



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

April 2, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 5986 78

PMP Properties, LLC
c/o Fletcher L. Conn, Registered Agent
1 Jefferson Pkwy, Apt. 267
Lake Oswego, OR 97035

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/SW-NWR-2024-648

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$12,000 for failing to timely install Tier 2 corrective actions and failing to implement the SWPCP as required by the National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Discharge General Permit No. 1200-Z (the Permit) at the facility located at 3730 N Suttle Rd in Portland, Oregon (the Facility).

DEQ issued this penalty because complying with Tier 2 corrective actions is essential to reducing pollutant concentrations in industrial stormwater runoff. A Tier 2 Corrective Action Response was triggered by exceedances of statewide pollutant benchmarks. Permit benchmarks are established to protect both aquatic life and human health. Benchmark exceedances pose a threat to waters of the state, and corrective actions are essential to preventing further risk of harm.

DEQ appreciates your efforts to correct the violation by bringing the Facility into compliance with the SWPCP and completing implementation of the Tier 2 corrective actions. 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 Emily Knobbe at (971) 300-9770 or emily.knobbe@deq.oregon.gov.

Sincerely,



Erin Saylor, Manager
Office of Compliance and Enforcement

Enclosures

cc: Mieke Vrijmoet, Bureau of Environmental Services, City of Portland
Benjamin Benninghoff, DEQ
Accounting, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 PMP PROPERTIES, LLC,) ASSESSMENT AND ORDER
5 Respondent.) CASE NO. WQ/SW-NWR-2024-648

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 Chapter 468B, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions
10 011, 012, and 045.

11 II. FINDINGS OF FACT

12 1. Respondent is registered under the National Pollutant Discharge Elimination System
13 Industrial Stormwater Discharge General Permit No. 1200-Z (the Permit) for the facility located at
14 3730 N Suttle Rd in Portland, Oregon (the Facility).

15 2. Pursuant to Schedule A.8.d of the Permit, failure to implement control measures or
16 operational practices described in the Stormwater Pollution Control Plan (SWPCP) is a violation of the
17 Permit.

18 3. Respondent's SWPCP contains the following:

19 a. "Building C has a dust collection system that collects sawdust generated by A&E
20 Pallets during pallet repairs and refurbishing. Sawdust is collected into supersacks. Full supersacks are
21 stored in a covered area adjacent to the east side of the building. The dust collection system and
22 supersack storage area are inspected to ensure the sack [is] secured and dust is fully contained before
23 the sack is transported off site." (Section 3.6)

24 b. "Waste bins and dumpsters are equipped with lids and are closed when not in
25 use." (Section 3.3)

26 4. Pursuant to Schedule A.14.a of the Permit, any noncompliance with the requirements of
27 the Permit constitutes a violation of the Clean Water Act and ORS 468B.025(2).

1 deadline. Specifically, Respondent failed to install the *E.coli* mass reduction measures contained in the
2 Report by September 30, 2024, as described in Section II, Paragraphs 6 and 8, above. This is a Class I
3 violation, according to OAR 340-012-0055(1)(r). DEQ hereby assess a \$8,000 civil penalty for this
4 violation.

5 2. Respondent violated Schedule A.8.d of the Permit and ORS 468B.025(2) by failing to
6 implement the SWPCP. Specifically, from October 31, 2024, until approximately December 20, 2024,
7 Respondent failed to implement the SWPCP by storing supersacks full of sawdust outside of covered
8 storage and failing to cover the scrap metal recycling bin, as described in Section II, Paragraph 8. This
9 is a Class II violation, according to OAR 340-012-0055(2)(d). DEQ hereby assesses a \$4,000 civil
10 penalty for this violation.

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 \$12,000. The determination of the civil penalties are attached as
15 Exhibit 1-2 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 FIMS Account ID included on the attached payment slip.
21 Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no
22 additional charges.

