



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

January 22, 2026

CERTIFIED MAIL: 9589 0710 5270 3236 6723 14

Highline-Warren, LLC
c/o CT Corporation System
780 Commercial St SE Ste 100
Salem OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ-HW-WR-2024-630

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$11,200 for failing to completely and accurately determine whether numerous wastes were hazardous when they were generated at your facility in Millersburg. Additionally, DEQ cited you in the enclosed Notice without penalty for used oil and waste aerosol can management violations.

DEQ issued this penalty because timely and accurate determinations of whether and how wastes are hazardous is the cornerstone to safe management and compliance with hazardous waste law. DEQ has been working with you on this issue since late 2023 and offered you an Expedited Enforcement Offer (EEO) to resolve the violations, which you rejected. In particular, DEQ is concerned because the methanol-and pesticide-containing wastes you generated were stored without proper characterization as hazardous, for such a long period of time.

DEQ appreciates your efforts to address the violations by conducting a detailed analysis of the wastes containing dyes and additives, improving waste management by closing down the sump, and by agreeing to dispose of the waste containing wiper fluid with methanol as hazardous waste. 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: Chris Bayham, DEQ
Rebecca Fox, Highline Warren, LLC, rebecca.fox@highlinewarren.com

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 HIGHLINE-WARREN, LLC,) ASSESSMENT AND ORDER
5 Respondent.) CASE NO. LQ-HW-WR-2024-630

6 I. AUTHORITY

7 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment
8 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,
9 ORS 466.990, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011,
10 012, and 100-102.

11 II. FINDINGS OF FACT

- 12 1. Respondent operates a manufacturing business located at 3075 NE Arnold Lane in
13 Millersburg, Oregon (the Facility).
- 14 2. At all material times, Respondent generated between 220 and 2,200 pounds of hazardous
15 waste on a monthly basis at the Facility.
- 16 3. Respondent does not have a permit issued by DEQ to treat, store, or dispose of
17 hazardous waste at the Facility.
- 18 4. On December 19, 2023, DEQ staff inspected the Facility.
- 19 5. On and about December 19, 2023, Respondent was generating waste in the sump at the
20 Facility by spilling the following dyes and additives to the sump when changing containers attached to
21 manifolds dispensing methanol and ethanol: Spectrazurine Blue FGNC-C, M96020 Chromatint Green
22 0698, D94025X Chromatint Purple 1698, D949012 Chromatint Violet 4242, Kathon CG/ICP,
23 Drimaren Orange K-3R cdg, Hacros RM 422, Calsoft L-40 (404S00), and Key Acid Rhodamine WT
24 Liquid. Additionally, Respondent released “-20 Super Tech WW 6/1GL” (-20 Windshield Wiper Fluid)
25 to the sump.
- 26 6. On December 19, 2023, Respondent stored 17 55-gallon drums of sump waste outside
27 the Facility, and Respondent had determined that these drums contained non-hazardous waste. Some of

1 the drums had labels indicating waste additives, e.g. “blue dye” and “orange dye.”

2 7. On and before December 19, 2023, Respondent had not determined whether the wastes
3 in the sump and the drums referenced in Paragraphs 5 and 6 above were hazardous prior to mixing the
4 components of the waste together. Furthermore, Respondent had not considered more information than
5 the Safety Data Sheets for each additive. Safety Data Sheets do not provide a complete list of
6 ingredients. Industrial dyes often contain toxic heavy metals, such as chromium or cadmium.

7 8. On December 19, 2023, Respondent stored four five-gallon containers of “off-spec”
8 material outside at the Facility, and Respondent was unaware of whether the contents of the containers
9 were hazardous waste. In August of 2024, Respondent provided DEQ with information that
10 Respondent had done hazardous waste determinations on the contents of the containers, determining
11 that three containers were non-hazardous and one container, storing waste Citrus Clean, was hazardous
12 waste, which had a flash point below 140 degrees Fahrenheit.

13 9. On December 19, 2023, Respondent stored several five-gallon containers of used oil at
14 the Facility, none of which were labeled “used oil.”

