



# 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 23, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 6025 42

Pacific Bio Products – Warrenton, LLC  
c/o Roger J. Preston, Registered Agent  
707 SW Washington St., Suite 1500  
Portland, OR 97205

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ/I-NWR-2024-102

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$104,800 for violating the conditions of your wastewater disposal permit, including, but not limited to, discharging wastewater from your Warrenton facility that contains total residual chlorine in excess of the limits set in your permit to waters of the state. Chlorine is highly toxic to fish and other aquatic life and by exceeding permit limits you created a risk of harm to these environmental receptors.

Included in Section IV of the Notice is an order requiring you to take action to ensure compliance with the chlorine limits of your permit.

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 Jeff Bachman at 503-229-5950 or toll free in Oregon at 800-452-4011, extension 5950.

Sincerely,



Erin Saylor, Manager  
Office of Compliance and Enforcement

Enclosures

cc: Randy Bailey, DEQ  
Tiffany Yelton-Bram, DEQ  
Eric Mills, General Counsel, Pacific Seafood  
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF: )  
PACIFIC BIO-PRODUCTS - )  
WARRENTON, LLC, )  
(abn BIO-OREGON PROTEIN, INC.), )  
Respondent. )

NOTICE OF CIVIL PENALTY  
ASSESSMENT AND ORDER  
CASE NO. WQ/I-NWR-2024-102

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, ORS 468.126 through 468.140, ORS Chapters 183 and 468B and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011 and 012.

II. FINDINGS OF FACT

1. At all relevant times Respondent operated an industrial wastewater treatment and disposal system at its seafood processing facility at 1935 NW Warrenton Drive, Warrenton, Oregon, as authorized by a National Pollutant Discharge Elimination System Permit issued and administered by DEQ.

2. The Permit authorizes Respondent to operate its wastewater treatment and disposal system and discharge to waters of the state adequately treated wastewater only in conformance with the requirements, conditions and limitations of the Permit.

3. Schedule A, Condition 3 of the Permit limits the monthly average total residual chlorine (TRC) concentration in Respondent's effluent discharged from its Outfall 003 to 0.01 milligrams per liter (mg/L).

4. Respondent discharged effluent from Outfall 003 with the following monthly average TRC concentrations:

Month	TRC Concentration in mg/L	Month	TRC Concentration in mg/L
December 2024	2.17	January 2025	2.38

February 2025	2.50	March 2025	1.60
April 2025	1.62	May 2025	1.21
June 2025	0.87	July 2025	0.63
September 2025	0.73	October 2025	1.35
November 2025	0.63	December 2025	0.25
February 2026	<0.57	March 2026	<0.17

5. Schedule A, Condition 3 of the Permit limits the daily maximum TRC concentration in Respondent's effluent discharged from its Outfall 003 to 0.02 mg/L.

6. Respondent discharged effluent from Outfall 003 with the following daily maximum TRC concentrations:

Date	TRC Concentration in mg/L	Date	TRC Concentration in mg/L
December 3, 2024	2.20	December 11, 2024	1.40
December 19, 2024	2.50	December 24, 2024	2.20
January 7, 2025	2.34	January 14, 2025	2.59
January 21, 2025	2.20	January 29, 2025	2.38
February 2, 2025	2.67	February 11, 2025	2.41
February 18, 2025	2.71	February 28, 2025	2.20
March 4, 2025	0.20	March 11, 2025	1.30
March 20, 2025	2.81	March 26, 2025	2.08
April 1, 2025	2.20	April 8, 2025	0.10
April 16, 2025	1.11	April 23, 2025	2.20
April 30, 2025	2.48	May 8, 2025	1.33
May 13, 2025	0.90	May 20, 2025	2.81

May 26, 2025	1.04	June 2, 2025	0.07
June 11, 2025	1.31	June 16, 2025	2.04
July 2, 2025	0.81	July 10, 2025	0.07
July 15, 2025	1.97	July 21, 2025	0.11
July 27, 2025	0.18	September 8, 2025	1.51
September 15, 2025	1.79	September 22, 2025	0.25
September 30, 2025	0.07	October 7, 2025	2.20
October 14, 2025	2.10	October 21, 2025	0.43
October 28, 2025	0.67	November 4, 2025	1.57
November 11, 2025	0.59	November 18, 2025	0.30
November 25, 2025	0.07	December 16, 2025	0.07
December 22, 2025	0.14	December 30, 2025	1.01
January 20, 2026	0.08	February 16, 2026	2.20
March 25, 2026	0.40	March 31, 2026	0.38

7. Schedule A, Condition 2 of the Permit limits the monthly average TRC concentration in Respondent's effluent discharged from its Outfall 002 to 0.05 mg/L.

