

## **NEW/OPEN ENFORCEMENT ACTIONS STATUS REPORT**

**4/1/2023 -- 4/30/2023**

**Report of open and actions initiated since last report**

**NEW: 4/1/2023 -- 4/30/2023**

1. **KYLE MCLENNAN, BRUCE R MCLENNAN (VENETA) 88680 LYNETTE LANE**
  - A. Violation: Failure to obtain an asbestos survey from an accredited asbestos inspector prior to conducting the demolition of a facility; Burning construction/demolition waste without first obtaining an LRAPA letter permit.
  - B. Initial Action Taken: NON #3880 issued 4/11/2023
  - C. Subsequent Action: NCP #2023-3880 (\$3,650) issued 4/11/2023:
  - D. Resolution: PENDING
  
2. **THABET MANAGEMENT INC. (SPRINGFIELD) 316 42ND STREET**
  - A. Violation: The permittee failed to submit in a timely manner performance testing records to LRAPA which demonstrate compliance with triennial vapor testing requirements outlined in permit conditions 5.1.a and 5.1.b. Prior test results relative to conditions 5.1.a and 5.1.b were submitted to LRAPA for testing conducted on January 12, 2020. Permittee submitted test results relative to conditions 5.1.a and 5.1.b for testing conducted on February 15, 2023, however, testing was required to have been conducted no later than January 12, 2023.
  - B. Initial Action Taken: NON #3881 issued 4/11/2023
  - C. Subsequent Action: NCP #2023-3881 (\$2,250) issued 4/11/2023: request for reduction approved and reduced to \$1,126 on 4/19/2023
  - D. Resolution: CASE CLOSED on 4/24/2023
  
3. **APRO LLC DBA UNITED PACIFIC (SPRINGFIELD) 1795 5<sup>TH</sup> STREET**
  - A. Violation: The permittee failed to submit performance testing records to LRAPA which demonstrate compliance with triennial vapor testing requirements outlined in permit conditions 5.0. Permittee last submitted testing results relative to conditions 5.1.a and 5.1.b on March 11th, 2020, and therefore is required to have testing conducted by March 11th, 2023. Condition 7.1.c of the permit requires notification of upcoming testing be submitted to LRAPA and condition 7.2 requires test results be submitted to LRAPA no later than 30 after testing has occurred.
  - B. Initial Action Taken: NON #3883 issued 4/25/2023
  - C. Subsequent Action: PENDING
  - D. Resolution: PENDING
  
4. **ATKORE PLASTIC PIPE DBA RIDGELINE (EUGENE) 2220 NUGGET WAY**

- A. Violation: Respondent failed to notify and obtain approval from LRAPA prior to construction or modification of any new or existing stationary source in accordance with condition G20. of Respondent's ACDP and LRAPA 34-034.
  - B. Initial Action Taken: NON #3885 issued 4/26/2023
  - C. Subsequent Action: PENDING
  - D. Resolution: PENDING
5. **APRO LLC DBA UNITED PACIFIC ROCKET (SPRINGFIELD) 5720 MAIN STREET**
- A. Violation: The permittee failed to submit performance testing records to LRAPA which demonstrate compliance with triennial vapor testing requirements outlined in permit conditions 5.0. Permittee last submitted testing results relative to conditions 5.1.a and 5.1.b on February 4th, 2020, and therefore is required to have testing conducted by February 4th, 2023. Condition 7.1.c of the permit requires notification of upcoming testing be submitted to LRAPA and condition 7.2 requires test results be submitted to LRAPA no later than 30 after testing has occurred.
  - B. Initial Action Taken: NON #3886 issued 4/25/2023
  - C. Subsequent Action: PENDING
  - D. Resolution: PENDING

**PENDING (Enforcement actions issued prior to 4/1/2023 with no subsequent action in reporting period):**

1. **FORREST PAINT COMPANY (EUGENE) 1011 MCKINLEY STREET**
- A. Violation: Failure to operate and maintain the air contaminant collection unit, biofilter, in a manner which minimizes air contaminant discharges, and failure to update the biofilter Operation and Maintenance (O&M) Plan once knowledge was acquired of insufficient maintenance and parametric data monitoring was discovered to ensure the biofilter is operated at the highest reasonable efficiency and effectiveness.
  - B. Initial Action Taken: NON #3860 issued 6/22/2022
  - C. Subsequent Action: On schedule with submitting status reports biweekly.
  - D. Resolution: PENDING
2. **PETROCARD INC. (GOSHEN) 85947 FRANKLIN BVLD**
- A. Violation: The permittee failed to submit in a timely manner performance testing records to LRAPA which demonstrate compliance with vapor testing requirements outlined in permit conditions 5.1.a and 5.1.b. On 2/25/2022 the permittee was notified by LRAPA that they had exceeded the annual throughput threshold of 480,000 gallons of gasoline in 2019 and were therefore subject to the vapor recovery testing requirements outlined in the permit. On 4/8/2022 LRAPA was advised that vapor recovery testing could not be completed since the lines were manifolded and the issue was escalated to construction to isolate the lines. On 7/7/2022 LRAPA called and emailed the permittee requesting an update. On 8/2/2022 LRAPA called and emailed the permittee requesting an update. The permittee responded advising that they were still working to fix the issue. On 10/5/2022 LRAPA emailed the permittee requesting an update. On 10/26/2022 LRAPA called and emailed the permittee requesting an update.