15 10. On December 19, 2023, Respondent stored several waste aerosol cans, not in a
16 container, but placed on top of a 55-gallon drum at the Facility.

17 11. On December 19, 2023, Respondent did not maintain any documentation (such as labels
18 or a log) of the date the first waste aerosol cans were stored at the Facility.

19 12. On December 19, 2023, Respondent did not have written procedures for safely operating
20 the aerosol can puncturing device at the Facility, and Respondent did not have a spill clean up kit or
21 procedures for spill clean up at the aerosol can puncturing area.

22 III. CONCLUSIONS

23 1. Respondent violated OAR 340-102-0011(2) and 40 CFR § 262.11(a) as adopted by OAR
24 340-100-0002, by failing to completely and accurately determine if Respondent’s residues (as defined
25 in OAR 340-100-0010(2)(hh) and 40 CFR § 261.2 as adopted by OAR 340-100-0002) were hazardous
26 waste upon generation and prior to mixing, dilution, or alteration, as described in Paragraphs 1-8 of
27 Section II above. The sump wastes were solid wastes when released into the sump, according to 40 CFR

1 §§ 261.2(a)(1), 261.2(a)(2)(i)(A), and 261.2(b)(3). The sump waste containing -20 Windshield Wiper
2 Fluid, with methanol as the sole active ingredient¹, was hazardous waste according to 40 CFR
3 § 261.33(a) and identified by U.S. Environmental Protection Agency Hazardous Waste Number (Waste
4 No.) U154. The sump waste containing Kathon, a pesticide, was solid waste when released into the
5 sump, according to 40 CFR §§ 261.2(a)(1), 261.2(a)(2)(i)(A), and 261.2(b)(3), and hazardous waste
6 according to OAR 340-101-0033(6) and identified by Oregon State-Only Waste Number X001 as a
7 pesticide residue. The Citrus Clean waste was solid waste according to 40 CFR §§ 261.2(a)(1),
8 261.2(a)(2)(i)(A), and 261.2(b)(3), and hazardous waste pursuant to 40 CFR § 261.21(a)(1) and
9 identified by Waste No. D001. These are Class I violations, according to OAR 340-012-0068(1)(a).
10 DEQ hereby assesses a \$11,200 civil penalty for these violations.

11 2. Respondent violated 40 CFR § 279.22(c), as adopted by OAR 340-100-0002, by failing to
12 label used oil containers with the words “used oil” at the Facility, as described in Paragraphs 1-4 and 9 of
13 Section II above. This is a Class II violation, according to OAR 340-012-0072(2)(e). DEQ has not
14 assessed a civil penalty for this violation.

15 3. Respondent violated 40 § CFR 273.13(e)(1), as adopted by OAR 340-100-0002, by failing to
16 store spent aerosol cans in a compliant container, as described in Paragraphs 1-4 and 10 of Section II
17 above. This is a Class II violation, according to OAR 340-012-0068(2)(p). DEQ has not assessed a civil
18 penalty for this violation.

19 4. Respondent violated 40 § CFR 273.15(c), as adopted by OAR 340-100-0002, by failing to
20 document the accumulation start date for the storage of spent aerosol cans at the Facility, as described in
21 Paragraphs 1-4 and 10-11 of Section II above. This is a Class II violation, according to OAR 340-012-
22 0068(2)(p). DEQ has not assessed a civil penalty for this violation.

23 5. Respondent violated 40 CFR § 273.13(e)(4)(ii) and (vii), as adopted by OAR 340-100-0002,
24 by failing to comply with requirements for puncturing and draining spent aerosol cans at the Facility, as
25 described in Paragraphs 1-4 and 12 of Section II above. This is a Class II violation, according to OAR
26 340-012-0068(2)(p). DEQ has not assessed a civil penalty for this violation.

27 _____
¹ Methanol is the sole active ingredient in -20 Windshield Wiper Fluid because it is the only chemically active
component of the product that performs the function of cleaning windshields, especially at low temperatures.

1 IV. ORDER TO PAY CIVIL PENALTY

2 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
3 hereby ORDERED TO: Pay a total civil penalty of \$11,200. The determination of the civil penalty is
4 attached as Exhibit 1 and is incorporated as part of this Notice.

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

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

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

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

16 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
17 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
18 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
19 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered
20 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
21 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
22 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
23 it to **503-229-6762** or email it to DEQappeals@deq.oregon.gov. An administrative law judge
24 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
25 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
26 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
27 you will be notified of the time and place of the hearing and you will be given information on the

1 | procedures, and other rights of parties relating to the conduct of the hearing before commencement of
2 | the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
3 | limited liability company, unincorporated association, trust or government body, you must be
4 | represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

5 | Active duty Service members have a right to stay proceedings under the federal Service
6 | Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
7 | 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
8 | Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
9 | Department does not have a toll free telephone number.

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

16 |
17 |
18 | 1/22/2020

19 | 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 Failing to completely and accurately determine if Respondent's residues (as defined in OAR 340-100-0010(2)(hh) and 40 CFR § 261.2 as adopted by OAR 340-100-0002) were hazardous waste upon generation and prior to mixing, dilution, or alteration, in violation of OAR 340-102-0011(2) and 40 CFR § 262.11(a) as adopted by OAR 340-100-0002.

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

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(a)(A) because Respondent failed to conduct a complete and accurate hazardous waste determination on five or more waste streams, specifically, -20 Windshield Wiper Fluid, Kathon, eight dyes and other additives, and four five-gallon containers of waste stored outside for a total of 14 waste streams.

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

"BP" is the base penalty, which is \$8,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(3)(a)(J) because Respondent was a small-quantity generator of hazardous waste at the time of the violation.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were between seven and 28 occurrences of the violation. Each separate violation, each repeated occurrence of the same violation, and each day of a violation with a duration of more than one day is a separate occurrence when determining the "O" factor. Respondent failed to conduct complete and accurate hazardous waste determinations upon generation of 14 waste streams: -20 Wiper Fluid, Kathon, eight dyes and other additives, and four five-gallon containers of waste stored outside.

"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. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent is a sophisticated large business, managing numerous chemicals potentially containing toxic metals, ignitable characteristics, and otherwise-regulated constituents. By failing to ensure numerous wastes were accurately characterized when generating them, Respondent failed to take reasonable care to avoid this foreseeable risk of conduct resulting in a violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent took reasonable affirmative efforts to minimize the effects of the violation. Respondent engaged a consultant, inquired with manufacturers of the additives and dyes to complete the hazardous waste determinations, and Respondent has agreed to dispose of the wiper fluid waste as hazardous waste. Additionally, Respondent improved processes relating to waste generation at the Facility by closing out the sump.

"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 gained by delaying costs of disposal were de minimis, calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $Penalty = BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$
 $= \$8,000 + [(0.1 \times \$8,000) \times (0 + 0 + 3 + 4 + (-3))] + \0
 $= \$8,000 + (\$800 \times 4) + \$0$
 $= \$8,000 + \$3,200 + \$0$
 $= \$11,200$

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

CIVIL PENALTY - ORS 468.135(2)

DATE:	January 22, 2026
RESPONSE DATE*:	April 2, 2026
TOTAL PENALTY:	\$11,200.00

Account Name:	HIGHLINE-WARREN LLC		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600063
SubSystem ID:	291603	FIMS Acct. ID:	19657

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 11,200.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 11,200.00

*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.	CPGFD2600063		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	April 2, 2026
FIMS ACCT. ID:	19657	TOTAL PENALTY DUE:	\$11200.00

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 0095000196572CPGFD260006300011200005



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
1/21/2026	2024-630 LQ-HW-WR-2024-630	\$11,200.00

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. LQ-HW-WR-2024-630 upon:

9589 0710 5270 3236 6723 14

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OFFICIAL USE

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<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

Highline-Warren, LLC
c/o CT Corporation System
780 Commercial St SE Ste 100
Salem, OR 97301

PS Form 3800, January 2023 PSN 7500-02-000-9047 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 January 22, 2026

Isaac Griffith

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