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

September 3, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 6043 24

City of Clatskanie
c/o N.J. Johnson, City Manager
75 S Nehalem St., Ste. D
P.O. Box 9
Clatskanie, Oregon 97016

Re: Notice of Civil Penalty Assessment and Order
Case No. WQ/M-NWR-2025-627

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of $10,400 for violations of the National Pollutant Discharge Elimination System (NPDES) permit issued to the City's wastewater treatment plant. Specifically, you exceeded the loading limitations in the Permit for 5-Day Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS).

DEQ issued this penalty because compliance with the effluent limitations set forth in the City's NPDES Permit is essential to protecting water quality.

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: Mark Bentz, DEQ
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF: CITY OF CLATSKANIE Respondent.	)	NOTICE OF CIVIL PENALTY ASSESSMENT AND ORDER CASE NO. WQ/M-NWR-2025-627

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140, ORS Chapters 183 and 468B, and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, 041, and 045.

II. FINDINGS OF FACT

1. Respondent is the owner and operator of the Clatskanie Sewage Treatment Plant located at 100 NW 4th Street, ¼ mile west on Dike Road, in Clatskanie, OR (the Facility). Respondent was issued renewed coverage under National Pollutant Discharge Elimination System (NPDES) Permit #101595 on June 12, 2012, with an effective date of August 1, 2012. The Permit expired on June 30, 2017, but was administratively extended because Respondent submitted a timely renewal application on December 21, 2016.

2. Respondent discharges treated domestic wastewater to the Clatskanie River, which is a water of the state pursuant to ORS 468B.005(10).

3. Schedule A.1b of the Permit established the following technology based effluent limitations (TBELs):

Parameter	**Average Effluent Concentrations**		**Monthly Average lb/day**	**Weekly Average lb/day**	**Daily Maximum lbs**
	Monthly	**Weekly**			
BOD_5 (5 day Biochemical Oxygen Demand)	30 mg/L	45 mg/L	120	190	250
TSS (Total Suspended Solids)	30 mg/L	45 mg/L	120	190	250

4. In February and March 2024, the Respondent reported the following exceedances:

a. A reported daily maximum BOD_5 loading value of 344.9 lb/day on February 29, 2024 (37% exceedance).

b. A reported monthly average TSS loading value of 137.1 lb/day for February (14% exceedance).

c. A reported daily maximum TSS loading value of 565.6 lb/day on February 29 (126% exceedance).

d. A reported daily maximum BOD_5 loading value of 344.9 lb/day on March 1, 2024 (37% exceedance).

e. A reported TSS weekly average loading value 565.6 lb/day the week of March 1, 2024 (198% exceedance).

5. Pursuant to Schedule F, Section A.1. of the Permit, failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025.

III. CONCLUSIONS

1. Respondent violated ORS 468B.025(2) and Schedule A.1 of its Permit by exceeding the TBEL established in the Permit for BOD_5 a total of two times. Specifically:

a. On one occasion, Respondent exceeded the TBEL for BOD_5 by 50 percent or more. This is a Class I violation pursuant to OAR 340-012-0055(1)(k)(A); and

b. On one occasion, Respondent exceeded the TBEL for BOD_5 by more than 20 percent but less than 50 percent. This is a Class II violation pursuant to OAR 340-012-0055(2)(a)(A).

DEQ hereby assesses a $5,200 civil penalty for these violations.

2. Respondent violated ORS 468B.025(2) and Schedule A.1 of its Permit by exceeding the TBEL established in the Permit for TSS a total of three times. Specifically:

a. On two occasions Respondent exceeded the TBEL for TSS by 50 percent or more. These are Class I violations pursuant to OAR 340-012-0055(l)(k)(A); and

b. On one occasion Respondent exceeded the TBEL for TSS by less than 20 percent.

This is a Class III violation pursuant to OAR 340-012-0055(2)(b).

DEQ hereby assesses a $5,200 civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY

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

1. Pay a total civil penalty of $10,400. The determination of the civil penalties are attached as Exhibits 1–2 and are incorporated as part of this Notice.

If you do not file a request for hearing as set forth in Section V below, please pay the 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 reference 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 check 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 and note the case number on your check.

V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached exhibits, you must do so in your request for hearing, as factual matters not denied will be considered admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for further information about requests for hearing.) You must send your request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge employed by the Office of Administrative Hearings will conduct the hearing, according to ORS

Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

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

9/3/2025
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 NO.1: Respondent violated ORS 468B.025(2) and Schedule A.1 of the Permit by exceeding the Permit's 5-Day Biochemical Oxygen Demand (BOD_5) loading limits on two occasions.

CLASSIFICATION: Of the two violations, one is a Class I violation pursuant to OAR 340-012-0055(1)(k), and one is a Class II violation pursuant to OAR 340-012-0055(2)(a). Pursuant to OAR 340-012-0145(4)(e), the penalty is calculated as a Class I penalty.

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 x BP) x (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 a NPDES Permit for a municipal sewage treatment facility with a permitted flow of less than five million but more than two million gallons per 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) because Respondent had nine Class I equivalent violations in Case No. WQ/M-NWR-2022-087.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(b) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (3)(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. Each repeated occurrence of the same violation is a separate occurrence per OAR 340-012-0145(4). Respondent exceeded the permit's BOD_5 loading limits twice during February and March 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. The BOD_5 limits are an express condition of the Permit. By failing to take necessary actions to comply with the limits,

Respondent failed to exercise reasonable care to avoid the foreseeable risk a permit violation would occur.

"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 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 there is insufficient information on which to make an estimate.

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

EXHIBIT 2

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

VIOLATION NO.2: Respondent violated ORS 468B.025(2) and Schedule A.1 of the Permit by exceeding the Permit's Total Suspended Solids (TSS) loading limits on three occasions.

CLASSIFICATION: Of the three violations, two are Class I violations pursuant to OAR 340-012-0055(1)(k), and one is a Class III violation pursuant to pursuant to OAR 340-012-0055(3)(b). Pursuant to OAR 340-012-0145(4)(e), the penalty is calculated as a Class I penalty.

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 a NPDES Permit for a municipal sewage treatment facility with a permitted flow of less than five million but more than two million gallons per 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) because Respondent had nine Class I equivalent violations in Case No.WQ/M-NWR-2022-087.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(b) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (3)(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. Each repeated occurrence of the same violation is a separate occurrence per OAR 340-012-0145(4). Respondent exceeded the Permit's TSS loading limits three times during February and March 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. The TSS limits are an express condition of the Permit. By failing to take necessary actions to comply with the limits,

Respondent failed to exercise reasonable care to avoid the foreseeable risk a permit violation would occur.

"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 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 there is insufficient information on which to make an estimate.

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

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:	September 3, 2026
RESPONSE DATE*:	November 12, 2026
TOTAL PENALTY:	$10,400.00

Account Name:	CLATSKANIE, CITY OF		
Account Type:	Vendor/Organization/Company	Reference Number:	**CPGFD2700016**
SubSystem ID:	213387	FIMS Acct. ID:	11709

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

DEQ

REFERENCE NO.	CPGFD2700016		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	November 12, 2026
FIMS ACCT. ID:	11709	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 00950000117093CPGFD2700016000104000000

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
9/2/2026	2025-627 WQ-M-NWR-2025-627	$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:

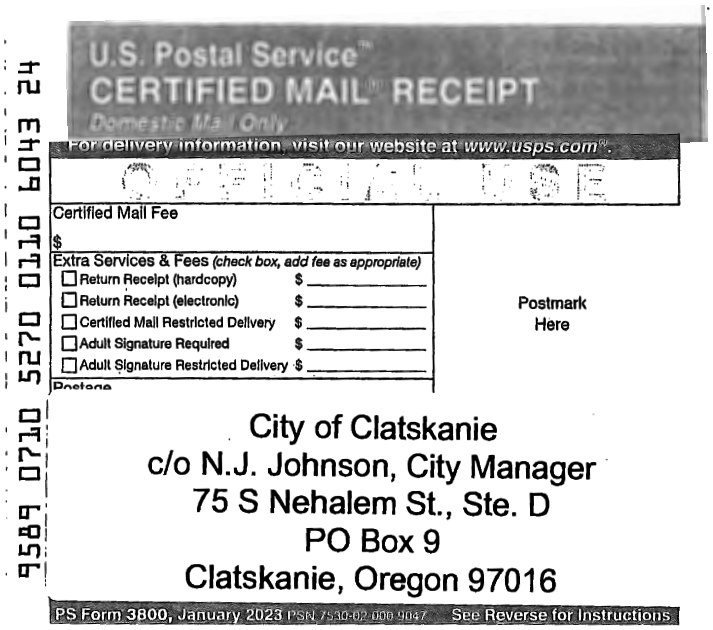
Name _____

Address _____

City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. WQ/M-NWR-2025-627 upon:



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 September 3, 2026

Isaac Griffith

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