



Oregon

Tina Kotek, Governor

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November 17, 2025

Mr. Mark Willret
City of Klamath Falls
1200 South Spring Street
Klamath Falls, OR 97601

RE: Warning Letter with Opportunity to Correct
City of Klamath Falls
2025-WLOTC-10055
File #46763, NPDES Permit #100701
YDO FSID #213421
Klamath County

Dear Mr. Willret:

The City of Klamath Falls operates a domestic wastewater treatment plant with discharge to the Klamath River under National Pollutant Discharge Elimination System (NPDES) Permit #100701. Based on review of the required compliance schedule deliverables in your permit, DEQ has documented the following two (2) violations of Oregon environmental law.

With each violation, the facility failed to comply with the terms and conditions of NPDES Permit #100701, which is a violation of ORS 468B.025(2).

Violations: Failure to Complete Schedule C – Compliance Schedule Deliverables

In accordance with the city's NPDES permit, several milestones are required to be completed and submitted to DEQ in order for the city to meet the required final effluent limitations in Schedule A.

Specifically, the following compliance schedule items are due to be completed by specific dates (excerpt from the assigned NPDES permit, Schedule C of Modification #3):

Compliance Schedule to Meet Final Effluent Limitations

The permittee must comply with the following schedules:

Table C1: Total Mercury, Total Ammonia as N, and Total Phosphorus as P Compliance Schedule

Complete By	Requirement
February 15, 2021 and annually thereafter until all of the requirements are met in this compliance schedule or by December 31, 2030	Submit to DEQ a written Progress Report outlining the progress made towards achieving the final effluent limitations.
October 31, 2024	Complete a Facility Plan that selects options for improvements to the treatment facility to comply with the mercury, ammonia, and phosphorus final effluent limits and submit the Facility Plan to DEQ for review and approval.
October 31, 2023 20242025	Evaluate and obtain financing for wastewater facility improvements that are recommended in the Facility Plan as acceptable.
October 31, 2024 2025	Complete Preliminary Design Report and submit to DEQ for review and approval.
April 30, 2026	Complete Final Design and submit to DEQ for review and approval.
October 31, 2029	Complete construction of wastewater facility improvements to comply with the mercury, ammonia, and phosphorus final effluent limits.
December 1, 2030	The permittee must achieve compliance with the final effluent limits and provide DEQ with written notice of compliance with the mercury, ammonia, and phosphorus final effluent limits in Schedule A.

The facility did not complete and submit the evaluation of financing for wastewater improvements and the Preliminary Design Report by October 31, 2025, as required by Items #3 and #4 of the compliance schedule.

The missed deliverables were reported in advance of the deadline to DEQ's compliance contact for the facility and a modification to the permit was requested. This submittal was provided by the city on March 28, 2025. The request was made as stated by the city, for the following stated reason: *"there is a potential for the city to reduce the cost of improvements needed to meet ammonia and phosphorus permit limits by \$38 million by conducting another year of full-scale operation of the plant under its current secondary process configuration as outlined in this letter."* See Appendix I of this document for a copy of the city's letter. Since the time frame for renewing the NPDES permit was forthcoming, instead of modifying the NPDES permit as requested by the city, DEQ initiated the scheduled renewal of the NPDES permit, which expired September 30, 2025, but has been placed into administrative extension and remains in effect.

Failing to submit the required deliverables are violations of the permit compliance schedule but it is noted that the facility requested additional time in advance of the due dates. In accordance with DEQ's Enforcement Rules, violating a requirement or condition of a compliance schedule contained in a permit is a Class I violation (OAR 340-012-0053(1)(a)). Class I violations are considered to be the most serious violations; Class III violations are the least serious.

Corrective Actions: The city must ensure compliance with the terms and conditions of the NPDES permit, including submission of Compliance Schedule deliverables by the required due dates. The city must complete the deliverables as soon as possible but no later than the Required Completion Date in the table below and notify DEQ in writing that this has been completed. If the corrective action dates below are otherwise adjusted in the renewed NPDES permit, the permit shall prevail.

Schedule C Paragraph	Permit Required Due Date	Required Corrective Action Completion Date
Evaluate and obtain financing for wastewater facility improvements that are recommended in the Facility Plan as acceptable.	October 31, 2025	October 31, 2026
Complete Preliminary Design Report and submit to DEQ for review and approval.	October 31, 2025	October 31, 2026

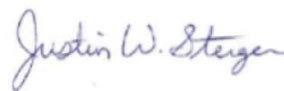
All other subsequent due dates in the permit compliance schedule remain the same and must be met including, but not limited to, meeting the final effluent limits by December 1, 2030, unless otherwise altered by DEQ in a permit action.

Summary

This notice is a warning letter with opportunity to correct. However, should the issues be repeated and/or the facility fail to complete the required corrective actions, 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 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 or desire any follow-up technical assistance, please contact me at (541) 714-0206.

Sincerely,



Justin W. Sterger
Senior WQ Permit Writer

cc: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
Olivia Stoken, DEQ
Alyssa Witt, DEQ
Tyler West, City of Klamath Falls
Oregon Records Management System
Water Quality Data Team

Appendix I: DEQ Modification Request-03282025



CITY OF KLAMATH FALLS, OREGON
500 KLAMATH AVENUE – P.O. BOX 237
KLAMATH FALLS, OREGON 97601



March 28, 2025

Mr. Justin Sterger
Senior Water Quality Specialist
Oregon Department of Environmental Quality
475 NE Bellevue Drive, Suite 110
Bend, OR 97701

Subject: NPDES Permit No. 100701 with Modifications 1 through 3.
City of Klamath Falls Wastewater Treatment Plant and Reclamation Facility

Dear Mr. Sterger

This letter requests a one year extension to dates in Schedule C, Table C2 of the subject permit, as modified, related to meeting limits for ammonia and phosphorus. This request is being made because there is a potential for the City to reduce the cost of improvements needed to meet ammonia and phosphorus permit limits by \$38 million by conducting another year of full-scale operation of the plant under its current secondary process configuration as outlined in this letter.

In 2024 NPDES Permit Modification No. 3 was requested and granted in part to extend the deadline for the Preliminary Design Report for the facilities required to meet ammonia and phosphorus permit limits from October 31, 2024, to October 31, 2025. When that request was made our engineer, Carollo Engineers, Inc., was completing the Facility Plan required in Schedule C, Table C2 of the permit per the second modification.

The Facility Plan, submitted in October 2024, identified two potential secondary treatment processes for nutrient reduction, conventional activated sludge (CAS) and membrane aerated biofilm reactors (MABR). The CAS alternative included four aeration basins and a flow equalization basin. The MABR alternative included three aeration basins and a flow equalization basin. A more detailed analysis of the alternatives, including pilot testing of the MABR process, was recommended to be completed as part of the preparation of the Preliminary Design Report to determine which process to implement.

In keeping with the Facility Plan recommendation, the City undertook pilot testing of the MABR process in December 2024. The MABR pilot was set up in January and commissioned during February and early March. Currently, the biofilm on the membranes is being established and data is being collected on nitrogen reduction. The pilot will run through May 2025.

In addition to the MABR pilot, throughout the winter of 2024-2025 the secondary treatment process in its improved condition with the new aeration basin, new blowers, and modifications to the existing aeration basin was operated for full-scale testing for nitrification. The process was successfully operated through severe cold weather and high flow conditions for nitrification. During January 2025 four samples were taken for effluent average monthly and daily maximum ammonia concentrations and total nitrogen. The effluent average monthly and daily maximum concentrations were near 0 mg/l with a total nitrogen load of 28.3 lbs/day. This is below the permit limits required to be met in 2030 of 2.4 mg/l and 5.7 mg/l for average monthly and daily maximum concentrations, respectively. And below the semi-annual average total nitrogen limit of 671 lbs/day. This shows the potential for the plant to meet the 2030 limits for ammonia and nitrogen in its current secondary process configuration without the need to construct additional aeration basins or a flow equalization basin.

Eliminating the need for two more aeration basins and a flow equalization basin would reduce the cost of future improvements required to meet the 2030 permit limits by approximately \$38 million. This is a significant savings to the City and community. However, the City needs to complete additional full-scale testing to confirm the findings of this winter, operate for biological phosphorus removal, and evaluate the effects on other processes prior to making a decision not to construct the additional aeration basins and flow equalization basin.

By extending the schedule for the Preliminary Design Report, the City will be able to complete the following testing and analysis:

- Collect nitrification data through one more cold weather season with the potential for operating under additional instances of peak flow conditions. These conditions are the limiting factors in the design and cannot be simulated.
- Complete full-scale testing operating the secondary process in the A20 configuration to better understand the potential and reliability of biological phosphorous removal (BPR). While the City has some data on phosphorous removal, sustained full-scale testing of BPR has not been completed due to the focus on nitrification and some delays in required equipment.
- Testing of the chemical dosage and filter requirements for removing phosphorous in the effluent from A20 process to meet permit limits. While an optimal BPR process may be able to meet phosphorous permit limits most of the time, it is anticipated the chemical addition and filtration will be used during process upsets. Understanding the range of water quality expected from the A20 process and the chemical dosage requirements will allow for a more reliable design of the filtration system.

Our design-build team has reviewed the impact of this extension on the City's ability to meet the overall schedule and requests the following compliance deadlines:

- Preliminary Design Report: October 31, 2026
- Evaluate and Obtain Financing: October 31, 2026
- Final Design: April 30, 2027
- Construction Completion: October 31, 2030
- Compliance with Effluent Limits for Mercury, Ammonia, and Phosphorus: December 1, 2031.

It should be noted that the plant will continue to be operated in its current secondary process configuration for nitrification and phosphorus reduction. If nitrification can be maintained as it is now, the City will be able to demonstrate compliance with the 2030 ammonia and Total N limits now, well ahead of the 2030 permit compliance deadline with only work remaining to reliably meet phosphorus limits. The potential savings is significant and thus having this extension to make good decisions based on reliable data is very important to the City.

Please contact me if you have questions or need additional information related to the change requested.

Sincerely,



Chris R. Claymore
Manager
City of Klamath Falls Wastewater Division