



Philomath City Council Informational Report

Title/Topic: DEQ Permit Violation Fine 2024-Information Only

Meeting Date: July 22, 2024
Department: Public Works

Staff Contact: Kevin Fear
Email: kevin.fear@philomathoregon.gov

BACKGROUND

Please refer to attachment "Notice of Civil Penalty Assessment and Order Case No. WQ/M-WR-2023-154".

On September 1, 2023, the Oregon Department of Environmental Quality (DEQ) contacted Public Works regarding reported "water clarification beads (media) discharged from the WTP". An operator on staff was sent out to check. He witnessed approximately 20-40 small orbs that he thought were clarifier media but did not retrieve any as they were out of reach and spread out. He said that he knew some had escaped the Water Treatment Plant, but thought they were all contained in the alum ponds. The operator said some were submersed below the water line, so it was difficult to tell if they were clarifier media or eggs of some sort or other items.

DEQ later came out for an inspection; no media was found or identified by DEQ in the oxbow. There was media observed by staff and DEQ in the alum ponds during this inspection, which is not a violation unless they leave the alum ponds.

The root issue was later discovered to be a 2" x 2" x 1/4-inch-thick angle iron which bent slightly allowing the screen to lift and separate from the seal during a backwash cycle, allowing a few media beads to escape. To this date only one of sixteen angle irons has bent. It is unknown why or how this occurred, and it was such a minor bend that it was not visible upon inspection after emptying the tank. The operators were able to isolate sections of the screen and use a light to try to identify the problem and where it was coming from. The filter was left out of service until a replacement angle iron could be obtained and coated with approved coating. The filter was placed back in service in about 7 days from discovery of the problem. Once installed no further media was observed when backwashing occurred in that filter.

The City eventually received a fine of \$5,200 for the original reported media in the oxbow. The Plant is nearly forty-year-old and does have issues and no amount of maintenance can prevent this. The screens are checked almost daily and samples from the alum ponds are retrieved 2 or 3 times a week for compliance monitoring. The seals are changed yearly with the cleaning of the clarifier tank which houses the media.

The new Water Treatment Plant will have a membrane filter and will not have media of any type to discharge so the risk of this issue recurring will be eliminated once the project is complete and the new Plant is online.

ATTACHMENTS

1. Notice of Civil Penalty Assessment and Order Case No. WQ/M-WR-2023-154



Oregon

Tina Kotek, Governor

Information & Correspondence #07
Meeting Date: 7/22/2024

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

June 27, 2024

CERTIFIED MAIL: 9589 0710 0688 6533 42

City of Philomath
c/o Kevin Fear, Public Works Director
P.O. Box 400
Philomath, OR 97370

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/M-WR-2023-154

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued the City of Philomath a civil penalty of \$5,200 for discharging wastes from its water treatment plant without a permit. Specifically, on at least one day, plastic filter beads escaped from the treatment plant's filters and discharged to an oxbow of the Marys River. The City's coverage under the 200-J National Pollutant Discharge Elimination System (NPDES) General Permit does not authorize the discharge of plastic filter beads.

DEQ issued this penalty because the discharge of plastic filter beads poses a risk to aquatic life. Small plastic particles, such as filter beads, can be ingested by fish, birds, and other animals causing digestive obstruction, impaired reproduction, and other adverse biological effects, including death.

DEQ appreciates your efforts to correct the violation by repairing the screens on the filter to prevent additional beads from escaping in the future. DEQ considered these efforts when determining the amount of the civil penalty.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – DEQappeals@deq.state.or.us

Via fax – 503-229-5100

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due. Alternatively, you can pay the penalty by sending a check or money order to the above address.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of

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paying a penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Erin Saylor at 503-229-5422 or toll free in Oregon at 800-452-4011, extension 5422.

Sincerely,

A handwritten signature in black ink that reads "Rebecca J Puskas". The signature is written in a cursive, slightly slanted style.

Becka Puskas, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Jennifer Maglinte-Timbrook, DEQ WR
Accounting, DEQ