REGION 10
SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

The Honorable Roger Riggers
Mayor
City of Craigmont
P.O. Box 250
Craigmont, Idaho 83523

Re: **NOTICE OF VIOLATION AND NOTICE OF FAILURE TO COMPLY WITH ADMINISTRATIVE ORDER ON CONSENT**
City of Craigmont Wastewater Treatment Plant
NPDES Permit Number ID0021288

Dear Mayor Riggers:

The U.S. Environmental Protection Agency (EPA) appreciates your time and cooperation during EPA's July 31, 2023, Clean Water Act (CWA) inspection of the City of Craigmont 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 its National Pollutant Discharge Elimination System (NPDES) permit ID0021288 ("Permit").

The City of Craigmont Wastewater Treatment Plant is currently permitted to discharge under individual Permit number ID0021288, which became effective on June 1, 2020 and will expire on May 31, 2025.

The purpose of this letter is to notify you of violations EPA has identified following the inspection and file review. This letter also addresses the Facility's failure to comply with the Administrative Order on Consent, Docket No. CWA-10-2021-0117 (AOC), that was issued to the City of Craigmont ("Respondent") on July 22, 2021.

Summary of Violations

1. Section I.B, Table 1, of the Permit identifies effluent limitations for discharges to John Dobb Creek from the Facility's Outfall 001 and states that "[t]he permittee must always comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit."

   EPA reviewed Discharge Monitoring Reports (DMRs) from December 2018 through November 2023 and identified 16 effluent limit exceedances that constitute 219 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
April 2022	Solids, suspended percent removal	79	85	%	Monthly Average Minimum	30
April 2022	Biological oxygen demand 5-day, (BOD_5), percent removal	84	85	%	Monthly Average Minimum	30
April 2022	Chlorine, total residual	0.08	0.05[1]	mg/L	Daily Maximum	1
April 2022	Chlorine, total residual	0.067	0.05[2]	lbs/day	Daily Maximum	1
April 2022	Solids, total suspended	36.8	30	mg/L	Monthly Average	30
April 2022	Solids, total suspended	30.9	30	lbs/day	Monthly Average	30
April 2022	pH	9.44	9	standard units (su)	Instantaneous Maximum	1
May 2022	pH	9.47	9	su	Instantaneous Maximum	1
June 2022	Chlorine, total residual	0.06	0.05[1]	mg/L	Daily Maximum	1
June 2022	Chlorine, total residual	1.08	0.05[2]	lbs/day	Daily Maximum	1
June 2022	Chlorine, total residual	0.28	0.05[2]	lbs/day	Monthly Average	30
June 2022	pH	9.08	9	su	Instantaneous Maximum	1
November 2022	Solids, suspended percent removal	62.9	85	%	Monthly Average Minimum	30
November 2022	Solids, total suspended	36.6	30	mg/L	Monthly Average	30
December 2022	Chlorine, total residual	0.109	0.05[2]	lbs/day	Daily Maximum	1
February 2023	*E. coli*, MTEC-MF	1543.1	406	cfu/100ml	Instantaneous Maximum	1

2. Section I.B.1 of the Permit requires the Permittee to monitor discharges from outfall 001 for the parameters specified in Table 1. One of the parameters listed is Total Ammonia (as Nitrogen).

   Section I.C further specifies that the Facility must conduct surface water monitoring once per quarter for several parameters, including ammonia.

[1] The Permit limit for chlorine is not quantifiable using EPA-approved analytical methods. As a result, EPA set a 0.05 mg/L compliance evaluation level for this parameter. *See* Permit, Section I.B, Table 1, fn. 5.

[2] The Permit limit for chlorine is not quantifiable using EPA-approved analytical methods. As a result, EPA set a 0.05 lbs/day compliance evaluation level for this parameter. *See* Permit, Section I.B, Table 1, fn. 5.

Upon review of the Facility's DMRs, EPA found that the City of Craigmont did not conduct effluent or surface water monitoring for ammonia for the period ending June 30, 2020.

Failure to conduct effluent and surface water monitoring for ammonia is a violation of Section I.B and I.C, respectively, of the Permit.

3. Section II.A of the Permit states, in part, that "the permittee must develop and implement an Operations and Maintenance (O&M) Plan for the wastewater treatment facility. … Any changes occurring in the operation of the plant must be reflected within the O&M Plan. Within 180 days of the effective date of this permit, the permittee must submit written notice to EPA and the Nez Perce Tribe that the O&M Plan has been developed and implemented."

   The O&M Plan was required to be submitted to EPA and the Nez Perce Tribe by December 31, 2020. Upon file review, EPA found that the Facility submitted the O&M Plan on March 23, 2021. Failure to timely submit written notice to EPA that the O&M Plan has been developed and implemented is a violation of Section II.A of the Permit.

   In addition, at the time of the inspection, the inspectors observed that the O&M Plan was not reflective of current operational protocols, including the dechlorination procedures being implemented at the Facility. While the City of Craigmont previously notified EPA of the dechlorination process change in an August 2021 letter, failure to make changes to the O&M Plan to reflect current plant operating procedures is an additional violation of Section II.A of the Permit.

   Has the O&M Plan been updated since the time of the inspection? **If YES, please submit a copy of the updated O&M Plan in response to this NOV.**

4. Section II.B of the Permit requires, within 180 days of the effective date of the Permit, that the Facility submit written notice to EPA and the Nez Perce Tribe that the Quality Assurance Plan (QAP) has been developed and implemented.

   Section II.F.2 of the Permit requires, within 180 days of the effective date of the Permit, that the Facility submit written notice to EPA and the Nez Perce Tribe that the Emergency Response and Public Notification (ERPN) Plan has been developed and implemented.

   Upon file review, EPA found that the Facility submitted the QAP and ERPN Plan on March 23, 2021. Both the QAP and ERPN Plan were required to be submitted by December 31, 2020.

   Failure to timely submit written notice to EPA that the QAP has been developed and implemented is in violation of Section II.B of the Permit. Further, failure to timely submit written notice to EPA that the ERPN Plan has been developed and implemented is in violation of Section II.F.2 of the Permit.

5. The Permit includes a compliance schedule for ammonia and identifies several tasks that the Permittee needs to complete, including a facility plan to evaluate alternatives to meet the final

effluent limitations for ammonia, and an engineering design for the selected alternative. Permit, Section II.C. Prior to completing construction of the selected alternative, the Permittee must award a bid for construction and notify EPA and the Nez Perce Tribe that the bid award is complete. Specifically, Table 4 in Section II.C.2 of the Permit requires that the permittee provide written notice to EPA and the Nez Perce Tribe that the bid award is complete within three years of the effective date of the Permit.

To date, EPA has not received written notice that the bid award is complete. On November 3, 2023, the Facility submitted the Quarter 3 of 2023 status report and stated, "Project is out for bid with bid opening being the middle of November 2023."

Failure to timely submit written notice to EPA that the bid award is complete is in violation of Section II.C.2 of the Permit.

Has the Facility awarded a bid for construction? **If YES, please submit a written notification of bid award completion in response to this NOV.**

6. Section II.C.3 of the Permit requires an Annual Report of Progress on achieving the ammonia effluent limitations.

   Section II.C.4 of the Permit states, in part, "[t]he annual Report of Progress must be submitted by one year after effective date of permit of each year. The first report is due one year after effective date of permit and annually thereafter, until compliance with the ammonia effluent limits is achieved."

   Upon file review, EPA found that the Facility submitted the Annual Report of Progress for 2020 on July 8, 2021. The report was required to be submitted by June 20, 2021. Additionally, EPA has not received an Annual Report of Progress for 2022. The 2022 Report was required to be submitted by June 20, 2023.

   Failure to submit or timely submit the 2020 and 2022 Annual Reports of Progress is a violation of Sections II.C.3 and II.C.4 of the Permit.

   Has the 2022 Annual Report of Progress been completed for the Facility? **If YES, please submit a copy of the 2022 Annual Report in response to this NOV.**

7. Section III.A of the Permit requires that samples and measures taken for the purpose of monitoring be representative of the monitored activity. Section I.B.4 of the Permit requires the Permittee to "collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters."

   At the time of the inspection, the inspectors observed that effluent flow is not measured at the end of the treatment process but is measured between the secondary lagoon and chlorination chamber (before the sand filters and dechlorination units). The Facility's Maintenance Supervisor, Mr. Richard Samsel, explained that he estimates the average daily effluent flow based on how long it takes the chlorination unit to empty through the sand filters and outfall (typically several days).

Failure to physically measure effluent flow at the end of the treatment process is a violation of Section III.A and Section I.B.4 of the Permit.

8. Section IV.E of the Permit states, in part, that "[t]he 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 [P]ermit."

   At the time of the inspection, the inspectors observed heavy solids accumulated at the influent vault structure, solids accumulation and several dead ducks in the valve box in between the two lagoons and damage to the staff gauge at the effluent v-notch weir.

   Failure to maintain all systems of treatment used by the Facility to achieve compliance with the Permit is a violation of Section IV.E of the Permit.

Administrative Order on Consent

On July 22, 2021, EPA Region 10 and Respondent, the City of Craigmont, entered into an AOC. The EPA and Respondent entered into this AOC pursuant to Sections 308 and 309(a) of the Clean Water Act (CWA), 33 U.S.C. §§ 1318 and 1319(a). Section V of the AOC requires Respondent to perform specific actions at the Facility and Section VI, paragraph 6.1, requires Respondent to provide a status report to EPA within 30 days of the end of each calendar-year quarter until the Order is terminated.

