR:
 - 004-MW missing spreadsheet attachment (AprilDMR2024.xls) with monitoring well data
- June 2024 DMR:
 - 001-A missing spreadsheet attachment (DMRJUNE2024.xls) with effluent and recycled water data

Failure to submit a complete discharge monitoring report is a Class III violation per OAR 340-015-0055(3)(a).

Violations: Failure to develop and maintain a Quality Assurance and Quality Control Plan

Schedule F, Condition B1 of the permit requires the facility conduct proper operation and maintenance of the facilities to include adequate laboratory controls and appropriate quality assurance procedures. The facility did not have a quality assurance plan on file for in-house analyses conducted in the laboratory.

Violation details:

- a) Failure to maintain a QA/QC manual for in-house analyses (pH, temperature, chlorine and conductivity). Procedures for storage, shipping, and hold time compliance must be detailed in the QA/QC plan. DEQ maintains guidance for self-monitoring laboratories for the most frequent analyses required by wastewater permits: [wqp147guideMonitor.pdf \(oregon.gov\)](#)
- b) Failure to maintain pH buffers within expiration date used for permit compliance for this facility. Expired pH buffers were in the lab cabinet at the time of inspection.

The expired pH buffers were discarded during the inspection, and new buffers were on hand for the facility to utilize.

Failure to implement quality assurance procedures is a Class II violation. See OAR 340-012-0053(2). Class I violations are the most serious violations; Class III violations are the least serious.

Violations: Failure to Collect Monitoring Data

The facility failed to collect monitoring data at the frequencies specified by the NPDES permit, and via a reduced groundwater monitoring request letter (see Appendix I). Details of each are below for the month of occurrence.

- January 2021 – December 2021 DMRs:
 - Outfall 004 Monitoring Wells 5-9: Wetland discharge 2/month total ammonia monitoring frequency not met. The facility only sampled 1/month – 5 missed samples per month (one for each of the five wells) for 12 months is 60 total failures to monitor as required by Schedule B.
- October 2021 DMR:
 - 002-A Recycled water flow to golf course was reported for October 1-25. Chlorine Total Residual (required daily), total coliform (2/week), and nutrient monitoring not reported (monthly for TKN, NO₂+NO₃, NH₃, and Total Phosphorus).
- March 2024 DMR:
 - 001-A Receiving water (Crooked River) 1/week pH monitoring frequency not met for week of Mar 24-30.

In accordance with DEQ’s Enforcement Rules, failure to collect monitoring data required in Schedule B of the permit is a Class I violation (OAR 340-012-0055(1)(o)).

Violations: Violating a Technology Based Effluent Limitation (TBEL) and facility to achieve removal efficiency in an NPDES Permit

DEQ has concluded that based upon DMR reporting, the City of Prineville is responsible for the following effluent limit exceedances of your permit, and thus for three (3) violations of Oregon environmental law:

Table 1 - Effluent Limit Exceedances

Violation Date	Violation	Reported Value	Permit Limit	Class
January 2024	Outfall 004, MW-5 wetland discharge TSS concentration monthly average concentration limit exceedance	45 mg/L (50% exceedance)	30 mg/L	I
	Outfall 004, MW-5 wetland discharge TSS concentration weekly average maximum concentration limit exceedance	85 mg/L (89% exceedance)	45 mg/L	I
	Outfall 004, MW-5 wetland discharge TSS % removal minimum not met.	57%	85%	III

The Total Suspended Solids (TSS) effluent limits in your WPCF permit are technology based effluent limits (TBELs). In accordance with DEQ’s Enforcement Rules, exceeding a TBEL in a NPDES permit by 50% or more is a Class I violation (OAR 340-012-0055(1)(k)(A)).

In accordance with DEQ’s Enforcement Rules, failing to achieve a removal efficiency established in an NPDES permit is a Class III violation (OAR 340-012-0055(3)(c)).

Environmental Impact of Violations

Fulfilling the mandatory 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.

Effluent limitations are required by NPDES permits in order to protect surface water resources.

Required Corrective Actions

The facility must ensure compliance with the terms and conditions of the issued NPDES permit, including completing all Schedule B monitoring and reporting requirements. In addition to maintaining compliance with your permit, DEQ requires the following corrective actions in response to the violations noted above:

1. By **October 31, 2024** the facility must submit corrected discharge monitoring reports for the months identified in Violation #1 above. Guidance on submitting corrected DMRs can be found in DEQ's NetDMR User's Guide here:
<https://www.oregon.gov/deq/FilterDocs/WQP-guide-NETDMR-Useguide.pdf>

General note on DMR reporting: Please do not include zeros in spreadsheet columns when calculating averages. Remove zeros for non-sample dates to avoid under reporting averages.

2. By **November 29, 2024**, the facility must develop and submit to DEQ a QA/QC Plan to include the following:
 - a. Organization and Responsibilities
 - b. Sample Control and Documentation
 - c. SOP Procedures for Analytical Methods
 - d. Training Requirements
 - e. Equipment Maintenance and Calibration Procedures
 - f. Calibration Procedure and Detection Limits
 - g. Corrective Action Procedures
 - h. Quality Control and Calculations
 - i. Performance Audits
 - j. Evaluating Data for Precision and Accuracy
 - k. Reporting and Record Keeping

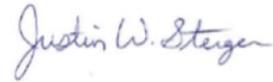
DEQ staff provided guidance useful in the development of the plan as follow-up to the inspection.

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 in writing to me at the office at the address shown at the top of this letter. Please provide any response with new information within 30 days of receipt 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) 714-0206.

City of Prineville
September 19, 2024
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Sincerely,

A handwritten signature in blue ink that reads "Justin W. Sterger". The signature is written in a cursive style.

Justin W. Sterger
Senior Water Quality Permit Writer

cc: Anna Morgan-Hayes, DEQ
Ali Daryabeigi, DEQ
Mike Hiatt, DEQ
Oregon Records Management System

Appendix I – Reduced Groundwater Monitoring Request Letter March 22, 2018