



Oregon

Tina Kotek, Governor

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

March 10, 2025

Nathan Lyon, Public Works Director
City of Milton-Freewater
PO Box 6, 501 Lamb Street
Milton-Freewater, Oregon 97862-0006

RE: **Warning Letter**
City of Milton-Freewater
2025-WL-9855
WPCF Permit #102123
WQ file #57016
WQ – Umatilla County

Dear Mr. Lyon,

The City of Milton-Freewater (City) is permitted under a Water Pollution Control Facility (WPCF) permit authorizing the City to operate a wastewater treatment facility with land application of recycled water. On November 18, 2025, DEQ received a notice of noncompliance from the City for violating single sample limits for *E. coli* while discharging to the land application site (Attachment 1), reporting a single sample value of 1,732.9 organisms per 100 mL on October 29, 2024.

Schedule A.3(b) of the WPCF permit provides limits for effluent *E. coli* in recycled water:

- | |
|---|
| <p>b. Wastewater effluent from the trickling filter treatment plant, prior to land application, shall receive at least the equivalent of secondary treatment and disinfection to reduce <i>Escherichia coli</i> (<i>E. coli</i>) bacteria levels such that the monthly log mean shall not exceed 126 organisms per 100 ml. No single sample shall exceed 406 organisms per 100 ml. However, no violation will be found for an exceedance if the permittee takes at least five consecutive re-samples, at four hour intervals beginning as soon as practicable (preferably within 28 hours) after the original sample was taken and the log mean of the five re-samples is less than or equal to 126 organisms per 100 ml.</p> |
|---|

While the permit provides a resampling provision, the City cites receiving delayed notification from the lab, therefore, could not resample in a timely manner. The City evaluated appropriate

corrective actions including reviewing sampling procedures with staff, disinfecting sampling refrigerator, and putting in place a procedure for immediate notification between the lab and City when results show exceedances.

Violation

Based on this review, DEQ has concluded that City of Milton-Freewater is responsible for the following violation of its permit and Oregon environmental law:

1. Violating a technology based effluent limitation in a WPCF permit if the discharge of recycled water exceeds a bacteria limit by an amount equal to or less than five times the limit: OAR 340-012-0055(2)(a), a Class II violation.

Class I violations are considered to be the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

Environmental Consequences

E coli bacteria are used as an indicator of the possible presence of pathogens in the environment and the risk of disease. Contact with contaminated water can lead to ear or skin infections, and inhalation of contaminated water can cause respiratory diseases.

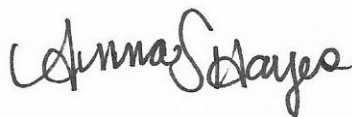
Summary

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 can be assessed for each day of violation.

If you believe any of the facts in this letter 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 in writing, at anna.morgan-hayes@oregon.gov, or at 541-246-4562.

Sincerely,



Anna Morgan-Hayes
Permitting and Compliance

City of Milton-Freewater
March 7, 2025
Page 3 of 7

Water Quality Permitting, Eastern Region

cc: Mike Hiatt, Water Quality Permitting & Compliance Eastern Region, DEQ
Chad Morris, City Manager, Milton-Freewater
ec: Oregon Records Management Solution

Attachment 1: Noncompliance Report, Milton-Freewater, November 19, 2024



City of Milton-Freewater

PO Box 6, 501 Lamb Street, Milton-Freewater, OR 97862

November 19, 2024

Oregon DEQ
Anna.morgan-hayes@deq.oregon.gov

City of Milton-Freewater
Permit Number: 102123
File Number: 57016

The City's effluent samples from our wastewater treatment plant are taken to the City of Pendleton's Wastewater Lab for analysis. Our E. coli sample result for October 29 was forwarded to us from the Lab via E-mail delivery to our wastewater plant operator, Nathan Lyon. Such results indicated a highly elevated final resulted level of 1732.9 #/100 ml, which exceeds our single sample permitted limit of 406 organisms per 100 ml. While the sample exceeded the one daily limit, the monthly log mean did not exceed the limit of 126 organisms per 100 ml. The city was discharging wastewater from our lagoons at our land application facility on October 29th through October 31st, as reported on our October 2024 monthly discharge monitoring report mailed to the DEQ on November 12, 2024.

This resulted in our system being in violation with our permit as outlined:

Schedule A – Waste Discharge Limitations not to be Exceeded after Permit Issuance.

3. b. Wastewater effluent from the trickling filter treatment plant, prior to land application, shall receive at least the equivalent of secondary treatment and disinfection to reduce *Escherichia coli* (E. coli) bacteria levels such that the monthly log mean shall not exceed 126 organisms per 100 ml. No single sample shall exceed 406 organisms per 100 ml. However, no violation will be found for an exceedance if the permittee takes at least five consecutive re-samples, at four-hour intervals beginning as soon as practicable (preferably within 28 hours) after the original sample was taken and the log mean of the five re-samples is less than or equal to 126 organisms per 100 ml.

Due to the city having not been alerted by our lab or not having received the results other than to my work E-mail for the exceedance level for E. coli until the following week upon my return to work on November 4, the optional five added re-samples were not taken as outlined in our permit in order to not have a finding of violation against our permit.

Upon review of such results, I contacted the lab and shared our elevated results and concern that nobody at the city was contacted by any other means besides the usual lab E-mailed results. Discussion was had on whether there could have been an error or contamination of the sample or media used at the lab. Additional samples were submitted to the lab that week for the lab to help confirm if it had to do with a lab issue or if it were

indeed a high sample, or contaminated sample from the city. The E-mail response from the lab is attached to this, and has been sent in with the October DMR as well.

A call was put in to our compliance officer, who was out of the office to discuss the violation. Last Friday, office staff received a call from Anna Morgan-Hayes trying to get in contact with me to discuss the voicemail I had previously left.

Upon my return today, this report has been written along with the completion of the Oregon DEQ Noncompliance Reporting Form for formal submission.

CORRECTIVE ACTIONS:

Actions taken to reduce with the goal of elimination of such reoccurrence have been implemented as follows:

- Sampling procedures have been reviewed with all WWTP personnel to reduce the risk of contamination.
- We also disinfect the sample refrigerator weekly after samples are taken.
- Contact has been made with the lab to put forth a plan to alert the city at any time a result is in exceedance of our permit by a phone call. They are to contact Plant Operator Nathan Lyon at 509-520-9039 or 541-938-8279 or Public Works Superintendent Brian Steadman at 509-301-9007 or 541-938-8272.

All corrective actions are in place currently.

We believe this violation is due to improper handling of a sample, as samples prior to and after such were within our normal means and historical sampling data.

Please don't hesitate to contact me at 509-520-9039 or 541-938-8279 if you have any questions.

Sincerely,



Nathan Lyon
Public Works Supervisor
Wastewater Treatment Plant Operator, Grade 3

cc: Brian Steadman, Public Works Superintendent
Permit# 102123 File – PW Office

- Enc.
1. Oregon DEQ Noncompliance Reporting Form (2 pages)
 2. E-mail to/from City of Pendleton WW Lab (1 page)
 3. Narrative by Nathan Lyon included with October 2024 DMR, mailed 11/12/24 (1 page)
 4. Wastewater Sample Analysis 2024 – 10/1/24, 10/15/24, 10/22/24, 10/29/24, 11/5/24 – showing historical results for E. coli prior to and just after the sample that exceeded our limits on 10/29/24. (5 pages)



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.

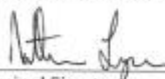
FACILITY / CONTACT INFORMATION		
Name of Permittee: City of Milton-Freewater		
Contact Name: Nathan Lyon		
Phone: 509-520-9039	Email: nate.lyon@milton-freewater-or.gov	Date: 11/19/2024
DEQ Permit #: 102123	DEQ File #: 57016	EPA ID #: OR
Has non-compliance been corrected?: ☒ Yes ☐ No		
Expected time noncompliance is expected to continue:		
Date/Time Started:		Date/Time Stopped :
Description of Noncompliance: Ecoli/100ml sample was at 1732.9 which exceeds our permit at 406/ml per single sample.		
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?: No		
Media contacted? Who?: No		
List any other steps taken to notify the public and/or state and federal agencies:		
CAUSE(S)		
Cause or suspected cause(s): Possible contamination at sampling point by improper handling.		

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): I have gone over sampling procedures with the WWTP personnel to reduce the risk of contamination. We also disinfect the sample refrigerator weekly after samples are taken.			
Actions planned and schedule for those actions (describe): Actions have been put in place.			
COMMENTS			
Comments: Talking with the Pendleton lab I believe we may have contaminated the sample with improper handling here. Since May we have had an Ecoli count of one or less than one. On October 29th the day of the incident we had a chlorine residual of 1.59 which is average for our contact basin.			

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
Nathan Lyon

Name (print)
Wastewater and Solid Waste Supervisor

Title (print)

11/19/2024

Date
1-509-520-9039

Phone
nate.lyon@milton-freewater-or.gov

Email

2 of 2