



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Pendleton Office
800 SE Emigrant Ave., Suite 330
Pendleton, OR 97801
(541) 276-4062

December 12, 2024

Joyce Bornstedt, Public Works Director
Baker City
PO Box 650
Baker City, OR 97814

RE: **Warning Letter 2024-WL-9739**
Baker City
NPDES permit #101632, EPA OR ID# OR0020699
WQ file #5324
WQ – Baker County

Dear Mrs. Bornstedt:

Baker City (City) operates a wastewater collection and treatment system under the National Pollution Discharge Elimination System (NPDES) Permit No. 101632 and Water Pollution Control Facilities (WPCF) Permit No. 103287. The NPDES permit authorizes the City to discharge treated effluent to the Powder River in accordance with the following Schedule A.1 limits:

Parameters	Limitations				
	Average Effluent Concentrations		Mass Loading (Based on the average dry weather design flow to the facility equaling 2.0 MGD)		
	Monthly mg/l	Weekly mg/l	Monthly Average lb/day	Weekly Average lb/day	Daily Maximum lbs
BOD ₅	45	65	750	1100	1500
TSS	85	140	1400	2100	2800
Other Parameters		Limitations (cont.)			
pH		Shall be within the range of 6.0 - 9.0.			
Total Residual Chlorine		Shall not exceed 0.02 mg/l for a daily average.			
<i>Escherichia coli</i> (<i>E. coli</i>) bacteria		Shall not exceed a 30 day log mean of 126 organisms per 100 ml. No single sample shall exceed 406 organisms per 100 ml (See Note 1/).			
BOD ₅ and TSS percent removal efficiency		Shall not be less than 65% monthly average on a concentration basis.			
Thermal Load (See note 2/) and TMP (See note 3/)		Shall not exceed 74.8 kcal/day			

On the City's Discharge Monitoring Report (DMR) for May 2024, the following exceedances were reported:

Report Date	Parameter	Permit Limit	Reported Value	% Exceedance
05/31/2024	Effluent BOD ₅ monthly average (mg/L)	Monthly Average: 45 mg/L	65 mg/L	44%
05/31/2024	Effluent BOD ₅ weekly average (mg/L)	Weekly Average: 65 mg/L	75 mg/L	15%
05/31/2024	Effluent Solids, Suspended Percent Removal (%)	≥ 65%	62%	9%

The City also self-reported the violations on a noncompliance report form (Attachment 1), submitted on June 13, 2024. The report cited a rapid algal bloom in the first week of May and ceased discharge after the second week.

Violations

Based on review of the DMR and noncompliance report, DEQ has concluded that Baker City is responsible for the following three (3) violations of the NPDES permit:

Monitoring Period Date	Violation	Class
May 2024	Violating a technology based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by 20 percent or more, but less than 50 percent, for biochemical oxygen demand (BOD); OAR 340-012-0055(2)(a).	II
Week 2, May 2024	Violating a technology based effluent limitation in an NPDES permit if the discharge level exceeds the limitation by less than 20 percent biochemical oxygen demand (BOD); OAR 340-012-0055(3)(b).	III
May 2024	Failing to achieve a removal efficiency established in an NPDES permit; OAR 340-012-0055(3)(c).	III

Class I violations are considered to be the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

Environmental Impact of Violations

Exceeding concentration limits for BOD can have negative impacts on the receiving stream and aquatic species by reducing instream dissolved oxygen concentrations. High suspended solids concentrations can block light from reaching submerged vegetation, reducing photosynthesis and dissolved oxygen. Suspended solids also decrease water clarity, which can affect the ability of fish to see and catch food. Suspended sediment can also clog fish gills, reduce growth rates, decrease resistance to disease, and prevent egg and larval development. When suspended solids settle to the bottom of a water body, they can smother the eggs of fish and aquatic insects, as well as suffocate newly hatched insect larvae. To minimize the amount of organic material discharged into public waters, federal and state laws require all sewage treatment system to meet minimum percent removal requirements. This requirement is to ensure that treatment systems are being operated to a certain minimum level of performance. Failure to achieve minimum percent removal requirements is an indicator that the treatment system is either not being efficiently operated or that the treatment system is in need of an upgrade.

Summary and Referral for MAO

NPDES Permit No. 101632 was issued to Baker City on November 17, 2003. DEQ received a renewal application on April 29, 2008, and the permit was administratively extended at that time. Due to ongoing compliance and anticipated future permit limits, Baker City entered into an Mutual Agreement & Order with the state (MAO modification WQ/M-WR/16-058 Amendment No. 2 effective September 9, 2021) requiring the City evaluate and select plant upgrades for meeting limits. Baker City selected a plan to construct an irrigation storage lagoon. The MAO provided the City with a condition to complete construction of the lagoon, in addition to provided interim limits during the needed upgrades. Construction was completed on the irrigation storage lagoon in December 2023. Due to completion of the irrigation storage lagoon, the MAO was terminated on May 19, 2023.

On January 19, 2022, Baker City submitted an application for a Water Pollution Control Facilities (WPCF) permit. The City intended to terminate NPDES Permit No. 101632 once the WPCF permit is issued and the system began operating without need for surface water discharge. A WPCF permit was issued to the City, including authorization of land application of recycled water upon approval of a Recycled Water Use Plan (RWUP). Shortly after this time, trapped air/gasses were reported underneath the lagoon liner. The liner has not completed repair and is currently not in use, therefore the City cannot distribute recycled water. The matter is currently in litigation and is not anticipated to be resolved within six months.

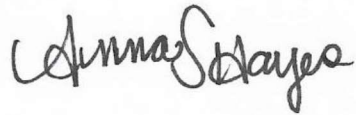
The City was required to re-establish connection to Outfall 001 (Powder River), chlorination and dichlorination units. The City requested a new MAO with interim limits for discharge to the Powder River on June 21, 2023. DEQ responded with a request for more recent data so that interim limits could be developed, however, data are still be analyzed, therefore, an MAO has not yet been issued to the City. Presently the City is dually permitted under both the NPDES and WPCF permitting programs, with plans to terminate the NPDES permit in the future.

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Although this is a warning letter, and does not require formal enforcement action, this matter is being referred to the Office of Compliance and Enforcement for consideration of an upfront MAO.

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 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, flowing style.

Anna Morgan-Hayes
Permit Writer and Compliance Specialist
Water Quality Permitting

ec: Mike Hiatt, Manager, Eastern Region, DEQ
Justin Sterger, Eastern Region, DEQ
Carl Makepeace, Eastern Region, DEQ
Rick Owens, Wastewater Supervisor, Baker City
John France, City Manager, Baker City
Brandon Mahon, PE, CWRE Anderson Perry Engineering
Oregon Records Management Solution

Attachment 1: Baker City, Oregon – Noncompliance Report Form, June 13, 2024

Oregon Department of Environmental Quality DEQ State of Oregon Department of Environmental Quality		
Noncompliance Reporting Form		
For all permit violations, including monitoring requirements.		
Use this form to report all instances of noncompliance <i>except</i> 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: City of Baker City		
Contact Name: Rick Owens		
Phone: 541-524-2020	Email: rowens@bakercity.gov	Date: 6/13/2024
DEQ Permit #: 101632	DEQ File #: 5324	EPA ID #: OR 002069-9
Has non-compliance been corrected?: ☒ Yes ☐ No		
Expected time noncompliance is expected to continue: N/A		
Date/Time Started: 5/5/2024 Date/Time Stopped : 5/10/2024		
Description of Noncompliance: Exceeded BOD weekly and monthly average; TSS % removal was lower than permit minimum.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
- A noncompliance which may endanger health or the environment - An unanticipated bypass which exceeds any effluent limitation in this permit - An upset which exceeds any effluent limitation in this permit - Violation of a maximum daily discharge limitation	Yes	☒ No ☐
	Yes	☐ No ☒
	Yes	☐ No ☒
	Yes	☒ No ☐
If yes to any of the above, complete the rest of this section.		
OERS Number: N/A		
Signs posted? Where?: N/A		
Media contacted? Who?: N/A		
List any other steps taken to notify the public and/or state and federal agencies: N/A		
CAUSE(S)		
Cause or suspected cause(s): During the first week of May, a rapid algae bloom caused a rise in effluent pH, TSS and BOD5.		

Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA			
Rainfall (for storm-related noncompliance): N/A	inches	Design Storm: N/A	inches
Source of rainfall data: N/A			
CORRECTIVE ACTIONS			
List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.			
Actions taken (describe): Wastewater staff stopped discharge on 5/10/2024 due to high pH approaching permit limit. Lab results for weeks 1 and 2 of May had not yet been received before stopping discharge.			
Actions planned and schedule for those actions (describe): Continue to work with lab on receiving lab results as soon as available while closely monitoring effluent pH.			
COMMENTS			
Comments: Because Baker City uses outside labs to perform tests, operators are typically 2 weeks behind on receiving test results from the time samples were taken. Under our previous expired MAO, BOD weekly and monthly limits would not have been exceeded.			

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.



Authorized Signature
Rick Owens

Name (print)
Wastewater Treatment Plant Operator

Title (print)

6/13/2024

Date
541-524-2020

Phone
rowens@bakercity.gov

Email