



# 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

December 30, 2025

CERTIFIED MAIL: 9589 0710 5270 3236 6722 46

CPM Development Corporation  
dba RiverBend Materials  
c/o CT Corporation System, Registered Agent  
780 Commercial Street SE, Suite 100  
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ/SW-WR-2025-523

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a total civil penalty of \$16,000 for water quality violations at Dalton Quarry in Dallas. You caused pollution of two unnamed streams by discharging turbid stormwater from the facility. You also used a culvert to discharge stormwater that was not permitted under your National Pollutant Discharge Elimination System Stormwater Discharge General Permit Number 1200-A (Permit). These are violations of your Permit and Oregon law. You were also cited, without penalty, for failing to include the culvert in your facility's stormwater pollution control plan (SWPCP), which has since been updated.

DEQ issued this penalty because the discharge of turbid stormwater poses a risk of harm to the environment. Sediment can harm aquatic species and impact beneficial uses of surface waters. The Permit and your SWPCP include site-specific controls that are intended to reduce stormwater pollution from the facility. It is important that the SWPCP accurately reflect site conditions so that DEQ, DOGAMI and the public can evaluate the effectiveness of your stormwater controls and best management practices at protecting water quality in Rickreall Creek and its tributaries.

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

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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 Esther Westbrook at 503-229-5374 or toll free in Oregon at 800-452-4011, extension 5374.

Sincerely,



Erin Saylor, Interim Manager  
Office of Compliance and Enforcement

Enclosures

cc: CPM Development Corp. dba RiverBend Materials, c/o Devin Adams, PO Box 12095, Salem,  
OR 97309  
Lisa Reinhart, DOGAMI  
Heather Tugaw, Western Region, DEQ  
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF: ) NOTICE OF CIVIL PENALTY  
CPM DEVELOPMENT CORPORATION, ) ASSESSMENT AND ORDER  
a Washington corporation, )  
doing business as )  
RIVERBEND MATERIALS, ) CASE NO. WQ/SW-WR-2025-523  
Respondent. )

## I. AUTHORITY

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

## II. FINDINGS OF FACT

1. Respondent operates a mining facility known as “Dalton Quarry” located at 17255 Martin Creek Road in Dallas, Polk County, Oregon (the Facility).
2. On or about September 14, 2016, DEQ assigned coverage to Respondent under National Pollutant Discharge Elimination System Stormwater and Mine Dewatering Discharge Permit No. 1200-A (the Permit).
3. The Permit expired on December 3, 2017, but was administratively extended because Respondent submitted a timely renewal application.
4. On January 31, 2025, DOGAMI staff inspected the Facility.
5. On January 31, 2025, on the northeast portion of the Facility, there was a black culvert (pipe) discharging turbid stormwater from a settling pond into an unnamed creek on the eastern portion of the site that flows to Rickreall Creek. The discharge caused a turbid plume that was visible in the unnamed creek and at its confluence with Rickreall Creek.
6. The black culvert described in Paragraph 5 above was not a permitted discharge point.
7. The black culvert described in Paragraph 5 above was not included in the Facility’s stormwater pollution control plan (SWPCP) as a discharge point.

8. On January 31, 2025, turbid stormwater was seeping from an infiltration area to an unnamed stream, located near the bridge on the southeastern portion of the Facility near the maintenance shop. The seepage caused a turbid plume in the unnamed stream, which flows into Rickreall Creek.

9. Schedule A, Condition 3(g) of the Permit states: "For facilities adjacent to surface waters, no visible turbidity increase is allowed in the surface water."

10. Turbidity is “pollution” as defined in ORS 468B.005(5).

### III. CONCLUSIONS

1. On January 31, 2025, Respondent caused pollution of two unnamed creeks and Rickreall Creek, all waters of the state, in violation of Schedule A, Condition 3(g) of the Permit and ORS 468B.025(1). This is a Class I violation according to OAR 340-012-0055(1)(a). DEQ hereby assesses a \$9,200 civil penalty for this violation.

2. On or before January 31, 2025, Respondent violated ORS 468B.050(1)(e) by constructing or using a new outlet for the discharge of wastes into the waters of the state. This is a Class I violation according to OAR 340-012-0055(1)(c). DEQ hereby assesses a \$6,800 civil penalty for this violation.

3. On or before January 31, 2025, Respondent violated Schedule A, Condition 8(b)(ii) of the Permit and ORS 468B.025(2) by failing to ensure that the Facility's SWPCP contained a site map showing all drainage and discharge structures (piping, ditches, etc.) at the Facility. This is a Class II violation according to OAR 340-012-0053(2). DEQ has not assessed a civil penalty for this violation.

#### 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 \$16,000. The determination of the civil penalty is attached as Exhibit Nos. 1 and 2, and 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:

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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                   V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

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

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1        Active-duty Service members have a right to stay proceedings under the federal Service  
2        Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
3        452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
4        Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
5        Department does not have a toll-free telephone number.

