



# 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

September 27, 2022

CERTIFIED MAIL: 7020 2450 0000 3349 5222

City of Echo  
c/o Dave Slaght, City Administrator  
PO Box 9  
Echo, OR 97826

Re: Final Order and Stipulated Penalty Demand Notice  
Case No. WQ/M-ER-2022-073

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) you signed with DEQ in June 2011. Specifically, you violated effluent limits for biochemical oxygen demand (BOD<sub>5</sub>).

As described in the MAO, upon receipt of a written notice from DEQ you are required to pay \$250 for each violation of an interim monthly effluent limit. This letter and the attached Order serve as notice that the violations occurred, the penalty for the violation is \$250, and is now due.

Please be advised that further violations of the 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 ECHO, ) PENALTY DEMAND NOTICE  
)  
) CASE NO. WQ/M-ER-2022-073  
Respondent. )

I. FINDINGS OF FACT AND CONCLUSIONS

1. On June 6, 2011, Respondent and the Department of Environmental Quality (DEQ) entered into Mutual Agreement and Final Order (MAO) No. WQ/M-ER-11-074.

2. Paragraph 9.B.2 of the MAO establishes an interim monthly average biochemical oxygen demand (BOD<sub>5</sub>) removal efficiency limit of 65% for its effluent.

3. In March 2022, Respondent discharged effluent with a monthly average BOD<sub>5</sub> removal efficiency of 49%.

4. In March 2022, Respondent violated the MAO by discharging effluent with a BOD<sub>5</sub> monthly average removal efficiency that did not meet the limit established in Paragraph 9.B.2 of the MAO. This is a Class I violation according to OAR 340-012-0053(1)(a).

5. As stated in Paragraph 9.C.3 of the MAO, Respondent is required to pay \$250 for each violation of an interim monthly effluent limit.

6. The penalty for Respondent's violation, as described in Section I, Paragraphs 2-3, above, is \$250.

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 \$250.

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

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

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

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

24                  If you fail to file a request for hearing in writing within 20 calendar days of receipt of this  
25 Order, the Order will become a final order by default without further action by DEQ as per OAR  
26  
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1 340-011-0535(5). DEQ designates the relevant portions of its files, including information  
2 submitted by you, as the record for purposes of proving a prima facie case.  
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6 9/27/2022

7 Date

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9 Kieran O'Donnell, Manager  
10 Office of Compliance and Enforcement  
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