



1 supports Respondent's lack of ability to pay the penalty in full or in part, DEQ may reconsider the  
2 penalty amount due.

3 6. Respondent waives any and all rights and objections Respondent may have to the  
4 form, content, manner of service and timeliness of the Amended Notice; to a contested case hearing  
5 and judicial review of the Amended Notice; and to service of a copy of this MAO.

6 7. This MAO resolves all civil penalty claims of DEQ, based upon the facts alleged, for  
7 the violations expressly alleged in the Amended Notice. This MAO is not intended to limit, in any  
8 way, DEQ's right to proceed against Respondent in any forum for any past or future violations not  
9 expressly settled herein, or for any relief other than a civil penalty, including but not limited to  
10 recovery of remedial action costs or other measures pursued under ORS 465.260.

11 8. Respondent releases and waives any and all claims of any kind, known or unknown,  
12 past or future, against the State of Oregon or its agencies, instrumentalities, employees, officers, or  
13 agents, arising out of the matters and events relating to the matter set out in the Amended Notice  
14 and this MAO. Any and all claims includes but is not limited to any claim under 42 USC § 1983 et  
15 seq., any claim under federal or state law for damages, declaratory, or equitable relief, and any  
16 claim for attorney's fees or costs.

17 9. This MAO shall be binding on Respondent and its respective successors, agents, and  
18 assigns. The undersigned representative of Respondent certifies that he or she is fully authorized to  
19 execute and bind Respondent to this MAO. No change in ownership, corporate or partnership status  
20 of Respondent, or change in the ownership of the properties or businesses affected by this MAO  
21 shall in any way alter Respondent's obligation under this MAO, unless otherwise approved in  
22 writing by DEQ through an amendment to this MAO, or as otherwise provided in this MAO.

23 10. Verifiable electronic, facsimile, or scanned signatures on this MAO shall be treated  
24 the same as original signatures.

## 25 II. FINAL ORDER

26 The Environmental Quality Commission hereby enters a final order:  
27

1 1. Imposing upon Respondent a total civil penalty of \$305,440 for the violations  
2 alleged in the Amended Notice, which is due upon execution of this MAO.

3 2. Requiring Respondent to comply with the following schedule and conditions:

4 a. Within 30 days of the effective date of this MAO, provide documentation  
5 to DEQ that the alarm system for stormwater overflows was completely installed and is fully  
6 operational. Within 90 days of the effective date of this MAO, submit an engineered proposed  
7 plan, including a timetable for implementation, to evaluate and improve the stormwater treatment  
8 system such that the equalization tanks and pond can handle capacity of up to a 25-year, 24-hour  
9 storm. The plan must also include proposed interim activities to minimize overflow.

10 Notwithstanding the foregoing, Respondent will not be required to submit the engineering plan if  
11 the site operator and owner is a party other than Respondent at the time the plan is due. All  
12 submittals required in this paragraph must be provided to Steve McMillan, DEQ, 165 East 7<sup>th</sup>  
13 Avenue, Suite 100, Eugene, OR 97401, or at [mcmillan.steve@deq.state.or.us](mailto:mcmillan.steve@deq.state.or.us).

14 b. Within 30 days of the effective date of this MAO, provide results of analysis of  
15 representative samples of the liquid process waste at the Facility for 2,4,5-Trichlorophenol and  
16 2,4,6-Trichlorophenol, prior to any treatment, as well as post-treatment but prior to evaporation.  
17 The samples must be analyzed according to the procedures required by 40 CFR 261.24(a).  
18 Analytical results must be provided to Killian Condon, DEQ, 165 East 7<sup>th</sup> Avenue, Suite 100,  
19 Eugene, OR 97401, or at [condon.killian@deq.state.or.us](mailto:condon.killian@deq.state.or.us).

20 J.H. BAXTER & CO., INC.

DEPARTMENT OF ENVIRONMENTAL QUALITY and  
ENVIRONMENTAL QUALITY COMMISSION

21  
22 

23 Signature

24 Georgia Baxter

25 Name (print)

26 President

27 Title (print)

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

7/14/2022

7/12/2022

Date

Date