



# 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

March 10, 2025

Kyle Willman, Wastewater System Superintendent  
City of Pendleton  
4255 SW 28<sup>th</sup> Drive  
Pendleton, Oregon 97801-1721

RE: **Warning Letter**  
City of Pendleton  
NPDES permit # 100982/ WQ file # 68260  
EPA OR ID# OR0026395  
2025-WL-9857  
WQ – Umatilla County

Dear Mr. Willman:

The City of Pendleton is permitted to operate a wastewater treatment facility under a National Pollution Discharge Elimination System (NPDES) Permit No. 100982. On November 13, 2024, The City submitted a noncompliance report to DEQ stating that an influent 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) sample had failed quality control, therefore was not used in the calculation of monthly statistics (Attachment 1). Subsequently, samples met quality control methods, and enough data were determined to report summary statistics for influent BOD<sub>5</sub> with a qualifier in NetDMR. Resampling was not conducted, however, the City did meet all other weekly sampling requirements for the month of November 2024. Corrective actions were taken, and the issue was quickly resolved (Attachment 2).

Based on review and correspondence, DEQ has concluded that the City of Pendleton is responsible for the following violation of the NPDES permit:

**Violation: QA/QC Failure**

Date	Violation	Violation Class
November 6, 2024	Violating any management, monitoring, or operational plan established pursuant to a waste discharge permit, unless otherwise classified; OAR 340-012-0055(2)(d)	I

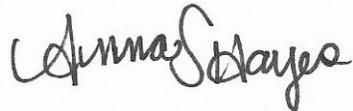
Class I violations are considered to be the most serious violations; Class III violations are the least serious.

### Summary

This notice is a warning letter. DEQ does not intend to take formal enforcement action at this time. However, should you repeat any of these violations the matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a DEQ order. Civil penalties may 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 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](mailto:anna.morgan-hayes@deq.oregon.gov) or at 541-246-4562.

Sincerely,



Anna Morgan-Hayes  
Water Quality Permit Writer & Compliance  
Eastern Region, DEQ

ec: Mike Hiatt, WQ Manager, Eastern Region, DEQ  
Blair Edwards, Environmental Engineer, Eastern Region, DEQ  
Oregon Records Management Solution

**Attachment 1: Noncompliance Report Form, City of Pendleton, November 13, 2024**

Oregon Department of Environmental Quality

**DEQ** **Noncompliance Reporting Form**  
State of Oregon  
 Department of  
 Environmental  
 Quality

**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: Pendleton Wastewater Treatment Plant		
Contact Name: Kyle Willman		
Phone: 541-276-3372	Email: kyle.willman@pendletonor.gov	Date: 11/13/24
DEQ Permit #: 100982	DEQ File #: 68260	EPA ID #: OR
Has non-compliance been corrected?: <input checked="" type="radio"/> Yes <input type="radio"/> No		
Expected time noncompliance is expected to continue: Noncompliance was an isolated incident.		
Date/Time Started: 11/5/2024 <span style="float: right;">Date/Time Stopped : 11/5/2024</span>		
Description of Noncompliance: Laboratory QC failed. The settled primary used as a seed sample for BOD testing had an unusually high dissolved BOD. This seed caused our correction factor to be unusually large and the DO to drop much lower than anticipated.		
AGENCY AND PUBLIC NOTIFICATION		
Was the non-compliance one of the following:		
• A noncompliance which may endanger health or the environment	Yes <input type="radio"/>	No <input checked="" 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 type="radio"/>	No <input checked="" type="radio"/>
If yes to any of the above, complete the rest of this section.		
OERS Number:		
Signs posted? Where?: na		
Media contacted? Who?: na		
List any other steps taken to notify the public and/or state and federal agencies: We have called and left a message for our compliance officer. We have also sent notification by email as well as sending this form.		
CAUSE(S)		
Cause or suspected cause(s): We suspect that some sort dissolved BOD was introduced into the system. Operators noticed a sweet smell, we had our aeration basin air requirement increase, and BOD samples of both the primary and influent were high.		

## Oregon DEQ Noncompliance Reporting Form

continued

RAINFALL DATA	
Rainfall (for storm-related noncompliance): <u>na</u> inches	Design Storm: <u>na</u> inches
Source of rainfall data: <u>na</u>	
CORRECTIVE ACTIONS	
List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.	
Actions taken (describe): Call manufactures in our system to see if they had a notable incident that my have caused the high soluble BOD. After speaking with local manufactures no incident was noted although they could not rule out being a source of high BOD. The laboratory will adjust our dilutions of samples in BOD to allow more room for DO drops.	
Actions planned and schedule for those actions (describe): The laboratory will adjust our dilutions of samples in BOD testing to allow more room for DO drops.	
COMMENTS	
Comments: Testing in our laboratory also effects the cities we do BOD testing for.	

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  
  
Kyle Willman  
 \_\_\_\_\_  
 Name (print)  
  
RLF Superintendent  
 \_\_\_\_\_  
 Title (print)

11-13-2024  
 \_\_\_\_\_  
 Date  
  
541-429-1950  
 \_\_\_\_\_  
 Phone  
  
Kyle.Willman@pendletonor.gov  
 \_\_\_\_\_  
 Email

## Attachment 2: Corrective Action, City of Pendleton, November 13, 2024 Noncompliance Documentation and Corrective Action Form

Authored By: J. Schneider

Initiated By:	Jessica Schneider	Date Initiated:	11/13/2024
Contact Log:	Called Anna Marqan-Hayer at 5412464562 left a message at 12:07pm 11/13/24 JLS Sent email to Anna Marqan-Hayer and Kyle with noncompliance form attached 1:26pm 11/13/24 JLS Called 1(800)452-0311 per out off office email from Anna 1:29pm 11/13/24 JLS OERS Number 2024-2943		
Identified Problem:	Seed sample correction factor is outside of a normal operating value. Both the primary and influent BOD samples had unusually high BOD values. The operators noted on 11/5/24 when composite samples were started that there was a sweet smell coming from the primary and that the blowers were running hard to keep DO values in the aeration basin at appropriate values. Effluent final (5 day) dissolved oxygen values were unexpectedly low and many were below the 1mg/L lower limit. BOD samples from 11/6/2024 passes all QC tests and had the DO come in within in range (at least 2mg/l depletion and above 1mg/l remaining). As with all wastewater the city of Pendleton does not have control of what comes into our facility. I believe that we had a higher load of dissolved BOD come into the plant on 11/5/2024. In an attempt to identify where the high dissolved BOD came from Kyle contacted Barhyte Foods to see if they had any records of abnormalities.		
Sample:	Seed QC Sample, Effluent Samples, Farm Sample		
Sample Container:	BOD sample bottle provided by PRRF Lab, Composite Sample B		
Intake Criteria:	All samples meet intake Criteria		
Reagent:	na		
Procedure:	Procedure for BOD was followed correctly		
Incubator:	Was properly operating		
Other:			
Is the corrective action warranted?	Yes		
If corrective action is taken how will the affected data be treated?	Seeded sample data will be discarded this data will be provided in a separate report. Raw samples from this data set will be designated with an 'E'		
Corrective Action Taken:	Choosing a dilution for BOD testing is done based of the TSS value for the sample and intuitional and historical knowledge of the wastewater facility the sample came from. Two different facilities can have the same TSS value and be set with different dilutions based on intuitional and historical knowledge. TSS does not distinguish between organic and inorganic material. Dissolved BOD is not accounted for in a test for TSS. The laboratory has a new employee that does not have the intuitional knowledge yet. I (JLS) have been reviewing her set values and will continue to do so. While the samples were set in line with our SOP and standard methods in the future our goal end DO will be raised to a target end DO of 4mg/l.		
Effectiveness of Corrective Action:	BOD values set on 11/6/24 were all within normal ranges. This leads me to believe that the problem came from outside of the laboratory. As with all DO values and BOD values we will continue to monitor them. In July of 2024 the laboratory had another instance of failed QC. This instance was a scenario were all 3 QC checks were outside acceptable limits. Leading to think the problem was within the laboratory.		
Signature:			Date of Completion:

Add footer

## Noncompliance Documentation and Corrective Action Form

Authored By: J. Schneider

**BOD Worksheet Manager**  
 File Edit Read Hatch

Worksheet #: **WS-241106-0001**  Sample Date: **Wednesday, November 6, 2024**

Analyst:  Incubation Period:  to

Seed Correction (mg/l) per ml of seed added: Seed  Notes:

