



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

September 8, 2025

CERTIFIED MAIL: 9589 0710 5270 3236 6717 82

Stella-Jones Corporation
c/o CT Corporation System
780 Commercial St., SE Suite 100
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ-HW-WR-2024-557

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$1,055,825 for numerous violations of hazardous waste, spill response and cleanup, and water quality regulations at your wood treating facility at 22125 SW Rock Creek Road in Sheridan.

DEQ issued this penalty because the chemicals used in wood preserving pose a risk to human health and the environment when not managed properly. Strict compliance with hazardous waste, cleanup, and water quality regulations is essential to ensure that these chemicals are not released to the environment. This includes compliance at all stages of the generation, storage, and disposal of the liquid process waste generated at your facility, spill prevention efforts, immediate cleanup and reporting of spills of hazardous materials, as well as compliance with your water quality permit effluent limitations and operational requirements.

Included in Section IV is an order requiring you to take multiple corrective actions and submit documentation of compliance to DEQ, including the following: amend your hazardous waste generator reporting, evaluate hazardous waste tanks for compliance, upgrade your stormwater treatment system, revise your stormwater operations and maintenance plan, and increase stormwater discharge monitoring and reporting.

\$877,225 of the civil penalty represents the economic benefit you gained as a result of these violations. If you complete the corrective actions, DEQ will consider recalculating applicable costs as delayed rather than avoided where possible and may reduce the civil penalty accordingly. DEQ appreciates your efforts to address some of the violations and considered these efforts when determining the amount of the 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.

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 <https://www.oregon.gov/deq/Regulations/Pages/Administrative-Rules.aspx> or by calling the number below.

If you have any questions, please contact Sarah Wheeler at 971-301-0622.

Sincerely,



Erin Saylor, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Killian Condon, DEQ
Brad Eagleson, DEQ
Nancy Sawka, DEQ
Mark Myers, mmyers@williamskastner.com
Camille Otero, Gibbons PC, cotero@gibbonslaw.com
James Kenner, JKenner@Stella-Jones.com
Heather Gawne, Senior Director of Environmental Compliance, HGawne@stella-jones.com

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
STELLA-JONES CORPORATION,) ASSESSMENT AND ORDER
)
Respondent.) CASE NO. LQ-HW-WR-2024-557

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 466.990, 465.255 and 465.260(4), ORS Chapters 468B and 183, and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, 045, 100-102, and 142.

II. FINDINGS OF FACT

1. Since 2013, at present and at all material times, Respondent has owned, controlled, and operated a wood treating business at 22125 SW Rock Creek Road in Sheridan, Oregon (the Facility).

2. In 2013, Respondent entered into a Notice of Transfer of Property and Assignment and Assumption of Prospective Purchaser Agreement (PPA) with DEQ as a “Buyer” for the Property.

3. On December 31, 2020, DEQ issued Respondent National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit Number 101267 for the Facility (the Permit). The Permit became effective February 1, 2021, and authorizes Respondent to operate a collection and treatment system for stormwater, extracted groundwater, boiler blowdown, non-contact cooling water, and wash water and discharge to waters of the state only in compliance with the terms of the Permit. On November 2, 2022, DEQ issued Modification #1 to the Permit, which sets benchmarks and testing requirements for 4,5-dischloro-2-octyl-2H-isothaiazol-3-one (DCOIT). The Permit was in effect at all material times.

4. The Permit authorizes discharge of treated stormwater, treated extracted groundwater, boiler blowdown, non-contact cooling water, and wash water only through Outfall 003, and other stormwater only through Outfall 005, and authorizes these discharges only in conformance with the requirements, limits, benchmarks, and conditions set forth in the Permit. The Permit does not include

1 any authorized discharge points other than Outfall 003 and 005.

2 5. Outfall 003 discharges into the South Yamhill River at approximately river mile 38.9 via
3 a roadside ditch along Rock Creek Road. The ditch flows through a culvert under West Valley
4 Highway and overland flows to the river.

5 6. At all material times, Respondent used or uses preservatives mixed with diesel to treat
6 wood at the Facility: pentachlorophenol (penta or PCP), Copper Naphthenate (Cu-Nap), and DCOIT.
7 Respondent treats wood in five retorts, using heat and a vacuum prior to pressure treating with the
8 preservative/diesel mixture.

9 7. DEQ has not issued Respondent a permit to treat, store, or dispose of hazardous waste at
10 the Facility.

11 8. At all material times, Respondent generates at least 2,200 pounds of hazardous waste on
12 a monthly basis at the Facility, and reports to DEQ that the Facility is a large-quantity generator of
13 hazardous waste.

14 9. On December 12, 2022, January 3, 2023, May 18, 2023, and March 1, 2024, DEQ staff
15 inspected the Facility.

16 10. Respondent disposed of approximately 2,000 tons (3.8 million pounds) of waste filter cake
17 from the filter press generated from Respondent's stormwater treatment system (SWTS), spent activated
18 carbon from the SWTS, sediment from tanks in the SWTS, and debris, including filter socks, from the
19 SWTS, at the Riverbend Landfill (during 2013-2021) and the Coffin Butte Landfill (during 2021-2022).
20 The SWTS received the following contaminated influents: 1) groundwater from extraction wells, and 2)
21 spills from the process waste treatment system, specifically the evaporator and associated storage tanks.
22 Riverbend and Coffin Butte Landfills do not have hazardous waste disposal permits issued by DEQ.

23 11. From approximately late January 2024 through March of 2024, Respondent stored
24 approximately 1,000 pounds of sweepings from the MatCon at the Facility. On March 15, 2024,
25 Respondent stated that they determined the sweepings were non-hazardous, but did not have sampling
26 results or other supporting documentation for this determination. Respondent later disposed of the
27 sweepings as hazardous waste.

1 12. At all material times, Respondent stored and continues to store liquid process waste
2 containing a mixture of preservatives including penta, water, and at times a substantial amount (more
3 than a few percent) of diesel (hereinafter “liquid process waste”) in tanks 13, 15, 16, 17, 18, and 32 (the
4 oil/water separator tank). Respondent has not labeled these tanks with the words “hazardous waste” or
5 with language indicating the hazards of the contents of the tanks.

6 13. Between at least January 2021 through the date of this Notice, Respondent failed to use the
7 carbon filtration units to filter liquid process waste from the above-referenced tanks before it reached the
8 evaporator.

9 14. On January 1, 2022, tank 18 released 55 gallons of liquid process waste into the
10 containment surrounding the tank. On December 22, 2022, the evaporator at the Facility overtopped
11 and released ten gallons of liquid process waste to the ground. On December 26, 2022, 2,000 gallons of
12 liquid process waste released to the containment surrounding the tanks. On January 30, 2023, 20
13 gallons of liquid process waste from tank 17 spilled to the ground and stormwater conveyance system.

14 15. On or about December 30, 2022, Respondent stored approximately 8,000-10,000 gallons
15 of a wastewater and spent penta solution mixture in the treatment area and southern tank farm
16 containments due to capacity issues associated with rainfall and evaporator capacity.

17 16. During DEQ’s 2022 groundwater monitoring event, 1.8 feet of light non-aqueous phase
18 liquid (LNAPL) was found in PW-03, the extraction well nearest the treatment and southern tank farm
19 areas. LNAPL had not been detected in groundwater monitoring in any of the annual sampling events
20 between 2011 and 2017 (the last sampling event prior to 2022).

21 17. Respondent had the following releases of liquid process waste to the ground beyond
22 containment, and reported to the Oregon Department of Emergency Management Division’s Oregon
23 Emergency Response System (OERS) as follows:

Date of release	Event	Approximate volume released (gallons)	Date reported to OERS
March 2022	Evaporator overflow, washed into stormwater conveyance system	30-40	Never reported

1	July 18, 2022	Evaporator overflow, washed into stormwater conveyance system	30-40	Never reported
2	Nov. 30, 2022	Tank 17 overflow	150	December 13, 2022
3	Sometime between December 1-8, 2022	Evaporator overflow, washed into stormwater conveyance system	30-40	Never reported
4	Dec. 9, 2022	Tank 13 overflow	100	December 20, 2022

6
7 18. As a mixture of #2 diesel, penta, and water, the released liquid process waste would
8 weigh no less than approximately seven pounds per gallon.

9 19. On December 12, 2022, there was staining down the sides of tank 17, indicating an
10 overflow of its contents. Additionally, there were orange-colored sludge and orange-colored spill
11 absorbent granules present within a stormwater trench located at the entry to the shop building. The
12 trench contained a thick, light, brown-colored sludge and light brown-colored liquid, consistent with
13 penta. DEQ placed a hydrophobic pad in the trench to determine if the liquid was rainwater or
14 contained penta, and the brown-colored liquid absorbed into the pad. Additionally, there was a strong
15 odor of diesel at the trench and in the stormwater catch basin draining from the trench. The catch basin
16 contained an oily coating and dark-stained boom. At DEQ's direction, Respondent cleaned out the
17 trench after December 12, 2022, however, on January 3, 2023, the trench again contained a brown
18 liquid and emitted a diesel-like odor, with a hydrophobic spill pad absorbing brown liquid from the
19 trench, consistent with the presence of penta.

20 20. On or before January 8, 2023, Respondent did not properly abandon and remove a pipe that
21 conveyed a mixture of penta and diesel, and as a result, penta and diesel entered the stormwater trench in
22 which the pipe was located until January 9, 2023.

23 21. Between at least January 3, 2023, and March 8, 2023, a pipe located above the shop roof
24 at the Facility transferring spent treatment solutions, penta/diesel mixture, and later DCOIT/diesel
25 mixture, from retort 1 to a vacuum pump, was leaking. The released solutions ran onto the ground and
26 into the adjacent stormwater trench ("shop trench") for an unknown period through March 8, 2023.

27 \\\
\\

1 22. On August 21, 2023, Respondent mistakenly opened a full retort and released 24,000
2 gallons of DCOIT/diesel mixture and residual penta out of the retort. Approximately 2,400 gallons of
3 this release flowed outside of containment and impacted the stormwater system and the City of
4 Sheridan sanitary sewer system through a sub-grade urinal at the Facility. Respondent stored residues
5 from the cleanup of this release at the Facility until approximately April 24, 2024, through May 9, 2024.
6 DEQ granted an initial 30-day storage extension on November 22, 2023, which expired on December 19,
7 2023, for a portion of these residues.

8 23. On January 3, 2023, Respondent stored spill pads contaminated with penta in a trash bin
9 in the Quality Control Laboratory at the Facility. The trash bin was not closed or labeled with the words
10 “hazardous waste” or any indication of the hazards of the penta-contaminated spill pads.

11 24. On December 12, 2022, one 55-gallon drum labeled “hazardous waste” in the 90-day
12 central hazardous waste accumulation area was not labeled with the date the waste was first placed in
13 the container. Respondent reported this waste to DEQ as “F032-Wastes from chlorophenolic wood
14 preserving processes.”

15 25. On December 12, 2022, and again on March 1, 2024, Respondent stored waste filter
16 cake from the stormwater treatment system filter press in an approximately 100-gallon skid-steer
17 bucket beneath the stormwater treatment system filter press. The bucket was not closed, not labeled
18 with the date the waste was first placed in the container, and not labeled with the hazards of the
19 contents or the words “hazardous waste.”

20 26. On March 1, 2024, Respondent stored approximately 14, 275-gallon containers – 12 of
21 which contained penta-contaminated liquids associated with the August 2023 release from the retort
22 and two of which contained penta-contaminated waste from tank cleaning – that were not labeled with
23 the hazards of the contents of the containers.

24 27. Following storm events with 24-hour precipitation amounts exceeding a half inch on
25 November 5, 6, 28, and December 27 and 28, 2022, Respondent did not perform post-storm inspections of
26 the drip pad at the Facility. Additionally, Respondent did not perform one weekly drip pad inspection in
27 December 2022, as no inspection was performed between December 16 and December 30, 2022, and

1 Respondent failed to inspect the drip pad for four weeks in September 2024, four weeks in October 2024,
2 and during the first and second weeks of January 2025.

3 28. Respondent did not conduct weekly inspections of the hazardous waste central
4 accumulation area at the Facility during the weeks of January 1 and January 15, and April 15 and April 22,
5 2024.

6 29. Schedule A, Condition 1 of the Permit establishes the following limits for
7 pentachlorophenol at Outfall 003 at the Facility: a maximum daily limit of 20 ug/L, and an average
8 monthly limit of 13 ug/L. Respondent's discharge contained penta concentrations in excess of these
9 limits as follows:

Month/Year	Date	Penta concentration in effluent
January 2022		19 (ug/L) (monthly average)
December 2022	December 14, 2022	52 ug/L
	December 21, 2022	51 ug/L
	December 29, 2022	51 ug/L
		52 ug/L (monthly average)
January 2023	January 4, 2023	61 ug/L
	January 12, 2023	52 ug/L
	January 19, 2023	23 ug/L
	January 27, 2023	330 ug/L
		116.5 ug/L (monthly average)
February 2023	February 14, 2023	220 ug/L
		220 (monthly average)
March 2023	March 13, 2023	68.4 ug/L
	March 21, 2023	67 ug/L
	March 29, 2023	39 ug/L
	March 30, 2023	23 ug/L

1		March 31, 2023	57 ug/L
2			46.5 ug/L (monthly average)
3	April 2023	April 5, 2023	44 ug/L
4		April 6, 2023	36 ug/L
5		April 7, 2023	62 ug/L
6		April 12, 2023	120 ug/L
7		April 13, 2023	120 ug/L
8		April 14, 2023	45 ug/L
9			36 ug/L (monthly average)
10	January 2024	January 30, 2024	21 ug/L
11		January 31, 2024	22 ug/L
12			21.5 ug/L (monthly average)
13	February 2024	February 7, 2024	120 ug/L
14		February 8, 2024	66 ug/L
15		February 21, 2024	95.2 ug/L
16		February 22, 2024	77 ug/L
17			90 ug/L (monthly average)
18	March 2024	March 5, 2024	100 ug/L
19		March 6, 2024	110 ug/L
20		March 7, 2024	110 ug/L
21		March 12, 2024	110 ug/L
22		March 13, 2024	120 ug/L
23			45.94 ug/L (monthly average)
24	November 2024	November 4, 2024	21.5 ug/L
25		November 13, 2024	54.6 ug/L
26		November 14, 2024	43.1 ug/L
27		November 20, 2024	33.6 ug/L

1		16 ug/L (monthly average)	
2	December 2024	December 17, 2024	137 ug/L
3		December 18, 2024	148 ug/L
4			32 ug/L (monthly average)

5 30. Schedule A, Condition 1 of the Permit establishes the following limits for copper at
 6 Outfall 003 at the Facility: a maximum daily limit of 18 ug/L, and an average monthly limit of 12 ug/L.
 7 Respondent's discharge contained copper concentrations in excess of these limits as follows:

8	Month/Year	Date	Copper concentrations in
9			effluent
10	December 2022	December 29, 2022	19.4 ug/L
11	April 2023	April 13, 2023	22 ug/L
12		April 14, 2023	398 ug/L
13			64 ug/L (monthly average)
14	March 2024	March 5, 2024	31.9 ug/L
15	November 2024	November 26, 2024	35 ug/L
16			35 ug/L (monthly average)

18 31. Schedule A, Condition 1 of the Permit establishes the following limits for iron at Outfall
 19 003 at the Facility: a maximum daily limit of 1,849 ug/L, and an average monthly limit of 802 ug/L.
 20 Respondent's discharge contained iron concentrations in excess of these limits as follows:

21	Month/Year	Date	Iron concentrations in
22			effluent
23	December 2022	December 29, 2022	2,560 ug/L
24			881 ug/L (monthly average)
25	April 2023	April 12, 2023	2,000 ug/L
26		April 13, 2023	3,510 ug/L
27		April 14, 2023	57,500 ug/L

1		9,315 ug/L (monthly average)	
2	May 2023	1,140 ug/L (monthly average)	
3	March 2024	March 5, 2024	5,790 ug/L
4		2,195 ug/L (monthly average)	
5	November 2024	November 26, 2024	5,540 ug/L
6		5,540 ug/L (monthly average)	

7 32. Schedule A, Condition 1 of the Permit establishes the effluent limit for pH at Outfall
 8 003; pH must be between a daily minimum of 6.0 and maximum of 9.0 SU. In April of 2023, the pH
 9 concentrations at Outfall 003 at the Facility were as follows:

Month/Year	Date	pH concentrations in effluent
April 2023	April 7, 2023	9.07
	April 20, 2023	9.03
	April 21, 2023	9.06
November 2024	November 15, 2024	5.88

16 33. Schedule F, Condition B1 of the Permit requires Respondent to “at all times properly
 17 operate and maintain all facilities and systems of treatment and control (and related appurtenances) that
 18 are installed or used by the permittee to achieve compliance with the conditions of this permit.”

19 34. Respondent’s Stormwater Treatment System Operation and Maintenance Plan for the
 20 Facility, dated January 27, 2021 (O&M Plan), states that the purpose of that Plan is “to document the
 21 procedures that the Stella-Jones Corporation...will perform to properly operate and maintain the
 22 facility’s SWTS in a manner that meets the numeric discharge limitations established in the facility’s
 23 National Pollutant Discharge Elimination System (NPDES) permit.” Section 5 of the O&M Plan
 24 states: “This section presents information on the operations and maintenance requirements of SWTS
 25 components described in Section 4” and lists the following requirements:

26 “5.1.5 – Annual Inspection... An annual inspection will be conducted every year during the dry
 27 season to evaluate the need for, and to perform, preventative maintenance on the SWTS...”

1 5.5.2.3 – Annual Inspection and Preventative Maintenance...Sediments that have accumulated
2 in the storage tank will be removed and characterized for disposal...

