



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 59

Pacific Seafood – Brookings, LLC
c/o Cogency Global, Inc., Registered Agent
698 12th St., SE
Suite 200
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/I-WR-2025-023

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$114,000 for discharging pollutants to Oregon waters in amounts in excess of the limits set in your wastewater disposal permit for your facility in Brookings, Oregon.

Pollutant limits in wastewater permits are set at levels protective of water quality and aquatic life. By exceeding the effluent limits set forth in your permit, you created a risk of harm to beneficial uses of state waters.

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.

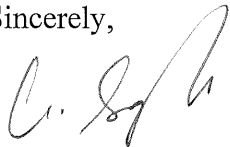
The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

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 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: Jennifer Maglinte-Timbrook, DEQ
Ranei Nomura, DEQ
Eric Mills, General Counsel, Pacific Seafood via emills@pacificseafood.com
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

| | | |
|--------------------------------------|---|---------------------------|
| IN THE MATTER OF: |) | NOTICE OF CIVIL PENALTY |
| PACIFIC SEAFOOD – BROOKINGS, LLC, |) | ASSESSMENT AND ORDER |
| an Oregon limited liability company, |) | |
| |) | CASE NO. WQ/I-WR-2025-023 |
| Respondent. |) | |

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 system at its seafood processing facility at 16263 Harbor Drive, Brookings, Oregon, as authorized by a National Pollutant Discharge Elimination System General Permit 900-J (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 1.a.i of the Permit limits the monthly average loading of biochemical oxygen demand (BOD₅) in Respondent’s discharged effluent to 62 pounds per day (lbs/day) per 1,000 pounds of shrimp processed.

4. Respondent discharged shrimp processing effluent with monthly average BOD₅ loadings as follows:

| Month | Monthly Average BOD ₅ Loading in lbs/day per 1,000 lbs Shrimp Processed | Percentage Over Limit |
|----------------|--|-----------------------|
| September 2022 | 80 | 29% |
| May 2023 | 71 | 15% |

| | | |
|----------------|-----|------|
| June 2023 | 79 | 27% |
| July 2023 | 84 | 35% |
| August 2023 | 173 | 179% |
| September 2023 | 110 | 77% |
| October 2023 | 94 | 52% |

5. Schedule A, Condition 1.a.i of the Permit limits the daily maximum loading of BOD₅ in Respondent's discharged effluent to 155 pounds per 1,000 pounds of shrimp processed.

6. Respondent discharged shrimp processing effluent with the following BOD₅ loadings:

| Date | BOD ₅ Loading in pounds per 1,000 pounds Shrimp Processed | Percentage Over Limit |
|-------------------|--|-----------------------|
| August 29, 2023 | 230 | 48% |
| September 6, 2023 | 230 | 48% |

7. Schedule A, Condition 1.a.i of the Permit limits the monthly average loading of total suspended solids (TSS) in Respondent's discharged effluent to 15 lbs/day per 1,000 pounds of shrimp processed.

8. Respondent discharged shrimp processing effluent with monthly average TSS loadings as follows:

| Month | Monthly Average TSS Loading in lbs/day per 1,000 lbs Shrimp Processed | Percentage Over Limit |
|----------------|---|-----------------------|
| September 2022 | 31 | 106% |
| April 2023 | 27 | 80% |
| May 2023 | 23 | 53% |
| June 2023 | 30 | 100% |
| July 2023 | 31 | 107% |
| August 2023 | 78 | 420% |
| September 2023 | 29 | 93% |

| | | |
|---------------|----|------|
| October 2023 | 34 | 127% |
| November 2023 | 24 | 60% |

9. Schedule A, Condition 1.a.i of the Permit limits the daily maximum loading of TSS in Respondent's discharged effluent to 38 pounds per 1,000 pounds of shrimp processed.

10. Respondent discharged shrimp processing effluent with the following TSS loadings:

| Date | TSS Loading in pounds per 1,000 pounds Shrimp Processed | Percentage Over Limit |
|--------------------|---|-----------------------|
| September 9, 2022 | 41 | 8% |
| September 18, 2022 | 40 | 5% |
| September 19, 2022 | 58 | 53% |
| May 2, 2023 | 48 | 26% |
| June 11, 2023 | 41 | 8% |
| June 13, 2023 | 53 | 39% |
| July 18, 2023 | 44 | 16% |
| July 24, 2023 | 39 | 3% |
| August 1, 2023 | 49 | 29% |
| August 19, 2023 | 100 | 163% |
| August 22, 2023 | 69 | 82% |
| August 24, 2023 | 90 | 137% |
| August 29, 2023 | 82 | 116% |
| September 6, 2023 | 75 | 97% |
| September 19, 2023 | 43 | 13% |
| September 20, 2023 | 52 | 37% |
| October 2, 2023 | 54 | 42% |

| | | |
|------------------|----|-----|
| October 10, 2023 | 57 | 50% |
| October 11, 2023 | 61 | 61% |
| October 21, 2023 | 41 | 8% |
| October 24, 2023 | 42 | 11% |

11. Schedule A, Condition 1.a.i of the Permit limits the monthly average loading of oil and grease in Respondent's discharged effluenday to 5.7 pounds per day per 1,000 pounds of shrimp processed.

12. Respondent discharged shrimp processing effluent with monthly average oil and grease loadings as follows:

| Month | Monthly Average Oil and Grease Loading in lbs/day per 1,000 lbs Shrimp Processed | Percentage Over Limit |
|----------------|--|-----------------------|
| September 2022 | 16.0 | 181% |
| April 2023 | 9.1 | 60% |
| June 2023 | 11.0 | 93% |
| July 2023 | 13.3 | 133% |
| August 2023 | 20.0 | 251% |
| September 2023 | 17.0 | 198% |
| October 2023 | 14.0 | 146% |

13. Schedule A, Condition 1.a.i of the Permit limits the daily maximum loading of oil and grease in Respondent's discharged effluent to 14 pounds per 1,000 pounds of shrimp processed.

14. Respondent discharged shrimp processing effluent with the following oil and grease loadings:

| Date | Oil and Grease Loading in pounds per 1,000 pounds Shrimp Processed | Percentage Over Limit |
|--------------------|--|-----------------------|
| September 2, 2022 | 19 | 36% |
| September 6, 2022 | 16 | 14% |
| September 17, 2022 | 15 | 7% |

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|--------------------|----|------|
| September 19, 2022 | 24 | 71% |
| September 27, 2022 | 15 | 7% |
| September 28, 2022 | 16 | 14% |
| June 6, 2023 | 18 | 29% |
| June 11, 2023 | 24 | 71% |
| July 19, 2023 | 16 | 14% |
| July 25, 2023 | 28 | 100% |
| July 26, 2023 | 18 | 29% |
| August 1, 2023 | 17 | 21% |
| August 19, 2023 | 24 | 71% |
| August 22, 2023 | 24 | 71% |
| August 25, 2023 | 27 | 93% |
| August 30, 2023 | 21 | 50% |
| September 6, 2023 | 22 | 57% |
| September 19, 2023 | 34 | 143% |
| September 20, 2023 | 36 | 157% |
| September 29, 2023 | 23 | 64% |
| October 2, 2023 | 20 | 43% |
| October 11, 2023 | 22 | 57% |
| October 20, 2023 | 18 | 29% |
| October 21, 2023 | 18 | 29% |

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1 III. CONCLUSIONS

2 1. Respondent violated ORS 468B.025(2) by discharging effluent that contained BOD₅ in
3 excess of the limits established in Schedule A of the Permit as described in Section II, Paragraphs 3-6,
4 above. Those instances where Respondent discharged effluent that exceeded the limit by 50% or more
5 are Class I violations pursuant to OAR 340-012-0055(1)(k)(A). Those instances where Respondent
6 exceeded the limit by 20% or more, but less than 50%, are Class II violations pursuant to OAR 340-
7 012-0055(2)(a)(A). Those instances where Respondent exceeded the limit by less than 20% are Class
8 III violations pursuant to OAR 340-012-0055(3)(b)(A). DEQ assesses a \$18,000 civil penalty for these
9 violations.

10 2. Respondent violated ORS 468B.025(2) by discharging effluent that contained TSS in excess
11 of the limits established in Schedule A of the Permit as described in Section II, Paragraphs 7-10, above.
12 Those instances where Respondent discharged effluent that exceeded the limit by 50% or more are
13 Class I violations pursuant to OAR 340-012-0055(1)(k)(A). Those instances where Respondent
14 exceeded the limit by 20% or more, but less than 50%, are Class II violations pursuant to OAR 340-
15 012-0055(2)(a)(A). Those instances where Respondent exceeded the limit by less than 20% are Class
16 III violations pursuant to OAR 340-012-0055(3)(b)(A). DEQ assesses a \$54,000 civil penalty for these
17 violations.

18 3. Respondent violated ORS 468B.025(2) by discharging effluent that contained oil and grease
19 in excess of the limits established in Schedule A of the Permit as described in Section II, Paragraphs
20 11-14, above. Those instances where Respondent discharged effluent that exceeded the limit by 50% or
21 more are Class I violations pursuant to OAR 340-012-0055(1)(k)(A). Those instances where
22 Respondent exceeded the limit by 20% or more, but less than 50%, are Class II violations pursuant to
23 OAR 340-012-0055(2)(a)(A). Those instances where Respondent exceeded the limit by less than 20%
24 are Class III violations pursuant to OAR 340-012-0055(3)(b)(A). DEQ assesses a \$42,000 civil penalty
25 for these violations.

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1 IV. ORDER TO PAY CIVIL PENALTY

2 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
3 hereby ORDERED TO: Pay a total civil penalty of \$114,000. The determinations of the civil penalties are
4 attached as Exhibits 1, 2 and 3 and are incorporated as part of this Notice.

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

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

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

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

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

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

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

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

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19 | 4/23/2020
20 | Date

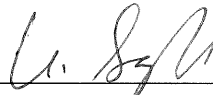
21 | 
22 | Erin Saylor, Manager
23 | Office of Compliance and Enforcement
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EXHIBIT 1

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

VIOLATION NO. 1 Exceeding BOD₅ effluent limits in Respondent's permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A) and OAR 340-012-0145(4)(e).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(i) because Respondent's effluent was diluted by a factor of 10 or more in the receiving water.

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)(E)(iii) because Respondent has coverage under a NPDES general 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 10 pursuant to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of nine or more Class I equivalent violations as established in Case No. WQ/I-WR-2022-123.

"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 insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"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, 10, by the number of assessed separate penalties, 3, resulting in 3.3 violations per violation penalized.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. DEQ penalized Respondent for exceeding BOD₅ limits on multiple occasions during the period July and August 2022. Respondent's subsequent failure to take action to comply with BOD₅ limits constitutes a gross deviation from the standard of care a reasonable person would observe in that situation.

"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 to estimate the economic benefit Respondent gained by avoiding or delaying compliance.

PENALTY CALCULATION: Penalty = Single Violation Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE VIOLATION PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= \$2,000 + [(0.1 x \$2,000) x (10 + 0 + 2 + 8 + 0)]
= \$2,000 + (\$200 x 20)
= \$2,000 + \$4,000
= \$6,000

Pursuant to ORS 468.140(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 three Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$\$6,000 \times 3 + \$0 = \$18,000$

EXHIBIT 2

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

VIOLATION NO. 2 Exceeding TSS effluent limits in Respondent's permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A) and OAR 340-012-0145(4)(e).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(i) because Respondent's effluent was diluted by a factor of 10 or more in the receiving stream.

