



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Salem Office
4026 Fairview Industrial Dr SE
Salem, OR 97302
(503) 378-8240
FAX (503) 373-7944
TTY 711

March 5, 2025

Ken Strobeck, Interim City Administrator
City of Drain
P.O. Box 158
Drain, OR 97435

RE: **Warning Letter with Opportunity to Correct**
City of Drain
2025-WLOTC-9854
NPDES permit #101193, EPA OR0029645
WQ file #25282
WQ – Douglas County

Dear Mr. Strobeck:

The City of Drain reported exceeding biochemical oxygen demand (BOD) and total suspended solids (TSS) limits in November 2023. The City of Drain also failed to meet its minimum BOD percent removal in November 2023. DEQ has reviewed the discharge monitoring report for this month. Noncompliance reports were not submitted for these permit violations.

Violation(s)

Based on this review, DEQ has concluded that City of Drain is responsible for the following violations of Schedule A of its permit. Class I violations are the most serious violations; Class III violations are the least serious. Compliance with your permit is required by Oregon Revised Statute 468B.025(2).

Date	Violation	Permit Limit	Type	Class
November 2023	74.4% removal of BOD	85% removal	TBEL	Class III ¹
November 12-18, 2023	64 mg/L weekly average BOD	45 mg/L	TBEL; exceeded limitation by 42%	Class II ²
November 12-18, 2023	50 mg/L weekly average TSS	45 mg/L	TBEL; exceeded limitation by 11%	Class III ³

Notes:

1. Failure to achieve a removal efficiency established in an NPDES Permit is a class III violation per OAR 340-012-0055(3)(c).

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2. BOD and TSS limits are TBELs (technology based effluent limitations). Exceeding a TBEL in an NPDES permit by 20 percent or more, but less than 50 percent is a class II violation per OAR 340-012-0055(2)(a)(A).
3. BOD and TSS limits are TBELs. Exceeding a TBEL in an NPDES permit by less than 20 percent is a class III violation per OAR 340-012-0055(3)(b)(A).

Failure to Submit Complete Reports

Schedule F, condition D6 of your NPDES permit requires you to submit a written report of all instances of noncompliance. Submitting an incomplete report is a Class III violation per OAR 340-012-0055(3)(a).

Environmental Impact of Violations

Biochemical oxygen demand measures the amount of dissolved oxygen that aquatic microorganisms consume over a specific time period. BOD quantifies the mass of organic material in the effluent. Exceeding BOD permit limits can negatively impact stream habitat and aquatic species due to reduced in-stream dissolved oxygen concentrations. Exceeding TSS permit limits can reduce in-stream dissolved oxygen concentrations, increase turbidity in streams, and reduce the amount of light available in streams for desirable aquatic organisms to grow.

Requested Corrective Action

By April 4, 2025, please submit a complete noncompliance citing each of the violations cited above.

This notice is a warning letter. DEQ does not intend to take formal enforcement action at this time. However, should you fail to submit the requested reports or repeat any of these violations, the matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a DEQ order. Civil penalties may be assessed for each day of violation.

If you believe any of the facts in this letter are in error, you may provide information to me at Kenzie.Billings@deq.oregon.gov by April 4, 2025. I will consider any new information you submit and take appropriate action.

If you have any questions, please contact me in writing or at 971-344-1055.

Sincerely,



Kenzie Billings, PE
Senior Environmental Engineer

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cc: Harold Burris, Public Works Foreman
ec: WQ Data Crew - Portland
Ranei Nomura, Manager, Western Region, DEQ
Oregon Records Management Solution