



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
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October 17th, 2024

Mr. Chris Claymore
City of Klamath Falls
1200 South Spring Street
Klamath Falls, OR 97601

RE: Warning Letter
City of Klamath Falls
2024-WL-9637
File #46763, NPDES Permit #100701
Klamath County

Dear Mr. Claymore:

The City of Klamath Falls operates a domestic wastewater treatment plant with discharge to the Klamath River under National Pollutant Discharge Elimination System (NPDES) Permit #100701. Based on review of Discharge Monitoring Reports (DMRs) submitted as required by your permit for the period of January 2024 – September 2024 and submittal of non-compliance reporting for August 2024, DEQ has documented the following three (3) violations of Oregon environmental law.

With each violation, the facility failed to comply with the terms and conditions of NPDES Permit #100701, which is a violation of ORS 468B.025(2).

Violations: Effluent Limit Exceedances for 5-day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS)

Schedule A, Condition 1. of the permit establishes effluent limits required to be met for the facility's discharge to the Klamath River. This includes seasonal limits for BOD₅ and TSS concentration in effluent discharged as excerpted in table A1 from the permit below:

SCHEDULE A: WASTE DISCHARGE LIMITS

1. Outfall 001 – Permit Limits

During the term of this permit, the permittee must comply with the limits in the following table:

Table A1: Permit Limits

Parameter	Units	Average Monthly	Average Weekly	Daily Maximum	Semi-annual Average
BOD ₅ (May 1–October 31)	mg/L	20	30	N/A	N/A
	lbs/day	580	870	1,160	N/A
	% removal	85	N/A	N/A	N/A
TSS (May 1–October 31)	mg/L	20	30	N/A	N/A
	lbs/day	580	870	1,160	N/A
	% removal	85	N/A	N/A	N/A

The facility failed to meet the required limits on the dates shown in Table 1 below.

August 2024 - Effluent Limit Exceedances

Effluent Limit	Reported Result	Permit Limit	Violation Date	Violation Class	Dilution
TSS Average Monthly Concentration	28 mg/L (40% exceedance)	20 mg/L	August 2024	II	>2
TSS Weekly Average Concentration	38 mg/L (27% exceedance)	30 mg/L	August 2024 (Week of Aug. 11-17)	II	>2
BOD ₅ Weekly Average Concentration	34 mg/L (13% exceedance)	30 mg/L	August 2024 (Week of Aug. 11-17)	III	>2

The BOD₅ and TSS effluent limits in the permit are technology based effluent limits (TBELs). Violating a TBEL for BOD₅ or TSS in an NPDES permit by 20% or more, but less than 50%, is a Class II violation (OAR 340-0055(2)(a)). Violating a TBEL for BOD₅ or TSS in an NPDES permit by less than 20% is a Class III violation (OAR 340-0055(3)(b)). Dilution provided by the receiving stream flow in comparison with effluent flow was greater than two during the periods of violation, based upon submitted effluent flow data and Link River monitoring gauge data.

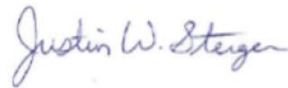
The violations were noted to have occurred during startup of recently upgraded wastewater treatment systems that occurred on July 30, 2024. These facility improvements were reviewed and approved by DEQ and under 40 CFR 122.29(d)(4) new treatment systems are allowed a start-up period within the shortest feasible time to ensure proper performance. Per reporting provided by the facility, the violations identified during the start-up period have been corrected and the facility returned to compliance for the September 2024 reporting period.

Summary

This notice is a warning letter. DEQ does not intend to take formal enforcement action at this time, however, should you repeat any of these violations, the matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties 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 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 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,

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

Justin W. Sterger
Senior WQ Permit Writer

cc: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
Ricardo Ramirez, City of Klamath Falls
Oregon Records Management System
Water Quality Data Team

Appendix I: August 2024 - Non-Compliance Report



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: **Ricardo Ramirez**

Contact Name: **Chris Claymore**

Phone: **541-883-5386**

Email: **cclaymore@klamathfalls.city**

Date:

DEQ Permit #: **100701**

DEQ File #: **46763**

EPA ID #: **OR OR0026301**

Has non-compliance been corrected?: ☐ Yes ☒ No

Expected time noncompliance is expected to continue: **Unknown**

Date/Time Started: **8/13/24**

Date/Time Stopped :

Description of Noncompliance:

Monthly average TSS mg/L

Weekly average BOD mg/L

Weekly average TSS mg/L

All exceeded permit limits.

AGENCY AND PUBLIC NOTIFICATION

Was the non-compliance one of the following:

- | | | | | |
|--|-----|----------------------------------|----|----------------------------------|
| • A noncompliance which may endanger health or the environment | Yes | ☐ | No | ☒ |
| • An unanticipated bypass which exceeds any effluent limitation in this permit | Yes | ☐ | No | ☒ |
| • An upset which exceeds any effluent limitation in this permit | Yes | ☒ | No | ☐ |
| • Violation of maximum a daily discharge limitation | Yes | ☐ | No | ☒ |

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

OERS Number: **1-800-452-0311**

Signs posted? Where?: **No**

Media contacted? Who?: **No**

List any other steps taken to notify the public and/or state and federal agencies:

Justin Sterger, Senior Water Quality Permit Writer, OR DEQ has been notified.

CAUSE(S)

Cause or suspected cause(s):

Starting July 30th, 2024 the city initiated startup of the new treatment process. A plant upset occurred due to the diversion of flow to the new aeration basin. This new process flow eliminated the use of our primary clarifier tank. Removal of the primary clarifier tank resulted in higher influent BOD loads to the new aeration tank coupled with MLSS concentration dropping below model target values, this consequently led to the inability to completely treat influent waste stream. Due to a young sludge, floc density is not at target value and settling was severely affected resulting in high TSS concentrations.

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):

Plant staff increased process monitoring to help identify treatment short comings in a timely manner and make necessary adjustments to meet permit requirements. Flow was diverted to a single clarifier to mitigate settling issues and increase MLSS concentration. A longer SRT and higher D.O. set point is being implemented to assist with adequately treating increased BOD loadings.

Actions planned and schedule for those actions (describe):

Process data is being evaluated by Carollo process engineers to ensure the correct adjustments are made to meet permit requirements and operate within design parameters.

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.

Authorized Signature

Ricardo Ramirez

Name (print)

Lead operator

Title (print)

Date

9/10/2024

Phone

541-851-2404

Email

Rramirez@KlamathFalls.city