



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Eastern Region Pendleton Office

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TTY 711

October 9, 2024

Jayne Bennett, City Manager
City of Mosier
PO Box 456
Mosier, OR 97040-0456

Re: Pre-Enforcement Notice, City of Mosier
2024-PEN-9619
File 58650, NPDES 101495
Wasco County

Dear Ms. Bennett,

The City of Mosier (City) is permitted under a National Pollution Discharge Elimination System (NPDES) permit No. 101495. DEQ regularly conducts compliance review of Discharge Monitoring Reports (DMRs) and annual reports in accordance with the NPDES permit program. On September 16, 2024, DEQ also conducted an in-person inspection of the City's wastewater treatment facility in accordance with the NPDES permit. An inspection report has been provided to the City, which includes a list of needed and recommended repairs and plan updates. In addition to the report, the following 314 violations were documented.

QA/QC Violation:

Schedule B.1(d)(i) of the NPDES permit requires the facility to develop and implement a written QA/QC program that conforms to the requirements of 40 CFR Part 136.7:

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| <p>d. Laboratory Quality Assurance and Quality Control</p> <p>i. Laboratory Quality Assurance and Quality Control (QA/QC) – The permittee must develop and implement a written QA/QC program that conforms to the requirements of 40 CFR Part 136.7.</p> |
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During the inspection it was communicated to DEQ that the QA/QC Plan was in development. Additionally, it was observed that pH buffer containers did not have expiration dates. Buffers for pH compliance monitoring should be replaced and properly labeled. Failure to maintain pH buffers within expiration date used for permit compliance for this facility is a violation of the permit.

The refrigerator in the lab did not have a temperature thermometer. If this refrigerator is used to store samples prior to analyses, a NIST certified temperature thermometer is required.

Date	Violation	Class
September 16, 2024	Failing to maintain a QA/QC manual for in-house analyses (pH) and procedures for storage, shipping, and hold time compliance is a violation; OAR 340-012-0053(2).	II

Operations and Maintenance Violation:

Several processes and critical functions within the treatment system are currently inoperable, requiring the facility to use temporary piping and surrogate monitoring to meet compliance requirements. This includes temporary installation of a return activated sludge line due to a faulty line and pump. The City has consulted with Treatment Equipment Company, who has cited failures in the system and recommended necessary repairs in a technical report to the City. Repairs/upgrades, identified in the technical report and in facility engineering plans should be evaluated and considered by the City as soon as possible so that the treatment system is performing optimally. Additionally, during the inspection it was observed that the UV system is not operating fully and compliance with UV dosage monitoring cannot be determined. Part of the system’s monitoring device was severed, and components of the system were not in use. The facility is required by the NPDES permit to monitor UV dosage to assess the efficacy of the required disinfection system to meet surface water discharge limitations for bacteria.

Schedule F.B(1) requires proper operations and maintenance:

<p>B1. Proper Operation and Maintenance</p> <p>The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.</p>

This is a violation of the NPDES permit and Oregon Environmental Law:

Date	Violation	Class
September 16, 2024	Failing to properly operate and maintain all facilities and systems of treatment and control (UV system) that are installed or used by the permittee to achieve compliance with the conditions of the NPDES permit; OAR 340-012-0053(2).	II

Effluent Violation:

Schedule A.3 of the NPDES permit provides year-round effluent limits for TSS removal efficiency. The DMR for July 2024 reported a monthly average minimum of 74% removal efficiency for effluent TSS, which does not meet the permit required limit.

Year-round (except as noted)	Limits
BOD ₅ and TSS Removal Efficiency	May not be less than 85% monthly average for BOD ₅ and TSS.

This is a violation of the NPDES permit and Oregon Environmental Law:

Date	Violation	Class
July 2024	Failing to achieve a removal efficiency established in an NPDES or WPCF permit is a violation. The City reported a monthly average minimum of 74% for July 2024, the limit is “may not be less than 85% monthly average TSS”; OAR 340-012-0055(3)(c).	III

Flow Measurement, Effluent BOD₅ and TSS Loading Violations:

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

Schedule B.3, Table B3 of the NPDES permit requires the City of Mosier to collect continuous daily effluent flow and report monthly maximum effluent flow to DEQ.

Item or Parameter	Units	Time Period	Minimum Frequency (See Note a)	Sample Type/ Required Action	Report Statistic (See Note c)
Total Flow (50050)	MGD	Year-round	Daily	Continuous	1. Monthly maximum

Records submitted to DEQ show that effluent flow has not been reported as far back as the effective date of the permit (April 1, 2019- June 204, 62 months) as a flow meter was never installed at the facility. Cover letters provided with DMRs provide the following statement:

Parameter 50050 – Effluent Flow amounts reported are duplicates of Parameter 50050 – Influent Flow amounts pending further evaluation due to no Effluent Flowmeter installed onsite. Equipment presently installed at WWTP is to comply with previous NPDES Permit.

Parameter 61938 – UV Dose is being reported on the DMR worksheet as Parameter 49607 – UV Radiation Intensity (%) pending further evaluation. Equipment presently installed at WWTP reads only UV Radiation Intensity (%) to comply with previous permit.

(May 2019, DMR Cover Letter, City of Mosier/Jacobs)

Additionally, based on records submitted to DEQ, effluent BOD₅ and effluent TSS loading were incorrectly calculated using the influent flow values, rather than effluent flow due to the facility improperly reporting flow and not having an effluent flow meter. Due to effluent flow data being unavailable, the facility is unable to correct effluent BOD₅ and TSS loading values, and compliance with effluent limits cannot be determined.

Schedule B, Table B2 of the NPDES permit requires the City to collect effluent BOD₅ and TSS loading once every two weeks:

BOD ₅ (00310)	lbs/day	Year-round	1/2 weeks	Calculation	1. Daily value 2. Daily maximum 3. Monthly average 4. Weekly averages
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TSS (00530)	lbs/day	Year-round	1/2 weeks	Calculation	1. Daily value 2. Daily maximum 3. Monthly average 4. Weekly averages
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This includes 310 violations of the NPDES permit and Oregon Environmental Law:

Date	Violation	Class
April 2019 – June 2024 (62 months)	Failing to collect effluent flow monitoring data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
April 2019 – June 2024 (124 samples)	Failing to collect and report effluent BOD ₅ loading data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I
April 2019 – June 2024 (124 samples)	Failing to collect and report effluent TSS loading data required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I

Records Retentions Violations:

Schedule F.C8 of the NPDES permit requires the City retain records for a minimum of three years and be made available upon request. During the inspection it was found that the City was unable to furnish records due to operational change over. The City’s contracted operational staff recently terminated the contract with the City and a new operator has been hired who was unable to locate the facility’s records.

<p>C8. Retention of Records</p> <p>Records of monitoring information required by this permit related to the permittee’s sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.</p>
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This is a violation of the permit and Oregon Environmental Law:

Date	Violation	Class
September 16, 2024	Failing to retain records as required by Schedule F of the permit; OAR 340-012-0053(2).	II

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

Environmental Impact of Violations

Analytical data from laboratories are used to determine compliance with effluent limitations. Written quality assurance programs to ensure the reliability of the wastewater data are essential to provide accurate data. Without accurate monitoring data, the City, DEQ, and the public are unable to evaluate the effectiveness of the City’s wastewater treatment system. An ineffective treatment system can cause water quality impairments and/or public health hazards.

Proper operation and maintenance of the wastewater treatment system is an important element of protecting water quality. Improperly operated and/or maintained wastewater treatment systems have a

higher potential for failure. Failure of a wastewater treatment system can cause water quality impairments and/or public health hazards.

Corrective Actions

The City of Mosier is required to complete the following corrective actions by the timeline provided:

1. By **December 15, 2024**, the City of Mosier must develop and submit to DEQ a QA/QC Plan, including the following:
 - a) Organization and Responsibilities
 - b) Sample Control and Documentation
 - c) SOP Procedures for Analytical Methods
 - d) Training Requirements
 - e) Equipment Maintenance and Calibration Procedures
 - f) Calibration Procedure and Detection Limits
 - g) Corrective Action Procedures
 - h) Quality Control and Calculations
 - i) Performance Audits
 - j) Evaluating Data for Precision and Accuracy
 - k) Reporting and Record Keeping

Guidance for developing a plan can be found at:

<https://www.oregon.gov/deq/FilterPermitsDocs/qaguidanceSML.pdf>.

2. By **December 2, 2024**, the City of Mosier must provide a plan and timeline for installation of an effluent flow meter. The timeline must not exceed one year of this enforcement action date of issuance. Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.
3. By **October 8, 2025**, the City of Mosier must provide proof of installation of an effluent flow meter device.
4. By **December 2, 2024**, the City of Mosier must provide a plan and timeline for repair or replacement of the facility's UV system. The timeline must not exceed one year of this enforcement action date of issuance.
5. By **October 8, 2025**, the City of Mosier must provide proof of repair or replacement of the facility's UV treatment system. Provide proof that the UV Treatment System achieves the required UV dose (minimum 40 mJ/cm² for Class A systems) through sampling of *E.Coli* or a UV Validation Report to ensure that the facilities' discharge meets NPDES permit limits. In addition, Class A systems must include alarms and a UV sensor to assure proper dosing and treatment.

Referral for DEQ Formal Enforcement Action

Due to the noted violations of permit limits this matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of a civil penalty and/or DEQ order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this notice are in error, you may provide information to me. I will consider any new information you submit and take appropriate action.

If you have any questions, please contact me in writing at anna.morgan-hayes@deq.oregon.gov, or at 541-246-4562.

Sincerely,

A handwritten signature in black ink that reads "Anna Morgan-Hayes". The signature is written in a cursive style with a large initial 'A'.

Anna Morgan-Hayes

Water Quality Permitting & Compliance Specialist

cc: Mike Hiatt, DEQ
WQ Data Crew, DEQ
ORMS
Chris McCalib, TEC
Stoner Bell, City of Mosier