



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 9, 2025

CERTIFIED MAIL: 9589 0710 5270 3236 6719 73

Petrocard, Inc.
c/o Corporation Service Company, Registered Agent
1127 Broadway Street NE, Ste 310
Salem OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ-UST-WR-2023-051

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$16,500 for violations at your underground storage tank (UST) facility at 1190 Industrial Way NE in Salem. Specifically, you failed to install a compliant method of release detection that can detect a release from any portion of the UST system, and failed to maintain required records of cathodic protection inspections.

DEQ issued this penalty because petroleum releases can have lasting harmful effects on the environment and human health. DEQ takes compliance with release detection equipment requirements seriously, as well as cathodic protection inspections and recordkeeping requirements. DEQ is especially concerned that the release detection violation was cited in a Field Citation issued to you in 2019, but you did not correct it until after receiving a Pre-Enforcement Notice in 2023.

DEQ appreciates your efforts to eventually correct the violations and DEQ considered these efforts when determining the amount of 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, or

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: Mark Drouin, DEQ
Wes Sherman, wsherman@petrocard.com

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:)	NOTICE OF CIVIL PENALTY
PETROCARD, INC.,)	ASSESSMENT AND ORDER
)	
Respondent.)	CASE NO. LQ-UST-WR-2023-051

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 466.706 through 466.882, ORS 466.994, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, and 150.

II. FINDINGS OF FACT

1. At all material times, Respondent has owned an underground storage tank (UST) system, located at 1190 Industrial Way NE, in Salem, Oregon (the Facility).
2. On or about May 20, 1987, four steel Underground Storage Tanks (USTs) were installed at the Facility. The UST system consists of the four USTs and connected piping. The UST system has a capacity of 18,000 gallons of gasoline and 20,000 gallons of diesel, which are regulated substances.
3. DEQ conducted an inspection of the Facility on August 13, 2019. On and before August 13, 2019, and until approximately August of 2023, Respondent did not have a method of release detection at the Facility that could detect a release from all portions of the USTs and underground piping that routinely contain a regulated substance.
4. On February 22, 2023, DEQ conducted an inspection of the UST system and reviewed Respondent's records for the UST system. On February 22, 2023, DEQ requested, verbally and in writing, records of the last two three-year cathodic protection inspections and tests for the Facility. On April 15, 2023, DEQ sent Respondent another written request for these records in a Pre-Enforcement Notice. Respondent did not provide these records to DEQ until September 12, 2023.

III. CONCLUSIONS

1. Respondent violated OAR 340-150-0400(1)(a) by failing to install a method of release

1 detection that can detect a release from any portion of the UST system, as described in Paragraphs 1-3 of
2 Section II above. This is a Class I violation, according to OAR 340-012-0067(1)(e). DEQ hereby assesses
3 a \$12,600 civil penalty for this violation.

4 2. Respondent violated OAR 340-150-0325(6)(b) by failing to maintain records necessary to
5 demonstrate compliance with the last two three-year cathodic protection inspections and tests, as described
6 in Paragraphs 1-2 and 4 of Section II above. This is a Class II violation, according to OAR 340-012-
7 0053(2). DEQ hereby assesses a \$3,900 civil penalty for this violation.

8 IV. ORDER TO PAY CIVIL PENALTY

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

11 Pay a total civil penalty of \$16,500. The determination of the civil penalty is attached as
12 Exhibits 1 and 2, which are incorporated as part of this Notice.

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

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

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

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

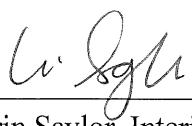
24 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
25 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
26 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
27 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered

1 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
2 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
3 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
4 it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge
5 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
6 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
7 represented by an attorney at the hearing, however you are not required to be. If you are an individual,
8 you may represent yourself. If you are a corporation, partnership, limited liability company,
9 unincorporated association, trust, or government body, you must be represented by an attorney or a
10 duly authorized representative, as set forth in OAR 137-003-0555.

11 Active-duty Service members have a right to stay proceedings under the federal Service
12 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
13 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
14 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
15 Department does not have a toll-free telephone number.