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)(E)(iii) because Respondent has coverage under a NPDES general 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 10 pursuant to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of nine or more Class I equivalent violations as established in Case No. WQ/I-WR-2022-123.

"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 insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"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, 30, by the number of assessed separate penalties, 9, resulting in 3.3 violations per violation penalized.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. DEQ penalized Respondent for exceeding TSS limits on multiple occasions during the period July and August 2022. Respondent's subsequent failure to take action to comply with TSS limits constitutes a gross deviation from the standard of care a reasonable person would observe in that situation.

"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 to estimate the economic benefit Respondent gained by avoiding or delaying compliance.

PENALTY CALCULATION: Penalty = Single Violation Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE VIOLATION PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= \$2,000 + [(0.1 x \$2,000) x (10 + 0 + 2 + 8 + 0)]
= \$2,000 + (\$200 x 20)
= \$2,000 + \$4,000
= \$6,000

Pursuant to ORS 468.140(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 nine Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$\$6,000 \times 9 + \$0 = \$54,000$

EXHIBIT 3

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

VIOLATION NO. 3 Exceeding oil and grease effluent limits in Respondent's permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A) and OAR 340-012-0145(4)(e).

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(2)(a)(C)(i) because Respondent's effluent was diluted by a factor of 10 or more in the receiving stream.

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)(E)(iii) because Respondent has coverage under a NPDES general 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 10 pursuant to OAR 340-012-0145(2)(a) because Respondent has prior significant actions consisting of nine or more Class I equivalent violations as established in Case No. WQ/I-WR-2022-123.

"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 insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"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, 31, by the number of assessed separate penalties, 7, resulting in 4.4 violations per violation penalized.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. DEQ penalized Respondent for exceeding oil and grease limits on multiple occasions during the period July and August 2022. Respondent's subsequent failure to take action to comply with oil and grease limits constitutes a gross deviation from the standard of care a reasonable person would observe in that situation.

"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 to estimate the economic benefit Respondent gained by avoiding or delaying compliance.

PENALTY CALCULATION: Penalty = Single Violation Penalty Calculation x Number of Individual Violations Penalized + Economic Benefit (EB)

SINGLE VIOLATION PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= \$2,000 + [(0.1 x \$2,000) x (10 + 0 + 2 + 8 + 0)]
= \$2,000 + (\$200 x 20)
= \$2,000 + \$4,000
= \$6,000

Pursuant to ORS 468.140(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 seven Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$\$6,000 \times 7 + \$0 = \$42,000$

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 23, 2026 |
| RESPONSE DATE*: | July 2, 2026 |
| TOTAL PENALTY: | \$114,000.00 |

| | | | |
|----------------------|----------------------------------|--------------------------|---------------------|
| Account Name: | PACIFIC SEAFOOD - BROOKINGS, LLC | | |
| Account Type: | Vendor/Organization/Company | Reference Number: | CPGFD2600100 |
| SubSystem ID: | 310372 | FIMS Acct. ID: | 25375 |

Penalty Summary

| Penalty Amount | Interest | Adjustment | Amount Paid | Total Penalty |
|----------------|----------|------------|-------------|---------------|
| \$ 114,000.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 114,000.00 |

*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. | CPGFD2600100 | | |
| PAYCODE: | 00401 7400 10040 74001 0500 000000 00 | | |
| FEE PROGRAM ID: | 950 | RESPONSE DATE: | July 2, 2026 |
| FIMS ACCT. ID: | 25375 | TOTAL PENALTY DUE: | \$114000.00 |

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 0095000253756CPGFD260010000114000007



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 | 2025-023 WQ-I-WR-2025-023 | \$114,000.00 |

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/I-WR-2025-023 upon:

9589 0710 5270 0110 6025 59

| 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 \$ _____ | |
| Pacific Seafood - Brookings, LLC c/o Cogency Global, Inc., Registered Agent 698 12th St., SE Suite 200 Salem, OR 97301 | |
| 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