



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

*4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400*

May 13, 2021

The Honorable Shirley Sands  
City of Newport  
200 S. Washington  
Newport, WA 99156

RE: Warning Letter for National Pollutant Discharge Elimination System Permit WA0022322

Dear Mayor Sands:

The City of Newport is out of compliance with National Pollutant Discharge Elimination System (NPDES) Permit No. WA0022322 that was issued April 14, 2010. The City of Newport (City) had twelve numeric effluent violations, one missing sample, and failed to report some of the violations to Ecology as required by the NPDES permit. Below is an explanation of the violations during the period of January 1, 2020 through March 31, 2021.

**1. Effluent Limit Violations**

The City generated 12 permit violations in the WQWebDMR database for fecal coliform and total suspended solids.

Section S1.A of the permit authorizes the discharge of municipal wastewater at the permitted location subject to compliance with effluent limitations set in the permit.

**2. Monitoring Requirements**

Newport received a violation for 1 missing value for fecal coliform on the January 2020 discharge monitoring report. Section S2.A of the permit requires monitoring in accordance with a specific monitoring schedule.

**3. Reporting Noncompliance**

Section S3.C of the City's permit requires the facility to notify Ecology immediately when they violate or are unable to comply with permit conditions. The facility must follow up with a written report within five days that includes the description of the noncompliance and its cause and actions taken to prevent reoccurrence of noncompliance. The City of Newport did not report all permit violations to Ecology.

## **Contact with the Facility**

The Department of Ecology had the following communications with the City regarding the permit violations.

- 2/10/2020 – Phone call from the City to Ecology permit manager discussing fecal violations being due to I/I and not an increasing level of chlorine while experiencing higher flows. Sampling weekly to verify possible treatment issues.
- 12/8/2020 – Email from the City to Ecology permit manager reporting permit violation in November for TSS.
- 12/8/2020 – Email response from Ecology permit manager to the City as a follow up to noncompliance email, giving instructions and offering technical assistance.
- 12/22/2020 – Phone conversation between Ecology permit manager and the City about the belt press being out for some time. Permit manager gave instructions for reporting noncompliance.
- 12/22/2020 – Email from the City to Ecology permit manager explaining issues with belt press and a plan to fix the issue.
- 2/2/2021 – Email from Ecology permit manager as a follow up to phone conversation on 2/1/2021 discussing change in processing and managing solids. Also discussed wastewater planning and recommended speaking with Ecology's funding expert to discuss options for funding for immediate needs. Suggested meeting with the City, and the City's consultant to discuss the requirements for the engineering report and the general sewer plan components required for the engineering report.
- 3/11/2021 – Meeting with Ecology and the City to discuss immediate changes to get the City back into compliance. Discussed history of violations and options for getting short term funding to address issues.

## **Within 30 days from receipt of this warning letter, please provide the following to Ecology:**

1. Submit a written report explaining the cause of the violations identified in this letter.
2. Identify the steps taken to prevent future violations.

Send the report electronically to Rob Buchert, Senior Compliance Specialist at [rbuc461@ecy.wa.gov](mailto:rbuc461@ecy.wa.gov) or by mail at Water Quality Program, Department of Ecology, 4601 N. Monroe Street, Spokane, Washington 99205-1265.

This warning letter is to make you aware of the importance the Department of Ecology places on the legal implications of noncompliance with the limits, monitoring requirements, and terms and/or conditions established in your permit.

Continued noncompliance will result in formal enforcement action by Ecology. Formal enforcement action may include Notice of Violation, Administrative Order, and Penalties of up to \$10,000 per day per violation.

Please contact the Region's wastewater operator technical assistance provider, Andy O'Neill at (509) 710-3676 or [aone461@ecy.wa.gov](mailto:aone461@ecy.wa.gov) if you need technical assistance or have questions about operator certification.

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Please contact me at (509) 209-1586 or [rbuc461@ecy.wa.gov](mailto:rbuc461@ecy.wa.gov) if you have questions regarding this warning letter or Ecology's enforcement process.

Sincerely,



Rob Buchert  
Senior Compliance Specialist  
Water Quality Program  
Eastern Regional Office

RB:sj

Certified Mail: 7010 0290 0003 5679 1673

cc. Chris Tellessen, City of Newport  
Josh Howard, City of Newport  
Diana Washington, PE, Ecology Permit Manager Eastern Region  
Andy O'Neill, Ecology Technical Assistance Eastern Region  
Art Jenkins, PE, Water Quality Permit Unit Supervisor Eastern Region

**Table 1: Violations from January 1, 2020 through March 31, 2021**

Monitoring Month	Monitoring Point	Monitoring Parameter	Unit	Statistical Base	Value Entered	Limit	Type of Violation
February 2021	001	Fecal Coliform	#/100 ml	Avg. Monthly	277.25	100	Numeric effluent violation
	001	Fecal Coliform	#/100 ml	Weekly Avg.	557	200	Numeric effluent violation
January 2021	001	Fecal Coliform	#/100 ml	Avg. Monthly	103.25	100	Numeric effluent violation
	001	Fecal Coliform	#/100 ml	Weekly Avg.	312	200	Numeric effluent violation
November 2020	001	TSS	mg/L	Weekly Avg.	52	45	Numeric effluent violation
	001	TSS	mg/L	Avg. Monthly	30.5	30	Numeric effluent violation
July 2020	001	Fecal Coliform	#/100 ml	Avg. Monthly	133.25	100	Numeric effluent violation
	001	Fecal Coliform	#/100 ml	Weekly Avg.	312	200	Numeric effluent violation
February 2020	001	Fecal Coliform	#/100 ml	Avg. Monthly	170.25	100	Numeric effluent violation
	001	Fecal Coliform	#/100 ml	Weekly Avg.	412	200	Numeric effluent violation
January 2020	001	Fecal Coliform	#/100 ml	Avg. Monthly	123.5	100	Numeric effluent violation
	001	Fecal Coliform	#/100 ml	Weekly Avg.	286	200	Numeric effluent violation
	001	Fecal Coliform	#/100 ml	Daily sample	Value not entered	-	Frequency of sampling
<b>Total</b>	<b>13</b>						

**Table Notes:**

**Numeric effluent violation** – the report value exceeds the permit limit for that parameter.

**Frequency of sampling** – the sampling frequency required for the parameter for that reporting period was not met.