



# 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

April 22, 2022

CERTIFIED MAIL No. 7018 1830 0001 5906 3497

Traeger Pellet Grills LLC  
c/o CT Corporation System  
780 Commercial Street SE, Suite 100  
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order  
Case No. AQ/ACDP-ER-2021-116

This letter is to inform you that DEQ has issued you a civil penalty of \$8,434 for exceeding the particulate matter (PM) and PM less than ten microns in size (PM<sub>10</sub>) plant site emission limits (PSELs) in your Air Contaminant Discharge Permit, and for submitting an annual report that included incorrect emission calculations. The violations occurred at your hardwood pellet manufacturing facility at 601 E. Antler Avenue, Redmond, Oregon.

DEQ issued this penalty because plant site emission limits are important limits that help DEQ manage airshed capacity for pollutants and ensure a facility's emissions are limited to levels that protect public health and the environment. In this case, the emission limits are for particulate matter, which, when emitted in excess, can contribute to respiratory distress in individuals. Once inhaled, particulate matter can affect the heart and lungs, causing serious health problems such as decreased lung function, irregular heartbeat and chronic bronchitis.

In addition, accurate emission reporting is critical for DEQ to determine whether companies are operating within the operational and emission limits allowed by the permit, and to ensure emissions are within levels that do not pose harm to the public's health or the environment.

DEQ appreciates your efforts to address the PSEL violations by testing your facility to verify emission factors and applying for and obtaining a permit modification to incorporate new PM, PM<sub>10</sub> and PM<sub>2.5</sub> emission factors into your permit. 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 – 503-229-5100

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 by sending a check or money order to the above address.

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), which 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 Jenny Root at 503-229-5874.

Sincerely,



Kieran O'Donnell, Manager  
Office of Compliance and Enforcement

cc: Walt West, Eastern Region, Bend Office, DEQ  
Mark Bailey, Eastern Region, Bend Office, DEQ  
Don Hendrix, AQ, HQ, DEQ  
Accounting, DEQ  
Rick Evans, Plant Manager, Traeger Pellet Grills LLC  
601 E. Antler Avenue, Redmond, OR 97756

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
2 OF THE STATE OF OREGON

3 IN THE MATTER OF: ) NOTICE OF CIVIL PENALTY  
4 TRAEGER PELLET GRILLS LLC, ) ASSESSMENT AND ORDER  
5 a Delaware limited liability company, )  
6 Respondent. ) NO. AQ/ACDP-ER-2021-116

6 I. AUTHORITY

7 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty  
8 Assessment and Order pursuant to Oregon Revised Statutes (ORS) 468.100 and 468.126 through  
9 468.140, ORS Chapters 183 and 468A and Oregon Administrative Rules (OAR) Chapter 340,  
10 Divisions 011, 012, 200, and 216.

11 II. FINDINGS OF FACT

12 1. Respondent owns and operates a hardwood pellet manufacturing facility at 601 E.  
13 Antler Avenue, Redmond, Oregon (the Facility).

14 2. On February 19, 2015, DEQ issued the former owner of the Facility, Pacific Pellet,  
15 LLC, Simple Air Contaminant Discharge Permit No. 09-9509-SI-01 (the Permit). On August 16,  
16 2018, DEQ reissued the Permit to Respondent. On November 30, 2020, DEQ renewed and  
17 reissued the Permit. The Permit was in effect at all material times.

18 3. The Permit authorizes Respondent to discharge air contaminants from the Facility  
19 in conformance with the requirements, limitations and conditions set forth in the Permit.

20 4. Condition 4.1 of the Permit establishes Respondent's annual plant site emission  
21 limits (PSELs) for the Facility. Condition 4.1 limits Respondent's particulate matter (PM)  
22 emissions to 24 tons per year (PM PSEL). Condition 4.1 also limits emissions of PM less than  
23 ten microns in size (PM<sub>10</sub>) to no more than 14 tons per year (PM<sub>10</sub> PSEL).

24 5. In accordance with Condition 4.2, the annual PSELs apply to any 12-consecutive  
25 calendar month period.

26 ///

27 ///

1           6.       To determine compliance with the annual PSEs, Conditions 5.2, 5.3 and 5.5 of  
2 the Permit require Respondent to calculate annual pollutant emissions each month using the  
3 Facility's monthly pellet production and natural gas usage for the previous 12-consecutive calendar  
4 month period, and emission factors in Condition 12.0 of the Permit, unless alternative emission  
5 factors have been approved in writing by DEQ.

6           7.       At all material times, no alternative emission factors were approved in writing by  
7 DEQ for the Facility.

8           8.       Using the emission factors in Condition 12.0 of the Permit and the Facility's  
9 pellet production and natural gas usage, beginning in December 2020, Respondent's PM  
10 emissions for the 12-consecutive calendar month periods, were as follows:

11                   a.       Respondent's total PM emissions for December 2020 (emissions from  
12 January 2020 through December 2020) were 35.1 tons.

13                   b.       Respondent's total PM emissions for January 2021 (emissions from  
14 February 2020 through January 2021) were 35.5 tons.

15                   c.       Respondent's total PM emissions for February 2021 (emissions from  
16 March 2020 through February 2021) were 34.9 tons.

17                   d.       Respondent's total PM emissions for March 2021 (emissions from April  
18 2020 through March 2021) were 35.1 tons.

19                   e.       Respondent's total PM emissions for April 2021, (emissions from May  
20 2020 through April 2021) were 33.9 tons.

21                   f.       Respondent's PM emissions for May 2021 (emissions from June 2020  
22 through May 2021) were 33.5 tons.

23                   g.       Respondent's total PM emissions for June 2021 (emissions from July 2020  
24 through June 2021) were 32.8 tons.

25                   h.       Respondent's total PM emissions for July 2021 (emissions from August  
26 2020 through July 2021) were 31.6 tons.

1                   i. Respondent's total PM emissions for August 2021 (emissions from  
2 September 2020 through August 2021) were 31.4 tons.

3           9.       Using the emission factors in Condition 12.0 of the Permit and the Facility's  
4 pellet production and natural gas usage, beginning in December 2020, Respondent's PM<sub>10</sub>  
5 emissions for the 12-consecutive calendar month periods, were as follows:

6                   a. Respondent's total PM<sub>10</sub> emissions for December 2020 (emissions from  
7 January 2020 through December 2020) were 21.4 tons.

8                   b. Respondent's total PM<sub>10</sub> emissions for January 2021 (emissions from  
9 February 2020 through January 2021) were 21.6 tons.

10                  c. Respondent's total PM<sub>10</sub> emissions for February 2021 (emissions from  
11 March 2020 through February 2021) were 21.2 tons.

12                  d. Respondent's total PM<sub>10</sub> emissions for March 2021 (emissions from April  
13 2020 through March 2021) Respondent's PM<sub>10</sub> emissions were 21.4 tons.

14                  e. Respondent's total PM<sub>10</sub> emissions for April 2021 (emissions from May  
15 2020 through April 2021) were 20.6 tons.

16                  f. Respondent's total PM<sub>10</sub> emissions for May 2021 (emissions from June  
17 2020 through May 2021) were 20.4 tons.

18                  g. Respondent's total PM<sub>10</sub> emissions for June 2021( emissions from July  
19 2020 through June 2021) were 19.9 tons.

20                  h. Respondent's total PM<sub>10</sub> emissions for July 2021 (emissions from August  
21 2020 through July 2021) were 19.2 tons.

22                  i. Respondent's total PM<sub>10</sub> emissions for August 2021 (emissions from  
23 September 2020 to August 2021) were 19.1 tons.

24       10.       Condition 8.2. of the Permit requires that Respondent submit an annual report to  
25 DEQ by February 15 of each year the Permit is in effect, that includes specific production,  
26 maintenance, and pollutant emission information for the previous calendar year of operation at  
27 the Facility.

1 11. Condition 8.2.b of the Permit requires that Respondent include in its annual  
2 report, calculations of annual pollutant emissions determined each month in accordance with  
3 Condition 5.2 of the Permit.

4 12. On or before February 9, 2022, Respondent submitted its 2021 annual report to  
5 DEQ. In the report, for the purposes of calculating and reporting PM, PM<sub>10</sub> and PM<sub>2.5</sub> emissions  
6 for the months of January 2021 through August 2021, Respondent did not use the emission  
7 factors in Condition 12.0 of the Permit.

8 13. On September 3, 2021, DEQ modified and reissued the Permit incorporating  
9 updated PM, PM<sub>10</sub> and PM<sub>2.5</sub> emission factors for calculating emissions and demonstrating  
10 compliance with the PM, PM<sub>10</sub> and PM<sub>2.5</sub> PSELS.

## 11 II. CONCLUSIONS

12 1. From November 30, 2020, until the Permit was modified and reissued on  
13 September 3, 2021, the emission factors in Condition 12.0 of the 2020 Permit were in effect for  
14 the purposes of calculating PM, PM<sub>10</sub> and PM<sub>2.5</sub> emissions and demonstrating compliance with  
15 the PSELS in the Permit.

16 2. From December 2020 through August 2021, Respondent violated Condition 4.1  
17 of the Permit and ORS 468A.045(2), by exceeding the 24 tons per year PM PSEL as further  
18 described in Section II, Paragraphs 6 and 8.a through 8.i above. These are Class I violations,  
19 according to OAR 340-012-0054(1)(g). DEQ hereby assesses a \$2,834 civil penalty for these  
20 violations.

21 3. From December 2020 through August 2021, Respondent violated Condition 4.1  
22 of the Permit and ORS 468A.045(2), by exceeding the 14 tons per year PM<sub>10</sub> PSEL as further  
23 described in Section II, Paragraphs 6 and 9.a through 9.i above. These are Class I violations,  
24 according to OAR 340-012-0054(1)(g). DEQ hereby assesses a \$2,800 civil penalty for these  
25 violations.

26 ///

27 ///





1 denied will be considered admitted, and failure to raise a defense will be a waiver of the defense.  
2 (See OAR 340-011-0530 for further information about requests for hearing.) You must send your  
3 request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite**  
4 **600, Portland, Oregon 97232**, fax it to **503-229-6762** or email it to  
5 [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov). An administrative law judge employed by the Office of  
6 Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter  
7 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an  
8 attorney at the hearing, however you are not required to be. If you are an individual, you may  
9 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  
11 a duly 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  
18 default without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing  
19 but later withdraw your request, fail to attend the hearing or notify DEQ that you will not be  
20 attending the hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3).  
21 DEQ designates the relevant portions of its files, including information submitted by you, as the  
22 record for purposes of proving a prima facie case.

23  
24  
25 4/22/2022  
26 Date


25   
26 Kieran O'Donnell, Manager  
27 Office of Compliance and Enforcement



EXHIBIT 1

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

VIOLATION No. 1: Exceeding the 24 tons per year PM PSEL in violation of Condition 4.1 of the Permit and ORS 468A.045(2).

CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0054(1)(g).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(1)(e)(C) because Respondent exceeded the annual PM PSEL by an amount less than 50% of the annual significant emission rate (SER). The SER for PM is 25 tons per year pursuant to OAR 340-200-0020(161)(d).

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 I, minor magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(iii) and applicable pursuant to OAR 340-012-0140(3)(a)(A) because Respondent operates its facility under a Simple Air Contaminant Discharge Permit.

"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 a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"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 no prior history.

"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 from seven to 28 occurrences of the violation. Respondent exceeded its annual PM PSEL for the periods of January 2020 to December 2020; February 2020 to January 2021; March 2020 to February 2021; April 2020 to March 2021; May 2020 to April 2021; June 2020 to May 2021; July 2020 to June 2021; August 2020 to July 2021; and September 2020 to August 2021, for a total of nine occurrences.

"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. The PM PSEL and the methods for calculating compliance with the PSELs are express conditions of the Permit. Respondent had the opportunity to review and provide comment on the draft Simple ACDP before it was issued in November 2020. Respondent did not question or raise objections to the PSEL or emission factors that would be used to calculate compliance with the PSEL before the permit was issued. By failing to take adequate measures to ensure Respondent could and

would operate its Facility in a manner that maintained emissions below the PSEL limit, as calculated according to the Permit, Respondent failed to take reasonable care to avoid the foreseeable risk Respondent would violate the Permit and Oregon law.

"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 or minimize the effects of the violation. Respondent conducted a source test on February 2, 2021, to verify emission factors in the Permit. According to the test results, the PM emissions rates were lower than the emission factors contained in the Permit at that time. Respondent applied for a modified permit with the new emission factors on July 14, 2021, and obtained a modified permit from DEQ on September 3, 2021. Once the emission factors in the Permit were updated, Respondent was able to demonstrate compliance with the PM PSEL going forward.

