



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

May 28, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 6039 83

C & J Super Service, Inc.
c/o Clay D VerBryck Sr
4130 Dry Creek Road
Medford, OR 97504

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ/UST-WR-2025-524

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$30,637 for violating DEQ's underground storage tank (UST) rules. DEQ has cited you for failing to conduct both monthly and annual operation and maintenance inspections, failing to conduct annual line tightness testing, failing to test release detection equipment and the line leak detector annually, failing to conduct interstitial monitoring and failing to complete testing of spill prevention equipment and piping containment sumps used to meet interstitial monitoring requirements.

DEQ issued this penalty because proper testing and maintenance of the UST equipment and its release prevention and detection equipment are critical to reduce the chances of a release and, if a release occurs, to ensure they are discovered quickly before contamination spreads beyond the immediate area of the USTs. If a leak goes unnoticed due to release detection equipment that is not functioning properly, the leaking fuel can have lasting harmful effects on the environment or human health.

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.

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 <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Tori Heroux at 971-808-7046 or Tori.Heroux@deq.oregon.gov.

Sincerely,



Erin Saylor, Manager
Office of Compliance and Enforcement

Enclosures

cc:

C & J Super Service, Inc, 3602 N Pacific Hwy, Medford, OR, 97501
Diana Foss, DEQ
Mark Drouin, DEQ
Accounting, DEQ

1 detection equipment operability testing since DEQ's last inspection on October 19, 2019.

2 8. Upon inspection on February 20, 2025, Respondent had not conducted annual line leak
3 detector testing since DEQ's last inspection on October 19, 2019.

4 9. Upon inspection on February 20, 2025, Respondent did not have the required 12 months
5 worth of interstitial tank leak detection tests available to the DEQ inspector.

6 10. Respondent did not conduct initial overflow, spill prevention or sump testing by October
7 1, 2020.

8 11. Respondent did not conduct overflow, spill prevention or sump testing by October 1,
9 2023.

10 III. CONCLUSIONS

11 1. Respondent violated OAR 340-150-0315(1)(a)(A) and (B) by failing to conduct both
12 monthly and annual operation and maintenance inspections as described in Section II, Paragraph 4-5
13 above. These are Class II violations, according to OAR 340-012-0053(2). DEQ hereby assesses a \$4,916
14 civil penalty for these violations.

15 2. Respondent violated OAR 340-150-0410(3) by failing to conduct annual line tightness tests as
16 described in Section II, Paragraph 6 above. This is a Class I violation, according to OAR 340-012-
17 0067(1)(j). DEQ has assessed a \$5,506 civil penalty for this violation.

18 3. Respondent violated OAR 340-150-0400(2) by failing to test release detection equipment
19 annually for operability per manufacturer's instructions as described in Section II, Paragraph 7 above. This
20 is a Class I violation, according to OAR 340-012-0067(1)(j). DEQ has assessed a \$9,367 civil penalty for
21 this violation.

22 4. Respondent violated OAR 340-150-0410(2)(c) by failing to perform an annual test of the
23 operability of the line leak detectors as described in Section II, Paragraph 8 above. This is a Class I
24 violation, according to OAR 340-012-0067(1)(j). DEQ has assessed a \$4,906 civil penalty for this
25 violation.

26 5. Respondent violated OAR 340-150-0465(6) by failing to maintain the last twelve months of
27 interstitial monitoring records at the Facility for review as described in Section II, Paragraph 9 above. This

1 is a Class I violation, according to OAR 340-012-0067(1)(j). DEQ has assessed a \$1,295 civil penalty for
2 this violation.

3 6. Respondent violated OAR 340-150-0310(10) by failing to complete initial overfill, spill
4 prevention and interstitial containment testing requirements by October 1, 2020, and OAR 340-150-
5 0310(8)(b) and (9) by failing to fulfill testing requirements every three years thereafter as described in
6 Section II, Paragraph 10-11 above. These are Class I violations, according to OAR 340-012-0067(1)(j).
7 DEQ has assessed a \$4,647 civil penalty for this violation.

8 IV. ORDER TO PAY CIVIL PENALTY

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

11 1. Pay a total civil penalty of \$30,637. The determination of the civil penalties are attached as
12 Exhibits 1-6 and are incorporated as part of this Notice.

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

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

20 Pay by check or money order: Make checks payable to "Department of Environmental
21 Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment
22 slip with your check or money order.

