



# 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 30, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 6025 73

Rusty B. Taylor  
14207 Ekroth Road  
Garibaldi, OR 97118

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ/SW-NWR-2025-581

This letter is to inform you that DEQ has issued you a civil penalty of \$19,382 for a water quality violation at your property in Garibaldi. You engaged in construction activities including importing and stockpiling fill material, filling and grading on the property without coverage under the NPDES 1200-C Construction Stormwater Permit.

DEQ issued this penalty because conducting construction activity without a permit is a violation of Oregon law. The 1200-C Permit requires registrants to implement measures to prevent the discharge of sediment and other pollutants to protect water quality. In January 2025, you accepted an expedited enforcement offer for this violation and stated that you would cease construction activity, but you have continued unpermitted construction activity. DEQ is concerned that activities on the property may harm water quality in Illingsworth Creek, which borders the property.

Included in Section IV is an Order requiring you to take one of the following actions: immediately cease construction activity at the property, including accepting any soil, waste or fill material, and permanently stabilize the property to prevent the discharge of sediment or other pollution to Illingsworth Creek within thirty (30) days; or submit a complete application for coverage under the 1200-C Permit within thirty (30) days.

\$8,982 of the civil penalty represents the economic benefit you gained by failing to apply for the 1200-C Permit. If you complete this requirement, DEQ will consider recalculating the cost as delayed rather than avoided and will reduce the civil penalty accordingly.

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 Esther Westbrook at 503-229-5374 or toll free in Oregon at 800-452-4011, extension 5374.

Sincerely,



Erin Saylor, Manager  
Office of Compliance and Enforcement

Enclosures

cc: Sarah Absher, Tillamook County: [Sarah.Absher@tillamookcounty.gov](mailto:Sarah.Absher@tillamookcounty.gov)  
Michael Kennedy, Northwest Region, DEQ  
Benjamin Benninghoff, Northwest Region, DEQ  
Accounting, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF: ) NOTICE OF CIVIL PENALTY  
4 RUSTY B. TAYLOR ) ASSESSMENT AND ORDER  
5 an individual, )  
6 Respondent. ) CASE NO. WQ/SW-NWR-2025-581

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, 012,  
11 041, and 045.

12 II. FINDINGS OF FACT

- 13 1. Respondent owns the property located at 14207 Ekroth Road in Garibaldi, Tillamook  
14 County, Oregon (the Property). The Property is approximately 39.80 acres in size.
- 15 2. The Property is bounded to the west by Illingsworth Creek.
- 16 3. Illingsworth Creek is “waters of the state” under ORS 468B.005(10).
- 17 4. DEQ inspected the Property on October 10, 2024. At the time of the inspection,  
18 approximately 3.69 acres of land had been disturbed. The construction activities on the Property  
19 included importing and stockpiling fill material, such as soil and other material from road construction  
20 projects, and filling and grading activity. Respondent also accepted construction waste, including  
21 concrete, for storage or disposal at the Property.
- 22 5. At all material times, Respondent did not have coverage under the National Pollutant  
23 Discharge Elimination System Stormwater Discharge General Permit No. 1200-C (1200-C Permit), nor  
24 did Respondent hold any other waste discharge permit from DEQ.
- 25 6. On December 19, 2024, DEQ issued Expedited Enforcement Offer (EEO) No. 2024-EEO-  
26 9652 to Respondent. The EEO alleged that Respondent violated ORS 468B.050(1)(a) by operating a  
27 discharge source or conducting a discharge activity without first obtaining an individual permit or  
applying for coverage under a general permit. The EEO offered a civil penalty of \$1,600 and included a

1 corrective action, ordering Respondent to apply for a 1200-C Permit by January 18, 2025.

2 7. On or about January 16, 2025, Respondent accepted the EEO and paid the civil penalty.

3 8. Since January 16, 2025, through the date of this Notice, Respondent has continued  
4 construction activity on the Property as described in Paragraph 4 above.

5 9. As of the date of this Notice, Respondent has not applied for coverage under the 1200-C  
6 Permit.

### 7 III. CONCLUSION

8 Since or before January 16, 2025, Respondent has violated ORS 468B.050(1)(d) and OAR  
9 340-045-0033(6) by conducting an industrial or commercial activity described in the 1200-C Permit  
10 without first applying for coverage under the Permit, as described in Section II above. This is a Class I  
11 violation according to OAR 340-012-0055(1)(d). DEQ hereby assesses a civil penalty of \$19,382 for this  
12 violation.

