

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

## **Website Posting**

**August 1, 2023**

Based on information at the time of required posting, the City experienced violations of the NPDES Permit conditions (as modified by the March 2021 MAO) for the month of July 2023:

**1. Total Coliform count exceedance of 240 mg/L on 2 consecutive days (7/20/23 & 7/21/23):**

7/20/23 – 387.3 mg/L

7/21/23 – 2419.6 mg/L

Chlorine was raised during and after cleaning the Chlorine Contact Basin. The cleaning was being done to ensure disinfection. After a second high count of Total Coliform was read out, the City made a significant adjustment up in Chlorine dose in order to maintain a higher chlorine residual and disinfect the line to the Irrigation Fields.

It is believed the test on 7/21/23 was an anomaly due to an adulterated sample. The next days results were 62 mg/L, well within the 240 mg/L limits. The likeliness that results would readout as high as they did on 7/21/23 and not the day prior nor the day after is extremely unlikely. Additionally, testing is performed daily and no sample since has been outside of limits.

When further operational cleaning is planned, the City will raise and maintain a higher chlorine residual and for a longer period of time.

**2. A Sewage System Overflow Occurred (7/25/23):**

Approximately 4,000-5,000 gal. of untreated wastewater spilled out of a manhole on Toliver Rd at Industrial Way. The spill lasted 15 minutes and is attributable to an ODOT contractor working on the ODOT roundabout project plugging a downline manhole for sewer line replacement. This was done at approximately 6pm in contravention of the approved plan set, and without the contractor obtaining the required City observation or approval to plug the sewer.

River City Environmental performed an emergency cleanup of the area, jettisoned and vacuumed all affected storm lines, and pressure washed, vacuumed then applied a lime solution and a diluted bleach solution to all exposed areas. The City believes the July 25th event constitutes an “upset” as defined in the Permit under Schedule F, Section B4.

\*Note: For detailed information on these issues, please see the DEQ reports attached to this posting.



Oregon Department of Environmental Quality

# Noncompliance Reporting Form

For all permit violations, including monitoring requirements.

Use this form to report all instances of noncompliance *except* sanitary sewage overflows. Fill out all fields and sign. You may attach additional information to this report to explain the circumstances of noncompliance. This information may include but is not limited to maintenance records and monitoring results.

## FACILITY / CONTACT INFORMATION

Name of Permittee:		
Contact Name:		
Phone:	Email:	Date:
DEQ Permit #:	DEQ File #:	EPA ID #: OR
Has non-compliance been corrected?:                      Yes                      No		
Expected time noncompliance is expected to continue:		
Date/Time Started:	Date/Time Stopped :	
Description of Noncompliance:		

## AGENCY AND PUBLIC NOTIFICATION

Was the non-compliance one of the following:

• A noncompliance which may endanger health or the environment	Yes	No
• An unanticipated bypass which exceeds any effluent limitation in this permit	Yes	No
• An upset which exceeds any effluent limitation in this permit	Yes	No
• Violation of a maximum daily discharge limitation	Yes	No

If yes to any of the above, complete the rest of this section.

OERS Number:
Signs posted? Where?:
Media contacted? Who?:
List any other steps taken to notify the public and/or state and federal agencies:

## CAUSE(S)

Cause or suspected cause(s):
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# Oregon DEQ Noncompliance Reporting Form

continued

## RAINFALL DATA

Rainfall (for storm-related noncompliance):	inches	Design Storm:	inches
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Source of rainfall data:

## CORRECTIVE ACTIONS

List actions taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Actions taken (describe):

Actions planned and schedule for those actions (describe):

## COMMENTS

Comments:

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 gathered and evaluated 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.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Title (print)

\_\_\_\_\_  
Email



## Oregon Department of Environmental Quality

# SSO Reporting Form



This information must be submitted within 5 days of becoming aware of the overflow.  
Please complete online and print for signature. Be sure to fill out all fields.

FACILITY/CONTACT INFORMATION		
Name of Permittee:		
Contact Name:		
Phone:	Email:	County:
DEQ Permit # (see permit face page):		DEQ File #:
OERS Incident #:	Date Reported to OERS:	
Date Reported To DEQ:	Today's Date:	
Date SSO Started (if known):	Time Started (if known):	
Date SSO Stopped (if known):	Time Stopped (if known):	
SSO Location:		
SSO Nearest Address:		
City:	Zip Code:	
SSO Latitude (if known):	Longitude (if known):	
Estimate of Quantity Overflowed:		(Gallons) <a href="#">Link to estimation method</a>
Did the SSO discharge to surface water?		
Name of waterbody:		
PUBLIC NOTIFICATION		
Notified downstream drinking water sources (List Below)?		
Name of drinking water facility:		
Signs Posted?		
Media contacted?		
Who?		
List any other steps taken to notify the public or state/federal agencies:		
CAUSES		
Cause or suspected cause of the overflow: <i>If needed, attach additional sheets</i>		
Rainfall in the 24 hours prior to SSO (for storm-related overflows):		(inches)
Source of rainfall data: <i>If needed, attach additional sheets</i>		

1-in-5 year 24 hour rainfall for the sewerage system area (if known):	(in/24hr)
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**EMERGENCY RESPONSE AND MIGRATION**

**List actions taken to stop and mitigate the impact of the SSO.**

For overland flow:	Taped off affected area?
	Cleaned up affected area?
For SSO to surface water:	Bacteria samples taken to confirm impact?
	Follow up bacteria samples taken to confirm end of impact?

Describe monitoring and results:

For SSOs that impact buildings:	Pumped out flooded buildings?
	Disinfected?

Other measures taken (describe):

Steps taken or planned to reduce, eliminate, and prevent the reoccurrence of the overflow and schedule for those steps:

**COMMENTS**

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.

\_\_\_\_\_  
Authorized Signature Date

\_\_\_\_\_  
Name (print) Phone Number

\*You may attach additional information to this report before sending to DEQ as needed to explain the circumstances of the overflow. This information may include but is not limited to: maintenance records and bacteria monitoring results.

**Upon completion, print out this form and send to the appropriate DEQ Address:**

**Portland-Permit Coordinator**  
700 NE Multnomah St., Suite 600  
Portland, OR 97232

**Salem-Permit Coordinator**  
4026 Fairview Industrial Dr. SE  
Salem, OR 97302

**Pendleton-Permit Coordinator**  
800 SE Emigrant, #330 Pendleton,  
OR 97801

**FOR DEQ PERSONNEL ONLY**

- Pre-Enforcement Notice
- Warning Letter

**No enforcement action was warranted because:**

- The SSO was caused by unpreventable vandalism or similar force majeure; or
- The SSO is allowed as an exception to the permit as maintenance; or
- The cause of the current SSO was beyond reasonable control AND we do not expect the permittee to prevent similar SSOs in the future; or
- The SSO was 400 gallons or less, spilled to the ground and not reaching surface water; permittee properly reported, cleaned up, and took appropriate public notice measures; and the SSO was not part of a chronic problem.

**COMMENTS**



**Mac Corthell – Assistant City Manager**

315 Kennel Ave / PO Box 248

Molalla, OR 97038

Phone: (503) 829-7711

Email: [mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)

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July 26, 2023

Mike Pinney, PE  
Sr. Environmental Engineer  
NW Region – Source Control  
Oregon Dept. of Environmental Quality  
700 NE Mulnoma St., Suite 600  
Portland, OR 97232  
[Mike.Pinney@deq.oregon.gov](mailto:Mike.Pinney@deq.oregon.gov)

Re: City of Molalla Sewage System Overflow on July 25, 2023

Dear Mike,

The City of Molalla, NPDES Permit #101514, experienced an SSO on July 25, 2023 at approximately 6pm, the circumstances and response are outlined below:

**CIRCUMSTANCES**

1. At approximately 5:30 pm on 7/25/23, Dark Horse Construction, LLC, was performing work on an Oregon Department of Transportation project to construct a Roundabout on Oregon Highway 213 at Toliver Rd. in Molalla, OR.
  - a. Dark Horse utilized a plug to stop sewage flows through the Sewer Main carrying untreated influent to the Molalla Wastewater Treatment Plant in order to relocate and replace the Main. They did so without approval from the City and in direct contravention of the approved plan set which calls for the line to be bypassed from manhole to manhole.
2. At approximately 6:10 pm on 7/25/23 the on-call public works duty was notified by a neighbor that water appeared to be spilling out the top of a manhole located on Toliver Rd about 75 feet east of Industrial Way.
  - a. By the time the public works duty arrived on scene at approximately 6:30pm, the plug had been removed and normal flows had resumed.
3. The overflow was experienced at 2 known points, 1) the manhole on Toliver about 75 east of Industrial Way, and 2) out of the plumbing apparatus of an ice company located at 1320 Industrial Way.
  - a. The 2 spill points were the closest upstream relief points from the contractor applied plug, a lateral leading to the business and the manhole upstream from that about 100 feet.
  - b. Upstream manholes and catch basins were inspected and found to be dry leading to the conclusion that the spill had been sequestered to the two points mentioned here.

## **QUANTITY**

The wastewater treatment plant SCADA showed a sharp reduction in flows, consistent with plugging, at approximately 5:40 pm that persisted until approximately 6:30 pm, a 50-minute window. The system would not immediately overflow when a plug was placed in the Main, but would instead back up into the existing pipes. Based on this information, historical experience, and the timing of the phone calls alerting the city to this issue, we estimate that the SSO lasted between 15-20 minutes.

The City of Molalla experiences approximately 528gpm of total flow to the wastewater treatment plant which was reduced during the plugging to approximately 259gpm, a 269gpm reduction. When the flow differential is factored into the 15-20 min timeframe, estimates for spillage range from 4,035 gal – 5,380 gal of total spillage.

## **LOCATION**

I have attached a map to this report for ease of understanding. The location of the spill(s) were a manhole on Toliver Road and an Ice Manufacturing Company at 1320 Industrial Way. The spilled untreated wastewater entered 3 stormwater catch basins that cross Toliver Rd and daylight into an open ditch adjacent to Toliver Rd. All water not contained in the catch basins, residual in the storm mains, and discharged through the Ice Company's plumbing, settled in a small low point of the open ditch immediately adjacent to the storm main discharge point. It did not travel more than 15 feet from the storm pipe.

## **RESPONSE**

By the time the public works duty responded, the SSO had been eliminated through removal of the plug that was causing it. City staff immediately placed signage closing the afflicted area and called in River City Environmental for an emergency response. At the same time, members of the contractor's team (Dark Horse Construction, LLC) made contact with the Ice Manufacturing Company and engaged in assisting them with containment and clean-up of their premises.

River City Environmental responded to the scene at approximately 10:30pm and performed the following mitigation measures:

1. Pressure washed the roadway in the spill area and applied a diluted bleach solution to disinfect.
2. Jettisoned and vactored out all afflicted storm catch basins, storm manholes, and storm mains.
3. Vactored out the afflicted portion of the open drainage ditch and applied a lime solution to disinfect.

City staff inspected the manholes and catch basins upstream from the afflicted area and noted that they were clean and dry with no indication of having been affected by the overflow.

## **NOTIFICATIONS**

1. Mike Pinney, Oregon DEQ, 7/26/23 at approximately 8:45am.
2. Public Notice (attached to this report) posted to the City's website, 7/26/23 at approximately 9:00am.
3. Oregon Office of Emergency Management (800-452-0311), 7/26/23 at approximately 9:05am (case #2023-1849).
4. Ice Manufacturing Company at 1320 Industrial Way, 7/25/23 at approximately 6:45pm.
5. Jon Baker, Pamplin Media, 7/26/23 at approximately 12:00pm.