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

22
23
24
25 10/9/2025
26 Date

27


Erin Saylor, Interim Manager
Office of Compliance and Enforcement

EXHIBIT 1

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

- VIOLATION NO. 1 Failing to install a method of release detection that can detect a release from any portion of the UST system, in violation of OAR 340-150-0400(1)(a).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0067(1)(e).
- 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 for 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 \$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)(I), because Respondent is the owner, operator, or permittee of 36 UST facilities.
- "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). On August 22, 2019, DEQ issued Respondent Field Citation Number 1677, which was paid by Respondent, with one Class I violation. On November 24, 2021, DEQ issued Respondent Notice of Civil Penalty and Order Number LQ/UST-WR-2021-160, with one Class II violation.
- "H" is Respondent's history of correcting prior significant actions and receives an initial value of -2 according to OAR 340-012-0145(3)(a) because Respondent corrected all prior violations cited as FEAs. However, pursuant to OAR 340-012-0145(3)(d), the sum of values for "P" and "H" may not be less than one because Respondent did not take extraordinary efforts to address the PSAs, so the final value of H is -1.
- "O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Each day of violation is a separate occurrence. The violation was ongoing from at least August 13, 2019, to approximately August 14, 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 failed to act intentionally with actual knowledge of the requirement. DEQ notified Respondent of this violation in a Field Citation in 2019.

Respondent paid the Field Citation, but did not take corrective action until August 2023 – after DEQ sent Respondent a Pre-Enforcement Notice citing the violation again.

"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 by installing the release detection equipment in August 2023.

"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 the amount Respondent gained by delaying the cost of compliance is de minimis, as calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$6,000 + [(0.1 x \$6,000) x (2 + (-1) + 4 + 8 + (-2))] + \$0
= \$6,000 + (\$600 x 11) + \$0
= \$6,000 + \$6,600 + \$0
= \$12,600

EXHIBIT 2

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

VIOLATION NO. 2 Failing to maintain records necessary to demonstrate compliance with the last two three-year cathodic protection inspections and tests, in violation of OAR 340-150-0325(6)(b).

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0053(2).

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 for 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 \$3,000 for a Class II, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(I), because Respondent is the owner, operator, or permittee of 36 UST facilities.

"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). On August 22, 2019, DEQ issued Respondent Field Citation Number 1677, which was paid by Respondent, with one Class I violation. On November 24, 2021, DEQ issued Respondent Notice of Civil Penalty and Order Number LQ/UST-WR-2021-160, with one Class II violation.

"H" is Respondent's history of correcting prior significant actions and receives an initial value of -2 according to OAR 340-012-0145(3)(a) because Respondent corrected all prior violations cited as FEAs. However, pursuant to OAR 340-012-0145(3)(d), the sum of values for "P" and "H" may not be less than one because Respondent did not take extraordinary efforts to address the PSAs, so the final value of H is -1.

"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. Respondent did not maintain the required records at DEQ's inspection on February 22, 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, as defined in OAR 340-012-0030(15). Respondent is the owner of multiple UST facilities. Respondent received advance notice of DEQ's inspection, which included a list of the records that Respondent would be required to provide during the inspection. DEQ again requested the records in an email the

same day following the inspection, and also in a Pre-Enforcement Notice on April 15, 2023. By failing to provide the records to DEQ until September 12, 2023, 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 -2 according to OAR 340-012-0145(6)(d) because Respondent eventually made some efforts to correct the violation by providing the records on September 12, 2023.

"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 the amount Respondent gained by delaying the cost of compliance is de minimis, as calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$3,000 + [(0.1 x \$3,000) x (2 + (-1) + 0 + 4 + (-2))] + \$0
= \$3,000 + (\$300 x 3) + \$0
= \$3,000 + \$900 + \$0
= \$3,900

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



State of Oregon
Department of Environmental Quality

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

UST - CIVIL PENALTY

DATE:	October 9, 2025
RESPONSE DATE*:	December 18, 2025
TOTAL PENALTY:	\$16,500.00

Account Name:	DEL WEB /INDUSTRIAL DRIVE		
Account Type:	Vendor/Organization/Company	Reference Number:	CPUST2600002
SubSystem ID:	271560	FIMS Acct. ID:	22255

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 16,500.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 16,500.00

*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.	CPUST2600002		
PAYCODE:	00563 3240 10040 32432 0500 000000 00		
FEE PROGRAM ID:	954	RESPONSE DATE:	December 18, 2025
FIMS ACCT. ID:	22255	TOTAL PENALTY DUE:	\$16500.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality

☐

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

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

00563 3240 10040 32432 0500 000000 0095400222552CPUST260000200016500003



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

UST - CIVIL PENALTY

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

Penalty Detail

Transaction Date	Description	Amount
10/9/2025	2023-051 LQ-UST-WR-2023-051	\$16,500.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00563	3240	10040	32432	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-UST-WR-2023-091 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 \$	
Petrocard, Inc. c/o Corporation Service Company, Registered Agent 1127 Broadway Street NE, Ste 310 Salem, OR 97301	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 3236 6719 73

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 9, 2025

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality