



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Office of Compliance and Enforcement  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232-4100  
(503) 229-5696  
FAX (503) 229-5100  
TTY 711

January 21, 2022

CERTIFIED MAIL: 7018 1830 0001 5906 2575

Global Pacific Environmental, Inc.  
c/o C T Corporation System, Registered Agent  
780 Commercial St. SE  
Suite 100  
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order  
Case No. AQ/AB-WR-2021-532

***DEQ is committed to balancing its vital obligation to enforce the law and protect the environment with a consideration of the dramatic disruptions to public health and the economy caused by the COVID-19 outbreak. We understand the outbreak may impact your ability to timely appeal, pay the assessed civil penalty, or comply with this order. You may submit to DEQ documentation identifying whether COVID-19-related disruption affects your ability to comply with this order. Visit our webpage <https://www.oregon.gov/deq/Pages/covid-19.aspx> for more information about documenting specific COVID-19 disruptions your facility may be encountering and how that affects your ability to comply. DEQ will exercise reasonable discretion regarding settlement of this order.***

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$16,800 for violating asbestos abatement work practice requirements. In November 2021, you failed to maintain a secure negative pressure enclosure when performing an asbestos abatement project at Providence Medford Medical Center in Medford. In addition, DEQ cited you without penalty, for failing to install a viewing window in the negative pressure enclosure.

DEQ issued this penalty because as a licensed asbestos abatement contractor, you are responsible for ensuring that asbestos is properly managed. Because you did not properly construct or maintain the required negative pressure enclosure, the project may have caused the release of asbestos fibers into the atmosphere. Asbestos fibers are a respiratory hazard proven to cause lung cancer, mesothelioma and asbestosis. Asbestos is a danger to public health and a hazardous air contaminant for which there is no known safe level of exposure. DEQ is particularly concerned because this project occurred in a hospital, creating potential exposure risks to patients and hospital staff, as well as workers and the public. Installation of viewing windows allows individuals, including regulators, to view the work area without entering the negative pressure enclosure. This limits the number of people entering the work area, reducing the risk for exposure to asbestos fibers and reducing the risk that asbestos will be inadvertently carried outside of the work area through improper decontamination.

DEQ appreciates your efforts to correct the violation by fixing the negative pressure enclosure on the day of DEQ's inspection. DEQ considered these efforts when determining the amount of civil penalty.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov)

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due. Alternatively, you can pay the penalty via check, money order, or e-check (ACH) by following the instructions on the attached invoice and logging in to Your DEQ Online here: <https://ordeq-edms-public.govonlinesaas.com/pub/login>. Payments sent by mail must be sent to the address on the payment slip.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Esther Westbrook at 503-229-5374 or toll free in Oregon at 800-452-4011, extension 5374.

Sincerely,



Kieran O'Donnell, Manager  
Office of Compliance and Enforcement

Enclosures

cc: Jennifer Horton, Medford Office, DEW  
Claudia Davis, Salem Office, DEQ  
Accounting, DEQ



1 8. "Negative pressure enclosure" is defined in 340-248-0010(31) as "a barrier surrounding  
2 the area of asbestos abatement comprised of a plastic with a minimum thickness of 6 mil exhausting  
3 through a HEPA filter exhaust system measured by an attached and functioning manometer or similar  
4 device and resulting in a negative pressure environment of -0.02 inches of water column. The barrier  
5 must cover all gaps in the area surrounding the asbestos abatement including doorways, windows,  
6 HVAC systems, drains, plumbing, and other gaps."

7 III. CONCLUSION

8 1. On or about November 10, 2021, Respondent violated OAR 340-248-0270(8)(e)(D) by  
9 failing to maintain a secure negative pressure enclosure when performing an asbestos abatement project, as  
10 described in Section II above. Specifically, there were gaps in the barrier and Respondent failed to measure  
11 the air pressure inside the negative pressure enclosure with a manometer or similar device. This is a Class I  
12 violation according to OAR 340-012-0054(1)(r). DEQ hereby assesses a \$16,800 civil penalty for this  
13 violation.

14 2. On or about November 10, 2021, Respondent violated OAR 340-248-0270(8)(e)(E) by  
15 failing to install a viewing window on the enclosure, as described in Section II above. This is a Class I  
16 violation according to OAR 340-012-0054(1)(r). DEQ has not assessed a civil penalty for this violation.

17 IV. ORDER TO PAY CIVIL PENALTY

18 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSION, Respondent is hereby  
19 ORDERED TO:

20 Pay a total civil penalty of \$16,800. The determination of the civil penalty is attached as  
21 Exhibit No. 1 and is incorporated as part of this Notice.

22 If you do not file a request for hearing as set forth in Section V below, please pay the penalty  
23 via check, money order, or e-check (ACH) by following the instructions on the attached invoice and  
24 logging in to Your DEQ Online here: <https://ordeq-edms-public.govonlinesaas.com/pub/login>. Payments  
25 sent by mail must be sent to the address on the invoice.

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1 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

2 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ  
3 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If  
4 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached  
5 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered  
6 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for  
7 further information about requests for hearing.) You must send your request to: **DEQ, Office of**  
8 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax  
9 it to **503-229-6762** or email it to [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov). An administrative law judge  
10 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS  
11 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be  
12 represented by an attorney at the hearing, however you are not required to be. If you are an individual,  
13 you may represent yourself. If you are a corporation, partnership, limited liability company,  
14 unincorporated association, trust or government body, you must be represented by an attorney or a duly  
15 authorized representative, as set forth in OAR 137-003-0555.

16 Active duty Service members have a right to stay proceedings under the federal Service  
17 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
18 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
19 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
20 Department does not have a toll free telephone number.

21 If you fail to file a timely request for hearing, the Notice will become a final order by default  
22 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later  
23 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the  
24 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates

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1 the relevant portions of its files, including information submitted by you, as the record for purposes of  
2 proving a prima facie case.

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1 / 21 / 2022  
Date


  
Kieran O'Donnell, Manager  
Office of Compliance and Enforcement

EXHIBIT NO. 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY  
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION: Failing to maintain a secure negative pressure enclosure, in violation of OAR 340-248-0270(8)(e)(D).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(r).

MAGNITUDE: The magnitude of the violation is major according to OAR 340-012-0135(1)(i)(A), because the violation involved more than 160 square feet of asbestos-containing materials. The asbestos abatement project involved approximately 236 square feet of asbestos-containing vinyl floor tile and mastic.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is:  
$$BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$$

"BP" is the base penalty, which is \$8,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(B).

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives an initial value of 15 according to OAR 340-012-0145(2)(a)(B), (C), and (D) because there were three Class I and 22 Class III violations in Case No. AQ/AB-WR-13-080. The value of P is reduced to 10 pursuant to OAR 340-012-0145(b) and further reduced to 6 according to OAR 340-012-0145(2)(d)(A)(ii) because all of the formal enforcement actions cited were issued more than five years before the date the current violation occurred.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c), because there is insufficient information to on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing and receives a value 0 according to OAR 340-012-0145(4)(a), because there was only one occurrence of the violation on November 10, 2021.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d), because Respondent's conduct was reckless. Respondent is a licensed asbestos abatement contractor and has knowledge of DEQ work practices requirements. Respondent's negative pressure enclosure was out of compliance with several requirements:

the air pressure was not being monitored, there were gaps in the barrier, and no viewing window was installed. Additionally, the asbestos abatement project took place in a hospital, which presented additional exposure risk to patients, hospital staff and the public. When Respondent's failed to take several measures to properly construct and maintain a negative pressure enclosure for its abatement project, Respondent consciously disregarded the substantial and unjustifiable risk that it would violate asbestos regulations and expose patients, hospital staff, workers and the public to asbestos fibers. This risk was of such a nature and degree that disregarding it constituted a gross deviation from the standard of care a reasonable abatement contractor would observe in that situation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -3 according to OAR 340-012-0145(6)(c), because Respondent made reasonable efforts to correct the violation. Respondent corrected the violation on the day of the inspection.

"EB" is the approximate economic benefit that an entity gained by not complying with the law. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0 because DEQ has insufficient evidence on which to base a finding that Respondent received an economic benefit from the violation.

PENALTY CALCULATION:

$$\begin{aligned} \text{Penalty} &= \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB} \\ &= \$8,000 + [(0.1 \times \$8,000) \times (6 + 0 + 0 + 8 - 3)] + \$0 \\ &= \$8,000 + [(\$800) \times (11)] + \$0 \\ &= \$8,000 + \$8,800 + \$0 \\ &= \$16,800 \end{aligned}$$