No other properties were impacted as the spill, other than the ice company, only impacted City ROW and City Storm. There was no discharge to a water body and no other properties were placed at risk by this spill.



## **REMEDIATION**

This SSO was caused directly by contractor negligence. The contractor in question, Dark Horse Construction, LLC, is a sub-contractor for Kerr Construction on an ODOT Roundabout Construction project on OR-213. Part of the project includes utility mitigation. The Contractor was in possession of plans that call for a bypass and instead used a plug. Additionally, they were told by the City's Engineering Manager that they were not to impact the sewer main in any way without the City's Engineering Staff present.

Instead, they applied a plug at 6pm (when City Staff has gone home for the day) and caused this significant issue. City Staff is meeting with ODOT staff to determine next steps in remediation, and how ODOT is going to ensure their contractors do not continue to violate regulations, laws, and direct guidance.

Sincerely,

Mac Corthell  
Assistant City Manager

## **ATTACHMENTS**

1. Map of Affected Area with Markups
2. GIS Map of Sewer and Storm System in Affected Area
3. Photographs of Affected Area
4. City's Public Notice

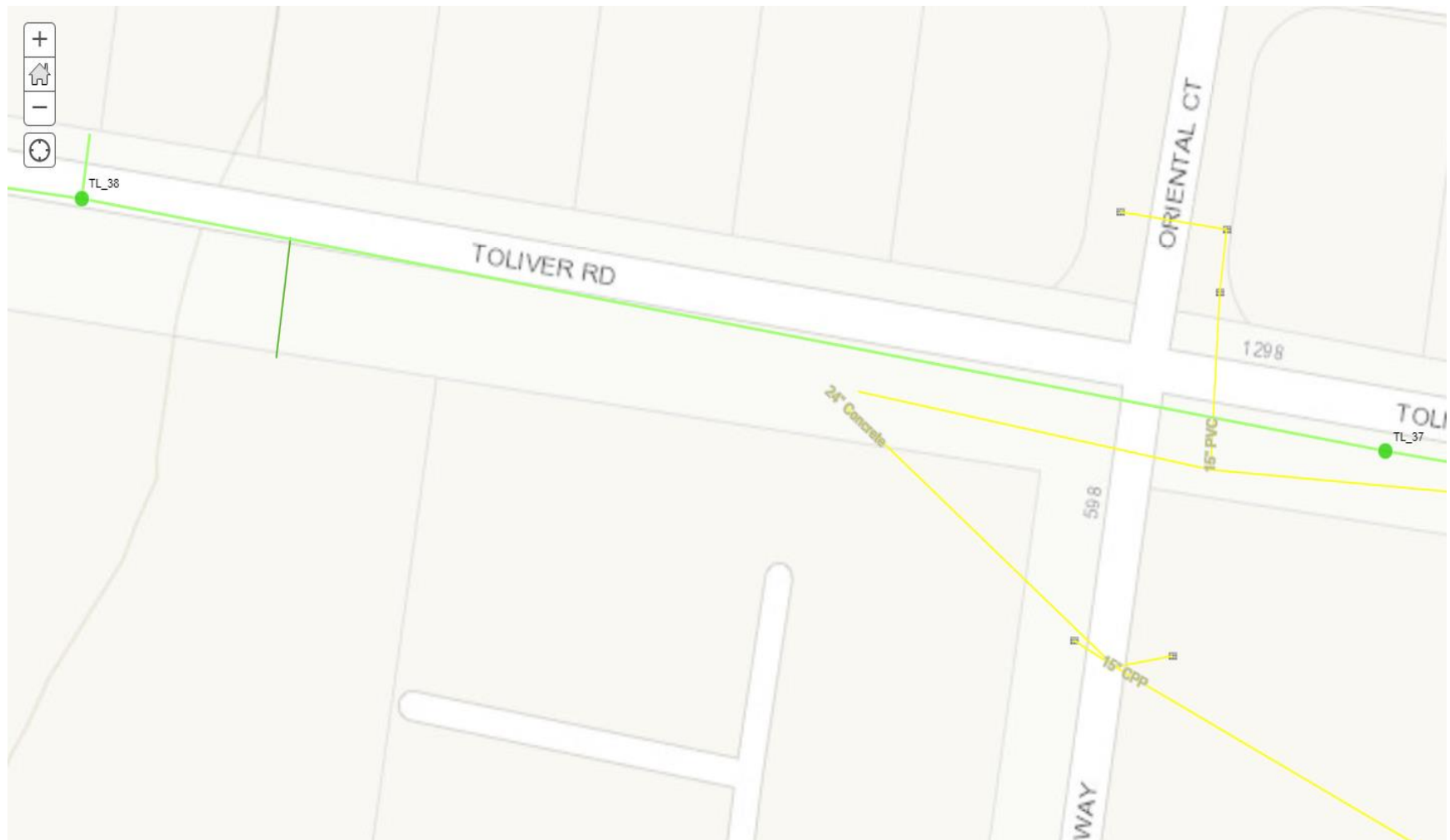
## Map of Impacted Area



Key:

- 2 Red Pins (SSO Manhole TL\_37 and SSO Ice Manufacturing Business) – the points of SSO
- 3 Red Pins (Storm Catch Basin 1-4) – where the SSO entered the storm system
- 1 Red Pin (Open Storm Ditch) – daylight point of storm system where catch basins drain to and where residual SSO settled
- 1 Green Pin (Plugged Manhole TL\_38) – the manhole that the contractor plugged
- Green Translucent Overlay – the spill area

## GIS Map of Impacted Area



### Key:

Yellow Lines – Storm Mains

Black Dots on Yellow Lines – Storm Catch Basins

Green Lines – Sewer Mains and Laterals

Green Dots – Sewer Manholes

### Narrative:

- Manhole TL\_38 was plugged by the contractor.
- Untreated wastewater backed up the sewer main and began discharging at TL\_37 and the lateral just east of TL\_38 and.
- The water flowed into the catch basins on Oriental Court and flowed into the open ditch. The “24” Concrete” is the location where the pipes daylight into the ditch.

## Before Cleanup



Figure 1 Open Ditch

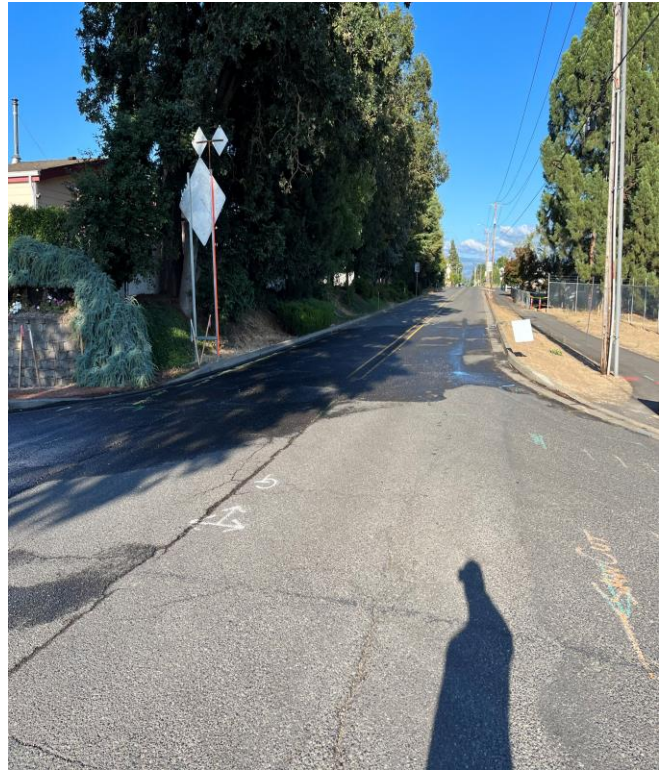


Figure 2 Toliver Rd at Industrial Way



Figure 3 Toliver Rd and Oriental Ave

## Cleanup



The roadway was cleaned with a pressure washer and a diluted bleach solution. All catch basins were vacuumed out, all storm lines were jettisoned, and the open ditch was vacuumed then had lime applied.



*Public Works Department  
117 N Molalla Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 829-6855  
Fax: (503) 829-3676*

July 26, 2023

**PUBLIC NOTICE- OVERFLOW OF UNTREATED WASTEWATER AT TOLIVER & INDUSTRIAL**

There is no danger to the public, this spill was relatively minor and was contained in a small portion of the City's storm system, which was thoroughly mitigated by River City Environmental.

At approximately 6pm on July 25, 2023 a contractor on the Roundabout Project at Toliver and OR-213 plugged the Toliver Sewer Main in order to relocate and replace the line. This was not authorized by the City and was in contravention of the approved plans which called for a bypass of the line, not a plug.

Approximately 5,000 gallons of untreated wastewater were discharged out of the system at two known points – 1) a manhole on Toliver about 50 feet east of Industrial Way, and 2) into the Ice Company located at 1320 Industrial. The discharge entered the storm system at Toliver and Industrial and was contained in 3 storm catch basins and the low point of an adjacent drainage ditch.

The overflow was contained to the immediate storm system and did not reach any other body of water. Signage was immediately placed restricting movement in the area and River City Environmental was called for an emergency clean up.

River City disinfected the roadway using a pressure washer and a diluted bleach solution. All affected storm mains were jetted, all affected storm catch basins were vacuumed and cleaned, and the drainage ditch was vacuumed and lime applied to the area. The City of Molalla has provided the required notification to and is working with the Oregon Department of Environmental Quality ("DEQ").

The City is committed to protecting human health and the environment in all aspects of the wastewater treatment plant's operation. We are available at any time to discuss any concerns you may have. Please contact us if you have any questions.

Sincerely,

Mac Corthell  
Assistant City Manager

Cc: Dan Huff, City Manager  
Seth Kelly, WWTP Manager  
City of Molalla Website

## RE: Change of Contact



PINNEY Mike \* DEQ <Mike.PINNEY@deq.oregon.gov>

To Seth Kelly



Fri 7/14/2023 8:59 AM

Got it.

Reach out anytime. I look forward to meeting you.

### **Michael Pinney PE**

Senior Environmental Engineer

Northwest Region – Source Control

Oregon Department of Environmental Quality

700 NE Multnomah St., Suite 600

Portland OR, 97232

971-227-1765

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**From:** Seth Kelly <[skelly@cityofmolalla.com](mailto:skelly@cityofmolalla.com)>

**Sent:** Thursday, July 13, 2023 10:26 AM

**To:** PINNEY Mike \* DEQ <[Mike.PINNEY@deq.oregon.gov](mailto:Mike.PINNEY@deq.oregon.gov)>

**Cc:** Mac Corthell <[mcorthell@cityofmolalla.com](mailto:mcorthell@cityofmolalla.com)>

**Subject:** Change of Contact

You don't often get email from [skelly@cityofmolalla.com](mailto:skelly@cityofmolalla.com). [Learn why this is important](#)

Hello Mike,

My name is Seth Kelly, we have chatted once or twice with Andy on the phone. I am already the DRC for the Molalla STP. I wanted to inform you that I have been promoted to the WWTP Manager and will be your new contact for the City of Molalla Wastewater Treatment Plant. Andy took on a new position and is no longer on our staff. Please feel free to reach out via email or phone if you have any needs. I look forward to working with you.

**Respectfully,**

**Seth Kelly, WWTP Manager**

12424 S Toliver Rd. | Molalla, OR 97038

Phone – [503.302.3600](tel:503.302.3600)

Email – [skelly@cityofmolalla.com](mailto:skelly@cityofmolalla.com)

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