Wastewater Enforcement: Oregon Department of Environmental Quality Proposed Notice of Civil Penalty and Assessment/Order Addressing Mulino Manufacturing Facility



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Oregon Department of Environmental Quality ("ODEQ") issued a March 18th Notice of Civil Penalty Assessment and Order ("Notice") to ASC Sunstone Circuits, LLC ("ASC") addressing an alleged violation of the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See Case No. WQ-SW-NWR-2023-634.

The Notice states that ASC operates an industrial wastewater treatment and disposal facility in Mulino, Oregon.

The facility is stated to operate pursuant to an NPDES Permit. Such permit is stated to have authorized discharges of adequately treated wastewater through its Outfall 001.

ASC is stated to have discharged untreated wastewater from a broken wastewater conveyance pipe underneath the facility that drains a chemical developer unit to the facility stormwater conveyance where it mixed with stormwater and flowed into Milk Creek. Such wastewater is stated to have contained pollutants that pose a risk of harm to human health, water quality, and aquatic life, including cadmium, copper, lead, zinc, and silver. Further, ASC is stated to have not visually inspected its stormwater during the months of August, September, October, and November 2023.

ASC is stated to have observed on twenty-one occasions between April 2021 and May 2023 signs that its stormwater discharge was cloudy, discolored, yellowish, off-color, and/or tinted. In addition, ASC is stated to have failed to complete any of the Tier 1 Corrective Actions or comply with the Tier 1 reporting requirements of the Stormwater Permit following its observation of the stormwater pollution.

ASC is stated to have not submitted a proposed Tier 2 Corrective Action Plan response to ODEQ. The discharge of wastewater potentially containing cadmium, copper, lead, zinc, and silver to the ground surface of the facility over an extended period is stated to constitute a release or threat of release of hazardous substances to the environment.

The Notice proposes a civil penalty of $25,293.00.

The Notice provides certain appeal rights. Further, the Notice provides that ASC undertake certain requirements regarding ceasing discharge to the ground surface and waters of the state wastewater from

the chemical developer unit, and that such discharged will not recur. In addition, it is required to revise its SWPCP to reflect the separation of the stormwater and wastewater systems as well as identify the discharge points of each system as 001 for the wastewater discharge and monitoring point and 002 as a stormwater discharge monitoring reports and submit the revised SWPCP to ODEQ. Further, a cleanup program intake must be completed.

A copy of the Notice can be downloaded here.