1. As stated above, paragraph 6.1 of the AOC requires quarterly status reports.

   Upon file review, EPA found that Respondent submitted the following quarterly status reports late:

   - **Quarter 3 of 2021** (due 10/31/2021), received 5/17/2023
   - **Quarter 2 of 2022** (due 7/31/2022), received 5/17/2023
   - **Quarter 3 of 2022** (due 10/31/2022), received 5/17/2023
   - **Quarter 4 of 2022** (due 1/31/2023), received 5/17/2023
   - **Quarter 1 of 2023** (due 4/30/2023), received 5/17/2023
   - **Quarter 2 of 2023** (due 7/31/2023), received 8/22/2023
   - **Quarter 3 of 2023** (due 10/31/2023), received 11/2/2023

   Failure to timely submit the quarterly status reports in accordance with the specified timeline is a violation of Paragraph 6.1 of the AOC.

2. Paragraph 6.1 of the AOC further states that "[e]ach status report must include: (a) a description of the actions that have been taken toward achieving compliance with this Order during the previous quarter; (b) an assessment of the effectiveness of such actions in preventing Permit violations; (c) the status of the implementation of the compliance

measures required by Section V of this Order, (d) a summary of all Permit violations that occurred during the previous quarter; and (e) an analysis of the cause of each such Permit violation."

EPA reviewed the quarterly status reports and found that many of the reports appeared to lack certain components ("a" – "e") specified by Paragraph 6.1 of the AOC. While the quarterly status reports submitted for Quarter 4 of 2021 and Quarter 1 of 2022 delineate each required part, the other reports are written in paragraph form without distinguishing between the required elements and are generally deficient in including all of the required elements.

While the City generally provides updates as to actions that have been taken toward achieving compliance with the Order during the previous quarter, as required by (a), little information is provided to explain whether actions taken have been effective at preventing Permit violations, as required by (b) or the overall status and timeline for implementing the Facility Plan, as required by (c). For example, for requirement (b), are the interim measures to comply with the chlorine limit working? Have there been any issues with implementing this interim measure? The last status letter, dated November 2, 2023, indicates that the biosolids project has been completed. Going forward, to comply with requirement (b), the Facility should update the EPA on whether this and any other completed project has been effective to reduce Permit violations.

In Quarter 2 of 2022, Quarter 4 of 2022 and Quarter 1 of 2023, the Facility had Permit violations yet the status reports do not include a summary of Permit violations and an analysis of the cause of the violations, as required by Paragraph 6.1 of the AOC.

3. Paragraph 6.3 of the AOC states that "[a]ll reports, notifications, documentation, and submissions required by this Order must be signed by a duly authorized representative of Respondent as specified by 40 C.F.R. § 122.22(b) and (d) and must include the following statement:

   'I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.'"

   Upon file review, EPA found that the quarterly status reports submitted for Quarter 3 of 2021; Quarters 2, 3 and 4 of 2022; and Quarters 1, 2 and 3 of 2023 did not include the required certification statement.

   Failure to include the certification statement is a violation of Paragraph 6.3 of the AOC.

Paragraph 6.7 of the AOC provides EPA with the authority to request the supplementation or modification of the Respondent's submissions. Please revise the Quarter 2 of 2022, Quarter 4 of 2022 and Quarter 1 of 2023 quarterly reports to include a summary of Permit violations and an analysis of the cause of the violations. Please revise the Quarter 3 of 2021; Quarters 2, 3, and 4 of 2022; and Quarters 1, 2, and 3 of 2023 to include the required certification statement. In response to this NOV, please provide an update on the overall status of implementation of the Facility Plan and timeline for completion. EPA also requests that future status reports separately address each of the required components of paragraph 6.1 of the AOC.

The City of Craigmont 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:

Emily Siangkam
Compliance Officer
U.S. Environmental Protection Agency
Siangkam.Emily@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 Emily Siangkam, of my staff, at Siangkam.Emily@EPA.gov or (206) 553-2964.

Sincerely,

JEFFERY KENKNIGHT
Digitally signed by JEFFERY KENKNIGHT
Date: 2024.01.26 11:34:29 -08'00'

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

cc: Mr. Richard “Bob” Samsel
Maintenance Supervisor, City of Craigmont Wastewater Treatment Plant

Mr. Ken Clark
Director, Water Resources Division of the Nez Perce Tribe

Ms. Ann Lefler
Compliance and Enforcement Supervisor, Idaho Department of Environmental Quality

Mr. Michael Camin
Regional Administrator, Lewiston Office, Idaho Department of Environmental Quality