



Oregon

Tina Kotek, Governor

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December 2, 2024

Brandon Beachamp
Public Works
City of Dufur
P.O. Box 145
Dufur, OR 97021

RE: Pre-Enforcement Notice (PEN)
City of Dufur
2024-PEN-9736
File #25491, NPDES Permit #102478
File #25491, WPCF Permit #103306
Wasco County

Dear Mr. Beachamp:

The City of Dufur operates a domestic wastewater treatment plant with facultative lagoons and discharge to recycled water sites and to Fifteenmile Creek under National Pollution Discharge Elimination System (NPDES) Permit #102478. The facility also holds WPCF Permit #103306 as the wastewater systems are upgraded and land application site has been expanded. Based on an in-person inspection on October 23, 2024, the file review associated with violations flagged in NetDMR, and other required reporting by the facility, DEQ has documented the following 84 violations of the City's permits and Oregon environmental law.

Each of the documented violations constitute a failure to comply with the terms and conditions of your permits, which is a violation of ORS 468B.025(2).

Violations: Failure to Submit Required Annual Reports

Reporting Period(s)	Violation	# of Violations	Class
2019, 2020, 2021, 2022, 2023 (5 years)	Schedule B, Condition 3.a. of the NPDES permit requires the City to submit an annual Inflow and Infiltration (I/I) Report by January 15 each year. To date, the facility has not submitted the required reports for the 2019-2023 reporting periods.	5	II
2019, 2020, 2021, 2022, 2023 (5 years)	Schedule B, Condition 3.c. of the NPDES permit requires the City to submit an annual Reclaimed Water Report by January 15 each year. To date, the	5	II

Reporting Period(s)	Violation	# of Violations	Class
	facility has not submitted the required reports for the 2019-2023 reporting periods.		

The facility was cited previously for late submittals of annual recycled water and I/I reports in a Pre-Enforcement Notice issued July 19, 2019 (2019-PEN-4760). Those previously cited reports were submitted late up through 2018. However, DEQ does not have records that the facility has submitted the required annual reports in 2019 to present.

Failing to timely submit a report or plan as required by rule, permit, or license unless otherwise classified is a Class II violation (OAR 340-012-0055(2)(b)). There are ten (10) occurrences of this violation.

Violations: Failing to Submit a Complete DMR

The facility submitted inaccurate or incomplete information to DEQ on the following DMRs:

Reporting Month	Violation	# of Violations	Class
October 2023 – September 2024 (12 months)	Failure to Submit a Complete DMR for the NPDES reporting.	12	III

On all DMRs reviewed listed above, the spreadsheets need to contain statement and clear information showing the specific days the facility is discharging to the creek and/or discharging to the irrigation storage pond or land applying recycled water. While the NetDMR submittals contain use of NODI codes for months the facility reports stating “No Discharge”, other months where discharge is reported to occur do not clearly demonstrate on which days the discharges occurred.

In accordance with DEQ’s Enforcement Rules, failing to submit a complete DMR as required in Schedule B of the permit is a Class III violation (OAR 340-012-0055(3)(a)). There are twelve (12) violations of this type.

Violations: Failure to Monitor

In accordance with Schedule B of the NPDES permit, the City of Dufur is responsible for the following monitoring and reporting violations:

Reporting Month	Violation	# of Violations	Class
November 2023 (1 month)	Facility did not monitor effluent ammonia-nitrogen (required monthly) when discharging.	1	I
February 2024 (29 days)	Facility did not monitor Creek Flow (MGD) for days of discharge for the entire month (required daily while discharging).	29	I

Reporting Month	Violation	# of Violations	Class
February 2024 (29 days)	Facility did not monitor Creek Temperature (F) for days of discharge for the entire month (required daily while discharging).	29	I

The permit contains an effluent limit for ammonia, and per reporting provided to DEQ, the facility discharged to the creek from November 1 – November 8th. Without effluent ammonia data, DEQ cannot verify compliance with the ammonia limit. Without flow and creek temperature data, DEQ cannot verify compliance with surface water temperature and flow limits in Schedule A. In accordance with DEQ’s Enforcement Rules, failing to collect monitoring data required in Schedule B of the permit is a Class I violation (OAR 340-012-0055(1)(o)). There are fifty-nine (59) violations of this type.

Violations: NPDES Permit Effluent Limit Violations

Schedule A, Condition II.1 of the permit establishes effluent limits for the parameters in the table below. The City failed to meet the required effluent limits on the violation dates shown. The MAO executed between DEQ and the City (MAO No. WQ/M-ER-07-083 with Amendments 1-9) does not provide interim effluent limits for the bacterial limits required to be met when the facility discharges to the creek.

Effluent Limit Exceedances

Effluent Limit	Effluent Limit Exceedance			Flow Data	
	Reported Result (% over limit <u>or</u> multiple of limit)	Violation Date	Violation Class	Stream Flow Date of Sample (15 Mile Creek)	Effluent Flow Date of Sample
<i>E. coli</i> Monthly Log Mean shall not exceed 126 organisms/100mL	235 organisms/100mL (1.8 times)	February 2024	III	Not Reported	0.175 MGD Monthly Average
<i>E. coli</i> Single Sample Maximum: 406 organisms/100mL	517 organisms/100mL (1.2 times)	February 12, 2024	III	Not Reported	0.167 MGD
<i>E. coli</i> Single Sample Maximum: 406 organisms/100mL	1550 organisms/100mL (3.8 times)	February 21, 2024	III	Not Reported	0.197 MGD

Exceedance of a bacteria limit, such as *E. coli*, by less than five times the limit is a Class III violation (OAR 340-012-0055(3)(b)). There are three (3) occurrences of Class III violations of this type.

Violations: Failure to develop and maintain a Quality Assurance and Quality Control Plan

Schedule D, Condition 2(d)(i) of the WPCF permit requires the facility to develop and implement a written Quality Assurance Plan. The facility did not have a quality assurance plan on file for in-house analyses conducted and for sampling/storage procedures for analyses sent off-site.

Violation details:

- a) Failure to maintain a QA/QC manual for in-house analyses (pH, temperature). Procedures for storage, shipping, and hold time compliance must be detailed in the QA/QC plan. DEQ maintains guidance for self-monitoring laboratories for the most frequent analyses required by wastewater permits: wqp147guideMonitor.pdf (oregon.gov)

Failure to implement quality assurance procedures is a Class II violation. See OAR 340-012-0053(2). Class I violations are the most serious violations; Class III violations are the least serious.

Corrective Actions Required

The City must ensure that all permit requirements are met, including Schedule A effluent limits and the interim limits provided by the Mutual Agreement and Order (MAO No. WQ/M-ER-07-083 with Amendments 1-9). All required monitoring and reporting must be conducted as per the permit schedules.

- 1) The following items need to be corrected and NetDMR resubmitted for each month as identified below:

By January 3, 2025: All DMRs for the period of October 2023 – September 2024 must be corrected to clearly show discharge status to the creek, to irrigation storage, or to land application. It must be clear to the permittee and DEQ which days the facility was discharging as opposed to only use of NODI codes in NetDMR. The facility needs to update each of the Excel Spreadsheets for the above DMRs to clearly show days when discharging to the creek and/or discharging to the irrigation storage pond and/or land applying effluent. The facility must ensure the spreadsheets accurately match what is entered in NetDMR regarding discharge status and provide DEQ a written statement that DMRs have been corrected by the due date. See Page 33 of the NetDMR User Guide for instructions on how to correct and resubmit a DMR: WQP-guide-NETDMR-Useguide.pdf

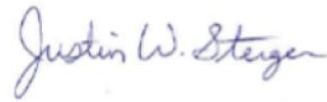
- 2) **By January 3, 2025:** The facility must submit the required Inflow and Infiltration and Recycled Water Annual Reports for the 2019-2023 reporting periods. Templates of the required reports were provided to the City by email on 11/22/2024.
- 3) **By February 28th, 2025:** The facility must submit to DEQ a written Quality Assurance Plan to affirm compliance with the permit requirements.

Summary

This letter is a pre-enforcement notice and this matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of potential 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 Pre-Enforcement Notice 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 new information you submit and take appropriate action. DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, the corrective actions included, or desire any follow-up technical assistance, please contact me at (541) 633-2016.

Sincerely,

A handwritten signature in blue ink that reads "Justin W. Sterger".

Justin W. Sterger
Senior Water Quality Permit Writer

cc: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
Water Quality Data Team
Oregon Records Management System (ORMS)
DEQ Office of Compliance and Enforcement
Kathy Bostik, City of Dufur