8. Respondent discharged effluent from Outfall 002 with the following monthly average TRC concentrations:

Month	TRC Concentration in mg/L	Month	TRC Concentration in mg/L
December 2024	<3.60	January 2025	<2.00
February 2025	<3.25	March 2025	12.01
April 2025	1.40	May 2025	2.26
June 2025	2.00	July 2025	1.63

August 2025	22.00	September 2025	18.60
October 2025	<15.50	November 2025	8.78
December 2025	<5.00	January 2026	<6.26
February 2026	<1.51	March 2026	14.60

9. Schedule A, Condition 2 of the Permit limits the daily maximum TRC concentration in Respondent's effluent discharged from its Outfall 002 to 0.09 mg/L.

10. Respondent discharged effluent from Outfall 002 with the following daily maximum TRC concentrations:

Date	TRC Concentration in mg/L	Date	TRC Concentration in mg/L
December 3, 2024	<2.00	December 11, 2024	<2.00
December 19, 2024	<2.00	December 24, 2024	<2.00
January 7, 2025	<2.00	January 14, 2025	<2.00
January 21, 2025	<2.00	January 29, 2025	<2.00
February 2, 2025	<2.00	February 11, 2025	<3.00
February 18, 2025	<2.00	February 28, 2025	6.00
March 11, 2025	22.00	March 20, 2025	18.00
March 26, 2025	8.00	April 1, 2025	1.00
April 16, 2025	2.00	April 23, 2025	3.00
April 30, 2025	1.00	May 20, 2025	2.00
May 26, 2025	7.00	June 2, 2025	<2.00
June 11, 2025	<2.00	June 16, 2025	<2.00
June 24, 2025	<2.00	July 2, 2025	6.00
July 11, 2025	<2.00	July 15, 2025	2.00

July 21, 2025	<2.00	July 27, 2025	<2.00
August 14, 2025	66.00	August 19, 2025	22.00
September 2, 2025	21.00	September 9, 2025	2.00
September 16, 2025	2.00	September 23, 2025	20.00
September 30, 2025	48.00	October 8, 2025	24.00
October 14, 2025	<2.00	October 21, 2025	<2.00
October 30, 2025	34.00	November 4, 2025	32.00
November 11, 2025	3.00	December 2, 2025	17.00
December 9, 2025	<2.00	December 16, 2025	<2.00
December 22, 2025	<2.00	December 30, 2025	<2.00
January 20, 2026	13.00	January 27, 2026	12.00
February 9, 2026	3.00	February 17, 2026	3.00
March 2, 2026	26.00	March 10, 2026	21.00
March 17, 2026	18.00	March 25, 2026	1.00
March 31, 2026	7.00		

11. Schedule A, Condition 1 of the Permit limits the monthly average TRC concentration in Respondent's effluent discharged from its Outfall 001 to 0.01 mg/L.

12. Respondent discharged effluent from Outfall 001 with a monthly average TRC concentrations as follows: May 2025 - <0.13 mg/L and October 2025 - <0.11.

13. Schedule A, Condition 1 of the Permit limits the daily maximum TRC concentration in Respondent's effluent discharged from its Outfall 001 to 0.02 mg/L.

14. Respondent discharged effluent from Outfall 001 with the following daily maximum TRC concentrations:

////

Date	TRC Concentration in mg/L	Date	TRC Concentration in mg/L
January 21, 2025	<0.15	April 1, 2025	0.06
May 9, 2025	0.34	May 13, 2025	0.11
May 26, 2025	0.14	June 12, 2025	0.07
September 3, 2025	0.06	September 22, 2025	0.06
September 30, 2025	0.06	October 13, 2025	0.27
January 13, 2026	0.07		

15. Schedule F, Section D, Condition D.5 states: “The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).”

16. Respondent did not report the daily maximum TRC exceedances described in Paragraphs 6, 10 and 14, above, to the DEQ regional office or the Oregon Emergency Response System within 24 hours of becoming aware of the circumstances.

17. Schedule C, Condition 1 of the Permit requires Respondent to submit status reports, beginning January 15, 2023, and continuing annually on January 15th, until completion of the Schedule C compliance schedule, to DEQ outlining the progress made toward completing improvements for complying with effluent limits.

18. The compliance schedule in Schedule C, Condition 1 of the Permit required Respondent to comply with the Permit’s TRC effluent limits by December 1, 2024.

19. As of the date of this Notice, Respondent has not submitted the status reports on improvements for complying with the TRC limits that were due to DEQ on January 15, 2023 and January 15, 2024.

1           20.     Schedule A Condition 1 of the Permit limits pH in effluent from Outfall 001 to between  
2 a daily minimum of 6.0 standard units (SU) and a daily maximum of 9.0 SU.

3           21.     Respondent discharged effluent with the following pHs: September 24, 2024 – 9.1 SU;  
4 November 10, 2024 - 9.3 SU; June 28, 2025 – 10.2 SU; and June 29, 2025 – 9.4 SU.

