



# 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

March 18, 2025

CERTIFIED MAIL: 9589 0710 5270 0688 6502 80

ASC Sunstone Circuits, LLC  
c/o CT Corporation System, Registered Agent  
780 Commercial Street, SE  
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ/SW-NWR-2023-634

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$25,293 for discharging untreated industrial wastewater from your facility in Mulino, Oregon, to Mill Creek via an outfall not authorized in your wastewater disposal permit and for failing to take Tier 1 and Tier 2 corrective actions required by your stormwater discharge permit.

These violations stem in large part from a leak from your facility of wastewater containing heavy metals, including cadmium, copper, lead, zinc, and silver, that combined with stormwater and discharged to Milk Creek over a period of three or more years. These metals are toxic to humans and aquatic life.

Among the violations cited in the Notice is the failure to comply with the Tier 2 corrective action planning requirements of your stormwater permit. Failure to comply with these requirements within 30 days of the date of the Notice will result in DEQ assessing additional civil penalties. \$7,827 of the civil penalty represents the economic benefit you gained by failing to comply with the Tier 1 requirements of your stormwater permit. If you timely complete the Tier 2 requirements, DEQ will consider recalculating the costs as delayed rather than avoided and will reduce the civil penalty accordingly.

Included in Section IV of the Notice is an order requiring you to cease and prevent the occurrence of unpermitted discharges of industrial wastewater to Mill Creek. The Notice also requires you to complete a DEQ Cleanup Program Intake submittal which will begin the process of determining whether your wastewater discharges have caused soil or other contamination. You will then be assigned a Cleanup Program project manager who will oversee your cleanup investigation or other activities as specified in OAR 340-122-0050 related to a release or threat of release of a hazardous substance.

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. Alternatively, you can pay the penalty by sending a check or money order to the above address.

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 the 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 Jeff Bachman at 503-229-5950 or toll free in Oregon at 800-452-4011, extension 5950.

Sincerely,



Erin Saylor, Interim Manager  
Office of Compliance and Enforcement

Enclosures

cc: Mike Kennedy, DEQ  
Benjamin Benninghoff, DEQ  
Mike Pinney, DEQ  
Tiffany Yelton-Bram, DEQ  
Accounting, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF:	)	
ASC SUNSTONE CIRCUITS, LLC	)	NOTICE OF CIVIL PENALTY
a Delaware limited liability company,	)	ASSESSMENT AND ORDER
	)	
Respondent.	)	CASE NO. WQ/SW-NWR-2023-634

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 Chapters 183, 465, 468 and 468B and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012 and 122.

II. FINDINGS OF FACT

1. At all relevant times Respondent operated an industrial wastewater treatment and disposal system at its facility located at 13626 South Freeman Road, Mulino, Oregon, as authorized by a National Pollution Discharge Elimination System (NPDES) Permit (Industrial Wastewater Permit) issued and administered by DEQ.

2. The Industrial Wastewater Permit authorized Respondent to construct, install, modify and operate a wastewater collection, control, treatment and disposal system and discharge to Milk Creek adequately treated wastewater only from the discharge point authorized in Schedule A and only in conformance with the conditions, limitations and requirements of the Permit.

3. The Industrial Wastewater Permit authorized discharges of adequately treated wastewater only through its Outfall 001 located at River Mile 8.0 of Milk Creek.

4. On November 6 and December 13, 2020; April 6, May 7, June 14, September 2, October 8, November 3 and December 8, 2021; January 13, February 2, March 4, April 9, May 5, June 6, October 6, and December 2, 2022; and January 7, February 7, March 7, April 6, May 5 and November 14, 2023, Respondent discharged untreated wastewater from a broken wastewater conveyance pipe underneath the facility that drains a chemical developer unit to the facility stormwater conveyance system where it mixed with stormwater and flowed into Milk Creek.

1           5.       Respondent's wastewater contained pollutants that pose a risk of harm to human health,  
2 water quality, and aquatic life, including cadmium, copper, lead, zinc, and silver.

3           6.       The discharges of untreated wastewater to Milk Creek described in Paragraph 4, above,  
4 were not discharged through its Outfall 001.

