



# Oregon

Tina Kotek, Governor

Department of Environmental Quality  
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January 12, 2026

Ty Richardson, Public Works Director  
City of Burns  
242 S. Broadway Ave.  
Burns, OR 97720-2205

RE: **Warning Letter with Opportunity to Correct**  
WQ WPCF Permit No. 101046  
**2026-WLOTC-10104**  
WQ-Harney County

Mr. Richardson,

On January 7, 2026, DEQ and the City of Burns discussed the construction status of the Miller Springs and I/E Zone Public Improvements project. City officials confirmed that the sanitary sewer infrastructure for the subdivision had been installed without undergoing the technical review process and obtaining project approval from DEQ as required per OAR 340-052.

Oregon Administrative Rule 340-052 states the following:

“Except where exempted under OAR 340-052-0040, all plans and specifications along with other data submitted for a proposed construction, installation, or modification project involving disposal systems, treatment works, sewerage systems or common sewers shall first be submitted to the Department for review. No construction, installation or modification shall be commenced until the plans and specifications submitted to the Department are approved.”

Therefore, as the permit holder for the receiving wastewater treatment system, the City of Burns is responsible for violating Oregon Administrative Rules (OAR), which is considered a Class I violation:

**Violation 1:** OAR 340-012-0055(1)(g): Making unauthorized changes, modifications, or alterations to a facility operating under a Water Pollution Control Facility (WPCF) or National Pollution Discharge Elimination System (NPDES) permit.

### **Corrective Action Required:**

DEQ cannot approve projects that have already been constructed prior to approval; however, an acceptance letter for the project will be issued by DEQ only if the following Corrective Actions are completed and satisfy technical review guidelines:

1. Pay the applicable technical review fee of \$1,065.00. This fee is required to cover the technical reviews associated with a major system expansion project. Technical review fees and “as-built” plan documents signed and stamped by a Professional Engineer (PE) must be submitted via Your DEQ On-Line (YDO), DEQ’s electronic data management system. The following must be included to complete the project submittal process.
2. A completed and signed Land Use Compatibility Statement (LUCS).
3. A completed and signed Capacity Statement Form from the City of Burns.

The above Corrective Actions must be completed in 90 days (April 13, 2026) from the date of this letter. Once these corrective actions are completed and upon DEQ acceptance, the facility should review the comments provided in the acceptance letter prior to any further proposed modifications of the system.

In accordance with rule and permit language cited above, in the absence of an exemption, the facility must attain plans and specifications approval from DEQ for future wastewater infrastructure projects under the assigned WPCF permit.

**Summary:**

This notice is a Warning Letter with Opportunity to Correct. DEQ does not intend to take formal enforcement action currently. However, should you repeat this violation or fail to take 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 Department order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this Warning 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 (503) 229-5185 or [blair.edwards@deq.oregon.gov](mailto:blair.edwards@deq.oregon.gov).

Sincerely,

*Blair EDWARDS*

Blair Edwards  
Senior Environmental Engineer  
Eastern Region - Water Quality

ECC: Brenda Engebretson, City of Burns  
Jesse Christensen, HECO Engineers  
John Blom, HECO Engineers  
Jay Harland, AKS Engineering  
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ER WQ file