5           22.     Schedule B, Condition 2.e.iv of the Permit states: “The permittee must develop a  
6 receiving water sampling and analysis plan that incorporates QA/QC prior to sampling. This plan must  
7 be kept at the facility and made available to DEQ upon request.”

8           23.     On December 16, 2025, Respondent did not have a receiving water sampling and  
9 analysis plan at its facility.

10          24.     Schedule B, Condition 2.e.iii of the Permit states: “The permittee must:

11           (A) Establish verification and calibration frequency for each device or instrument in the quality  
12 assurance plan that conforms to the frequencies recommended by the manufacturer.

13           (B) Verify at least once per year that flow-monitoring devices are functioning properly  
14 according to manufacturer’s recommendation. Calibrate as needed according to manufacturer’s  
15 recommendations.

16           (C) Verify at least weekly that the continuous monitoring instruments are functioning properly  
17 according to manufacturer’s recommendation unless the permittee demonstrates a longer period  
18 is sufficient and such longer period is approved by DEQ in writing.”

19          25.     On December 16, 2025, Respondent did not have records demonstrating compliance  
20 with the requirements of Schedule B, Condition 2.e.iii for its continuous temperature monitors, which  
21 are components of its quality assurance plan.

22          26.     Schedule D, Condition 6 of the Permit states in pertinent part: “The permittee must have  
23 an up-to-date operation materials management plan for prevention and handling of spills and unplanned  
24 discharges by the date provided for in Table B1 of this permit.”

25          27.     On December 16, 2025, Respondent did not have an operation materials management  
26 plan.

27     ////



1 6. Respondent violated ORS 468B.025(2) by discharging effluent from its Outfall 001 with a  
2 pH outside the range established in Schedule A of the Permit as described in Section II, Paragraphs 20-  
3 21. The instance where the effluent pH was more than 1 but less than 2 SUs outside the permitted range  
4 is a Class II violation pursuant to OAR 340-012-0055(2)(a)(B). Those instances where the effluent pH  
5 range is 1 or less SUs outside the permitted range are Class III violations pursuant to OAR 340-012-  
6 0055(3)(b)(B). DEQ has not assessed a civil penalty for these violations.

7 7. Respondent violated ORS 468B.025(2) by failing to comply with the monitoring and planning  
8 requirements of Schedules B and D of the Permit, as described in Section II, Paragraphs 22-27, above.  
9 These are Class II violations pursuant to OAR 340-012-0055(2)(d). DEQ has not assessed a civil penalty  
10 for these violations.

11 8. Respondent violated ORS 468B.025(2) by failing to comply with the maintenance  
12 requirements of Schedule F, Section B, Condition B1 of the Permit when it failed to maintain calibration  
13 standards for its colorimeter as described in Section II, Paragraphs 28-29, above. This is a Class II  
14 violation pursuant to OAR 340-012-0053(2). DEQ has not assessed a civil penalty for this violation.

#### 15 IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

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

18 1. Pay a total civil penalty of \$104,800. The determinations of the civil penalties are attached as  
19 Exhibit 1-3 and are incorporated as part of this Notice.

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

22 Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:  
23 <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account  
24 dashboard. Enter the Reference Number and FIMS Account ID included on the attached payment slip.

25 Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no  
26 additional charges.

27 ///

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

4 2. Within 30 days of this order becoming final by operation of law or on appeal, submit for  
5 DEQ review a status report detailing progress to date and a schedule for completing improvements  
6 identified in Respondent’s December 1, 2022, “Chlorine Reduction Plan”, and the May 31, 2023,  
7 “Chlorine Reduction Plan Response.” The status report must include a summary of any revisions to the  
8 proposed improvements based on experience gained since the plans were submitted.

9 3. Within 30 days of receiving DEQ comments on the chlorine reduction plans report and  
10 schedule, revise the plans in accordance with DEQ’s comments.

11 4. Within 150 days of this order becoming final by operation of law or on appeal select a  
12 treatment, source control, or other option to achieve compliance with the final chlorine effluent limits  
13 and submit for DEQ approval a 30% design for the selected option.

14 5. Within 360 days of this order becoming final by operation of law or on appeal, submit a  
15 status report to DEQ outlining the progress made toward completion of the improvements.

16 6. Within 540 days of this order becoming final by operation of law or on appeal, complete  
17 construction and start up of the selected option.