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

24 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
25 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
26 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
27 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered

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

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

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

24
25
26 5/20/2020
27 Date

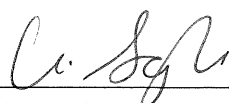

Erin Saylor, Manager
Office of Compliance and Enforcement

EXHIBIT 1

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

- VIOLATION 1: Failing to conduct both monthly and annual operation and maintenance inspections, in violation of OAR 340-150-0315(1)(a)(A) and (B).
- CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0053(2).
- 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 for 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 \$250 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140(5)(a)(E) because Respondent is the owner or permittee of one UST facility.
- "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 0 because Respondent has no prior significant actions.
- "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 failed to conduct yearly operation and maintenance inspections on five occasions, from 2020-2025, and failed to conduct monthly operation and maintenance inspections on 50 occasions, from October 2020 to December 2024.
- "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. Respondent owns and operates a gas station with a UST system in Oregon, and it has employees responsible for environmental compliance. Respondent is aware of the requirement to test its spill prevention and overfill prevention equipment. By failing to conduct the testing prior to October 1, 2020, and every three years thereafter, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate UST requirements.

"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 could not be corrected.

"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 \$4,466. This is the amount Respondent gained by avoiding spending \$5,100 to conduct annual and monthly maintenance walkthrough inspections for five years and 50 months respectively. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} &= \$250 + [(0.1 \times \$250) \times (0 + 0 + 4 + 4 + 0)] + \$4,466 \\ &= \$250 + (\$25 \times 8) + \$4,466 \\ &= \$250 + \$200 + \$4,466 \\ &= \$450 + \$4,466 \\ &= \$4,916 \end{aligned}$$

EXHIBIT 2

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

VIOLATION 2: Failing to conduct annual line tightness testing, in violation of OAR 340-150-0410(3).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0067(1)(j).

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 for 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 \$500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(5)(a)(E) because Respondent is the owner or permittee of one UST facility.

"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 0 because Respondent has no prior significant actions.

"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 were more than one but less than seven occurrences of the violation. Respondent failed to conduct line tightness testing each year from 2019 to 2024.

"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. Respondent owns and operates a gas station with a UST system in Oregon, and it has employees responsible for environmental compliance. Respondent is aware of the requirement to test its spill prevention and overfill prevention equipment. By failing to conduct annual line tightness testing, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate UST requirements.

"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 could not be corrected.

"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 \$4,106. This is the amount Respondent gained by avoiding spending \$4,000 to test the spill and overfill prevention equipment and delaying spending \$1,000 to test the spill and overfill prevention equipment. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} &= \$500 + [(0.1 \times \$1,500) \times (0 + 0 + 2 + 4 + 0)] + \$4,106 \\ &= \$500 + (\$150 \times 6) + \$4,106 \\ &= \$500 + \$900 + \$4,106 \\ &= \$1,400 + \$4,106 \\ &= \$5,506 \end{aligned}$$

EXHIBIT 3

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

VIOLATION 3: Failing to test release detection equipment annually for operability per manufacturer's instructions, in violation of OAR 340-150-0400(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0067(1)(j).

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 for 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 \$500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(5)(a)(E) because Respondent is the owner or permittee of one UST facility.

"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 0 because Respondent has no prior significant actions.

"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 were more than one but less than seven occurrences of the violation. Respondent failed to conduct release detection equipment operability testing each year from 2019 to 2024.

"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. Respondent owns and operates a gas station with a UST system in Oregon, and it has employees responsible for environmental compliance. Respondent is aware of the requirement to test its leak detection equipment. By failing to conduct annual testing, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate UST requirements.

"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 could not be corrected.

"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 \$8,567. This is the amount Respondent gained by avoiding spending \$9,000 to test the release detection equipment on site for operability. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$500 + [(0.1 x \$500) x (0 + 0 + 2 + 4 + 0)] + \$8,567
= \$500 + (\$50 x 6) + \$8,567
= \$500 + \$300 + \$8,567
= \$800 + \$8,567
= \$9,367

EXHIBIT 4

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

- VIOLATION 4: Failing to test line leak detector annually for operability per manufacturer's instructions, in violation of OAR 340-150-0410(2)(c).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0067(1)(j).
- 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 for 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 \$500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(5)(a)(E) because Respondent is the owner or permittee of one UST facility.
- "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 0 because Respondent has no prior significant actions.
- "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 were more than one but less than seven occurrences of the violation. Respondent failed to conduct line leak detector operability testing each year from 2019 to 2024.
- "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. Respondent owns and operates a gas station with a UST system in Oregon, and it has employees responsible for environmental compliance. Respondent is aware of the requirement to test its line leak detector. By failing to conduct annual testing, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate UST requirements.
- "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 could not be corrected.

"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 \$4,106. This is the amount Respondent gained by avoiding spending \$4,000 to test the line leak detector on site for operability and delaying spending \$1,000 to test the line leak detector on site for operability. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} &= \$500 + [(0.1 \times \$500) \times (0 + 0 + 2 + 4 + 0)] + \$4,106 \\ &= \$500 + (\$50 \times 6) + \$4,106 \\ &= \$500 + \$300 + \$4,106 \\ &= \$800 + \$4,106 \\ &= \$4,906 \end{aligned}$$

EXHIBIT 5

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

VIOLATION 5: Failing to maintain the last twelve months of interstitial monitoring records at the Facility for review, in violation of OAR 340-150-0465(6).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0067(1)(j).

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 for 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 \$500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(5)(a)(E) because Respondent is the owner or permittee of one UST facility.

"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 0 because Respondent has no prior significant actions.

"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 3 according to OAR 340-012-0145(4)(c) because there were more than seven but less than 28 occurrences of the violation. Respondent failed to maintain records for twelve consecutive months from January 2024-2025.

"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. Respondent owns and operates a gas station with a UST system in Oregon, and it has employees responsible for environmental compliance. Respondent is aware of the requirement to retain release detection test records. By failing to retain testing records, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate UST requirements.

"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 could not be corrected.

"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 \$495. This is the amount Respondent gained by delaying spending \$3,100 to develop and maintain records of interstitial monitoring since DEQ's last inspection in 2019. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

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

$$\begin{aligned} &= \$500 + [(0.1 \times \$500) \times (0 + 0 + 2 + 4 + 0)] + \$495 \\ &= \$500 + (\$50 \times 6) + \$495 \\ &= \$500 + \$300 + \$495 \\ &= \$800 + \$495 \\ &= \$1,295 \end{aligned}$$

EXHIBIT 6

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

VIOLATION 6: Failing to initially test spill prevention and overflow prevention equipment by October 1, 2020, in violation of OAR 340-150-0310(10), and within three years of the initial deadline, in violation of OAR 340-150-0310(8)(b) and (9).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0067(1)(j).

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 for 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 \$500 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(4)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(5)(a)(E) because Respondent is the owner or permittee of one UST facility.

"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 0 because Respondent has no prior significant actions.

"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 were more than one but less than seven occurrences of the violation. Respondent failed to conduct initial testing on two containment sumps by October 1, 2020, and again by October 1, 2023 for a total of four missed tests.

"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. Respondent owns and operates a gas station with a UST system in Oregon, and it has employees responsible for environmental compliance. Respondent is aware of the requirement to test its spill prevention and overflow prevention equipment. By failing to conduct the testing prior to October 1, 2020, and every three years thereafter, Respondent failed to take reasonable care to avoid a foreseeable risk that it would violate UST requirements.

"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 could not be corrected.

"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 \$2,247. This is the amount Respondent gained by avoiding spending \$2,500 to test the spill and overfill prevention equipment on site. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$1,500 + [(0.1 x \$1,500) x (0 + 0 + 2 + 4 + 0)] + \$2,247
= \$1,500 + (\$150 x 6) + \$2,247
= \$1,500 + \$900 + \$2,247
= \$2,400 + \$2,247
= \$4,647

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

UST - CIVIL PENALTY

DATE:	May 28, 2026
RESPONSE DATE*:	August 6, 2026
TOTAL PENALTY:	\$30,637.00

Account Name:	C & J SUPER SERVICE, INC.		
Account Type:	Vendor/Organization/Company	Reference Number:	CPUST2600010
SubSystem ID:	267167	FIMS Acct. ID:	21883

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 30,637.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 30,637.00

*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.	CPUST2600010		
PAYCODE:	00563 3240 10040 32432 0500 000000 00		
FEE PROGRAM ID:	954	RESPONSE DATE:	August 6, 2026
FIMS ACCT. ID:	21883	TOTAL PENALTY DUE:	\$30637.00

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.

00563 3240 10040 32432 0500 000000 0095400218838CPUST2600010000030637005



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

UST - CIVIL PENALTY

700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
Phone: 503-229-5437
Fax: 503-229-5850

Penalty Detail

Transaction Date	Description	Amount
5/27/2026	2025-524 LQ-UST-WR-2025-524	\$30,637.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00563	3240	10040	32432	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. LQ/UST-WR-2025-624 upon:

9589 0710 0110 5270 0110 6039 83

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

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	\$	

C & J Super Service, Inc.
c/o Clay D VerBryck Sr
4130 Dry Creek Road
Medford, OR 97504

PS Form 3800, January 2023, PSN 7530-02-000-9047 See Reverse for Instructions

C & J Super Service, Inc.
3602 N Pacific Hwy
Medford, OR 97501

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 May 28, 2026

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