3 5.6.2.3.3 Mix Tanks – As part of the annual inspection, the mix tanks will be pumped out and
4 inspected. Solids that have accumulated in the tanks will be removed and the condition of the tanks
5 observed and recorded...

6 5.6.2.3.4 Sedimentation Tanks – As part of the annual inspection, the sedimentation tanks will
7 be pumped out and inspected. Solids that have accumulated in the tanks will be removed and properly
8 disposed of...

9 5.7.2.3.2 Surge Tank – As part of the annual inspection, the surge tank will be pumped out and
10 inspected. Solids that have accumulated in the tank will be removed and properly disposed of...

11 5.7.2.3.3 Filter Bag Vessels – As part of the annual inspection, ... Any solids that have
12 accumulated in the vessels will be removed ...”

13 35. In 2023, Respondent did not conduct the annual inspection and cleaning of the
14 stormwater treatment system as provided by the above-referenced sections of the Operations and
15 Maintenance Plan. Increased sediments in the system caused an increased pressure drop across the
16 granular activated carbon (GAC) units and bag filters, resulting in reduced pumping capacity.

17 36. On April 20, 2024, a steam condensate return line at the Facility was leaking and
18 condensate (non-contact boiler blow down) was discharged to the stormwater ditch on the east side of
19 the Facility. Additionally, on the following dates, untreated stormwater at the Facility overflowed from
20 the stormwater treatment system onto the ground and flowed into a drainage ditch, which flows into the
21 South Yamhill River:

Date	Description of overflow
October 31, 2024	Due to a pump failure, the oil/water separator overflowed and reached the drainage ditch near the southeast corner of the Facility
November 1, 2024	Due to the pump failure, the wetwell overflowed and reached the drainage ditch
November 11, 2024	Pooled water under logs flowed from the northeast corner of the Facility to the drainage ditch

November 13, 2024	The influent at the wetwell overflowed from the southwest corner of the Facility to the drainage ditch, and the wetwell also overflowed into the drainage ditch later in the day
November 17, 2024	Overflow from the east storage tank to the drainage ditch
November 18, 2024	The wetwell overflowed into the drainage ditch
November 19, 2024	The wetwell overflowed into the drainage ditch, and additionally, the inflatable plug in the emergency outfall deflated, causing untreated stormwater to flow out of the emergency outfall and into the drainage ditch
November 20, 2024	An inflatable plug in the emergency outfall leaked, causing untreated stormwater to discharge from the emergency outfall into the drainage ditch
November 22, 2024	The East Storm Water Treatment storage tank and the wetwell overflowed into the drainage ditch
December 16, 2024	Stormwater collection tank number 1 overflowed to the drainage ditch

37. Respondent's Discharge Monitoring Report (DMR) submitted to DEQ for December 2022 did not include sample results on the electronic spreadsheet attachment, and did not include data from December 21 and 29, 2022, in reporting monthly averages and daily maximums.

III. CONCLUSIONS

Based upon the foregoing Findings of Fact, DEQ has determined that Respondent violated the following provisions of Oregon law, including the hazardous waste laws in the Code of Federal Regulations (CFRs) as adopted by OAR 340-100-0002:

1. Respondent violated OAR 340-102-0011(2) by failing to completely and accurately determine if Respondent's residues (as defined in OAR 340-100-0010(2)(hh) and 40 CFR 261.2) were hazardous waste at the point of generation, as described in Paragraphs 1-2, 7, 8, 10, and 11 of Section II above. Specifically, from 2013 through April 2023, Respondent did not completely and accurately determine that the filter cake, debris, and sediment generated in the Facility's stormwater treatment system (SWTS) was hazardous waste. Additionally, from 2016 through April 2023, Respondent did not completely and accurately determine that the spent activated carbon generated in the SWTS was hazardous

1 waste. Respondent also did not completely and accurately determine that the sweepings from the MatCon
2 generated in January of 2024 was hazardous waste until mid-March of 2024. These wastes were
3 contaminated with penta and are solid wastes according to 40 CFR 261.2(a)(1), (a)(2)(i), and (b)(2)(1) and
4 (3), and hazardous waste as identified by United States Environmental Protection Agency (EPA)
5 Hazardous Waste Numbers (Waste No.) F032 or K001, pursuant to 40 CFR 261.31 and 40 CFR 261.32.
6 These are Class I violations, according to OAR 340-012-0068(1)(a). DEQ hereby assesses a \$221,948 civil
7 penalty for these violations.

8 2. Respondent violated ORS 466.100(1) by disposing of hazardous waste at locations not
9 permitted to accept hazardous waste, as described in Paragraphs 1-2, 8 and 10 of Section II above. The
10 wastes disposed of at the solid waste landfills were solid wastes according to 40 CFR 261.2(a)(1),
11 (a)(2)(i)(A), and (b)(1), and hazardous waste as identified by EPA Waste No. K001, pursuant to 40 CFR
12 261.32. These are Class I violations, according to OAR 340-012-0068(1)(h). DEQ hereby assesses a
13 \$320,785 civil penalty for these violations.

14 3. Respondent violated ORS 466.095(1)(c) by treating hazardous waste without a permit, as
15 described in Paragraphs 1-2, 7, 8, and 12-14 of Section II above. Specifically, between at least October and
16 December 2022, Respondent evaporated non-wastewater oil-based spent preservatives in the process waste
17 liquid evaporator. The non-wastewater oil-based spent preservatives were solid waste according to 40 CFR
18 261.2(a)(1), (a)(2)(i)(A), and (b)(1), and hazardous waste as identified by EPA Waste No. F032, pursuant
19 to 40 CFR 261.31. Respondent does not have a permit to treat hazardous waste at the Facility. This is a
20 Class I violation, according to OAR 340-012-0068(1)(h). DEQ hereby issues an \$8,400 civil penalty for
21 this violation.

22 4. Respondent violated 40 CFR 262.17(a)(2), 40 CFR 265.191 or 40 CFR 265.192, and 40
23 CFR 265.193, by accumulating hazardous waste in tanks without meeting the requirements of 40 CFR
24 265, Subpart J, as described in Paragraphs 1-2, 7, 8, 12-13, and 15 of Section II above. Specifically, the
25 oil/water separator (tank 32), tanks 13, 15, 16, 17, 18, and the southern tank farm containment at the
26 Facility have not been assessed by a Professional Engineer for compliance with Subpart J as required by
27 40 CFR 265.191 or 265.192, and they do not have secondary containment meeting the requirements of 40

1 CFR 265.193. These tanks are either “existing tanks” pursuant to 40 CFR 260.10, if installed before July
2 14, 1986, or “new tanks” if installed subsequently. 40 CFR 265.190(c) states that tanks, sumps, and other
3 collection devices used in conjunction with drip pads, must meet the requirements of 40 CFR 265 Subpart
4 J. The eastern portion of the southern tank farm secondary containment was used to store hazardous waste
5 for at least one week in December of 2022. The liquid process waste stored in the tanks is solid waste
6 according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and (b)(3) or (a)(2)(i)(B) and (c)(3), and hazardous waste as
7 identified by EPA Waste No. F032, pursuant to 40 CFR 261.31. According to OAR 340-012-0068(1)(d),
8 these are Class I violations. DEQ hereby assesses a \$47,116 civil penalty for these violations.

9 5. Respondent violated 40 CFR 262.251 by failing to maintain and operate the Facility in a
10 manner that minimizes the possibility of unplanned sudden or non-sudden releases of hazardous waste or
11 hazardous waste constituents to air, soil, or surface water which could threaten human health or the
12 environment, as described in Paragraphs 1-2, 7, 8, and 12-22 of Section II above. According to OAR 340-
13 012-0068(2)(o), these are Class II violations. DEQ hereby assesses a \$12,600 civil penalty for this
14 violation.

15 6. Respondent violated OAR 340-142-0060(1) and (2) by failing to immediately and
16 completely clean up releases of hazardous materials, as described in Paragraphs 1-2, 17, 19, 20, and 21 in
17 Section II above. OAR 340-142-0005(9)(a) defines hazardous materials to include hazardous waste as
18 defined in ORS 466.005. As defined in OAR 340-142-0005(10), “immediately” in relation to response to a
19 spill means that the actions necessary to protect human health and the environment take priority over all
20 other concerns of the responsible person. These are Class I violations, according to OAR 340-012-
21 0081(1)(a). DEQ hereby assesses a \$86,326 civil penalty for these violations.

22 7. Respondent violated OAR 340-142-0040(1) by failing to immediately notify the Oregon
23 Department of Emergency Management Division’s Oregon Emergency Response System (OERS) of
24 releases of the reportable quantity of hazardous materials at the Facility, as described in Paragraphs 1-2, 17
25 and 18 in Section II above. OAR 340-142-0005(9)(a) defines hazardous materials to include hazardous
26 waste as defined in ORS 466.005. The released material was hazardous waste as identified by EPA
27 Waste No. F032, pursuant to 40 CFR 261.31. The reportable quantity for F032 hazardous waste is one

1 pound, according 40 CFR Part 302, Table 302.4 (List of Hazardous Substances and Reportable
2 Quantities), as referenced in OAR 340-142-0050(1)(d). These are Class I violations, according to OAR
3 340-012-0081(1)(b). DEQ hereby assesses a \$40,000 civil penalty for these violations.

