



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
(541) 388-6146
FAX (541) 388-8283
TTY 711

August 6th, 2025

Kathy Bostick
Public Works
City of Dufur
P.O. Box 145
Dufur, OR 97021

RE:

City of Dufur
2025-PEN-9957
File #25491, NPDES Permit #102478
File #25491, WPCF Permit #103306
Wasco County

Dear Kathy Bostick:

The City of Dufur operates a domestic wastewater treatment plant with facultative and aerated lagoons with discharge to recycled water sites or to Fifteenmile Creek under National Pollution Discharge Elimination System (NPDES) Permit #102478. The facility also holds Water Pollution Control Facilities (WPCF) Permit #103306 as the wastewater systems are upgraded and the land application site has been expanded. Upon completion of the project the NPDES permit will be terminated in accordance with a Mutual Agreement and Order.

Based on the file review associated with violations flagged in NetDMR and self-reporting by the facility, DEQ has documented the following violations of the City's permits and Oregon environmental law. The documented violations constitute a failure to comply with the terms and conditions of the permits, which is a violation of ORS 468B.025(2).

Violations: Failing to Submit a Complete DMR

The facility submitted inaccurate or incomplete information to DEQ on the following DMRs:

Reporting Month	Violation	# of Violations	Class
October 2024 – June 2025	Failure to Submit a Complete DMR for the NPDES permit reporting.	9	III
October 2024 – June 2025	Failure to Submit a Complete DMR for the WPCF permit reporting	9	III

The spreadsheets required with the NPDES submittals in NetDMR must contain statements and clear information showing the specific days the facility is discharging to the creek and/or discharging to the irrigation storage pond or land applying recycled water. DEQ staff cannot accurately review compliance without knowledge of which outfall is being used clearly on the reported DMRs. More detail on these corrections is included in the Corrective Actions section at the end of this letter and were discussed with the facility in a meeting at the facility June 25, 2025.

DEQ also does not have record that the facility has been submitting the required monthly DMRs for the WPCF permit and requested these by email on July 25, 2025.

In accordance with DEQ's Enforcement Rules, failing to submit a complete DMR as required in Schedule B of the permit is a Class III violation (OAR 340-012-0055(3)(a)). There are eighteen (18) violations of this type.

Violations: Failure to Monitor

The permit contains effluent limits for ammonia, BOD₅, TSS, *E. coli*, temperature, and chlorine residual. Per reporting provided to DEQ, the facility discharged during the months of October 2024 – June 2025. Without the above-described influent and effluent data, DEQ cannot verify compliance with the effluent limits and assess performance of the wastewater treatment plant. For instance, without influent BOD₅ and TSS data, DEQ cannot verify compliance with removal efficiency requirements. Without flow and creek temperature data, DEQ cannot verify compliance with surface water temperature and flow limits.

In accordance with Schedule B of the NPDES permit, the City of Dufur is responsible for the following monitoring and reporting violations:

Date	Violation	# of Violations	Class
December 2024	Facility did not monitor effluent ammonia-nitrogen (required monthly) when discharging.	1	I
October 5, 6, 12, 13, 19, 20, 26, and 27, 2024 November 2, 3, 16, 23, 24, and 30, 2024 December 1, 7, 8, 28, 29 and 30, 2024 January 4, 5, 11, 12, 18, 19, 24, 25, 26, 27, 28, 29, 30, and 31, 2025 February 1, 2, 8, 9, 13, 15, 16, 20, 21, 22, 23, 26, 27, and 28, 2025	Facility did not monitor Creek flow (MGD) for days of discharge for the entire month (required daily while discharging).	69	I

Date	Violation	# of Violations	Class
March 1, 2, 15, 16, 22, 23, 29, and 30, 2025 April 20, 26, and 27, 2025 May 3 and 4, 2025 June 21, 22, 25, 26, 27, 28, 29, and 30, 2025			
October 5, 6, 12, 13, 19, 20, 26, and 27, 2024 November 2, 3, 16, 18, 23, 24, and 30, 2024 December 1, 7, 8, 29 and 30, 2024 January 4, 5, 11, 12, 18, 19, 24, 25, and 26, 2025 February 1, 2, 8, 9, 13, 15, 16, 20, 21, 22, and 23, 2025 March 1, 2, 15, 16, 22, 23, 29, and 30, 2025 April 20, 26, and 27, 2025 May 3 and 4, 2025 June 21, 22, 25, 26, 27, 28, 29, and 30, 2025	Facility did not monitor Creek temperature (°F) for days of discharge for the entire month (required daily while discharging).	61	I
November 2, 3, 16, 23, 24, and 30, 2024 December 28, 29, and 30, 2024 January 26, 2025 February 16 and 17, 2025	Facility did not monitor effluent temperature (°F) for days of discharge for the entire month (required daily while discharging).	12	I
November 30, 2024 June 22, 24, and 26, 2025	Facility did not monitor chlorine residual for days of discharge for the entire month (required daily while discharging).	4	I

Date	Violation	# of Violations	Class
March 2025	Facility did not monitor effluent <i>E. coli</i> (required monthly) when discharging.	1	I
November 2024, December 2024, January 2025, February 2025, April 2025, May 2025, and June 2025	Facility did not monitor influent BOD ₅ (required monthly) when discharging.	7	I
December 2024 and January 2025	Facility did not monitor effluent BOD ₅ (required monthly) when discharging.	2	I
November 2024, December 2024, January 2025, February 2025, April 2025, May 2025, and June 2025	Facility did not monitor influent TSS (required monthly) when discharging.	7	I
December 2024 and January 2025	Facility did not monitor effluent TSS (required monthly) when discharging.	2	I
November 2024, December 2024, January 2025, February 2025, April 2025, May 2025, and June 2025	Facility did not monitor effluent BOD ₅ percent removal (required monthly) when discharging.	7	I
November 2024, December 2024, January 2025, February 2025, April 2025, May 2025, and June 2025	Facility did not monitor effluent TSS percent removal (required monthly) when discharging.	7	I

In accordance with DEQ's Enforcement Rules, failing to collect monitoring data required in Schedule B of the permit is a Class I violation (OAR 340-012-0055(1)(o)). There are one hundred eighty (180) violations of this type.

Violations: NPDES Permit Effluent Limit Violations

Schedule A of the permit establishes effluent limits for the parameters in the table below. The City failed to meet the required effluent limits on the violation dates shown. The Mutual Agreement and Order executed between DEQ and the City (MAO No. WQ/M-ER-07-083 with Amendments 1-9) provides the following interim limits for effluent BOD₅, TSS, Temperature, Ammonia-Nitrogen, and BOD₅ and TSS percent removal efficiency.

Parameter	Monthly average effluent concentration	Weekly average effluent concentration	Monthly average effluent load	Weekly average effluent load	Daily maximum effluent load
BOD ₅	75 mg/L	85 mg/L	80 lb/day	85 lb/day	100 lb/day
TSS	No interim limit	No interim limit	60 lb/day	80 lb/day	100 lb/day

Parameter	Limitation
Temperature – Effluent	Shall not exceed a daily median of 70° F
Ammonia-Nitrogen	Shall not exceed a monthly average of 30 mg/L
BOD ₅ and TSS percent removal efficiency	Shall not be less than 20% monthly average

The MAO does not provide interim effluent limits for the bacterial limits or pH range required to be met when the facility discharges to the creek.

NPDES Effluent Limit Exceedances

Effluent Limit	Effluent Limit Exceedance			Flow Data	
	Reported Result (% over limit <u>or</u> multiple of limit)	Violation Date	Class	Stream Flow Date of Sample (15 Mile Creek)	Effluent Flow Date of Sample
<i>E. coli</i> Monthly Log Mean shall not exceed 126 organisms/100mL	142.6 organisms/100mL (1.1 times limit)	November 2024	III	6.88 MGD Monthly Average	0.110 MGD Monthly Average
<i>E. coli</i> Monthly Log Mean shall not exceed 126 organisms/100mL	1300 organisms/100mL (10.3 times limit)	December 2024	II	9.31 MGD Monthly Average	0.567 MGD Monthly Average
<i>E. coli</i> Monthly Log Mean shall not exceed 126 organisms/100mL	206.6 organisms/100mL (1.6 times limit)	February 2025	III	14.66 MGD Monthly Average	0.012 MGD Monthly Average
<i>E. coli</i> Single Sample Maximum: 406 organisms/100mL	1550 organisms/100mL (3.8 times limit)	November 25, 2024	III	6.97 MGD	0.085 MGD
<i>E. coli</i> Single Sample Maximum: 406 organisms/100mL	1300 organisms/100mL (3.2 times limit)	December 12, 2024	III	5.27 MGD	0.056 MGD
<i>E. coli</i> Single Sample Maximum: 406 organisms/100mL	2,450 organisms/100mL (6 times limit)	May 6, 2025	II	28.29 MGD	0.0084 MGD

pH shall be within the range 6.0 – 9.0.	9.1 (1% exceedance)	January 15, 2025	III	13.35 MGD	1.11 MGD
pH shall be within the range 6.0 – 9.0.	9.5 (6% exceedance)	January 17, 2025	III	21.53 MGD	1.22 MGD
pH shall be within the range 6.0 – 9.0.	9.3 (3% exceedance)	January 22, 2025	III	21.53 MGD	0.785 MGD
pH shall be within the range 6.0 – 9.0.	9.3 (3% exceedance)	January 29, 2025	III	Not Reported	1.13 MGD
pH shall be within the range 6.0 – 9.0.	9.1 (1% exceedance)	February 9, 2025	III	8.89 MGD	0.0115 MGD
BOD weekly average: Maximum 85 mg/L	150 mg/L (76% exceedance)	May 5, 2025	I	28.29 MGD	0.0023 MGD
BOD monthly average: Maximum 75 mg/L	150 mg/L (100% exceedance)	May 5, 2025	I	28.29 MGD	0.0023 MGD

Exceedance of a bacteria limit, such as *E. coli*, by less than five times the limit is a Class III violation (OAR 340-012-0055(3)(b)). There are four (4) occurrences of Class III violations of this type.

Exceedance of a bacteria limit, such as *E. coli*, by more than five times the limit is a Class II violation (OAR 340-012-0055(2)(a)). There are two (2) occurrences of Class II violations of this type.

Violating a technology-based effluent limit (TBEL), such as pH, by less than 1 pH unit outside the permitted pH range is a Class III violation (OAR 340-012-0055(3)(b)). There are five (5) occurrences of Class III violations of this type.

Violating a technology-based effluent limit (TBEL), such as BOD, by 50% or more is a Class I violation (OAR 340-012-0055(1)(k)). There are two (2) occurrences of Class I violations of this type.

Corrective Actions Required

The City must ensure that all permit requirements are met, including Schedule A effluent limits and the interim limits provided by the Mutual Agreement and Order (MAO No. WQ/M-ER-07-083 with Amendments 1-9).

As part of document review, DEQ also noted reporting errors on submitted DMRs. **By September 8th, 2025**, the following items need to be corrected and submitted in NetDMR for each month as identified below:

- 1) All DMRs reviewed during the reporting period have had receiving stream flows (upstream of discharge) reported in cubic feet/second (cfs). The permit and NetDMR entries are in units of Million Gallons per Day (MGD). The facility may include the cfs units in the Excel sheets, but for flows reported in NetDMR, these must be entered in MGD. Please begin correct reporting for these units beginning with the October 2024 NetDMR entry for periods of discharge going forward.
- 2) October 2024 DMR:
 - a. 001-A Effluent parameters reported as NODI Code 9 - Conditional Monitoring, should be reported as NODI Code C – no discharge, if no discharge occurred.
 - b. 001-A Effluent chlorine usage reported monthly avg value (1.0 mg/L) inconsistent with excel file (1.15 mg/L).
- 3) November 2024 DMR:
 - a. 001-A Influent BOD and TSS monthly avg incorrectly reported as NODI Code – 9, failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
 - b. 001-A Effluent BOD percent removal reported as NODI Code 7 - No Influent, and TSS percent removal reported as NODI Code 9 – Conditional Monitoring. Both should be resubmitted as NODI Code E -Failed to Sample.
 - c. 001-A Effluent Daily median temperature reported (43.3 °F) inconsistent with excel value (44.5 °F)
 - d. 001-A Effluent BOD weekly avg load incorrectly reported as NODI Code 9 – conditional monitoring. Excel value is 36.1 lb/day.
 - e. 001-A Effluent TSS load weekly avg reported value (36.1 lb/d) inconsistent with excel value (43.8 lb/d).
 - f. 001-A Effluent TSS conc weekly avg reported value (61.0 mg/L) inconsistent with excel value (74.0 mg/L).
 - g. 001-A Effluent Chlorine usage monthly avg reported (35.65 lb/d) inconsistent with excel value (1.15 lb/d)
- 4) December 2024 DMR:
 - a. 001-RW daily maximum temperature reported (39.3 °F) inconsistent with excel value (44.6 °F).
 - b. 001-RW daily maximum flow reported (14.4) inconsistent with excel value (38.13).
 - c. 001-G Influent and 001-A Effluent BOD and TSS requirements incorrectly reported as NODI Code C – no discharge or NODI Code 9 – Conditional Monitoring, there was effluent flow reported from 12/1 – 12/20. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
 - d. 001-A Effluent Nitrogen, ammonia total incorrectly reported as NODI Code 9- Conditional Monitoring, should be resubmitted as NODI Code E -Failed to Sample.
 - e. 001-A Effluent BOD and TSS percent removal reported as NODI Code 9 – Conditional Monitoring. Both should be resubmitted as NODI Code E -Failed to Sample.

- f. 001-G Influent pH daily max reported value (8.9 SU) inconsistent with excel value (9.0 SU)

5) January 2025 DMR

- a. 001-G Influent and 001-A Effluent BOD and TSS requirements incorrectly reported as NODI Code C – no discharge or NODI Code 9 – Conditional Monitoring, there was effluent flow reported for the entire month. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
- b. 001-A Effluent flow monthly average reported (0.0126 MGD) inconsistent with excel value (1.21 MGD).
- c. 001-A Effluent E. coli row R geomean incorrectly reported as NODI Code B – below detection limit. No resampling reported, resubmit with NODI Code 9 – Conditional Monitoring.
- d. 001-G Influent min and max pH values reported incorrectly, min reported as 8.7 SU and max reported as 8.1 SU, values should be switched.
- e. Excel file has “0” in places where no pH, flow, or temperature was taken. Remove all “0” values and leave the cell blank if no reading was taken and resubmit. These “0” values cause incorrect median and avg values to be calculated. Resubmit DMR with recalculated median and average parameter values.

6) February 2025 DMR:

- a. 001-G Influent BOD and TSS incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
- b. 001-A Effluent BOD and TSS percent removal incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
- c. 001-A Effluent BOD conc monthly avg reported value (89.0 mg/L) inconsistent with excel value (60.3 mg/L).
- d. 001-A Effluent E. coli monthly geomean reported value (15.26 org/100mL) inconsistent with excel value (206.60 org/100mL). Excel value exceeds permit limit for monthly geomean (126.0 org/100mL).
- e. 001-A Effluent E. coli daily max reported value (233 org/100mL) inconsistent with excel value (387org/100mL).
- f. Excel file has “0” in places where no pH, flow, or temperature was taken. Remove all “0” values and leave the cell blank if no reading was taken and resubmit. These “0” values cause incorrect median and avg values to be calculated. Resubmit DMR with recalculated median and average parameter values.

7) March 2025 DMR:

- a. 001-A Effluent E. coli: Note in excel file “on e. coli this day did 5 consecutive samples because of high sample. The results are 73,38,2,N/D and 1.0”. The high sample value referenced is not included, and the submitted daily max and geomean values are reported as 73 org/100mL. Resubmit DMR and excel file including all E. coli results and recalculate geomean with all results.
- b. 001-A Effluent BOD conc weekly avg reported value (150.0 mg/L) inconsistent with excel value (65.0 mg/L).

- c. Excel file has “0” in places where no pH, flow, or temperature was taken. Remove all “0” values and leave the cell blank if no reading was taken and resubmit. These “0” values cause incorrect median and avg values to be calculated. Resubmit DMR with recalculated median and average parameter values.

8) April 2025 DMR:

- a. 001-G Influent BOD and TSS incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
- b. 001-A Effluent BOD and TSS percent removal reported as NODI Code 9 – Conditional Monitoring. Both should be resubmitted as NODI Code E -Failed to Sample.
- c. 001-A Effluent pH max reported (8.4 SU) inconsistent with excel values (9.0 SU).
- d. 001-A Effluent E. coli geomean reported value (1.0 org/100mL) inconsistent with excel value (1.53 org/100mL)Th
- e. 001-RW flow reported in cfs not MGD.
- f. Excel file has “0” in places where no pH, flow, or temperature was taken. Remove all “0” values and leave the cell blank if no reading was taken and resubmit. These “0” values cause incorrect median and avg values to be calculated. Resubmit DMR with recalculated median and average parameter values.

9) May 2025 DMR:

- a. Excel file has “0” in places where no pH, flow, or temperature was taken. Remove all “0” values and leave the cell blank if no reading was taken and resubmit. These “0” values cause incorrect median and avg values to be calculated. Resubmit with corrected median and average parameter values.
- b. 001-G Influent BOD and TSS incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
- c. 001-A Effluent BOD and TSS percent removal incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.
- d. 001-A Effluent daily max temperature reported (39.3 °F) inconsistent with excel value (60.0 °F)

10) June 2025 DMR:

- a. 001-G Influent BOD and TSS incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.

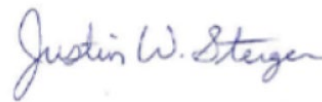
001-A Effluent BOD and TSS percent removal incorrectly reported as NODI Code 9 – Conditional Monitoring. Failed to monitor for parameters and should be resubmitted with NODI Code E – Failed to Sample.

Summary

This letter is a pre-enforcement notice and this matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of potential 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 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 new information you submit and take appropriate action. DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, the corrective actions included, or desire any follow-up technical assistance, please contact me at (541) 714-0206.

Sincerely,

A handwritten signature in blue ink that reads "Justin W. Sterger". The signature is written in a cursive, flowing style.

Justin W. Sterger
Senior Water Quality Permit Writer

cc: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
Alyssa Witt, DEQ
Jeremy Eiesland, City of Dufur
Water Quality Data Team
Oregon Records Management System (ORMS)
DEQ Office of Compliance and Enforcement