- B. Initial Action Taken: NON #3872 issued 11/3/2022
  - C. Subsequent Action: NCP #2022-3872 (\$3,000) issued 12/8/2022: request for reduction under review
  - D. Resolution: PENDING
3. **MEYER, TAYLOR (VENETA) 87061 GREENRIDGE DRIVE**
- A. Violation: Outdoor burning of any materials which normally emits dense smoke, noxious odors, and hazardous air contaminants and for not promptly extinguishing any burning that is in violation of LRAPA's Title 47-015(e).
  - B. Initial Action Taken: NON #3873 issued 11/16/2022
  - C. Subsequent Action: NCP #2022-3873 (\$3,496) issued 11/16/2022: returned by USPS; reissued by Legal Server; request for reduction approved and reduced to \$3,196 on 04/19/2023
  - D. Resolution: PENDING
4. **ANDERSON-MORTENSEN, ELLEN (SPRINGFIELD) 85 NEPTUNE AVENUE**
- A. Violation: Outdoor burning of any materials which normally emits dense smoke, noxious odors and hazardous air contaminants.
  - B. Initial Action Taken: NON #3875 issued 2/22/2023
  - C. Subsequent Action: NCP #2022-3875 (\$250) issued 2/22/2023: no response, default order judgment in process for a lien on the property.
  - D. Resolution: PENDING
5. **VENIAMIN TODORIKO (EUGENE) 5039/5041 BARGER DRIVE**
- A. Violation: 43-015(7) - Failure to obtain an asbestos survey from an accredited asbestos inspector prior to conducting the demolition of a facility.
  - B. Initial Action Taken: NON #3876 issued 1/13/2023
  - C. Subsequent Action: NCP #2022-3876 (\$2,200) issued 1/13/2023: no response, default order judgment in process for a lien on the property
  - D. Resolution: PENDING
6. **JOHN A. RANKIN AND STEVE FOWLKES (SPRINGFIELD) 2035/2041 MAIN STREET**
- A. Violation: 43-015(10)- ASBESTOS ABATEMENT NOTIFICATION REQUIREMENTS. Except as provided for in 43-015-8, written notification of any asbestos abatement project must be provided to the Agency on a form prepared by and available from the Agency, accompanied by the appropriate fee; 43-015(11)(C)- Enclose the area of the asbestos-containing materials to be abated, in a negative pressure enclosure prior to abatement unless prior approval has been granted by the agency; 43-015(11)(G)- The asbestos abatement project area shall be adequately cleaned at the conclusion of the project to assure removal of all asbestos debris; 43-015(11)(N)- Open storage or open accumulation of friable asbestos-containing

material or asbestos containing waste material is prohibited; 43-015(11)(P)- No person shall conduct an asbestos abatement project unless they possess a current asbestos abatement Contractors license or worker's certification, issued by the Department under OAR 340-248-040 or OAR 340-248-0120 and OAR 340-248-0130, respectively, unless exempted by 43-015-8 and/or 43-015-9; 43-015(11)(S)- A certified supervisor is required to be present on each asbestos abatement project other than a small-scale short-duration activity; 43-015(11)(T)- An owner or operator of a facility shall not allow any persons other than those employees of the facility owner or operator who are appropriately certified or a licensed asbestos abatement contractor to perform an asbestos abatement project in or on that facility unless exempted by 43-015-8 or 43-015-9; 43-015-19(B)- Persons disposing of asbestos-containing waste material must notify the landfill operator of the type and volume of the asbestos-containing waste material; 43015(19)(B)(1)- All asbestos-containing waste materials must be adequately wetted to ensure that they remain wet until delivered to an authorized landfill, and either: (a) processed into non-friable pellets or other shapes; or (b) packaged in leak-tight containers such as two plastic bags with a minimum thickness of 6 mil., or fiber or metal drum. Containers must be labeled as follows: (i) the name of the asbestos waste generator and the location where the asbestos waste was generated; and (ii) a warning label that states: DANGER Contains Asbestos Fibers Avoid Creating Dust Cancer and Lung Disease Hazard Avoid Breathing Airborne Asbestos Fibers Alternatively, warning labels specified by 29 CFR 1926.1101(k)(7)(8/19/94) may be used; 43-105(19)(E)- All asbestos-containing waste material must be deposited as soon as possible by the waste generator at: (1) An asbestos-containing waste disposal site authorized by the Department and operated in accordance with the provisions of this rule.

- B. Initial Action Taken: NON #3877 issued 3/6/2023
- C. Subsequent Action: NCP #2023-3877 (\$10,400) issued 3/6/2023: request for reduction approved and reduced to \$5,200 on 04/19/2023 with a payment schedule of \$400 per month
- D. Resolution: PENDING

7. **FOX LUMBER (COTTAGE GROVE) 77676 HW 99**

- A. Violation: Conducted outdoor burning in violation and prohibited by General Air Contaminant Discharge Permit #202836 (ACDP 202836) in Condition 10.6.
- B. Initial Action Taken: NON #3879 issued 3/6/2023
- C. Subsequent Action: NCP #2023-3879 (\$2,600) issued 3/6/2023: request for reduction approved and reduced to \$1,800 on 04/19/2023
- D. Resolution: PENDING

*For a perspective of the total number of enforcement actions for calendar year 2023 compared to previous years*

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	*2023
<b>Notices of Non-compliance and Warnings</b>	51	36	38	41	39	41	55	15	21	24	9
<b>Notices of Violation with Civil Penalties</b>	23	28	37	37	28	43	37	26	17	24	6