"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 \$34 This is the amount Respondent gained by delaying spending \$1,800 from approximately December 1, 2020 to July 14, 2021, to apply for a permit modification to change and update the emission factors in the Permit. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} \text{Penalty} &= \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB} \\ &= \$2,000 + [(0.1 \times \$2,000) \times (0 + 0 + 3 + 4 + -3)] + \$34 \\ &= \$2,000 + (\$200 \times 4) + \$34 \\ &= \$2,000 + \$800 + \$34 \\ &= \$2,834 \end{aligned}$$

EXHIBIT 2

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

- VIOLATION No. 2: Exceeding the 14 tons per year PM<sub>10</sub> PSEL in violation of Condition 4.1 of the Permit and ORS 468A.045(2).
- CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0054(1)(g).
- MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(1)(e)(C) because Respondent exceeded the annual PM<sub>10</sub> PSEL by an amount less than 50% of the annual significant emission rate (SER). The SER for PM<sub>10</sub> is 15 tons per year pursuant to OAR 340-200-0020(161)(e).
- 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 I, minor magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(iii) and applicable pursuant to OAR 340-012-0140(3)(a)(A) because Respondent operates its facility under a Simple Air Contaminant Discharge Permit.
- "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 a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.
- "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 no prior history.
- "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 from seven to 28 occurrences of the violation. Respondent exceeded its annual PM<sub>10</sub> PSEL for the periods of January 2020 to December 2020; February 2020 to January 2021; March 2020 to February 2021; April 2020 to March 2021; May 2020 to April 2021; June 2020 to May 2021; July 2020 to June 2021; August 2020 to July 2021; and September 2020 to August 2021, for a total of nine occurrences.
- "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. The PM<sub>10</sub> PSEL and the methods for calculating compliance with the PSELs are express conditions of the Permit. Respondent had the opportunity to review and provide comment on the draft Simple ACDP before it was issued in November 2020. Respondent did not question or raise objections to the PSEL or emission factors that would be used to calculate compliance with the PSEL before the permit was issued. By failing to take adequate measures to ensure Respondent could and

would operate its Facility in a manner that maintained emissions below the PSEL limit, as calculated according to the Permit, Respondent failed to take reasonable care to avoid the foreseeable risk Respondent would violate the Permit and Oregon law.

"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 or minimize the effects of the violation. Respondent conducted a source test on February 2, 2021, to verify emission factors in the Permit. According to the test results, the PM<sub>10</sub> emissions rates were lower than the emission factors contained in the Permit at that time. Respondent applied for a modified permit with the new emission factors on July 14, 2021, and obtained a modified permit from DEQ on September 3, 2021. Once the emission factors in the Permit were updated, Respondent was able to demonstrate compliance with the PM<sub>10</sub> PSEL going forward.

"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 the economic benefit for this violation is addressed in Exhibit 1.

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

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

$$= \$2,000 + [(0.1 \times \$2,000) \times (0 + 0 + 3 + 4 + -3)] + \$0$$

$$= \$2,000 + (\$200 \times 4) + \$0$$

$$= \$2,000 + \$800 + \$0$$

$$= \$2,800$$

### EXHIBIT 3

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

VIOLATION No. 3: Failing to submit an accurate ACDP annual report to DEQ that correctly calculated PM, PM<sub>10</sub> and PM<sub>2.5</sub> emissions according to Conditions 5.2, 5.3 and 5.5 of the Permit, in violation of Condition 8.2.b of the Permit

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0054(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)(A) because Respondent operates its facility under a Simple Air Contaminant Discharge Permit.

"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 a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"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 no prior history.

"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 one occurrence of the violation. Respondent submitted one inaccurate (2021) annual report to DEQ .

"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. DEQ previously notified Respondent that its 2020 annual report used incorrect emission factors for calculating and reporting PM, PM<sub>10</sub> and PM<sub>2.5</sub> emissions in 2020 during the period the emission factors in the 2015 Permit were in effect (January 1, 2020 through November 29, 2020). By failing to ensure its 2021 annual report included the correct emission factors during the period the PM, PM<sub>10</sub> and PM<sub>2.5</sub> emission factors in Condition 12.0 of the 2020 Permit were in effect, (December 2020 through August 2021) to calculate and report PM, PM<sub>10</sub> and PM<sub>2.5</sub>

emissions, Respondent failed to take reasonable care to avoid the foreseeable risk Respondent would again violate the Permit.

"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 there is insufficient information to make a finding under paragraphs (6)(a) through (6)(e), or (6)(g).

"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 any economic benefit derived for this violation is likely to be de minimis.

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

$$\begin{aligned} \text{Penalty} &= \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB} \\ &= \$2,000 + [(0.1 \times \$2,000) \times (0 + 0 + 0 + 4 + 0)] + \$0 \\ &= \$2,000 + (\$200 \times 4) + \$0 \\ &= \$2,000 + \$800 + \$0 \\ &= \$2,800 \end{aligned}$$