



Oregon

Tina Kotek, Governor

Department of Environmental Quality
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February 6, 2025

Jayne Bennett, City Manager
City of Mosier
PO Box 456
Mosier, OR 97040-0456

Re: Pre-Enforcement Notice
2025-PEN-9830
File 58650, NPDES 101495
Wasco County

Dear Ms. Bennett,

The City of Mosier (City) is permitted under National Pollution Discharge Elimination System (NPDES) permit No. 101495. DEQ regularly conducts compliance review of Discharge Monitoring Reports (DMRs) and annual reports in accordance with the NPDES permit program. Based on a review of DMRs and noncompliance reports submitted to DEQ for October 2024 – November 2024, the City reported five (5) violations of the NPDES permit.

Effluent Violations:

Schedule A.1(b) of the NPDES permit provides year-round effluent limits and resampling procedures for effluent *E. coli* bacteria:

Table A3: Limits for Additional Parameters

Year-round (except as noted)	Limits
E. coli Bacteria (see Note a.)	Monthly log mean (same as geometric mean) may not exceed 126 organisms per 100 ml. No single sample may exceed 406 organisms per 100 ml.
<p>Note:</p> <p>a. No single <i>E. coli</i> sample may exceed 406 organisms per 100 mL; however, the Department will not cite a violation of this limit if the permittee takes at least 5 consecutive re-samples collected over five consecutive work days beginning as soon as practicable (preferably within 28 hours) after the original sample(s) were taken and the log mean of the five re-samples is less than or equal to 126. <i>E. coli</i> per 100 ml.</p>	

The City reported the following effluent *E. coli* single sample exceedances on DMRs for months October 2024 – November 2024:

Date Sampled	Permit Limit (Single Sample) (orgs/100mL)	Reported Daily Value (mg/L)	Exceedance of the Limit (factor)	Resampling Data	Daily Effluent Flow from the Plant (MGD)
10/01/2024	No single sample may exceed 406	1,011.2	2.5	*n.d.	0.0331
10/08/2024		461.1	1.2	**incomplete	0.0864
10/14/2024		2,419.6	6.0	**incomplete	0.0403
11/25/2024		613.1	1.5	*n.d.	0.0360
11/26/2024		1,119.9	2.8	* n.d.	0.0619

Notes:

*n.d. – No resampling data were collected for this single sample exceedance event.

**incomplete – At least five resampling events did not occur, as required by the resampling provision in Schedule A.1(b), Table A3, Note a.

Noncompliance reports submitted to DEQ (Attachments 1 and 2) reference an “aged failing UV system with outdated components and very low UVT % transmittance” as the reason for all five single sample exceedances. The City also noted that the lab contracted for bacterial analysis is closed over the weekends and on holidays, therefore, the facility was unable to resample at the time of exceedance.

The UV system has been identified for repair and/or upgrade in a previous Pre-Enforcement Notice (2024-PEN-9619) and the City has since submitted plans for replacement to DEQ. Further violations may occur until the system is replaced, however, the City has purchased equipment and materials to perform in-house bacteria testing. This will allow the facility to conduct resampling as provided in Schedule A.1(b) of the NPDES permit.

Additionally, the October and November 2024 DMRs submitted to DEQ reflected incorrect reporting for effluent *E. coli*.

Based on review, these are violations of the NPDES permit and ORS 468B.025(2):

Date	Violation	Class
October 1, 2024	Violating a technology based effluent limitation, except for removal efficiency, in an NPDES permit if the discharge exceeds a bacteria limit by less than five times the limit; OAR 340-012-0055(3)(b).	III
October 8, 2024	Violating a technology based effluent limitation, except for removal efficiency, in an NPDES permit if the discharge exceeds a bacteria limit by less than five times the limit; OAR 340-012-0055(3)(b).	III
October 14, 2024	Violating a technology based effluent limitation, except for removal efficiency, in an NPDES or WPCF permit if the discharge exceeds a bacteria limit by a factor of five or more; 340-012-0055(2)(a).	II
November 25, 2024	Violating a technology based effluent limitation, except for removal efficiency, in an NPDES permit if the discharge exceeds a bacteria limit by less than five times the limit; OAR 340-012-0055(3)(b).	III
November 26, 2024	Violating a technology based effluent limitation, except for removal efficiency, in an NPDES permit if the discharge exceeds a bacteria limit by less than five times the limit; OAR 340-012-0055(3)(b).	III

