



# 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

February 8, 2024

CERTIFIED MAIL: 9589 0710 5270 0688 6528 02

Columbia Helicopters, Inc.  
c/o Northwest Registered Agent LLC  
2355 State St, Ste 101  
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ-I-WR-2023-025

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$6,800 for failing to meet the monitoring requirements of the water quality permit for your heliport facility at 14452 Arndt Rd NE in Aurora, Oregon.

DEQ issued this penalty because monitoring is an important condition of the Permit. Monitoring may reveal the presence of harmful levels of pollutants that pose a threat to waters of the state. In addition, monitoring allows permit registrants and DEQ to gauge the effectiveness of pollution controls and best management practices at reducing levels of pollutants in discharges.

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

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

Via email – [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov)

Via fax – 503-229-6762

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. Alternatively, you can pay the penalty by sending a check or money order to the above address.

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

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of the 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.

Columbia Helicopters, Inc.  
Case No. WQ-I-WR-2023-025  
Page 2

If you have any questions, please contact Emily Knobbe at (971) 330-9770 or [emily.knobbe@deq.oregon.gov](mailto:emily.knobbe@deq.oregon.gov).

Sincerely,

A handwritten signature in black ink that reads "Rebecca J Puskas". The signature is written in a cursive style with a large initial 'R'.

Becka Puskas, Interim Manager  
Office of Compliance and Enforcement

Enclosures

cc: Jennifer Maglinte-Timbrook, Salem  
Ranei Nomura, 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 COLUMBIA HELICOPTERS, INC., ) ASSESSMENT AND ORDER  
5 Respondent. ) CASE NO. WQ-I-WR-2023-025

6 I. AUTHORITY

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

11 II. FINDINGS OF FACT

12 1. On March 22, 2016, DEQ issued Respondent coverage under the National Pollutant  
13 Discharge Elimination System (NPDES) Individual Permit No. 101906 (the Permit) for its heliport  
14 facility located at 14452 Arndt Rd NE in Aurora, Oregon.

15 2. Pursuant to Schedule F.1 of the Permit, “[t]he permittee must comply with all conditions  
16 of this permit. Failure to comply with any permit condition is a violation of [ORS] 468B.025 and the  
17 federal Clean Water Act and is grounds for an enforcement action.”

18 3. Pursuant to Schedule B.1.a of the Permit, Respondent is required to conduct visual  
19 inspections of Outfall 001 for oil and grease at least once per week.

20 4. In June 2022, Respondent did not conduct any of the four required visual inspections.

21 5. Pursuant to Schedule B.1.a of the Permit, Respondent is required to conduct grab sample  
22 pH monitoring from Outfall 001 at least once per week.

23 6. In June 2022, Respondent did not conduct any of the four required pH tests.

24 7. Pursuant to Schedule B.4.a of the Permit, the registrant must submit discharge  
25 monitoring reports (DMRs) quarterly by the 15<sup>th</sup> of each month.

26 8. Respondent’s DMRs for March 2022 and June 2022 were received on December 16,  
27 2022.

1 9. Pursuant to Schedule F.D6 of the Permit, the registrant must submit a written report of  
2 all instances of noncompliance.

3 10. Respondent did not submit a noncompliance report with the June 2022 DMR.

### 4 III. CONCLUSIONS

5 1. Respondent has violated ORS 468B.025(2) and Schedule B.1.a of the Permit by failing to  
6 comply with the monitoring requirements of the Permit. Specifically, Respondent did not conduct four  
7 required visual inspections and four required pH tests in the month of June 2022. These are Class I  
8 violations, according to OAR 340-012-0055(1)(o). DEQ hereby assesses a \$6,800 civil penalty for these  
9 violations.

10 2. Respondent has violated ORS 468B.025(2) and Schedule B.3.a of the Permit by failing to  
11 timely submit DMRs. Specifically, Respondent submitted the DMRs for March and June of 2022 in  
12 December of 2022; the DMRs were due on April 15, 2022 and July 15, 2022, respectively. These are Class  
13 II violations, according to OAR 340-012-0055(2)(b). DEQ has not assessed a civil penalty for this  
14 violation.

15 3. Respondent has violated ORS 468B.025(2) and Schedule F.D6 of the Permit by failing to  
16 submit a report of noncompliance. Specifically, Respondent failed to submit a report of noncompliance for  
17 the missed monitoring described in Section II, above. This is a Class III violation, according to OAR 340-  
18 012-0055(3)(a). DEQ has not assessed a civil penalty for this violation.

### 19 IV. ORDER TO PAY CIVIL PENALTY

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

22 1. Pay a total civil penalty of \$6,800. The determination of the civil penalty is attached as Exhibit  
23 1 and is incorporated as part of this Notice.

24 If you do not file a request for hearing as set forth in Section V below, your check or money  
25 order must be made payable to "**Department of Environmental Quality**" and sent to the **DEQ,**  
26 **Business Office, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232.**

27 \\\

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

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

16 Active duty Service members have a right to stay proceedings under the federal Service  
17 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
18 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
19 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
20 Department does not have a toll free telephone number.

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

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.

7  
8  
9  
10 2/8/2024

11 Date

Becka Puskas

12 Becka Puskas, Interim Manager  
13 Office of Compliance and Enforcement  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

EXHIBIT 1

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

VIOLATION NO. 1 Failing to comply with monitoring requirements in Schedule B.1.a of the Permit, in violation of 468B.025(2).

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)(ii) because Respondent has a Tier 2 industrial source NPDES 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 that involve the same media.

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

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. Respondent failed to conduct monitoring eight times in June 2022—four visual inspections and four pH tests.

"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. Respondent has been a permittee since 2010 and has complied with monitoring requirements. Respondent failed to take reasonable care to conduct the required monitoring in June 2022, and violating the Permit was a foreseeable result.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized.

"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 there is insufficient information on which to make an estimate.

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

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 0 + 3 + 4 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 7) + \$0 \\ &= \$4,000 + \$2,800 + \$0 \\ &= \$6,800 \end{aligned}$$