



# Oregon

Tina Kotek, 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

February 14, 2023

CERTIFIED MAIL: 7018 1830 0001 6172 7318

Croman Corp., Logging Division  
c/o Kory Kaufman  
801 Ave C  
White City, OR 97503

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ/SW-WR-2022-573

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued Croman Corp. a civil penalty of \$11,426 for violating the monitoring and reporting requirements set forth in the National Pollutant Discharge Elimination System (NPDES) 1200-Z General Permit for industrial stormwater discharges at its facility located in White City, Oregon. Specifically, Croman Corp. failed to submit timely discharge monitoring reports (DMRs), failed to collect the minimum number of samples required by the Permit, and failed to submit a revised stormwater pollution control plan to DEQ by August 31, 2021.

DEQ issued this penalty because monitoring is an important condition of the 1200-Z Permit. Monitoring may reveal the presence of harmful levels of pollutants that pose a threat to waters of the state. In addition, monitoring allows permittees and DEQ to gauge the effectiveness of stormwater controls and best management practices implemented to reduce the levels of pollutants in discharges. Croman Corp. has been the subject of at least one prior enforcement case involving monitoring violations (Case No. #2021-EEO-6102).

\$1,026 of the civil penalty represents the economic benefit Croman Corp. gained by failing to collect the minimum number of samples required by the Permit.

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:

<https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges.

Pay by check or money order: Make checks payable to "Department of Environmental Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

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.

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 portion of your 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 Erin Saylor at 503-229-5422 or toll free in Oregon at 800-452-4011, extension 5422.

Sincerely,



Kieran O'Donnell, Manager  
Office of Compliance and Enforcement

Enclosures

cc: Shana Shepherd, Croman Corp. (via email at [shana.shepherd@croman.net](mailto:shana.shepherd@croman.net))  
Daria Gneckow, DEQ WR  
Accounting, DEQ



1 c. Between January 1, 2021, and June 30, 2021;

2 d. Between July 1, 2021, and December 31, 2021; and

3 e. Between January 1, 2022, and June 30, 2022.

4 6. Pursuant to Schedule B, Table 6 of the Permit, Respondent is required to submit  
5 Discharge Monitoring Report (DMRs) quarterly according to the following schedule: 1st Quarter (July  
6 – September) is due November 15; 2nd Quarter (October – December) is due February 15; 3rd Quarter  
7 (January – March) is due May 15; 4th Quarter (April – June) is due August 15.

8 7. For the 2020/2021 monitoring year, Respondent submitted both the 1st and 2nd Quarter  
9 DMRs on February 23, 2021, and the 3rd and 4th Quarter DMRs on July 14, 2022.

10 8. For the 2021/2022 monitoring year, Respondent submitted the 1st Quarter DMR on  
11 November 19, 2021; the 2nd Quarter DMR on June 7, 2022; and the 3rd Quarter DMR on June 24,  
12 2022. The 4th Quarter DMR was timely submitted on August 11, 2022.

13 9. The Permit was reissued on March 25, 2021, and includes a requirement in Condition  
14 I.3. that existing permit registrants submit an updated Stormwater Pollution Control Plan (SWPCP) to  
15 DEQ by August 31, 2021.

16 10. Respondent submitted a revised SWPCP to DEQ on July 15, 2022.

17 11. Pursuant to Schedule F, Section A1. of the Permit, failure to comply with any permit  
18 condition is a violation of ORS 468B.025.

19 12. Pursuant to ORS 468B.025(2), no person shall violate the conditions of any waste  
20 discharge permit issued under ORS 468B.050.

### 21 III. CONCLUSIONS

22 1. Respondent violated ORS 468B.025(2) and Schedule B of the Permit by failing to collect the  
23 minimum number of required samples. Specifically, between January 1, 2020, and June 30, 2022,  
24 Respondent was required to collect a total of 10 samples but failed to collect any. These are Class I  
25 violations pursuant to OAR 340-012-0055(1)(o). DEQ hereby assesses a \$8,226 civil penalty for these  
26 violations.

27 ////




1 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered  
2 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for  
3 further information about requests for hearing.) You must send your request to: **DEQ, Office of**  
4 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax  
5 it to **503-229-5100** or email it to [DEQappeals@deq.state.or.us](mailto:DEQappeals@deq.state.or.us). An administrative law judge  
6 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS  
7 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be  
8 represented by an attorney at the hearing, however you are not required to be. If you are an individual,  
9 you may represent yourself. If you are a corporation, partnership, limited liability company,  
10 unincorporated association, trust or government body, you must be represented by an attorney or a duly  
11 authorized representative, as set forth in OAR 137-003-0555.

12 Active duty Service members have a right to stay proceedings under the federal Service  
13 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
14 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
15 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
16 Department does not have a toll free telephone number.

17 If you fail to file a timely request for hearing, the Notice will become a final order by default  
18 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later  
19 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the  
20 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates  
21 the relevant portions of its files, including information submitted by you, as the record for purposes of  
22 proving a prima facie case.

23  
24  
25  
26 2/14/2023  
Date

  
Kieran O'Donnell, Manager  
Office of Compliance and Enforcement

## EXHIBIT 1

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

VIOLATIONS: Respondent violated ORS 468B.025(2) and Schedule B of the Permit by failing to collect the minimum number of samples.

CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0055(1)(o).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

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 \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent has coverage under the 1200-Z General Permit.

"P" is whether Respondent has any prior significant actions (PSAs), 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 a value of 2 according to OAR 340-012-0145(2)(a)(C) because Respondent had two prior Class II water quality violations in Case No. 2021-EEO-6102.

"H" is Respondent's history of correcting prior significant actions and receives an initial value of -2 according to OAR 340-012-0145(3)(a) because Respondent corrected the prior violations cited as PSAs. The value of H is increased to -1 according to OAR 340-012-0145(3)(d) because the sum of P and H may not be less than 1.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were between seven and 28 occurrences of the violation. Each missed sampling event from each discharge point constitutes a separate occurrence. Respondent failed to collect ten samples from a single discharge point.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent has a copy of the permit that clearly sets forth the sampling requirements. DEQ has also provided at least three technical assistance sessions to Respondent's representatives in the prior three years during which the monitoring and reporting requirements of the Permit were explained.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. 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 \$1,026. By failing to complete 10 monitoring events, Respondent avoided spending an estimated \$1,370 (\$137 per missed sample). This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$   
= \$4,000 + [(0.1 x \$4,000) x (2 + (-1) + 3 + 4 + 0)] + \$1,026  
= \$4,000 + [\$400 x 8] + \$1,026  
= \$4,000 + \$3,200 + \$1,026  
= \$8,226



EXHIBIT 2

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

VIOLATIONS: Respondent violated ORS 468B.025(2) and Schedule B of the Permit by failing to submit quarterly DMRs to DEQ by the deadlines set forth in the Permit.

CLASSIFICATION: These are Class II violations pursuant to OAR 340-012-0055(2)(b).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

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 \$2,000 for a Class II, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent has coverage under the 1200-Z General Permit.

"P" is whether Respondent has any prior significant actions (PSAs), 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 a value of 2 according to OAR 340-012-0145(2)(a)(C) because Respondent had two prior Class II water quality violations in Case No. 2021-EEO-6102.

"H" is Respondent's history of correcting prior significant actions and receives an initial value of -2 according to OAR 340-012-0145(3)(a) because Respondent corrected the prior violations cited as PSAs. The value of H is increased to -1 according to OAR 340-012-0145(3)(d) because the sum of P and H may not be less than 1.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were between seven and 28 occurrences of the violation. Respondent submitted late DMRs for a total of seven quarters.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. Respondent has a copy of the permit that clearly sets forth the deadlines for DMR submissions. DEQ has also provided at least three technical assistance sessions to Respondent's representatives in the prior three years during which the monitoring and reporting requirements of the Permit were explained.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -2 according to OAR 340-012-0145(6)(d) because the Respondent eventually made some efforts to correct the violation.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. 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 according to OAR 340-012-0150(4) because there is insufficient information on which to make an estimate under the rule.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$2,000 + [(0.1 \times \$2,000) \times (2 + (-1) + 3 + 4 + (-2))] + \$0 \\ &= \$2,000 + [\$200 \times 6] + \$0 \\ &= \$2,000 + \$1,200 + \$0 \\ &= \$3,200 \end{aligned}$$

Oregon Department of Environmental Quality  
 700 NE Multnomah Street, Suite 600  
 Portland, OR 97232-4100



State of Oregon  
**Department of Environmental Quality**

Phone: 503-229-5437  
 Fax: 503-229-5850

**CIVIL PENALTY - ORS 468.135(2)**

<b>DATE:</b>	February 14, 2023
<b>RESPONSE DATE :</b>	April 25, 2023
<b>TOTAL PENALTY:</b>	\$11,426.00

<b>Account Name:</b>	CROMAN CORP. <CROMAN CORP., LOGGING DIVISION> <102673>		
<b>Account Type:</b>	Vendor/Organization/Company	<b>Reference Number:</b>	CPGFD2300052
<b>SubSystem ID:</b>	179377	<b>FIMS Acct. ID:</b>	4661

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 11,426.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 11,426.00

Payment of this penalty is subject to the exercise of your options or right to appeal as described in the enclosed enforcement documents.

To Pay Online with ACH or Credit Card Visit <https://ydo.oregon.gov> and select 'Register Account'



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 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



<b>REFERENCE NO.</b>	CPGFD2300052		
<b>PAYCODE:</b>	00401 7400 10040 74001 0500 000000 00		
<b>FEE PROGRAM ID:</b>	950	<b>RESPONSE DATE:</b>	April 25, 2023
<b>FIMS ACCT. ID:</b>	4661	<b>TOTAL PENALTY DUE:</b>	\$11426.00

**AMOUNT ENCLOSED:**

MAKE CHECK PAYABLE TO: Department of Environmental Quality

DEQ FINANCIAL SERVICES - LBX4244  
 PO BOX 4244  
 PORTLAND OR 97208-4244

Check this box if updated address information has been provided on the back of the form.

00401 7400 10040 74001 0500 000000 00950000046610CPGFD230005200011426001



State of Oregon  
Department of  
Environmental  
Quality

# State of Oregon Department of Environmental Quality

**CIVIL PENALTY - ORS 468.135(2)**

700 NE Multnomah Street, Suite 600  
Portland, OR 97232-4100  
Phone: 503-229-5437  
Fax: 503-229-5850

## Penalty Detail

Transaction Date	Description	Amount
2/13/2023	2022-573 WQ-SW-WR-2022-573	\$11,426.00

### SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

## Address Changes

Please visit <https://ydo.oregon.gov> to update your mailing address online or provide the following information:

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_