



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Eastern Region Bend Office
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January 15, 2025

Duane Petty, Public Works Foreman
Bruce Goodell, Public Works Lead Operator
City of Nyssa
301 Main Street
Nyssa, Oregon 97913-3845

RE: Warning Letter with Opportunity to Correct
City of Nyssa
2026-WLOTC-10103
Permit No. 102989, File No. 118971
YDO FIS ID: 213244
Malheur County

Dear City of Nyssa,

The City of Nyssa's wastewater treatment facility is permitted under a Water Pollution Control Facility Permit (WPCF) No. 102989 which authorizes the City to treat and land apply wastewater at sites identified in the City's Recycled Water Use Plan (RWUP). Schedule B.1, Table B1 of the renewed permit required the City to submit a Recycled Water Use Plan update by January 15, 2025. While a plan was submitted by the required deadline, the plan did not conform to the permit requirements for this submittal.

Recycled Water Use Plan (see Schedule D.3)	One Time	Submit by 01/15/2025	Electronic copy in a DEQ- approved format	As directed by DEQ Electronic copy to DEQ Water Reuse Program Coordinator
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Specifically, the plan does not conform to the following permit conditions:

1. Condition A.6, which requires that the RWUP provide agronomic loading rates for each proposed crop. Recent annual reports indicate that corn is grown in rotation, however no agronomic rate is provided for corn.
2. Condition B.4, Table B5, which requires calculation of total Nitrogen loading in lbs/acre/year, and quantity irrigated in inches/acre. Recent annual reports state that the

City doesn't separate flow metering between fields and therefore do not currently have a method for calculating N or hydraulic loading for each field. Methods for calculating these figures must be explained in the RWUP.

3. Condition D.3 requires that all RWUPs meet the requirements in OAR 340-055-0025. Specifically, OAR 340-055-0025(2)(a), which requires, in part, "A description and identification of the land application site, including the zoned land use of the irrigation site and surrounding area, a site map with setbacks, and distances of nearest developed property from all boundaries of the irrigation site", is not met.

Based upon the review of the submitted document, the Department has concluded that the City of Nyssa is responsible for the following violation of Oregon environmental law:

Violations

Date of Violation(s)	Violation	Class
January 15, 2025	The City failed to timely submit a report or plan as required by rule, permit, or license, unless otherwise classified; OAR 340-012-0055(2)(b)	I

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 conditions is an important obligation. Without adequate reports and planning, 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 and/or public health hazards.

Corrective Actions Required

1. **By March 15, 2026** the City must resubmit an updated Recycled Water Use Plan meeting the requirements specified above. The Plan must be submitted in Your DEQ Online (YDO) [Department of Environmental Quality : NPDES and WPCF Wastewater Permits in Your DEQ Online : Online Services : State of Oregon](#) .
User Guide for NPDES/WPCF Permittees:
<https://www.oregon.gov/deq/permits/Documents/IndGenWQPermitsPUG.pdf>

Summary

This notice is a Warning Letter. DEQ does not intend to take formal enforcement action at this time. However, should you repeat these violations or not complete the required corrective action, the matter may be referred to DEQ's Office of Compliance and Enforcement for formal

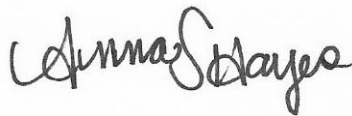


enforcement action, including assessment of civil penalties and/or a Department order. Civil penalties can be assessed for each day of violation.

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 541-246-4562

The Department endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, feel free contact me in writing or by phone at (541) 246-4562, anna.morgan-hayes@deq.oregon.gov.

Sincerely,



Anna Morgan-Hayes
Permit Writer and Compliance Specialist

Cc: Mike Hiatt, ER Water Quality Permitting and Compliance, DEQ
Carl Makepeace, ER Water Quality Permitting and Compliance, DEQ
Kelly Tores, City of Nyssa