



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 8, 2025

Mr. Casey Mordhorst, Public Works Director
Mr. Dan Cummings, City Manager of Ontario
City of Ontario
1551 NW 9th Street
Ontario, OR 97914

Re: Pre-Enforcement Notice
City of Ontario
2025-PEN-9785
File 63631, NPDES 101633
Malheur County

Dear Mr. Cummings,

The City of Ontario (City) is permitted under National Pollution Discharge Elimination System (NPDES) permit No. 101633, with Modifications 1-3. Schedule C, #11 of the permit required the facility to submit an effectiveness report documenting the effectiveness of the Pollutant Reduction Program by May 1, 2024.

1211	Source Reduction	May 1, 2024	Pollutant Source Identification and Reduction Program: The permittee will complete the identified reductions options from the approved Pollutant Reduction Program by March 1, 2024 and prepare a Pollutant Reduction Effectiveness Report that quantifies the progress made with each identified reduction option. This will primarily be comprised of a summary of reported loading data from each of the preceding Pollutant Reduction Annual Reports, although supplemental data for specific sources will be valuable. The permittee must update and revise the reduction program to maintain on-going reduction efforts and implement additional reductions measures (if identified).	Complete of elements identified in the approved Pollutant Reduction Program. Submit reduction effectiveness report. Update program to maintain current reduction efforts and implement any newly identified reduction efforts.
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According to the communication provided, the City did not submit the effectiveness report as required (Attachment 1).

Reporting Violation:

This report has not been submitted to DEQ; therefore, the City is responsible for the following violation of the permit and Oregon Environmental Law:

Date	Violation	Class
May 1, 2024	Violating a requirement or condition of a commission or department order, consent order, agreement, consent judgment (formerly called judicial consent decree) or compliance schedule contained in a permit or permit; OAR 340-012-0053(1)(a)	I

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

Corrective Action:

Based on the information provided to DEQ, the City is responsible for the following corrective actions:

1. **By January 15, 2025**, the City of Ontario must submit an effectiveness report as described in the NDPES permit, Modification 3, Schedule C, Table C-1, Item 11.

The violations cited above have been referred to the DEQ’s Office of Compliance and Enforcement for formal enforcement action due to prior enforcement action of similar nature. 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) 246-4562.

Sincerely,



Anna Morgan-Hayes

Water Quality Compliance Specialist

- cc: Mike Hiatt, ER Water Quality Permitting and Compliance, DEQ
Stuart Blois, ER Water Quality Permitting and Compliance, DEQ
Carter Thomas, DEQ
Marshall Pierce, PE, Jacobs, City of Ontario
Neil DeJonge, Wastewater Treatment Supervisor, Jacobs, City of Ontario

WQ Data Crew

Attachment 1: Email Communication, Ontario, Oregon, January 7, 2025

From: [Pierce, Marshall](#)
To: [MORGAN-HAYES Anna * DEQ](#); [Mordhorst, Casey](#)
Cc: [BLOIS Stuart * DEQ](#); [DeJonge, Neil](#)
Subject: RE: City of Ontario Schedule C compliance deliverables
Date: Tuesday, January 7, 2025 10:43:33 AM
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)

Hi Anna,

From what I have gathered, it was not. We plan to submit it by the end of this week.

Thank you,

Marshall Pierce, P.E. | [Jacobs](#) | City Engineer | [City of Ontario](#)
C: 703.347.2363 | marshall.pierce@jacobs.com

From: MORGAN-HAYES Anna * DEQ <Anna.MORGAN-HAYES@deq.oregon.gov>
Sent: Tuesday, January 7, 2025 10:18 AM
To: Pierce, Marshall <Marshall.Pierce@jacobs.com>; Mordhorst, Casey <Casey.Mordhorst@jacobs.com>
Cc: BLOIS Stuart * DEQ <Stuart.Blois@deq.oregon.gov>
Subject: [EXTERNAL] RE: City of Ontario Schedule C compliance deliverables

Hi Marshall,

Do you know if the effectiveness report was submitted to DEQ? We do not have anything in our records that I can find at this time.

Thanks,



Anna Morgan-Hayes
Eastern Region Water Quality Permitting and Compliance
Oregon Department of Environmental Quality
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Bend, OR 97701
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