



Oregon

Tina Kotek, Governor

Department Environmental Quality
Eastern Region Pendleton Office
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Pendleton, OR 97801
(541) 276-4062

August 6, 2025

John Frieboes, Mayor
Ralph Riomondo, Designated Operator
City of North Powder
P.O. Box 309
North Powder, OR 97867

RE: **Pre-Enforcement Notice**
City of North Powder
2025-PEN-9956
NPDES permit #102209, EPA ID# OR0022403
WQ – Union County

Dear Mayor Frieboes and Mr. Riomondo:

The City of North Powder (City) operates a sewage treatment facility which discharges into the Powder River under National Pollutant Discharge Elimination System (NPDES) Permit No. 102209. On July 29, 2025, DEQ conducted an inspection of the City's treatment facility. In preparation for that inspection, a review of Discharge Monitoring Reports (DMRs) and annual reports was completed for December 2024 through June 2025.

Based on the review, DEQ has documented forty-five (45) violations related to reporting and monitoring. These violations are described further in this pre-enforcement notice.

Failure to Monitor Violations:

Schedule B.3(a), Table B2 of the NPDES permit provides minimum influent monitoring requirements for 5-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS), pH and flow. Similarly, Schedule B.3(b), Table B3 provides minimum effluent monitoring requirements for numerous parameters, some of which have effluent limits listed for in Schedule A of the permit. Last, Schedule B.3(c), Table B4 provides required receiving stream monitoring of the Powder River, November 1st through May 31st. An excerpt of each table is shown below from the NPDES permit:

Table B2: Influent Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type / Required Action (See note a.)	Report Statistic (See note b.)
Flow (50050)	MGD	Year-round	Daily	Metered (see note c.)	1. Monthly Average 2. Daily Maximum
BOD ₅ (00310) (See note d.)	mg/L	November 1 - May 31	1/week (See note e.)	24-hour composite	Monthly Average
		June 1 – October 31	1/month		
TSS (00530) (See note d.)	mg/L	November 1 - May 31	1/week (See note e.)	24-hour composite	Monthly Average
		June 1 – October 31	1/month		
pH (00400)	SU	Year-round	3/week	Grab	1. Monthly Maximum 2. Monthly Minimum
Notes: a. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must perform grab measurements. b. When submitting DMRs electronically, the permittee must submit all data used to determine summary statistics in a DEQ-approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ. c. For each working day, the permittee must measure flow. For each non-working day, flows may be calculated. d. The permittee has the option of sampling more frequently. e. The permittee must sample at least twice per month for influent and effluent BOD/TSS until December 31 st , 2024. Starting January 1, 2025, the permittee must sample 1/week influent BOD/TSS from November 1 – May 31 when discharging to the river and 1/month influent BOD/TSS from June 1 – Oct 31.					

Table B3: Effluent Monitoring Requirements

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Flow (50050)	MGD	Year-round	Daily	Metered (see note c.)	1. Monthly Average 2. Daily Maximum
BOD ₅ (00310)	mg/L	November 1 – May 31	1/week (see note f.)	24-hour composite	1. Monthly Average 2. Maximum Weekly Average
BOD ₅ (00310)	lb/day	November 1 – May 31	1/week (see note f.)	Calculation	1. Daily Maximum 2. Monthly Average 3. Maximum Weekly Average
BOD ₅ percent removal (See note c.) (81010)	%	November 1 – May 31	Monthly	Calculation based on monthly average BOD ₅ concentration values	Monthly Average
TSS (00530)	mg/L	November 1 – May 31	1/week (see note f.)	24-hour composite	1. Monthly Average 2. Maximum Weekly Average
TSS (00530)	lb/day	November 1 – May 31	1/week (see note f.)	Calculation	1. Daily Maximum 2. Monthly Average 3. Maximum Weekly Average
TSS percent removal (81011) (See note c.)	%	November 1 – May 31	Monthly	Calculation based on monthly average TSS concentration values	Monthly Average
pH (00400)	SU	November 1 – May 31	3/week	Grab	1. Daily Maximum 2. Daily Minimum
Chlorine, Total Residual (50060)	mg/L	November 1 – May 31	Daily	Grab	1. Daily Maximum 2. Monthly Average
Temperature (00010)	°C	November 1 – May 31	3/week	Grab (See note g.)	1. Daily Maximum 2. Monthly Average 3. 7-day Rolling Average of Daily Maximum
<i>E. coli</i> (51040)	#/100 mL	November 1 – May 31	2/week	Grab	1. Daily Maximum 2. Monthly Geometric Mean
Total ammonia (as N) (00610)	mg/L	November 1 – May 31	1/week	24-hour composite	1. Daily Maximum 2. Monthly Average

Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type/ Required Action (See note a.)	Report Statistic (See note b.)
Alkalinity as CaCO ₃ (00410)	mg/L	November 1 – May 31	Quarterly	24-hour composite	Monthly Maximum
Chlorine used (81400)	lb/day	November 1 – May 31	Daily	Measurement	Monthly Average
Chlorine, Total Residual prior to dechlorination	mg/L	November 1 – May 31	Daily	Grab	Maintain records on-site
Dissolved Oxygen (00300)	mg/L	Quarter 4 2025, Quarters 1, 2 and 4, 2026 (see note h.)	Quarterly	24-hour composite (see note d.)	Quarterly Minimum
Total Kjeldahl Nitrogen (TKN) (00625)	mg/L	Third year of permit cycle [2025]	Quarterly	24-hour composite	Quarterly Maximum
Nitrate (NO ₃) Plus Nitrite (NO ₂) Nitrogen (00630)	mg/L	Third year of permit cycle [2025]	Quarterly	24-hour composite	Quarterly Maximum
Oil and Grease (00556)	mg/L	Third year of permit cycle [2025]	Quarterly	Grab	Quarterly Maximum
Total Phosphorus (00665)	mg/L	Third year of permit cycle [2025]	Quarterly	24-hour composite	Quarterly Maximum
Total Dissolved Solids (70295)	mg/L	Third year of permit cycle [2025]	Quarterly	24-hour composite	Quarterly Maximum
Storage Lagoon Depth	feet	Year-round	Weekly	Record	Weekly Maximum

Table B4: Receiving Stream Monitoring (Powder River)					
Item or Parameter	Units	Time Period	Minimum Frequency	Sample Type / Required Action	Report Statistic See note a.
BOD ₅ (00310)	mg/L	November 1 – May 31	Monthly	Grab	Monthly Maximum
pH (00400)	SU	November 1 – May 31	Monthly	Grab	Monthly Maximum
Temperature (00010)	°C	November 1 – May 31	Monthly	Grab	Monthly Maximum
Total ammonia (as N) (00610)	mg/L	November 1 – May 31	Monthly	Grab	Monthly Maximum
Alkalinity as CaCO ₃ (00410)	mg/L	November 1 – May 31	Quarterly	Grab	Quarterly Maximum
Dissolved Oxygen (00300)	mg/L	November 1 – May 31	Monthly	Grab	Monthly Minimum
Total Kjeldahl Nitrogen (TKN) (00625)	mg/L	November 1 – May 31	Monthly	Grab	Monthly Maximum
Note: a. When submitting DMRs electronically, all data used to determine summary statistics must be submitted in a DEQ approved format as a spreadsheet via electronic reporting unless otherwise directed by DEQ.					

The City failed to monitor on the dates listed below for thirty-nine (39) occurrences. Based on this review, DEQ has determined that the City is in violation of the NPDES permit and Oregon environmental law:

Monitoring Period	Violation	Class	Number of Violations
May 2024 (Weeks 2, and 4)	Failure to monitor for effluent ammonia (NH ₃)(mg/L) as required by Schedule B of the permit while discharging to the Powder River, 1/week; OAR 340-012-0055(1)(o).	I	2
May 2024 (Weeks 2, 3, and 4)	Failure to monitor for effluent <i>E. coli</i> (#/100mL) as required by Schedule B of the permit while discharging to the Powder River, 2/week; OAR 340-012-0055(1)(o).	I	3

Monitoring Period	Violation	Class	Number of Violations
January 2025 (Weeks 1, 3, and 4)	Failure to monitor for influent BOD ₅ as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
January 2025 (Weeks 1, 3, and 4)	Failure to monitor for influent TSS as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
February 2025 (Weeks 2, 3, and 4)	Failure to monitor for influent BOD ₅ as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
February 2025 (Weeks 2, 3, and 4)	Failure to monitor for influent TSS as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
March 2025 (Weeks 1, 3, 4 and 5)	Failure to monitor for influent BOD ₅ as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	4
March 2025 (Weeks 1, 3, 4 and 5)	Failure to monitor for influent TSS as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	4
April 2025 (Weeks 1, 3, and 4)	Failure to monitor for influent BOD ₅ as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
April 2025 (Weeks 1, 3, and 4)	Failure to monitor for influent TSS as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
April 2025	Failure to monitor the receiving stream (Powder River) for pH, as required by Schedule B of the permit, 1/month; OAR 340-012-0055(1)(o)	I	1
April 2025	Failure to monitor the receiving stream (Powder River) for temperature, as required by Schedule B of the permit, 1/month; OAR 340-012-0055(1)(o)	I	1
May 2025 (Weeks 2, 3, and 4)	Failure to monitor for influent BOD ₅ as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3
May 2025 (Weeks 2, 3, and 4)	Failure to monitor for influent TSS as required by Schedule B of the permit, 1/week; OAR 340-012-0055(1)(o).	I	3

Failure to Submit Complete Monitoring Reports:

Schedule B of the NPDES permit requires that the permittee report monitoring statistics as specified in Tables B2, B3, and B4, including using appropriate averaging methods and ensuring accuracy before submitting DMRs. The following five (5) reporting violations were found as a result of the review:

Monitoring Period	Violation	Class	Number of Violations
May 2024	Permittee reported monthly average values for effluent BOD ₅ weekly average concentration (mg/L). Failure to submit a complete monitoring report is a violation; OAR 340-012-0055(3)(a).	III	1
May 2024	Permittee reported monthly average values for effluent BOD ₅ weekly average loading (lbs/day). Failure to submit a complete monitoring report is a violation; OAR 340-012-0055(3)(a).	III	1
May 2024	Permittee reported monthly average values for effluent TSS weekly average concentration (mg/L). Failure to submit a complete monitoring report is a violation; OAR 340-012-0055(3)(a).	III	1
May 2024	Permittee reported monthly average values for effluent TSS weekly average loading (lbs/day). Failure to submit a complete monitoring report is a violation; OAR 340-012-0055(3)(a).	III	1
May 2024	Permittee reported an unverifiable value for receiving water dissolved oxygen, the value is inconsistent with the lab report. Failure to submit a complete monitoring report is a violation; OAR 340-012-0055(3)(a).	III	1

Failure to Submit Discharge Monitoring Reports (DMRs) Violations:

Schedule B, Table B1 of the NDPES permit requires the permittee to submit DMRs by the 15th of the month following the monitoring period. The permittee failed to submit a DMR for the month of June 2025.

Monitoring Period	Violation	Class	Number of Violations
June 2025, due July 15, 2025	The permittee failed to submit a required report, OAR 340-012-0055(2)(b).	II	1

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

Environmental Consequences

Fulfilling the mandatory monitoring and reporting requirements is an important obligation. Without timely submittal of reports with required monitoring data, the City, DEQ, and the public are unable to promptly evaluate the wastewater system. Analytical data from laboratories are used to determine compliance with effluent limitations and to assess influent and effluent for the

plant. Without accurate data, the City, DEQ, and the public are unable to evaluate the effectiveness of the City's wastewater treatment system. An ineffective treatment system can cause water quality impairments, nuisance conditions, and/or public health hazards.

Required Corrective Actions

The City must ensure compliance with the terms and conditions of the issued NPDES permit, including all Schedule B monitoring and reporting requirements and complete the following:

- 1- **By September 15, 2025**, the City must resubmit a monthly DMR in NetDMR for May 2024 reflecting accurate values for:
 - a. Effluent BOD₅ maximum weekly average concentration (mg/L)
 - b. Effluent BOD₅ maximum weekly average loading (lbs/day)
 - c. Effluent TSS maximum weekly average concentration (mg/L)
 - d. Effluent TSS maximum weekly average loading (lbs/day)
 - e. Receiving water dissolved oxygen (mg/L)
- 2- **By September 15, 2025**, the City must submit a monthly DMR in NetDMR for June 2025.

Referral for DEQ Formal Enforcement Action

This letter is a pre-enforcement notice. 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. DEQ will take into consideration your timely and responsive action on these items in any civil penalty assessment.

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 in writing, at anna.morgan-hayes@deq.oregon.gov, or at 541-246-4562.

Sincerely,



City of North Powder
August 6, 2025
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Anna Morgan-Hayes
Water Quality Permit Writer

cc: Mike Hiatt, DEQ
Oregon Records Management Solution