



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 16, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 6025 35

Confederated Tribes of the Umatilla Indian Reservation
c/o Joe Pitt, Lead Counsel, Office of General Counsel
CTUIR Department of Justice
46411 Timi'ne Way
Pendleton OR 97801

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/I-ER-2025-689

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$5,200 for failing to conduct wastewater monitoring required by the permit issued to you for the ?Imtwaha Fish Hatchery in Hermiston, Oregon. Your wastewater permit requires monitoring of effluent discharged to waters of the state to, among other things, determine whether the facility is complying with the pollution limits in the 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

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: Anna Morgan-Hayes, DEQ
Mike Hiatt, DEQ
Accounting, DEQ
Jennifer Krajcik, Artificial Production Supervisor Imtwaha Fish Hatchery, 46411 Ti'mine Way
Pendleton, OR 97801

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 CONFEDERATED TRIBES OF THE) ASSESSMENT AND ORDER
5 UMATILLA INDIAN RESERVATION,)
6 Respondent.) CASE NO. WQ/I-ER-2025-689

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 a wastewater collection, treatment and
14 disposal system at the ?Imtwaha Fish Hatchery in Hermiston, Oregon, pursuant to a National Pollutant
15 Discharge Elimination System Permit (Permit) issued and administered by DEQ.

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

19 3. Schedule B, Condition 3, Table B.3 of the Permit requires Respondent to monitor
20 effluent discharged from its Outfalls 001 and 002 for pH weekly.

21 4. During the weeks of June 20, 2024, and July 13, 2025, Respondent did not monitor
22 effluent discharged from its Outfall 002 for pH.

23 5. Schedule B, Condition 3, Table B.3 of the Permit requires Respondent to monitor
24 effluent discharged from its Outfalls 001 and 002 for settleable solids weekly.

25 6. During the week of November 22, 2025, Respondent did not monitor effluent discharged
26 from its Outfalls 001 and 002 for settleable solids.

27 ///

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1 III. CONCLUSIONS

2 Respondent violated ORS 468B.025(2) by failing to conduct effluent pH and settleable
3 solids monitoring required by Schedule B of the Permit as described in Section II, above. These are
4 Class I violations pursuant to OAR 340-012-0055(1)(o). DEQ assesses a civil penalty of \$5,200 for
5 these violations.

6 IV. ORDER TO PAY CIVIL PENALTY

7 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
8 hereby ORDERED TO: Pay a total civil penalty of \$5,200. The determination of the civil penalty is
9 attached as Exhibit 1 and is incorporated as part of this Notice.

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

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

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

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

21 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
22 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
23 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
24 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered
25 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for
26 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
27 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax

1 it to **503-229-6762** or email it to DEQappeals@deq.oregon.gov. An administrative law judge
2 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
3 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
4 represented by an attorney at the hearing, however you are not required to be. If you request a hearing,
5 you will be notified of the time and place of the hearing and you will be given information on the
6 procedures, and other rights of parties relating to the conduct of the hearing before commencement of
7 the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership,
8 limited liability company, unincorporated association, trust or government body, you must be
9 represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

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

21
22
23
24 4/16/2020
25 Date

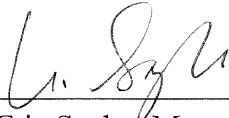
23
24 
25 Erin Saylor, Manager
26 Office of Compliance and Enforcement
27

EXHIBIT 1

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

VIOLATION Failure to conduct effluent monitoring required by Schedule B of the Permit in violation of ORS 468B.025(2).

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

MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0130(4) as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation and the Department finds that the violation had no more than a de minimis adverse impact on human health or the environment, and posed no more than a de minimis threat to human health and the environment. In making this finding, the Department considered the following reasonably available information: Respondent has consistently complied with its pH and settleable solids effluent limits, which evidences that the failure to monitor likely did not result in a limit violation going undetected and unreported.

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)(ii) because Respondent has a Tier 2 industrial source 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) because Respondent has prior significant actions consisting of more than nine Class I violations as established in Case No. WQ/I-WR-2025-007.

"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. There were four occurrences of the violation as 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 pH and settleable solids monitoring requirements are an express conditions of Respondent's Permit. By failing to

take the action necessary to ensure that the monitoring was conducted, 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 any economic benefit Respondent received was de minimis.

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

$$\begin{aligned} &= \$2,000 + [(0.1 \times \$2,000) \times (10 + 0 + 2 + 4 + 0)] + \$0 \\ &= \$2,000 + (\$200 \times 16) + \$0 \\ &= \$2,000 + \$3,200 + \$0 \\ &= \$5,200 \end{aligned}$$

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)

DATE:	April 16, 2026
RESPONSE DATE*:	June 25, 2026
TOTAL PENALTY:	\$5,200.00

Account Name:	IMTWAHA FISH HATCHERY		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600099
SubSystem ID:	310976	FIMS Acct. ID:	25631

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 5,200.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 5,200.00

*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'

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 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



REFERENCE NO.	CPGFD2600099		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	June 25, 2026
FIMS ACCT. ID:	25631	TOTAL PENALTY DUE:	\$5200.00

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 0095000256318(CPGF)260009900005200001



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
4/15/2026	2025-689 WQ-I-ER-2025-689	\$5,200.00

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-ER-2025-689 upon:

9589 0710 5270 0110 6025 35

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 \$ _____	
Confederated Tribes of the Umatilla Indian Reservation c/o Joe Pitt, Lead Counsel, Office of General Counsel CTUIR Department of Justice 46411 Timi'ne Way Pendleton, OR 97801	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Jennifer Krajcik
Artificial Production Supervisor
Imtwaha Fish Hatchery
46411 Timi'ne Way
Pendleton, OR 97801

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 16, 2026

Isaac Griffith

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