



# 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

July 11, 2024

CERTIFIED MAIL: 9589 0710 5270 0688 6534 03

I.S.S.C Incorporated, dba Oregon Metal Services  
3660 E Marginal Way S  
Seattle, WA 98134

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ/SW-NWR-2022-634

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued Oregon Metal Services a civil penalty of \$4,200 for violating a condition of the National Pollutant Discharge Elimination System (NPDES) 1200-Z General Permit at the Seaport Steel facility located at 7227 N. Leadbetter Road, in Portland, Oregon.

DEQ issued this penalty because Oregon Metals failed to revise its Stormwater Pollution Control Plan to meet the requirements of the NPDES 1200-Z Permit after being repeatedly directed to do so by the Bureau of Environmental Services. The Permit requires that SWPCP be kept updated and to reflect current conditions at the Site at all times to ensure stormwater is properly managed. Improperly managed stormwater at industrial facilities can pick up pollutants and transport them directly to nearby waters, degrading 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](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 <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Courtney Brown at 503-229-6839 or toll free in Oregon at 800-452-4011, extension 6839.

Sincerely,



Becka Puskas, Interim Manager  
Office of Compliance and Enforcement

Enclosures

cc: Kyler Bruno, Oregon Metal Services, 7227 N Leadbetter Rd, Portland, OR 97203  
Mieke Vrijmoet, BES (via email: [Mieke.Vrijmoet@portlandoregon.gov](mailto:Mieke.Vrijmoet@portlandoregon.gov))  
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF: )  
I.S.S.C INCORPORATED, doing business as )  
OREGON METAL SERVICES, )  
Respondent. )

NOTICE OF CIVIL PENALTY  
ASSESSMENT AND ORDER

CASE NO. WQ/SW-NWR-2022-634

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 468B, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, and 045.

II. FINDINGS OF FACT

1. On February 4, 2022, Respondent was transferred coverage under the National Pollutant Discharge Elimination System Industrial Stormwater General Permit No. 1200-Z (the Permit) for stormwater discharges from the Seaport Steel facility located at 7227 N. Leadbetter Rd in Portland, Oregon (the Facility). The Permit was in effect at all material times.
2. Schedule A, condition A.9.e of the Permit requires permit registrants to revise the Stormwater Pollution Control Plan (SWPCP) when directed to do so by DEQ or its agent.
3. On June 23, 2022, the City of Portland Bureau of Environmental Services (BES) sent a Warning Letter to Respondent requiring a revised SWPCP to meet the requirements of the Permit to be submitted by July 22, 2022.
4. On September 1, 2022, BES sent a Warning Letter with Opportunity to Correct to Respondent requiring a revised SWPCP be submitted by September 30, 2022. Respondent requested, and was granted, a two-week extension of the deadline until October 14, 2022.
5. On June 22, 2023 Respondent submitted a revised SWPCP to BES.

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1 III. CONCLUSIONS

2 Respondent has violated ORS 468B.025(2) and Schedule A, condition 9.e of the Permit by  
3 failing to revise and submit its SWPCP, as described in Section II, paragraphs 2-5, above. This is a  
4 Class II violation according to OAR 340-012-0053(2). DEQ hereby assesses a \$4,200 civil penalty for  
5 this violation.

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 \$4,200. The determination of the civil penalty is  
9 attached as Exhibit No.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 Invoice number and Account ID included on the attached payment slip. Note: US  
15 Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional  
16 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](mailto: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 are an individual,  
5 you may represent yourself. If you are a corporation, partnership, limited liability company,  
6 unincorporated association, trust or government body, you must be represented by an attorney or a duly  
7 authorized representative, as set forth in OAR 137-003-0555.

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

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

19  
20  
21 7/11/2024  
22 Date

21 Rebecca Z Puskas  
22 Becka Puskas, Interim Manager  
23 Office of Compliance and Enforcement  
24  
25  
26  
27

EXHIBIT No.1

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

VIOLATION No.1: Respondent has violated ORS 468B.025(2) and Schedule A, condition 9.e of the Permit by failing to revise the SWPCP when directed to do so by BES.

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 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 \$2,000 for a Class II, moderate magnitude violation in the matrix listed in OAR 340-012-0140 (3)(b)(B)(ii) and applicable pursuant to OAR 340-012-0140 (3)(a)(E)(iii) because Respondent has coverage under a 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 has one prior significant action, case no: WQ/SW-NWR-2022-633, that includes one class I violation.

"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 was first directed to revise its SWPCP on June 23, 2022. Respondent finally submitted a revised SWPCP on June 22, 2023, almost an entire year later. Each day of violation is a separate occurrence.

"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. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. The Permit plainly

requires registrants to revise its SWPCP when directed to do so by DEQ or the agent (BES). Furthermore, BES informed Respondent of the requirement to revise and update its SWPCP on multiple occasions: June 23, 2022, September 1, 2022, and via email on September 30, 2022. By failing to revise and submit a SWPCP to BES, Respondent consciously disregarded a substantial and unjustifiable risk that it would violate the Permit.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent made reasonable efforts to correct the violation by revising and submitting its SWPCP to BES on June 22, 2023.

"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" is de minimis.

PENALTY CALCULATION:  $Penalty = BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$   
 $= \$2,000 + [(0.1 \times \$2,000) \times (2 + 0 + 4 + 8 + -3)] + \$0$   
 $= \$2,000 + (\$200 \times 11) + \$0$   
 $= \$2,000 + \$2,200 + \$0$   
 $= \$4,200$

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)**

<b>DATE:</b>	July 11, 2024
<b>RESPONSE DATE :</b>	September 19, 2024
<b>TOTAL PENALTY:</b>	\$4,200.00

Account Name:	OREGON METAL SLITTERS INC <OREGON METAL SLITTERS INC> <111249>		
Account Type:	Vendor/Organization/Company	Reference Number:	<b>CPGFD2500002</b>
SubSystem ID:	179342	FIMS Acct. ID:	4636

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 4,200.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 4,200.00

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.	CPGFD2500002		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	September 19,
FIMS ACCT. ID:	4636	TOTAL PENALTY DUE:	\$4200.00

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 00950000046361CPGFD250000200004200006





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
8/17/2023	2022-634 WQ-SW-NWR-2022-634	\$800.00
7/10/2024	2022-634 WQ-SW-NWR-2022-634	\$3,400.00

### 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 \_\_\_\_\_