4 8. Respondent violated ORS 466.095(1)(a) by storing hazardous waste at the Facility longer
5 than 90 days without a permit, as described in Paragraphs 1-2, 7, 8, and 22 of Section II above. The
6 cleanup residues were solid waste according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and (b)(3), and hazardous
7 waste as identified by EPA Waste No. F032, pursuant to 40 CFR 261.31. According to OAR 340-012-
8 0068(2)(d), this is a Class II violation. DEQ hereby assesses a \$9,600 civil penalty for this violation.

9 9. Respondent violated Schedule A, Condition 1 of the Permit, and ORS 468B.025(2) by
10 discharging stormwater that exceeded the water-quality based effluent limit for pentachlorophenol, as
11 described in Paragraphs 3 and 29 of Section II. These are Class I violations, according to OAR 340-012-
12 0055(1)(l). DEQ hereby assesses a \$10,200 civil penalty for these violations.

13 10. Respondent violated Schedule A, Condition 1 of the Permit, and ORS 468B.025(2) by
14 discharging stormwater that exceeded the water-quality based effluent limit for copper in Schedule A of
15 the Permit, as described in Paragraphs 3 and 30 of Section II above. These are Class I violations, according
16 to OAR 340-012-0055(1)(l). DEQ hereby assesses a \$3,400 civil penalty for these violations.

17 11. Respondent violated Schedule A, Condition 1 of the Permit, and ORS 468B.025(2) by
18 discharging stormwater that exceeded the water-quality based effluent limit for iron in Schedule A of the
19 Permit, as described in Paragraphs 3 and 31 of Section II above. These are Class I violations, according to
20 OAR 340-012-0055(1)(l). DEQ hereby assesses a \$3,400 civil penalty for these violations.

21 12. Respondent violated ORS 468B.025(2), Schedule F, Condition B.1 of the Permit, and
22 conditions 5.1.5, 5.5.2.3, 5.6.2.3, and 5.7.2.3 of the Operations and Maintenance Plan, by failing to inspect
23 and clean out the stormwater treatment system – including the storage tanks, mix tanks and sedimentation
24 tanks, surge tank and filter bag vessels – in 2023, as described in Paragraphs 3 and 33-35 of Section II
25 above. This is a Class II violation, according to OAR 340-012-0055(2)(d). DEQ hereby assesses a \$17,050
26 civil penalty for this violation.

27 \\\

1 13. Respondent violated the Permit and ORS 468B.025(2) by discharging untreated stormwater
2 from points not authorized by the Permit, as described in Paragraphs 3-5 and 36 of Section II above.
3 Specifically, the drainage ditch described in Paragraph 36 of Section II above is not an authorized
4 discharge point in the Permit, and the Permit does not allow any discharges of untreated stormwater from
5 the wood treatment area, only treated stormwater through Outfall 003. The drainage ditch is a water of the
6 state according to ORS 468B.005(10) because it is a body of surface water that combines with or effects a
7 junction with natural surface waters through natural or artificial means. The drainage ditch has direct
8 seasonal connection to the South Yamhill River, which is a water of the state pursuant to ORS
9 468B.005(10). These are Class I violations, according to OAR 340-012-0055(1)(c). DEQ hereby assesses
10 a \$275,000 civil penalty for these violations.

11 14. Respondent violated 40 CFR 262.17(a)(5)(ii)(A) by failing to label hazardous waste tanks
12 with the words “hazardous waste,” as described in Paragraphs 1-2, 7, 8, and 12 of Section II above. The
13 tanks stored solid waste according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and (b)(3) or (2)(i)(B) and (c)(3),
14 and hazardous waste as identified by EPA Waste Nos. F032 and F035, pursuant to 40 CFR 261.31.
15 According to OAR 340-012-0068(2)(b), these are Class II violations. DEQ has not assessed a civil penalty
16 for these violations.

17 15. Respondent violated 40 CFR 262.17(a)(5)(ii)(B) by failing to label hazardous waste tanks
18 with an indication of the hazards of the contents, as described in Paragraphs 1-2, 7, 8, and 12 of Section II
19 above. The tanks stored solid waste according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and (b)(3) or (2)(i)(B)
20 and (c)(3), and hazardous waste as identified by EPA Waste Nos. F032 and F035, pursuant to 40 CFR
21 261.31. According to OAR 340-012-0068(2)(b), these are Class II violations. DEQ has not assessed a civil
22 penalty for these violations.

23 16. Respondent violated 40 CFR 262.17(a)(5)(i)(C) by failing to label containers storing
24 hazardous waste with an accumulation start date, as described in Paragraphs 1-2, 7, 8, 24, and 25 of
25 Section II above. The 55-gallon drum labeled “hazardous waste” was solid waste according to 40 CFR
26 261.2(a)(1), (a)(2)(i)(A) and (b)(3), and hazardous waste as identified by EPA Waste Nos. F032, pursuant
27 to 40 CFR 261.31. The waste filter cake was solid waste according to 40 CFR 261.2(a)(1), (2)(i)(A) and

1 (b)(3), and hazardous waste as identified by EPA Waste No. K001, pursuant to 40 CFR 261.32. According
2 to OAR 340-012-0068(2)(a), these are Class II violations. DEQ has not assessed a civil penalty for these
3 violations.

4 17. Respondent violated 40 CFR 262.17(a)(1)(iv)(A) by failing to ensure containers storing
5 hazardous waste are closed, as described in Paragraphs 1-2, 7, 8, 23, and 25 of Section II above. The used
6 spill pads contaminated with penta were solid waste according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and
7 (b)(3), and hazardous waste as identified by EPA Waste No. F032, pursuant to 40 CFR 261.31. The waste
8 filter cake was solid waste according to 40 CFR 261.2(a)(1), (2)(i)(A) and (b)(3), and hazardous waste as
9 identified by EPA Waste No. K001, pursuant to 40 CFR 261.32. According to OAR 340-012-0068(2)(m),
10 these are Class II violations. DEQ has not assessed a civil penalty for these violations.

11 18. Respondent violated 40 CFR 262.17(a)(5)(i)(A) by failing to label a container storing
12 hazardous waste with the words “hazardous waste,” as described in Paragraphs 1-2, 7, 8, 23, and 25 of
13 Section II above. The used spill pads contaminated with penta were solid waste according to 40 CFR
14 261.2(a)(1), (2)(i)(A) and (b)(3), and hazardous waste as identified by EPA Waste Nos. F032, pursuant to
15 40 CFR 261.31. The waste filter cake was solid waste according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and
16 (b)(3), and hazardous waste as identified by EPA Waste No. K001, pursuant to 40 CFR 261.32. According
17 to OAR 340-012-0068(2)(b), these are Class II violations. DEQ has not assessed a civil penalty for these
18 violations.

19 19. Respondent violated 40 CFR 262.27(a)(5)(i)(B) by failing to label containers storing
20 hazardous waste with the hazards of the contents, as described in Paragraphs 1-2, 7, 8, 23, 25, and 26 of
21 Section II above. The used spill pads contaminated with penta and the 14 containers of penta-contaminated
22 liquid were solid waste according to 40 CFR 261.2(a)(1), (a)(2)(i)(A) and (b)(3), and hazardous waste as
23 identified by EPA Waste Nos. F032, pursuant to 40 CFR 261.31. The waste filter cake was solid waste
24 according to 40 CFR 261.2(a)(1), (2)(i)(A) and (b)(3), and hazardous waste as identified by EPA Waste
25 No. K001, pursuant to 40 CFR 261.32. According to OAR 340-012-0068(2)(b), these are Class II
26 violations. DEQ has not assessed a civil penalty for these violations.

27 20. Respondent violated 40 CFR 265.444(b) by failing to inspect the drip pad after storms, and

1 weekly, to detect evidence of deterioration, leakage, or other integrity or operational issues, as described in
2 Paragraphs 1-2, 7, 8, and 27 of Section II above. According to OAR 340-012-0068(2)(r), these are Class II
3 violations. DEQ has not assessed a civil penalty for these violations.

4 21. Respondent violated 40 CFR 262.17(a)(1)(v) by failing to perform weekly inspections of a
5 hazardous waste central accumulation area on January 1 and 15, 2024; and April 15 and 22, 2024, as
6 described in Paragraphs 1-2, 7, 8, and 28 of Section II above. According to OAR 340-012-0068(2)(h), this
7 is a Class II violation. DEQ has not assessed a civil penalty for this violation.

8 22. Respondent violated ORS 468B.025(2) and Schedule A of the Permit by exceeding the
9 technology-based effluent limit for pH, as described in Paragraphs 3 and 32 of Section II above. These are
10 Class III violations, according to OAR 340-012-0055(3)(b)(B). DEQ has not assessed a civil penalty for
11 these violations.

12 23. Respondent violated Schedules B and F of the Permit and ORS 468B.025(2) by failing
13 to submit complete Discharge Monitoring Reports as described in Paragraphs 3 and 37 of Section II
14 above. Specifically, Schedule F, Section C.6 of the Permit requires Respondent to use all monitoring data
15 that meets the requirements of 40 CFR 136 for the summary statistics in reporting to DEQ. Schedule B.2,
16 Note a, of the Permit requires Respondent to submit all analytical data used to determine summary
17 statistics to DEQ in a DEQ-approved format as a spreadsheet via electronic reporting. These are Class III
18 violations, according to OAR 340-012-0055(3)(a). DEQ has not assessed a civil penalty for these
19 violations.

20 IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

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

23 1. Pay a total civil penalty of \$1,055,825. The determination of the civil penalty is attached as
24 Exhibits 1-13 which are incorporated as part of this Notice.

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

27 \\\

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

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

9 2. Within 60 days of this order becoming final by operation of law or on appeal, submit the
10 following to Killian Condon, DEQ, killian.condon@deq.oregon.gov or at 165 E. 7th St, Eugene, OR
11 97401:

12 a. Documentation of a complete and accurate hazardous waste determination of the
13 liquid process waste in the evaporator, including percentages of water and oil, and percentage and types
14 of preservative chemicals.

15 b. A plan for ensuring the evaporator is only receiving hazardous wastewater that is
16 primarily aqueous and contains only a few percent of emulsified oil/preservative mix. The plan must
17 include, at a minimum, procedures for how the Facility will address future spills of liquid process waste
18 and achieve effective recovery of oil from process liquid waste prior to the process liquid waste
19 entering the evaporator.

20 c. Documentation that either: 1) tanks 13, 16, 17, 18, and 32 (the oil/water separator
21 tank) meet the standards of 40 CFR Subpart J for hazardous waste tanks, or 2) that those tanks are only
22 receiving hazardous wastewater which is primarily aqueous and contains only a few percent of
23 emulsified oil/preservative mix.

24 d. Confirmation that you have amended the Facility’s annual hazardous waste
25 generator reports for years 2013-2022 in the Your DEQ Online (YDO) system. The amended reports
26 should include the hazardous waste that was generated at the Facility and sent to the solid waste

1 landfills listed in Paragraph 10 of Section II above. Additionally, you must pay the hazardous waste fees
2 for 2013-2022 that will be invoiced through the YDO system after you submit the amended reports.

3 3. Submit the following to Bradley Eagleson, DEQ, Bradley.eagleson@deq.oregon.gov or
4 at 165 E. 7th St, Eugene, OR 97401:

5 a. Within 60 days of this order becoming final by operation of law or on appeal,
6 submit documentation certifying that the Facility has taken the following actions and commits to doing
7 so in the future until DEQ approves otherwise in writing:

8 i. Increase the frequency of monitoring for pentachlorophenol from one
9 time per month at the effluent to one time per week at the effluent and midpoint of the granular
10 activated carbon unit during discharge,

11 ii. Prior to discharging from the SWTS, run the system without discharge by
12 recirculating into the storage tanks and take three consecutive samples at least one day apart. Prior to
13 discharging from the system, all three consecutive samples must show penta below the Permit limit,

14 iii. Inform DEQ within 24 hours of receiving effluent or midpoint results
15 above 8 ug/L for penta,

16 iv. Submit summarized penta results along with laboratory bench sheets
17 from weekly effluent, midpoint, and influent sampling to DEQ as an attachment in NetDMR with the
18 required monthly DMR.

19 b. Within 60 days of this order becoming final by operation of law or on appeal,
20 submit to DEQ for review and approval an updated Operations and Maintenance Plan for the Facility
21 that includes the following:

22 i. Quarterly inspection and repair of berms within the stormwater collection
23 and treatment system.

24 ii. An explanation of how the oil skimmed off the oil/water separator is
25 managed and disposed.

26 \\\\

27 \\\\

iii. A statement that the granular activated carbon (GAC) units are only allowed to run in parallel if the storage tanks are at risk of overtopping and the superficial velocity as outlined in section 5.8.2.4 will be exceeded.

iv. Update section 5.8.2.4 to add required frequency of testing for the influent, midpoint, and effluent. Testing frequency should be, at a minimum, aligned with timing and frequency of effluent sampling for penta.

v. Update section 5.8.2.4 to indicate that once concentrations in the midpoint sample exceed the monthly average permit limits, the GAC will be changed out in the “lead” vessel. To verify that the GAC has been spent, a second sample may be taken within 24 hours of receiving the results. If the second sample does not exceed the penta monthly average permit limits, the change out may be delayed until two consecutive samples exceed the monthly average permit limits and an updated sampling plan has been approved by DEQ.

vi. Update section 5.8.2.4 to include a table that compares the flow rates to the superficial velocity through a single GAC vessel. Additional language must be added to section 5.6.2.4 to include a vendor-provided limitation and operational steps to reduce superficial velocity (for example, longer holding time in the storage tanks, throttling pumps, etc.).

vii. Update section 5.8.2.4 to include a requirement to notify DEQ when the GAC is spent and a date by which it will be changed out.

viii. Update the treatment system schematic, Figure 5 in the appendices to show the actual piping configuration of the GAC vessels.

c. Within 90 days after this order becomes final by operation of law or on appeal, submit documentation that all stormwater tanks have been fitted with high-level automatic shut-off valves.

d. Within 90 days after this order becomes final by operation of law or on appeal, submit documentation that a turbidity meter has been installed at Outfall 003. Until DEQ agrees otherwise, daily turbidity values must be reported on the monthly DMR sheets.

11

e. Within 60 days after this order becomes final by operation of law or on appeal, submit documentation that you have either:

- i. Installed a flowmeter at the influent to the GAC system to ensure superficial velocity does not exceed manufacturer recommendations, or
- ii. Develop and add to the O&M Plan standard practices to reduce velocities through the GAC units during all flow conditions, or
- iii. Provide calculations showing that under no condition does the velocity in the GAC units exceed manufacturer recommended values.

4. By July 30, 2026, submit final engineered plans for the upgrades to the stormwater treatment system to Bradley Eagleson, DEQ, Bradley.eagleson@deq.oregon.gov or at 165 E. 7th St, Eugene, OR 97401, for review and approval. The plans must be based upon the evaluation completed by Maul Foster Alongi that was sent to DEQ on May 5, 2025. The upgrades should include additional granular activated carbon units, replacement of existing bag filters with sand filters and clarification tanks, installation of a new filter press, added automation, and installation of chemical storage tanks and appurtenances, or similar systems to improve overall performance of the treatment system.

5. By July 30, 2027, complete DEQ-approved upgrades to the stormwater treatment system.

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 **503-229-6762** 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

1 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
2 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
3 you will be notified of the time and place of the hearing and you will be given information on the
4 procedures, and other rights of parties relating to the conduct of the hearing before commencement of
5 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
6 limited liability company, unincorporated association, trust or government body, you must be
7 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

8 Active duty Service members have a right to stay proceedings under the federal Service
9 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
10 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
11 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
12 Department does not have a toll free telephone number.

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

19
20
21 Date

22 9/8/2025

23 E. Saylor
24 Erin Saylor, Interim Manager
25 Office of Compliance and Enforcement
26
27

EXHIBIT 1

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

<u>VIOLATION 1</u>	Failing to completely and accurately determine if Respondent's residues (as defined in OAR 340-100-0010(2)(hh) and 40 CFR 261.2 as adopted by OAR 340-100-0002) were hazardous waste, in violation of OAR 340-102-0011(2).
<u>CLASSIFICATION:</u>	This is a Class I violation pursuant to OAR 340-012-0068(1)(a).
<u>MAGNITUDE:</u>	The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(a)(A) because Respondent failed to make complete and accurate hazardous waste determinations on five waste streams at their points of generation: 1) filter cake from the filter press in the stormwater treatment system (SWTS), 2) sediment from tanks in the SWTS, 3) debris from the SWTS including filter socks, 4) spent activated carbon from the SWTS, and 5) sweepings from the MatCon.
<u>CIVIL PENALTY FORMULA:</u>	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 \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste and violated a hazardous waste rule.
"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. The violation was ongoing from 2013 to April 2023 for the filter cake, debris, and sediment from the SWTS, and from 2016 to April 2023 for the spent activated carbon from the SWTS, and from late January through mid-March 2024 for the MatCon sweepings. Each day of violation is a separate occurrence.
"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, as defined in OAR 340-012-

0030(15). Historically, the wastes generated at the SWTS were managed as F032 hazardous waste. Respondent had access to and knowledge of the historical hazardous waste management records. Additionally, the pile of MatCon sweepings went uncharacterized for several months, despite Respondent's awareness of this requirement. By failing to take measures to ensure these wastes were properly characterized, Respondent failed to take reasonable care to avoid the foreseeable risk of conduct resulting in a violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -1 according to OAR 340-012-0145(6)(e), because Respondent made reasonable efforts to ensure the violation would not be repeated. In 2023 and 2024, Respondent routed contaminated groundwater wells away from the SWTS, and began managing the SWTS and MatCon sweeping wastes as hazardous wastes, but Respondent has not yet paid generator fees on the mis-characterized wastes from 2013-2022.

"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 \$201,548. This is the amount Respondent gained by avoiding spending an estimated total of \$232,295 on annual hazardous waste generator fees for hazardous waste that Respondent mis-characterized as non-hazardous waste in reporting years 2013-2022. 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
= \$12,000 + [(0.1 x \$1,200) x (0 + 0 + 4 + 4 + (-1))] + \$201,548
= \$12,000 + [\$1,200 x 7)] + \$201,548
= \$12,000 + \$8,400 + \$201,548
= \$221,948

EXHIBIT 2

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

VIOLATION 2: Disposing of hazardous waste at locations not permitted to accept hazardous waste, in violation of ORS 466.100(1).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0068(1)(h).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(b)(A)(i) because Respondent disposed of more than 55 gallons or 330 pounds of hazardous waste. Respondent illegally disposed of approximately 2,000 tons (3.8 million pounds) of hazardous waste.

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 \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste and violated a hazardous waste rule.

"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. This violation was ongoing from 2013 to 2022. Each day of violation is a separate occurrence.

"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, as defined in OAR 340-012-0030(15). Respondent was aware that historically, these wastes from the Facility were disposed of as hazardous waste. Additionally, Respondent was aware that listed hazardous waste, including spills of penta, was entering the SWTS. By failing to take measures to ensure these wastes were properly disposed of for multiple years, Respondent failed to take reasonable care to avoid the foreseeable risk of conduct resulting in a violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure the violation would not be repeated by resuming managing and disposing of the SWTS wastes as hazardous in response to DEQ's investigation.

"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 \$300,385. This is the amount Respondent gained by avoiding spending \$343,621 to dispose of the SWTS wastes at a site permitted to accept hazardous waste. 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
= \$12,000 + [(0.1 x \$12,000) x (0 + 0 + 4 + 4 + (-1))] + \$300,385
= \$12,000 + (\$1,200 x 7) + \$300,385
= \$12,000 + \$8,400 + \$300,385
= \$320,785

EXHIBIT 3

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

VIOLATION 3: Treating hazardous waste without a permit, in violation of ORS 466.095(1)(c).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0068(1)(h).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1) because the information reasonably available to DEQ does not support application of a selected magnitude or an unselected 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 \$6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste and violated a hazardous waste rule.

"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 DEQ does not have sufficient 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 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent, as defined in OAR 340-012-0030(15). By failing to ensure that oil was effectively removed from the liquid process waste before it entered the evaporator, Respondent failed to take reasonable care to avoid the foreseeable risk of conduct constituting a violation.

"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 DEQ has insufficient information to make a finding under paragraphs (6)(a) through (6)(e), or (6)(g).

"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, as DEQ does not have sufficient information on which to base an estimate under OAR 340-012-0150.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$6,000 + [(0.1 x \$6,000) x (0 + 0 + 0 + 4 + 0)] + \$0
= \$6,000 + (\$600 x 4) + \$0
= \$6,000 + \$2,400 + \$0
= \$8,400

EXHIBIT 4

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

VIOLATION 4: Accumulating hazardous waste in tanks without meeting the requirements of 40 CFR 265, Subpart J, in violation of 40 CFR 262.17(a)(2), 40 CFR 265.191 or 40 CFR 265.192, and 40 CFR 265.193.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0068(1)(d).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(c)(A)(i) because the violation involved more than 1,000 gallons or 6,000 pounds of hazardous waste. Tanks 13, 15, 16, 17, 18, and 32 have a total capacity of 104,453 gallons of hazardous waste. The southern tank farm containment has a total capacity of 59,810.59 gallons and stored 10,000 gallons of hazardous waste at the time of violation.

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 \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste and violated a hazardous waste rule.

"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 3 according to OAR 340-012-0145(4)(c), because there were between seven and 28 occurrences of the violation. Respondent accumulated hazardous waste in seven non-compliant tanks: tanks 13, 15, 16, 17, 18, and 32 (oil/water separator), and the southern tank farm containment (for one week in December 2022).

"M" is the mental state of the Respondent and receives a value of 2 according to OAR 340-012-0145(5)(b), because Respondent is a highly-regulated large-quantity generator of hazardous waste and Respondent reasonably should have known of the requirement, since at least June

26, 2023, when DEQ sent Respondent an Amended Pre-Enforcement Notice identifying the violation and corrective actions requested.

"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 there is insufficient information on which to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g). Respondent ceased storing hazardous waste in secondary containment at the southern tank farm, but has not provided DEQ with a Professional Engineer's assessment of tanks 13, 15, 16, 17, 18, or the oil/water separator (tank 32) in compliance with Subpart J, and Respondent has not provided DEQ with documentation that Respondent installed secondary containment at those tanks in compliance with Subpart J.

"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 total value of \$29,116. Respondent gained \$27,387 by avoiding spending an estimated total of \$30,000 (\$5,000 per tank) to have six hazardous waste tanks (tanks 13, 15, 16, 17, 18, and 32) assessed by a professional engineer by December 12, 2022. Additionally, Respondent gained an estimated \$1,729 by avoiding spending \$1,902 cost to rent a storage tank for one week, by December 12, 2022, instead of storing hazardous waste in secondary containment that did not comply with Subpart J hazardous waste tank requirements. 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

$$\begin{aligned} &= \$12,000 + [(0.1 \times \$12,000) \times (0 + 0 + 3 + 2 + 0)] + \$29,116 \\ &= \$12,000 + [\$1,200 \times 5)] + \$29,116 \\ &= \$12,000 + \$6,000 + \$29,116 \\ &= \$47,116 \end{aligned}$$

EXHIBIT 5

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

VIOLATION 5: Failing to maintain and operate the Facility in a manner that minimizes the possibility of a release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in violation of 40 CFR 262.251.

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0068(2)(o).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(c)(A)(i), because the violation involved at least 1,000 gallons of hazardous waste. Respondent used secondary containment to store approximately 10,000 gallons of hazardous waste. The ignored tank level alarms resulted in hundreds of additional gallons of hazardous waste released or at risk of release in November and December 2022 and January 2023. An unknown additional amount of hazardous waste was released or at risk of release from the improperly-abandoned PCP pipe and evaporator overtopping.

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 \$6,000 for a Class II, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste and violated a hazardous waste rule.

"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 at least 28 occurrences of the violation. Each day of violation is a separate occurrence. The violation was repeated and ongoing from approximately December 2022 through February 2023.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d), because Respondent's conduct was reckless, as defined by OAR 340-012-

0030(20). DEQ issued Respondent a Warning Letter for this violation in 2021. During a period of significant rainfall beginning in late December 2022, when the process liquid treatment system was heavily burdened, Respondent chose to continue operations, generating more waste liquid, with not enough storage capacity. Respondent used secondary containment as hazardous waste storage and did not reduce production to address the burdened storage and treatment system until early January 2023. By continuing to generate waste without storage and treatment capacity, ignoring tank level alarms, and continuing to allow over-topping of the evaporator for many months (approximately March 2022 to February 2023) Respondent disregarded substantial and unjustifiable risks that the results would occur or the circumstances existed. Given Respondent's history of non-compliance with this requirement, and the multiple unaddressed conditions and pathways risking release at the Facility over long periods of time, the risk was of such a nature and degree that disregarding the risk constituted 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 -1 according to OAR 340-012-0145(6)(e), because Respondent made reasonable efforts to ensure that the violation would not be repeated. Respondent eventually installed a high-level alarm shut off valve on the evaporator in February 2023, and brought more experienced staff from the Eugene facility to run the process equipment and provide training to Facility staff. Additionally, Respondent removed the improperly-abandoned piping that contained penta, and ceased storing hazardous waste in secondary containment.

"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, as DEQ has insufficient information on which to base a reasonable estimate of the economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$6,000 + [(0.1 x \$6,000) x (0 + 0 + 4 + 8 - 1)] + \$0
= \$6,000 + [\$600 x 11] + \$0
= \$6,000 + \$6,600 + \$0
= \$12,600

EXHIBIT 6

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

VIOLATION 6: Failing to immediately and completely clean up releases of hazardous materials as completely as possible, in violation of OAR 340-142-0060(1) and (2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0081(1)(a).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0130(3), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and DEQ finds that the violations had a significant adverse impact on the environment. In making this finding, DEQ considered the degree of deviation from the rules, the volume and toxicity of materials involved, and the duration of the violation.

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)(K) because Respondent violated an oil and hazardous material spill and release rule during a commercial activity.

"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 2 according to OAR 340-012-0145(4)(b) because there was more than one but less than seven occurrences of the violation. Respondent failed to do an immediate and complete cleanup of at least five releases that occurred in March of 2022, on July 18, 2022, November 30, 2022, and December 9, 2022, and another unreported release sometime between December 1-8 of 2022.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless as defined in OAR 340-012-0030(20). By washing spilled hazardous waste into the stormwater treatment system for disposal, rather than containing the spill residues and disposing of them properly,

Respondent consciously disregarded the substantial and unjustifiable risk that Respondent was committing a violation. The risk of contaminating the environment by sending spilled process hazardous waste to the SWTS, which was not permitted to receive it, was 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.

"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 there is insufficient information to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g), and 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 \$70,326. This is the amount Respondent gained by avoiding spending an estimated total of \$77,382 to immediately clean out the stormwater treatment system after each of five releases by December 31, 2022. 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

$$\begin{aligned} &= \$8,000 + [(0.1 \times \$8,000) \times (0 + 0 + 2 + 8 + 0)] + \$70,326 \\ &= \$8,000 + (\$800 \times 10) + \$70,326 \\ &= \$8,000 + \$8,000 + \$70,326 \\ &= \$86,326 \end{aligned}$$

EXHIBIT 7

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

VIOLATION 7: Failing to immediately notify OERS of releases of the reportable quantity of hazardous materials, in violation of OAR 340-142-0040(1).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0081(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)(K) because Respondent violated an oil and hazardous material spill and release rule during a commercial activity.

"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)(e) because DEQ is exercising discretion to issue separate penalties for each occurrence of the violation. There were five occurrences of the violation: in March of 2022, on July 18, November 30, and December 9, 2022, and another unreported release sometime between December 1-8 of 2022. When DEQ assesses separate penalties for each occurrence of a violation, the O factor is set at 0.

"M" is the mental state of the Respondent and receives a value of 10 according to OAR 340-012-0145(5)(e) because Respondent's conduct was flagrant as defined in OAR 340-012-0030(11). Respondent had actual knowledge that the conduct was unlawful. Respondent is aware of the requirement to immediately report spills to OERS and has done so in the past. In addition, the requirements and reportable quantities are stated in Respondent's Spill Prevention, Control, and Countermeasure (SPCC) Plan for the Facility. However, until DEQ

directed Respondent to report releases discovered by DEQ beginning in December 2022, Respondent had not reported any of the releases described above. Respondent's management at various times directed Respondent's employees not to report and to minimize volumes of releases when they eventually reported. Respondent consciously set out to commit the violations. Timely reporting would have allowed timely response and appropriate corrective action by regulatory agencies and Respondent.

- "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 there is insufficient information to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g) and 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, as DEQ does not have sufficient information on which to base an estimate of any economic benefit gained as a result of this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 0 + 0 + 10 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 10) + \$0 \\ &= \$4,000 + \$4,000 + \$0 \\ &= \$8,000 \end{aligned}$$

Pursuant to OAR 240-012-0145(4)(e), DEQ exercises discretion to assess five penalties, for a total penalty of **\$40,000**.

EXHIBIT 8

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

VIOLATION 8: Storing hazardous waste at the Facility longer than 90 days without a permit, in violation of ORS 466.095(1)(a).

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0068(2)(d).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(c)(A)(i), because the violation involved at least 1,000 gallons of hazardous waste. Respondent stored three 21,000-gallon tanks and 12 275-gallon containers of hazardous waste for longer than 90 days without a permit.

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 \$6,000 for a Class II, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste and violated a hazardous waste rule.

"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 the violation was ongoing for more than 28 days. Each day of violation is a separate occurrence. The hazardous waste was associated with a release from a retort at the Facility and generated on August 21, 2023. DEQ granted an initial 30-day storage extension on November 22, 2023, which expired December 19, 2023, and Respondent did not apply for or receive further extensions. Therefore, the violation was ongoing from December 19, 2023 until the waste was disposed in late April-early May 2024.

"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, as defined by OAR 340-012-0030(15). Respondent was aware that the hazardous waste was stored beyond 90 days and past the extension, and by failing to request additional extensions or timely dispose of the

hazardous waste, Respondent failed to take reasonable care to avoid the foreseeable risk of committing this violation.

- "C" is Respondent's efforts to correct or mitigate the violation and receives a value of -2 according to OAR 340-012-0145(6)(d), because Respondent eventually made some efforts to correct the violation or minimize effects of the violation. Respondent eventually disposed of the waste in late April-early May of 2024.
- "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, as DEQ has insufficient information on which to base a reasonable estimate of the economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$6,000 + [(0.1 x \$6,000) x (0 + 0 + 4 + 4 + -2)] + \$0
= \$6,000 + [\$600 x 6] + \$0
= \$6,000 + \$3,600 + \$0
= \$9,600

EXHIBIT 9

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

VIOLATION 9: Discharging stormwater that exceeded the water quality-based effluent limit for pentachlorophenol, in violation of Schedule A, Condition 1 of the Permit and ORS 468B.025(2).

CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0055(1)(l).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(ii), because the receiving stream flow at the time of the WQBEL exceedances was more than twice the flow used to calculate the WQBEL. The stream flow used to calculate the WQBEL allowed for utilization of 5% of the stream flow which resulted in a minimum dilution of 27.

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 \$2,000 for a Class I, minor 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)(ii), because Respondent has a Tier 2 industrial source NPDES Permit and violated a water quality statute, rule, or permit, or related order.

"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. Respondent violated the daily maximum limit for penta on 36 occasions: December 14, 21, and 29, 2022; January 4, 12, 19, 27, 2023; February 14, 2023; March 13, 21, 29, 30-31, 2023; April 5-7 and 12-14, 2023; January 30-31, 2024; February 7-8 and 21-22, 2024; March 5-7 and 12-13, 2024; November 4, 13-14, and 20, 2024; and December 17-18, 2024. Respondent violated the monthly average limit for penta on 11 occasions: in January and December of 2022; January, February, March, and April of 2023; and January, February, March, November, and December of 2024. Pursuant to OAR 340-012-0145(4)(e), DEQ is assessing a separate penalty for three of the violations. To arrive at "O," DEQ divides the total number of violations (47) by the number of violations penalized (3). Therefore, each assessed penalty represents 15.66 occurrences for an "O" factor of 3 pursuant to OAR 340-012-0145(4)(c).

"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, as defined by OAR 340-012-0030(15). The effluent limits are expressly stated in the Permit. DEQ issued Respondent Pre-Enforcement Notices citing this violation in 2023 and 2024. By continuing to have numerous exceedances of the penta limit over multiple years without taking prompt and comprehensive measures to address the problem, Respondent failed to take reasonable care to avoid the foreseeable risk of conduct constituting or resulting in a violation.

"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 there is insufficient information on which to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g) and 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, pursuant to OAR 340-012-0150(3), "EB" receives a value of \$0, as DEQ does not have enough information on which to base a finding that the economic benefit Respondent gained in committing this violation is more than de minimis.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$2,000 + [(0.1 x \$2,000) x (0 + 0 + 3 + 4 + 0)] + \$0
= \$2,000 + (\$200 x 7) + \$0
= \$2,000 + \$1,400 + \$0
= \$3,400

Pursuant to OAR 240-012-0145(4)(e), DEQ exercises discretion to assess three penalties, for a total penalty of **\$10,200**.

EXHIBIT 10

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

VIOLATION 10: Discharging stormwater that exceeded the water quality-based effluent limit for copper, in violation of Schedule A, Condition 1 of the Permit and ORS 468B.025(2).

CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0055(1)(l).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(ii), because the receiving stream flow at the time of the WQBEL exceedances was more than twice the flow used to calculate the WQBEL. The stream flow used to calculate the WQBEL allowed for utilization of 5% of the stream flow which resulted in a minimum dilution of 27.

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 \$2,000 for a Class I, minor 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)(ii), because Respondent has a Tier 2 industrial source NPDES Permit and violated a water quality statute, rule, or permit, or related order.

"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 3 according to OAR 340-012-0145(4)(c) because there were seven occurrences of the violation. Respondent violated the daily maximum limit for copper on December 29, 2022; April 13 and 14, 2023; March 5, 2024; and November 26, 2024, and the monthly average limit for copper in April 2023 and November 2024.

"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, as defined in OAR 340-012-0030(15). The effluent limits are expressly stated in the Permit. Respondent exceeded the Permit limit for copper seven times from December 2022 through November 2024, and DEQ issued Respondent Pre-Enforcement Notices citing this violation in 2023 and 2024. By continuing to have numerous exceedances of the copper limit over two years without taking

prompt and comprehensive measures to address the problem, Respondent failed to take reasonable care to avoid the foreseeable risk of conduct constituting or resulting in a violation.

"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 there is insufficient information on which to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g) and 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, pursuant to OAR 340-012-0150(3), "EB" receives a value of \$0, as DEQ does not have enough information on which to base a finding that the economic benefit Respondent gained in committing this violation is more than de minimis.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$2,000 + [(0.1 x \$2,000) x (0 + 0 + 3 + 4 + 0)] + \$0
= \$2,000 + (\$200 x 7) + \$0
= \$2,000 + \$1,400 + \$0
= \$3,400

EXHIBIT 11

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

VIOLATION 11: Discharging stormwater that exceeded the water quality-based effluent limit for iron, in violation of Schedule A, Condition 1 of the Permit and ORS 468B.025(2).

CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0055(1)(l).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(ii), because the receiving stream flow at the time of the WQBEL exceedances was more than twice the flow used to calculate the WQBEL. The stream flow used to calculate the WQBEL allowed for utilization of 5% of the stream flow which resulted in a minimum dilution of 27.

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 \$2,000 for a Class I, minor 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)(ii), because Respondent has a Tier 2 industrial source NPDES Permit and violated a water quality statute, rule, or permit, or related order.

"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 3 according to OAR 340-012-0145(4)(c) because there were eleven occurrences of the violation. Respondent violated the daily maximum limit for iron on December 29, 2022; April 12-14, 2023; March 5, 2024; November 26, 2024, and the monthly average limit for iron in December 2022, April 2023, May 2023, and March and November 2024.

"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, as defined in OAR 340-012-0030(15). The effluent limits are expressly stated in the Permit. Respondent exceeded the Permit limit for iron eleven times from December 2022 through November 2024, and DEQ issued Respondent a Pre-Enforcement Notice citing this violation in 2023. By continuing to have numerous exceedances of the iron limit from December 2022 through November 2024,

without taking prompt and comprehensive measures to address the problem, Respondent failed to take reasonable care to avoid the foreseeable risk of conduct constituting or resulting in a violation.

- "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 there is insufficient information on which to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g) and 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, pursuant to OAR 340-012-0150(3), "EB" receives a value of \$0, as DEQ does not have enough information on which to base a finding that the economic benefit Respondent gained in committing this violation is more than de minimis.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$2,000 + [(0.1 x \$2,000) x (0 + 0 + 3 + 4 + 0)] + \$0
= \$2,000 + (\$200 x 7) + \$0
= \$2,000 + \$1,400 + \$0
= \$3,400

EXHIBIT 12

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

VIOLATION 12: Failing to inspect and clean out the stormwater treatment system – including the storage tanks, mix tanks and sedimentation tanks, surge tank and filter bag vessels – in 2023, in violation of ORS 468B.025(2), Schedule F, Condition B.1 of the Permit, and conditions 5.1.5, 5.5.2.3, 5.6.2.3, and 5.7.2.3 of the Operations and Maintenance Plan.

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0055(2)(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 DEQ does not have evidence showing that the magnitude is major under paragraph (3) or minor under paragraph (4).

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 \$2,000 for a Class II, moderate 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)(ii), as 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.

"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 was one occurrence of the violation, an annual requirement to be completed in 2023.

"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. The annual requirement is express in the Operations and Maintenance Plan and Respondent has complied with the requirement in years past, therefore, by failing to complete this requirement in the year 2023, Respondent failed to take reasonable care to avoid this foreseeable risk of committing this violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure that the violation would not be repeated. Respondent conducted an inspection and clean out of the system in 2024.

"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 \$14,450. This is the amount Respondent gained by delaying spending \$229,600, from October 31, 2023, to December 31, 2024, to dispose hazardous waste sludge from the annual cleanout of the SWTS as required by the Permit.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= \$2,000 + [(0.1 x \$2,000) x (0 + 0 + 0 + 4 + (-1))] + \$14,450
= \$2,000 + (\$200 x 3) + \$14,450
= \$2,000 + \$600 + \$14,450
= \$17,050

EXHIBIT 13

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

VIOLATION 13: Discharging untreated stormwater to waters of the state from points not authorized by the Permit, in violation of the Permit and ORS 468B.025(2).

CLASSIFICATION: These are Class I violations pursuant to OAR 340-012-0055(1)(c).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0130(3), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and DEQ finds that the violation had a significant adverse impact on human health or the environment. In making this finding, DEQ especially considered the concentration, volume, and toxicity of the materials involved, the degree of deviation from applicable statutes, rules, and the Permit, and the duration of the violation.

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)(ii), because Respondent has a Tier 2 industrial source NPDES Permit and violated a water quality statute, rule, or permit, or related order.

"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 3 according to OAR 340-012-0145(4)(c) because there were 11 occurrences of the violation. Respondent had overflows from the SWTS that discharged from unpermitted locations on 11 occasions in 2024: April 20, October 31, November 1, 11, 13, 17-20, and 22, and December 16, 2024.

"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 is aware of the capacity of the SWTS and should have taken more effective measures to prevent these overflows, including annual inspection, maintenance, and cleanout of the system in 2023.

By failing to take these measures to ensure the overflows and discharges to waters of the state did not occur, Respondent failed to take reasonable care to avoid the foreseeable risk of committing these violations.

- "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 there is insufficient information on which to make a finding under paragraphs (6)(a) through (6)(e) or (6)(g) and 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 \$467,267. This is the amount Respondent gained by avoiding, since October 31, 2023, spending \$557,292 to hire a contractor to conduct the 2023 annual clean out of the SWTS as required by the Permit. Timely clean out of the SWTS as required in 2023 would have prevented, or mitigated the impacts of, the overflows from the system. 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

$$\begin{aligned} &= \$8,000 + [(0.1 \times \$8,000) \times (0 + 0 + 3 + 4 + 0)] + \$467,267 \\ &= \$8,000 + (\$800 \times 7) + \$467,267 \\ &= \$8,000 + \$5,600 + \$467,267 \\ &= \$480,867 \end{aligned}$$

ORS 468.130(1) provides that no civil penalty shall exceed \$25,000 per day of violation. OAR 340-012-0150(6) provides that DEQ's calculation of EB may not result in a civil penalty for a violation that exceeds the maximum civil penalty allowed by rule or statute, however, when a violation has occurred or been repeated for more than one day, DEQ may treat the violation as extending over at least as many days as necessary to recover the economic benefit of the violation. This violation occurred on 11 days, therefore, the penalty for this violation is capped at **\$275,000**.

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:	September 8, 2025
RESPONSE DATE*:	November 17, 2025
TOTAL PENALTY:	\$929,499.00

Account Name:	SJC SHERIDAN		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600017
SubSystem ID:	198674	FIMS Acct. ID:	1097

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 929,499.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 929,499.00

*This is the date the penalty is due if you do not exercise your right to appeal the attached order. 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.	CPGFD2600017	
PAYCODE:	00401 7400 10040 74001 0500 000000 00	
FEE PROGRAM ID:	950	RESPONSE DATE: November 17, 2025
FIMS ACCT. ID:	1097	TOTAL PENALTY DUE: \$929499.00

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 0095000010976 CPGFD260001700929499003



State of Oregon Department of Environmental Quality

DEQ

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
9/8/2025	2024-557 LQ-HW-WR-2024-557	\$929,499.00

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 _____

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 465.900(2)

DATE:	September 8, 2025
RESPONSE DATE*:	November 17, 2025
TOTAL PENALTY:	\$126,326.00

Account Name:	SJC SHERIDAN		
Account Type:	Vendor/Organization/Company	Reference Number:	CPHSR2600001
SubSystem ID:	198674	FIMS Acct. ID:	1097

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 126,326.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 126,326.00

*This is the date the penalty is due if you do not exercise your right to appeal the attached order. 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.	CPHSR2600001
PAYCODE:	00511 3410 10040 34134 0500 000000 00
FEE PROGRAM ID:	951
FIMS ACCT. ID:	1097
RESPONSE DATE:	November 17, 2025
TOTAL PENALTY DUE:	\$126326.00

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.

00511 3410 10040 34134 0500 000000 0095100010976 CPHSR260000100126326008



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 465.900(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
9/8/2025	2024-557 LQ-HW-WR-2024-557	\$126,326.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00511	3410	10040	34134	0500	00000	00

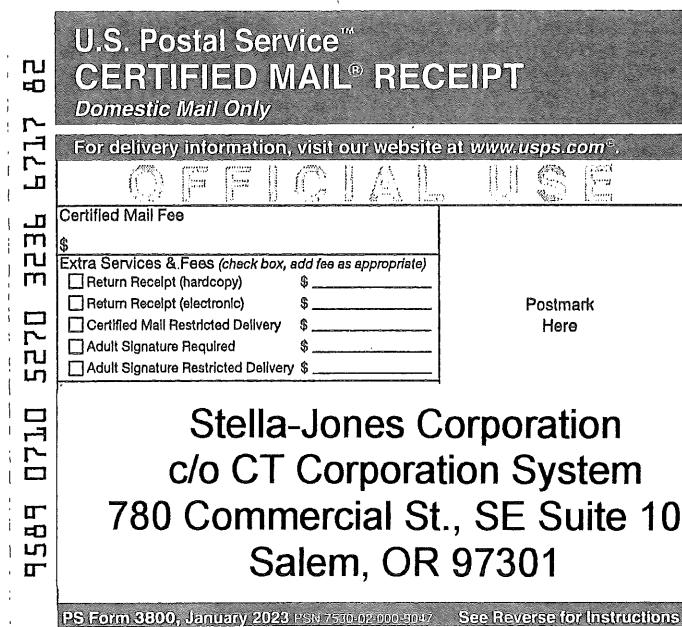
Address Changes

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. LQ-HW-WR-2024-557 upon:



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 September 8, 2025

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