



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
(541) 388-6146
FAX (541) 388-8283
TTY 711

September 26, 2024

Mr. Ryan Kirchner
PW Operations Manager
City of Redmond
411 SW 9th Street
Redmond, OR 97756

RE: Pre-Enforcement Notice
City of Redmond
2024-PEN-9559
File #74280, WPCF Permit #101500
Deschutes County

Dear Mr. Kirchner:

The City of Redmond operates a domestic wastewater treatment plant under Water Pollution Control Facilities (WPCF) Permit #101500. In preparation for renewing the assigned WPCF permit for the city, DEQ conducted a file review of discharge monitoring reports (DMRs) regarding the monitoring and reporting requirements of the City's treatment facilities. The period of review was January 2020 through June 2024.

DEQ also received and reviewed written notices of non-compliance by email and had phone discussions with city treatment facility staff about effluent limit exceedances and missed monitoring.

Schedule A, Condition 1(b) of the WPCF permit establishes effluent limits for 5-day biochemical oxygen demand (BOD₅), total suspended solids (TSS), Nitrate plus Nitrite-Nitrogen (NO₃+NO₂-N), pH, Total Nitrogen, and *E. coli* prior to the facility discharge from the activated sludge plant to the moderate rate infiltration basins via outfall 001. The excerpt of the permit limits is shown below:

Parameter	Limitation
BOD-5	20 mg/l monthly average
TSS	20 mg/l monthly average
NO ₃ + NO ₂ -N	6 mg/l monthly average
Total Nitrogen	9 mg/l monthly average
pH	6.0 - 9.0
<i>E. Coli</i>	Must not exceed a monthly log mean of 126 organisms per 100 ml and no single sample shall exceed 406 organisms per 100 ml.

Schedule A, Condition 2(b) of the WPCF permit establishes effluent limits for bacteria when land applying recycled water as shown below:

b. Prior to land application of the recycled water, it must receive at least Class C treatment as defined in OAR 340-055-0012(5)(b) to:

Reduce Total Coliform to a 7-day median of 23 organisms per 100 mL, with no greater than 240 organisms per 100 mL in two consecutive samples.

Additionally, Schedule B, Condition 1 of the permit establishes minimum monitoring and reporting requirements for listed parameters at specific locations and at prescribed frequencies in the wastewater treatment system.

The City failed to meet required effluent limits and failed to fulfill monitoring requirements on the dates shown in the tables below. Based on this review, DEQ has determined each occurrence to be a violation of the City’s permit which is a violation of ORS 468B.025(2).

Violation #1: Violating a Technology Based Effluent Limitation (TBEL) in a WPCF Permit

DEQ has concluded that the City of Redmond is responsible for the following twenty-one (21) violations regarding effluent limit exceedances above permit limits:

Table 1 - Effluent Limit Exceedances

Violation Date	Violation	Reported Value	Permit Limit	Class
February 2024	Exceedance of monthly average limit for Biochemical Oxygen Demand (BOD ₅)	80 mg/L	20 mg/L	I
	Exceedance of monthly average limit for Total Suspended Solids (TSS)	224 mg/L	20 mg/L	I
	Exceedance of monthly average limit for Total Nitrogen	35 mg/L	9 mg/L	I
March 2024	Exceedance of monthly average limit for Biochemical Oxygen Demand (BOD ₅)	93 mg/L	20 mg/L	I
	Exceedance of monthly average limit for Total Suspended Solids (TSS)	290 mg/L	20 mg/L	I
	Exceedance of monthly average limit for Total Nitrogen	31 mg/L	9 mg/L	I
April 2024	Exceedance of monthly average limit for Total Suspended Solids (TSS)	43 mg/L	20 mg/L	I

<p>September 21, 22, 23, 2023</p>	<p>Exceedance of a bacterial limit when land applying recycled water (Total coliform limit)</p>	<p>The facility land applied each of the 3 violation days at left. Prior to land application each of these days the 7-day median was above the 23 organisms/100mL limit prior to land applying. 7-day median for samples August 28 – September 21, 2023 reported as 48 organisms/100 mL.</p>	<p>Reduce Total Coliform to a 7-day median of 23 organisms per 100 mL, with no greater than 240 organisms per 100 mL in two consecutive samples</p>	<p>II</p>
<p>October 19-22, 2021</p>	<p>Exceedance of a bacterial limit when land applying recycled water (Total coliform limit)</p>	<p>The facility land applied each of the 4 violation days at left. Prior to land application each of these days the 7-day median was above the 23 organisms/100mL limit prior to land applying. 7-day median for samples September 27 – October 18, 2021 reported as 25 organisms/100 mL.</p>	<p>Reduce Total Coliform to a 7-day median of 23 organisms per 100 mL, with no greater than 240 organisms per 100 mL in two consecutive samples</p>	<p>II</p>
<p>May 21, 22, 23, 24, 29, 30, 31, 2024</p>	<p>Exceedance of a bacterial limit when land applying recycled water (Total coliform limit)</p>	<p>The facility land applied each of the violation days at left. Prior to land application each of these days the 7-day median was above the 23</p>	<p>Reduce Total Coliform to a 7-day median of 23 organisms per 100 mL, with no</p>	<p>II</p>

		organisms/100mL limit prior to land applying. 7-day median for samples May 15-21 reported as 47.1 organisms/100 mL.	greater than 240 organisms per 100 mL in two consecutive samples	
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The Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and Total Nitrogen effluent limits in your WPCF permit are technology based effluent limits (TBELs). In accordance with DEQ’s Enforcement Rules, exceeding a TBEL in a WPCF permit by 50% or more is a Class I violation (OAR 340-012-0055(1)(k)(A)). All exceedances listed above for BOD₅, TSS, and Total Nitrogen were more than 50% over the permitted technology based effluent limit.

In accordance with DEQ’s Enforcement Rules, the discharge of recycled water exceeding a bacteria limit by an amount equal to or less than five times the limit is a Class II violation (OAR 340-012-0055(2)(a)).

The stated reason for the TBEL exceedances was ambient temperature fluctuation (a warm to cold event) which upset the activated sludge treatment process. However, capacity issues for influent wastewater loading due to service area growth were also noted as contributing factors. The facility stated the treatment plant was brought back into compliance by operational changes and non-compliance with the effluent limits has not been reported since April 2024. The facility is currently undergoing a proposed wastewater treatment facility relocation and capacity expansion project to address community growth and increased wastewater flow and loading.

Per DEQ’s enforcement guidance, Class I violations are considered to be the most serious violations; Class III violations are the least serious.

Violation #2: Failure to Collect Monitoring Data

Schedule B, Conditions 1(a) and 1(b) of the permit requires the City to monitor specific parameters in influent and effluent. The samples required to be collected the week of January 14-20 were collected but due to weather, pickup from the courier (FedEx) did not occur for the January 17th or 18th samples. The courier delay due to weather was stated to be beyond the facility’s control. The City promptly reported the issues for this weekly monitoring to DEQ. Other instances of failed monitoring for influent and effluent included in the table below were not reported to have been weather related and were discovered upon DMR compliance review.

Schedule B, Condition 1(e) of the permit requires the City to monitor land applied biosolids for specific parameters each quarter. The facility failed to monitor land applied biosolids in the fourth quarter of 2023 for stated reasons of staff turnover and failure to include redundancy in sampling processes.

Schedule B, Condition 1(c) of the permit requires the City to assess the water depth of each infiltration basin daily and report the hydraulic loading rate (MGD/acre) for each basin monthly. These parameters are required to track loading to the infiltration disposal areas and to ensure the areas are not hydraulically overloaded.

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)).

DEQ has concluded that the City of Redmond is responsible for the following violations of missed monitoring:

Table 2 Reporting and Monitoring Violations

Violation Date	Violation	Frequency	Number of Violations	Class
Week of January 14-20, 2024 (third week)	Failure to collect influent monitoring data for BOD ₅ and TSS as required by Schedule B of the permit.	2/week	4	I
Week of January 14-20, 2024 (third week)	Failure to collect effluent monitoring data for BOD ₅ , TSS as required by Schedule B of the permit.	2/week	4	I
Week of January 14-20, 2024 (third week)	Failure to collect effluent monitoring data for TKN, Ammonia, Nitrate/Nitrogen-N as required by Schedule B of the permit	Weekly	3	I
Q4, 2023	Failure to monitor land applied biosolids for Total Solids, Volatile Solids, Ammonia, Nitrate, TKN, Phosphorus, Potassium, pH, Total Metals.	Quarterly	9	I
January 1, 2020 – June 30, 2024	Failure to measure the water depth of each basin as required by Schedule B of the permit.	Daily	1642	I
January 1, 2020 – June 30, 2024	Failure to calculate and report the hydraulic loading rate to each basin as required by Schedule B of the permit.	Monthly	41	I
July 1 – 31, 2020 (4 weeks)	Failure to monitor influent BOD and TSS (only one sample collected each week during the month).	2/week	8	I
Week of January 10-16, 2021	Failure to monitor influent BOD (only one sample collected each week during the month).	2/week	1	I
Weeks of December 6-12, 2020, December 13-19,	Failure to monitor influent and effluent BOD and TSS (only one sample	2/week	72	I

<p>2020, December 20-26, 2020, December 27, 2020-January 2, 2021, February 7-13, 2021, May 2-8, 2021, June 13-19, 2021, August 14-20, 2022, August 21-27, 2022, August 28 – September 3, 2022, October 30-November 5, 2022, June 25-July 1, 2023, August 27-September 2, 2023, October 29-November 4, 2023, December 31, 2023-Jan. 6, 2024, Jan. 14-20, 2024, May 5-11, 2024, May 12-18, 2024</p>	<p>collected each of these weeks—18 weeks).</p>			
<p>Week of September 3-9, 2023</p>	<p>Failure to monitor influent and effluent BOD and TSS (no samples reported this week).</p>	<p>2/week</p>	<p>8</p>	<p>I</p>
<p>Weeks of January 10-16, 2021, February 28-March 6, 2021, March 7-13, 2021, March 14-20, 2021, October 16-22, 2022, December 11-17, 2022, March 5-11, 2023</p>	<p>Failure to monitor effluent discharge to infiltration basin for E. coli (only one sample collected this week).</p>	<p>2/week</p>	<p>7</p>	<p>I</p>

Corrective Actions Required

The City must ensure compliance with the terms and conditions of the issued WPCF permit, including meeting Schedule A limits and completing all Schedule B monitoring and reporting requirements.

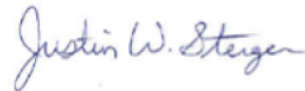
Summary

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.

City of Redmond
September 26, 2024

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.

Sincerely,

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

Justin Sterger
Senior Water Quality Permit Writer

ec: Mike Hiatt, DEQ –Eastern Region Permitting Manager
Shane Cossel, DEQ – WQ Compliance Specialist
Anna Morgan-Hayes, DEQ—WQ Permit Writer and Compliance Specialist
DEQ Enforcement Section – OCE
Jeremy Stachowski – City of Redmond Wastewater Plant Supervisor