



Oregon

Tina Kotek, Governor

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

January 17, 2025

Jen Krajcik, Artificial Production Supervisor
?Imtwaha Fish Hatchery
CTUIR Department of Natural Resources
Nixyaawii Governance Center
46411 Timine Way
Pendleton, OR 97801

RE: **Pre-Enforcement Notice**
Confederated Tribes of Umatilla – ?Imtwaha Fish Hatchery
2025-PEN-9801
NDPES permit # 103227
WQ file #126275
WQ – Umatilla County

Dear Mrs. Krajcik,

The Confederated Tribes of the Umatilla Indian Reservation's (Permittee) is permitted under the National Pollution Discharge Elimination System (NPDES) for the ?Imtwaha Fish Hatchery, NPDES Permit No. 103227.

Schedule B.1, Table B.3 provides effluent monitoring frequency requirements at Outfalls 001 and 002. The permit requires the facility continuously monitor and report effluent temperature year-round. Similarly, Table B.3 requires the facility to monitor for effluent pH at each outfall.

Table B3: Outfall 001 and 002 Effluent Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action See note a.	Report Statistic See note b.
Temperature (00010)	°C	Year-round	Daily	Continuous	Daily Maximum Max 7-day Average (see note c.)
pH (00400)	SU	Year-round	Weekly	Continuous/Grab	Daily Maximum Daily Minimum
pH Excursion >60min (82581)	occur/mo	Year-round	Monthly	Calculated	Total
pH Excursion Total Accum (82582)	min	Year-round	Monthly	Calculated	Total

DEQ conducts routine review of the facility's Discharge Monitoring Reports (DMRs) for purposes of assessing compliance with the NPDES permit. Additionally, the facility self-reported violations in noncompliance report forms on July 13, 2024 (Attachments 1 and 2) and subsequent DMR attachments on August 15, 2024.

The permittee reported failing to collect monitoring data for daily effluent temperature Outfall 001 and Outfall 002 from June 27, 2024 through July 11, 2024 and from June 26, 2024 through July 8, 2024 respectively. The permittee also reported failing to collect monitoring data for effluent pH from Outfall 001 and Outfall 002 from June 30, 2024 through July 13, 2024 and from June 26, 2024 through July 8, 2024 respectively. The lapse in monitoring was documented as equipment malfunction where monitoring was conducted but data was lost and resolved shortly after discovery.

In a previous enforcement (2024-PEN-8930) issued on January 31, 2024, the facility was cited for failing to collect quarterly monitoring data required by Schedule B, Table B5, from South Fork Walla Walla River. Upon further review it has been determined that the facility failed to collect quarterly monitoring for pH, which was not previously cited in the enforcement notice; therefore, it is noted as a violation in this notice.

Table B5: Receiving Stream Monitoring (South Fork Walla Walla River)

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type / Required Action	Report Statistic See note a.
pH (00400)	SU	Third year of permit cycle [2023]	Quarterly	Grab	Value

Monitoring Violations

Based on this review, DEQ has concluded that the Confederated Tribes of the Umatilla Indian Reservation ?Imtwaha Fish Hatchery is responsible for the following thirty-two (32) violations of its permit and Oregon environmental law:

Monitoring Period	Violation	Class	Number of Violations
June 27 – July 11, 2024 (15 days)	Failing to collect daily effluent temperature monitoring data at Outfall 001 required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I	15
June 26 – July 8, 2024 (13 days)	Failing to collect daily effluent temperature monitoring data at Outfall	I	12

Monitoring Period	Violation	Class	Number of Violations
	002 required in Schedule B of the permit; OAR 340-012-0055(1)(o).		
June 30 – July 13, 2024 (2 weeks: Sunday June 30 to Saturday, July 13)	Failing to collect weekly effluent pH monitoring data at Outfall 001 required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I	2
June 26 – July 8, 2024 (1 week: Sunday, June 30 to Saturday, July 6)	Failing to collect weekly effluent pH monitoring data at Outfall 002 required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I	1
Q4 of 2023 due January 15, 2024	Failing to collect quarterly receiving water pH monitoring data at South Fork Walla Walla River required in Schedule B of the permit; OAR 340-012-0055(1)(o).	I	1

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

Environmental Impact of Violations

Fulfilling the mandatory monitoring and reporting conditions is an important obligation. Without monitoring and evaluation of data supplied by required monitoring, the facility, DEQ, and the public are unable to evaluate the effectiveness of the system. An ineffective treatment system can cause water quality impairments and/or public health hazards.

Referral for DEQ Formal Enforcement Action

The violation cited above posed the risk of significant environmental harm and the matter is being referred to the DEQ's 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 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 541-246-4562.

Sincerely,

Confederated Tribes of the Umatilla Indian Reservation 'Imtwaha Fish Hatchery
January 17, 2025
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Anna Morgan-Hayes
Water Quality Permit Writer and Compliance
Specialist
Eastern Region, DEQ

cc: Mike Hiatt, WQ Manager, Eastern Region, DEQ
Megan Poskaitis, WQ Permitting, HQ DEQ
Alyssa Witt, Water Quality, Eastern Region DEQ
Roxy Nayar, Tribal Liaison, HQ DEQ
Oregon Records Management Solution

Attachment 1: Noncompliance Reporting Form [Outfall 002], Confederated Tribes of Umatilla Indian Reservation Walla Walla Hatchery [?Imtwaha Fish Hatchery], August 15, 2024



Oregon Department of Environmental Quality

Noncompliance Reporting Form

For all permit violations, including monitoring requirements.

Use this form to report all instances of noncompliance *except* 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: Confederated Tribes of Umatilla Indian Reservation Walla Walla Hatchery		
Contact Name: Jason Thomas		
Phone: 541-429-7248	Email: jasonthomas@ctuir.org	Date: 8-15-24
DEQ Permit #: 103227	DEQ File #: 126275	EPA ID #: OR0044717
Has non-compliance been corrected?: ☒ Yes ☐ No		
Expected time noncompliance is expected to continue:		
Date/Time Started: 6-26-2024 09:12	Date/Time Stopped : 7-11-24 07:52	
Description of Noncompliance: Temperature and pH was not monitored at Outfall 001.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
☐ A noncompliance which may endanger health or the environment	Yes ☐	No ☒
☐ An unanticipated bypass which exceeds any effluent limitation in this permit	Yes ☐	No ☒
☐ An upset which exceeds any effluent limitation in this permit	Yes ☐	No ☒
☐ Violation of maximum a daily discharge limitation	Yes ☐	No ☒
If yes to any of the above, complete the rest of this section.		
OERS Number:		
Signs posted? Where?:		
Media contacted? Who?:		
List any other steps taken to notify the public and/or state and federal agencies:		
CAUSE(S)		
Cause or suspected cause(s): The Kor software and firmware updated during an attempt to download data on July 9, 2024. This update resulted in the loss of data since the last download on June 26, 2024, the cancellation of the deployment and reset of the deployment templates that are used for continuous monitoring of pH and temperature. The equipment was re-deployed on July 9 but the data was lost again on July 11, 2024.		

Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA	
Rainfall (for storm-related noncompliance):	inches
Design Storm:	inches
Source of rainfall data:	
CORRECTIVE ACTIONS	
List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.	
Actions taken (describe):	
Once the equipment at Outfall 001 failed on July 11, the pump-back system was turned on to sent all hatchery discharge to Outfall 002 where the equipment was successfully in deployment.	
Actions planned and schedule for those actions (describe):	
There seem to be programming issues with the software/firmware of these probes. To mitigate the effects of these issues I am taking extra steps at each time I connect the laptop to the equipment to view data. Step 1) download and export any data that is automatically downloaded. Step 2) Open the deployment and deployment templates and verify that the equipment is deployed. Step 3) Select "Open Template" and re-select the template for editing to "Save and Apply Template to Sonde."	
The pump-back will remain on to ensure compliance with monitoring requirements of this permit.	
COMMENTS	
Comments:	
Since taking the steps to assign the deployment template (described in "actions planned and scheduled for those actions"), no other crash events have occurred.	

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.

