



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Salem Office

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Salem, OR 97302

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TTY 711

October 16, 2024

Don Cutler II, Public Works Supervisor
City of Dayton
PO Box 339
Dayton, OR 97114

Re: Warning Letter with Opportunity to Correct
Dayton Stabilization Lagoons
2024-WLOTC-9636
NPDES Permit #101742, EPA ID OR0023639
File 23458
WQ-Yamhill County

Dear Mr. Cutler,

DEQ has completed a records review for City of Dayton to determine compliance with the conditions of National Pollution Discharge Elimination System permit number 101742, issued to City of Dayton, on December 28, 2011. The findings are summarized below.

Records Review

I reviewed records from November 2023 through August 2024. The City of Dayton has submitted all monthly discharge monitoring reports (DMR) on time in NetDMR.

Schedule B Violations

1. Schedule B Condition 1 of the permit requires the City of Dayton to follow a QA/QC program for the laboratory. The City of Dayton failed to follow adequate laboratory controls when testing for *e. coli* during the second two-week period of November 2023. Due to not following proper laboratory techniques the second *e. coli* analysis resulted in a daily maximum permit violation as listed in the table 1. This is a Class II violation of the permit per OAR 340-012-0055(2)(a). See note below.

Schedule F Violations

1. Schedule F Section C5 requires the City of Dayton to summarize the monitoring results each month on a Discharge Monitoring Report Form. The City of Dayton failed to submit those monitoring results in November 2023, January 2024 and April 2024 as listed in Table 1. This is a Class III violation of the permit per OAR 340-012-0055(3)(a).

Table 1

Monitoring Period	Parameter	Reported Value	Permit limit	Violation Class
November 2023	e. coli, daily maximum, #/100 mL	2420	406	II
November 2023	All	No DDA attached in NetDMR		III
January 2024	Chlorine Residual, daily maximum and monthly average, mg/L	Not reported on DDA		III
April 2024	Chlorine Residual, daily maximum and monthly average, mg/L	Not reported on DDA		III

Note: The laboratory accepted a sample for e. coli the day before a holiday in which the laboratory was to be closed. Both the City and the laboratory are at fault for failing to follow appropriate testing practices. The City should be aware of hold times for testing samples and should take these occurrences into consideration when sampling for NPDES permit required testing.

Requested Corrective Actions

By November 15, 2024, please submit documentation that the following issues have been corrected:

1. Submit the November 2023 DDA in NetDMR.
2. Correct the DDA for January 2024 and April 2024 to include the daily chlorine residual results and the appropriate monthly calculations.
3. Documentation for correct QA/QC procedures for laboratory analysis including schedule/holiday considerations.

Class I violations are the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

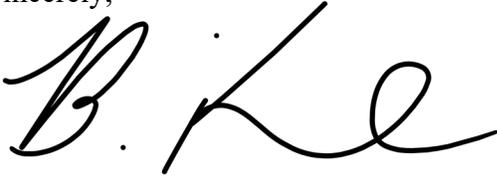
This notice is a warning letter. DEQ does not intend to take formal enforcement action at this time. However, should you repeat any of these violations, the matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or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

City of Dayton
October 16, 2024
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If you have any questions, please contact me in writing at brenda.kuiken@deq.oregon.gov or by phone at (503) 893-0924.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Kuiken". The signature is fluid and cursive, with a large initial "B" and a stylized "K" and "e".

Brenda Kuiken
WQ Compliance Specialist

cc: DEQ Salem Office file

ec: Ranei Nomura, Manager, Western Region DEQ
Oregon Records Management Solution