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

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15        12/30/2025

16        Date

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Erin Saylor, Interim Manager  
Office of Compliance and Enforcement



EXHIBIT NO. 1

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

VIOLATION 1: Causing pollution of waters of the state, in violation of Schedule A, Condition 3(g) of the 1200-A Permit and ORS 468B.025(1).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(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 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 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 3 according to OAR 340-012-0145(2)(a)(C) and (D), because Respondent had one Class I violation and two Class II violations in Case No. WQ/SW-WR-2022-603.

"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 2 according to OAR 340-012-0145(4)(b), because there were more than one but less than seven occurrences of the violation. On January 31, 2025, Respondent discharged turbid stormwater to two different streams, which is two occurrences of the violation.

"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. Respondent operates multiple mining facilities in Oregon and is aware of the requirements in the 1200-A permit and its SWPCP. Respondent was cited for similar violations in Case No. WQ/SW-WR-2022-603 at its South Turner facility. Additionally, in 2022 DOGAMI issued a Warning Letter with Opportunity to Correct that identified seepage from the same infiltration area at issue in this case and requested that Respondent investigate the discharge and implement necessary controls. By continuing to allow turbid discharges from the facility, including

from the same area previously identified by DOGAMI, Respondent consciously disregarded a substantial and unjustifiable risk that it would violate the law. Because of the potential impact on water quality in the unnamed streams and Rickreall Creek, disregarding the risk constituted a gross deviation from the standard of care a reasonable permittee 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 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 DEQ has insufficient information on which to make an estimate of Respondent's economic benefit, if any.

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

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (3 + 0 + 2 + 8 + 0)] + \$0 \\ &= \$4,000 + [\$/400 \times 13] + \$0 \\ &= \$4,000 + \$5,200 + \$0 \\ &= \$9,200 \end{aligned}$$

EXHIBIT NO. 2

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

VIOLATION 2: Constructing or using a new outlet for the discharge of wastes into the waters of the state, in violation of ORS 468B.050(1)(e).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(c).

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 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 3 according to OAR 340-012-0145(2)(a)(C) and (D), because Respondent had one Class I violation and two Class II violations in Case No. WQ/SW-WR-2022-603..

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 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 0 according to OAR 340-012-0145(4)(a), because there is insufficient information on which to base a finding under paragraphs (4)(b) through (4)(d). DOGAMI observed the violation on January 31, 2025, but DEQ does not have additional information about when Respondent began discharging stormwater through the culvert.

"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 operates multiple mining facilities in Oregon and is aware of the requirements in the 1200-A permit and its SWPCP. By discharging stormwater from an outlet that was not identified in the SWPCP, and therefore not a permitted discharge point, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate Oregon law.

"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 DEQ has insufficient information on which to make an estimate of Respondent's economic benefit, if any.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB  
= \$4,000 + [(0.1x \$4,000) x (3 + 0 + 0 + 4 + 0)] + \$0  
= \$4,000 + [\$400 x 7] + \$0  
= \$4,000 + \$2,800 + \$0  
= \$6,800

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)

<b>DATE:</b>	December 30, 2025
<b>RESPONSE DATE*:</b>	March 10, 2026
<b>TOTAL PENALTY:</b>	\$16,000.00

Account Name:	CPM DEVELOPMENT CORPORATION <DALTON QUARRY> <108765>		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600056
SubSystem ID:	193687	FIMS Acct. ID:	3313

### Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 16,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 16,000.00

\*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.	CPGFD2600056		
PAYCODE:	00401 7400 10040 74001 0500 000000 0095000033137		
FEE PROGRAM ID:	950	RESPONSE DATE:	March 10, 2026
FIMS ACCT. ID:	3313	TOTAL PENALTY DUE:	\$16000.00

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 0095000033137 CPGFD260005600016000001



# State of Oregon Department of Environmental Quality

## CIVIL PENALTY - ORS 468.135(2)

State of Oregon  
Department of  
Environmental  
Quality

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

### Penalty Detail

Transaction Date	Description	Amount
12/29/2025	2025-523 WQ-SW-WR-2025-523	\$16,000.00

### 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-2025-523 upon:

45 6722 6722  
45 3236 3236  
45 5270 5270  
45 5270 5270  
45 9589 9589

<b>U.S. Postal Service™</b>	
<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 \$	
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	\$
Postmark	Here
CPM Development Corporation dba RiverBend Materials c/o CT Corporation System, Registered Agent 780 Commercial Street SE, Suite 100 Salem, OR 97301	
PS Form 3800, January 2023 PSN 7530-02-010-9047 See Reverse for Instructions	

CPM Development Corporation  
dba RiverBend Materials  
c/o Devin Adams  
PO Box 12095  
Salem, OR 97309

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 December 30, 2025

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality