



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 20, 2025

CERTIFIED MAIL: 9589 0710 5270 0688 6502 35

United Parcel Service, Inc.
c/o Corporation Service Company, Authorized Representative
1127 Broadway NE, Suite 310
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. AQ-ACDP-NWR-2024-067

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$1,650 for failing to timely submit 2023 annual reports for your gasoline dispensing facilities located at 10800 SW Manhasset Drive in Tualatin and 7230 NW Century Boulevard in Hillsboro, as required by General Air Contaminant Discharge Permit AQGP-022.

DEQ issued this penalty because annual reports are an important mechanism for DEQ to determine whether sources of air contaminants are operating within the conditions and limits of their permits. Without the report, DEQ is unable to ensure emissions from your equipment are within permitted levels.

Included in Section IV of the enclosed Notice of Civil Penalty Assessment and Order (Notice) is an order requiring you to submit the 2023 annual reports within 30 days of the final order.

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 about this Notice, please contact Tori Heroux at 971-808-7046 or toll free in Oregon at 800-452-4011, extension 2295269.

Sincerely,



Erin Saylor, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Kevin Jones, United Parcel Service, 6707 N Basin Avenue, Portland, OR 97217-3929
Joe Contreras, DEQ
Lisa Ball, DEQ
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:)	NOTICE OF CIVIL PENALTY
UNITED PARCEL SERVICE, INC.)	ASSESSMENT AND ORDER
an Ohio incorporated company,)	
)	NO. AQ/ACDP-NWR-2024-067
Respondent.)	

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140, ORS Chapters 183 and 468A and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, 200, 214 and 216.

II. FINDINGS OF FACT

1. Respondent operates gasoline dispensing facilities (GDFs) located at 10800 SW Manhasset Drive in Tualatin, Oregon (the Tualatin Facility) and 7230 NE Century Boulevard in Hillsboro, Oregon (the Hillsboro Facility).

2. Respondent has underground gasoline storage tanks at the Facility that are each equipped with a stage I vapor balance system intended to capture vapors while transferring gasoline from tanker trucks into storage tanks.

3. Pursuant to OAR 340-216-0020(2) and Table 1, Item 35 in OAR 340-216-8010 Part B, all gasoline dispensing facilities with a monthly throughput of 10,000 gallons or more must obtain a general Air Contaminant Discharge Permit (ACDP).

4. According to the 2022 annual reports submitted by Respondent, the Tualatin Facility operates with an average monthly throughput of 11,491 gallons and the Hillsboro Facility operates with an average monthly throughput of 16,112 gallons.

5. On December 3, 2020, the Department of Environmental Quality (DEQ) assigned Respondent coverage under General Air Contaminant Discharge Permit AQGP-022 (the Permit) for the Hillsboro Facility as source number 34-0221. On October 27, 2021, the Department of

Environmental Quality (DEQ) assigned Respondent coverage under the Permit for the Tualatin Facility as source number 34-0252.

6. The Permit was in effect at both facilities at all material times.

7. Condition 11.4 of the Permit requires Respondent to submit an annual report to DEQ by February 15th of each calendar year. The report requires Respondent to report specific information regarding the Facility's operations in the previous calendar year, including specific operating, maintenance, and pollutant emission information.

8. As of the date of this Notice, Respondent has not submitted annual reports for the 2023 calendar year for either the Tualatin or the Hillsboro Facility.

III. CONCLUSIONS

1. Respondent violated Condition 11.4 of the Permit by failing to submit annual reports for the 2023 calendar year for its Tualatin and Hillsboro facilities, as described in Section II, Paragraphs 7 and 8 above. These are Class II violations according to OAR 340-012-0054(2)(f). DEQ has assessed a \$1,650 civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY AND COMPLY

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

1. Pay a total civil penalty of \$1,650. The determination of the civil penalty is attached as Exhibit 1 and is 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 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 reference 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, or

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

4 2. Within 30 days of this order becoming final by operation of law or on appeal, submit the 2023
5 annual reports for both facilities to Joe Contreras at DEQ via email to
6 Joseph.Contreras@deq.oregon.gov.

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

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

22 Active-duty service members have a right to stay proceedings under the federal Service
23 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
24 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
25 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
26 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
6 of proving a prima facie case.

7
8
9
10 2/20/2025
11 Date

Erin Saylor
Erin Saylor, Interim Manager
Office of Compliance and Enforcement

EXHIBIT 1

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

VIOLATION No. 1: Failing to submit to DEQ the 2023 annual reports for Respondent's two gasoline dispensing facilities in violation of Condition 11.4 of the Permit.

CLASSIFICATION: These are Class II violations pursuant to OAR 340-012-0054(2)(f).

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 \$750 for a Class II, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140(4)(a)(C) because Respondent operates Gasoline Dispensing Facilities under a General Air Contaminant Discharge Permit because they are subject to Area Source NESHAP regulations.

"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 Respondent has 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 2 according to OAR 340-012-0145(4)(b), because there were two occurrences of the violation. Respondent failed to timely submit two 2023 annual report as required by the Permit, for Respondent's Tualatin and Hillsboro Gasoline Dispensing Facilities.

"M" is the mental state of the Respondent and receives a value of 8 pursuant to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. Condition 11.4 of

AQGP-022 expressly requires Respondent to submit an annual report for operation of its gasoline dispensing facility by February 15th of each year. Respondent has previously received a Warning Letter with an Opportunity to Correct for both of its Gasoline Dispensing Facilities for failing to submit annual reports to DEQ in 2023. By failing to take actions to ensure Respondent met its obligation to submit a timely annual report in 2024, Respondent has consciously disregarded a substantial and unjustifiable risk that it would continue to violate the reporting requirements of the Permit and Oregon's air quality regulations. Given DEQ's previous communication with Respondent regarding late or missing annual reports, continuing to disregard this risk constitutes a gross deviation from the standard of care a reasonable person would observe in this 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 Respondent has not corrected the violation by submitting the 2023 annual reports to DEQ.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of 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 as any economic benefit derived is likely to be de minimis.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= $\$750 + [(0.1 \times \$750) \times (0 + 0 + 2 + 8 + 2)] + \0
= $\$750 + (\$75 \times 12) + \$0$
= $\$750 + \$900 + \$0$
= $\$1,650$

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



State of Oregon
DEQ Department of Environmental Quality

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

CIVIL PENALTY - ORS 468.135(2)

DATE:	February 20, 2025
RESPONSE DATE :	May 1, 2025
TOTAL PENALTY:	\$1,650.00

Account Name:	UNITED PARCEL SERVICE INC		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2500035
SubSystem ID:	199791	FIMS Acct. ID:	1899

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 1,650.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 1,650.00

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.	CPGFD2500035		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	May 1, 2025
FIMS ACCT. ID:	1899	TOTAL PENALTY DUE:	\$1650.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality

☐

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

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

00401 7400 10040 74001 0500 000000 0095000018999CPGFD250003500001650004



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
2/19/2025	2024-067 AQ-ACDP-NWR-2024-067	\$1,650.00

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 _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. AQ-ACDP-NWR-2024-067 upon:

9589 0710 5270 0688 6502 35

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
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Total Postage and Fees	
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Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Kevin Jones
United Parcel Service
6707 N Basin Ave.
Portland, OR 97217-3929

By mailing a true copy of the above by placing it in a sealed envelope, with postage prepaid at the DEQ/DAS mail services in Portland, Oregon on 2/20/2025

Isaac Griffith

Isaac Griffith, Case Coordinator
Office of Compliance & Enforcement
Department of Environmental Quality