	Sample Name	Bottle #	Sample Volume (ml)	Seed Volume (ml)	Initial Temp (Deg C)	Initial pH	Initial DO (mg/l)	Final Temp (Deg C)	Final DO (mg/l)	DO %	O2 Dept (mg/l)	Seed Factor (mg/l)	BOD (mg/l)	Final BOD (mg/l)
1	Blank	1	300.00	0.00	20.70	7.02	8.87	19.60	8.84		0.03			
2		2	300.00	0.00	20.70	7.02	8.87	19.60	8.84		0.03			
3	GGA	1	6.00	2.00	20.70	7.02	8.87	19.60	2.55	2.00	6.32	1.98	216.90	216
4		2	6.00	2.00	20.70	7.02	8.87	19.60	2.57	2.00	6.30	1.98	215.90	
5	Seed	1	7.00	0.00	20.70	7.02	8.82	19.60	1.88	2.33	6.94	0.00	297.43	297
6		2	10.00	0.00	20.70	7.02	8.80	19.60	0.97	3.33	7.83	0.00	234.90	
7	Effluent	1	250.00	2.00	20.70	7.02	9.40	19.60	1.36	83.33	8.04	1.98	7.27	7.27
8		2	300.00	2.00	20.70	7.02	9.54	19.60	0.94	100.00	8.60	1.98	6.62	
9	Primary	3	5.00	0.00	20.70	7.02	8.82	19.60	2.85	1.67	5.97	0.00	358.20	344
10		4	7.00	0.00	20.70	7.02	8.75	19.60	0.95	2.33	7.80	0.00	234.29	
11	Influent	10	3.00	0.00	20.70	7.02	8.95	19.60	3.47	1.00	5.38	0.00	538.00	537.63
12		11	5.00	0.00	20.70	7.02	8.82	19.60	0.92	1.67	7.90	0.00	474.00	
13	Stanfield Effluent	20	100.00	2.00	20.70	7.02	8.39	19.60	0.88	33.33	7.51	1.98	16.58	17
14		21	150.00	2.00	20.70	7.02	7.87	19.60	0.86	50.00	7.01	1.98	10.06	
15	Stanfield Influent	22	3.00	0.00	20.70	7.02	8.77	19.60	5.91	1.00	2.86	0.00	286.00	272
16		23	5.00	0.00	20.70	7.02	8.77	19.60	4.48	1.67	4.29	0.00	267.40	
17	Unatilla TRCI	33	3.00	0.00	20.70	7.02	8.84	19.60	4.14	1.00	4.70	0.00	470.00	426
18		34	5.00	0.00	20.70	7.02	8.83	19.60	2.48	1.67	6.35	0.00	381.00	
19	Athens Influent	47	15.00	0.00	20.70	7.02	8.73	19.60	5.44	5.00	3.29	0.00	65.80	62
20		48	12.00	0.00	20.70	7.02	8.71	19.60	3.99	4.00	4.72	0.00	118.00	
21	Milton Effluent	50	100.00	2.00	20.70	7.02	8.76	19.60	0.97	33.33	7.79	1.98	17.42	17
22		51	150.00	2.00	20.70	7.02	8.68	19.60	0.92	50.00	7.76	1.98	11.96	
23	Milton Influent	52	3.00	0.00	20.70	7.02	8.82	19.60	5.58	1.00	3.24	0.00	324.00	307
24		53	5.00	0.00	20.70	7.02	8.83	19.60	3.99	1.67	4.84	0.00	290.40	
25	Milton Farm	60	150.00	2.00	20.70	7.02	10.27	19.60	1.10	50.00	9.17	1.98	14.38	14
26		61	200.00	2.00	20.70	7.02	10.69	19.60	0.90	66.67	8.79	1.98	11.71	
27	Heppner Effluent	110	100.00	2.00	20.70	7.02	8.26	19.60	0.99	33.33	7.27	1.98	15.86	15
28		111	150.00	2.00	20.70	7.02	7.46	19.60	0.92	50.00	6.54	1.98	9.12	
29	Heppner Influent	112	3.00	0.00	20.70	7.02	8.77	19.60	6.31	1.00	2.46	0.00	246.00	231
30		113	5.00	0.00	20.70	7.02	8.79	19.60	5.12	1.67	3.67	0.00	220.20	