



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Eastern Region Pendleton Office

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TTY 711

October 9, 2024

Mr. Casey Mordhorst, Public Works Director  
Mr. Dan Cummings, City Manager of Ontario  
City of Ontario  
1551 NW 9<sup>th</sup> Street  
Ontario, OR 97914

Re: Warning Letter with Opportunity to Correct  
City of Ontario  
**2024-WLOTC-9612**  
File 63631, NPDES 101633  
Malheur County

Dear Mr. Mordhorst and Mr. Cummings,

The City of Ontario (City) is permitted under a National Pollution Discharge Elimination System (NPDES) permit No. 101633, with Modifications 1-3. In preparation for the City's NPDES permit renewal, DEQ conducts routine review of monitoring and annual reports which are required by the permit and associated management plans. Based on review of these reports, DEQ has found the City to be in violation with the permit for 25 occurrences.

### Reporting Violations:

Schedule B of the permit contains conditions for minimum monitoring requirements. Specifically, Schedule B.4 and Table B.11 of the permit requires the City to submit Copper Biotic Ligand Model (Copper BLM) and Aluminum monitoring at the Snake River and Outfall 001. The City submitted Copper BLM and Aluminum monitoring to DEQ, however, the monitoring submitted contained numerous data entry errors and misreported data.

DEQ has determined that these submittals are in violation of the NPDES permit and Oregon Environmental Law:

Date	Violation	Class
February 2024 Submitted 03/13/2024	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
January 2024 Submitted 02/14/2024	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
December 2023 Submitted 01/11/2024	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I

<b>Date</b>	<b>Violation</b>	<b>Class</b>
November 2023 Submitted 12/14/2023	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
April 2023 Submitted 05/10/2023	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
March 2023 Submitted 04/13/2023	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
February 2023 Submitted 03/15/2023	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
January 2023 Submitted 02/15/2023	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
April 2022 Submitted 05/13/2022	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
March 2022 Submitted 04/14/2022, updated 05/26/2022	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
February 2022 Submitted 03/11/2022	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
January 2022 Submitted 02/15/2022	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
December 2021 Submitted 01/15/2022	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
November 2021 Submitted 12/15/2021, updated 12/29/2021 & 12/30/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
April 2021 Submitted 05/14/2021, updated 04/19/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
March 2021 Submitted 04/15/2021, updated 04/19/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
February 2021 Submitted 03/15/2021, updated 04/23/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
January 2021 Submitted 02/15/2021, updated 03/29/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
December 2020 Submitted 01/15/2021, updated 01/22/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
November 2020 Submitted 12/15/2020, updated 01/08/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
April 2020 Submitted 05/22/2020, updated 01/28/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
March 2020 Submitted 05/22/2020, updated 01/28/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I

Date	Violation	Class
February 2020 Submitted 05/22/2020, updated 01/28/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I
January 2020 Submitted 05/22/2020, updated 01/28/2021	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	I

**Recycled Water Management Violations:**

The 2021 Recycled Water Use Plan (RWUP) (p.5) states: “The total nutrient content will be tracked and the total of all sources of nitrogen will not exceed the agronomic rate for the crop being grown.” The 2022 Recycled Water Annual Report reported that the nitrogen loading exceeded the agronomic rates in three fields, as shown in the table below.

Field #	Area	Crop	N loading from recycled water	Additional N Loading	Total N Loading	Agronomic Rate	Total Soil NO3 on 1/5/22*
	acres		_____ lbs N/a _____				
2	58.4	Triticale	54.4	194	248.4	220	493
3	43.6	Corn	81.2	308	389.2	245	140
4	82.5	Triticale	51.9	204	255.9	220	921

\* Conversion from soil concentration to lbs/a is based on an assumed soil bulk density of 1.3 g/mL

DEQ has determined that these agronomic rate exceedances are a violation of the NPDES permit and Oregon Environmental Law:

Date	Violation	Class
2022 Irrigation Season Submitted 02/08/2023	Violating any management, monitoring, or operational plan established pursuant to a waste discharge permit, unless otherwise classified; OAR 340-012-0055(2)(d).	II

Exceeding the agronomic rate in this way raises the risk of nitrate leaching to groundwater. This recycled water application site is within the Northern Malheur Groundwater Management Area (NMGWMA), which was established to control nitrate levels in groundwater. Therefore, DEQ has higher expectations of facilities that apply recycled water in these areas. If future activity or monitoring data at this site indicate risks to groundwater, DEQ may request a modification of the RWUP, or implementation of additional monitoring such as soil moisture monitoring or groundwater monitoring to ensure protection of groundwater.

**Corrective Actions:**

Based on the information provided to DEQ, the City of Ontario is responsible for the following corrective actions:

1. **By October 28, 2024**, the City of Ontario must resubmit all corrected Copper BLM and Aluminum monitoring data through the NetDMR webpage for each month specified in the table above.

**Summary:**

This notice is a Warning Letter with Opportunity to Correct. DEQ does not intend to take formal enforcement action at this time. However, should the City fail to meet permit compliance deadlines in the future or fail to complete the required corrective action, 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 address shown at the top of this letter. DEQ will consider new information you submit and take appropriate action. Should you have any questions about the content of this letter or would like follow-up technical assistance, please contact me at 541-246-5462.

Sincerely,



Anna Morgan-Hayes

Water Quality Compliance Specialist

cc: Mike Hiatt, ER Water Quality Permitting and Compliance, DEQ  
Stuart Blois, ER Water Quality Permitting and Compliance, DEQ  
Carter Thomas, DEQ  
Marshall Pierce, PE, Jacobs, City of Ontario  
Neil DeJonge, Wastewater Treatment Supervisor, Jacobs, City of Ontario  
WQ Data Crew