



# Oregon

Tina Kotek, Governor

## Department of Environmental Quality

Eastern Region Pendleton Office

800 SE Emigrant Avenue, Suite 330

Pendleton, OR 97801

(541) 276-4063

FAX (541) 278-0168

TTY 711

October 28, 2024

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

Re: Warning Letter  
City of Ontario  
**2024-WL-9663**  
File 63631, NPDES 101633  
Malheur County

Dear Casey Mordhorst and Dan Cummings,

The City of Ontario (City) is permitted under National Pollution Discharge Elimination System (NPDES) permit No. 101633, with Modifications 1-3. On October 8, 2024, the City was issued a Warning Letter with Opportunity to Correct (2024-WLOTC-9612) for data entry errors found on submitted Discharge Monitoring Reports (DMRs). Upon correcting the errors, operational staff contracted by the City of Ontario found three failure to monitor events occurred in 2021. These were documented on noncompliance report forms (Appendix 1) and are violations of the NPDES permit.

### Monitoring 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 once per month.

DEQ has determined that the City of Ontario is in violation of the NPDES permit and Oregon Environmental Law:

Date	Violation	Class
February 2021	February 9, 2021 – Failure to monitor in accordance with Schedule B for effluent copper (total); OAR 340-012-0055(1)(o).	I
November 2021	November 10, 2021 – Failure to monitor in accordance with Schedule B for effluent copper (dissolved); OAR 340-012-0055(1)(o).	I
December 2021	December 13, 2021 – Failure to monitor in accordance with Schedule B for effluent copper (dissolved); OAR 340-012-0055(1)(o).	I

**Summary:**

Class I violations are considered to be the most serious violations; Class III violations are the least serious.

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

ec: 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

Attachment 1: Noncompliance Reporting Forms, City of Ontario



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: <b>City of Ontario Wastewater Treatment Plant</b>		
Contact Name: <b>Neil DeJonge</b>		
Phone: <b>1-541-391-3844</b>	Email: <b>neil.dejonge@jacobs.com</b>	Date: <b>10/24/2024</b>
DEQ Permit #: <b>101633</b>	DEQ File #: <b>63631</b>	EPA ID #: <b>OR 0020621</b>
Has non-compliance been corrected?: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Expected time noncompliance is expected to continue: <b>NA</b>		
Date/Time Started: <b>2/9/2021</b>	Date/Time Stopped : <b>3/8/2021</b>	
Description of Noncompliance: While reviewing and correcting the copper biotic ligand reports, it was found that the samples for Ontario 001 and Ontario_SnakeRiver were taken and sent into the Analytical Labs, but total copper low results were not on the lab report for both. The copper dissolved for both samples were on the report and results were noted on the copper biotic ligand report for that month.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• An upset which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• Violation of maximum a daily discharge limitation	Yes <input type="radio"/>	No <input checked="" type="radio"/>
If yes to any of the above, complete the rest of this section.		
OERS Number:		
Signs posted? Where?:		
Media contacted? Who?:		
List any other steps taken to notify the public and/or state and federal agencies:		
CAUSE(S)		
Cause or suspected cause(s): Analytical Labs was contacted and will be researching their archived data and retrieve the lab reports and test run data. The possible causes are miss-communication between sample operator and Analytical Labs or lab error.		

# 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): The entire staff was retrained on permit requirements for copper biotic testing . They have also been retrained on chain of custody procedure. We are also continuing our current multiple review process. Analytical Labs was contacted and we discussed ways to achieve a better communication process for all sampling.			
Actions planned and schedule for those actions (describe): All above training was completed on 10/22/2024. We will be also be holding ongoing training during regularly scheduled staff meetings.			
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.

**Neil DeJonge**

Digitally signed by Neil DeJonge  
DN: cn=Neil DeJonge, o=US, o=Jacobs,  
email=neil.dejonge@jacobs.com  
Date: 2024.10.24 10:37:53 -0600

Authorized Signature

**Neil DeJonge**

Name (print)

**Wastewater Treatment Plant Supervisor**

Title (print)

**10/24/2024**

Date

**541-391-3844**

Phone

**neil.dejonge@jacobs.com**

Email



Oregon Department of Environmental Quality

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DEQ Permit #: <b>101633</b>	DEQ File #: <b>63631</b>	EPA ID #: <b>OR 0020621</b>
Has non-compliance been corrected?: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Expected time noncompliance is expected to continue: <b>None</b>		
Date/Time Started: <b>11/10/2021</b>	Date/Time Stopped : <b>1/13/2022</b>	
Description of Noncompliance: While reviewing and correcting the copper biotic ligand reports, it was found that the samples for Ontario 001 and Ontario_SnakeRiver were taken and sent into the Analytical Labs on 11/10/2021 and 12/13/2021, but copper low (dissolved) results were not on the lab report for the 4 samples. The total copper low for the 4 samples were on the report and results were noted on the copper biotic ligand report for those months.		
AGENCY AND PUBLIC NOTIFICATION		
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Media contacted? Who?:		
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**Neil DeJonge**  
Digitally signed by Neil DeJonge  
DN: cn=Neil DeJonge, o=US, o=Jacobs,  
email=neil.dejonge@jacobs.com  
Date: 2024.10.24 10:41:51 -0600

Authorized Signature

**Neil DeJonge**

Name (print)

**Wastewater Treatment Plant Supervisor**

Title (print)

**10/24/2024**

Date

**541-391-3844**

Phone

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