#### 18 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

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

1 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be  
2 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,  
3 you will be notified of the time and place of the hearing and you will be given information on the  
4 procedures, and other rights of parties relating to the conduct of the hearing before commencement of  
5 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,  
6 limited liability company, unincorporated association, trust or government body, you must be  
7 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

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

19  
20 4/23/2020  
21 Date

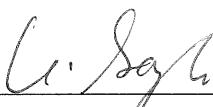
20   
21 Erin Saylor, Manager  
22 Office of Compliance and Enforcement  
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EXHIBIT 1

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

VIOLATION NO. 1 Exceeding TRC limits established in Schedule A of the Permit for effluent discharged from Respondent's Outfall 003 in violation of ORS 468B.025(2).

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

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is insufficient information to apply a selected magnitude specified in OAR 340-012-0135 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 a Tier 2 industrial source NPDES 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 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 2 according to OAR 340-012-0145(4)(b) because there was more than one but less than seven occurrences of the violation per violation penalized. O is arrived at by dividing the total number of violations, 66, by the number of violations issued individual penalties, 14, resulting in 4.7 violations per violation penalized.

"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. The TRC limits are express conditions of Respondent's Permit. In failing to take the action necessary to comply with the TRC limits, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"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 as DEQ has insufficient information on which to base a finding.

PENALTY CALCULATION:  $\text{Penalty} = \text{Single Violation Penalty Calculation} \times \text{Number of Individual Violations Penalized} + \text{Economic Benefit (EB)}$

SINGLE VIOLATION PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})]$   
= \$4,000 + [(0.1 x \$4,000) x (0 + 0 + 2 + 4 + 0)]  
= \$4,000 + (\$400 x 6)  
= \$4,000 + \$2,400  
= \$6,400

Pursuant to ORS 468B.140(1), Respondent is subject to a separate civil penalty for each day of violation. DEQ is exercising its discretion to assess Respondent individual penalties for 14 occurrences of the violation.

FINAL PENALTY CALCULATION

$\$6,400 \times 14 + \$0 = \$89,600$

EXHIBIT 2

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

VIOLATION NO. 2 Failing to report within 24 hours effluent limit exceedances that may endanger human health or the environment as required by Schedule F, Section D, Condition D.5 of the Permit in violation of ORS 468B.025(2).

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

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is insufficient information to apply a selected magnitude specified in OAR 340-012-0135 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 a Tier 2 industrial source NPDES 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 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 85 occurrences of the violation. Respondent failed to report within 24 hours each of the daily maximum TRC limit exceedances detailed in the Notice.

"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. The reporting requirement is an express condition of Respondent's Permit. In failing to take the action necessary to comply with the reporting requirement. Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"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 as DEQ has insufficient information on which to base a finding.

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

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 0 + 4 + 4 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 8) + \$0 \\ &= \$4,000 + \$3,200 + \$0 \\ &= \$7,200 \end{aligned}$$

EXHIBIT 3

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

VIOLATION NO. 3 Failing to comply with a compliance schedule in Schedule C of the Permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0053(1)(a).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is insufficient information to apply a selected magnitude specified in OAR 340-012-0135 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 a Tier 2 industrial source NPDES 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 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 each day Respondent failed to submit the reports after the deadline constitutes a separate violation totaling more than 28 occurrences of the violation.

"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. The status report requirement is an express condition of Respondent's Permit. In failing to take the action necessary to comply with the requirement. Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 2 according to OAR 340-012-0145(6)(g) as Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f).

"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 has insufficient information on which to base a finding.

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

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 0 + 4 + 4 + 2)] + \$0 \\ &= \$4,000 + (\$400 \times 10) + \$0 \\ &= \$4,000 + \$4,000 + \$0 \\ &= \$8,000 \end{aligned}$$

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>	April 23, 2026
<b>RESPONSE DATE*:</b>	July 2, 2026
<b>TOTAL PENALTY:</b>	\$104,800.00

<b>Account Name:</b>	PACIFIC BIO PRODUCTS - WARRENTON, LLC		
<b>Account Type:</b>	Vendor/Organization/Company	<b>Reference Number:</b>	CPGFD2600101
<b>SubSystem ID:</b>	150299	<b>FIMS Acct. ID:</b>	24473

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 104,800.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 104,800.00

\*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>	CPGFD2600101		
<b>PAYCODE:</b>	00401 7400 10040 74001 0500 000000 00		
<b>FEE PROGRAM ID:</b>	950	<b>RESPONSE DATE:</b>	July 2, 2026
<b>FIMS ACCT. ID:</b>	24473	<b>TOTAL PENALTY DUE:</b>	\$104800.00

**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 0095000244739CPGFD260010100104800005



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
4/22/2026	2024-102 WQ-I-NWR-2024-102	\$104,800.00

### 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/I-NWR-2024-102 upon:

9589 0710 5270 0110 6025 42

<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> ®	
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 \$ _____	
<b>Pacific Bio Products - Warrenton, LLC</b> <b>c/o Roger J. Preston, Registered Agent</b> <b>707 SW Washington St., Suite 1500</b> <b>Portland, OR 97205</b>	
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 23, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality