



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 2, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 5986 92

City of Wilsonville
c/o Bryan Cosgrove, City Manager
29799 SW Town Center Loop E
Wilsonville, OR 97070

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/M-NWR-2025-718

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$10,400 for discharging wastewater effluent to the Willamette River that contained total suspended solids in excess of the limits set in your DEQ wastewater permit. Permit pollutant limits are set at levels determined to be protective of public health, water quality and aquatic life. By exceeding your permit's limits, you caused a risk of harm to these beneficial uses of public 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: Mark Bentz, DEQ
Tiffany Yelton-Bram, 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	CITY OF WILSONVILLE,)	ASSESSMENT AND ORDER
5	Respondent.)	CASE NO. WQ/M-NWR-2025-718

6 I. AUTHORITY

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

11 II. FINDINGS OF FACT

12 1. At all relevant times, Respondent operated a municipal wastewater collection, treatment
13 and disposal system pursuant to a National Pollutant Discharge Elimination System Permit issued and
14 administered by DEQ (the Permit).

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

18 3. Schedule A, Condition 1, Table A.1 of the Permit limits the weekly average total
19 suspended solids (TSS) loading in Respondent’s discharged effluent during the period November 1-
20 April 30 to 840 pounds per day (lbs/day).

21 4. During the week of February 23, 2025, Respondent discharged effluent with a weekly
22 average TSS loading of 1,401 lbs/day.

23 5. Schedule A, Condition 1, Table A.1 of the Permit limits the daily maximum TSS
24 loading in Respondent’s discharged effluent during the period November 1-April 30 to 1,100 pounds.

25 6. On February 26, 2025, Respondent discharged effluent with a TSS loading of 2,244
26 pounds.

27 ///

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

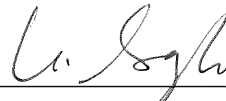
15 Active duty Service members have a right to stay proceedings under the federal Service
16 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
17 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
18 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
19 Department does not have a toll free telephone number.

20 \\\n21 \\\n22 \\\n23 \\\n24 \\\n25 \\\n26 \\\n27 \\\n

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.

7
8
9 4/2/2020

10 Date



11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
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 wastewater permit condition in violation of ORS 468B.025(2) by failing to comply with TSS effluent limits in the Permit.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A) and OAR 340-012-0145(4)(e) because Respondent exceeded a TSS limit by 50% or more.

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 by 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)(i) because Respondent has an NPDES Permit for a municipal sewage treatment facility with a permitted flow of two million or more, but less than five million gallons a day.

"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 according to OAR 340-012-0145(2)(a). Respondent has prior significant actions consisting of nine or more Class I equivalent violations stemming from Case Nos. WQ/M-NWR-2020-139 and WQ/M-NWR-2022-038.

"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 another finding.

"O" is whether the violation was repeated or ongoing and receives a value of 2 according to OAR 340-012-0145(4)(b). There were 3 occurrences of the violation as detailed in the Notice. DEQ is assessing a separate penalty for two of the violations. To arrive at "O," DEQ divides the total number of violations by the number of violations penalized. Therefore, each assessed penalty represents 1.5 occurrences for an "O" factor value of 2.

"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 TSS limits are express

conditions of Respondent's Permit. By failing to take action to ensure compliance with limits established in the Permit, 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 because DEQ has insufficient information to arrive at a reasonable estimate of any avoided or delayed compliance costs.

SINGLE PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
 $= \$2,000 + [(0.1 \times \$2,000) \times (10 + 0 + 2 + 4 + 0)]$
 $= \$2,000 + (\$200 \times 16)$
 $= \$2,000 + \$3,200 + \$0$
 $= \$5,200$

MULTIPLE PENALTY CALCULATION

Single occurrence penalty calculation x number of violations penalized + economic benefit

In exercising its enforcement discretion, DEQ elects to assess separate base penalties for the two Class I occurrences of the violation.

FINAL PENALTY CALCULATION

$\$5,200 \times 2 + \$0 = \$10,400$

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 2, 2026
RESPONSE DATE*:	June 11, 2026
TOTAL PENALTY:	\$10,400.00

Account Name:	WILSONVILLE WWTP		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600093
SubSystem ID:	213488	FIMS Acct. ID:	11507

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 10,400.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 10,400.00

*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.	CPGFD2600093		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	June 11, 2026
FIMS ACCT. ID:	11507	TOTAL PENALTY DUE:	\$10400.00

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 0095000115074CPGFD260009300010400006



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
4/1/2026	2025-718 WQ-M-NWR-2025-718	\$10,400.00

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/M-NWR-2025-718 upon:

9589 0710 5270 0110 5986 92

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 \$ _____	
City of Wilsonville c/o Bryan Cosgrove, City Manager 29799 SW Town Center Loop E Wilsonville, OR 97070	
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 2, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality