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 2, 2024

CERTIFIED MAIL: 9589 0710 5270 0688 6531 13

Oregon Treehouse Partners LLC
c/o Kevin Lee Gindlesperger, Registered Agent
1276 NW 107th Ave.
Portland, OR 97229

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/SW-NWR-2024-505

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a total civil penalty of $43,588 for water quality violations at the Two Capes Lookout Campground construction site in Cloverdale. You have coverage under the NPDES Construction Stormwater Discharge Permit No. 1200-C for construction activities at the site. On December 19, 2023, DEQ staff inspected the site and found that you had failed to implement the erosion and sediment control plan (ESCP). Also, you violated two state water quality standards. You discharged sediment from construction activity, causing the formation of appreciable bottom deposits in the unnamed creek and wetlands on the site. You also failed to conduct road building and maintenance activities in a manner that kept waste materials out of public waters and minimized erosion of cut banks, fills, and road surfaces.

DEQ issued this penalty because implementing the ESCP is essential to ensure compliance with the terms of your NPDES 1200-C Permit, as it includes pollution control measures that are specific to your site. These measures are intended to prevent the discharge of sediment to surface waters, as sediment can harm aquatic life and impact beneficial uses of those waters. Stormwater from the site discharges to Sand Lake, an estuary that provides important habitat for aquatic species, and provides fishing and recreational opportunities for Oregonians.

DEQ appreciates your efforts to correct the ESCP implementation violation by installing erosion and sediment controls at the site. DEQ considered these efforts when determining the amount of civil penalty. However, the creek and wetlands at the site that were impacted by sediment discharge must be restored to their prior ecological function. Included in Section IV of the Notice is an Order requiring you to submit to DEQ a plan for removing sediment accumulated in the creek and wetlands, and once the plan is approved by DEQ, to complete the restoration work.

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 Esther Westbrook at 503-229-5374 or toll free in Oregon at 800-452-4011, extension 5374.

Sincerely,

Rebecca L Puskas

Becka Puskas, Interim Manager
Office of Compliance and Enforcement

Enclosures

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

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF: OREGON TREEHOUSE PARTNERS LLC, an Oregon limited liability company, Respondent.	)))))	NOTICE OF CIVIL PENALTY ASSESSMENT AND ORDER NO. WQ/SW-NWR-2024-505

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order pursuant to Oregon Revised Statutes (ORS) 468.100 and 468.126 through 468.140, ORS Chapters 183 and 468B, and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, 041, and 045.

II. FINDINGS OF FACT

1. On October 16, 2023, DEQ issued coverage to Respondent under the National Pollutant Discharge Elimination System (NPDES) General Permit No. 1200-C (Permit). The Permit was effective at all material times.

2. The Permit authorizes construction activities that may discharge to surface waters or conveyance systems leading to surface waters of the state. Specifically, Respondent's coverage under the Permit authorizes construction activities at "Two Capes Lookout Campground," a recreational campground construction project located at 600 Floyd Avenue in Cloverdale, Tillamook County, Oregon (Site).

3. The Erosion and Sediment Control Plan (ESCP) submitted to DEQ on or about October 10, 2023, stated that the total disturbed area at the Site was approximately 2.54 acres.

4. The actual disturbed area at the site was approximately 5.94 acres.

5. Respondent began construction activities at the Site in October 2023.

6. DEQ inspected the Site on December 19, 2023. At the time of the inspection, there were no erosion and sediment controls implemented at the Site.

7. Respondent's ESCP that was submitted to DEQ on or about October 10, 2023, contains various conditions or requirements, including installing sediment fencing at the perimeter of the Site, installing a construction entrance, stabilizing slopes with erosion matting, installing velocity dissipation devices, and covering soil stockpiles.

8. On December 19, 2023, steep slopes along the main access road through the Site had been disturbed by construction activities, including grading and filling. The slopes were unstabilized and unprotected. There was evidence of mass soil erosion down the slopes, such as scouring, deep rills, slope failure, and soil slumping in cleared areas.

