



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

February 3, 2026

CERTIFIED MAIL: 9589 0710 5270 3236 6723 52

Chosen Wood Window Maintenance, Inc.
c/o Vern Forrest, Registered Agent
11945 S Township Rd
Canby OR 97013

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ-HW-NWR-2024-537

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$15,000 for failing to characterize sawdust waste contaminated with hazardous levels of lead as hazardous waste, and failing to properly dispose of the lead-contaminated hazardous waste. In the enclosed Notice of Civil Penalty Assessment and Order (Notice), DEQ also cited you for other hazardous waste violations without penalty.

DEQ issued this penalty because accurately identifying whether your wastes are hazardous is the cornerstone of compliance and safe management and disposal of hazardous waste. DEQ appreciates your efforts to promptly address the violations by accurately characterizing the waste, properly disposing of it as hazardous waste, and amending your hazardous waste reporting to DEQ, after DEQ's investigation. 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, Manager
Office of Compliance and Enforcement

Enclosures

cc: Zeb Bates, DEQ
Saraia Lacaden, saraial@chosenwwm.com

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 CHOSEN WOOD WINDOW) ASSESSMENT AND ORDER
5 MAINTENANCE, INC.,)
Respondent.) CASE NO. LQ-HW-NWR-2024-537

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 business maintaining and repairing wood windows and doors at
13 18574 Highway 99E in Oregon City, Oregon (the Facility).
- 14 2. DEQ has not issued a hazardous waste storage, treatment, or disposal site permit for
15 Respondent's Facility.
- 16 3. Respondent generated between 220 and 2,200 pounds of hazardous waste on a monthly
17 basis during 2022 and 2023.
- 18 4. Prior to June 2023, Respondent reported to DEQ that the Facility was a very small
19 quantity generator of hazardous waste during 2022 and 2023.
- 20 5. On May 23, 2023, DEQ staff began an investigation of the Facility's hazardous waste
21 generation.
- 22 6. Starting in at least January 2020, Respondent generated sawdust waste contaminated
23 with lead at the Facility. Respondent did not determine whether the sawdust waste was hazardous for
24 lead until June 8, 2023, when Respondent sampled the sawdust waste and a toxicity characteristic
25 leaching procedure (TCLP) analysis of the sawdust waste demonstrated that the sawdust waste
26 contained 239 milligrams per Liter (mg/L) of leachable lead.
- 27 7. From January 2020 through May 2023, Respondent disposed of the lead-contaminated

1 sawdust waste Respondent generated at the Facility at a solid waste landfill, not at a landfill permitted
2 to receive hazardous waste.

3 8. On May 23, 2023, Respondent did not have documentation of training Facility staff on
4 proper hazardous waste handling and emergency procedures, did not have an assigned emergency
5 coordinator, and did not post the name and phone number of an emergency coordinator next to
6 telephones or in areas of hazardous waste storage or generation at the Facility.

7 III. CONCLUSIONS

8 1. Respondent violated OAR 340-102-0011(2) and 40 CFR 262.11(a) as adopted by OAR
9 340-100-0002, by failing to completely and accurately determine if Respondent's residues (as defined
10 in OAR 340-100-0010(2)(hh) and 40 CFR 261.2 as adopted by OAR 340-100-0002) were hazardous
11 waste upon generation, as described in Paragraphs 1-6 of Section II above. The sawdust waste was
12 solid waste according to 40 CFR 261.2(a)(1), 261.2(a)(2)(i)(A), and 261.2(b)(1) and (3), and hazardous
13 waste according to 40 CFR 261.24 and identified by U.S. Environmental Protection Agency Hazardous
14 Waste Number (Waste No.) D008. This is a Class I violation, according to OAR 340-012-0068(1)(a).
15 DEQ hereby assesses a \$3,000 civil penalty for this violation.

16 2. Respondent violated ORS 466.100(1) by disposing of hazardous waste at an unpermitted
17 location, as described in Paragraphs 1-3 and 5-7 of Section II above. This is a Class I violation, according
18 to OAR 340-012-0068(1)(h). DEQ hereby assesses a \$12,000 civil penalty for this violation.

19 3. Respondent violated 40 CFR 262.13 by failing to accurately count hazardous waste
20 generated at the Facility to accurately determine Respondent's generator status, as described in Paragraphs
21 1-4 of Section II above. This is a Class I violation according to OAR 340-012-0068(1)(u). DEQ has not
22 assessed a civil penalty for this violation.

23 4. Respondent violated 40 CFR 262.16(b)(9)(i), (ii), and (iii) by failing to: assign an
24 emergency coordinator, post emergency coordinator name and contact information, and ensure that all
25 employees at the Facility are thoroughly familiar with proper hazardous waste handling and emergency
26 procedures, relevant to their responsibilities during normal operations and emergencies, as described in
27 Paragraphs 1-3, 5, and 8 of Section II above. This is a Class II violation according to OAR 340-012-

1 0068(2)(o). DEQ has not assessed a civil penalty for this violation.

2 IV. ORDER TO PAY CIVIL PENALTY

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

5 Pay a total civil penalty of \$15,000. The determination of the civil penalty is attached as Exhibits 1-
6 2 which are incorporated as part of this Notice.

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

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

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

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

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

1 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
2 you will be notified of the time and place of the hearing and you will be given information on the
3 procedures, and other rights of parties relating to the conduct of the hearing before commencement of
4 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
5 limited liability company, unincorporated association, trust or government body, you must be
6 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

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

18
19
20
21 2/3/2026 
22 Date Erin Saylor, Manager
23 Office of Compliance and Enforcement
24
25
26
27

EXHIBIT 1

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

VIOLATION 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, 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 minor pursuant to OAR 340-012-0135(4)(a)(C) because Respondent failed to make a hazardous waste determination on one waste stream, lead-contaminated sawdust.

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 \$2,000 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(3)(a)(J) because Respondent is a small quantity generator of hazardous waste and violated a hazardous waste rule.

"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 4 according to OAR 340-012-0145(4)(d), because the violation was ongoing from at least January 2020 until Respondent completed the hazardous waste determination on June 8, 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 generates sawdust waste from the restoration and repair of window frames, including those coated with lead-based paint. Respondent was disposing of lead-based paint scrapings, waste paint stripper, and sludge waste as hazardous for lead. By failing to identify that paint-contaminated sawdust would also be hazardous waste, Respondent failed to take reasonable care to avoid the foreseeable risk of committing this 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 made reasonable efforts to correct the violation by completing the hazardous waste determination on June 8, 2023, and submitting revised hazardous waste reporting to DEQ.

"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 DEQ does not have sufficient information on which to base an estimate.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$2,000 + [(0.1 x \$2,000) x (0 + 0 + 4 + 4 + (-3))] + \$0
= \$2,000 + [\$200 x 5] + \$0
= \$2,000 + \$1,000 + \$0
= \$3,000

EXHIBIT 2

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

VIOLATION 2 Disposing of hazardous waste at an unpermitted site, in violation of ORS 466.100(1).

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

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(b)(A)(i) because Respondent disposed of more than 330 pounds of hazardous waste at an unpermitted site over the course of approximately three years.

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 is a small quantity generator of hazardous waste and violated a hazardous waste statute.

"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 4 according to OAR 340-012-0145(4)(d), because the violation was ongoing from approximately January 2020 through May 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 generates sawdust waste from the restoration and repair of window frames, including those coated with lead-based paint. Respondent was disposing of lead-based paint scrapings, waste paint stripper, and sludge waste as hazardous for lead. By failing to dispose of paint-contaminated sawdust at a permitted hazardous waste disposal site, Respondent failed to take reasonable care to avoid the foreseeable risk of committing this 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 made reasonable efforts to

correct the violation by disposing of the lead-contaminated sawdust as hazardous waste beginning in June 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 DEQ does not have sufficient information on which to base an estimate.

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

$$\begin{aligned} &= \$8,000 + [(0.1 \times \$8,000) \times (0 + 0 + 4 + 4 + (-3))] + \$0 \\ &= \$8,000 + [\$800 \times 5] + \$0 \\ &= \$8,000 + \$4,000 + \$0 \\ &= \$12,000 \end{aligned}$$

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:	February 3, 2026
RESPONSE DATE*:	April 14, 2026
TOTAL PENALTY:	\$15,000.00

Account Name:	CHOSEN WOOD WINDOW MAINTENANCE INC		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600068
SubSystem ID:	200116	FIMS Acct. ID:	1978

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 15,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 15,000.00

*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.	CPGFD2600068		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	April 14, 2026
FIMS ACCT. ID:	1978	TOTAL PENALTY DUE:	\$15000.00

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 0095000019785CPGFD260006800015000007



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
2/2/2026	2024-537 LQ-HW-NWR-2024-537	\$15,000.00

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://vdo.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-NWR-2024-537 upon:

9589 0710 5270 3236 9329 52

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 \$ _____	
Chosen Wood Window Maintenance, Inc. c/o Vern Forrest, Registered Agent 11945 S Township Rd Canby, OR 97013	
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 February 3, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality