



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

October 28, 2025

CERTIFIED MAIL: 9589 0710 5270 3236 6720 17

Erickson Incorporated
c/o C T Corporation System, Registered Agent
780 Commercial St SE Ste 100
Salem, OR 97301-3465

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ-SW-WR-2023-626

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$8,507 for failing to comply with the NPDES 1200-Z Stormwater Discharge General Permit. You have coverage under the permit for your facility located at 3100 Willow Springs Road in Central Point. During the 2022-2023 monitoring year, you failed to perform all of the required grab sample monitoring at your facility and failed to timely submit all of the four required quarterly discharge monitoring reports.

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

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:

<https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges.

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

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

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

Via email – DEQappeals@deq.oregon.gov

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due.

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

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of your penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Michael Lee at 503-875-2852.

Sincerely,



Erin Saylor, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: James Mouldsdale, Erickson Incorporated (via email at James.Mouldsdale@ericksoninc.com)
Darren Kitchel, Erickson Incorporated (via email at darren.kitchel@ericksoninc.com)
Justin McGillivary, DEQ, Western Region
Heather Tugaw, DEQ, Western Region
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:)
ERICKSON INCORPORATED)
Respondent.)
NOTICE OF CIVIL PENALTY
ASSESSMENT AND ORDER
CASE NO. WQ-SW-WR-2023-626

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

II. FINDINGS OF FACT

1. Respondent is registered under the National Pollutant Discharge Elimination System 1200-Z Permit (the "Permit") for the facility located at 3100 Willow Springs Road in Central Point, Oregon (the Facility).

2. Schedule B, Condition 7(f), Table 6 of the Permit requires permittees to monitor for statewide benchmark and impairment pollutants four times per monitoring year (July 1 through June 30). Respondent must perform, at each monitoring point, two instances of grab sample monitoring between July 1 and December 31st, and two instances of grab sample monitoring between January 1 and June 30th of each monitoring year.

3. Schedule B, Condition 14 of the Permit requires Respondent to submit to DEQ or its agent all monitoring results on a quarterly basis as set forth in Schedule B, Condition 14, Table 7 of the Permit.

4. The Facility has three monitoring points.

5. For the monitoring year 2022-2023, Respondent's Discharge Monitoring Reports (DMRs) were due as follows: the first quarter DMR was due November 15, 2022; the second quarter DMR was February 15, 2023; the third quarter DMR was due May 15, 2023; and the fourth quarter DMR was due August 15, 2023.

6. Respondent submitted the first quarter and third quarter DMRs for the monitoring year 2022-2023 on October 3, 2023. Respondent submitted the second quarter and fourth quarter DMRs on October 12, 2023.

7. Respondent's Discharge Monitoring Reports (DMRs) for the monitoring year 2022-2023 indicate that Respondent performed none of the four required instances of grab sample monitoring from each of the three monitoring points.

III. CONCLUSIONS

1. Respondent has violated ORS 468B.025(2) and Schedule B, Condition 7(f) of the Permit by failing to perform the minimum number of required grab sample monitoring instances. Specifically, Respondent performed none of the four required instances of grab sample monitoring from the Facility's three monitoring points, for a total of twelve failed samples, during the 2022-2023 monitoring year. These are Class I violations pursuant to OAR 340-012-0055(1)(o). DEQ hereby assesses a \$8,507 civil penalty for this violation.

2. Respondent violated ORS 468B.025(2) and Schedule B, Condition 14 of the Permit by failing to submit discharge monitoring reports in compliance with Schedule B, Condition 8, Table 7 of the Permit. These are Class II violations according to OAR 340-012-0055(2)(b). DEQ did not assess a civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY

Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is hereby ORDERED TO: Pay a total civil penalty of \$8,507. The determination of the civil penalty is in the attached Exhibit and is incorporated as part of this Notice.

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

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here: <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Reference Number and FIMS 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

1 additional charges.

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

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

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

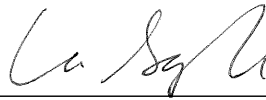
22 Active duty Service members have a right to stay proceedings under the federal Service
23 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
24 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
25 Forces Legal Assistance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

27 If you fail to file a timely request for hearing, the Notice will become a final order by default

1 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
2 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the
3 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates
4 the relevant portions of its files, including information submitted by you, as the record for purposes of
5 proving a prima facie case.
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9 10/20/2025

10 Date



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Erin Saylor, Interim Manager
Office of Compliance and Enforcement

EXHIBIT 1

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

VIOLATION: Failing to conduct stormwater monitoring, in violation of Schedule B of the 1200-Z Permit and ORS 468B.025(2). Specifically, Respondent failed to perform any of four required instances of grab sample monitoring at its three monitoring points during the 2022-2023 monitoring year.

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

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(iii) because Respondent has coverage under an NPDES 1200-Z General Permit.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 2 according to OAR 340-012-0145(2)(a)(C) because Respondent has one prior significant action, EEO #2022-EEO-6579, that included one class I violation.

"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 insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. The Permit requires Respondent to monitor stormwater discharge from three outfalls at the Facility. Respondent failed to complete four of the required instances of grab sample monitoring at each outfall, for a total of 12 occurrences.

"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 applied for coverage under the Permit and has a copy of the Permit, which expressly requires Respondent to

perform monitoring for statewide benchmark and impairment pollutants according to the frequency described in the Permit. By failing to perform the required monitoring, Respondent failed to take reasonable care to avoid a foreseeable risk of 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 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 \$907. This is the amount Respondent gained by avoiding spending a total of \$1,044 for sampling and analysis costs for 12 missed grab samples during the 2022-2023 monitoring year (\$87 per four missed events x three monitoring points). This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (2 + 0 + 3 + 4 + 0)] + \$907 \\ &= \$4,000 + (\$400 \times 9) + \$907 \\ &= \$4,000 + \$3,600 + \$907 \\ &= \$8,507 \end{aligned}$$

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:	October 28, 2025
RESPONSE DATE*:	January 6, 2026
TOTAL PENALTY:	\$8,507.00

Account Name:	ERICKSON INCORPORATED <ERICKSON WILLOW SPRINGS FACILITY> <126151>		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600033
SubSystem ID:	194054	FIMS Acct. ID:	3486

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 8,507.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 8,507.00

*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'

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PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



REFERENCE NO.	CPGFD2600033		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	January 6, 2026
FIMS ACCT. ID:	3486	TOTAL PENALTY DUE:	\$8507.00

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 0095000034861CPGFD260003300008507006



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 468.135(2)

700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
Phone: 503-229-5437
Fax: 503-229-5850

Penalty Detail

Transaction Date	Description	Amount
10/27/2025	2023-626 WQ-SW-WR-2023-626	\$8,507.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

Address Changes

Please visit <https://ydo.oregon.gov> to update your mailing address online or provide the following information:

Name _____
Address _____
City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. WQ-SW-WR-2023-626 upon:

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	
Erickson Incorporated c/o C T Corporation System, Registered Agent 780 Commercial St SE Ste 100 Salem, OR 97301-3465	
PS Form 3800, January 2023 PSN 7530-02-000-9017 See Reverse for Instructions	

9589 0710 5270 3236 6720 17

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 October 28, 2025

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality