



# 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 17, 2025

CERTIFIED MAIL: 9589 0710 5270 3236 6176 81

BBC Steel Corp.  
c/o Munns Law, P.C., Registered Agent  
Attn: Elizabeth A. Munns  
1754 Willamette Falls Dr  
West Linn, OR 97068

Re: Notice of Civil Penalty Assessment and Order  
Case No. WQ-SW-NWR-2023-569

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$9,902 for failing to perform all of the required grab sample monitoring during the 2022-2023 monitoring year at your facility located at 2001 SE Township Road, in Canby, as required by the National Pollutant Discharge Elimination System (NPDES) 1200-Z Stormwater General Permit (the Permit).

DEQ issued this penalty because monitoring is an important condition of the Permit. Monitoring may reveal the presence of harmful levels of pollutants that pose a threat to waters of the state. In addition, monitoring allows permittees and DEQ to gauge the effectiveness of stormwater controls and best management practices at reducing levels of pollutants in discharges.

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.

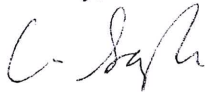
The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

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 Michael Lee at 503-875-2852.

Sincerely,



Erin Saylor, Interim Manager  
Office of Compliance and Enforcement

Enclosures

cc: Mike Meininger, BBC Steel Corp. (via email at [mike@bbcsteel.com](mailto:mike@bbcsteel.com))  
Michael Kennedy, DEQ, Northwest Region  
Ben Benninghoff, DEQ, Northwest Region  
Accounting, DEQ

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
2 OF THE STATE OF OREGON

3 IN THE MATTER OF: ) NOTICE OF CIVIL PENALTY  
4 BBC STEEL CORP., ) ASSESSMENT AND ORDER  
5 Respondent. ) CASE NO. WQ-SW-NWR-2023-569

6 I. AUTHORITY

7 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment  
8 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,  
9 ORS Chapter 183, ORS Chapter 468B, and Oregon Administrative Rules (OAR) Chapter 340, Divisions  
10 011, 012, and 045.

11 II. FINDINGS OF FACT

12 1. Respondent is registered under the National Pollutant Discharge Elimination System  
13 1200-Z Permit (the "Permit") for the facility located at 2001 SE Township Road, in Canby, Oregon (the  
14 Facility).

15 2. Schedule B, Condition 7(f), Table 6 of the Permit requires permittees to monitor for  
16 statewide benchmark and impairment pollutants four times per monitoring year (July 1 through June  
17 30). Respondent must perform, at each monitoring point, two instances of grab sample monitoring  
18 between July 1 and December 31st, and two instances of grab sample monitoring between January 1  
19 and June 30th of each monitoring year.

20 3. The Facility has three monitoring points.

21 4. Respondent's Discharge Monitoring Reports (DMRs) for the monitoring year 2022-  
22 2023 indicate that Respondent performed only one of two required instances of grab sample monitoring  
23 between July 1 and December 31, 2022, at Monitoring Point 002.

24 III. CONCLUSIONS

25 Respondent has violated ORS 468B.025(2) and Schedule B, Condition 7(f) of the Permit by  
26 failing to perform the minimum number of required grab sample monitoring instances. Specifically,  
27 Respondent performed only one of two required instances of grab sample monitoring between July 1



1 and December 31, 2022, at Monitoring Point 002, for a total of one failed sample during the 2022-2023  
2 monitoring year. This is a Class I violation pursuant to OAR 340-012-0055(1)(o). DEQ hereby assesses a  
3 \$9,902 civil penalty for this violation.

#### 4 IV. ORDER TO PAY CIVIL PENALTY

5 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is  
6 hereby ORDERED TO: Pay a total civil penalty of \$9,902. The determination of the civil penalty is in the  
7 attached Exhibit and is incorporated as part of this Notice.

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

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

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

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

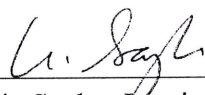
19 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ  
20 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If  
21 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached  
22 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered  
23 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for  
24 further information about requests for hearing.) You must send your request to: **DEQ, Office of**  
25 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax  
26 it to **503-229-6762** or email it to **[DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov)**. An administrative law judge  
27 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS

Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you request a hearing, you will be notified of the time and place of the hearing and you will be given information on the procedures, and other rights of parties relating to the conduct of the hearing before commencement of the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

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

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

7/17/2025  
Date

  
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:** Failing to conduct stormwater monitoring, in violation of Schedule B of the 1200-Z Permit and ORS 468B.025(2). Specifically, Respondent failed to perform one of two required instances of grab sample monitoring between July 1 and December 31, 2022, at Monitoring Point 002 during the 2022-2023 monitoring year.
- CLASSIFICATION:** This is a Class I violation pursuant to OAR 340-012-0055(1)(o).
- 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)(iii) because Respondent has coverage under an NPDES 1200-Z 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 13 according to OAR 340-012-0145(2)(a)(C) and (D) because Respondent has two prior significant actions consisting of 12 Class I violations in Case No. WQ/SW-NWR-2022-556 and EEO #2022-EEO-6675. According to OAR 340-012-0145(2)(b), this amount is reduced to 10 because the value of P will not exceed 10.
- "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 0 according to OAR 340-012-0145(4)(a) because there was only one occurrence of the 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. Respondent applied for coverage under the Permit and has a copy of the Permit, which expressly requires Respondent to perform monitoring for statewide benchmark and impairment pollutants according to the



frequency described in the Permit. By failing to perform the required monitoring, Respondent failed to take reasonable care to avoid a foreseeable risk of 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 \$302. This is the amount Respondent gained by avoiding spending a total of \$335 for sampling and analysis costs for one missed grab sample during the 2022-2023 monitoring year (\$335 per missed event x one monitoring point). This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$   
= \$4,000 + [(0.1 x \$4,000) x (10 + 0 + 0 + 4 + 0)] + \$302  
= \$4,000 + (\$400 x 14) + \$302  
= \$4,000 + \$5,600 + \$302  
= \$9,902

Oregon Department of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232-4100



State of Oregon  
**DEQ** Department of Environmental Quality

Phone: 503-229-5437  
Fax: 503-229-5850

**CIVIL PENALTY - ORS 468.135(2)**

DATE:	July 17, 2025
RESPONSE DATE :	September 25, 2025
TOTAL PENALTY:	\$9,902.00

Account Name:	BBC STEEL CORP. <BBC STEEL> <126359>		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2600007
SubSystem ID:	193458	FIMS Acct. ID:	3203

**Penalty Summary**

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 9,902.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 9,902.00

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.	CPGFD2600007		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	September 25,
FIMS ACCT. ID:	3203	TOTAL PENALTY DUE:	\$9902.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality

☐

Check this box if updated address information has been provided on the back of the form.

DEQ FINANCIAL SERVICES - LBX4244  
PO BOX 4244  
PORTLAND OR 97208-4244

00401 7400 10040 74001 0500 000000 0095000032030CPGFD260000700009902003





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
7/16/2025	2023-569 WQ-SW-NWR-2023-569	\$9,902.00

### 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-2023-569 upon:

9589 0710 5270 3236 6176 81

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ™.	
Certified Mail Fee \$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postmark Here	
BBC Steel Corp c/o Munns Law, P.C., Registered Agent Attn: Elizabeth A. Munns 1754 Willamette Falls Dr West Linn, OR 97068	
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 July 17, 2025

Isaac Griffith

Isaac Griffith, Case Coordinator  
Office of Compliance & Enforcement  
Department of Environmental Quality