

CERTIFIED MAIL No. 7006 0100 0002 8262 1322

City of Jordan Valley  
P.O. Box 187  
Jordan Valley, OR 97910

Re: Notice of Violation and Civil Penalty Assessment  
No. WQ/M-ER-08-025  
Malheur County

The City of Jordan Valley (the City) operates a wastewater treatment facility (the Facility) under a Water Pollution Control Facilities permit (the Permit). The Facility treats wastewater and uses the reclaimed water for irrigation. The City's Permit requires the City to monitor certain water quality parameters and report the results of its monitoring to the Department on monthly Discharge Monitoring Reports (DMRs). The DMR for the month of December 2007 was missing the required daily influent flow and daily perimeter monitoring data. On January 22, 2008, the Department of Environmental Quality (Department) sent the City a Pre-Enforcement Notice informing the City it violated Schedule B of the Permit by failing to monitor its influent.

In the months of April and May 2004, August and September 2005, and May, June and July 2006, the City irrigated with reclaimed wastewater. During irrigation, the City is required to monitor the wastewater. The DMRs for those months were missing the required twice weekly pH monitoring data required by the Permit. The DMRs were also missing the required annual Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) and nitrite plus nitrate monitoring data. On March 18, 2008, the Department sent the City a Pre-Enforcement Notice informing the City it violated Schedule B of the Permit by failing to monitor during irrigation. The City's failure to perform the required monitoring is a violation of the City's Permit and Oregon's environmental laws.

The regulatory system that protects water quality in Oregon relies almost exclusively on complete and accurate monitoring and reporting by pollution sources, such as the City. Accurate information about the treatment of wastewater by sources is the basis for all efforts, both public and private, to restore and protect Oregon's water resources. Without it, the Department cannot evaluate whether the City's irrigation with wastewater met permit requirements.

In the enclosed Notice of Violation and Civil Penalty Assessment (Notice), the Department has assessed a civil penalty of \$2,311 for the failure to comply with the conditions of a wastewater discharge permit. The Department determined the amount of the civil penalty using the procedures set forth in Oregon Administrative Rule (OAR) 340-012-0045. The Department's findings and civil penalty determination are attached to the Notice as Exhibit No. 1.

The steps the City must follow to request a review of the Department's allegations and determinations in this matter in a contested case hearing are set forth in Section V of the enclosed Notice and in OAR 340-011-0530. The City needs to follow the rules to ensure that it does not lose the opportunity to dispute the enclosed Notice.

**Before**

If the City wishes to dispute the Notice, the City must send a written request for a contested case hearing, including a written response that admits or denies all of the facts alleged in Sections II and III of the enclosed Notice. The written response should also allege all affirmative defenses and explain why they apply in this matter. The City will not be allowed to raise these issues at a later time, unless the City can show good cause for that failure.

If the Department does not receive a request for a contested case hearing within **twenty calendar days** from the date the City receives the enclosed documents, the Department will issue a Default Order and the civil penalty assessment will become final and enforceable. The City can fax a request for a contested case hearing to the Department at 503-229-5100 or mail it to the address stated in Section V of the Notice.

If the City wishes to discuss this matter with the Department, or believes there are mitigating factors the Department might not have considered in assessing the civil penalty, the City may include a request for an informal discussion in the request for a contested case hearing. If the City requests an informal discussion, the City still has the right to a contested case hearing.

I look forward to the City's cooperation in complying with Oregon environmental law in the future. If, however, any additional violations occur, the City may be assessed additional civil penalties.

Copies of referenced rules are enclosed. Also enclosed is a description of the Department's policy allowing partial mitigation of the civil penalty upon the completion of a Supplemental Environmental Project (SEP) approved by the Department. If the City is interested in having a portion of the civil penalty fund a SEP, the City should review the policy.

If the City has any questions about the Notice, please contact Susan Greco with the Department's Office of Compliance and Enforcement in Portland at 503-229-5152, or toll-free at 1-800-452-4011, extension 5152.

Sincerely,

Joni Hammond  
Interim Deputy Director

Enclosures

cc: Carl Nadler, Eastern Region, The Dalles Office, DEQ  
Oregon Department of Justice  
Malheur County District Attorney