



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mayor Robert D. Sharp
City of Culdesac
100 6th Street
Culdesac, Idaho 83303

Re: **NOTICE OF VIOLATION**
City of Culdesac Wastewater Treatment Plant
NPDES Permit Number ID0024490

Dear Mayor Sharp:

The U.S. Environmental Protection Agency (EPA) appreciates your time and cooperation during EPA's September 21, 2021, Clean Water Act (CWA) inspection of the City of Culdesac Wastewater Treatment Plant (WWTP or "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 ID0024490 ("Permit").

The Facility is permitted to discharge under the Permit ID0024490, which became effective on October 1, 2016 and has been administratively extended since the expiration date of September 30, 2021.

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

Violations:

1. Section I.B.1. of the Permit states, in part, "The permittee must limit and monitor discharges from Outfall 001 as specified...The permittee must comply with the effluent limits...at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit."

At the time of inspection and upon subsequent file review of five-year effluent data using EPA's Integrated Compliance Information System (ICIS), EPA found the Facility reported non-compliance in 12 months over the past five years. Primarily, the Facility reported instantaneous maximum exceedances of E. coli bacteria.

The Facility reported exceedances in the following months:

- May 2018 – Biological Oxygen Demand (BOD), 5-day, 20°C; BOD, 5-day, percent removal; E. coli, MTEC-MF
- September 2019 – E. coli, MTEC-MF
- October 2019 – BOD, 5-day, 20°C; BOD, 5-day, percent removal; E. coli, MTEC-MF
- December 2019 – E. coli, MTEC-MF
- April 2020 – BOD, 5-day, percent removal; pH; solids, suspended percent removal
- May 2020 – BOD, 5-day, percent removal; pH; solids, suspended percent removal
- August 2020 – BOD, 5-day, percent removal
- June 2021 – E. coli, MTEC-MF

According to Mr. Herman Smith, and the Facility's non-compliance notifications, the prior exceedances were largely due to complications associated with the Facility's chlorine disinfection system. The chlorine disinfection system has since been replaced with UV technology.

2. Section I.B.5. of the Permit states, "Use the temperature device manufacturer's software to generate (export) an Excel or electronic ASCII text file. The file must be submitted annually to the EPA and the Nez Perce Tribe by January 31 for the previous monitoring year along with the placement log. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies."

EPA does not have record of receiving annual temperature logs or placement logs for 2019 or 2020. At the time of inspection, Mr. Smith said that temperature data is continuously recorded as outlined in the Permit, but he said he was unaware of the electronic file submittal requirement. Failure to electronically submit effluent temperature and placement log data is a violation of section I.B.5. of the Permit.

3. Section 1.C.9.b of the Permit states, in part, "**Submission of Surface Water Monitoring.** The permittee must submit all surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and the Nez Perce Tribe by January 31st of the following year and with the application (see Part V.B of this permit, Duty to Reapply)."

Upon subsequent file review, EPA found annual surface water monitoring reports were not received from January 31, 2018, through January 31, 2023. Failure to submit surface water monitoring results for the previous calendar year for all parameters in an annual report to EPA and the Nez Perce Tribe by January 31 of the following year is a violation of Section I.C.9.b of the Permit.

4. Section I.D.2.b. of the Permit states, in part, "**Total Ammonia Schedule of Compliance.** The permittee must comply with all effluent limitations and monitoring requirements in Part I.B. of this permit immediately upon the effective date of this permit except the final effluent limitations for ammonia... While the schedule of compliance is in effect, the permittee must comply with the following interim requirements... Until compliance with the ammonia effluent limits are achieved, at a minimum, the permittee must complete the tasks and reports listed in Table 3."

EPA did not receive the following by the deadlines required under the Ammonia Schedule of Compliance:

- Missing – August 1, 2017: The plan must be submitted to the Idaho Department of Environmental Quality, Lewiston Regional Office (IDEQ). The permittee must also provide the EPA and the Nez Perce Tribe with written notice the facility plan is complete.
- Missing – January 1, 2018: The permittee must provide the EPA and the Nez Perce Tribe with a Progress Report on obtaining funding for the selected alternative.
- Missing – January 1, 2019: The permittee must provide the EPA and the Nez Perce Tribe with written notice that the necessary funding has been obtained.
- Missing – July 1, 2020: The permittee must provide the EPA and the Nez Perce Tribe with written notice that the design report is complete.
- Late – June 1, 2021: The permittee must provide the EPA and the Nez Perce Tribe with written notice that the construction is substantially complete.
- Missing – July 1, 2021: Permittee must provide EPA and the Nez Perce Tribe with written notice that the facility has achieved compliance with the final effluent limitations.

Failure to submit timely notifications for the items listed in Table 3 is a violation of section I.D.2.b. of the Permit.

Area of Concern:

1. At the time of inspection, EPA observed the Facility's pH buffer solutions had an expiration date of December 2020. EPA is concerned the expired buffer solutions may impact the pH monitor used in determining compliance with the permit.

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>.

EPA requests the City of Culdesac WWTP 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:

Jason Rodriguez
Compliance Officer
U.S. Environmental Protection Agency
Rodriguez.Jason@EPA.gov

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 Jason Rodriguez, of my staff, at Rodriguez.Jason@EPA.gov or (206) 553-8508.

Sincerely,

JEFFERY
KENKNIGHT

Digitally signed by
JEFFERY KENKNIGHT
Date: 2023.02.14
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Jeff KenKnight, Chief
Water Enforcement and Field Branch

cc: Mr. Herman Smith
Supervisor, Public Works, City of Culdesac

Mr. Jason Miller
Operator, Public Works, City of Culdesac