



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 7, 2017

The Honorable Frank Cox
Mayor of Stevenson
P.O. Box 371
Stevenson, WA 98648

Notice of Violation (NOV) Docket #	14032
Name	City of Stevenson Wastewater Treatment Plant
Location	686 Southwest Rock Creek Drive Stevenson, WA

Re: Notice of Violation

Dear Mayor Cox:

The Department of Ecology is issuing the enclosed Notice of Violation to you for violations of the city of Stevenson (City) National Pollutant Discharge Elimination System (NPDES) Permit:

1. Between January 2012 and December 2016, the City exceeded its design criteria for five (5)-Day Biochemical Oxygen Demand (BOD₅) or Total Suspended Solids (TSS) on twenty-one (21) occasions (violation of NPDES Permit Section S4.A).
2. Between September 2015 and September 2016, the City exceed effluent limits for TSS or Fecal Coliform on five (5) occasions (violation of NPDES Permit Section S1).
3. The City has not submitted a plan for Maintaining Adequate Capacity (violation of NPDES Permit Section S4.B).

This Notice of Violation is issued under the authority of Revised Code of Washington (RCW) 90.48.120(1).

All questions in response to this document should be directed to Patricia Bailey, Senior Compliance Specialist, at 360-407-6271 or patricia.bailey@ecy.wa.gov.

Sincerely,

Richard Doenges
Southwest Regional Manager
Water Quality Program

Enclosures: Notice of Violation Docket #14032

By Registered Mail: RE 884 766 776 US

cc: Eric Hanson, City of Stevenson
Public Works Department, City of Stevenson



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE)
BY THE CITY OF STEVENSON, WA) NOTICE OF VIOLATION
WITH CHAPTER 90.48 RCW AND THE) DOCKET #14032
RULES AND REGULATIONS OF)
THE DEPARTMENT OF ECOLOGY)

To: The Honorable Frank Cox
Mayor of Stevenson
P.O. Box 371
Stevenson, WA 98648

Notice of Violation (NOV) Docket #	14032
Name	City of Stevenson Wastewater Treatment Plant
Location	686 Southwest Rock Creek Drive Stevenson, WA

The Department of Ecology (Ecology) is issuing this Notice of Violation (NOV) to you for violating provisions of Chapter 90.48 Revised Code of Washington (RCW) Water Pollution Control. This notice contains Ecology's determination that a violation has or will occur.

Ecology has the authority to issue this Notice of Violation under RCW 90.48.120(1) which reads in part:

"Whenever, in the opinion of Ecology, any person shall violate or create a substantial potential to violate the provisions of the chapter, or fails to control the polluting content of waste discharged, or to be discharged into any waters of the state the department shall notify such person of its determination by registered mail...."

PROJECT / SITE LOCATION

City of Stevenson Wastewater Treatment
686 Southwest Rock Creek Drive
Stevenson, WA

DETERMINATION OF VIOLATIONS

Notice is hereby given in accordance with RCW 90.48.120(1), as follows:

The city of Stevenson (City) owns a wastewater treatment plant that discharges treated

wastewater to the Columbia River under National Pollutant Discharge Elimination System (NPDES) Permit No WA002062 issued by Ecology. Since January 2012, influent wastewater at the Wastewater Treatment Plant (Plant) has, at times, exceeded the Plant's design capacity. The problem became acute in 2015, when influent wastewater exceeded the Plant's design capacity every month over a five (5)-month period (July through November). The City again exceeded its design capacity in 2016, over a six (6)-month period between June and November. Permit effluent violations occurred several times during this period and are likely the result of facility overloading. The City has not submitted a plan for Maintaining Adequate Capacity but reports that it is in the process of preparing one. The source of high loadings to the treatment plant are several commercial establishments according to recent City sampling.

This determination does not constitute an Order or directive under RCW 43.21B.310.

FILE A REPORT WITH ECOLOGY

Pursuant to RCW 90.48.120(1), within thirty (30) days from receipt of this Notice of Violation, the city of Stevenson must file a full report with Ecology stating:

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of Ecology.
2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of Ecology.

