



REGION 10

SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

Stuart Bryant
Lead Operator
Kamiah Water Treatment Plant
101 East 3rd Street/P.O. Box 338
Kamiah, Idaho 83536

Re: **NOTICE OF VIOLATION**
City of Kamiah Water Treatment Plant
NPDES Permit Number ID0028461

Dear Mr. Bryant:

The U.S. Environmental Protection Agency (EPA) appreciates your time and cooperation during EPA's September 13, 2023 Clean Water Act (CWA) inspection of the Kamiah Water Treatment Plant ("Facility") conducted by EPA contracted inspectors and an EPA inspector ("inspection team"). The inspection team inspected the Facility and reviewed administrative files to assess the Facility's compliance with the requirements of the CWA and its National Pollutant Discharge Elimination System (NPDES) Permit ("Permit").

The Kamiah Water Treatment Plant is permitted to discharge under Permit ID0028461 which became effective on January 1, 2013 and has been administratively extended since December 31, 2017.

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

1. Part II.A-C of the Permit outlines special conditions including the requirements for the Facility's Operation and Maintenance Plan ("O&M Plan"), Best Management Practices Plan ("BMP Plan"), and Quality Assurance Plan (QAP) to be maintained onsite and made available to EPA or an authorized representative upon request.

At the time of inspection, the Facility was unable to provide the O&M Plan, BMP Plan or QAP to the inspection team. The documents were emailed to the inspection team post-inspection, however the documents were required to be onsite and available upon request by the inspection team.

2. Part III.F of the Permit describes records retention requirements stating “The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or the Nez Perce Tribe at any time.”

At the time of inspection, the inspection team learned from the Facility representative that clarifier rinses were not recorded.

The Facility’s QAP stated that “Routine maintenance, calibration, and general upkeep of the sampling equipment will be performed by the respective parties responsible for supplying the field and laboratory equipment.” Appendix B of the Facility’s QAP titled “Standard Operating Procedures for Sample collection - pH, Temperature, Total Residual Chlorine” also stated that “prior to sample collection, calibrate or ensure calibration is current for meters.” However, calibration of the Facility’s pH, temperature and turbidity meters was not logged or recorded each time the probes were used.

Additionally, the Facility did not have written or formalized standard operating procedures for many of its procedures such as the time between clarifier rinses or backwashes, dechlorination procedures or sludge pumping from the settling basin.

EPA acknowledges that corrective actions were taken to remedy the above deficiencies post-inspection such as maintaining log records and ensuring procedures were documented in the Facility’s O&M Plan and in the Facility’s Quick Reference binder.

3. Part IV.E of the Permit states that “The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.”

Part V.G.3 of the Permit outlines the allowance of inspection and entry requirements upon presentation of credentials, specifically stating that “The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; the Nez Perce Tribe; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to...Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit...”

The Facility’s QAP stated that “Routine maintenance, calibration, and general upkeep of the sampling equipment will be performed by the respective parties responsible for supplying the field and laboratory equipment.” Appendix B of the Facility’s QAP titled “Standard Operating

Procedures for Sample collection - pH, Temperature, Total Residual Chlorine” also stated that “prior to sample collection, calibrate or ensure calibration is current for meters.” However, calibration of the Facility’s pH, temperature and turbidity meters was not being performed each time the probes were used.

The Facility’s BMP Plan stated that good housekeeping practices included orderly storage of bags, drums and piles of chemicals. However, the inspection team observed the chemical storage room had one chemical drum and one bag of soda ash outside of secondary containment. The floor drain in the chemical room led to the outside drainage basin and posed a contamination risk if the drainage basin discharged to the settling basin.

Additionally, the Facility representative did not know the location of Outfall 001 and the inspection team was unable to observe and inspect Outfall 001 and the receiving waterbody in its vicinity.

EPA acknowledges that the Facility submitted photographs and coordinates of Outfall 001 and submitted photographs documenting corrective actions addressing the meter calibration and chemical storage deficiencies post inspection.

4. Part III.C of the Permit states “Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.”

Additionally, 40 CFR 136 states that aqueous samples for field and lab preservation purposes must be preserved at $\leq 6^{\circ}\text{Celsius } (^{\circ}\text{C})$.

The inspection team observed that the temperature of the sampling coolers received at the laboratory were greater than 6°C based on sampling records reviewed onsite.

EPA acknowledges that the Facility has added ice to the coolers since the inspection.

The City of Kamiah Water Treatment Plant 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:

Vanessa Oquendo
Compliance Officer
U.S. Environmental Protection Agency
quendo.vanessa@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 Vanessa Oquendo, of my staff, at quendo.vanessa@epa.gov or (206) 553-0201.

Sincerely,

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

cc: Ken Clark
Water Resources Division Director, Nez Perce Tribe

Lucas DuSablón
Tribal Liaison, U.S. Environmental Protection Agency, Region 10

Troy Smith
Compliance and Enforcement Supervisor, Idaho Department of Environmental Quality

Heidi Caye
Compliance and Enforcement Coordinator, Idaho Department of Environmental Quality

Sujata Connell
Acting Regional Administrator, Idaho Department of Environmental Quality – Lewiston Office