



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
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January 30, 2026

Scott Coleman, Public Works Director
City of Umatilla
PO Box 130
Umatilla, OR 97882

RE: **Warning Letter with Opportunity to Correct**
WQ NPDES Permit No. 101059
2025-WLOTC-10118
FIS ID: 213281
Gilliam County

Mr. Coleman,

On January 22, 2026, an email from Elisabeth Giever, an engineer with Apex Companies, LLC, informed the Oregon Department of Environmental Quality (DEQ) that construction was occurring at the Ballard Phase 3 development in Umatilla. Elisabeth Giever stated that the project is expected to be completed on April 1, 2026. The Ballard Phase 3 project did not undergo the required technical review process performed by 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 Umatilla 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. Submit “as-built” plans when the project is complete for DEQ technical review and acceptance.
2. Submit an Inspection and Certification of Proper Construction Form.
3. Submit the “as-built” plans and Inspection and Certification of Proper Construction Form via YDO submittal number 89624.

The above Corrective Actions must be completed in 30 days (May 1, 2026) from the date of tentative project completion date (April 1, 2026). 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 (971) 990-2216 or blair.edwards@deq.oregon.gov.

Sincerely,

Blair EDWARDS

Blair Edwards
Senior Environmental Engineer
Eastern Region - Water Quality

ECC: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
Elisabeth Giever, Apex Companies, LLC
WQ file