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

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

27 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ

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

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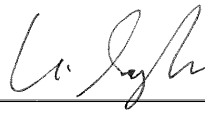
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1 If you fail to file a timely request for hearing, the Notice will become a final order by default
2 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
3 withdraw your request, fail to attend the hearing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

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10 4/2/2024

11 Date



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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 NO. 1: Violating Schedule A.14.e of the Permit and ORS 468B.025(2) by failing to implement Tier 2 corrective actions.

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

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)(ii) because Respondent has coverage under the NPDES Industrial Stormwater General Permit No. 1200-Z.

"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 there were more than 28 occurrences of the violation. Each day of violation is a separate occurrence. The deadline for implementation of Tier 2 corrective actions was September 30, 2024. As of the date of BES's inspection, which took place 31 days later on October 31, 2024, the corrective actions had not been implemented. Respondent failed to implement corrective actions until February 5, 2025.

"M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent acted or failed to act intentionally with actual knowledge of the requirement. Respondent submitted a Tier 2 Corrective Action Report on March 31, 2023, which included a deadline of September 30, 2024. Additionally, BES's acceptance letter on June 27, 2023, specifically stated, "the City recommends that PMP Properties applies for required permits as soon as possible to ensure the installation deadline is met."

Respondent failed to timely implement the required measures, despite having actual knowledge of the requirement.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -2 according to OAR 340-012-0145(6)(d) because Respondent eventually made some efforts to correct the violation. Respondent eventually implemented the Tier 2 corrective actions on or about February 5, 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 because there is not enough information to make an estimate.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$4,000 + [(0.1 x \$4,000) x (0 + 0 + 4 + 8 + -2)] + \$0
= \$4,000 + (\$400 x 10) + \$0
= \$4,000 + \$4,000 + \$0
= \$8,000

EXHIBIT 2

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

VIOLATION NO. 2: Violating Schedule A.8.d of the Permit and ORS 468B.025(2) by failing to implement the SWPCP.

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0055(2)(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 \$2,000 for a Class II, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(ii) because Respondent has coverage under the NPDES Industrial Stormwater General Permit No. 1200-Z.

"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 there were more than 28 occurrences of the violation. Each day of violation is a separate occurrence. From at least the date of BES's inspection, October 31, 2024, until 43 days later, on or about December 13, 2024, Respondent failed to implement the SWPCP.

"M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent acted or failed to act intentionally with actual knowledge of the requirement. Respondent's Permit and SWPCP clearly describe the requirements for compliance, including storing supersacks under cover and keeping all waste containers covered. Respondent had actual knowledge of the requirement and failed to comply.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -2 according to OAR 340-012-0145(6)(d) because Respondent eventually made some efforts to

correct the violation. Respondent eventually brought the Facility into compliance on or about December 13, 2024.

"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 not enough information to make an estimate.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= $\$2,000 + [(0.1 \times \$2,000) \times (0 + 0 + 4 + 8 + -2)] + \0
= $\$2,000 + (\$200 \times 10) + \$0$
= $\$2,000 + \$2,000 + \$0$
= $\$4,000$

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:	April 2, 2026
RESPONSE DATE*:	June 11, 2026
TOTAL PENALTY:	\$12,000.00

Account Name:	PMP PROPERTIES <PMP PROPERTIES> <126752>		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600092
SubSystem ID:	194635	FIMS Acct. ID:	3847

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 12,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 12,000.00

*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.	CPGFD2600092		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	June 11, 2026
FIMS ACCT. ID:	3847	TOTAL PENALTY DUE:	\$12000.00

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 0095000038478CPGFD260009200012000001



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
4/1/2026	2024-648 WQ-SW-NWR-2024-648	\$12,000.00

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-NWR-2024-648 upon:

9589 0710 5270 0110 5986 78

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	\$ _____
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	
PMP Properties, LLC c/o Fletcher L. Conn, Registered Agent 1 Jefferson Pkwy, Apt. 267 Lake Oswego, OR 97035	
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 April 2, 2026

Isaac Griffith

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