9. The main access road for the Site extends east from Floyd Avenue into the Site approximately 550 feet, gaining approximately 100 feet in elevation, before crossing an unnamed creek, after which the access road turns to the north and continues to the Site's northern area, gaining approximately 50 feet more in elevation.

10. The unnamed creek and its adjacent wetlands lie north and east of the main access road, downslope from the road. The unnamed creek flows west through the center of the Site and eventually flows north into Sand Lake. The main access road crosses the unnamed creek near the center of the Site. The creek and associated wetlands are natural bodies of surface water and "waters of the state" under ORS 468B.005(10). Sand Lake contains an estuary that provides habitat for crabs, clams, waterfowl, and other wildlife.

11. On December 19, 2023, visible sediment deposits in the creek and throughout the wetlands were downslope from construction activity due to erosion and slope failure of the unprotected slopes as described in Paragraph 8 above. The sediment covered the rocks and stones in the creek bed and buried the vegetation in the wetlands.

12. On December 19, 2023, there were visible tracks through the unnamed creek where construction equipment had been operating over and through the unnamed creek. The main access road that Respondent was grading and widening crosses the unnamed creek near the center of the Site. This creek crossing was upstream from and east of the area described in Paragraphs 10 and 11 above.

13. Respondent failed to install a temporary stream crossing as required in the ESCP. Respondent failed to implement any measures to protect the stream during its road building activities or minimize erosion of the road surface, cut banks, or filled areas.

14. On or before April 8, 2024, Respondent stabilized the Site and installed required erosion and sediment controls at the Site, including a culvert under the stream crossing.

15. Schedule B, Condition 6.2 of the Permit requires that Respondent conduct visual monitoring at the Site once every 14 calendar days, and within twenty-four (24) hours of any storm event, including snowmelt that results in discharge from the site.

16. According to rain gauge data, there were approximately 23 days when Respondent should have conducted visual monitoring at the Site from October 2023 through December 19, 2023.

17. As of December 19, 2023, Respondent had not conducted any visual monitoring at the Site and did not provide records of such monitoring upon DEQ's request.

III. CONCLUSIONS

1. From October 2023 through April 8, 2024, Respondent violated Schedule A, Condition 4 of the Permit and ORS 468B.025(2) by failing to implement the ESCP, as described in Section II above. This is a Class I violation according to OAR 340-012-0055(1)(r). DEQ hereby assesses a $15,200 civil penalty for this violation.

2. On or before December 13, 2023, Respondent violated ORS 468B.025(1)(b) by discharging wastes into waters of the state, thereby violating the water quality standard set forth in OAR 340-041-0007(11), as described in Section II above. Specifically, Respondent discharged stormwater containing sediment, a waste, from its activities at the Site, which caused the formation of appreciable bottom deposits in the unnamed creek and wetlands on the Site. This is a Class I violation according to OAR 340-012-0055(1)(b). DEQ hereby assesses a $22,388 civil penalty for this violation.

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3. On or before December 13, 2023, Respondent violated the water quality standard set forth in OAR 340-041-0007(7) by failing to conduct road building and maintenance activities in a manner so as to keep waste materials out of public waters and minimize erosion of cut banks, fills, and road surfaces, as described in Section II above. This is a Class I violation according to OAR 340-012-0055(1)(b). DEQ hereby assesses a $6,000 civil penalty for this violation.

4. From October 2023 through December 19, 2023, Respondent violated Schedule B, Condition 6.2 of the Permit by failing to conduct visual monitoring on approximately 23 days, as described in Section II above. These are Class I violations according to OAR 340-012-0055(1)(o). DEQ has not assessed a civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

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

1. Pay a total civil penalty of $43,588. The determination of the civil penalties is attached as Exhibit Nos. 1 - 3, and incorporated as part of this Notice.

If you do not file a request for hearing as set forth in Section V below, please pay the penalty via check, money order, or e-check (ACH) by following the instructions on the attached invoice and logging in to Your DEQ Online here: https://ordeq-edms-public.govonlinesaas.com/pub/login. Payments sent by mail must be sent to the address on the invoice.

2. Comply with Oregon law by taking the following actions:

a. Within thirty (30) days of the date of this Notice, submit to DEQ a plan for removing sediment accumulated in the creek and wetlands and restoring these areas to their prior ecological function. Ensure the proposed work complies with all applicable local, state, and federal requirements, including Department of State Lands, Department of Fish and Wildlife, U.S. Army Corps of Engineers, and DEQ water quality requirements;

b. Within thirty (30) days of DEQ's approval of the plan, complete the work set forth in the plan and submit documentation to DEQ; and

c. Submit the plan and documentation of compliance to Michael Kennedy via email at: mike.kennedy@deq.oregon.gov.

V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached exhibits, you must do so in your request for hearing, as factual matters not denied will be considered admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for further information about requests for hearing.) You must send your request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax it to **503-229-5100** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge employed by the Office of Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

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

5/2/2024
Date

Rebecca J Puskas
Becka Puskas, Interim Manager
Office of Compliance and Enforcement

EXHIBIT NO. 1

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

VIOLATION 1: Failing to implement the Erosion and Sediment Control Plan (ESCP), in violation of Schedule A, Condition (8)(a) of the Permit and ORS 468B.025(2).

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

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0130(3) because DEQ finds that the violation had a significant adverse impact on human health or the environment. In making this finding, DEQ considered the degree of deviation from statutes and DEQ permits, and the extent of actual effects of the violation. Respondent did not implement any aspect of the ESCP or Permit. This resulted in tons of sediment being deposited in the creek and wetlands on the site and carried downstream.

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 $8,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent has or should have had coverage under the NPDES 1200-C General Permit for a construction site between five and 20 acres in size.

"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 constitutes a separate occurrence. Respondent failed to substantially implement the plan from October 2023 through April 8, 2024, which was more than 28 days.

"M" is the mental state of the Respondent and receives an 8 according to OAR 340-012-0145(5)(d), because Respondent's conduct was reckless. The 1200-C Permit and the ESCP prepared by Respondent's engineer require implementation of erosion and sediment control measures in order to prevent erosion and the discharge of sediment from the Site and to

protect water quality. Respondent failed to install any of the measures or features included in its ESCP and made no apparent efforts to comply with the Permit. By engaging in construction activity without following stormwater requirements, Respondent consciously disregarded a substantial and unjustifiable risk that it would violate the Permit and Oregon law. Considering the sensitive environment at and near the Site and Respondent's stated concern for environmental protection and preservation, disregarding this risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation.

"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, or took reasonable affirmative efforts to minimize the effects of the violation. On or about January 4, 2024, Respondent submitted a revised ESCP to DEQ. On or about April 8, 2024, Respondent submitted documentation showing it had stabilized the Site and fully implemented the new ESCP.

"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 the economic benefit Respondent received from delaying implementation of erosion and sediment controls was de minimis.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $8,000 + [(0.1 x $8,000) x (0 + 0 + 4 + 8 - 3)] + $0
= $8,000 + [$800 x 9] + $0
= $8,000 + $7,200 + $0
= $15,200

EXHIBIT NO. 2

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

VIOLATION 2: Discharging wastes into waters of the state, thereby causing the formation of appreciable bottom deposits, in violation of the water quality standard in OAR 340-041-0007(11) and ORS 468B.025(2).

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

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0130(3) because DEQ finds that the violation had a significant adverse impact on human health or the environment. In making this finding, DEQ considered the degree of deviation from statutes and DEQ permits, and the extent of actual effects of the violation. The violation involved the deposit of tons of sediment in the creek and wetlands, which accumulated to a depth of several inches and smothered the existing habitat.

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 $8,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent has or should have had coverage under the NPDES 1200-C General Permit for a construction site between five and 20 acres in size.

"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) through (4)(d). The violation was documented on December 19, 2023. DEQ does not have sufficient evidence to determine how many days of stormwater discharge caused the bottom deposits.

"M" is the mental state of the Respondent and receives an 8 according to OAR 340-012-0145(5)(d), because Respondent's conduct was reckless. The 1200-C Permit and the ESCP prepared by Respondent's engineer require implementation of erosion and sediment control measures in order to prevent erosion and the discharge of sediment into waters of the state.

Although Respondent knew there was a stream and wetlands on the site and described its development as a "land preservation concept" with "pristine wetlands," it made no apparent efforts to comply with stormwater requirements intended to protect these wetlands and other sensitive areas. By failing to implement any erosion and sediment controls to protect the stream and wetlands, Respondent consciously disregarded the substantial and unjustifiable risk that it would cause appreciable bottom deposits, in violation of the state water quality standard. This risk was of such a nature and degree that disregarding it constituted a gross deviation from the standard of care a reasonable permittee would observe in that situation.

"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 the 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 has not taken steps to restore the creek and wetlands that were impacted by its discharge of sediment.

"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 $6,388. This is the amount Respondent gained by avoiding spending a total of $8,350 to prepare a wetland delineation and restoration plan for the wetlands and unnamed creek that were impacted by this violation. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $8,000 + [(0.1 x $8,000) x (0 + 0 + 0 + 8 + 2)] + $6,388
= $8,000 + [$800 x 10] + $6,388
= $8,000 + $8,000 + $6,388
= $22,388

EXHIBIT NO. 3

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

VIOLATION 3: Failing to conduct road building and maintenance activities in a manner so as to keep waste materials out of public waters and minimize erosion of cut banks, fills, and road surfaces, in violation of the water quality standard in OAR 340-041-0007(7).

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

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 or should have had coverage under the NPDES 1200-C General Permit for a construction site between five and 20 acres in size.

"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) through (4)(d). The violation was documented on December 19, 2023. DEQ does not have sufficient evidence to determine how many days of violation occurred.

"M" is the mental state of the Respondent and receives an 8 according to OAR 340-012-0145(5)(d), because Respondent's conduct was reckless. The 1200-C Permit and the ESCP prepared by Respondent's engineer specifically required installation of a temporary stream crossing on the main roadway on the site. By failing to install the stream crossing or implement any erosion and sediment controls to protect the creek when conducting road building activities that would directly impact it, and operating construction equipment

directly through the creek, Respondent consciously disregarded the substantial and unjustifiable risk that it would violate the state water quality standard. This risk was of such a nature and degree that disregarding it constituted a gross deviation from the standard of care a reasonable permittee would observe in that situation.

"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, or took reasonable affirmative efforts to minimize the effects of the violation. On or about January 4, 2024, Respondent submitted a revised ESCP. On or about April 8, 2024, Respondent submitted documentation showing it had installed a culvert under the road and additional erosion and sediment controls at the creek crossing.

"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 the economic benefit Respondent received from delaying implementation of erosion and sediment controls at the creek crossing was de minimis.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $4,000 + [(0.1x $4,000) x (0 + 0 + 0 + 8 - 3)] + $0
= $4,000 + [$400 x 5] + $0
= $4,000 + $2,000 + $0
= $6,000

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 2, 2024
RESPONSE DATE :	July 11, 2024
TOTAL PENALTY:	$43,588.00

Account Name:	TWO CAPES LOOKOUT		
Account Type:	Vendor/Organization/Company	Reference Number:	**CPGFD2400062**
SubSystem ID:	215445	FIMS Acct. ID:	15007

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
$ 43,588.00	$ 0.00	$ 0.00	$ 0.00	$ 43,588.00

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

DEQ

REFERENCE NO.	CPGFD2400062		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	July 11, 2024
FIMS ACCT. ID:	15007	TOTAL PENALTY DUE:	$43588.00

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 00950001500730CPGFD2400062000435880008

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
5/2/2024	2024-505 WQ-SW-NWR-2024-505	$43,588.00

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 _____