



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 66

Pacific Seafood – Charleston, LLC
c/o Robert 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-WR-2025-024

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$2,985,262 for violating a requirement of an Environmental Quality Commission Order by failing to install wastewater treatment at your facility in Charleston, Oregon, and for discharging effluent to waters of the state that contained pollutants in excess of the limits in your wastewater disposal permit for that facility.

Pacific Seafood – Charleston failed to install, by April 15, 2023, a DEQ-approved wastewater treatment system as required by Paragraph 4, Amendment 5, of Mutual Agreement and Order No. WQ/I-WR-2017-013. As a result of failing to install treatment, Respondent has repeatedly exceeded permit limits for oil and grease, total suspended solids and biochemical oxygen demand. These limits are set at levels necessary to protect aquatic life and water quality.

\$2,407,662 of the civil penalty represents the economic benefit you gained by failing to install and operate the required treatment system. If you complete these requirements, DEQ will consider recalculating the costs as delayed rather than avoided and will reduce the civil penalty accordingly. Continued failure to install treatment in accordance with the order may result in assessment of additional civil penalties.

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 email to emills@pacificseafood.com
Accounting, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 PACIFIC SEAFOOD – CHARLESTON, LLC) ASSESSMENT AND ORDER
5 an Oregon limited liability company,)
6 Respondent.) CASE NO. WQ/I-WR-2025-024

7 I. AUTHORITY

8 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment
9 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,
10 ORS Chapters 183 and 468B and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011 and
11 012.

12 II. FINDINGS OF FACT

13 1. At all relevant times Respondent operated an industrial wastewater disposal system at its
14 seafood processing facility at 63501 Boat Basin Road, Charleston, Oregon, as authorized by a National
15 Pollutant Discharge Elimination System General Permit 900-J (Permit) issued and administered by
16 DEQ.

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

20 3. On April 11, 2017, DEQ and Respondent executed Mutual Agreement and Order WQ/I-
21 WR-2017-013 (MAO).

22 4. On March 1, 2021, DEQ and Respondent executed Amendment No. 5 to the MAO (the
23 Amendment).

24 5. Paragraph 4 of the Amendment states: “The MAO is amended as follows: ... F. Adding
25 Paragraph 9.A.9: “If Respondent fails to achieve at least a 95% compliance rate with the permit’s effluent
26 limits during the first six months of 2022 in which Respondent discharges wastewater to waters of the
27 state, Respondent will submit, by July 31, 2022, a design and installation schedule for an active wastewater
treatment system for DEQ’s review and approval.”

6. Respondent did not achieve at least a 95% compliance rate with the permit's effluent limits during the first six months of 2022 in which Respondent discharged wastewater to waters of the state. On July 29, 2022, Respondent submitted a design and installation schedule for an active wastewater treatment system to DEQ for approval.

7. On October 17, 2022, DEQ approved Respondent's wastewater treatment system design and installation schedule.

8. Paragraph 4 of the Amendment states: "The MAO is amended as follows ...H. Adding Paragraph 9.A.11: By April 15, 2023, complete installation of the treatment system in accordance with all DEQ requirements."

9. To date Respondent has not installed the approved wastewater treatment system.

10. Schedule A of the Permit establishes limits on the amount of oil and grease, total suspended solids (TSS) and biochemical oxygen demand (BOD₅) in Respondent's discharged effluent.

11. Respondent discharged effluent that contained oil and grease in excess of the Permit's limits as follows:

Monitoring Period	Species	Permit Loading Limit in Pounds per 1,000 Pounds Processed (lbs/klbs)	Discharged Effluent Loading	Loading or Concentration in Excess of Permit Limit
March 26, 2026	Crab	Daily maximum of 3.61 lbs/klbs	Daily maximum of 7.71 lbs/klbs	114%
March 2026	Crab	Monthly average of 14 lbs/klbs	Monthly average of 24 lbs/klbs	71%
October 2, 2025	Shrimp and Bottom Fish Conventional (BFC)	Daily maximum of 12.5 lbs/klbs	Daily maximum of 19.9 lbs/klbs	59%
October 2025	Shrimp and BFC	Monthly average of 5.24 lbs/klbs	Monthly average of 14.29 lbs/klbs	173%
August 12, 2025	Shrimp and BFC, Squid and Other, Tuna	Daily maximum of 13.56 lbs/klbs	Daily maximum 48.70 lbs/klbs	259%

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August 2025	Shrimp and BFC, Squid and Other, Tuna	Monthly average of 5.27 lbs/klbs	Monthly average 28.27 lbs/klbs	436%
July 10, 2025	Shrimp, BFC, Tuna and Other	Daily maximum of 13.28 lbs/klbs	Daily maximum 21.11 lbs/klbs	59%
July 2025	Shrimp, BFC, Tuna and Other	Monthly average of 5.46 lbs/klbs	Monthly average of 16.51 lbs/klbs	202%
June 2025	Shrimp and BFC	Monthly average of 5.03 lbs/klbs	Monthly average of 8.50 lbs/klbs	69%
January 2025	Crab, Squid and Other	Monthly average of 0.1 lbs/klbs	Monthly average of 0.2 lbs/klbs	100%
October 2024	Shrimp, Salmon (hand butch) and BFC	Monthly average of 5.7 lbs/klbs	Monthly average of 10.0 lbs/klbs	75%
October 8, 2024	Shrimp, Salmon (hand butch) and BFC	Daily maximum of 14 lbs/klbs	Daily maximum of 18 lbs/klbs	29%
September 2024	Salmon (hand butch), Tuna and BFC	Monthly average of 5.16 lbs/klbs	Monthly average of 21.04 lbs/klbs	308%
September 11, 2024	Salmon (hand butch), Tuna and BFC	Daily maximum of 13.01 lbs/klbs	Daily maximum of 20.63 lbs/klbs	56%
August 2024	Shrimp, Salmon (hand butch) and Tuna	Monthly average of 5.36 lbs/klbs	Monthly average of 9.04 lbs/klbs	69%
June 2024	Shrimp and BFC	Monthly average of 5.7 lbs/klbs	Monthly average of 6.0 lbs/klbs	5%
February 15, 2024	Crab and BFC	Daily maximum of 0.25 lbs/klbs.	Daily maximum of 0.31 lbs/klbs	24%
January 2024	Crab	Monthly average of 0.1 lbs/klbs	Monthly average of 0.2 lbs/klbs	100%

1	January 31, 2024	Crab and BFC	Daily maximum of 0.25 lbs/klbs	Daily maximum of 0.31 lbs/klbs	24%
2					
3	November 2023	Shrimp and BFC	Monthly average of 5.7 lbs/klbs	Monthly average of 14.7 lbs/klbs	158%
4					
5	November 1, 2023	Shrimp and BFC	Daily maximum of 14 lbs/klbs	Daily maximum of 19 lbs/klbs	36%
6					
7	August 2023	Shrimp and BFC	Monthly average of 5.7 lbs/klbs	Monthly average of 21.0	268%
8					
9	August 30, 2023	Shrimp and BFC	Daily maximum of 14 lbs/klbs	Daily maximum of 25 lbs/klbs	79%

12. Respondent discharged effluent that contained TSS in excess of the Permit's limits as

follows:

