



Oregon

Tina Kotek, Governor

Department of Environmental Quality

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December 26, 2024

Nathan Frarck, City Administrator
City of Amity
PO Box 159
Amity, OR 97101-0159

Re: Pre-Enforcement Notice
Amity Wastewater Treatment Plant
2024-PEN-9762
NPDES Permit #101924, EPA ID OR0026212
File 2772
WQ-Yamhill County

Dear Mr. Frarck,

On November 14, 2024, DEQ conducted a compliance evaluation inspection at the City of Amity's wastewater treatment plant. The purpose of the inspection was to determine compliance with the conditions of National Pollutant Discharge Elimination System permit number 101924, issued to the City on September 2, 2010. The findings are summarized below. I have enclosed a copy of the inspection report checklist that provides additional information.

Site Visit

I met with you and Greg Binks, Public Works Superintendent. Also present during the inspection was Jennifer Maglinte-Timbrook, DEQ WQ Compliance Assurance Specialist. The aerators for Pond #1 are not working correctly, the sand filter of the tertiary filter is not working, the recycled waster reuse flow meter needs to be replaced and there is vegetation growth on the walls of the chlorine contact chamber.

Permit Violations

DEQ has concluded that the City of Amity is responsible for violations of its permit as follows. Class I violations are the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

Schedule A Violations

Schedule A of the permit lists the waste discharge limitations. City violated these limitations as shown in Tables 1-4 below.

Table 1 – BOD Load Limit Violations

Exceeded monthly average, weekly average, and/or daily maximum limits of 39, 58, and 78 pounds per day, respectively, as follows.

Monitoring Period	Limit	Reported or Corrected Value	Percentage Over Limit	Violation Class
November 2022	Monthly average	53	36%	II
January 2023	Monthly average	73	87%	I
February 13, 2023	Daily Maximum	347	345%	I
February 2023	Monthly Average	175	349%	I
Week of Feb 12-18, 2023	Weekly Average	347	498%	I
February 2024	Monthly Average	62	59%	I
February 7, 2024	Daily Maximum	83	6%	III
Week of Feb 4-10, 2024	Weekly Average	83	43%	II
March 2024	Monthly Average	49	26%	II
Week of Mar 10-16, 2024	Weekly Average	62	7%	III

Violating BOD loading limits is a Class I violation if the discharge level exceeds the limit by 50% or more per OAR 340-012-0055(1)(k); a Class II violation if the discharge level exceeds the limit by 20% or more but less than 50% per OAR 340-012-0055(2)(a); and a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(2)(a).

Table 2 - Total Suspended Solids Load Limit Violations

Exceeded monthly average, weekly average, and/or daily maximum limits of 64, 96, and 130 pounds per day, respectively, as follows.

Monitoring Period	Limit	Reported or Corrected Value	Percentage Over Limit	Violation Class
February 2023	Monthly Average	75	17%	III

Violating TSS loading limits is a Class III violation if the discharge level exceeds the limit by less than 20% per OAR 340-012-0055(2)(a).

Table 3 – BOD Percent Removal Limit Violations

Failed to achieve minimum percent removal efficiency of 85 percent for BOD as follows.

Monitoring Period	Parameter	Reported or Corrected Value	Violation Class
January 2023	BOD	84%	III

Failing to achieve a removal efficiency established in a permit is a Class III violation per OAR 340-012-0055(3)(c).

Table 4 – pH Limit Violations

Exceeded the compliance range of 6.4 to 9.0 as follows.

Monitoring Period	Parameter	Reported Value	Over/Under Limit by how much?	Violation Class
November 22, 2023	Daily Minimum	6.2	<1	III
November 10, 26, 27, 28, & 29, 2023	Daily Minimum	6.3	<1	III
December 1, 8, 9, 10, 12, 14, 21,22, 25, & 26 2023	Daily Minimum	6.3	<1	III

If the discharge is outside the permitted pH range by 1 pH unit or less, it is a Class III violation per OAR 340-012-0055(3)(b).