Send the report to:

Patricia Bailey
Department of Ecology
Southwest Regional Office
Water Quality Program
P.O. Box 47775
Olympia, Washington 98504-7775

ECOLOGY'S RESPONSE

Upon receipt of the report, Ecology will review the information provided and issue an Order or directive as it deems appropriate under the circumstances, and shall notify the city of Stevenson.

CONTACT INFORMATION

Please direct all questions about this Notice of Violation to:

Patricia Bailey
Mail: Address Above
Phone: 360-407-6271
E-mail: patricia.bailey@ecy.wa.gov

MORE INFORMATION

- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>

SIGNATURE



Richard Doenges
Southwest Regional Manager
Water Quality Program

4/4/17
Date

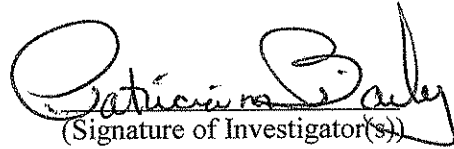
RECOMMENDATION FOR ENFORCEMENT ACTION
WATER QUALITY PROGRAM

Southwest Regional Office

Docket No. 14032

Date: February 20, 2017

From: Patricia Bailey
Senior Compliance Specialist



(Signature of Investigator(s))

RECOMMEND ENFORCEMENT ACTION TO BE TAKEN:

I. Against: The Honorable Frank Cox
Mayor of Stevenson

II. Location:

Mailing Address / Phone
P.O. Box 371
Stevenson, WA 98648
Phone: 509-427-5970

Location of Violation
City of Stevenson Wastewater Treatment Plant
686 Southwest Rock Creek Drive
Stevenson, WA

III. Type of Action

- A. Penalty, Revised Code of Washington (RCW) 90.48.144
- B. Notice of Violation, RCW 90.48.120 (1)
- C. Follow-up Order, RCW 90.48.120(1)
- D. Immediate Action Order, RCW 90.48.120(2)
- E. Amendment of Action
- F. Other (specify authority)

IV. Nature of Violation

- 1) Unlawful Discharge of Polluting Matter into Waters of the State, RCW 90.48.080.
- 2) Violation of the Terms of a Waste Discharge Permit Issued under RCW 90.48.160, 90.48.180 or 90.48.260 through 90.48.262.
- 3) Discharging Pollutants Without a Permit Authorized under RCW 90.48.160, 90.48.180, or 90.48.260 through 90.48.262.
- 4) Violation of the Terms of a Regulatory Order or other provisions of RCW 90.48.

- 5) Agricultural Discharges, RCW 90.48.450. Has consideration been given to the effect of the action on conversion of agricultural to nonagricultural uses?
- 6) Other

V. Name of Watercourse Involved: Columbia River above Bonneville Dam

VI. Narrative of Incident and Violations:

The city of Stevenson (City) owns a wastewater treatment plant that discharges treated wastewater to the Columbia River under National Pollutant Discharge Elimination System (NPDES) Permit No WA002062 issued by the Department of Ecology (Ecology). Since January 2012, influent wastewater at the Wastewater Treatment Plant (Plant) has at times exceeded the Plant's design capacity. The problem became acute in 2015, when influent wastewater exceeded the Plant's design capacity every month over a five (5)-month period (July through November). The City again exceeded its design capacity in 2016, over a six (6)-month period between June and November. Permit effluent violations occurred several times during this period and are likely the result of facility overloading. The City has not submitted a plan for maintaining adequate capacity but reports that it is in the process of preparing one. The sources of high loadings to the treatment plant are several commercial establishments according to recent City sampling.

Under Section S1 of the City's NPDES permit, the City is authorized to discharge treated wastewater subject to the following limitations:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>
<i>BOD-5</i>	<i>30 mg/l, 92 lbs/day 85% Removal</i>	<i>45 mg/l, 138 lbs/day</i>
<i>TSS</i>	<i>30 mg/l, 92 lbs/day 85% Removal</i>	<i>45 mg/l, 138 lbs/day</i>
<i>Fecal Coliform Bacteria (geometric mean values)</i>	<i>200/100 ml</i>	<i>400/100 ml</i>
<i>pH</i>	<i>Shall not be outside the range 6.0 to 9.0</i>	

Section S4 of the permit addresses facility overloading. Section S4.A (Design Criteria) states:

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded.

- *Average flow for the maximum month: 0.45 MGD*
- *Influent BOD5 loading for maximum month: 612 lbs/day*
- *Influent TSS loading for maximum month: 612 lbs/day*

Section S4.B. (Plans for Maintaining Adequate Capacity) states in part:

When the actual flow or wasteload reaches eighty-five (85) percent of the design capacity (paragraph A above) for three (3) consecutive months, ninety-five (95) percent capacity for any single month, or when the projected increases would reach design capacity within five years, whichever occurs first, the Permittee shall submit to Ecology, a plan and a schedule for continuing to maintain capacity at the facility sufficient to achieve the effluent limitations and other conditions of this permit.

Violations

1. Between January 2012 and December 2016, the City exceeded its design criteria for 5-Day Biochemical Oxygen Demand (BOD₅) or Total Suspended Solids (TSS) on twenty-one (21) occasions (Table 1) (violation of NPDES Permit Section S4.A).
2. Between September 2015 and September 2016, the City exceed effluent limits for TSS or Fecal Coliform on five (5) occasions (Table 1) (violation of NPDES Permit Section S1).
3. The City has not submitted a plan for maintaining adequate capacity (violation of NPDES Permit Section S4.B).

VII. Technical Assistance Efforts to Resolve Violation:

Ecology staff have had numerous communications with City staff over the past five (5) years regarding issues at the treatment plants.

VIII. Evidence Obtained:

- Samples, Lab. Report No.
- Pictures
- Video Tape
- Witness Statements
- Documents (Discharge Monitoring Reports)
- Maps
- Other: _____

ENDORSEMENTS

The following actions are recommended to resolve this matter:

Gregory Zentner, P.E. 
Unit Supervisor Date 3/20/2017

Concurrence with recommended action:

Richard Doenges 
Southwest Regional Manager Date 4/4/17

Gravity Criteria Definitions

1. Did the violation result in a public health risk?
 - Answer “no” if there is no evidence to support a claim of public health risk.
 - Answer “possibly” if a public health risk can be inferred from evidence and knowledge of the effects of the violation.
 - Answer “probably” if evidence supports a claim of public health risk and there is a plausible connection between this violation and the health or effect.
 - Answer “definitely” if there is direct evidence linking public health risk or adverse effects with the violation.

2. Did the violation result in environmental damage?
 - Answer “no” if there is no evidence to support a claim of environmental damage or impairment of beneficial uses.
 - Answer “possibly” if environmental damage or impairment of beneficial uses can be inferred from evidence or knowledge of the effects of the violation.
 - Answer “probably” if there is evidence to support a claim of environmental damage or impairment of beneficial uses and there is a plausible connection between the violation and the damage/impairment.
 - Answer “definitely” if there is direct evidence linking demonstrable environmental damage or impairment of the beneficial uses with the violation.

3. Was it a willful or knowing violation?
 - Answer “no” if the violator obviously did not know that the action or inaction constituted a violation.
 - Answer “possibly” if it is likely the violator knew.
 - Answer “probably” if the violator should have known.
 - Answer “definitely” if the violator clearly knew. If the answer is “definitely,” consider consulting with the environmental crimes unit.

4. Was the responsible person unresponsive in correcting the violation?
 - Answer “no” if the violation was corrected as soon as the responsible person learned of it.
 - Answer “possibly” if the violation was corrected in a less timely and cooperative fashion.
 - Answer “probably” if the responsible person attempted to correct the problem but did not correct it.
 - Answer “definitely” if the responsible person made no attempt to correct the violation.

5. Was the violation a result of improper operation or inadequate maintenance? (i.e., BMPs, pollution prevention plans, operation and maintenance (O&M) plans)
 - Answer “no” if the violation was not the result of improper operation or inadequate maintenance.
 - Answer “possibly” if the facility has an O&M plan, PPP, SWPPP, or BMP manual that is out of date or inadequate.
 - Answer “probably” if there is no O&M plan, PPP, SWPPP, or BMPs developed for the facility.
 - Answer “definitely” if the facility has no plans or is not following its plan AND the violation was clearly the result of improper operation or maintenance.

6. Did the facility fail to obtain all of the necessary permits, certifications, and approvals to operate at the time of the violation?
 - Answer “no” if the paperwork was complete and appropriate for the job or task that caused the violation.

- Answer “definitely” if the facility did not have all the required permits and approvals for the job or task that caused the violation.
7. Did anyone benefit economically from non-compliance?
- Answer “no” if it is clear that no one obtained an economic benefit.
 - Answer “possibly” if someone might have benefited.
 - Answer “probably” if anyone benefited, but the benefit is not quantifiable.
 - Answer “definitely” if the economic benefit is quantifiable.

Revised April 2005

Table 1
 City of Stevenson Permit Sections S1 and S4 Violations
 January 2012- December2016

<u>Month</u>	<u>Location</u>	<u>Parameter</u>	<u>Units</u>	<u>Duration</u>	<u>Value</u>	<u>Limit</u>	<u>Violation</u>
11/1/2016	Influent	BOD-5	Lbs/Day	AVM	641	612	Design Criteria
10/1/2016	Influent	BOD-5	Lbs/Day	AVM	793	612	Design Criteria
9/1/2016	Influent	BOD-5	Lbs/Day	AVM	834	612	Design Criteria
9/1/2016	Influent	TSS	Lbs/Day	AVM	866	612	Design Criteria
9/1/2016	Effluent	TSS	mg/L	AVM	33	30	Effluent Limit
9/1/2016	Effluent	TSS	mg/L	AVW	54	45	Effluent Limit
8/1/2016	Influent	BOD-5	Lbs/Day	AVM	1218	612	Design Criteria
8/1/2016	Influent	TSS	Lbs/Day	AVM	816	612	Design Criteria
7/1/2016	Influent	BOD-5	Lbs/Day	AVM	1037	612	Design Criteria
7/1/2016	Influent	TSS	Lbs/Day	AVM	720	612	Design Criteria
6/1/2016	Influent	BOD-5	Lbs/Day	AVM	676	612	Design Criteria
4/1/2016	Influent	BOD-5	Lbs/Day	AVM	639	612	Design Criteria
4/1/2016	Effluent	TSS	Lbs/Day	AVW	198	138	Effluent Limit
4/1/2016	Effluent	TSS	mg/L	AVM	57	30	Effluent Limit
4/1/2016	Effluent	TSS	mg/L	AVW	163	45	Effluent Limit
11/1/2015	Influent	BOD-5	Lbs/Day	AVM	619	612	Design Criteria
11/1/2015	Influent	TSS	Lbs/Day	AVM	637	612	Design Criteria
10/1/2015	Influent	BOD-5	Lbs/Day	AVM	877	612	Design Criteria
9/1/2015	Influent	BOD-5	Lbs/Day	AVM	938	612	Design Criteria
9/1/2015	Influent	TSS	Lbs/Day	AVM	848	612	Design Criteria
9/1/2015	Effluent	Fecal Coliform	#/100ml	AVW	1000	400	Effluent Limit
8/1/2015	Influent	BOD-5	Lbs/Day	AVM	904	612	Design Criteria
7/1/2015	Influent	BOD-5	Lbs/Day	AVM	1027	612	Design Criteria
12/1/2014	Influent	TSS	Lbs/Day	AVM	637	612	Design Criteria
2/1/2014	Influent	TSS	Lbs/Day	AVM	706	612	Design Criteria
3/1/2012	Influent	BOD-5	Lbs/Day	AVM	683	612	Design Criteria
1/1/2012	Influent	BOD-5	Lbs/Day	AVM	901	612	Design Criteria

Notes

BOD-5 Biochemical Oxygen Demand (5-day)
 AVM Average Monthly

TSS Total Suspended Solids
 AVW Average Weekly