5           7.       Pursuant to a NPDES Stormwater General 1200-Z Permit (Stormwater Permit)  
6 Respondent is authorized to construct, install, modify, or operate stormwater treatment or control  
7 facilities, and to discharge from its South Freeman Road facility stormwater and non-stormwater  
8 discharges specifically authorized by the permit to surface waters of the state in conformance with all  
9 the requirements, limitations, and conditions of the Stormwater Permit.

10          8.       Schedule B, Condition 12 of the Stormwater Permit requires Respondent to visually  
11 inspect its stormwater discharge for pollution monthly.

12          9.       Respondent did not visually inspect its stormwater during the months of August,  
13 September, October and November 2023.

14          10.      Schedule A, Condition 11(a) and (b)(ii) of the Stormwater Permit requires Respondent  
15 to implement Tier 1 corrective action and reporting if visual inspections of Respondent's stormwater  
16 discharge result in observations of pollution in the discharge including floating and suspended solids,  
17 color, odor, foam, visible oil sheen, or other obvious indicators of pollution.

18          11.      On the 21 occasions between April 2021 and May 2023 listed in Paragraph 4, above,  
19 Respondent observed that its stormwater discharge was cloudy, discolored, yellowish, off color, and/or  
20 tinted.

21          12.      Schedule A, Condition 11(c) of the Stormwater Permit specifies the Tier I corrective  
22 actions and reporting requirements.

23          13.      Respondent failed to complete any of the Tier 1 corrective actions or comply with the  
24 Tier 1 reporting requirements specified in Schedule A, Condition 11(c) of the Stormwater Permit  
25 following its observations of stormwater pollution described in Paragraph 11, above.

26          14.      Schedule A, Condition 12(e)(i) of the Stormwater Permit states that the requirement to  
27 complete Tier 2 corrective action planning is triggered when "[t]he geometric mean of qualifying

sample results collected at any monitoring point exceeds any applicable statewide benchmark(s) in Table 4, during each full reporting year.”

15. Table 4 of the Stormwater Permit establishes a stormwater copper benchmark concentration of 0.015 milligrams per liter for permittees in the Willamette Valley georegion.

16. Respondent’s facility is located in the Willamette Valley georegion.

17. During the 2023-2024 reporting year, Respondent reported that a qualifying sample of its stormwater contained copper at a geometric mean concentration of 0.020 mg/L,

18. When Tier 2 corrective action planning is triggered, Schedule A, Condition 12 of the Stormwater Permit requires permittees to revise their Stormwater Pollution Control Plan (SWPCP) to include additional stormwater treatment measures with the goal of achieving the benchmark or to request a mass reduction waiver from the requirements.

19. Schedule A, Condition 12(i) of the Stormwater Permit required Respondent to submit to DEQ a proposed Tier 2 corrective action plan response by December 31, 2024.

20. To date, Respondent has not submitted a proposed Tier 2 corrective action plan response to DEQ.

21. Cadmium, copper, lead, zinc and silver are “hazardous substances” pursuant to ORS 465.200(9)(b) and 40 Code of Federal Regulations Section 302.4.

22. Respondent’s discharge of wastewater potentially containing cadmium, copper, lead, zinc and silver to the ground surface at its facility over an extended period, as described in Paragraph 4 above, constituted a release, as defined in ORS 465.200(14), or threat of release of hazardous substances to the environment.

23. Pursuant to OAR 340-122-0030 and -0050, DEQ may require Respondent to conduct a cleanup investigation or other activities as specified in OAR 340-122-0050 related to a release or threat of release of a hazardous substance.

### III. CONCLUSIONS

1. Respondent violated ORS 468B.025(2) by discharging industrial wastewater to Mill Creek

1 via an outfall not authorized in its Industrial Wastewater Permit, as described in Section II, Paragraphs  
2 2–6. These are Class I violations pursuant to OAR 340-012-0055(1)(c). DEQ assesses a \$8,400 civil  
3 penalty for these violations.

4 2. Respondent violated ORS 468B.025(2) by failing to conduct visual inspections as required  
5 by Schedule B, Condition 12 of the Stormwater Permit as described in Section II, Paragraphs 7–9.  
6 These are Class I violations pursuant to OAR 340-012-0055(1)(o). DEQ does not assess a civil penalty  
7 for these violations.

8 3. Respondent violated ORS 468B.025(2) by failing comply with the Stormwater Permit’s Tier  
9 1 corrective action and reporting requirements, as described in Section II, Paragraphs 10–13. These are  
10 Class II violations pursuant to OAR 340-012-0053(2). DEQ assesses a \$5,066 civil penalty for these  
11 violations.

12 4. Respondent violated ORS 468B.025(2) by failing comply with the Stormwater Permit’s Tier  
13 2 corrective action planning requirements as described in Section II, Paragraphs 14–20. These are Class  
14 II violations pursuant to OAR 340-012-0053(2). DEQ assesses a \$11,827 civil penalty for these  
15 violations.

#### 16 IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

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

19 1. Pay a total civil penalty of \$25,293 The determinations of the civil penalties are attached as  
20 Exhibits 1, 2, and 3 and are incorporated as part of this Notice.

21 If you do not file a request for hearing as set forth in Section V below, please pay the penalty as  
22 follows:

23 Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:  
24 <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account  
25 dashboard. Enter the Reference Number and FIMS Account ID included on the attached payment slip.  
26 Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no  
27 additional charges.

1 Pay by check or money order: Make checks payable to "Department of Environmental  
2 Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment  
3 slip with your check or money order.

4 2. Within 30 days of this order becoming final by operation of law or on appeal, submit a  
5 report to DEQ demonstrating that Respondent has ceased discharging to the ground surface and waters  
6 of the state wastewater from the chemical developer unit referred to Section II, Paragraph 4 and that  
7 such discharges will not recur.

8 3. Within 30 days of this order become final by operation of law or on appeal, Respondent  
9 must revise its SWPCP to reflect the separation of the stormwater and wastewater systems as well as  
10 identify the discharge points (outfalls) of each system as 001 for the wastewater discharge monitoring  
11 point and 002 as the stormwater discharge monitoring point and submit the revised SWPCP to DEQ.

12 4. Submit the documents specified in Section IV, Paragraphs 2 and 3 to Michael Kennedy via  
13 email to: [mike.kennedy@deq.oregon.gov](mailto:mike.kennedy@deq.oregon.gov), or via mail to his attention at Department of Environmental  
14 Quality, 700 NE Multnomah Street, Portland, OR 97232.

15 5. Within 30 days of this order becoming final by operation of law or on appeal, Respondent  
16 must complete a "Cleanup Program Intake" submittal through the Your DEQ Online system. To  
17 complete the intake submittal, Respondent must first create a Responsible Official account on Your  
18 DEQ Online via <https://www.oregon.gov/deq/permits/Pages/Account-Registration.aspx>. Further  
19 instructions on completing the Cleanup Program Intake are found at User  
20 Guide: <https://www.oregon.gov/deq/permits/Documents/Cleanup-IntakePublicUserGuide.pdf>

## 21 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

22 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ  
23 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If  
24 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached  
25 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered  
26 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for  
27 further information about requests for hearing.) You must send your request to: **DEQ, Office of**

1 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax  
2 it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge  
3 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS  
4 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. If you request a  
5 hearing, you will be notified of the time and place of the hearing and you will be given information on  
6 the procedures, and other rights of parties relating to the conduct of the hearing before commencement  
7 of the hearing. You have a right to be represented by an attorney at the hearing, however you are not  
8 required to be. If you are an individual, you may represent yourself. If you are a corporation,  
9 partnership, limited liability company, unincorporated association, trust or government body, you must  
10 be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

11 Active duty Service members have a right to stay proceedings under the federal Service  
12 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
13 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
14 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
15 Department does not have a toll free telephone number.

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

22  
23  
24  
25 3/10/2025

26 Date

Erin Saylor

Erin Saylor, Interim 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 Discharging wastewater to waters of the state through an outfall not authorized in Respondent's industrial wastewater permit in violation of ORS 468B.025(2).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0055(1)(c).

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 \$4,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(3)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(3)(a)(E)(ii) as Respondent's industrial wastewater permit is a Tier 2 industrial source 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 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"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 no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were 23 occurrences of the violation as cited in the Notice.

"M" is the mental state of the Respondent and receives a value of 8 according to OAR 340-012-0145(5)(d) because the violations were the result of Respondent's reckless conduct. Respondent observed stormwater discolored by its process wastewater on at least 21 occasions. The flow of wastewater from the broken pipe to the stormwater conveyance also cut a readily observable channel through the soil. Despite this clear and unambiguous evidence that wastewater pollutants were entering Respondent's stormwater through a channel carved by flow from under the facility, Respondent did not investigate the source of the pollution, evincing a conscious disregard that a substantial and unjustifiable risk that the circumstances constituting a violation existed.

"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 violation or 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 as DEQ has insufficient information to arrive at a reasonable estimate as to any avoided or delayed compliance costs.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$4,000 + [(0.1 \times \$4,000) \times (0 + 0 + 3 + 8 + 0)] + \$0 \\ &= \$4,000 + (\$400 \times 11) + \$0 \\ &= \$4,000 + \$4,400 + \$0 \\ &= \$8,400 \end{aligned}$$

## EXHIBIT 2

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

VIOLATION NO. 2 Failure to complete any of the Tier 1 corrective actions or comply with Tier 1 reporting requirements specified in Schedule A, Condition 11(c) of Respondent's stormwater permit in violation of ORS 468B.025(2).

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) as Respondent is registered under a general industrial stormwater 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 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"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 no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were 21 occurrences of the violation as detailed in the Notice.

"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 requirements to conduct Tier 1 corrective action and reporting are express conditions of Respondent's permit. By failing to take the actions necessary to complete the corrective actions and reporting, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing a violation.

"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 violation or 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 \$1,666. This is the amount Respondent gained by avoiding the \$2,300 cost to comply with the Tier 1 requirements. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$

$$\begin{aligned} &= \$2,000 + [(0.1 \times \$2,000) \times (0 + 0 + 3 + 4 + 0)] + \$1,666 \\ &= \$2,000 + (\$200 \times 7) + \$1,666 \\ &= \$2,000 + \$1,400 + \$1,666 \\ &= \$5,066 \end{aligned}$$

### EXHIBIT 3

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

VIOLATION NO. 3 Failure to complete a Tier 2 corrective action response as specified in Schedule A, Condition 12 of the Stormwater Permit in violation of ORS 468B.025(2).

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) as Respondent is registered under a general industrial stormwater 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 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"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 no prior history.

"O" is whether the violation was repeated or ongoing and receives a value of 4 according to OAR 340-012-0145(4)(c) because there more than 28 occurrences of the violation. The response was due December 31, 2024, and each day that Respondent failed to submit the response since that date constitutes a separate violation.

"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 requirement to submit a Tier 2 corrective action response plan is an express condition of Respondent's permit. By failing to take the actions necessary to timely submit the response plan, Respondent failed to exercise reasonable care to avoid the foreseeable risk of committing a violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 2 according as OAR 340-012-0145(6)(g) as Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under

paragraph (6)(f). To date, Respondent has not submitted a Tier 2 corrective action response plan to DEQ.

"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 \$7,827. This is the amount Respondent gained by avoiding the \$11,600 cost to comply with the Tier 2 corrective action requirements. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$   
= \$2,000 + [(0.1 x \$2,000) x (0 + 0 + 4 + 4 + 2)] + \$7,827  
= \$2,000 + (\$200 x 10) + \$7,827  
= \$2,000 + \$2,000 + \$7,827  
= \$11,827

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>	March 18, 2025
<b>RESPONSE DATE :</b>	May 27, 2025
<b>TOTAL PENALTY:</b>	\$25,293.00

Account Name:	ASC SUNSTONE CIRCUITS, LLC		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2500041
SubSystem ID:	191713	FIMS Acct. ID:	847

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 25,293.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 25,293.00

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.	CPGFD2500041		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	May 27, 2025
FIMS ACCT. ID:	847	TOTAL PENALTY DUE:	\$25293.00

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 0095000008474CPGFD250004100025293004



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
3/17/2025	2023-634 WQ-SW-NWR-2023-634	\$25,293.00

### 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/SW-NWR-2023-634 upon:

9589 0710 5270 0688 6502 80	<b>U.S. Postal Service™</b>	
	<b>CERTIFIED MAIL® RECEIPT</b>	
	<i>Domestic Mail Only</i>	
	For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
	<b>OFFICIAL USE</b>	
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\$ Total Postage and Fees		
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions		

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 March 18, 2025

Isaac Griffith

Isaac Griffith, Case Coordinator

Office of Compliance & Enforcement

Department of Environmental Quality