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

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

16 1. Pay a total civil penalty of \$19,382. The determination of the civil penalty is attached as  
17 Exhibit No. 1, which is incorporated as part of this Notice.

18 2. Comply with Oregon law by taking the following actions:

19 a. Immediately cease construction activity at the Property, including accepting any soil,  
20 waste or fill material; and

21 b. Within thirty (30) days, conduct any work necessary to permanently stabilize the  
22 Property and prevent the discharge of sediment or other pollution to Illingsworth Creek. Send  
23 documentation of compliance to: Michael Kennedy at DEQ, 700 NE Multnomah St., Suite 600, Portland,  
24 OR 97232, or via email at [mike.kennedy@deq.oregon.gov](mailto:mike.kennedy@deq.oregon.gov); or

25 c. Within thirty (30) days, submit a complete application for the 1200-C Permit, including  
26 a land use compatibility statement (LUCS), to DEQ through the YourDEQOnline system.

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

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

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

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

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

1 Active-duty Service members have a right to stay proceedings under the federal Service  
2 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
3 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
4 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
5 Department does not have a toll-free telephone number.

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

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4/30/2020  
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Date

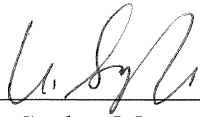
  
\_\_\_\_\_  
Erin Saylor, Manager  
Office of Compliance and Enforcement

EXHIBIT NO. 1

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

VIOLATION 1: Operating a discharge source or conducting a disposal activity without first obtaining coverage under a NPDES General Permit for that activity, in violation of ORS 468B.050(1)(d) and OAR 340-045-0033(6).

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

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is:  $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$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 should have applied for coverage under an 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 2 according to OAR 340-012-0145(2)(a)(C), because Respondent was cited for one Class I violation in Case No. 2024-EEO-9652.

"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), because there were more than 28 occurrences of the violation. Respondent has been operating an industrial activity or discharge source without coverage under the 1200-C permit since on or before January 16, 2025.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d), because Respondent's conduct was reckless. On October 10, 2024, DEQ inspected Respondent's property and informed him that construction activity, including grading, filling, and stockpiling, was not allowed without coverage under the 1200-C Permit. On December 19, 2024, DEQ issued an EEO to Respondent, citing this violation

and ordering Respondent to obtain permit coverage. On or about January 16, 2025, Respondent paid the EEO penalty and informed DEQ that he would cease the activity. However, Respondent has continued construction activity on the Property since that date and has not applied for coverage under the 1200-C Permit. When Respondent conducted construction activity in close proximity to Illingsworth Creek, waters of the state, without obtaining coverage under the 1200-C permit, he consciously disregarded a substantial and unjustifiable risk that he would violate Oregon law. Due to the potential water quality impacts to Illingsworth Creek, the disregarding the risk constituted 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 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). As of the date of the Notice, Respondent has not applied for coverage under the 1200-C permit.

"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 \$8,982. This is the amount Respondent gained by avoiding spending \$4,661 for permit fees, \$4,600 for the preparation of the Erosion and Sediment Control Plan, and \$3,900 for 39 missed site inspections. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$   
= \$4,000 + [(0.1 x \$4,000) x (2 + 0 + 4 + 8 + 2)] + \$8,982  
= \$4,000 + [\$400 x 16] + \$8,982  
= \$4,000 + \$6,400 + \$8,982  
= \$19,382

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 30, 2026
<b>RESPONSE DATE*:</b>	July 9, 2026
<b>TOTAL PENALTY:</b>	\$19,382.00

Account Name:	RUSTY B. TAYLOR PROPERTY		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600105
SubSystem ID:	217267	FIMS Acct. ID:	14926

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 19,382.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 19,382.00

\*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.	CPGFD2600105		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	July 9, 2026
FIMS ACCT. ID:	14926	TOTAL PENALTY DUE:	\$19382.00

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 0095000149260CPGFD260010500019382001



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
4/29/2026	2025-581 WQ-SW-NWR-2025-581	\$19,382.00

### SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

## Address Changes

Please visit <https://ydo.oregon.gov> to update your mailing address online or provide the following information:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

# CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. WQ/SW-NWR-2025-581 upon:

9589 0710 5270 0110 6025 73

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
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>Rusty B. Taylor</b> <b>14207 Ekroth Road</b> <b>Garibaldi, OR 97118</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 30, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality