



# 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 19, 2026

CERTIFIED MAIL: 9589 0710 5270 3236 6724 68

Rusco, Inc.  
c/o Weddy Russell Stephens, Registered Agent  
4466 NW Yeon Ave  
Portland OR 97210

Re: Notice of Civil Penalty Assessment and Order  
Case No. LQ-HW-NWR-2025-697

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$4,000 for failing to completely and accurately characterize hazardous chrome waste at your facility in Portland. In the enclosed Notice, DEQ also cited you, without penalty, for failing to comply with hazardous waste recordkeeping and labeling requirements.

DEQ issued this penalty because accurately identifying whether your wastes are hazardous is the cornerstone of compliance, safe management and disposal of hazardous waste. Additionally, DEQ issued you a civil penalty for this, and other, hazardous waste violations in 2023. DEQ appreciates your efforts to promptly address the violation by accurately characterizing the waste after DEQ's inspection. 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](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 <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: Michelle Olson, DEQ  
Del Stephens, [dels@duraindustries.com](mailto:dels@duraindustries.com)

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

|   |                   |   |                             |
|---|-------------------|---|-----------------------------|
| 3 | IN THE MATTER OF: | ) | NOTICE OF CIVIL PENALTY     |
| 4 | RUSCO, INC.,      | ) | ASSESSMENT AND ORDER        |
| 5 | Respondent.       | ) | CASE NO. LQ-HW-NWR-2025-697 |

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 at 4466 NW Yeon Avenue in Portland, Oregon (the  
13 Facility).
- 14 2. DEQ has not issued a hazardous waste storage or disposal permit to Respondent for the  
15 Facility.
- 16 3. DEQ inspected the Facility on May 28, 2025.
- 17 4. On May 28, 2025, Respondent stored two 55-gallon containers of wastewater treatment  
18 sludge from the chemical conversion coating of aluminum at the Facility (sludge waste) in the  
19 hazardous waste storage area at the Facility. The sludge was not ignitable or flammable. The sludge  
20 waste contained more than five milligrams per liter (mg/L) of leachable chromium and more than 100  
21 mg/L of leachable barium. The containers of sludge waste were labeled as "hazardous waste" and with  
22 an indicator that the contents were flammable, but they were not labeled with an indication that the  
23 contents of the containers were toxic.
- 24 5. On or about September 30, 2025, and through October 31, 2025, Respondent provided  
25 multiple inconsistent characterizations of the sludge waste to DEQ, including a waste profile that  
26 identified it as D007 and with a flash point of less than 140 degrees Fahrenheit, and a hazardous waste  
27 manifest that identified it as D007 and F019 hazardous waste. On October 31, 2025, Respondent

1 provided DEQ with a hazardous waste characterization form for the sludge identifying it as D005,  
2 D007, and F019 hazardous waste.

3 6. On or about September 30, 2025, and until October 31, 2025, Respondent did not have  
4 any records supporting that Respondent had done a hazardous waste determination on the solvent-based  
5 paint still bottom waste (paint waste) at the Facility. On September 30, 2025, Respondent had a profile  
6 for the paint waste that identified it as hazardous waste but did not have any record of analytical,  
7 material safety data sheets, or other documentation of Respondent's knowledge of process of  
8 generating the paint waste. The paint waste contained more than five milligrams per liter (mg/L) of  
9 leachable chromium, more than 100 mg/L of leachable barium, and more than 200 mg/L of leachable  
10 Methyl Ethyl Ketone.

### 11 III. CONCLUSIONS

12 Based upon the foregoing Findings of Fact, DEQ has determined that Respondent violated the  
13 following provisions of Oregon law, including the hazardous waste laws in the Code of Federal  
14 Regulations (CFRs) as adopted by OAR 340-100-0002.

15 1. Respondent violated OAR 340-102-0011(2) and 40 CFR 262.11(a) by failing to  
16 completely and accurately determine if Respondent's residue (as defined in OAR 340-100-0010(2)(hh)  
17 and 40 CFR 261.2) was hazardous waste upon generation, as described in Paragraphs 1-5 of Section II  
18 above. The sludge waste was solid waste according to 40 CFR 261.2(a)(1), 261.2(a)(2)(i)(A), and  
19 261.2(b)(1), and hazardous waste according to 40 CFR 261.24 and 261.31, as identified by Waste  
20 Numbers D005, D007, and F019. This is a Class I violation according to OAR 340-012-0068(1)(a). DEQ  
21 hereby assesses a \$4,000 civil penalty for this violation.

22 2. Respondent violated 40 CFR 262.11(f) by failing to maintain records of Respondent's  
23 knowledge of the waste and supporting its hazardous waste determination on the paint waste as described  
24 in Paragraphs 1-3 and 6 of Section II above. The paint waste was solid waste according to 40 CFR  
25 261.2(a)(1), 261.2(a)(2)(i)(A), and 261.2(b)(1), and hazardous waste according to 40 CFR 261.24 and  
26 261.31, as identified by Waste Numbers D005, D007, D035, F003, and F005. This is a Class I violation  
27 according to OAR 340-012-0068(1)(a). DEQ has not assessed a civil penalty for this violation.



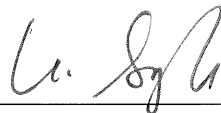
1 further information about requests for hearing.) You must send your request to: **DEQ, Office of**  
2 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax  
3 it to **503-229-6762** or email it to [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov).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

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

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

23  
24  
25 2/19/2020

26 Date



27  
Erin Saylor, 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 1: Failing to completely and accurately determine if Respondent's residue (as defined in OAR 340-100-0010(2)(hh) and 40 CFR 261.2 as adopted by OAR 340-100-0002) was 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 complete and accurate hazardous waste determination on one waste stream (sludge waste).

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 within the past ten years, and receives a value of 10. Respondent had seven Class I violations and four Class II violations in case number LQ-HW-NWR-2022-519, issued April 18, 2023. This results in a "P" value of 10, according to OAR 340-012-0145(2)(a)(C) and (D) and OAR 340-012-0030(2).

"H" is Respondent's history of correcting prior significant actions, and receives a value of -1 according to OAR 340-012-0145(3)(b) because the violations were uncorrectable and Respondent took reasonable efforts to minimize the effects of the violations cited as PSAs.

"O" is whether the violation was repeated or ongoing and receives a value of 0 according to OAR 340-012-0145(4)(a), because there was one occurrence of the violation. Respondent did not make complete and accurate hazardous waste determinations on one waste stream upon generation.

"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 has been reporting to DEQ as a small quantity generator of hazardous waste since 2002, and before that was a large quantity generator, so Respondent is aware of

hazardous waste regulations. Additionally, Respondent was cited for this violation in 2023. By relying solely on its waste hauler to make the determination about Respondent's waste characteristics, 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 providing an accurate hazardous waste determination and supplemental documents to DEQ on October 31, 2025.

"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 any economic benefit resulting from this violation was de minimis.

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

$$\begin{aligned} &= \$2,000 + [(0.1 \times \$2,000) \times (10 + (-1) + 0 + 4 + (-3))] + \$0 \\ &= \$2,000 + [\$200 \times 10] + \$0 \\ &= \$2,000 + \$2,000 + \$0 \\ &= \$4,000 \end{aligned}$$

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)**

|                        |                   |
|------------------------|-------------------|
| <b>DATE:</b>           | February 19, 2026 |
| <b>RESPONSE DATE*:</b> | April 30, 2026    |
| <b>TOTAL PENALTY:</b>  | \$4,000.00        |

|                      |                               |                          |              |
|----------------------|-------------------------------|--------------------------|--------------|
| <b>Account Name:</b> | RUSCO INC DBA DURA INDUSTRIES |                          |              |
| <b>Account Type:</b> | Vendor/Organization/Company   | <b>Reference Number:</b> | CPGFD2600076 |
| <b>SubSystem ID:</b> | 202071                        | <b>FIMS Acct. ID:</b>    | 653          |

**Penalty Summary**

| Penalty Amount | Interest | Adjustment | Amount Paid | Total Penalty |
|----------------|----------|------------|-------------|---------------|
| \$ 4,000.00    | \$ 0.00  | \$ 0.00    | \$ 0.00     | \$ 4,000.00   |

\*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



|                        |                                       |                           |                |
|------------------------|---------------------------------------|---------------------------|----------------|
| <b>REFERENCE NO.</b>   | CPGFD2600076                          |                           |                |
| <b>PAYCODE:</b>        | 00401 7400 10040 74001 0500 000000 00 |                           |                |
| <b>FEE PROGRAM ID:</b> | 950                                   | <b>RESPONSE DATE:</b>     | April 30, 2026 |
| <b>FIMS ACCT. ID:</b>  | 653                                   | <b>TOTAL PENALTY DUE:</b> | \$4000.00      |

**AMOUNT ENCLOSED:**

MAKE CHECK PAYABLE TO: Department of Environmental Quality

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

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

00401 7400 10040 74001 0500 000000 0095000006538(CPGFD)260007600004000000



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     |
|------------------|-----------------------------|------------|
| 2/18/2026        | 2025-697 LQ-HW-NWR-2025-697 | \$4,000.00 |

## 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. LQ-HW-NWR-2025-697 upon:

9589 0710 5270 3236 6724 68

|  |          |
|--|----------|
| <b>U.S. Postal Service™</b><br><b>CERTIFIED MAIL® RECEIPT</b><br><i>Domestic Mail Only</i>       |          |
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |          |
| OFFICIAL USE   |          |
| 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

Rusco, Inc.  
c/o Weddy Russell Stephens, Registered Agent  
4466 NW Yeon Ave  
Portland, OR 97210

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 19, 2026

Isaac Griffith

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