



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

November 25, 2024

Mr. Kyle Willman, Wastewater System Superintendent
City of Pendleton
4255 SW 28th Drive
Pendleton, Oregon 97801-1721

RE: **Warning Letter with Opportunity to Correct**

City of Pendleton
NPDES permit # 100982/ WQ file # 68260
EPA OR ID# OR0026395
2024-WLOTC-9718
WQ – Umatilla County

Dear Mr. Willman:

The City of Pendleton is permitted to operate a wastewater treatment facility under a National Pollution Discharge Elimination System (NPDES) Permit No. 100982. The NPDES permit requires the City to submit monthly Discharge Monitoring Reports (DMRs). While undergoing personnel shifts and procedural changes in data quality review, City staff identified data entry and calculation errors reported on DMRs for the following monitoring period: July 2020 – October 2024 (52 months). The errors are attributed to incorrectly defining “week” and/or reporting incomplete weeks for averaging purposes. As described in an email (Attachment 1) from Pendleton staff to DEQ, the errors identified include reporting of the following statistics:

- Effluent BOD, 5-day, 20 deg. C - weekly average (lb/d)
- Effluent BOD, 5-day, 20 deg. C - weekly average (mg/l)
- Effluent Solids, total suspended - weekly average (lb/d)
- Effluent Solids, total suspended - weekly average (mg/l)
- Effluent BOD, 5-day, percent removal calculation
- Effluent Solids, total suspended percent removal calculation
- Effluent geometric mean calculation for *E. coli* bacteria

- Effluent Temperature

According to the NPDES permit, Schedule F, Section E, a “week” is defined as “a calendar week Sunday through Saturday”.

Based on review and correspondence, DEQ has concluded that the City is responsible for the following fifty-two (52) violations of the NPDES permit.

Violations: Incomplete/Inaccurate Discharge Monitoring Reporting

Date	Violation	Violation Class	Number of Violations
July 2020 – October 2024 (52 months)	Failing to submit a complete discharge monitoring report; OAR 340-012-0055(3)(a).	III	52

Fulfilling the mandatory reporting requirements is an important obligation. Without timely submittal of annual reports, the City, DEQ, and the public are unable to promptly evaluate the collection system performance.

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

Required Corrective Action

The City must ensure compliance with the terms and conditions of the issued NPDES permit, including all Schedule A effluent limits, and complete the following:

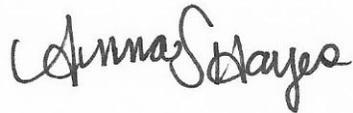
1. By **March 15, 2025**, the City of Pendleton must correct and resubmit each monitoring period DMR for the following months: July 2020 – October 2024. DMRs must be submitted electronically in NetDMR. If corrections to calculations result in exceedances of Schedule A permit limits, the City must submit a noncompliance report form (<https://www.oregon.gov/deq/FilterDocs/NoncomplianceReportForm.pdf>) in accordance with Schedule F, Section D.6. The reports must be submitted to NetDMR as well as the City’s compliance contact at DEQ (anna.morgan-hayes@deq.oregon.gov) and must contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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 or fail to take the corrective action by the required due date, 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 may 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 at the address shown at the top of this letter. I will consider any new information you submit and take appropriate action. If you have any questions, please contact me at anna.morgan-hayes@deq.oregon.gov or at 541-278-4615.

Sincerely,

A handwritten signature in black ink that reads "Anna Morgan-Hayes". The signature is written in a cursive, flowing style.

Anna Morgan-Hayes
Water Quality Permit Writer and Compliance
Specialist
Eastern Region, DEQ

cc: Mike Hiatt, WQ Manager, Eastern Region, DEQ
Blair Edwards, WQ Permitting & Compliance, Eastern Region, DEQ
Oregon Records Management Solution

Attachment 1: Email to DEQ, City of Pendleton, October 21, 2024

From: [Jessica Schneider](#)
To: [MORGAN-HAYES Anna](#); [DEQ Kyle Willman](#)
Subject: DMR
Date: Monday, October 21, 2024 3:03:39 PM
Attachments: [image001.png](#)
[202408_data.xlsx](#)

Hi Anna,

While working on the DMR for September I was trying to compare my numbers to the one reported for August 2024. I discovered that the calculations our computer program and the ones that I were doing did not match what had been reported in several categories. After doing some digging I discovered the following:

- The calculations for the weekly parameters were not calculated correctly. Incomplete weeks were not appropriately shifted to the appropriate month and the weekly maximum was reported.

It is my understanding that an incomplete week (Sunday to Saturday) is reported the month that the Saturday falls into.

The affected reported categories are as follows:

BOD, 5-day, 20 deg. C - weekly average (lb/d)
BOD, 5-day, 20 deg. C - weekly average (mg/l)
Solids, total suspended - weekly average (lb/d)
Solids, total suspended - weekly average (mg/l)

- The geo mean for the e. coli samples has been reported incorrectly. The monthly average has been reported instead of the geometric mean.
- The percent removals have been reported incorrectly. The monthly average has been reported instead of the monthly minimum.

The affected reported categories are as follows:

BOD, 5-day, percent removal
Solids, total suspended percent removal

- The temperature that has been reported in 2023 and in June of 2024 was taken from the laboratory grab samples instead of the operator grab sample. The laboratory sample has the temperature measurement delayed while the sample is walked back to the lab. The operator grab sample is measured at the source of the sample. I have been unable to find the data or recreate the calculations used to report the temperature reported for July and August of 2024.

I am hoping that you can confirm based on our August data that my observations are correct. I have attached a spreadsheet with our August data.

1. How should I go about correcting our historical reporting?
2. Can I correct the DMR from the Net DMR page?
3. How long should I go back?

Thanks,
Jess



Pendleton RRF Laboratory
4300 SW Hourama Rd. Pendleton, OR 97801
Phone: 541-276-3372

