



**Public Works Department**  
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**November 2, 2020**

Mike Pinney, Senior Environmental Engineer  
Northwest Region Water Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232

**RE: Out of Season Discharge – 5 day follow up**

Mr. Pinney,

This letter is intended to serve as the follow-up report 5 days after beginning discharge as required by the NPDES permit D5.b (3).

**A description of the noncompliance and its cause:** the City began discharging out of season due to full lagoon levels as described in our letter dated October 20, 2020. Please see that letter for reasons and steps taken by the City to prevent this discharge. The City's first round of BOD5 tests will be read tomorrow, and ammonia was within limits.

**The period of noncompliance, including exact dates and times:** the City began discharging at 9 am on Tuesday October 23rd and has continued through today, November 2nd.

**The estimated time noncompliance is expected to continue if it has not been corrected:** the non-compliance is expected to continue until either (1) holding lagoons are reduced to 10ft or the Molalla River flows increase to >350 cfs when rain comes.

**Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance:** the City had a choice between discharging as fast as possible in order to reduce the number of days we remain in non-compliance, or to discharge slowly and retain as much water in the lagoons as possible in order to reduce out of season flows to the river. The City has chosen the latter option, despite the fact that it will increase the fees and costs to the City under its amended consent decree, and technically increase the total number of NPDES violations the City will now face from this out of season discharge. The City would like it on record that this action was taken in good faith, with the river and its aquatic life in mind, as well as downstream users of the River, including the City of Canby.

**Public notification steps taken, pursuant to General Condition B7 and B8:** out of season discharge signs have been installed in both traffic directions on the hwy 211 bridge. The City of Canby has been notified in compliance with B7 and B8.

Respectfully,



**Andy Peters**

City of Molalla

Public Works Operations Supervisor

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CC: Gerald Fisher, Public Works Director  
Brian Hutchison, City of Canby