



## REGION 10

SEATTLE, WA 98101

### RETURN RECEIPT REQUESTED

The Honorable Tom Morphet  
Mayor  
Haines Borough  
103 Third Avenue South  
Haines, Alaska 99827

Re: **NOTICE OF VIOLATION**  
Haines Borough Wastewater Treatment Plant  
NPDES Permit Number AK0021385

Dear Mayor Morphet:

The U.S. Environmental Protection Agency (EPA) appreciates your time and cooperation during EPA's May 29, 2024, Clean Water Act (CWA) inspection of the Haines Borough Wastewater Treatment Plant ("Facility"). EPA inspected the Facility and reviewed administrative files to assess the Facility's compliance with the requirements of the CWA and the Facility's individual National Pollutant Discharge Elimination System (NPDES) permit ("Permit").

The Facility is permitted to discharge under the Permit # AK0021385, which became effective on November 20, 2001 and has been administratively extended since the expiration date of December 26, 2006.

The purpose of this letter is to notify you of violations EPA has identified following the inspection and file review.

1. EPA reviewed Discharge Monitoring Reports (DMRs) from January 1, 2020, through December 31, 2024 and identified six effluent limit exceedances that constitute 156 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is shown below.

| Month    | Pollutant         | Reported Value | Permit Limit | Unit    | Limit Type | # Violations |
|----------|-------------------|----------------|--------------|---------|------------|--------------|
| Jul 2021 | Coliform, fecal   | 9000000        | 1500000      | #/100mL | Daily Max  | 1            |
| Jan 2022 | BOD, 5-day, % Rmv | 12             | 30           | %       | Mn % Rmv   | 31           |
| May 2023 | BOD, 5-day, % Rmv | 18             | 30           | %       | Mn % Rmv   | 31           |
| Jan 2024 | BOD, 5-day, % Rmv | 8              | 30           | %       | Mn % Rmv   | 31           |
| Jul 2024 | BOD, 5-day, 20°C  | 275            | 260          | mg/L    | Mo Avg     | 31           |

| Month    | Pollutant         | Reported Value | Permit Limit | Unit | Limit Type | # Violations |
|----------|-------------------|----------------|--------------|------|------------|--------------|
| Oct 2024 | BOD, 5-day, % Rmv | 0              | 30           | %    | Mn % Rmv   | 31           |

2. Part II.C of the Permit states, in part, " Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form. The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month... "

Upon review of DMRs accessed through EPA's Integrated Compliance Information System (ICIS) database, EPA found the Facility was late in submitting its DMR for the August 2024 monitoring month. The DMR should have been postmarked by the 10<sup>th</sup> day of the following month, September; however, the DMR was dated October 21, 2024.

Haines Borough is requested to respond, in writing, to the findings stated above **within 30 days of receipt of this letter**. Your response should include the causes of the violations and the measures taken to address the current violations and prevent future violations. The request for information in this letter is made under the authority of Section 308 of the CWA, 33 U.S.C. § 1318. In accordance with the provisions of 40 C.F.R. § 2.203(b), you may assert a business confidentiality claim covering part or all the information submitted by clearly identifying it as "confidential." If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

Please send your response letter via email to:

Raymond Andrews  
Compliance Officer  
U.S. Environmental Protection Agency  
[andrews.raymond@epa.gov](mailto:andrews.raymond@epa.gov)

EPA's [Small Business Resources Information Sheet](#) provides information on compliance assistance that may be helpful to you. For more information about the CWA regulations and requirements, please visit the EPA's webpage: <https://www.epa.gov/enforcement/water-enforcement>.

Although our goal is to ensure NPDES facilities and projects comply fully with their permits, the ultimate responsibility rests with the permittee. I strongly encourage you to continue your efforts to maintain full knowledge of permit requirements, other appropriate statutes and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews, of my staff, at [Andrews.raymond@epa.gov](mailto:Andrews.raymond@epa.gov) or (206) 553-4252.

Sincerely,

Jeff KenKnight, Manager  
Water Enforcement and Field Branch  
Enforcement and Compliance Assurance Division

cc: Mr. Dennis Durr  
Operator, Haines Burrough WWTP