



Oregon

Kate Brown, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
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September 27, 2022

CERTIFIED MAIL: 7020 2450 0000 3349 5239

City of Chiloquin
c/o Julie Bettles, Mayor
P.O. Box 196
Chiloquin, OR 97624

Re: Final Order and Stipulated Penalty Demand Notice
Case No. WQ/M-ER-2022-086

This letter is to inform you that the Department of Environmental Quality (DEQ) has issued you a Final Order and Stipulated Penalty Demand Notice for violations of the Mutual Agreement and Final Order (MAO) the city of Chiloquin signed with DEQ on February 15, 2007. Specifically, the MAO required the City to submit to DEQ a complete application for a Water Pollution Control Facilities (WPCF) Permit and a new Recycled Water Use Plan by no later than January 1, 2022. As of the date of this Notice, the City has not submitted an updated Land Use Compatibility Statement (LUCS) which must accompany the WPCF permit application. The City must also still address DEQ's comments on the Recycled Water Use Plan provided in March 2022 and resubmit for DEQ review.

As described in the MAO, upon receipt of a written notice from DEQ you are required to pay a civil penalty of up to \$250 for each day of violation of the MAO's compliance order. This letter and the attached Order serve as notice that the violations occurred, the penalty for the violations is \$500, and the penalty is now due.

Please be advised that further violations of the city's Permit or MAO are subject to additional civil penalties. Your right to appeal the Order is outlined in the document as well as in the MAO.

If you have any questions about the attached Order please contact Jeff Bachman in DEQ's Office of Compliance and Enforcement at 503-229-5950. Questions about compliance with the permit and MAO should be directed to Justin Sterger at DEQ's Bend office at 541-633-2016.

Sincerely,

Kieran O'Donnell, Manager
Office of Compliance and Enforcement

Enclosure

cc: Justin Sterger, DEQ
Mike Hiatt, DEQ
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF:) FINAL ORDER AND STIPULATED
CITY OF CHILOQUIN,) PENALTY DEMAND NOTICE
)
) CASE NO. WQ/M-ER-2022-086
Respondent.)

I. FINDINGS OF FACT AND CONCLUSIONS

1. On February 15, 2007, Respondent and the Department of Environmental Quality (DEQ) entered into Mutual Agreement and Final Order (MAO) No. WQ/M-ER-06-245.

2. Paragraph 8.A(6) of the MAO, as amended, states: By January 1, 2022, the Permittee must:

“i. Submit a complete application for a Water Pollution Control Facilities (WPCF) permit with required permit fees and consistent with the wastewater system project described in the DEQ approved Plans and Specifications.

ii. Submit a new Recycled Water Use Plan for the land application system in accordance with all requirements under OAR 340-055.”

3. Respondent did not submit to DEQ the WPCF permit application or the Recycled Water Use Plan by January 1, 2022.

4. On January 2, 2022, Respondent violated Paragraph 8.A(6) of the MAO by failing to submit a WPCF permit application or a Recycled Water Use Plan to DEQ. These are a Class I violations according to OAR 340-012-0053(1)(a).

5. As stated in Paragraph 8.C(1) of the MAO, Respondent may be required to pay a stipulated civil penalty of \$250 for each violation of the compliance order in Paragraph 8.A of the MAO.

6. The penalty for Respondent’s violations, as described in Paragraphs 2-4, above, is \$500.

II. ORDER TO PAY CIVIL PENALTY

Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS, Respondent is hereby ORDERED TO: Pay a total civil penalty of \$500.

If you do not file a request for hearing as set forth in Section III below, your check or money order must be made payable to "State Treasurer, State of Oregon" and sent to the DEQ,

1 **Business Office, 700 NE Multnomah Street, Suite #600, Portland, Oregon 97232.**

2 III. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

3 You have a right to a contested case hearing on this Final Order and Stipulated Penalty
4 Demand Notice. **As described in paragraph 16 of the MAO, the issue shall be limited to**
5 **Respondent's compliance or non-compliance with the MAO.** DEQ must receive the written
6 request for hearing **within 20 calendar days** from the date you receive this Final Order and
7 Stipulated Penalty Demand Notice. If you have any affirmative defenses or wish to dispute any
8 allegations of fact in this Order, you must do so in your request for hearing, as factual matters not
9 denied will be considered admitted, and failure to raise a defense will be a waiver of the defense.
10 (See OAR 340-011-0530 for further information about requests for hearing.) You must send your
11 request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite**
12 **600, Portland, Oregon 97232**, fax it to **503-229-6762** or email it to

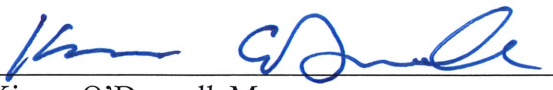
13 DEQappeals@deq.oregon.gov. An administrative law judge employed by the Office of
14 Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter
15 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an
16 attorney at the hearing, however you are not required to be. If you are an individual, you may
17 represent yourself. If you are a corporation, partnership, limited liability company,
18 unincorporated association, trust or government body, you must be represented by an attorney or
19 a duly authorized representative, as set forth in OAR 137-003-0555.

20 Active duty Service members have a right to stay proceedings under the federal Service
21 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
22 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
23 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
24 Department does not have a toll free telephone number.

25 If you fail to file a request for hearing in writing within 20 calendar days of receipt of this
26
27

Order, the Order will become a final order by default without further action by DEQ as per OAR 340-011-0535(5). DEQ designates the relevant portions of its files, including information submitted by you, as the record for purposes of proving a prima facie case.

9/27/2022
Date


Kieran O'Donnell, Manager
Office of Compliance and Enforcement