



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

June 29, 2018

CERTIFIED MAIL: 7016 0750 0000 3470 3531

Oregon Environmental, LLC,
c/o Blake R. Estano, Registered Agent
558 S.E. 36th Avenue
Hillsboro, OR 97123

CERTIFIED MAIL: 7016 0750 0000 3470 3548

Motschenbacher & Blattner, LLP
c/o Troy G. Sexton
117 S.W. Taylor Street, Suite 300
Portland, OR 97204-3029

Re: Notice of Civil Penalty Assessment, Order and Revocation of License
Case No. AQ/AB-NWR-2018-024

This letter is to inform you that DEQ has issued Oregon Environmental, LLC, a civil penalty of \$436,804 for violations of the rules regarding asbestos abatement projects. You have been licensed as an asbestos abatement contractor since 2014. An investigation by DEQ revealed that you have consistently failed to submit notifications prior to conducting abatement projects, failed to submit the results of air clearance sampling or to conduct that sampling after completing projects, and failed to dispose of asbestos containing waste at an authorized waste disposal site. DEQ is particularly concerned that you continued to fail to provide notification to DEQ as recently as April 2018, despite DEQ bringing this violation to your attention, during the license renewal process for the last two years and in letters sent to you in 2016 and 2017.

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. To protect the public from exposure to asbestos fibers, DEQ has adopted regulations governing the proper removal, packaging and disposal of asbestos. DEQ requires timely notification of asbestos abatement projects in order for the agency to inspect and determine compliance at these projects.

In addition to the civil penalty assessment, the enclosed Notice includes a revocation of your asbestos abatement license. DEQ may revoke an asbestos abatement license if the licensee fails to meet any applicable state or federal standard relating to asbestos abatement. Since you obtained an asbestos abatement contractor's license in 2014, you have repeatedly violated Oregon rules pertaining to asbestos abatement. Additionally, at least one of your current employees is a former employee of Zilco Environmental LLC, a company that had its asbestos abatement license revoked by DEQ in 2008. Your employees, specifically the company's principles and DEQ-certified asbestos abatement

supervisors, are well informed of the asbestos rules and the need to follow them. However, you have repeatedly failed to comply with the law.

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.state.or.us

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 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 Susan Elworth at 503-229-5152 or toll free in Oregon at 800-452-4011, extension 5152.

Sincerely,



Kieran O'Donnell, Manager
Office of Compliance and Enforcement

Enclosures

cc: Killian Condon, Eugene Office, DEQ
Audrey O'Brien, NWR, DEQ
Shaume Hall, Accounting, DEQ
Donald Hendrix, AQ, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 OREGON ENVIRONMENTAL LLC,) ASSESSMENT, ORDER AND REVOCATION
5 Respondent.) OF LICENSE
CASE NO. AQ/AB-NWR-2018-024

6 I. AUTHORITY

7 The Department of Environmental Quality issues this Notice of Civil Penalty Assessment and
8 Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100 through 468.140, ORS Chapters 183
9 and 468A, and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, and 248.

10 II. APPLICABLE LAW

11 1. The owner or operator (as defined by OAR 340-248-0010(33)) of a facility being
12 demolished or renovated (as defined by OAR 340-248-0010(19) and (36)) where an asbestos abatement
13 project (as defined by OAR 340-248-0010(6)) is being undertaken must submit written notification to
14 DEQ on a form provided by DEQ and accompanied by the appropriate fee at least 10 days before
15 beginning any friable asbestos abatement project (ASN1 form) and at least 5 days prior to beginning
16 any non-friable asbestos abatement project (ASN6 form). *OAR 340-248-0260(1) and (4)*. Failure to
17 pay the fee at least 10 or 5 days prior to beginning the project results in a 50% increase in the fee set
18 forth in OAR 340-248-0260(1)(a). *OAR 340-248-0260(5)*.

19 2. OAR 340-248-0260(2) and (3) allow for annual notification for asbestos abatement projects
20 which each result in the removal of no more than 40 linear or 80 square feet of asbestos-containing
21 material (ACM). ACM is any material containing more than one-percent asbestos by weight. *OAR*
22 *340-248-0010(8)*. To establish eligibility for annual notification the owner or operator must submit a
23 project notification and \$750 fee. Additionally, the owner or operator must submit a summary report of
24 all asbestos abatement projects conducted in the previous three months by the 15th day of the month
25 following the end of each calendar quarter (ASN3 form). Failure to establish eligibility will result in
26 each project being assessed the applicable fee set forth in OAR 340-248-0260(1)(a). *OAR 340-248-*
27 *0260(2) and (3)*.

1 3. The person performing an asbestos abatement project which involves more than 160 square
2 feet or 260 linear feet of ACM must have at least one air sample collected prior to removing the
3 containment around the asbestos abatement project. The result of final air clearance sampling (ASN5
4 form) must be submitted to DEQ within 30 days after the completion date of the asbestos abatement
5 project. *OAR 340-248-0270(4)(k)*.

6 4. The owner, operator or the asbestos waste generator, which, as defined by OAR 340-248-
7 0010(11), includes any person performing an asbestos abatement project, must deposit all asbestos-
8 containing waste material (ACWM) at a DEQ authorized waste disposal site as soon as possible. *OAR*
9 *340-248-0280(5)*. ACWM includes any waste that contains asbestos. *OAR 340-248-0010(12)*.

10 5. At the time of disposal, all ACWM must be accompanied by a DEQ form (ASN4 form)
11 which contains all the information requested on the form. *OAR 340-248-0280(7)*. The asbestos waste
12 generator must maintain the ASN4 form for at least two years. *OAR 340-248-0280(8)*. The operator of
13 the authorized waste disposal site must also maintain the ASN4 form for at least two years. *OAR 340-*
14 *248-0280(10)(a)(C)*.

15 III. FINDINGS OF FACT

16 1. Since 2014, Respondent has been a licensed asbestos abatement contractor, with license no.
17 DSC770 and issued pursuant to OAR 340-248-0120.

18 2. In the Portland metropolitan area, the only waste disposal site authorized by DEQ to accept
19 ACWM is located at 3205 S.E. Minter Bridge Road in Hillsboro Oregon (Hillsboro). Other waste
20 disposal sites in Oregon authorized to accept ACWM include Short Mountain Landfill in Lane County,
21 Brown's Island Landfill in Marion County, Wasco County Landfill in Wasco County, and Coffin Butte
22 Landfill in Benton County.

23 3. Respondent provided DEQ with annual notification under OAR 340-248-0260(2) and (3) to
24 allow it to undertake small asbestos abatement projects without the need for project-specific
25 notification in OAR 340-248-0260(1) for the periods of July 31, 2015 through September 1, 2017 and
26 again since February 13, 2018.

27 ////

1 4. On January 9, 2018, Respondent submitted to DEQ ASN1 forms for the following asbestos
 2 abatement projects it performed:

Date(s) of Project	Address of Facility	Square Feet of ACM abated ¹	Disposal Location and Waste Hauler ²	Fee ³
9/12/2014	821 Willamette Falls Drive, West Linn ⁴	500	Hillsboro Respondent	\$100
10/21-12/31/2014	735 S.W. St. Clair, Portland	1650	Hillsboro Respondent	\$900
12/4/2014	580 E. Gloucester Street, Gladstone	2,465	Hillsboro Respondent	\$100
12/6-12/2014	2234 S.E. 30 th Avenue, Portland	2,465	Hillsboro Respondent	\$100
12/17-20/2014	7517 S.W. 49 th Avenue, Portland	126	Hillsboro Respondent	\$100
1/9/2015	3321 N.E. 133 rd Avenue, Portland	160	Hillsboro Respondent	\$100
2/27/2015	112 7 th Street, Garibaldi	140	Hillsboro Respondent	\$100
3/16/2015	6218 S.E. Windsor Court, Portland	656	Hillsboro Respondent	\$100
3/30-5/11/2015	3847 N.E. Glisan Street, Portland	9,000	Hillsboro Respondent	\$1,700
6/15-25/2015	110 N.E. 172 nd Avenue, Portland	2,540	Hillsboro Respondent	\$100
9/14-18/2015	2415 S.W. Garden View Avenue, Portland	2,360	Hillsboro Respondent	\$100
1/6/2016	15515 S.E. Rhone Court, Portland	150	Hillsboro Respondent	\$100
8/8/2016	3010 S.E. 169 th Avenue, Portland	2,132	Hillsboro Respondent	\$100
10/18-20/2016	755 E. Kenmore Street, Gladstone	1,500	Hillsboro Respondent	\$100
11/10/2016	760 N.W. 4 th Street, Gresham	900	Hillsboro Respondent	\$100
3/20-23/2017	1200 N.E. Territorial Road Unit 97, Canby	560	Hillsboro Respondent	\$100
3/20-23/2017	1200 N.E. Territorial Road Unit 98, Canby	1,200	Hillsboro Respondent	\$100

25 ¹ This is the amount of abated ACM listed on the ASN1 form submitted by Respondent.

26 ² This is the disposal location and the waste hauler listed on the ASN1 form submitted by Respondent.

27 ³ This is the fee that would be applicable to this type and size of abatement project as set forth in OAR 340-248-0260(1)(a) without any additional fee that may be applicable according to OAR 340-248-0260(5).

⁴ Respondent had previously provided notification of this project to DEQ on 9/11/2014 but did not pay the notification fee. Under OAR 340-248-0260(1)(b) if the notification does not include the fee, the notification has not occurred.

1	3/30-4/7/2017	4348 N.E. 79 th Avenue, Portland	900	Hillsboro Respondent	\$100
2	5/24/2017	3111 S.E. 71 st Avenue, Portland	980	Hillsboro Respondent	\$100
3	8/14-18/2017	1471 Greentree Circle, Lake Oswego	2,874	Hillsboro Respondent	\$100
4	8/28-30/2017	4619 S.E. Kelly Street, Portland	800	Hillsboro Respondent	\$100
5	11/9-14/2017	12940 S.E. 32 nd Avenue, Portland	1,337	Hillsboro Respondent	\$100
6	11/27-12/9/2017	12900 S.E. 32 nd Avenue, Portland	600	Hillsboro Respondent	\$100
7	11/29-12/6/2017	1130 N.W. 1 st Street, Gresham	430	Hillsboro Respondent	\$100

9 Prior to January 9, 2018, DEQ had not received notification of these projects from Respondent.

10 5. On January 9, 2018, DEQ received an ASN5 form for each of the abatement projects
 11 located at the following addresses in paragraph 4 above.

- 12 760 N.W. 4th Street, Gresham
- 13 580 E. Gloucester Street, Gladstone
- 14 2234 S.E. 30th Avenue, Portland
- 15 6218 S.E. Windsor Court, Portland
- 16 755 E. Kenmore Street, Gladstone
- 17 1200 N.E. Territorial Road, Unit 97, Canby
- 18 1200 N.E. Territorial Road, Unit 98, Canby
- 19 3111 S.E. 71st Avenue, Portland
- 1471 Greentree Circle, Lake Oswego
- 4619 S.E. Kelly Street, Portland
- 12940 S.E. 32nd Avenue, Portland
- 12900 S.E. 32nd Avenue, Portland
- 1130 N.W. 1st Street, Gresham

20 Prior to January 9, 2018, DEQ had not received ASN5 forms or air clearance sample results for these
 21 asbestos abatement projects from Respondent.

22 6. As of the date of this Notice, DEQ has not received an ASN5 form or air clearance sample
 23 results for the asbestos abatement projects located at the following addresses in paragraph 4 above,
 24 which involved more than 160 square feet or 260 linear feet of ACM:

- 25 735 S.W. St. Clair, Portland
- 26 821 Willamette Falls Drive, West Linn
- 27 3847 N.E. Glisan Street, Portland
- 110 N.E. 172nd Avenue, Portland
- 2415 S.W. Garden View Avenue, Portland
- 3010 S.E. 169th Avenue, Portland

1 7. On January 9, 2018, Respondent submitted an ASN6 form to DEQ for the following asbestos
 2 abatement project it performed:

Date of Project	Address of Facility	Square Feet of ACM abated ⁵
10/13-14/2014	1622 S.E. 46 th Avenue, Portland	1,600

3
 4
 5 Prior to January 9, 2018, DEQ had not received notification of this project from Respondent.

6 8. On January 9, 2018, Respondent submitted to DEQ ASN3 forms for the following asbestos
 7 abatement projects it performed:

Date of Project	Address of Facility	Square Feet of ACM abated ⁶
8/26/2014	18045 S.E. Portland Road, Portland	46
8/27/2014	7110 Reed College Road, Portland	20
10/24/2014	1114 S.E. Rex Street, Portland	35 (linear feet)
11/4/2014	900 S.E. River Forest Road, Oak Grove	70
11/5/2014	4016 N. Attu Street, Portland	73
11/20/2014	1713 S.W. 112 th Avenue, Portland	58
3/23/2015	3217 20 th , Portland	80
4/15/2015	1815 S.E. 41 st Avenue, Portland	20 (linear feet)
5/12/2015	4517 S.E. Llewelyn Street, Milwaukie	59
9/10/2015	6435 N.E. Colwood Way, Portland	66
10/19/2015	7228 S.E. Claybourne Street, Portland	80
11/23/2015	335 S.E. 8 th Avenue, Hillsboro	10 (linear feet)
1/21/2016	236 Ridings Avenue, Molalla	30
3/1/2016	3217 N. Bryant Street, Portland	69
3/22/2016	5926 N.E. 32 nd Place, Portland	70
4/11/2016	19305 S.W. Cappaen Road, Sherwood	56
11/10/2016	110 E. Clackamas Boulevard, Gladstone	40

27
⁵ This is the amount of abated ACM listed on the ASN6 form submitted by Respondent.

⁶ This is the amount of abated ACM listed on the ASN3 form submitted by Respondent.

12/29/2016	335 S.E. 8 th Avenue, Hillsboro	1 (linear)
3/27/2017	3039 S.E. 161 st Avenue, Portland	77
6/5/2017	4636 S.E. Ivon Street, Portland	25
7/17/2017	735 S.E. 4 th Street, Gresham	45
10/13/2017	9009 N. Bristol Avenue, Portland	40 (linear)

Prior to January 9, 2018, DEQ had not received notification of or quarterly reports regarding these projects from Respondent.

9. On March 7, 2018, Respondent submitted to DEQ ASN1 forms for the following projects listed in paragraph 8 as Respondent did not have coverage under an annual notification when the following abatement projects occurred:

Date(s) of Project	Address of Facility	Square Feet of ACM abated ⁷	Disposal Location And Waste Hauler ⁸	Fee ⁹
8/26/2014	18045 Portland Road, Portland	46	Hillsboro Respondent	\$100
8/27/2014	7110 S.E. Reed College Road, Portland	30 (linear) 20	Hillsboro Respondent	\$100
10/24/2014	1114 S.E. Rex Street, Portland	35 (linear)	Hillsboro Respondent	\$100
11/4/2014	900 River Forest Road, Oak Grove	none ¹⁰	Hillsboro Respondent	\$100
11/5/2014	4016 N. Attu Street, Portland	73	Hillsboro Respondent	\$100
3/23/2015	3217 N.E. 20 th Avenue, Portland	none ¹¹	Hillsboro Respondent	\$100
4/15/2015	4815 S.E. 41 st Avenue, Portland	none ¹²	Hillsboro Respondent	\$100
5/12/2015	4517 S.E. Llewelyn Street, Milwaukie	59	Hillsboro Respondent	\$100

⁷ This is the amount of abated ACM listed on the ASN1 form submitted by Respondent.

⁸ This is the disposal location and waste hauler listed on the ASN 1 form submitted by Respondent.

⁹ This is the fee that would be applicable to this type and size of abatement project as set forth in OAR 340-248-0260(1)(a) without any additional penalty that may be applicable according to OAR 340-248-0260(5).

¹⁰ There was no amount of ACM listed on this ASN1 but the initial ASN3 form submitted on January 9, 2018 states 70 square feet.

¹¹ There was no amount of ACM listed on this ASN1 but the initial ASN3 form submitted on January 9, 2018 states 80 square feet.

¹² There was no amount of ACM listed on this ASN1 but the initial ASN3 form submitted on January 9, 2018 states 20 square feet.

10/13/2017	9009 N. Bristol Avenue, Portland	40 (linear)	Hillsboro Respondent	\$100
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10. On March 6, 2018, DEQ received from Respondent ASN1 forms for the following asbestos abatement projects it had completed:

Date(s) of Project	Address of Facility	Square Feet of ACM abated ¹³	Disposal Location and Waste Hauler ¹⁴	Fee ¹⁵
11/20/2014	1713 S.W. 112 th Avenue, Portland	58	Hillsboro Respondent	\$100
3/24/2015	31152 N.E. Corral Creek Road, Newberg	500	Hillsboro Respondent	\$100
7/3/2015	4236 N.E. 8 th Avenue, Portland	65	Hillsboro Respondent	\$100
7/22/2015	6115 S.W. Shannon Court, Beaverton	58	Hillsboro Respondent	\$100
7/29/2015	15755 S.W. Hillsboro Highway, Hillsboro	76	Hillsboro Respondent	\$100
8/3/2015	1724 S.E. Tenino Street, Portland	775	Hillsboro Respondent	\$400
9/15/2015	1912 N.E. Schuyler Street, Unit 1833 & 1837, Portland	700	Hillsboro Respondent	\$400
11/2/2015	11225 S.W. Meadowbrook Drive, Unit 5, Portland	120	Hillsboro Respondent	\$200
11/2/2015	7315 S.E. Mitchell Court Unit 5, Portland	125	Hillsboro Respondent	\$200
11/12/2015	915 N.E. Schuyler Street, Unit 703, Portland	450	Hillsboro Respondent	\$400
12/16/2015	13830 S.E. 322 nd Avenue, Boring	260	Hillsboro Respondent	\$100
2/2/2016	5104 S.E. 30 th Avenue, Unit 2, Portland	400	Hillsboro Respondent	\$400
4/1/2016	1532 N.W. 21 st Avenue, Unit 306, Portland	125	Hillsboro Respondent	\$200
4/4/2016	1009 N.E. 47 th Avenue, Unit 17, Portland	150	Hillsboro Respondent	\$200
11/15-16/2016	1236 N. Marion Avenue, Unit 479, Seaside	1200	Hillsboro Respondent	\$400
1/31-2/3/2017	190 N.W. Cedar Court, Warrenton	900	Hillsboro Respondent	\$100
8/25/2017	35078 Jefferson Lane, Astoria	900	Hillsboro Respondent	\$100

¹³ This is the amount of abated ACM listed on the ASN1 form submitted by Respondent.

¹⁴ This is the disposal location and waste hauler listed on the ASN1 form submitted by Respondent.

¹⁵ This is the fee that would be applicable to this type and size of abatement project as set forth in OAR 340-248-0260(1)(a) without any additional fee that may be applicable according to OAR 340-248-0260(5).

1 Prior to March 6, 2018, DEQ had not received notification of these projects from Respondent.

2 11. On March 6, 2018, DEQ received ASN5 forms from Respondent for the abatement projects
3 located at the following addresses in paragraph 11 above:

- 4 1236 N. Marion Avenue, Unit 479, Seaside
- 5 190 N.W. Cedar Court, Warrenton
- 6 35078 Jefferson Lane, Astoria
- 7 7315 S.E. Mitchell Court, Unit 5, Portland
- 8 13830 S.E. 322nd Avenue, Boring
- 9 1724 S.E. Tenino Street, Portland
- 10 1912 N.E. Schuyler Street, Unit 1833, Portland
- 11 1912 N.E. Schuyler Street, Unit 1837, Portland
- 12 915 N.E. Schuyler Street, Unit 703, Portland
- 13 5104 S.E. 30th Avenue, Unit 2, Portland
- 14 31152 N.E. Corral Creek Road, Newberg

15 Prior to March 6, 2018, DEQ has not received ASN5 forms or air clearance sample results for these
16 asbestos abatement projects from Respondent.

17 12. On March 6, 2018, DEQ received from Respondent ASN3 forms for the following asbestos
18 abatement projects it had performed:

19 Date of Project	20 Address of Facility	21 Square Feet of ACM abated ¹⁶
22 7/22/2015	23 6115 S.W. Shannon Court, Beaverton	24 58
25 7/29/2015	26 15755 S.W. Hillsboro Highway, Hillsboro	27 76
28 8/07/2015	29 4926 S.W. Corbett Avenue, Portland	30 40
31 8/20/2015	32 2035 S.E. 154 th Avenue, Portland	33 80
34 9/15/2015	35 2211 S.W. 1 st Avenue, Portland	36 40
37 1/26/2016	38 2211 S.W. 1 st Avenue, Portland	39 40
40 1/26/2016	41 2211 S.W. 1 st Avenue, Unit 2023, Portland	42 40
43 3/1/2016	44 1912 N.E. Schuyler St., Unit 2024 Portland	45 35
46 3/2/2016	47 2824 22 nd Avenue, Unit 41, Forest Grove	48 75
49 3/18/2016	50 911 S.W. 21 st Avenue, Unit 301, Portland	51 80
52 4/28/2016	53 4 Touchstone Street, Lake Oswego	54 80
55 5/3/2016	56 11245 S.W. Meadowbrook Drive, Unit 4, 57 Tigard	60

¹⁶ This is the amount of abated ACM listed on the ASN3 form submitted by Respondent.

1 Prior to March 6, 2018, DEQ had not received notification of or quarterly reports regarding these
2 asbestos projects from Respondent.

3 13. In 2014, Respondent conducted asbestos abatement projects at the following facilities:

4 Estimated Date of Project ¹⁷	Address of Facility
5 8/20/2014	1516 S.E. 117 th , Portland
6 10/24/2014	25365 N.W. Moreland Road, Portland
7 11/4/2014	4425 S.W. 47 th Drive, Portland
8 11/4/2014	1550 S. Ivy, Canby
9 11/4/2014	2645 Inlet Avenue, Lincoln City
10 11/6/2014	28325 S.W. Canyon Creek Road, Wilsonville

11 As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from Respondent for these
12 asbestos abatement projects.

13 14. In 2015, Respondent conducted asbestos abatement projects at the following facilities:

14 Estimated Date of Project ¹⁸	Address of Facility
15 3/25/2015	10707 S.E. 44 th Avenue, Milwaukie
16 4/24/2015	3722 S.E. Taylor Street, Portland
17 4/29/2015	13387 S.E. Ruscliff, Portland
18 5/8/2015	4813/4821 S.E. Brooklyn, Portland
19 5/26/2015	6502 S.W. 34 th Street, Portland
20 7/7/2015	10025 S.W. Coquille Drive, Tualatin

21
22 As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from Respondent for the
23 asbestos abatement projects in this paragraph.

24 ////

25 ////

26 ////

27 _____
¹⁷ This date is estimated based on invoices, sampling dates, disposal records or other documentation.

¹⁸ This date is estimated based on invoices, sampling dates, disposal records or other documentation.

15. In 2017, Respondent conducted asbestos abatement projects at the following facilities:

Estimated Date of Project ¹⁹	Address of Facility
3/8/2017	735 S.W. St. Clair Avenue, Unit 408, Portland
10/13/2017	735 S.W. St Clair Avenue, Units 2207, 1009, 1509, 805, 403, 303, 1807, 1202 and exercise room, Portland

Respondent submitted an ASN1 form to DEQ for an abatement project it was conducting at this address with a project end date of July 31, 2016. As of the date of this Notice, DEQ has not received ASN1 forms from Respondent for these two asbestos abatement projects.

16. In 2014, Respondent was listed as the generator on ASN4 forms for ACWM generated at the following facilities and disposed of at Hillsboro:

Address of Facility	Amount of ACWM ²⁰	Disposal Date	Waste Hauler ²¹
7007 S.W. 46 th Avenue, Portland	10 bags 10 cubic yards	10/2/2014	Respondent
1984 Ostman Drive, West Linn	10 bags 10 cubic yards	10/2/2014	Respondent
1795 Fernwood Drive, Lake Oswego	20 bags 20 cubic yards	10/2/2014	Respondent
22040 S.W. Riberia Lane, West Linn	10 bags 10 cubic yards	10/2/2014	Respondent
1622 S.E. 46 th Avenue, Portland	44 bags 4.4 cubic yards	10/16/2014	Respondent
16280 S.W. 118 th Avenue, Tigard	60 cubic yards	10/23/2014	Respondent
16280 S.W. 113 th Avenue, Tigard	1 bag 30 cubic yards	10/28/2014	Respondent
16280 S.W. 113 th Avenue, Tigard	1 burrito wrap 30 cubic yards	10/30/2014	Pride Disposal

17. As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from Respondent for the asbestos abatement projects located at the following addresses in paragraph 16:

1984 Ostman Drive, West Linn
 1795 Fernwood Drive, Lake Oswego
 16280 S.W. 113th Avenue, Tigard

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¹⁹ This date is estimated based on invoices, sampling dates, disposal records or other documentation.

²⁰ This is the amount listed on the ASN4 completed by Respondent and provided to the landfill at the time of disposal.

²¹ This is the 1st transporter listed on the ASN4 completed by Respondent.

1 18. In 2015, Respondent was listed as the generator on ASN4 forms for ACWM generated at
 2 the following facilities and disposed of at Hillsboro:

3 Address of Facility	4 Amount of ACWM ²²	5 Disposal Date	6 Waste Hauler ²³
3877 N.E. Glisan Street, Portland	30 barrels 30 cubic yards	4/30/2015	Waste Management
3877 N.E. Glisan Street, Portland	70 bags 12 cubic yards	4/30/2015	Waste Management
568 N.E. Highway 99, McMinnville	46 bags and barrels 30 cubic yards	6/11/2015	Recology Western Oregon
1777 Mountain View Lane, Forest Grove	200 bags/20 barrels 25 cubic yards	7/14/2015	Respondent
55 West Building One, Hillsboro	30 bags 3 cubic yards	8/20/2015	Unknown
4115 S.W. Dilly Road, Forest Grove	20 bags 2 cubic yards	8/20/2015	Unknown
735 S.W. St. Clair, Portland	150 bags/5 barrels 15 cubic yards	8/20/2015	Unknown
735 S.W. St. Clair, Portland	300 bags 20 cubic yards	12/8/2015	Waste Management
70010 Mountain View Park, Forest Grove	45 bags/barrels 4.5 cubic yards	12/8/2015	Waste Management

16 19. As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from
 17 Respondent for the asbestos abatement projects located at the following addresses in paragraph 18:
 18 568 N.E. Highway 99, McMinnville
 19 70010 Mountain View Park, Forest Grove
 20 735 S.W. St Clair, Portland (8/20/2015 disposal date)
 21 55 West Building One, Hillsboro

22 The ASN4s for the ACWM generated at 4115 S.W. Dilly Road in Forest Grove, 55 West Building One
 23 in Hillsboro and 735 S.W. St. Clair in Portland and disposed of on 8/20/2015, do not include the name
 24 of the transporter of the ACWM. Additionally, although the ASN4 forms for the ACWM disposed of
 25 on 4/30/2015 state a facility address of 3877, the correct address is 3847.

26 20. In 2016, Respondent was listed as the generator on ASN4 forms for ACWM generated at
 27 the following facilities and disposed of at Hillsboro:

²² This is the amount listed on the ASN4 completed by Respondent and provided to the landfill at the time of disposal.

²³ This is the 1st transporter listed on the ASN4 completed by Respondent.

Address of Facility	Amount of ACWM ²⁴	Disposal Date	Waste Hauler ²⁵
2700 N.W. Front Avenue, Portland	7 barrels/150 bags 10 cubic yards	10/17/2016	Respondent
735 N.W. Burnside, Portland	42 bags 4.2 cubic yards	10/17/2016	Respondent
755 E. Kenmore, Gladstone	200 bags 40 cubic yards	10/26/2016	B&B Leasing
6788 Oakridge Drive, Gladstone	80 bags 30 cubic yards	11/11/2016	B&B Leasing
735 S.W. St. Clair, Portland	30 bags 1 cubic yard	11/11/2016	B&B Leasing
19700 Falcon Drive, Oregon City	10 bags 1 cubic yard	12/1/2016	B&B Leasing
1844 S.E. Cesar E. Chavez Boulevard, Portland	60 bags 2 cubic yards	12/1/2016	B&B Leasing
760 N.W. 4 th Street, Gresham	40 bags 4 cubic yards	12/1/2016	B&B Leasing
19145 Addie S., Gladstone	100 bags 20 cubic yards	12/1/2016	B&B Leasing
735 S.W. St. Clair, Portland	20 bags 2 cubic yards	12/7/2016	Respondent
8705 S.E. 13 th Avenue, Portland	8 barrels/48 bags 28 cubic yards	12/7/2016	Waste Management

21. As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from Respondent for the asbestos abatement projects located at the following addresses in paragraph 20:

735 N.W. Burnside, Portland
735 S.W. St. Clair, Portland
19145 Addie S., Gladstone

22. In 2017, Respondent was listed as the generator on ASN4 forms for ACWM generated at the following facilities and disposed of at Hillsboro:

Address of Facility	Amount of ACM ²⁶	Disposal Date	Waste Hauler
1200 N.E. Territorial Road, Unit 97, Canby	60 bags 20 cubic yards	3/22/2017	Canby Disposal
1200 N.E. Territorial Road, Unit 97, Canby	60 bags 20 cubic yards	3/23/2017	Canby Disposal
378 Knight Bridge Road, Canby	Unknown	6/9/2017	
15900 S.W. Alderbrook Circle, Tigard	90 bags 20 cubic yards	8/7/2017	Pride Disposal

²⁴ This is the amount listed on the ASN4 completed by Respondent and provided to the landfill at the time of disposal.

²⁵ This is the 1st transporter listed on the ASN4 completed by Respondent.

²⁶ This is the amount listed on the ASN4 completed by Respondent and provided to the landfill at the time of disposal.

1	7018 S.E. 92 nd Avenue, Units 11 & 12, Portland	289 bags 30 cubic yards	8/11/2017	Waste Management
2	1471 Greentree Circle, Lake Oswego	202 bags 20 cubic yards	8/16/2017	Republic
3	1471 Greentree Circle, Lake Oswego	200 bags 240 cubic yards	8/18/2017	Republic
4	2544 26 th Avenue, Forest Grove	210 bags 22 cubic yards	8/25/2017	Waste Management
5	4619 S.E. Kelly Street, Portland	149 bags 18 cubic yards	9/6/2017	Waste Management
6	9944 N. James Street, Portland	122 bags 7 cubic yards	9/28/2017	Waste Management
7	810 S.E. Oak Grove Boulevard, Portland	128 bags 10 cubic yards	9/29/2017	Waste Management
8	4219 S.E. Railroad Avenue, Wilsonville	9 bags 1 cubic yard	10/4/2017	Respondent
9	4217 S.E. Railroad Avenue, Wilsonville	8 bags .5 cubic yards	10/4/2017	Respondent
10	601 N.E. 162 nd Avenue, Portland	318 bags 40 cubic yards	10/16/2017	Waste management
11	601 N.E. 162 nd Avenue, Portland	391 bags 40 cubic yards	10/24/2017	Waste Management
12	601 N.E. 162 nd Avenue, Portland	420 bags 40 cubic yards	10/26/2017	Waste Management
13	601 N.E. 162 nd Avenue, Portland	419 bags 40 cubic yards	10/31/2017	Waste Management
14	601 N.E. 162 nd Avenue, Portland	206 bags 30 cubic yards	11/6/2017	Waste Management
15	14550 S.W. Kari Braun Drive, Beaverton	6 barrels/15 bags 10 cubic yards	11/24/2017	Waste Management
16	1832A Pacific Avenue, Forest Grove	20 bags 1 cubic yard	11/24/2017	Waste Management
17	12900 S.E. 32 nd Avenue, Portland	232 bags 20 cubic yards	11/29/2017	Waste Management
18	12900 S.E. 32 nd Avenue, Portland	67 bags 1/3 cubic yard	12/13/2017	Waste Management

23. As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from

Respondent for the asbestos abatement projects located at the following addresses in paragraph 22:

- 7018 S.E. 92nd Avenue, Portland
- 2544 26th Avenue, Forest Grove
- 9944 N. James Street, Portland
- 810 S.E. Oak Grove Boulevard, Portland
- 4219 S.E. Railroad Avenue, Wilsonville
- 4217 S.E. Railroad Avenue, Wilsonville
- 14550 S.W. Kari Braun Drive, Beaverton
- 1832A Pacific Avenue, Forest Grove

1 The ASN4 form for the ACWM disposed of on 8/11/2017 states a facility address of 7018, yet the
 2 correct address is 7028.

3 24. In 2018, Respondent was listed as the generator on ASN4 forms for ACWM generated at
 4 the following facilities and disposed of at Hillsboro:

Address of Facility	Amount of ACWM ²⁷	Disposal Date	Waste Hauler
12900 S.E. 32 nd Avenue, Portland	90 bags 10 cubic yards	2/7/2018	Respondent
2238 17 th Avenue, Forest Grove	90 bags 9 cubic yards	2/7/2018	Respondent
35418 Gustafson Lane, Astoria	21 bags 3 cubic yards	2/7/2018	Respondent
2139 W. Burnside Street, Portland	17 bags 2.5 cubic yards	3/13/2018	Respondent
1713 3 rd Street, Oregon City	16 bags 2 cubic yards	3/13/2018	Respondent
5313 S.E. Hill Road, Portland	23 bags 3 cubic yards	3/13/2018	Respondent
5640 N.E. 58 th Avenue, Portland	10 bags 1.5 cubic yards	3/13/2018	Respondent
12345 N.W. Valley Vista Drive, Hillsboro	47 bags 3 cubic yards	3/13/2018	Respondent
4717 S.W. Firwood Road, Lake Oswego	240 bags 25 cubic yards	3/15/2018	Respondent
4717 S.W. Firwood Road, Lake Oswego	297 bags 13 burritos 30 cubic yards	3/26/2018	Respondent
8600 S.W. White Court, Portland	89 bags 9 cubic yards	4/20/2018	Respondent
8625 N. Chase Avenue, Portland	390 bags 40 cubic yards	4/23/2018	Respondent
8675 Valley View Drive, Tillamook	8 bags 1 cubic yard	4/23/2018	Respondent
1130 N.W. 1 st Street, Gresham	27 bags 3 cubic yards	4/23/2018	Respondent
535 N.W. 13 th Avenue, Hillsboro	34 bags 30 cubic yards	4/23/2018	Respondent

25. As of the date of this Notice, DEQ has not received an ASN1 or ASN3 form from
 Respondent for the asbestos abatement projects located at the following addresses in paragraph 24:

²⁷ This is the amount listed on the ASN4 completed by Respondent and provided to the landfill at the time of disposal.
 NOTICE OF CIVIL PENALTY ASSESSMENT, ORDER AND PROPOSED REVOCATION OF LICENSE
 CASE NO. AQ/AB-NWR-2018-024

1 12900 S.E. 32nd Avenue, Portland
2 2139 W. Burnside Street, Portland
3 1713 3rd Street, Oregon City
4 5313 S.E. Hill Road, Portland
5 1130 N.W. 1st Street, Gresham
6 12345 N.W. Valley Vista Drive, Hillsboro

7 26. On March 23, 2018, DEQ received an ASN1 form from Respondent for an asbestos
8 abatement project at 535 N.W. 13th Avenue in Hillsboro. That form stated that the project involved
9 approximately 1,056 square feet of ACM. As of the date of this Notice, DEQ has not received an
10 ASN5 form or air clearance sample results for this project.

11 27. On April 10, 2018, DEQ received an ASN1 form from Respondent for an asbestos
12 abatement project at 8600 S.W. White Court in Portland. That form stated that the project involved
13 approximately 865 square feet of ACM. As of the date of this Notice, DEQ has not received an ASN5
14 form or air clearance sample results for this project.

15 28. Respondent had not disposed of any ACWM at the other authorized waste disposal sites
16 listed in paragraph 2 besides Hillsboro.

17 29. On March 6, 2018, DEQ received from Respondent fees for the asbestos abatement projects
18 listed in paragraphs 4, 7, 8, 9, and 10. The payment included the 50% increase required by OAR 340-
19 248-0260(5).

20 30. On May 4, 2016, DEQ received Respondent's application to renew its asbestos abatement
21 contractor license. The application listed one asbestos abatement project which Respondent had
22 completed in the last year: specifically a facility located at 6137 S.E. 15th Avenue in Portland. On
23 August 17, 2016, in response to DEQ's request for a complete list of abatement projects completed in
24 the last year, Respondent provided a list of the following projects:

Date of Project	Address of Project	Square Feet of ACM
6/22/2015	914 S. Lincoln Street, Cornelius	75 (linear)
6/22/2015	1777 Mountain View Lane, Forest Grove	3,400
7/13/2015	200 Pioneer Drive, Heppner	3,600
3/6/2016	542/550/560/562 4 th Street, Lake Oswego	2,800

5/17/2016	2222 S.W. Spring Garden Road, Portland	9,300
6/6/2016	5929 S.E. Center Street, Portland	1,500 (non-friable)
6/20/2016	9125 Sargent Road, Gales Creek	2,900
7/7/2016	8656 S.W. Citizens Drive, Wilsonville	600 (non-friable)

31. On June 1, 2017, DEQ received Respondent's application to renew its asbestos abatement contractor license. The application listed 17 asbestos abatement projects which Respondent had completed in the last year. Specifically Respondent listed the following projects on its application:

Date of Project	Address of Facility	Square Feet of ACM
7/18/2016	1823 S.E. 50 th Avenue, Portland	400 (linear)
9/1/2016	1317 N. Villa Road, Newberg	400
9/1/2016	2700 N.W. Front Avenue, Portland	1,450
9/16/2016	5915 N. Atlantic Avenue, Portland	400
10/10/2016	2700 N.W. Front Avenue, Portland	640
11/21/2016	8705 S.E. 13 th Avenue, Portland	4,000 (nonfriable)
11/11/2016	538 S.W. Coast Highway, Newport	40
12/30/2016	20300 Blaine Road, Beaver	240
1/3/2017	7532 Jacktown Road, Beaverton	650
1/6/2017	12020 S.W. 121 st Street, Tigard	820
2/9/2017	480 Iron Mountain, Lake Oswego	650
2/13/2017	7532 Jacktown Road, Beaverton	550
2/13/2017	12890 S.W. 20 th Court, Beaverton	550
2/20/2017	3817 N.E. Couch Street, Portland	250
2/22/2017	495 Olney Avenue, Astoria	1,400
2/23/2017	1157 N. Marion Avenue #714, Gearhart	900
3/31/2017	1234 Hillendale Drive, Salem	1,600

32. On July 7, 2017, in response to DEQ's request for a complete list of abatement projects completed in the previous year, Respondent provided a list of the following asbestos abatement projects:

Date of Project	Address of Project	Square Feet of ACM
8/30/2016	9150 S.E. Spencer Drive, Happy Valley	76
9/12/2016	1730 S.W. 216 th Avenue, Beaverton	45
9/13/2016	18200 Stonewood Drive, Gladstone	80
9/15/2016	1229 S.E. 139 th Avenue, Portland	15
9/19/2016	1215 N. Meridian Street, Newberg	50
9/20/2016	7835 S.E. 32 nd Avenue, Portland	30
10/7/2016	16965 N.W. Joscelyn Street, Beaverton	70
2/2/2017	6788 Oakridge Drive, Gladstone	68
2/2/2017	7055 S.W. Palmer Way, Beaverton	70
2/7/2017	1844 S.E. Cesar Chavez Boulevard, Portland	80
2/10/2017	18000 S.E. Langensand Road, Sandy	80
2/14/2017	19700 Falcon Drive, Oregon City	80
3/3/2017	2870 N.W. Forest Avenue, Beaverton	55
3/13/2017	5331 S.E. Henry Street, Portland	25
3/29/2017	6124 N. Greeley Street, Portland	29 (linear)

IV. CONCLUSIONS

1. The projects referenced in Section III, paragraphs 4, 8, 10, 12, 13, 14, 15, 16, 18, 20, 22, 24, 26, 27, 30, 31 and 32 are asbestos abatement projects (as defined by OAR 340-248-0010(6)) because each involved the removal, handling and disposal of ACM with the potential of releasing asbestos fibers into the air.

2. Respondent was an operator (as defined by OAR 340-248-0010(33)) for each of the projects referenced in Section III, paragraphs 4, 8, 10, 12, 13, 14, 15, 16, 18, 20, 22, 24, 26, 27, 30, 31 and 32 as

1 it controlled or supervised those asbestos abatement projects. Additionally, Respondent was listed as
2 the asbestos abatement contractor on the ASN1, ASN3, ASN4 or ASN6 forms for the projects where
3 such a form exists.

4 3. Respondent was the asbestos waste generator (as defined by OAR 340-248-0010(11) for
5 each of the projects referenced in Section III, paragraphs 4, 8, 10, 12, 13, 14, 15, 16, 18, 20, 22, 24, 26,
6 27, 30, 31 and 32 as it performed the asbestos abatement project and was the operator whose act
7 generated ACWM. Additionally, Respondent listed itself as the generator on ASN4 forms where such
8 a form exists.

9 4. Respondent violated OAR 340-248-0260(1) by failing to timely submit written notification
10 of asbestos abatement projects to DEQ on the DEQ form. Specifically, Respondent failed to submit an
11 ASN1 form at least 10 days prior to beginning the friable asbestos abatement projects listed in Section
12 III, paragraphs 4, 9, and 10. Additionally, Respondent failed to submit an ASN6 form at least 5 days
13 prior to beginning the non-friable asbestos abatement project listed in Section III, paragraph 7. The
14 date that Respondent began each of these asbestos abatement projects are specifically alleged in Section
15 III, paragraphs 4, 7, 9 and 10. Respondent did not provide notification, on the DEQ required form,
16 until either January 9, 2018 or March 6, 2018. These are Class II violations according to OAR 340-012-
17 0054(2)(1). DEQ hereby assesses a \$8,000 civil penalty for these violations as set forth in Exhibit 1.

18 5. Respondent violated OAR 340-248-0260(2)(c) and (3)(c) by failing to timely submit to DEQ a
19 summary report of all asbestos abatement projects conducted in the previous three months by the 15th day
20 of the month following the end of each calendar quarter. From July 31, 2015 through September 1, 2017
21 and again after February 13, 2017, Respondent had coverage under the annual notification process in OAR
22 340-248-0260(2) and (3). Respondent failed to submit an ASN3 form to DEQ by the 15th day of the
23 month following the calendar quarter for the projects listed in Section III, paragraph 8 (except for those
24 listed in Section III, paragraph 9) and paragraph 12 until either January 9, 2018 or March 6, 2018. The
25 dates that Respondent began each of these asbestos abatement projects are specifically alleged in Section
26 III, paragraphs 8 and 12. These are Class II violations according to OAR 340-012-0054(2)(1). DEQ
27 hereby assesses a \$1,900 civil penalty for these violations as set forth in Exhibit 2.

1 6. Respondent violated OAR 340-248-0260(1) by failing to submit written notification of
2 asbestos abatement projects to DEQ on the DEQ form including the project notification fee set forth in that
3 rule. Specifically, as of the date of this Notice, DEQ has not received either an ASN1 or ASN6 notification
4 for the asbestos abatement projects listed in Section III, paragraphs 13, 14, 15, 17, 19, 21, 23, and 25 which
5 were performed by Respondent. The estimated date that Respondent began these asbestos abatement
6 projects are alleged in Section III, paragraphs 13, 14, 15, 17, 19, 21, 23, and 25. These are Class II
7 violations according to OAR 340-012-0054(2)(1). DEQ hereby assesses a \$337,334 civil penalty for these
8 violations as set forth in Exhibit 3.

9 7. Respondent violated OAR 340-248-280(5) by failing to deposit all ACWM at a DEQ
10 authorized waste disposal site as soon as possible. Specifically, Respondent was the asbestos waste
11 generator as it performed asbestos abatement projects at the facilities set forth in Section III, paragraphs 4,
12 8, 10, 12, 13, 14, 15, 30, 31, and 32. Respondent has not disposed of the ACWM generated from the
13 asbestos abatement projects, located at the following addresses, at a waste disposal site authorized by

14 DEQ to accept ACWM:

15 735 S.W. St. Clair, Portland²⁸
16 821 Willamette Falls Drive, West Linn
17 112 7th Street, Garibaldi
18 7517 S.W. 49th Avenue, Portland
19 570 E. Gloucester Street, Gladstone
20 2234 S.E. 30th Avenue, Portland
21 3321 N.E. 133rd Avenue, Portland
22 6218 S.E. Windsor Court, Portland
23 110 N.E. 172nd Avenue, Portland
24 2415 S.W. Garden View Avenue, Portland
25 15515 S.E. Rhone Court, Portland
3010 S.E. 169th Avenue, Portland
1200 N.E. Territorial Road Unit 98, Canby
4348 N.E. 79th Avenue, Portland
3111 S.E. 71st Avenue, Portland
12940 S.E. 32nd Avenue, Portland
1130 N.W. 1st Street, Gresham
4016 N. Attu Street, Portland
4517 S.E. Llewelyn Street, Milwaukie

26 ²⁸ According to two ASN4 forms, Respondent disposed of ACWM it generated at 735 S.W. St. Clair on 8/20/2015 and
27 12/8/2015. Respondent conducted asbestos abatement projects at this facility from October through December 2014 and
again from July 2015 through July 2016 as per the ASN1 forms submitted to DEQ. Respondent also conducted asbestos
abatement projects at this facility sometime prior to March and October 2017. There are no waste disposal records or ASN4
forms for 2014, 2016 and 2017.

- 1 6435 N.E. Colwood Way, Portland
- 2 7228 S.E. Claybourne Street, Portland
- 3 236 Ridings Avenue, Molalla
- 4 3217 N. Bryant Street, Portland
- 5 5926 N.E. 32nd Place, Portland
- 6 19305 S.W. Cappoen Road, Sherwood
- 7 110 E. Clackamas Boulevard, Gladstone
- 8 3039 S.E. 161st Avenue, Portland
- 9 4636 S.E. Ivon Street, Portland
- 10 735 S.E. 4th Street, Gresham
- 11 9009 N. Bristol Avenue, Portland
- 12 18045 Portland Road, Portland
- 13 7110 Reed College Road, Portland
- 14 900 S.E. River Forest Road, Oak Grove
- 15 335 S.E. 8th Avenue, Hillsboro
- 16 1236 N. Marion Avenue, Unit 479, Seaside
- 17 7315 S.E. Mitchell Court, Unit 5, Portland
- 18 13830 S.E. 322nd Avenue, Boring
- 19 1724 S.E. Tenino Street, Portland
- 20 1912 N.E. Schuyler Street, Units 1833 & 1837, Portland
- 21 11225 S.W. Meadowbrook Drive, Unit 5, Portland
- 22 915 N.E. Schuyler, Units 703 and 2024, Portland
- 23 5104 S.E. 30th Avenue, Unit 2, Portland
- 24 1532 N.W. 21st Avenue, Unit 306, Portland
- 25 1009 N.E. 47th Avenue, Unit 17, Portland
- 26 31152 N.E. Corral Creek Road, Newberg
- 27 1713 S.W. 112th Avenue, Portland
- 7110 S.E. Reed College Road, Portland
- 1114 S.E. Rex Street, Portland
- 900 River Forest Road, Oak Grove
- 4815 S.E. 41st Avenue, Portland
- 3217 N.E. 20th Avenue, Portland
- 4236 N.E. 8th Avenue, Portland
- 2035 S.E. 154th Avenue, Portland
- 4926 S.W. Corbett Avenue, Portland
- 2211 S.W. 1st Avenue, Portland
- 2824 22nd Avenue, Unit 41, Forest Grove
- 911 S.W. 21st Avenue, Unit 301, Portland
- 2211 S.W. 1st Avenue, Unit 2023, Portland
- 4 Touchstone Street, Lake Oswego
- 11245 S.W. Meadowbrook Drive, Unit 4, Tigard
- 6115 S.W. Shannon Court, Beaverton
- 15755 S.W. Hillsboro Highway, Hillsboro
- 1516 S.E. 117th, Portland
- 4425 S.W. 47th Drive, Portland
- 1550 S. Ivy, Canby
- 28325 S.W. Canyon Creek Road S., Wilsonville

1 2645 Inlet Avenue, Lincoln City
10707 S.E. 44th Avenue, Milwaukie
2 3722 S.E. Taylor Street, Portland
4813 and 4821 S.E. Brooklyn Street, Portland
3 6502 S.W. 34th Street, Portland
10025 S.W. Coquille Drive, Tualatin
4 13387 S.E. Ruscliff, Portland
190 N.W. Cedar Court, Warrenton
5 35078 Jefferson Lane, Astoria
6 12890 S.W. 20th Court, Beaverton
20300 Blaine Road, Beaver
7 12020 S.W. 121st Street, Tigard
3817 N.E. Couch Street, Portland
8 480 Iron Mountain, Lake Oswego
1234 Hillendale Drive, Salem
9 7532 Jacktown Road, Beaverton
10 1157 N. Marion Avenue, #714, Gearhart
495 Olney Avenue, Astoria
11 1317 N. Villa Road, Newberg
5915 N. Atlantic Avenue, Portland
12 538 S.W. Coast Highway, Newport
9150 S.E. Spencer Drive, Happy Valley
13 1730 S.W. 216th Avenue, Beaverton
14 18200 Stonewood Drive, Gladstone
1229 S.E. 139th Avenue, Portland
15 1215 N. Meridian Street, Newberg
7835 S.E. 32nd Avenue, Portland
16 16965 N.W. Joscelyn Street, Beaverton
7055 S.W. Palmer Way, Beaverton
17 18000 S.E. Langensand Road, Sandy
18 2870 N.W. Forest Avenue, Beaverton
5331 S.E. Henry Street, Portland
19 6124 N. Greeley Street, Portland
6137 S.E. 15th Avenue, Portland
20 914 S. Lincoln Street, Cornelius
542/550/560/562 4th Street, Lake Oswego
21 9125 Sargent Road, Gales Creek
22 2222 S.W. Spring Garden Road. Portland

23 These are Class I violations according to OAR 340-012-0054(1)(o). DEQ hereby assesses a \$33,156 civil
24 penalty for these violations as set forth in Exhibit 4.

25 8. Respondent violated OAR 340-248-0270(4)(k) by failing to timely submit to DEQ the result of
26 final air clearance sampling or an ASN5 form within 30 days after the completion date of an asbestos
27 abatement project. Specifically, DEQ received ASN5 forms on January 9, 2018 and March 7, 2018 for the

1 asbestos abatement projects listed in Section III, paragraphs 5 and 11. The dates that Respondent
2 completed these asbestos abatement projects are specifically alleged in Section III, paragraphs 4 and 10.
3 These are Class III violations according to OAR 340-012-0054(3)(e). DEQ assesses a \$1,050 civil penalty
4 for these violations as set forth in Exhibit 5.

5 9. Respondent violated OAR 340-248-0270(4)(k) by failing to collect at least one air sample
6 before the containment around the area of abatement was removed. Specifically, as of the date of this
7 Notice, DEQ has not received documentation for the abatement projects listed in Section III, paragraphs 6,
8 26 and 27 showing that Respondent collected samples at each of these abatement projects prior to
9 removing the containment. Each of the projects listed in Section III, paragraphs 6, 26 and 27 involved
10 more than 160 square feet or 260 linear feet of ACM as more specifically alleged in Section III, paragraphs
11 4, 26 and 27. These are Class II violations according to OAR 340-012-0054(2)(m). DEQ assesses a
12 \$55,364 civil penalty for these violations as set forth in Exhibit 6.

13 10. Respondent violated OAR 340-248-0260(4)(1) by failing to submit a complete and accurate
14 asbestos abatement project notification. Specifically, Respondent failed to include the amount of asbestos
15 abated on the ASN1 forms submitted on March 6, 2018 for projects at 900 River Forest Road in Oak
16 Grove, 4815 S.E. 41st Avenue in Portland, and 3217 N.E. 20th Avenue in Portland, as alleged in Section II,
17 paragraph 9. Additionally, Respondent listed itself as the waste hauler on notifications when it did not
18 transport the ACWM to the disposal location as alleged in Section II, paragraphs 4, 10, 18, 20 and 22 –
19 specifically at the following addresses: 3847 N.E. Glisan Street, Portland; 755 E. Kenmore, Gladstone; 760
20 N.W. 4th Street, Gresham; 1200 N.E. Territorial Road, Unit 97, Canby; 1471 Greentree Circle, Lake
21 Oswego; 4619 S.E. Kelly Street, Portland; and 12900 S.E. 32nd Avenue, Portland. These are Class II
22 violations according to OAR 340-012-0054(2)(1). DEQ did not assess a civil penalty for these violations.

23 11. Respondent violated OAR 340-248-0280(7) by failing to fully complete all of the information
24 required on the DEQ required waste disposal form. Specifically, Respondent failed to include the
25 transporter of the ACWM on three ASN4 forms and failed to include the correct address on three ASN4
26 forms, as alleged in Section III, paragraphs 19 and 23. These are Class II violations according to OAR
27 340-012-0053(2). DEQ did not assess a civil penalty for these violations.

1 12. Respondent violated OAR 340-248-0120(2)(e) by failing to submit to DEQ a summary of all
2 asbestos abatement projects conducted by Respondent during the last twelve months when it applied for a
3 renewal of its license in 2016 and 2017. Specifically, Respondent failed to list all of the projects it
4 completed in the prior 12 months with its license application and again in response to DEQ's requests for a
5 complete list after the submittal of its license application, as alleged in Section III, paragraphs 30, 31 and
6 32. Respondent failed to list the projects set forth in Section III, paragraphs 4, 7, 8, 9, 10, 11, 13, 14, 15,
7 and 17 which it completed from July 10, 2015 to June 1, 2017. This is a Class I violation pursuant to OAR
8 340-012-0053(1)(b) as the violation masked Respondent's failure to submit timely notification of and the
9 fees for those projects which is a violation as set forth in paragraphs 1, 2 and 3 of this Section. DEQ did
10 not assess a civil penalty for these violations.

11 V. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

12 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
13 hereby ORDERED TO:

14 1. Pay a total civil penalty of \$436,804. The determination of the civil penalties are attached as
15 Exhibits 1 through 6 and are incorporated as part of this Notice. If you do not file a request for hearing as
16 set forth in Section V below, your check or money order must be made payable to "**State Treasurer,**
17 **State of Oregon**" and sent to the **DEQ, Business Office, 700 NE Multnomah Street, Suite 600,**
18 **Portland, Oregon 97232**. Once you pay the penalty, the Notice becomes final.

19 2. Within 30 days of this order becoming final, submit to DEQ complete notification (as
20 required by OAR 340-248-0260(4)) and the appropriate fee (as required by OAR 340-248-0260(1)) for
21 all asbestos abatement projects Respondent has commenced or completed since 2014 which
22 Respondent has not previously submitted a complete notification, including but not limited to those set
23 forth in Section III, paragraphs 13, 14, 15, 17, 19, 21, 23 and 25. The notification and fee must be sent
24 to: DEQ Business Office, 700 NE Multnomah Street, Suite 600, Portland OR 97232.

25 VI. REVOCATION OF CONTRACTOR LICENSE

26 Pursuant to ORS 468A.725(1) and OAR 340-248-0120(8), DEQ may revoke an asbestos
27 abatement license if the licensee fails to comply with the rules adopted by the Environmental

1 Quality Commission, fails to meet any applicable state or federal standard relating to asbestos
2 abatement; or fails to pay delinquent notification fees.

3 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, DEQ hereby
4 revokes Respondent's asbestos abatement license number DSC770 because Respondent repeatedly
5 failed to comply with the rules adopted by the Commission, to meet applicable state standards, and to
6 pay delinquent notification fees relating to multiple asbestos abatement projects.

7 VII. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

8 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
9 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
10 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
11 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered
12 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
13 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
14 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
15 it to **503-229-5100** or email it to **DEQappeals@deq.state.or.us**. An administrative law judge
16 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
17 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
18 represented by an attorney at the hearing, however you are not required to be. If you are an individual,
19 you may represent yourself. If you are a corporation, partnership, limited liability company,
20 unincorporated association, trust or government body, you must be represented by an attorney or a duly
21 authorized representative, as set forth in OAR 137-003-0555.

22 Active duty service-members have a right to stay proceedings under the federal
23 Servicemembers Civil Relief Act. For more information, please call the Oregon State Bar at 1-800-
24 452-8260 or the Oregon Military Department at 1-800-452-7500. Additional information can be found
25 online at the United States Armed Forces Legal Assistance (AFLA) Legal Services Locator website
26 <http://legalassistance.law.af.mil/content/locator.php>.

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

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10 6/29/18
11 Date

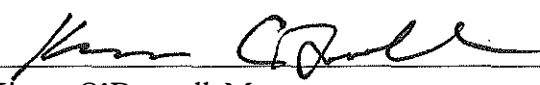

12 Kieran O'Donnell, Manager
13 Office of Compliance and Enforcement
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EXHIBIT 1

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

VIOLATION 1: Failing to timely submit written notification of asbestos abatement projects either 10 or 5 days prior to beginning the asbestos abatement project, in violation of OAR 340-248-0260(1).

CLASSIFICATION: These are Class II violations pursuant to OAR 340-012-0054(2)(1).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(1)(h)(A) because the violation involved more than 160 square feet of ACM. The violation involved approximately 43,655 square feet and 145 linear feet of ACM in total at 49 asbestos abatement projects.

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 II, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(B) because Respondent violated an asbestos rule and the violation is not listed in OAR 340-012-0140(5).

"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 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Respondent submitted late notifications for 51 projects.

"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. Reckless means Respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. Respondent is a licensed asbestos abatement contractor and has knowledge of DEQ's rules regarding notification requirements for asbestos abatement projects. In 2016, Respondent received a Warning Letter for failing to submit notification of abatement projects. Despite DEQ reminding Respondent of the need to submit

notifications, since 2016 Respondent has continued to fail to submit timely notifications to DEQ, which is a gross deviation from the standard of care a reasonable abatement contractor would have observed in the same situation.

"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 Respondent eventually made some efforts to correct the violation. Respondent submitted notification for the 51 projects in either January or March 2018, after DEQ requested them.

"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 as any economic benefit gained by delaying the payment of the notification fee for the 49 projects would likely be de minimis as a result of Respondent paying the late penalty set forth in OAR 340-248-0260(5).

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 (0 + 0 + 4 + 8 - 2)] + \$0
= \$4,000 + (\$400 x 10) + \$0
= \$4,000 + \$4,000 + \$0
= \$8,000

EXHIBIT 2

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

- VIOLATION 2: Failing to timely submit to DEQ a summary report of all asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter, in violation of OAR 340-248-0260(2)(c) and (3)(c).
- CLASSIFICATION: These are Class II violations pursuant to OAR 340-012-0054(2)(1).
- MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0130(4). Although the violation involved over 1,300 square feet of ACM, under OAR 340-012-0135(1)(h) if the violation did not cause the potential for human exposure to asbestos fibers, then the selected magnitude does not apply. DEQ finds that violation did not cause the potential for human exposure to asbestos fibers and the violation itself posed no more than a de minimis threat to human health and the environment. Specifically, the rules allow Respondent to provide DEQ with notification after the completion of a project. Because DEQ receives notification after the completion of small scale projects, the failure to provide timely notification did not prevent DEQ from inspecting these projects to ensure that the proper work practices were being followed.
- 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 \$1,000 for a Class II, minor magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(iii) and applicable pursuant to OAR 340-012-0140(3)(a)(B) because Respondent violated an asbestos rule and the violation is not listed in OAR 340-012-0140(5).
- "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 was from seven to 28 occurrences of the violation. Respondent submitted late notifications for 27 separate projects.

"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. Reckless means Respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. Respondent is a licensed asbestos abatement contractor and has knowledge of DEQ's rules regarding notification requirements for asbestos abatement projects. Respondent previously received a Warning Letter for this violation in 2016. Despite this familiarity with the rules and prior warning, Respondent failed to timely submit notification to DEQ regarding 27 projects over more than three years, which showed a gross deviation from the standard of care a reasonable abatement contractor would have observed in the same situation.

"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 Respondent eventually made some efforts to correct the violation. Respondent submitted the notification for the 27 projects in either January or March 2018, after DEQ requested them.

"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 because DEQ is unable to make an estimate of any costs delayed or avoided as a result of this violation.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$1,000 + [(0.1 x \$1,000) x (0 + 0 + 3 + 8 - 2)] + \$0
= \$1,000 + (\$100 x 9) + \$0
= \$1,000 + \$900 + \$0
= \$1,900

EXHIBIT 3

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

VIOLATION 3: Failing to submit written notification of asbestos abatement projects, in violation of OAR 340-248-0260(1).

CLASSIFICATION: These are Class II violations pursuant to OAR 340-012-0054(2)(1).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(1)(h)(A) because the violation involved more than 160 square feet of ACM. The violation involved at least 216 square feet and 66 linear feet of ACM but DEQ is unable to make a complete determination of the amount of ACM involved since Respondent has not submitted notifications for the 38 asbestos abatement projects.

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 II, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(B) because Respondent violated an asbestos rule and the violation is not listed in OAR 340-012-0140(5).

"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 0 according to OAR 340-012-0145(4)(e) because DEQ is choosing to assess a separate penalty for each of the 38 projects conducted by Respondent for which DEQ has not received notification.

"M" is the mental state of the Respondent, and receives a value of 10 according to OAR 340-012-0145(5)(e) because Respondent's conduct was flagrant. Flagrant means Respondent has actual knowledge that its conduct was unlawful and consciously set out to commit the violation. Respondent is a licensed asbestos abatement contractor and has knowledge of DEQ's rules regarding notification requirements for asbestos abatement projects. When Respondent renewed its license in both 2016 and 2017, DEQ requested that Respondent submit a complete list of abatement projects it had completed. Respondent also previously received a Warning Letter for this violation in 2016 and a Pre-Enforcement Notice in 2017. These communications informed Respondent that its continuing failure to submit

notification of all of the asbestos abatement projects Respondent had completed is a violation. Additionally, in the Pre-Enforcement Notice in 2017, DEQ requested that Respondent submit asbestos notification forms for all projects it had conducted. Respondent has consciously continued to fail to submit notification to DEQ.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). Respondent has not submitted notification for the 38 projects.

"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 \$2,934. This is the amount Respondent gained by avoiding spending the minimum notification fee for each project including the 50 percent penalty set forth in OAR 340-248-0260(5). This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $Penalty = BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$
= \$4,000 + [(0.1 x \$4,000) x (0 + 0 + 0 + 10 + 2)] + \$2,934
= \$4,000 + (\$400 x 12) + \$2,934
= \$4,000 + \$4,800 + \$2,934
= \$8,800 + \$2,934

According to OAR 340-012-0145(4), each occurrence of the violation is a separate violation. Pursuant to OAR 340-012-0145(4)(e), DEQ is choosing to assess separate penalties for each occurrence of the violation for a civil penalty of \$334,400 (\$8,800 x 38) plus the EB factor. The total civil penalty for these violations is \$337,334.

EXHIBIT 4

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

- VIOLATION 4: Failing to deposit all ACWM at a DEQ authorized waste disposal site as soon as possible, in violation of OAR 340-248-0280(5).
- CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0054(1)(o).
- MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(1)(h)(A) because the violation involved more than 160 square feet or 260 linear feet of ACM. There are 104 asbestos abatement projects conducted by Respondent since 2014 for which there are no disposal records. Respondent abated approximately 45,000 square feet and 171 linear feet of ACM at the portion of those projects that DEQ has received notification of.
- 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) because Respondent violated an asbestos rule and the violation is not listed in OAR 340-012-0140(5).
- "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 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Respondent failed to properly dispose of the ACM it generated at 104 separate asbestos abatement projects.
- "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. Reckless means Respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. Respondent is a licensed asbestos abatement contractor and has knowledge of DEQ's rules regarding disposal requirements for ACM. Respondent has

properly disposed of ACM since it was licensed in 2014. Despite this familiarity with the rules and prior compliance with the regulations, Respondent failed to properly dispose of the ACM generated at 104 abatement projects over four years, which showed a gross deviation from the standard of care a reasonable abatement contractor would have observed in the same situation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). DEQ is unable to determine if Respondent disposed of the ACM at a DEQ authorized waste disposal site or has taken any efforts to minimize the effects of the violation.

"EB" 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 \$13,956. This is the amount Respondent gained by avoiding spending the minimum disposal fee of \$195.20 for each project. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
 $= \$8,000 + [(0.1 \times \$8,000) \times (0 + 0 + 4 + 8 + 2)] + \$13,956$
 $= \$8,000 + (\$800 \times 14) + \$13,956$
 $= \$8,000 + \$11,200 + \$13,956$
 $= \$33,156$

EXHIBIT 5

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

VIOLATION 5: Failing to timely submit the results of final air clearance sampling within 30 days after the completion date of an asbestos abatement project, in violation of OAR 340-248-0270(4)(k)(D).

CLASSIFICATION: These are Class III violations pursuant to OAR 340-012-0054(3)(e) as the violation involved the late submittal of air clearance reports.

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 \$700 for a Class III violation in the matrix listed in OAR 340-012-0140(3)(b)(C) and applicable pursuant to OAR 340-012-0140(3)(a)(B) because Respondent violated an asbestos rule and the violation is not listed in OAR 340-012-0140(5).

"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 was from seven to 28 occurrences of the violation. Respondent failed submit the air clearance sampling results within 30 days of completion of 24 separate asbestos abatement projects.

"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. Negligence means Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent has been a licensed asbestos abatement contractor since 2014 and has knowledge of DEQ's rules regarding the submittal of air clearance sample results. Despite its familiarity with the rules, Respondent failed to take reasonable care to ensure that air clearance sampling results were submitted to DEQ in a timely manner on 24 separate projects.

"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 Respondent eventually made some efforts to correct the violation. Respondent submitted sampling results for the 24 projects in January and March 2018, after DEQ requested them.

"EB" 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 as DEQ is unable to make an estimate of any costs delayed or avoided as a result of this violation.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
 $= \$700 + [(0.1 \times \$700) \times (0 + 0 + 3 + 4 - 2)] + \0
 $= \$700 + (\$70 \times 5) + \$0$
 $= \$700 + \$350 + \$0$
 $= \$1,050$

EXHIBIT 6

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

- VIOLATION 6: Failing to collect at least one air sample before the containment around the area being abated is removed, in violation of OAR 340-248-0270(4)(k).
- CLASSIFICATION: These are Class II violations pursuant to OAR 340-012-0054(2)(m).
- MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(1)(h)(A) because the violation involved more than 160 square feet of ACM. The violation involved approximately 18,000 square feet of ACM in total at the eight asbestos abatement projects.
- 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 II, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(B) because Respondent violated an asbestos rule and the violation is not listed in OAR 340-012-0140(5).
- "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 0 according to OAR 340-012-0145(4)(e) because DEQ is choosing to assess a separate penalty for each of the eight projects conducted by Respondent for which it did not conduct air clearance sampling.
- "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. Negligence means Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent has been a licensed asbestos abatement contractor since 2014 and has knowledge of DEQ's rules regarding the submittal of air clearance sample results. Despite its familiarity with the rules, Respondent failed to take reasonable care by failing to ensure that prior to its supervisor removing the containment, that air clearance sampling be conducted.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). Respondent has not submitted air clearance sampling results.

"EB" 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 \$4,164. This is the amount Respondent gained by avoiding spending \$800 for air sampling for each project. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 0 + 0 + 4 + 2)] + \$4,164 \\ &= \$4,000 + (\$400 \times 6) + \$4,164 \\ &= \$4,000 + \$2,400 + \$4,164 \\ &= \$6,400 + \$4,164 \end{aligned}$$

According to OAR 340-012-0145(4), each occurrence of the violation is a separate violation. Pursuant to OAR 340-012-0145(4)(e), DEQ is choosing to assess separate penalties for each occurrence of the violation for a civil penalty of \$51,200 (\$6,400 x 8) plus the EB factor. The total civil penalty for these violations is \$55,364.