



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

January 9, 2025

Mr. Levi Tickner
Public Works Director
City of Joseph
P.O. Box 15
Joseph, OR 97846-0015

RE: Pre-Enforcement Notice
City of Joseph
2025-PEN-9786
File #44329, NPDES permit #101602
Wallowa County

Dear Levi Tickner:

The City of Joseph operates a domestic wastewater treatment facility with discharge to Prairie Creek under National Pollutant Discharge Elimination System (NPDES) Permit #101602. Based on review of Discharge Monitoring Reports (DMRs) submitted as required by the NPDES permit for the period of January 2024 – November 2024 (11 months), DEQ has documented three (3) violations of Oregon environmental law. With each violation, the facility failed to comply with the terms and conditions of NPDES Permit #101602, which is a violation of ORS 468B.025(2).

Violation: Effluent Limit Exceedance for Ammonia

Schedule A, Table A3 of the permit establishes effluent limits required for the facility's discharge to Prairie Creek. NPDES Permit Modification #1, which became effective on June 7, 2023, required completion of Schedule C and adherence to the final permit effluent ammonia limits by November 1, 2024. Thus, until November 1, 2024, the interim ammonia limits remained in effect as the ammonia treatment system was not yet operational. The ammonia effluent limits in your permit are water quality based effluent limits (WQBELs).

The final and interim limits are shown in the excerpt below:

November 1 – May 31	Limits
	The daily maximum effluent concentration limit is 0.15 mg/L.
Final ammonia limits	Upon completion of the upgrades described in Schedule C, the following water-quality based effluent limits are in effect: The monthly average effluent concentration limit is 4.2 mg/L. The daily maximum effluent concentration limit is 6.3 mg/L. The final ammonia limits become effective on the dates specified in Schedule C, Condition 1b.
Interim ammonia limits	Until the upgrades in Schedule C are complete, the following performance-based effluent concentration limits are in effect: The monthly average effluent concentration limit is 11.6 mg/L. The daily maximum effluent concentration limit is 21.2 mg/L.
Excess thermal load (see note c)	Maximum 7 day rolling average must not exceed 7,020 Mcal/day. Excess thermal load limit only applies to discharge during April and May.

Based on submitted NetDMR data, the facility failed to meet the interim effluent ammonia limits for the monitoring periods shown in the table below:

Interim Ammonia Effluent Limit	Reported Result	Monitoring Period	Violation Class	Receiving stream flow (monthly average)*	Flow used to calculate the WQBEL
Monthly average effluent concentration of 11.6 mg/L	19.831 mg/L (71% exceedance)	March 2024	I	7.8 cfs	20 cfs

*Source for receiving streamflow from USGS Flow Gage No. 13325000 East Fork Willowa River Near Joseph, OR. No receiving streamflow data for Prairie Creek available or required for the permittee to monitor in March 2024.

Violating a WQBEL in an NPDES permit is a Class I violation (OAR 340-012-0055(1)(I)).

Please note that in future reporting that your DMRs should report values in the same number of significant figures as the permit limit (i.e. in the March 2024 report, it should have been reported as “19.8 mg/L” using rounding convention. The reported value is included in the table above. DEQ guidance for this process can be found here: [Significant Figures and Rounding for Permitting](#).

The City must immediately ensure that all effluent limitations are met, including all Schedule A effluent limits.

Violations: Failure to Monitor

Schedule B.3, Table B2 of the NPDES permit requires the facility to monitor discharged effluent Quarterly for the November 1 – May 31 period:

Alkalinity (for effluent characterization purposes)	mg/L	November 1 – May 31	Once per calendar quarter	Grab	1. Raw data
Hardness (for effluent characterization purposes)	mg/L	November 1 – May 31	Once per calendar quarter	Grab	1. Raw data

The facility confirmed that monitoring for Alkalinity and Hardness was not performed for the first quarter of 2024 (January – March) although discharge occurred in the month of March.

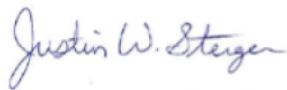
The City must ensure that all Schedule B monitoring requirements are met and reported to DEQ as required by the assigned permit. Failing to monitor is a Class I violation per OAR 340-012-0055(1)(o).

Summary

The violation cited above are being referred to the DEQ Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of civil penalties and/or a Department order. A formal enforcement action may include a civil penalty assessment 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 or desire any follow-up technical assistance, please contact me at (541) 633-2016.

Sincerely,



Justin W. Sterger
Senior Water Quality Permit Writer

cc: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
Alyssa Witt, DEQ
Dan Larman, City of Joseph Administrator
DEQ Office of Compliance and Enforcement
Water Quality Data Team