Schedule B Violations

1. Schedule B, condition 1 of the permit requires the City to us a QA/QC program to analyze samples in the laboratory. The City failed to create and follow a QA/QC plan. This is a Class II violation per OAR 340-012-0055 (2)(d).

2. Schedule B, condition 2(a) of the permit requires the City to report monitoring results by the 15th day of the following month. Amity failed to report on time as noted below. These are Class II violations per OAR 340-012-0055(2)(b).
 - a. Oct 2022 – 60 days late;
 - b. Nov 2022 – 4 days late;
 - c. Feb 2023 – 21 days late
 - d. Sep 2023 – 15 days late; and
 - e. Nov 2023 – 11 days late.

3. Schedule B, condition 2(a) of the permit requires the City to report monitoring results. The City failed to report accurate results in September 2024. The City reported a negative influent flow number on September 4, 2024. This is a Class III violation per OAR 340-012-0055(3)(a)

Other Violations

1. Schedule F, Section B, condition 1 of the permit requires the City to operate and maintain all facilities and systems of treatment that are installed to achieve compliance with the conditions of the permit. The City failed to operate and maintain the tertiary sand filter at the wastewater treatment plant and failed to keep vegetation from growing on the chlorine contact chamber This is a Class II violation per OAR 340-012-0055(2)(d).

2. Schedule F, Section B, condition 8 of the permit requires the City to develop and implement an emergency response and public notification plan. The City failed to develop and implement this plan. This is a Class II violation per OAR 340-012-0055(2)(b).

Requested Corrective Actions

Please submit documentation that the following issues have been corrected:

1. A written Emergency Response and Public Notification Plan needs to be established and followed, using the checklist listed in the inspection checklist document. It must be kept on hand at the treatment plant, distributed to staff, and updated whenever necessary. Please submit this plan by March 1, 2025.
2. A QA/QC program needs to be developed and implemented for the permit testing completed on-site, using the checklist listed in the inspection checklist document. Please submit this plan by April 1, 2025.
3. Certified NIST thermometers need to be purchased for all equipment that requires controlled temperatures (lab refrigerator, composite samplers, etc). Please submit a notice that thermometers have been purchased by February 15, 2025.
4. Lab chemicals such as bacteria analysis and chlorine residual supplies should be replaced. Please submit a notice that these chemicals have been purchased by February 15, 2025.
5. Develop Recycled Water Use Plan and have Department approval before irrigating in the 2025 season. Plan must be submitted to DEQ by April 1, 2025.

Recommendations

DEQ has the following recommendations for the City:

1. Use the preventative maintenance software they own to track maintenance. This should include a spare parts inventory list.
2. Load bank all the stand-by generators as per manufacturer recommendations.
3. Have at least two people reviewing DMR data prior to submitting electronically. This will prevent data entry mistakes and train a second person in the use of the NetDMR system.
4. Investigate the tertiary sand filter operation and maintenance.

5. Determine and map the discharge locations of all storm drains and floor drains within the treatment facility.
6. Sterilize bacteria monitoring supplies in the autoclave and track sterilization to ensure the proper QA/QC procedures are followed.
7. Track lab chemicals to ensure they are within their expiration dates and proper QA/QC procedures are followed.
8. Maintain and provide visible signing for eyewash stations within the control building and disinfection building.
9. Test alarm systems to make sure they are notifying the appropriate personal. These tests should be documented.
10. Collect daily site data within a bound log book.
11. Post signs at edge of property where recycled water is in use.

These are serious violations and, accordingly, they are being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action. Formal enforcement action may result in assessment of a civil penalty and/or DEQ order. Civil penalties can 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 the new information you submit and take appropriate action.

If you have any questions, please contact me in writing at brenda.kuiken@deq.oregon.gov or by phone at (503) 893-0924.

Sincerely,



Brenda Kuiken
WQ Compliance Specialist

cc: DEQ Salem Office file
ec: Ranei Nomura, Manager, Western Region DEQ
Oregon Records Management Solutions
Greg Binks, Public Works Superintendent