



REGION 10
SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

The Honorable John Hermann
Mayor
City of Genesee
P.O. Box 38
Genesee, Idaho 83832

Re: **NOTICE OF VIOLATION**
City of Genesee Wastewater Treatment Plant
NPDES Permit Number ID0020125

Dear Mayor Hermann:

The U.S. Environmental Protection Agency (EPA) appreciates your time and cooperation during EPA's March 20, 2023 Clean Water Act (CWA) inspection of the City of Genesee 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 National Pollutant Discharge Elimination System (NPDES) individual permit ("Permit").

The City of Genesee Wastewater Treatment Plant is permitted to discharge under the Permit ID0020125, which became effective on July 1, 2017, and has been administratively extended since the expiration date of June 30, 2022.

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 September 2019 through August 2024 and identified 78 effluent limit exceedances that constitute 1,987 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
Dec 2019	Biological oxygen demand (BOD), 5-day, 20 deg. C	31.5	30.	mg/L	Monthly Avg	31
Dec 2019	BOD, percent removal	73.	85.	%	Monthly Avg Min	31
Dec 2019	Total suspended solids (TSS)	50.	45.	mg/L	Monthly Avg	31
Jan 2020	BOD	43.2	30.	mg/L	Monthly Avg	31
Jan 2020	BOD, percent removal	77.	85.	%	Monthly Avg Min	31
Jan 2020	TSS	54.	45.	mg/L	Monthly Avg	31
Feb 2020	BOD	31.9	30.	mg/L	Monthly Avg	29
Feb 2020	BOD	55.9	38.	lb/d	Monthly Avg	29
Feb 2020	BOD, percent removal	81.	85.	%	Monthly Avg Min	29
Feb 2020	TSS	59.	45.	mg/L	Monthly Avg	29
Feb 2020	TSS	103.3	56.	lb/d	Monthly Avg	29
Feb 2020	TSS	103.3	81.	lb/d	Weekly Avg	29
March 2020	BOD	39.2	30.	mg/L	Monthly Avg	30
March 2020	BOD	52.31	38.	lb/d	Monthly Avg	30
March 2020	TSS	98.	45.	mg/L	Monthly Avg	30
March 2020	TSS	98.	65.	mg/L	Weekly Avg	7
March 2020	TSS	130.8	56.	lb/d	Monthly Avg	30
March 2020	TSS	130.8	81.	lb/d	Weekly Avg	30
April 2020	BOD	33.85	30.	mg/L	Monthly Avg	30
April 2020	pH	9.55	9.	SU	Instant Max	1
Nov 2020	BOD	33.7	30.	mg/L	Monthly Avg	30
Nov 2020	BOD, percent removal	62.	85.	%	Monthly Avg Min	30
Nov 2020	TSS	66.	45.	mg/L	Monthly Avg	30
Nov 2020	TSS	66.	65.	mg/L	Weekly Avg	7
Nov 2020	TSS	71.56	56.	lb/d	Monthly Avg	30
Dec 2020	BOD	35.8	30.	mg/L	Monthly Avg	30
Jan 2021	BOD	31.8	30.	mg/L	Monthly Avg	30
Jan 2021	BOD, percent removal	69.4	85.	%	Monthly Avg Min	30
Jan 2021	TSS	62.55	56.	lb/d	Monthly Avg	30
Jan 2021	TSS	75.	45.	mg/L	Monthly Avg	30
Jan 2021	TSS	75.	65.	mg/L	Weekly Avg	7
Feb 2021	BOD	38.5	30.	mg/L	Monthly Avg	30
Feb 2021	TSS	58.9	45.	mg/L	Monthly Avg	30
March 2021	BOD	43.5	38.	lb/d	Monthly Avg	30

March 2021	BOD, percent removal	74.	85.	%	Monthly Avg Min	30
March 2021	pH	9.19	9.	SU	Instant Max	1
March 2021	TSS	45.8	45.	mg/L	Monthly Avg	31
March 2021	TSS	68.76	56.	lb/d	Monthly Avg	31
Dec 2021	Total ammonia (as nitrogen)	22.	15.	mg/L	Monthly Avg	31
Dec 2021	Ammonia	25.69	19.	lb/d	Monthly Avg	31
Jan 2022	Ammonia	19.1	19.	lb/d	Monthly Avg	31
Jan 2022	Ammonia	20.9	15.	mg/L	Monthly Avg	31
Feb 2022	Ammonia	17.93	15.	mg/L	Monthly Avg	28
Feb 2022	TSS, percent removal	41.5	65.	%	Monthly Avg Min	28
March 2022	pH	9.51	9.	SU	Instant Max	1
April 2022	Ammonia	21.1	19.	lb/d	Monthly Avg	30
June 2022	Total phosphorus	6.18	2.	lb/d	Monthly Avg	30
June 2022	Phosphorus	6.18	4.1	lb/d	Weekly Average	7
Nov 2022	Ammonia	20.7	15.	mg/L	Monthly Avg	30
Nov 2022	Ammonia	22.4	19.	lb/d	Monthly Avg	30
Dec 2022	Ammonia	21.2	19.	lb/d	Monthly Avg	31
Dec 2022	Ammonia	21.7	15.	mg/L	Monthly Avg	31
Jan 2023	Ammonia	17.6	15.	mg/L	Monthly Avg	31
Jan 2023	Ammonia	26.4	19.	lb/d	Monthly Avg	31
Feb 2023	BOD, percent removal	71.2	85.	%	Monthly Avg Min	28
April 2023	BOD	82.4	30.	mg/L	Monthly Avg	30
April 2023	BOD	82.4	45.	mg/L	Weekly Avg	7
April 2023	BOD	185.5	38.	lb/d	Monthly Avg	30
April 2023	BOD	185.5	56.	lb/d	Weekly Avg	7
April 2023	BOD, percent removal	72.	85.	%	Monthly Avg Min	30
April 2023	pH	9.56	9.	SU	Instant Max	1
Dec 2023	BOD	34.5	30.	mg/L	Monthly Avg	31
Dec 2023	BOD	46.	38.	lb/d	Monthly Avg	31
Dec 2023	TSS	46.8	45.	mg/L	Monthly Avg	31
Dec 2023	TSS	62.4	56.	lb/d	Monthly Avg	31
Jan 2024	BOD	49.5	30.	mg/L	Monthly Avg	31
Jan 2024	BOD,	49.5	45.	mg/L	Weekly Avg	7
Jan 2024	BOD	53.	38.	lb/d	Monthly Avg	31
Jan 2024	BOD, percent removal	77.	85.	%	Monthly Avg Min	31
Jan 2024	TSS	68.1	45.	mg/L	Monthly Avg	31

Jan 2024	TSS	68.1	65.	mg/L	Weekly Avg	7
Jan 2024	TSS	73.8	56.	lb/d	Monthly Avg	31
Feb 2024	TSS	60.	45.	mg/L	Monthly Avg	29
Feb 2024	TSS	65.1	56.	lb/d	Monthly Avg	29
March 2024	BOD, percent removal	74.	85.	%	Monthly Avg Min	31
March 2024	pH	9.58	9.	SU	Instant Max	1
March 2024	TSS	61.1	45.	mg/L	Monthly Avg	31
March 2024	TSS	71.3	56.	lb/d	Monthly Avg	31

2. Part I.B of the Permit requires the Facility to “limit and monitor discharges from outfall 001 as specified in Table 1, Effluent Limitations and Monitoring Requirements.” Table 1, Note 11 states that the Facility should refer to NPDES Permit Application Form 2A, [Table B] for a list of parameters to be tested and reported on an annual basis.

Upon file review, EPA found that for the period of July 1, 2019 to June 30, 2020, the Facility did not conduct annual sampling for dissolved oxygen (DO), Kjeldahl nitrogen, nitrite and nitrate, phosphorus, oil and grease, and total dissolved solids. Failure to conduct and report annual sampling for the parameters in Table B of the NPDES Permit Application Form 2A for the monitoring period ending on June 30, 2020 is a violation of Part I.B of the Permit.

EPA also found that for the period of July 1, 2020 to June 30, 2021, the Facility did not conduct annual sampling for any of the parameters (dissolved oxygen, ammonia, Kjeldahl nitrogen, nitrite and nitrate, phosphorus, oil and grease, chlorine, total dissolved solids) and report this data to EPA. Failure to conduct annual sampling for the parameters in Table B and report the data to EPA is a violation of Part I.B of the Permit.

3. Part III.B.1 of the Permit states, “Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR.”

EPA reviewed DMRs submitted by the Facility and found that one DMR was submitted late. The January 2023 DMR was due February 20, 2023 and was submitted April 3, 2023. Failure to timely submit the January 2023 DMR is a violation of Part III.B.1 of the Permit.

EPA also found that in April 2023, the Facility reported no data indicator (NODI) code “P – Laboratory Error or Invalid Test” for total suspended solids and suspended solids percent removal. Failure to collect and report data for all required parameters is a violation of Part III.B.1 of the Permit.

4. Part I.B.3 of the Permit requires the Facility to record maximum daily average temperature using a thermistor, use the device’s software to generate an Excel or electronic ASCII text file, and submit the file and placement log annually to EPA and Idaho Department of Environmental Quality (IDEQ) by January 31 for the previous monitoring year.

The Facility submitted the 2020 Effluent Monitoring Report for temperature was submitted on October 14, 2021 (late). Failure to submit the 2020 Effluent Monitoring Report by January 31, 2021 is a violation of Part I.B.3 of the Permit.

5. Part I.B.4.a of the Permit states, “The permittee must not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses.”

At the time of the inspection, around the discharge pipe at the outfall, the inspector observed what appeared to be areas of foamy bubbles. In addition to the bubbles, there was a plume leading from the outfall that was noticeably darker than the ambient water in the creek.

Discharging foamy bubbles and an observably dark plume in concentrations that cause nuisance, objectionable conditions, or that may impair designated beneficial uses is a violation of Part I.B.4.a of the Permit.

6. Part II.C.4 of the Permit requires the Facility to submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the ammonia effluent limitations by July 20th of each year.

The Facility submitted the 2019 Annual Report of Progress on October 14, 2021 (late) and the 2020 Annual Report of Progress on October 14, 2021 (late). Failures to submit the 2019 and 2020 reports by July 20, 2020 and July 20, 2021, respectively, are violations of Part II.C.4 of the Permit.

7. Part I.C.7.a of the Permit requires the Facility to submit all surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and IDEQ by January 31st of the following year.

The Facility submitted the 2019 Surface Water Monitoring Report on June 15, 2020 (late), and the 2020 Report on October 14, 2021 (late). Failures to submit the 2019 and 2020 Surface Water Monitoring Reports by January 31, 2020 and January 31, 2021, respectively, are violations of Part I.C.7.a of the Permit.

EPA understands that the City has committed to implementing upgrades of the Facility by entering into a Compliance Agreement Schedule (CAS) with the Idaho Department of Environmental Quality (DEQ). The construction required by the CAS will require substantial investment, both in terms of funding and personnel. EPA understands that, pursuant to the CAS, the construction of the treatment process for ammonia is expected to be completed by December 1, 2024, and final compliance with effluent limits is expected to be completed by July 1, 2025. However, in addition to the needed construction, EPA is concerned that the violations outlined in this letter are the result of deferred or inadequate maintenance. EPA also expects the Facility to be adequately staffed with competent operators certified at appropriate levels to prevent additional noncompliance.

The City of Genesee 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,

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

cc: Mr. Dustin Brinkly
Public Works Director, City of Rainier

Dr. Mary Anne Nelson
Surface and Wastewater Division Administrator, Idaho Department of Environmental Quality

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

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

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