



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

March 21, 2024

CERTIFIED MAIL: 9589 0710 5270 0688 6529 70

Pressure Safe, LLC
c/o Immix Services Inc., Registered Agent
600 NW Naito Pkwy, Ste G
Portland, OR 97209

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ-SW-NWR-2023-551

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$21,960 for conducting industrial activities that may discharge stormwater to surface waters of the state without registering under the National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit No. 1200-Z (the Permit) for your facility located at 23365 NE Halsey St in Wood Village, Oregon.

DEQ issued this penalty because you have operated without Permit coverage since at least April 7, 2023. On June 14, 2023, you were issued an Expedited Enforcement Order (EEO) for this violation, and you did not accept the EEO or respond to DEQ's request for more information. Stormwater runoff from industrial activities contains pollutants and is considered a waste that poses a risk of harm to beneficial uses of waters of the state, including the use of those waters as habitat for aquatic organisms. The Permit requires registrants to implement and maintain sufficient controls and best management practices to prevent the discharge of runoff from industrial activities and into waters of the state. By failing to obtain Permit coverage and implement sufficient pollution controls, your facility poses a risk of harm to waters of the state.

Included in Section IV is an order requiring you to submit a complete application for Permit coverage to DEQ by 30 days from the date this order becomes final. \$7,805 of the civil penalty represents the economic benefit you gained by failing to obtain and implement the Permit. If you complete these requirements, DEQ will consider recalculating the costs as delayed rather than avoided and will reduce the civil penalty accordingly.

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.

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 portion of your 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 Emily Knobbe at (971) 300-9770 or emily.knobbe@deq.oregon.gov.

Sincerely,



Becka Puskas, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Michael Kennedy, Northwest Region
Benjamin Benninghoff, DEQ
Accounting, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:
4 PRESSURE SAFE, LLC,

5 Respondent.

) NOTICE OF CIVIL PENALTY
) ASSESSMENT AND ORDER

) CASE NO. WQ-SW-NWR-2023-551

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 Chapter 468B, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions
10 011, 012, and 045.

11 II. FINDINGS OF FACT

12 1. Respondent is the operator of the facility located at 23365 NE Halsey St in Wood
13 Village, Oregon (the Facility).

14 2. Respondent conducts industrial activities at the Facility including food processing and
15 storage that are classified under Standard Industrial Classification (SIC) Codes 20 and 4222 for food
16 processing and Refrigerated Warehousing and Storage.

17 3. During precipitation events, industrial activities at the Facility are exposed to stormwater
18 and have the potential to discharge industrial stormwater to catch basins that discharge to the Columbia
19 Slough.

20 4. DEQ issued the National Pollutant Discharge Elimination System (NPDES) Industrial
21 Stormwater Discharge General Permit No. 1200-Z (the Permit) for facilities that may discharge
22 industrial stormwater to surface waters or to conveyance systems that discharge to surface waters of the
23 state where the stormwater is associated with industrial activity identified in Tables 1 and 2 of the
24 Permit.

25 5. Pursuant to Table 1 of the Permit, sources covered by the Permit include facilities with
26 SIC codes 20 (Food and Kindred Products) and 4222 (Refrigerated Warehousing and Storage).

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

4 2. Within 30 days of this order becoming final by operation of law or on appeal, submit a
5 complete application for Permit coverage to DEQ through Your DEQ Online, including applicable fees.
6 Written documentation confirming Respondent's application submission must be sent to Michael
7 Kennedy at mike.kennedy@deq.oregon.gov.

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

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

23 Active duty Service members have a right to stay proceedings under the federal Service
24 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
25 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
26 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
27 Department does not have a toll free telephone number.

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 3/21/2024

11 Date

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18 Rebecca J Puskas

19 Becca Puskas, Interim Manager
20 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: Violating ORS 468B.050(1)(d) and OAR 340-045-0033(6) conducting an activity described in the Permit without first applying for coverage under the Permit.

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

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)(iii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent should have applied for coverage under a 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 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 has engaged in qualifying industrial activities at the Facility from at least April 7, 2023, through the date of this Notice. As of the date of this Notice, Respondent does not have Permit coverage.

"M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent acted or failed to act intentionally with actual knowledge of the requirement. On April 7, 2023, DEQ communicated to Respondent in writing the requirement to obtain Permit coverage or otherwise submit additional information. On June 14, 2023, DEQ issued an Expedited Enforcement Offer (EEO) for the violation, which Respondent rejected. Respondent had actual knowledge that conducting industrial activities at the Facility without a Permit would be unlawful. Nonetheless, Respondent consciously set

out to commit the violation by continuing to conduct industrial activities at the Facility without Permit coverage.

"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). As of the date of this Notice, Respondent does not have Permit coverage.

"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 \$12,360. This is the amount Respondent gained by avoiding spending \$18,298 to apply for, obtain, and implement the Permit since April 2023. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$4,000 + [(0.1 x \$4,000) x (0 + 0 + 4 + 8 + 2)] + \$12,360
= \$4,000 + (\$400 x 14) + \$12,360
= \$4,000 + \$5,600 + \$12,360
= \$21,960

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:	March 21, 2024
RESPONSE DATE :	May 30, 2024
TOTAL PENALTY:	\$21,960.00

Account Name:	PRESSURE SAFE, LLC		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2400052
SubSystem ID:	214815	FIMS Acct. ID:	12386

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 21,960.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 21,960.00

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.	CPGFD2400052		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	May 30, 2024
FIMS ACCT. ID:	12386	TOTAL PENALTY DUE:	\$21960.00

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 0095000123867CPGFD240005200021960001



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
3/20/2024	2023-551 WQ-SW-NWR-2023-551	\$21,960.00

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 _____