



# 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 00

Pat Cox, Mayor  
City of Port Orford  
PO Box 310  
Port Orford, OR 97465

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ-M-WR-2024-055

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$6,300 for violations of the National Pollutant Discharge Elimination System (NPDES) permit issued to the City's wastewater treatment plant. Specifically, the City exceeded effluent limitations in the Permit for Total Suspended Solids (TSS), pH, fecal coliform bacteria and Enterococci bacteria. The City also failed to submit required monitoring data, failed to submit complete Discharge Monitoring Reports (DMRs) and failed to report noncompliance with effluent limits in the NPDES Permit.

DEQ issued this penalty because compliance with effluent limitations and monitoring requirements set forth in the City's NPDES Permit is essential to protecting water quality.

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](mailto: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.

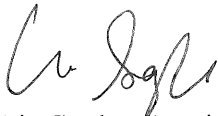
The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

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 Tori Heroux at 971-808-7046 or [Tori.Heroux@deq.oregon.gov](mailto:Tori.Heroux@deq.oregon.gov).

Sincerely,



Erin Saylor, Interim Manager  
Office of Compliance and Enforcement

Enclosures

cc: Andy Ullrich, DEQ  
Ranei Nomura, DEQ  
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF: )  
CITY OF PORT ORFORD ) NOTICE OF CIVIL PENALTY  
Respondent. ) ASSESSMENT AND ORDER  
CASE NO. WQ-M-WR-2024-055

I. AUTHORITY

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

II. FINDINGS OF FACT

1. On August 12, 2016, the Department of Environmental Quality (DEQ) issued a renewed National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit Number 101001 (2016 Permit) to the Respondent.

2. On January 1, 2022, DEQ issued a renewed NPDES Waste Discharge Permit Number 101001 (2022 Permit) to the Respondent. The Permit authorizes the Respondent to operate the City of Port Orford Wastewater Treatment Plant located at 913 12th Street in Port Orford, Oregon (the Facility) and to discharge treated wastewater into the Pacific Ocean, a water of the state, in conformance with the requirements, limitations and conditions set forth in the 2022 Permit.

3. Pursuant to Condition 1 of Schedule A of the 2016 and 2022 Permits, Respondent must meet the following waste discharge limitations for Total Suspended Solids (TSS) from Outfall 001:

<u>Parameter</u>	<u>Units</u>	<u>Average</u> <u>Monthly</u>	<u>Average</u> <u>Weekly</u>	<u>Daily</u> <u>Maximum</u>
TSS – May 1 – October 31	mg/L	30	45	-
	lb/day	30	45	60
	% removal	85	-	-
TSS – November 1- April 30	mg/L	30	45	-

	lb/day	76	140	260
	% removal	85	-	-

4. Between 2021 and 2025, Respondent exceeded the TSS limits in the 2016 and 2022

Permits respectively as follows:

<u>Effluent Limit</u>	<u>Reported Result</u> (% over limit)	<u>Violation Date</u>	<u>Violation Class</u>
TSS Percent Removal: 85%	83.8%	February 2021	III
TSS Weekly Avg Max Concentration: 45 mg/L	141 mg/L (213%)	Week of April 25, 2021	I
TSS Weekly Avg Max Loading: 45 lb/day	112.9 lb/day (151%)	Week of April 25, 2021	I
TSS Percent Removal: 85%	81.6%	May 2022	III
TSS Percent Removal: 85%	83.6%	September 2024	III
TSS Percent Removal: 85%	36.2%	June 2025	III

5. Pursuant to Condition 1 of Schedule A of the 2016 Permit, Respondent's effluent at Outfall 001 must maintain a pH of between 6.0 and 9.0.

6. In February 2021, Respondent discharged effluent from its facility from Outfall 001 with a daily pH as follows:

<u>Date</u>	<u>pH value</u>
2/2/2021	5.7
2/24/2021	5.8
2/25/2021	5.6
2/26/2021	5.7

7. Pursuant to Condition 1 of Schedule A of the 2016 Permit, Respondent's effluent from Outfall 001 must not exceed a daily maximum of 126 organisms of fecal coliform bacteria per 100 mL.

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8. In May 2021, Respondent discharged effluent from its facility from Outfall 001 with the following daily maximum values of organisms of fecal coliform bacteria per 100 mL:

Date	Number of fecal coliform per 100 mls
5/7/2021	195
5/14/2021	260
5/21/2021	435
5/28/2021	435

9. In June 2021, Respondent discharged effluent from its facility from Outfall 001 with the following daily maximum values of organisms of fecal coliform bacteria per 100 mL:

Date	Number of fecal coliform per 100 mls
6/4/2021	328
6/11/2021	328

10. Pursuant to Condition 1 of Schedule A of the 2016 Permit, Respondent's effluent from Outfall 001 must not exceed a daily maximum of 104 organisms of Enterococci bacteria per 100 mL or a monthly geometric mean of 35 organisms of Enterococci bacteria per 100 mL.

11. In May 2021, Respondent discharged effluent from its facility from Outfall 001 with a the following daily maximum values of Enterococci bacteria per 100 mL, and a monthly geomean of 270 Enterococci organisms per 100 mL:

Date	Number of enterococci bacteria per 100 mls
5/7/2021	435
5/14/2021	299
5/21/2021	238
5/28/2021	172

12. In June 2021, Respondent discharged effluent from its facility from Outfall 001 with the following daily maximum values of Enterococci bacteria per 100 mL and a monthly geomean of 45 Enterococci organisms per 100 mL.

Date	Number of enterococci bacteria per 100 mls
6/4/2021	435
6/11/2021	313

13. Pursuant to Condition 1 of Schedule A of the 2022 Permit, Respondent's effluent from Outfall 001 must not exceed a monthly geometric mean of 35 organisms of Enterococci bacteria per 100 mL.

14. In May 2022, Respondent discharged effluent from its facility from Outfall 001 with a

1 monthly geomean of 36.2 Enterococci organisms per 100 mL.

2 15. Pursuant to Schedule B, Condition 1 of the Permit, monitoring results must be reported  
3 each calendar month and are due on the 15th day of the month following the reporting period.

4 16. In 2021, Respondent's Discharge Monitoring Reports (DMRs) did not include the  
5 required daily data spreadsheets for October and November.

6 17. In 2022, Respondent's DMRs did not include the required daily data spreadsheets for  
7 May, June, July or October.

8 18. In 2023, Respondent's DMRs did not include the required daily data spreadsheet for  
9 November.

10 19. In April 2021, Respondent's DMRs did not include any data for influent or effluent 5-  
11 day Biochemical Oxygen Demand (BOD<sub>5</sub>).

12 20. Schedule F, Condition D.5.b of the Permit requires Respondent to report all instances of  
13 noncompliance with effluent limits within 5 days of Respondent becoming aware of the circumstances.

14 21. Respondent did not report any of the six exceedances of TSS effluent limits described in  
15 Paragraph 4 above within 5 days of becoming aware of the noncompliance.

16 22. Respondent did not report any of the four exceedances of the pH effluent limit described  
17 in Paragraph 6 above within 5 days of becoming aware of the noncompliance.

18 23. Respondent did not report any of the six exceedances of fecal coliform bacteria effluent  
19 limits described in Paragraphs 8-9 above within 5 days of becoming aware of the noncompliance.

20 24. Respondent did not report any of the nine exceedances of Enterococci bacteria effluent  
21 limits described in Paragraphs 11, 12 and 14 above within 5 days of becoming aware of the  
22 noncompliance.

23 25. Pursuant to Schedule F, Condition A.1 of the Permit, "[t]he Permittee must comply with  
24 all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised  
25 Statutes (ORS) 468B.025 and is grounds for enforcement action . . . ."

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### III. CONCLUSIONS

1. Respondent violated ORS 468B.025(2) and Schedule A, Condition 1.a of the Permit by exceeding the Permit limits for TSS on six occasions, as described in Section II, Paragraphs 3-4 above.

Specifically:

a. Respondent exceeded the technology-based effluent limit for TSS by 50 percent or more on two occasions. These are Class I violations pursuant to OAR 340-012-0055(1)(k)(A); and

b. Respondent exceeded the removal efficiency effluent limit for TSS on four occasions.

These are Class III violations pursuant to OAR 340-012-0055(3)(c).

DEQ hereby assesses a \$1,200 civil penalty for these violations.

2. Respondent violated ORS 468B.025(2) and Schedule A, Condition 1.a of the Permit by exceeding the Permit limit for pH on four occasions, as described in Section II, Paragraphs 5-6 above.

These are Class III violations pursuant to OAR 340-012-0055(3)(b)(B). DEQ has not assessed a civil penalty for these violations.

3. Respondent violated ORS 468B.025(2) and Schedule A, Condition 1.a of the Permit by exceeding the Permit limit for fecal coliform on six occasions in May and June 2021, as described in Section II, Paragraphs 7-9 above, and exceeding the Permit limit for Enterococci bacteria on nine occasions, as described in Section II, Paragraphs 10-14 above. These are fourteen Class III violations and one Class II violation pursuant to OAR 340-012-0055(3)(b) and OAR 340-012-0055(2)(a). DEQ has not assessed a civil penalty for these violations.

4. Respondent violated ORS 468B.025(2) and Schedule B, Condition 3.a of the Permit by failing to submit complete DMRs on six occasions. Specifically, Respondent failed to submit daily data spreadsheets for all effluent limits during the months of October and November 2021; May, June, July and October 2022; and November 2023, as described in Section II, Paragraphs 15-18 above. These are seven Class III violations according to OAR 340-012-0055(3)(a). DEQ has not assessed a civil penalty for these violations.

5. Respondent violated ORS 468B.025(2) and Schedule B, Condition 3.a of the Permit by failing to collect monitoring data on two occasions. Specifically, Respondent failed to monitor influent

1 and effluent BOD<sub>5</sub> in each of the four weeks in April 2021, as described in Section II, Paragraph 19  
2 above. These are eight Class I violations according to OAR 340-012-0055(1)(o). DEQ hereby assesses  
3 a \$2,550 civil penalty for these violations.

4 6. Respondent violated ORS 468B.025(2) and Schedule F, Condition D.5.b of the Permit by  
5 failing to report noncompliance with effluent limits within five days of becoming aware of the  
6 circumstances of the exceedances. Specifically, Respondent failed to submit noncompliance reports for  
7 six TSS effluent limit exceedances, four pH effluent limit exceedance, six fecal coliform bacteria  
8 exceedances, and nine Enterococci bacteria effluent limit exceedances as described in Section II,  
9 Paragraphs 20-24 above. These are twenty-five Class II violations according to OAR 340-012-  
10 0055(2)(b). DEQ hereby assesses a \$2,550 civil penalty for these violations.

#### 11 IV. ORDER TO PAY CIVIL PENALTY

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

14 1. Pay a total civil penalty of \$6,300. The determination of the civil penalties are attached as  
15 Exhibits 1-3 and are incorporated as part of this Notice.

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

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

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

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

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

16 Active duty Service members have a right to stay proceedings under the federal Service  
17 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
18 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
19 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
20 Department does not have a toll free telephone number.

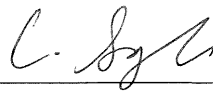
21 If you fail to file a timely request for hearing, the Notice will become a final order by default  
22 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later  
23 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending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

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10/20/2025

Date



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: Respondent violated ORS 468B.025(2) and Schedule A, Condition 1.a of the Permit by exceeding the Permit's Total Suspended Solids (TSS) effluent limits on six occasions.

CLASSIFICATION: Of the six violations, two were Class I violations pursuant to OAR 340-012-0055(1)(k)(A), and four were Class III violations pursuant to OAR 340-012-0055(3)(c). Pursuant to OAR 340-012-0145(4)(e), the penalty is calculated as a Class I penalty.

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(i), because Respondent's effluent was diluted by a factor of 10 or more by the receiving water body.

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

"BP" is the base penalty, which is \$750 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(4)(a)(F)(i) because Respondent has a NPDES Permit for a municipal sewage treatment facility with a permitted flow of less than two million gallons per day.

"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 according to OAR 340-012-0145(2) because Respondent has no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(b) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (3)(b).

"O" is whether the violation was repeated or ongoing, and receives a value of 2 according to OAR 340-012-0145(4)(b) because there were between one and seven occurrences of the violation. Respondent exceeded the TSS effluent limits on six occasions between February 2021 and June 2025.

"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 TSS limits are an express condition of the Permit. By failing to take necessary actions to comply with the limit, Respondent failed to exercise reasonable care to avoid the foreseeable risk a permit violation would occur.

"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 \$0 because there is insufficient information on which to make an estimate.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$   
=  $\$750 + [(0.1 \times \$750) \times (0 + 0 + 2 + 4 + 0)] + \$0$   
=  $\$750 + (\$75 \times 6) + \$0$   
=  $\$750 + \$450 + \$0$   
=  $\$1,200$

## EXHIBIT 2

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

VIOLATION NO.5: Respondent violated ORS 468B.025(2) and Schedule B, Condition 3.a of the Permit by failing to collect monitoring data on eight occasions.

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 340-012-0135(2)(a)(C)(i), 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 is:  $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$1,500 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(4)(a)(F)(i) because Respondent has a NPDES Permit for a municipal sewage treatment facility with a permitted flow of less than two million gallons per day.

"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) because Respondent has no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(b) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (3)(b).

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(b) because there were more than seven but less than twenty-eight occurrences of the violation. Respondent failed to collect monitoring data for influent and effluent BOD<sub>5</sub> four times each in April 2021 for a total of eight 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. The monitoring requirements are express conditions of Respondent's Permit. By failing to comply with these requirements, Respondent failed to exercise reasonable care to avoid the foreseeable risk a permit violation would occur.

"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 \$0 because there is insufficient information on which to make an estimate.

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

$$\begin{aligned} &= \$1,500 + [(0.1 \times \$1,500) \times (0 + 0 + 3 + 4 + 0)] + \$0 \\ &= \$1,500 + (\$150 \times 7) + \$0 \\ &= \$1,500 + \$1,050 + \$0 \\ &= \$2,550 \end{aligned}$$

### EXHIBIT 3

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

VIOLATION NO.6: Respondent violated ORS 468B.025(2) and Schedule F, Condition D.5.b of the Permit by failing to report noncompliance with effluent limits in the Permit on thirteen occasions.

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

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0135(2)(a)(C)(i), 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 is:  $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$1,500 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(4)(a)(F)(i) because Respondent has a NPDES Permit for a municipal sewage treatment facility with a permitted flow of less than two million gallons per day.

"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 according to OAR 340-012-0145(2) because Respondent has no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(b) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (3)(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 more than seven but less than twenty-eight occurrences of the violation. Respondent failed to report noncompliance with effluent limits in the Permit on twenty-five occasions, including six TSS effluent limit exceedances, four pH effluent limit exceedance, six fecal coliform bacteria exceedances, and nine Enterococci bacteria effluent limit exceedances within five days of becoming aware of the circumstances of the exceedances.

"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 monitoring requirements are express conditions of Respondent's Permit. By failing to comply with these requirements,

Respondent failed to exercise reasonable care to avoid the foreseeable risk a permit violation would occur.

"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 \$0 because there is insufficient information on which to make an estimate.

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

$$\begin{aligned} &= \$1,500 + [(0.1 \times \$1,500) \times (0 + 0 + 3 + 4 + 0)] + \$0 \\ &= \$1,500 + (\$150 \times 7) + \$0 \\ &= \$1,500 + \$1,050 + \$0 \\ &= \$2,550 \end{aligned}$$



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:	\$6,300.00

Account Name:	PORT ORFORD, CITY OF		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600034
SubSystem ID:	213356	FIMS Acct. ID:	11682

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 6,300.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 6,300.00

\*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.	CPGFD2600034		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	January 6, 2026
FIMS ACCT. ID:	11682	TOTAL PENALTY DUE:	\$6300.00

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 0095000116829CPGFD260003400006300000



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	2024-055 WQ-M-WR-2024-055	\$6,300.00

## 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-M-WR-2024-055 upon:

U.S. Postal Service™ <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$	<b>Postmark Here</b>
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 \$	
Pat Cox, Mayor City of Port Orford PO Box 310 Port Orford, OR 97465	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

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