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

Corrective Actions

The City of Mosier is required to complete the following corrective actions by the timeline provided:

1. By **March 15, 2025** the City of Mosier must resubmit DMRs for October 2024 and November 2024 to accurately reflect effluent *E. coli* reporting in accordance with *NetDMR User Guide* (pgs. 17-18, Attachment 3) in EPA's NetDMR.

Referral for DEQ Formal Enforcement Action

This matter is 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 notice are in error, you may provide information to me. 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,



Anna Morgan-Hayes

Water Quality Permitting & Compliance Specialist

cc: Mike Hiatt, DEQ
WQ Data Crew, DEQ
ORMS
Chris McCalib, TEC
Stoner Bell, City of Mosier

Attachment 1: City of Mosier Noncompliance Report, October 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: Mosier WWTP		
Contact Name: Chris McCalib		
Phone: 206-909-1546	Email: chris@tec-nw.com	Date: 10/15/2024
DEQ Permit #: 101495	DEQ File #:	EPA ID #: OR 0028045
Has non-compliance been corrected?: <input type="radio"/> Yes <input checked="" type="radio"/> No		
Expected time noncompliance is expected to continue: 5-6 months (intermittently)		
Date/Time Started: 10/1/2024		Date/Time Stopped : on-going
Description of Noncompliance: UV system is obsolete and has three year old bulbs, quartz, power models, and the plants transmittance is constantly in the low to mid 40% effluent quality. Ecoli values are not constant with the plants biological performance and has intermediate high spikes in Ecoli values over permit 406 value.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes <input checked="" type="radio"/>	No <input type="radio"/>
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• An upset which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• Violation of maximum a daily discharge limitation	Yes <input checked="" type="radio"/>	No <input type="radio"/>
If yes to any of the above, complete the rest of this section.		
OERS Number: #1?		
Signs posted? Where?: Near outfall discharge point, beach point		
Media contacted? Who?: Will post on City Website		
List any other steps taken to notify the public and/or state and federal agencies: Emailed DEQ within hours of recieveing additiional high E Coli tests not in conformance with permit		
CAUSE(S)		
Cause or suspected cause(s): Aged failing UV system with outdated components and very low UVT % transmittance. Plant will double check process UVT% tests with outside labs, and then investigate source control from industrial users in collection system.		

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): Additional tests for 5 consecutive days from each higher than allowed value is in place. Daily cleaning of the UV system has been mandated.	
Actions planned and schedule for those actions (describe): Preparing UV replacement report and pricing is underway.	
COMMENTS	
Comments:	

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
Chris McCalib

 Name (print)
President of TEC

 Title (print)

10/15/2024

 Date
206-909-1546

 Phone
Chris@TEC-NW.com

 Email

Attachment 2: City of Mosier Noncompliance Report, November 27, 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.

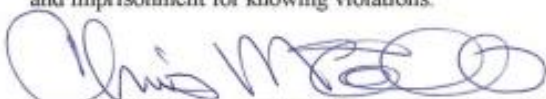
FACILITY / CONTACT INFORMATION		
Name of Permittee: Mosier WWTP		
Contact Name: Chris McCalib		
Phone: 206-909-1546	Email: chris@tec-nw.com	Date: 11/27/2024
DEQ Permit #: OROO28045	DEQ File #:	EPA ID #: OR 0028045
Has non-compliance been corrected?: <input type="radio"/> Yes <input checked="" type="radio"/> No		
Expected time noncompliance is expected to continue: 5-6 months (intermittently)		
Date/Time Started: 10/1/2024		Date/Time Stopped : on-going
Description of Noncompliance: UV system is obsolete and has three year old bulbs, quartz, power models, and the plants transmittance is constantly in the 45-50% effluent quality. Ecoli values are not constant with the plants biological performance and has intermediate high spikes in Ecoli values over permit 406 value.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes <input checked="" type="radio"/>	No <input type="radio"/>
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• An upset which exceeds any effluent limitation in this permit	Yes <input type="radio"/>	No <input checked="" type="radio"/>
• Violation of maximum a daily discharge limitation	Yes <input checked="" type="radio"/>	No <input type="radio"/>
If yes to any of the above, complete the rest of this section.		
OERS Number: #OROO28045		
Signs posted? Where?: Near outfall discharge point, beach point		
Media contacted? Who?: posted on City Website		
List any other steps taken to notify the public and/or state and federal agencies: <small>Evaluated DEQ same day (11/26/24) of receiving additional high E Coli tests results (461.1 MPN) from outside lab testing. Talked with permit manager on 11/27/24 to inform DEQ that additional 5 day testing is not available because outside lab is not open due to the holidays and holding samples will exceed hold times. Additional weekly compliance test from 11/26/24 reported by phone as 1119.0 MPN</small>		
CAUSE(S)		
Cause or suspected cause(s): Aged failing UV system with outdated components and low UVT % transmittance. UVT% tests indicate low 50% UVT from testing done in October. UV system cleaning and house keeping has been doubled to try to maintain optimum UNC dosage. Industrial flow generators have been talked with and counicled on BMP's to aid in discharging non UV adsorbance type compounds into the system. UV replacement memo course of action has been submitted to DEQ for review.		

Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA	
Rainfall (for storm-related noncompliance): n/a	Design Storm: n/a
inches	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): Additional tests for 5 consecutive days starting from the 11/26/24 notification from each higher value is not available to the City until Monday 12/2/24 due to outside lab being shut down for the holidays. Daily cleaning of the UV system has been mandated to staff.	
Actions planned and schedule for those actions (describe): UV replacement report and pricing is has been submitted for review.	
COMMENTS	
Comments:	

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

Chris McCalib

Name (print)

President of TEC

Title (print)

11/27/2024

Date

206-909-1546

Phone

Chris@TEC-NW.com

Email

Attachment 3: *NetDMR User's Guide- How to Complete and Submit Electronic Discharge Monitoring Reports*, ODEQ, 2021 (pages 17-17 only)

How do I enter *E. coli* results in NetDMR?

E. coli limits in NPDES permits

National Pollutant Discharge Elimination System permits for facilities that discharge into freshwater require *E. coli* monitoring and reporting. The limits are:

- Must not exceed a monthly geometric mean of 126 organisms/100 mL.
- No single sample may exceed 406 organisms/100 mL.

However, the permittee may demonstrate compliance with the single sample limit if:

- Resampling is done within the time specified by the permit (typically a minimum of five consecutive re-samples at four-hour intervals beginning within 28 hours after the original sample was taken); AND
- The geometric mean of the resamples is less than or equal to 126 organisms/100 mL. All resamples that meet quality control requirements must be included in the calculation.

Reporting *E. coli* in NetDMR

NetDMR has two rows for reporting *E. coli* monitoring results: row Q and row R. Note that the monthly limit is the same in both rows Q and R, but the daily maximum (single sample) limit is not included on row R.

You must report data in only one row. Do not enter monitoring results in both rows Q and R. Enter NODI code 9 - Conditional Monitoring – Not Required This Period in the unused row.

Parameter		NODI	Quality or Concentration				# of Ex.	Freq. of Analysis	Smpl. Type
Code	Name	List	Value 1	Value 2	Value 3	Units	List	List	
51040	<i>E. coli</i>	Smpl.	=	=		#/100mL		01/07	GR
Q - See Comments						List			
Season: 2		Req.	<= 126 Monthly Geometric	<= 406 Daily Maximum		Number per 100 Milliliters		Weekly	GRAB
NODI:		NODI							
51040	<i>E. coli</i>	Smpl.	=	=		#/100mL		01/07	GR
R - See Comments						List			
Season: 2		Req.	<= 126 Monthly Geometric	Req Mon Daily Maximum		Number per 100 Milliliters		Weekly	GRAB
NODI:		NODI							

Enter data in Row Q and NODI code 9 in Row R if:

- Resampling was not performed, regardless of whether any limits are exceeded; OR
- Resampling was performed, but did not meet the resampling requirements in the permit; OR
- Resampling was performed and the geometric mean of one or more of the resampling events is GREATER than 126organisms/100mL.

Enter data in Row R and NODI code 9 in Row Q only if:

- One or more result is greater than 406 organisms/100mL, AND
- Resampling was conducted in accordance with permit requirements; AND
- The geometric mean of each resampling event is less than 126 organisms/100mL.

When is an *E. coli* special report required?

You must attach a special report to the NetDMR submittal whenever resampling is conducted. The report must include the results of all resamples and the geometric mean of these resamples. All *E. coli* monitoring done within the allowable resampling period specified in the permit must be included in the geometric mean, including any monitoring conducted after the initial high sample and prior to the beginning of resampling. For instance, if a facility monitors *E. coli* daily and the resampling began after the next day’s regular monitoring, the result from the regular monitoring must be included in the geometric mean for determining a violation of the high single sample. Also, the monthly geometric mean must be calculated using all *E. coli* monitoring results that meet quality assurance and quality control requirements. This includes all results that exceed the single sample limit and all resample results.

What do I need to include in the *E. coli* special report?

Your *E. coli* resampling special report must contain the following:

1. Resample Results and Calculations: For each resampling event, include a table with all results taken after the high sample within the period allowed by the permit and calculation of the geometric mean of these results, AND
2. Calculation of Monthly Geometric Mean: A table with all *E. coli* results that pass QA/QC, including the result that exceeded the daily limit and the resample results, with the calculation of the geometric mean of all these values.

Example *E. coli* resampling special report

In this example, the resample results are less than 126 organisms/100 mL. Enter NODI code 9 in row Q and enter the data in row R. The monthly geometric mean is 14.5 organisms/100mL and the daily maximum is >2420 organisms/100mL. For the monthly geometric mean calculation, “>2420” is replaced with the value 2420, and the resample values are also included.

	Date	Time	Result	Geomean
Original Sample	9/7/18	8:00	>2420.0	
Resamples	9/8/18	10:05	13.0	17.7
	9/8/18	2:10	11.0	
	9/8/18	6:05	8.6	
	9/8/18	10:01	50.0	
9/9/18	2:06	28.5		
Daily	1	9/1/18		
	2	9/2/18		
	3	9/3/18		
	4	9/4/18		
	5	9/5/18	8.6	
	6	9/6/18	344.8	
	7	9/7/18	2420.0	
	8	9/8/18		
	9	9/9/18		
	10	9/10/18		
	11	9/11/18	15.6	
	12	9/12/18	24.1	
	13	9/13/18	49.6	
	14	9/14/18		
	15	9/15/18		
	16	9/16/18		
	17	9/17/18		
	18	9/18/18	3.1	
	19	9/19/18	2.0	
	20	9/20/18	3.0	
	21	9/21/18		
	22	9/22/18		
	23	9/23/18		
	24	9/24/18		
	25	9/25/18		
	26	9/26/18	1.0	
	27	9/27/18	2.0	
	28	9/28/18	6.3	
	29	9/29/18		
	30	9/30/18		
	Monthly Geometric Mean			14.5

Example: *E. coli* resampling special report.