Monitoring Period	Species	Permit Loading Limit in Pounds per 1,000 Pounds Processed (lbs/klbs)	Discharged Effluent Loading	Loading in Excess of Permit Limit	
15	January 2026	Crab	Monthly average of 0.7 lbs/klbs	Monthly average of 0.8 lbs/klbs	14%
16					
17	October 2025	Shrimp and BFC	Monthly average of 13.8 lbs/klbs	Monthly average of 17.1 lbs/klbs	24%
18					
19	February 19, 2025	Crab and other	Daily maximum of 1.3 lbs/klbs	Daily maximum of 1.5 lbs/klbs	15%
20					
21	February 2025	Crab and other	Monthly average of 0.5 lbs/klbs	Monthly average of 0.8 lbs/klbs	60%
22					
23	September 2024	Shrimp, Tuna and BFC	Monthly average of 13.7 lbs/klbs	Monthly average of 16.5 lbs/klbs	20%
24					
25	August 2024	Hand butchered Salmon, Shrimp and Tuna	Monthly average of 14.2 lbs/klbs	Monthly avefage of 14.8 lbs/klbs	4%
26					
27	February 2024	Crab and BFC	Monthly Average of 0.7 lbs/klbs	Monthly average of 0.8 lbs/klbs	14%

1	January 2024	Crab	Monthly average of 0.7 lbs/klbs	Monthly average of 0.8 lbs/klbs	14%
2					
3	August 16, 2023	Shrimp and BFC	Daily maximum of 38 lbs/klbs	Daily maximum of 47 lbs/klbs	24%
4					
5	August 2023	Shrimp and BFC	Monthly average of 15 lbs/klbs	Monthly average of 36 lbs/klbs	140%

6 13. Respondent discharged effluent that contained BOD₅ in excess of Permit limits as
7 follows:

8	Monitoring Period	Species	Permit Loading Limit in Pounds per 1,000 Pounds Processed (lbs/klbs)	Discharged Effluent Loading	Loading or Concentration in Excess of Permit Limit
9					
10	January 19, 2026	Crab	Daily maximum of 10 lbs/klbs	Daily maximum of 12 lbs/klbs	20%
11					
12	January 2026	Crab	Monthly average of 4.1 lbs/klbs	Monthly average of 10.6 lbs/klbs	159%
13					
14	December 2025	Crab	Monthly average of 4.1 lbs/klbs	Monthly average of 6.0 lbs/klbs	46%
15					
16	October 2025	Shrimp and BFC	Monthly average of 57 lbs/klbs	Monthly average of 82 lbs/klbs	44%
17					
18	February 19, 2025	Crab and other	Daily maximum of 7.7 lbs/klbs	Daily maximum of 12.5 lbs/klbs	62%
19					
20	February 2025	Crab and other	Monthly average of 2.7 lbs/klbs	Monthly average of 5.5 lbs/klbs	104%
21					
22	January 2025	Crab, Squid and other	Monthly average of 4.1 lbs/klbs	Monthly average of 4.3 lbs/klbs	5%
23					
24	December 2024	Crab	Monthly average of 3.8 lbs/klbs	Monthly average of 5.8 lbs/klbs	53%
25					
26	February 2024	Crab and BFC	Monthly average of 4.1 lbs/klbs	Monthly average of 6.7 lbs/klbs	63%
27					
	January 2024	Crab	Monthly average of 4.1 lbs/klbs	Monthly average of 8.6 lbs/klbs	110%

1 where Respondent discharged effluent that exceeded the limit by 50% or more are Class I violations
2 pursuant to OAR 340-012-0055(1)(k)(A). Those instances where Respondent discharged effluent that
3 exceeded the limit by 20% or more, but less than 50%, are Class II violations pursuant to OAR 340-012-
4 0055(2)(a)(A). Those instances where Respondent discharged effluent that exceeded the limit by less than
5 20% are Class III violations pursuant to OAR 340-012-0055(3)(b)(A). DEQ assesses a \$11,200 civil
6 penalty for these violations.

7 4. Respondent violated ORS 468B.025(2) by discharging effluent that contained BOD₅ in excess
8 of the limits established in Respondent's Permit as described in Section II, Paragraph 13. Those instances
9 where Respondent discharged effluent that exceeded the limit by 50% or more are Class I
10 violations pursuant to OAR 340-012-0055(1)(k)(A). Those instances where Respondent discharged
11 effluent that exceeded the limit by 20% or more, but less than 50%, are Class II violations pursuant to
12 OAR 340-012-0055(2)(a)(A). Those instances where Respondent discharged effluent that exceeded the
13 limit by less than 20% are Class III violations pursuant to OAR 340-012-0055(3)(b)(A). DEQ assesses a
14 \$33,600 civil penalty for these violations

15 5. Respondent violated ORS 468B.025(2) by discharging effluent that with a pH outside the range
16 limit in Respondent's Permit as described in Section II, Paragraphs 14-15. These are Class III violations
17 pursuant to OAR 340-012-0055(3)(b)(B). DEQ does not assess a civil penalty for these violations.

18 IV. ORDER TO PAY CIVIL PENALTY

19 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
20 hereby ORDERED TO: Pay a total civil penalty of \$2,985,262. The determinations of the civil penalties
21 are attached as Exhibits 1, 2, 3 and 4 and are incorporated as part of this Notice.

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

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

27 ///

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

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

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

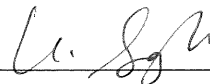
7 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
8 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
9 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
10 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered
11 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
12 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
13 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
14 it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge
15 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
16 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
17 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
18 you will be notified of the time and place of the hearing and you will be given information on the
19 procedures, and other rights of parties relating to the conduct of the hearing before commencement of
20 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
21 limited liability company, unincorporated association, trust or government body, you must be
22 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

23 Active duty Service members have a right to stay proceedings under the federal Service
24 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
25 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
26 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
27 Department does not have a toll free telephone number.

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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9 4/23/2024

10 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 Failure to comply with a Final Order of the Environmental Quality Commission.

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

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)(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 6 according to OAR 340-012-0145(2)(a) and (d). P is assigned an initial value of 10 because Respondent has prior significant actions consisting of more than nine Class I equivalent violations as established in Case No. WQ/I-WR-2017-013. According to OAR 340-012-0145(2)(d)(A)(ii), the initial value is reduced by 4 for a final value of 6 because the formal enforcement action in which the prior significant actions were cited was issued more than five years before the date the current violation occurred.

"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 4 according to OAR 340-012-0145(4)(d). Each day of violation is a separate occurrence. The violation has been ongoing since April 15, 2023, for a total of 1,095 days. O is arrived at by dividing the total number of violations, 1,095, by the number of violations for which individual penalties are assessed, 36, resulting in 30.4 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 acted or failed to act intentionally with actual knowledge of the requirement. Respondent has known and knows of the order to install the approved

treatment system but has refused to comply with the order despite multiple communications from and with DEQ regarding Respondent's noncompliance with 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)(g) because 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 \$2,407,662. This is the amount Respondent gained by avoiding spending \$1,887,267 to purchase and install the approved treatment system and \$990,000 in operating costs since April 15, 2023. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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 (6 + 0 + 4 + 8 + 2)]
= \$4,000 + (\$400 x 20)
= \$4,000 + \$8,000
= \$12,000

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 separate penalties for 36 days of violation.

FINAL PENALTY CALCULATION

$(\$12,000 \times 36) + \$2,407,662 = \$2,839,662$

EXHIBIT 2

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

VIOLATION NO. 2 Discharging effluent containing oil and grease in excess of the limits established in Schedule A of Respondent's Permit.

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 6 according to OAR 340-012-0145(2)(a) and (d). P is assigned an initial value of 10 because Respondent has prior significant actions consisting of more than nine Class I equivalent violations as established in Case No. WQ/I-WR-2017-013. According to OAR 340-012-0145(2)(d)(A)(ii), the initial value is reduced by 4 for a final value of 6 because the formal enforcement action in which the prior significant actions were cited was issued more than five years before the date the current violation occurred.

"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). O is arrived at by dividing the total number of violations, 22, by the number of violations for which individual penalties are assessed, 18, resulting in 1.22 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 acted or failed to act intentionally with actual knowledge of the requirement. Prior to the violations occurring, Respondent knowingly violated a Commission Order by not installing the wastewater treatment system needed to ensure compliance with oil and grease limits.

"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) because 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 the economic benefit Respondent accrued from this violation is accounted for in the penalty for Violation 1 of the Notice.

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

SINGLE PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= \$2,000 + [(0.1 x \$2,000) x (6 + 0 + 2 + 8 + 2)]
= \$2,000 + (\$200 x 18)
= \$2,000 + \$3,600
= \$5,600

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 18 Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$\$5,600 \times 18 + \$0 = \$100,800$

EXHIBIT 3

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

- VIOLATION NO. 3 Discharging effluent containing TSS in excess of the limits established in Schedule A of Respondent's Permit.
- 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 6 according to OAR 340-012-0145(2)(a) and (d). P is assigned an initial value of 10 because Respondent has prior significant actions consisting of more than nine Class I equivalent violations as established in Case No. WQ/I-WR-2017-013. According to OAR 340-012-0145(2)(d)(A)(ii), the initial value is reduced by 4 for a final value of 6 because the formal enforcement action in which the prior significant actions were cited was issued more than five years before the date the current violation occurred.
- "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). O is arrived at by dividing the total number of violations, 10, by the number of violations for which individual penalties are assessed, 2, resulting in 5 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 acted or failed to act intentionally with actual knowledge of the requirement. Prior to the violations occurring, Respondent knowingly violated a Commission Order by not installing the wastewater treatment system needed to ensure compliance with TSS limits.

"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) because 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 the economic benefit Respondent accrued from this violation is accounted for in the penalty for Violation 1 of the Notice.

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

SINGLE PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})]$
= \$2,000 + [(0.1 x \$2,000) x (6 + 0 + 2 + 8 + 2)]
= \$2,000 + (\$200 x 18)
= \$2,000 + \$3,600
= \$5,600

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 2 Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$\$5,600 \times 2 + \$0 = \$11,200$

EXHIBIT 4

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

VIOLATION NO. 4 Discharging effluent containing BOD₅ in excess of the limits established in Schedule A of Respondent's Permit.

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 6 according to OAR 340-012-0145(2)(a) and (d). P is assigned an initial value of 10 because Respondent has prior significant actions consisting of more than nine Class I equivalent violations as established in Case No. WQ/I-WR-2017-013. According to OAR 340-012-0145(2)(d)(A)(ii), the initial value is reduced by 4 for a final value of 6 because the formal enforcement action in which the prior significant actions were cited was issued more than five years before the date the current violation occurred.

"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). O is arrived at by dividing the total number of violations, 14, by the number of violations for which individual penalties are assessed, 6, resulting in 2.3 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 acted or failed to act intentionally with actual knowledge of the requirement. Prior to the violations occurring, Respondent knowingly violated a Commission Order by not installing the wastewater treatment needed to ensure compliance with BOD₅ limits.

"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) because 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 the economic benefit Respondent accrued from this violation is accounted for in the penalty for Violation 1 of the Notice.

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)]

$$\begin{aligned} &= \$2,000 + [(0.1 \times \$2,000) \times (6 + 0 + 2 + 8 + 2)] \\ &= \$2,000 + (\$200 \times 18) \\ &= \$2,000 + \$3,600 \\ &= \$5,600 \end{aligned}$$

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 6 Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$$\$5,600 \times 6 + \$0 = \$33,600$$

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:	\$2,985,262.00

Account Name:	PACIFIC SEAFOOD - CHARLESTON, LLC		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600102
SubSystem ID:	310119	FIMS Acct. ID:	24477

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 2,985,262.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 2,985,262.00

*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.	CPGFD2600102		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	July 2, 2026
FIMS ACCT. ID:	24477	TOTAL PENALTY DUE:	\$2985262.00

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 0095000244775CPGFD260010202985262002



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	2025-024 WQ-I-WR-2025-024	\$2,985,262.00

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-2025-024 upon:

9589 0710 5270 0110 6025 66

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 - Charleston, LLC c/o Roger J. Preston, Registered Agent 707 SW Washington St., Suite 1500 Portland, OR 97205	
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