



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

May 11, 2023

CERTIFIED MAIL: 9589 0710 5270 0113 1700 24

Ocean Terminals Co.
c/o, James Lyons, Registered Agent
526 Virginia Avue
North Bend, OR 97459

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ-SW-WR-2022-555

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$14,000 for failing to implement your Stormwater Pollution Control Plan (SWPCP) and failing to perform grab sample monitoring in accordance with the National Pollutant Discharge Elimination System Industrial Stormwater General Permit No.1200-Z (the Permit) issued for the facility located in North Bend, Oregon. In addition, DEQ has cited you for causing pollution to Coos Bay on April 12, 2022, and cited you, without civil penalty, for failing to prepare Tier 1 Corrective Action reports in accordance with the Permit.

DEQ issued this penalty because the failure to comply with the Permit poses a risk of harm to the quality of state waters. It is essential for permit registrants to implement the SWPCP, including all the required maintenance, to ensure reduced pollutant concentrations in industrial stormwater discharge. Compliance with other conditions of the permit, such as monitoring, allow permit registrants to gauge the effectiveness of their stormwater controls to ensure that pollutants are not allowed to discharge off-site where they can enter waters of the state.

DEQ appreciates your efforts to correct the violations by revising your SWPCP and implementing other corrective actions requested in the Pre-Enforcement Notice dated June 1, 2022. DEQ considered these efforts when determining the amount of civil penalty.

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here: <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges.

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

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – DEQappeals@deq.oregon.gov

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a 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 Courtney Brown at 503-229-6839 or toll free in Oregon at 800-452-4011, extension 6839.

Sincerely,



Kieran O'Donnell, Manager
Office of Compliance and Enforcement

Enclosures

cc: Kendra Girard, DEQ
Heather Tugaw, DEQ
Accounting, DEQ

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

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 OCEAN TERMINALS CO., an) ASSESSMENT AND ORDER
5 Oregon corporation,)
6 Respondent.) CASE NO. WQ/SW-WR-2022-555
7

8 I. AUTHORITY

9 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment
10 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,
11 ORS 468B, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012,
12 and 045.

13 II. FINDINGS OF FACT

14 1. On September 7, 1999, Respondent was assigned coverage under the National Pollutant
15 Discharge Elimination System Industrial Stormwater General Permit No. 1200-Z (the Permit) for
16 stormwater discharges from the facility located at 526 Virginia Avenue and the foot of California
17 Avenue, in North Bend, Oregon (the Facility). The Permit expired on July 1, 2021 and was revised and
18 reissued by DEQ becoming effective on July 1, 2021. The Permit was in effect at all material times.

19 2. The Facility's stormwater discharges to outfalls that discharge to Coos Bay.

20 Failing to Implement the Stormwater Pollution Control Plan (SPWCP)

21 3. Schedule A, condition 10.b.i.4 of the Permit requires that the SWPCP contain a site map that
22 clearly labels the exact location of all monitoring points.

23 4. Schedule A, condition 10.b.i.7 of the Permit requires that the SWPCP contain a site map that
24 clearly labels locations of discharge points if different from monitoring points.

25 5. Schedule A, condition 10.b.i.8 of the Permit requires that the SWPCP contain a site map that
26 clearly labels areas used for outdoor manufacturing, treatment, storage, or disposal of significant
27 materials.

1 6. Schedule A, condition 10.b.i.12 of the Permit requires that the SWPCP contain a site map that
2 clearly labels material handling and access areas.

3 7. Schedule A, condition 10.b.i.19 of the Permit requires that the SWPCP contain a site map that
4 clearly labels locations of: fueling stations, loading/unloading areas, processing and storage areas,
5 transfer area for substances in bulk if they are exposed to stormwater.

6 8. Schedule A, condition 8.d of the Permit requires Respondents to implement its Stormwater
7 Pollution Control Plan (SWPCP).

8 9. Schedule A, condition 8.f of the Permit requires permit registrants to keep the SWPCP current
9 and revise it as necessary to reflect site conditions and changes to the site.

10 10. On April 12, 2022, Respondent's SWPCP did not describe the following activities that were
11 occurring at the Facility: hoppers on site used to load trucks with garnet material from ships, garnet
12 material receiving, storage and transfer, and mobile fuel truck fueling.

13 11. On April 12, 2022, Respondent had not implemented the following "primary measures"
14 described in Section 2.3.1 "Structural Storm Water Pollution Control Measures" (page 11) of its
15 SWPCP: Respondent did not clean the 5-mesh screen of debris, did not maintain an adequate buffer
16 zone of 10 feet or more between log handling/storage areas and nearby catch basins and drainage
17 ditches, and outdoor aboveground fuel storage tanks were not located within secondary containment.

18 12. On April 12, 2022, Respondent had not implemented the following "primary measures"
19 described in Section 2.3.2 "Non-Structural Storm Water Pollution Control Measures" (page 12) of its
20 SWPCP: there were no cement barriers and/or filter socks placed in the drainage system to slow water
21 flow and catch small sediment. Debris and sediment were running into the stormwater drainage system
22 and into Coos Bay, and Respondent had failed to immediately clean up all leaks or significant drips of
23 oil or other chemical product as there was visible oily sheen in and around the south site stormwater
24 collection area.

25 13. On or before April 12, 2022, the south site stormwater collection chamber outfalls to the city's
26 stormwater culvert and ultimately to Coos Bay yet is not identified in the SWPCP as a discharge point
27 or an outfall (hereafter referred to as Outfall 003).

1 Failing to monitor

2 14. Schedule B, condition 2 of the Permit requires that permit registrants monitor stormwater
3 discharges for the benchmarks in Table 4 in the Permit and for any sector-specific benchmarks in
4 Schedule E of the Permit.

5 15. Schedule B, condition 7.c.ii of the Permit requires that each discharge point must be monitored
6 unless the discharge point has effluent that is substantially similar to the effluent of a monitored
7 discharge point.

8 16. Respondent's SWPCP identifies two approved discharge and monitoring points: Outfall 001
9 and Outfall 002.

10 17. Effluent from outfall 003 is not substantially similar to effluent from outfall 001 and 002
11 because outfall 003 collects from areas at the Facility where the mobile fuel truck fuels equipment, and
12 the garnet material hopper and transfer areas are located.

13 18. Since Respondent was assigned permit coverage on September 7, 1999, it has failed to monitor
14 stormwater discharges from Outfall 003.

15 Failure to Prepare Tier 1 Corrective Action Reports

16 19. Schedule A, condition 11.b.i of the Permit requires Tier 1 corrective action and reporting if a
17 qualifying sample result exceeds any applicable statewide benchmark in Table 4 of the Permit or any
18 sector-specific benchmarks in Schedule E.

19 20. Schedule A, condition 11.c.vii of the Permit requires the permit registrant to keep Tier 1 reports
20 on-site and provide copies to DEQ upon request.

21 21. Respondent's Discharge Monitoring Reports indicate sector-specific benchmark exceedances on
22 1/6/2020, and 12/23/2020.

23 22. Tier 1 reports submitted for these exceedances do not identify Tier 1 corrective actions
24 implemented to reduce pollutants in stormwater.

25 23. Photos from March 31, 2021, May 31, 2021, June 20, 2021, and November 30, 2021, visual
26 inspections show signs of pollution in discharge. Respondent did not prepare any Tier 1 reports for
27 these triggering events.

1 Causing pollution to waters of the state

2 24. On or about April 12, 2022, there was stormwater discharge from the Facility to Coos Bay that
3 contained excessive, unsettled sediment, was visually turbid, and contained an oily sheen.

4 25. Coos Bay is considered “Waters of the state” according to ORS 468B.005(10).

5 III. CONCLUSIONS

6 1. Respondent has violated ORS 468B.025(2) and Schedule A, condition 8.d of the Permit by
7 failing to implement its SWPCP. Specifically, Respondent failed to implement structural and non-
8 structural control measures described in its SWPCP, failed to identify areas where industrial activities
9 were taking place and failed to identify a discharge point, now referred to as Outfall 003, in its SWPCP,
10 as described in Section II, paragraphs 3 -13, above. This is a Class I violation according to OAR 340-
11 012-0055(1)(r). DEQ hereby assesses a \$6,000 civil penalty for this violation.

12 2. Respondent has violated ORS 468B.025(2) and Schedule B, condition 2 of the Permit by failing
13 to monitor its stormwater discharges. Specifically, Respondent failed to monitor discharge from newly
14 identified Outfall 003, as described in Section II, paragraphs 14-18, above. This is a class I violation
15 according to OAR 340-012-0055(1)(o). DEQ hereby assesses a \$3,600 civil penalty for these violations.

16 3. Respondent has violated ORS 468B.025(2) and Schedule A, condition 11.b.ii of the Permit, by
17 failing to prepare Tier 1 Corrective Action reports. Specifically, Respondent reported instances of
18 benchmark and sector-specific exceedances, and documented signs of pollution in its discharge and
19 failed to prepare Tier 1 corrective action reports as required by the Permit, as described in Section II,
20 paragraphs 19-23, above. These are Class II violations pursuant to OAR 340-012-0053(2). DEQ has not
21 assessed a civil penalty for these violations.

22 4. On or about April 12, 2022, Respondent has violated ORS 468B.025(1)(a) by causing pollution to
23 waters of the state. Specifically, Respondent violated numerous conditions of the Permit, as described in
24 Section II, paragraphs 3-22, above, and discharged stormwater from its Facility that altered the physical
25 and chemical properties of Coos Bay, including by changing the turbidity, in a manner that will or tends to
26 render such waters detrimental to aquatic life and other beneficial uses, as described in Section II,
27 paragraphs 24, 25. Such alterations are considered “pollution” according to ORS 468B.005(5). This is a

1 class I violation according to OAR 340-012-0055(2)(1)(a). DEQ hereby assesses a \$4,400 civil penalty
2 for this violation.

3 IV. ORDER TO PAY CIVIL PENALTY

4 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
5 hereby ORDERED TO: Pay a total civil penalty of \$14,000. The determinations of the civil penalties are
6 attached as Exhibits No.1, No.2, and No.3 and are incorporated as part of this Notice.

7 If you do not file a request for hearing as set forth in Section V below, please pay the penalty as
8 follows:

9 Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:
10 <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account
11 dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US
12 Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional
13 charges.

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

17 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

18 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
19 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
20 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
21 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered
22 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
23 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
24 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
25 it to **503-229-6762** or email it to DEQappeals@deq.oregon.gov. An administrative law judge
26 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
27 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be

1 represented by an attorney at the hearing, however you are not required to be. If you are an individual,
2 you may represent yourself. If you are a corporation, partnership, limited liability company,
3 unincorporated association, trust or government body, you must be represented by an attorney or a duly
4 authorized representative, as set forth in OAR 137-003-0555.

5 Active duty Service members have a right to stay proceedings under the federal Service
6 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
7 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
8 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
9 Department does not have a toll free telephone number.

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

16
17
18 5/11/2023
19 Date


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22 
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24 Kieran O'Donnell, Manager
25 Office of Compliance and Enforcement
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EXHIBIT No.1

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

VIOLATION No.1: Respondent has violated ORS 468B.025(2) and Schedule A, condition 8.d of the Permit by failing to implement the SWPCP developed for the Facility.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(r).

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

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

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

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"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. Each day of violation is a separate occurrence. Respondent failed to implement its SWPCP on or before April 22, 2022 and continued to do so until it submitted a revised SWPCP to DEQ in September 2022.

"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. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. The Permit plainly requires registrants to implement the SWPCP and keep it updated to reflect current activities at the Facility. By failing to implement substantial elements of its SWPCP, Respondent

failed to take reasonable care to avoid a foreseeable risk that it would violate its SWPCP and its Permit.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent made reasonable efforts to correct the violation by preparing and submitting a revised SWPCP in September 2022.

"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. The economic benefit Respondent gained is too speculative to estimate.

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 \times \$4,000) \times (0 + 0 + 4 + 4 + -3)] + \0
 $= \$4,000 + (\$400 \times 5) + \$0$
 $= \$4,000 + \$2,000 + \$0$
 $= \$6,000$

EXHIBIT No.2

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

VIOLATION No.2: Violating ORS 468B.025(2) by violating Schedule B, condition 2 of the Permit by failing to monitor stormwater discharges from Outfall 003.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(o).

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

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

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

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing and receives a value of 0 according to OAR 340-012-0145(4)(a) because there is insufficient information on which to base a finding under paragraphs (4)(b) through (4)(d).

"M" is the mental state of the Respondent and receives a value of 2 according to OAR 340-012-0145(5)(b), because Respondent reasonably should have known of the requirement. Respondent applied for coverage under the Permit and has a copy of the Permit, which expressly requires Respondent to perform monitoring from all discharge points unless they are "substantially similar" to discharges from other monitored outfalls. The drainage area discharged through new Outfall 003 collects from areas of the Facility that does not have activities comparable to the activities in drainage areas discharged to the other monitored outfalls. Respondent reasonably should have known it was required to monitor outfall 003 as its effluent was not substantially similar to the effluent discharged by the other outfalls.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent made reasonable efforts to correct the violation.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0. The amount of economic benefit Respondent gained through this violation is too speculative for DEQ to estimate.

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 + 0 + 2 + -3)] + \$0
= \$4,000 + (\$400 x -1) + \$0
= \$4,000 + -\$400 + \$0
= \$3,600

EXHIBIT 3

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

VIOLATION 4: Violating ORS 468B.025(1)(a) by discharging sediment-laden stormwater from the Facility which caused pollution to waters of the state on November 17, 2020.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(a).

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

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

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

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 0 according to OAR 340-012-0145(4)(a) because there is insufficient information on which to base a finding under paragraphs (4)(b) and (4)(d).

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c), because Respondent's conduct was negligent. Respondent applied for coverage under the Permit and has a copy of the Permit, which expressly requires Respondent to comply with the conditions set forth in the Permit to minimize and control the discharge of sediment and other industrial wastes from the Project via stormwater. The Permit also requires compliance with state water quality laws. By failing to adhere to the Permit conditions, designed to prevent discharge of uncontrolled pollutants and to protect waters of the state within the Project, Respondent failed to take reasonable care to avoid a foreseeable risk that it would cause pollution to waters of the state.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent made reasonable efforts to correct the violation.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0. Any economic Respondent has gained through this violation is captured by the EB assessment in Ex.1.

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

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



State of Oregon
 Department of Environmental Quality

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

CIVIL PENALTY - ORS 468.135(2)

DATE:	May 11, 2023
RESPONSE DATE :	July 20, 2023
TOTAL PENALTY:	\$14,000.00

Account Name:	OCEAN TERMINALS CO. <OCEAN TERMINALS CO.> <108696>		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2300072
SubSystem ID:	193654	FIMS Acct. ID:	3300

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 14,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 14,000.00

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

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



 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



REFERENCE NO.	CPGFD2300072		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	July 20, 2023
FIMS ACCT. ID:	3300	TOTAL PENALTY DUE:	\$14000.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality

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

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

00401 7400 10040 74001 0500 000000 0095000033001CPGFD230007200014000001



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 468.135(2)

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

Penalty Detail

Transaction Date	Description	Amount
5/10/2023	2022-555 WQ-SW-WR-2022-555	\$14,000.00

SFMS Agencies Use:

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

Address Changes

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

Name _____
 Address _____
 City, State, Zip _____