



Community Development Department
315 Kennel Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 759-0205

Website Posting (Updated)

Jun 5, 2024

Based on information at the time of required posting, the City experienced no violation of the NPDES Permit conditions (as modified by the March 2021 MAO) for the month of May 2024.

May's DEQ Correspondence attached below:

RE: questions regarding pH and temperature result?



Seth Kelly
To: 'THOMAS Carter * DEQ'



Tue 5/14/2024 8:28 AM

Carter,

I greatly appreciate your assistance on the phone making it simple to get the data needed updated.

Seth Kelly

Molalla Wastewater Treatment Plant Manager
12424 S. Toliver Rd, Molalla, OR, 97317
skelly@cityofmolalla.com
503-302-3600

From: THOMAS Carter * DEQ <Carter.THOMAS@deq.oregon.gov>

Sent: Wednesday, May 8, 2024 4:56 PM

To: Seth Kelly <skelly@cityofmolalla.com>

Subject: questions regarding pH and temperature result?

Hi Seth,

I've recently reviewed most of the Copper BLM submissions submitted through NetDMR. I am concerned about some of the temperature and grab data submitted, and would like to request that you review and re-upload those values.

For example, if you look at the February 2023 submission I have attached, the temperature and pH values are instead from February 2022.

Please look over your records and compile the correct pH and temperature data. This would mean February 2023 for sure, and any other similar submissions. It can be submitted through NetDMR to one of the existing upload locations. I can't take them directly through email, unfortunately.

I will be out of the office tomorrow and Friday, but am available next week to discuss, if you are interested. I'm happy to help however I can.

Best,

Carter Thomas
Data Steward for Oregon Department of Environmental Quality
Hillsboro Lab

phone: 503-995-0770
email: carter.thomas@deq.oregon.gov

Re: questions regarding pH and temperature result?



THOMAS Carter * DEQ <Carter.THOMAS@deq.oregon.gov>
To: Seth Kelly



Tue 5/14/2024 9:44 AM

Yes, I will get the dates and values fixed (no need for you to resubmit, as all the information I need is on the CoCs). Thanks for getting back to me, I will let you know if anything else comes up.

Carter Thomas
Data Steward for Oregon Department of Environmental Quality
Hillsboro Lab

phone: 503-995-0770
email: carter.thomas@deq.oregon.gov

he/him/his

From: Seth Kelly <skelly@cityofmolalla.com>
Sent: Tuesday, May 14, 2024 8:27:30 AM
To: THOMAS Carter * DEQ <Carter.THOMAS@deq.oregon.gov>
Subject: RE: questions regarding pH and temperature result?

Carter,

I greatly appreciate your assistance on the phone making it simple to get the data needed updated.

Seth Kelly
Molalla Wastewater Treatment Plant Manager
[12424 S. Toliver Rd, Molalla, OR, 97317](https://www.cityofmolalla.com/12424/S_Toliver_Rd_Molalla_OR_97317)
skelly@cityofmolalla.com
503-302-3600

RE: 101514-Molalla- Confirmation of Facility Design Flow Information

 Mac Corthell
To: HYNSON Mark * DEQ
Cc: PINNEY Mike * DEQ; YELTON-BRAM Tiffany * DEQ; T Molatore; Ryan Quigley; Seth Kelly

 Follow up. Start by Thursday, May 30, 2024. Due by Thursday, May 30, 2024.

Action Items

+ Get more add-ins

From: HYNSON Mark * DEQ <Mark.HYNSON@deq.oregon.gov>
Sent: Thursday, May 30, 2024 9:54 AM
To: Mac Corthell <mcorthell@cityofmolalla.com>
Cc: PINNEY Mike * DEQ <Mike.PINNEY@deq.oregon.gov>; YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>
Subject: 101514-Molalla- Confirmation of Facility Design Flow Information

Macahan,

As I am working through the NPDES permit renewal for Molalla, I have been reviewing various plans, reports and drawings for both the existing and proposed Molalla treatment facility which presents conflicting information related to wet and dry weather design flows. For this permit renewal, DEQ must calculate the mass loads for biochemical oxygen demand (BOD) and total suspended solids (TSS) based upon the existing and proposed facility's "design average wet and dry weather flows". The key word here is "design" – so essentially, the mass loads must be based upon the flows that the facility was/and will be designed to treat – not to what the facility is actually currently receiving or is expected to receive in the future.

For example, the BOD and TSS mass loads determined for the existing 2014 permit were based upon an average wet weather design flow of 1.92 MGD. This is cited in both the permit and permit fact sheet. This value should be the average wet weather flow that the facility was designed to treat when it was originally constructed. However, in reviewing other recent documentation for the existing facility I have found average wet weather design flow values as high as 2.48 MGD (as indicated on Drawing 10-G-5 of August 2021 preliminary design sheets for the facility upgrades). On this design sheet, the 2.48 MGD was listed as a value for 2017 – which I am initially interpreting to be for the existing facility. My concern here is that the 2.48 MGD being cited is the actual or estimated influent flows that were coming into the facility in 2017 to be treated and is not a true "design flow" – which is determined by the engineers who initially designed the facility. And I have noted other memorandums and technical reports prepared by the City of Molalla in the permit files that cite different values. The City's 2019 NPDES permit application cites a "design flow" of 10.30 MGD.

Needless to say, I will need to have some confirmation on the actual design flows for the existing and proposed facility. Right now, I am assuming that the 1.92 MGD cited in the 2014 permit is correct and valid for the existing facility.

To determine the mass loads for the new facility upgrades, we also need to confirm what the design flows for the new facility upgrades will be. For any new facility or any facility that has expanded its dry weather treatment capacity after June 30, 1992, OAR 340-041-0061(9)(b) requires that the mass load limits be calculated based on the proposed treatment facility capabilities and the highest and best practicable treatment to minimize the discharge of pollutants. This includes information on what monthly average concentrations of BOD and TSS the facility is being engineered to achieve during wet and dry seasons (e.g., to what concentrations of BOD and TSS is the facility being designed to achieve). DEQ also uses the maximum monthly design flow to calculate the mass load limits - these values are typically expressed as the design maximum monthly dry weather flow (DMMDWF) or design maximum monthly wet weather flow (DMMWWF).

From Drawing 10-G-5 of the August 2021 preliminary design sheets I have obtained the following information related to the proposed facility:

Maximum Monthly Dry Weather Flow (MMDWF)	<u>2017</u>	<u>2043</u>
	1.91 MGD	3.06 MGD
Maximum Monthly Wet Weather Flow (MMWWF)	<u>2017</u>	<u>2043</u>
	3.21 MGD	4.5 MGD

We will need the City of Molalla to confirm if these are design flows and not expected flows to the facility.

Please let me know if you have any questions. I am available to discuss. Thanks. Mark ssssss

From Drawing 10-G-5 of the August 2021 preliminary design sheets I have obtained the following information related to the proposed facility:

Maximum Monthly Dry Weather Flow (MMDWF)	<u>2017</u>	<u>2043</u>
	1.91 MGD	3.06 MGD
Maximum Monthly Wet Weather Flow (MMWWF)	<u>2017</u>	<u>2043</u>
	3.21 MGD	4.5 MGD

We will need the City of Molalla to confirm if these are design flows and not expected flows to the facility.

Please let me know if you have any questions. I am available to discuss. Thanks. Mark ssssss

Mark W. Hynson
Water Quality Specialist
Oregon Department of Environmental Quality
Water Quality Program, NW Region
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

Mark.Hynson@deq.oregon.gov

Desk: 503-229-5295

RE: 101514-Molalla- Confirmation of Facility Design Flow Information



Mac Corthell

To: HYNSON Mark * DEQ

Cc: PINNEY Mike * DEQ; YELTON-BRAM Tiffany * DEQ; T Molatore; Ryan Quigley; Seth Kelly

Follow up. Start by Thursday, May 30, 2024. Due by Thursday, May 30, 2024.



Thu 5/30/2024 10:46 AM

Action Items

+ Get more add-ins

Hi Mark,

I'm going to loop in our WWTP Manager and Engineering team to work through this with you. Glad to see we're finally getting some movement on this permit.

Dyer folks and Seth, please review the below and let me know when you're ready to discuss. Thank you!

-Mac

Macahan "Mac" Corthell, J.D.

Assistant City Manager

City of Molalla

315 Kennel Ave. | PO Box 248 | Molalla, OR 97038

Phone – [503.759.0243](tel:503.759.0243)

Email – mcorthell@cityofmolalla.com

Website – <http://www.cityofmolalla.com>

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From: HYNSON Mark * DEQ <Mark.HYNSON@deq.oregon.gov>

Sent: Thursday, May 30, 2024 9:54 AM

To: Mac Corthell <mcorthell@cityofmolalla.com>

Cc: PINNEY Mike * DEQ <Mike.PINNEY@deq.oregon.gov>; YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>

Subject: 101514-Molalla- Confirmation of Facility Design Flow Information

Macahan,

As I am working through the NPDES permit renewal for Molalla, I have been reviewing various plans, reports and drawings for both the existing and proposed Molalla treatment facility which presents conflicting information related to wet and dry weather design flows. For this permit renewal, DEQ must calculate the mass loads for biochemical oxygen demand (BOD) and total suspended solids (TSS) based upon the existing and proposed facility's "design average wet and dry weather flows". The key word here is "design" – so essentially, the mass loads must be based upon the flows that the facility was/and will be designed to treat – not to what the facility is actually currently receiving or is expected to receive in the future.

Subject: Re: Molalla MAO Amendment
Date: Tuesday, May 28, 2024 at 9:47:12 AM Pacific Daylight Time
From: Mark P. Strandberg
To: YELTON-BRAM Tiffany * DEQ, BACHMAN Jeff * DEQ
CC: PUSKAS Becka * DEQ, J.W. Ring, David Hori
Attachments: 24-0528 DRAFT MAO Amend 4.docx

Hi Tiffany,

Thank you for your email. We understand DEQ's preference to keep Lagoon 1 in the MAO. As explained in the April 25 memorandum, the City does not anticipate it will have the necessary funding to contract out the biosolid removal work for Lagoon 1. Therefore, it anticipates it will be removing the biosolids itself over time. The City estimates that even an aggressive in-house biosolid removal timeframe will be approximately seven (7) years after the new Sequencing Batch Reactor is completed. Attached to this email is a draft MAO #4 with the four milestones we have discussed: (1) submission of a revised design plan; (2) commission of the Sequencing Batch Reactor; (3) conversion of Lagoon 2; and (4) conversion of Lagoon 1.

We appreciate DEQ's coordination on this matter. We are still working on determining which of those two dates work for our meeting, we should be able to confirm tomorrow. The City and its engineering team look forward to answering any questions you may have regarding this draft MAO, as well as the opportunity to discuss the permitting and other aspects of the project.

Best,
Mark

Mark P. Strandberg, Partner
Ring Bender LLP
920 SW Sixth Avenue, Suite 600, Portland, OR 97204
Direct: (503) 964-6725

From: YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>
Date: Wednesday, May 22, 2024 at 4:36 PM
To: Mark Strandberg <MStrandberg@ringbenderlaw.com>, BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>, "J. Ring" <JWRing@ringbenderlaw.com>, David Hori <dhori@ringbenderlaw.com>
Subject: RE: Molalla MAO Amendment

Hello Mark,
It is DEQ's intention to keep Lagoon 1 in the MAO and we are open to an alternative to the timeline I proposed. If you would like to provide an alternative date and wanted to put that in the MAO draft, that would be welcome.

This could be separate from a meeting to touch base on the permit and other aspects of the project, just to keep things moving. I will look for meeting times as well.

Tiffany Yelton Bram (Pronouns : she/her/hers)
WQ Source Control Manager
Northwest Regional Office
Oregon Department of Environmental Quality
700 NE Multnomah St., Suite #600
Portland OR 97232

Desk 503 229 5219
Mobile 503 975 0046

From: Mark P. Strandberg <MStrandberg@ringbenderlaw.com>
Sent: Wednesday, May 22, 2024 2:42 PM
To: YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>; BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>; J.W. Ring <JWRing@ringbenderlaw.com>; David Hori <dhori@ringbenderlaw.com>
Subject: Re: Molalla MAO Amendment

Tiffany:

We have discussed your proposal to include in the Amended MAO a deadline for conversion of Lagoon 1 with the City of Molalla and our engineering team. The City has significant concerns that the proposed deadline of two years following the conversion of Lagoon 2 is not possible to achieve. The City is focused on the higher priority work needed to be finished and the cost of that work and does not see a way to complete Lagoon 1 on the schedule you have suggested.

We would very much like to set up an in-person meeting with you and the DEQ team to discuss how best to approach this with you and the DEQ team. At that meeting we would also like to touch base on the permitting and other aspects of the project. We would bring the City employees responsible for the work and the City's engineering team to the meeting.

Is there a time that works for you and your team in the next two weeks? We want to get this scheduled quickly just to ensure that uncertainty about the schedule doesn't affect putting the project and all of the higher priority work back out to bid.

Best,
Mark

Mark P. Strandberg, Partner
Ring Bender LLP
920 SW Sixth Avenue, Suite 600, Portland, OR 97204
Direct: (503) 964-6725

From: YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>
Date: Tuesday, May 14, 2024 at 5:35 PM
To: Mark Strandberg <MStrandberg@ringbenderlaw.com>, BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>, "J. Ring" <JWRing@ringbenderlaw.com>, David Hori <dhori@ringbenderlaw.com>
Subject: RE: Molalla MAO Amendment

Hello Mark

After consideration of your proposal below about the conversion of Lagoon 1, DEQ would like to keep it in the MAO amendment with a date two years after the conversion of Lagoon 2.

Tiffany Yelton Bram (Pronouns : she/her/hers)
WQ Source Control Manager
Northwest Regional Office
Oregon Department of Environmental Quality
700 NE Multnomah St., Suite #600
Portland OR 97232

Desk 503 229 5219
Mobile 503 975 0046

From: Mark P. Strandberg <MStrandberg@ringbenderlaw.com>
Sent: Monday, May 13, 2024 3:03 PM
To: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>; YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>; J.W. Ring <JWRing@ringbenderlaw.com>; David Hori <dhori@ringbenderlaw.com>
Subject: Re: Molalla MAO Amendment

I don't think that will be a problem, but I'll confirm with the City and their engineers. I'll plan on adding that to the draft. If for some unexpected reason that is a problem, I'll reach back out.

Thanks,
Mark

Mark P. Strandberg, Partner
Ring Bender LLP
920 SW Sixth Avenue, Suite 600, Portland, OR 97204
Direct: (503) 964-6725

From: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Date: Monday, May 13, 2024 at 2:59 PM
To: Mark Strandberg <MStrandberg@ringbenderlaw.com>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>, YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>, "J. Ring" <JWRing@ringbenderlaw.com>, David Hori <dhuri@ringbenderlaw.com>
Subject: RE: Molalla MAO Amendment

Then we should include deadlines for submittal of design plans for each project. Can the city propose dates?

Jeff Bachman
Oregon Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232
503 229 5950 (o)

From: Mark P. Strandberg <MStrandberg@ringbenderlaw.com>
Sent: Monday, May 13, 2024 2:56 PM
To: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>; YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>; J.W. Ring <JWRing@ringbenderlaw.com>; David Hori <dhuri@ringbenderlaw.com>
Subject: Re: Molalla MAO Amendment

They are being modified from the facilities plan, the City is in the process of preparing amended specifications per the April 25th memo. These will be submitted for DEQ review and approval. We could reference those?

Mark P. Strandberg, Partner
Ring Bender LLP
920 SW Sixth Avenue, Suite 600, Portland, OR 97204
Direct: (503) 964-6725

From: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Date: Monday, May 13, 2024 at 2:52 PM
To: Mark Strandberg <MStrandberg@ringbenderlaw.com>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>, YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>, "J. Ring" <JWRing@ringbenderlaw.com>, David Hori <dhuri@ringbenderlaw.com>
Subject: RE: Molalla MAO Amendment

Mark: Can we reference these projects as described in the approved facilities plan?

Jeff Bachman
Oregon Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232
503 229 5950 (o)

From: Mark P. Strandberg <MStrandberg@ringbenderlaw.com>
Sent: Monday, May 13, 2024 2:50 PM
To: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>; YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>; J.W. Ring <JWRing@ringbenderlaw.com>; David Hori <dhori@ringbenderlaw.com>
Subject: Re: Molalla MAO Amendment

You don't often get email from mstrandberg@ringbenderlaw.com. [Learn why this is important](#)

Jeff:

Thanks for this. I was in the middle of drafting you an email regarding our thinking on the deadlines. Following up on our conversation on Friday, we discussed your question with the City and the Dyer team. We think the best way to rephrase the deadlines is as follows:

- Commissioning of the new Sequencing Batch Reactor WWTP must be completed no later than 10/31/2026
- Conversion of Lagoon 2 into a clean effluent storage pond must be completed no later than 08/31/2027.

For the deadlines I used the dates provided in the Dyer memorandum we sent on April 25 plus two months to provide a small cushion.

One issue for you to consider: these two provisions don't cover the removal of biosolids from Lagoon 1 and the conversion of that lagoon to an additional clean effluent storage pond. As explained in the Dyer memorandum, that will be completed as quickly as budgetary constraints allow, but there is no anticipated timeframe at this time. The storage provided by Lagoon 2 conversion, along with a new NPDES permit containing a provision for conditional discharge to the Molalla River during the shoulder months, will greatly reduce any out-of-season discharges due to limited storage.

We see two potential approaches for addressing Lagoon 1 in the MAO. The first being to leave it out of the MAO entirely and have the MAO be complete when Lagoon 2 is converted. The other being to include a deadline for the conversion of Lagoon 1 as far out as DEQ will allow, with the understanding that it may need to be amended due to budgetary issues.

Currently both the City and DEQ anticipate that the new NPDES permit will contain provisions

allowing for discharge to the river during the shoulder months. If this holds true, the City doesn't anticipate any storage-related compliance issues in the near term following the conversion of Lagoon 2, and Lagoon 1 will be complete before growth renders it necessary. Given that, and the lack of a solid estimate of when Lagoon 1 will be complete, the City thinks it better to leave the Lagoon 1 work out of the MAO at this time. This is subject to one caveat. If the new permit does not allow for shoulder month discharge, there may be out-of-season discharges until the additional storage provided by Lagoon 1 can be brought online. If that were to happen, or if there are other unforeseen storage-related violations, we would need to re-engage with DEQ and either amend the current MAO or sign a new one.

Please let us know what you think and if you have any questions or would like to discuss further. Otherwise we will revise the MAO as you indicated.

Thank you,
Mark

Mark P. Strandberg, Partner

Ring Bender LLP
920 SW Sixth Avenue, Suite 600, Portland, OR 97204
Direct: (503) 964-6725

From: BACHMAN Jeff * DEQ <Jeff.BACHMAN@deq.oregon.gov>
Date: Monday, May 13, 2024 at 2:47 PM
To: Mark Strandberg <MStrandberg@ringbenderlaw.com>
Cc: PUSKAS Becka * DEQ <Becka.PUSKAS@deq.oregon.gov>, YELTON-BRAM Tiffany * DEQ <Tiffany.YELTON-BRAM@deq.oregon.gov>
Subject: Molalla MAO Amendment

CAUTION: This email originated from outside Ring Bender. Do not click links or open attachments unless you recognize the sender.

Mark: As we discussed on Friday, I'm going to be out of the office 5/14-June 3. I've attached a draft amendment that you can insert the proposed language for making the treatment plant construction and the lagoon work into separate tasks with separate deadlines. When your done, please send it to Becka Puskas and Tiffany Yelton-Bram who are copied here. They can finalize for DEQ.

Jeff Bachman
Oregon Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232
503 229 5950 (o)

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:

CITY OF MOLALLA,

Permittee.

AMENDMENT NO. 4

MUTUAL AGREEMENT AND
ORDER NO. WQ/M-NWR-2016-246

WHEREAS:

1. On October 4, 2018, the Department of Environmental Quality (DEQ) and Permittee entered into Mutual Agreement and Order (MAO) No. WQ/M-NWR-2016-246.

2. Paragraph 15 of MAO states: "The terms of this MAO may be amended by the mutual agreement of the Department and Permittee."

NOW THEREFORE, it is stipulated and agreed that the compliance order of the MAO should be amended as follows:

3. Paragraph 8.A(10) of the MAO is amended to extend the deadline for completion of Permittee's new wastewater treatment plant, which shall be determined by the completion of each of the following milestones:

a. Submission of a revised design plan package for the new wastewater treatment plant must be completed no later than 06/30/2024;

b. Commissioning of the new Sequencing Batch Reactor per the revised plans must be completed no later than 10/31/2026;

c. Conversion of Lagoon 2 into a clean effluent storage pond per the revised plans must be completed no later than 08/31/2027; and

d. Conversion of Lagoon 1 into a clean effluent storage pond per the revised plans must be completed no later than 10/31/2033.

PERMITTEE

Date

Signature

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Name (print)

Title (print)

DEPARTMENT OF ENVIRONMENTAL QUALITY and
ENVIRONMENTAL QUALITY COMMISSION

Date

Kieran O'Donnell, Manager
Office of Compliance and Enforcement
on behalf of DEQ pursuant to OAR 340-012-0170
on behalf of the EQC pursuant to OAR 340-011-0505