Construction Stormwater Enforcement: Oregon Department of Environmental Quality Notice of Civil Penalty Assessment/Order Addressing Portland Site

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The Oregon Department of Environmental Quality ("ODEQ") issued a September 4th Notice of Civil Penalty Assessment and Order ("Notice") to Central Transport, LLC ("CT") and Crown Enterprises, LLC ("CE"). See Case No. WQ-SW-NWR-2025-538.

The Notice states that CT and CE are the owner and operator, respectively, of property located in Portland Oregon ("Site").

The Site is stated to have the potential to discharge to the Columbia Slough, which is stated to be a water of the state of Oregon.

ODEQ is stated to have inspected the Site on November 20, 2024. The inspection is stated to have noted:

1. Slopes on the south and east perimeter and along 21st Ave that led into the Columbia Slough were disturbed. There was little to no vegetation, and the slopes were covered with slope matting;
2. There were construction vehicles actively grading;
3. There were uncovered soil, aggregate rock, and construction material stockpiles placed on impervious paved areas;
4. Catch basins were insufficiently protected by filter fabric insert and biobags. One catch basin had water with an oily sheen pooled at the edge, another was overwhelmed with sediment. A catch basin in a truck parking area was submerged under turbid water. One catch basin was overburdened with sediment from nearby construction and was nearly completely buried.
5. There was an outfall pipe along the north perimeter leading to the Columbia Slough without a discernible inlet;
6. There was a turbid plume leaving the site and entering the Columbia Slough from the outfall pipe at the west perimeter;
7. The concrete washout area was exposed;
8. There was an exposed empty chemical tote;

9. There were exposed oil drums with residual liquid near the maintenance bay;
10. There were exposed metal industrial materials;
11. Metal waste bins were not covered.

The activities on the Site are stated to have disturbed at least 1.75 acres.

The Notice states that coverage under the National Pollutant Discharge Elimination System ("NPDES") General Permit is required for any construction activity that will disturb one or more acres of land and has the potential to discharge to surface waters or to a conveyance system that leads to surface waters of the state in Oregon, and for any construction activity that may discharge storm water to surface waters of the state that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard.

Neither CT nor CE are stated to have applied for or obtained registration under the NPDES Permit for construction activity at the Site, violating Oregon statutes referenced in the Notice.

A civil penalty of $29,600.00 is proposed. Further, CT and CE are required within 30 days of the Notice becoming final by operation of law or on appeal, submit a complete application for Permit coverage.

Certain appeal rights are provided.

A copy of the Notice can be downloaded here.