



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Eastern Region Bend Office
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February 13, 2026

Byron Smith
City of Hermiston
2205 N. First Place
Hermiston, OR 97838

RE: **Warning Letter with Opportunity to Correct**
WQ NPDES Permit No. 101294
2025-WLOTC-10131
WQ-Umatilla County

Mr. Smith,

On February 6, 2026, the Oregon Department of Environmental Quality (DEQ) became aware of two residential subdivisions, Diamond Run and Santiago Columbia Village, that had begun construction and 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 Hermiston 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. The applicable fee of \$1,065.00 is required to cover the technical reviews associated with a major system expansion project. The payment of the technical review fee and plan documents must be submitted separately for each project, Diamond Run and Santiago Columbia Village via Your DEQ On-Line (YDO), DEQ's electronic data management system. Each project's submittal package must include the following:
 2. A completed and signed Land Use Compatibility Statement (LUCS).
 3. A completed and signed Capacity Statement Form from the City of Hermiston.
 4. A completed and signed Inspection and Certification of Proper Construction Form.
 5. All relevant sewer manhole and pipeline test results.

The above Corrective Actions must be completed in 90 days (June 19, 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.

Sincerely,

Blair Edwards

Blair Edwards
Senior Environmental Engineer
Eastern Region - Water Quality

ECC: Mike Hiatt, DEQ
Anna Morgan-Hayes, DEQ
William Schmittle, City of Hermiston
WQ file