Jason Thomas

Digitally signed by Jason Thomas
Date: 2024.08.15 10:31:36 -07'00'

Authorized Signature

Jason Thomas

Name (print)

Hatchery Manager

Title (print)

8-15-24

Date

541-429-7248

Phone

jasonthomas@ctuir.org

Email

Attachment 2: Noncompliance Reporting Form [Outfall 002], Confederated Tribes of Umatilla Indian Reservation Walla Walla Hatchery [?Imtwaha Fish Hatchery], August 15, 2024



Oregon Department of Environmental Quality

Noncompliance Reporting Form

For all permit violations, including monitoring requirements.

Use this form to report all instances of noncompliance *except* 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: Confederated Tribes of Umatilla Indian Reservation Walla Walla Hatchery		
Contact Name: Jason Thomas		
Phone: 541-429-7248	Email: jasonthomas@ctuir.org	Date: 8-15-24
DEQ Permit #: 103227	DEQ File #: 126275	EPA ID #: OR 0044717
Has non-compliance been corrected?: ☒ Yes ☐ No		
Expected time noncompliance is expected to continue:		
Date/Time Started: 6-26-2024 09:12	Date/Time Stopped: 7-9-2024 13:29	
Description of Noncompliance: Temperature and pH was not monitored at Outfall 002.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes ☐	No ☒
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes ☐	No ☒
• An upset which exceeds any effluent limitation in this permit	Yes ☐	No ☒
• Violation of maximum a daily discharge limitation	Yes ☐	No ☒
If yes to any of the above, complete the rest of this section.		
OERS Number:		
Signs posted? Where?:		
Media contacted? Who?:		
List any other steps taken to notify the public and/or state and federal agencies:		
CAUSE(S)		
Cause or suspected cause(s): The Kor software and firmware updated during an attempt to download data on July 9, 2024. This updated resulted in the loss of data since the last download on June 26, 2024, the cancellation of the deployment during the software/firmware update and a reset of the deployment templates that are used for continuous monitoring of pH and temperature at Outfall 002.		

Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA					
Rainfall (for storm-related noncompliance):		inches	Design Storm:		inches
Source of rainfall data:					
CORRECTIVE ACTIONS					
List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.					
Actions taken (describe):					
On July 9, 2024 updates were completed for the software and monitoring equipment by approximately 13:00 hours. This was confirmed by checking the deployment for successfully logged and downloadable data. Successful deployments was verified each morning of July 10 and July 11, 2024. YSI technical support was contacted on the morning of August 1, prior to attempting a download and as an attempt to recover lost data from June 26-July 9. Before attempting the download, I asked for instruction to allow (or not) any updates to the software or firmware and was advised that any updates could be allowed. I successfully downloaded and saved the data for July 9-August 1 and re-set the deployment. I then notified YSI of additional issues with the software described in the comments below.					
Actions planned and schedule for those actions (describe):					
There seem to be programming issues with the software/firmware of these probes. To mitigate the effects of these issues I am taking extra steps at each time I connect the laptop to the equipment to view data. Step 1) download and export any data that is automatically downloaded. Step 2) Open the deployment and deployment templates and verify that the equipment is deployed. Step 3) Select "Open Template" and re-select the template for editing to "Save and Apply Template to Sonde."					
COMMENTS					
Comments:					
No data was able to recovered from June 26-July 9. After the data was successfully downloaded and saved for July 9-August 1, I received a notification that the Kor software is going to crash and was given an option to save the crash data. I selected the option to save the data, created a folder for the crash data, but it did not save. After the crash event, I reopened the Kor software and re-set the deployment. I also attempted to access the previous data for July 9-August 1 and could no longer open and save the data. I notified YSI of the software crash and attempted to send the crash data but notified them that it did not save. I was advised to attempt to deploy the other equipment at Outfall 001. The equipment was successfully re-deployed but another Kor crash event occurred but this time the crash data was successfully saved. I repeated the deployment and assignment of the deployment template and contacted YSI to send the crash data. The data was in video format. I received feed back from YSI tech support that the crash data shows the sensor resetting on occasion but he does not know why. Since taking the steps to assign the deployment template (described in "actions planned and scheduled for those actions"), no other crash events have occurred.					

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.

Jason Thomas

Digitally signed by Jason Thomas
Date: 2024.08.15 09:51:29 -07'00'

Authorized Signature

Jason Thomas

Name (print)

Hatchery Manager

Title (print)

8-15-24

Date

541-429-7248

Phone

jasonthomas@ctuir.org

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