

From: [WESTBROOK Esther](#)
To: [ROOT Jenny](#)
Cc: [CARLOUGH Les](#); [BELYEA David](#)
Subject: FW: Revised new spill language
Date: Thursday, March 14, 2013 3:02:29 PM

Jenny,

Please see the new draft language below. The new language for -0160 will replace the previous addition to the C factor (-0145(6)(h)), so that provision should be deleted.

Also, for -0155(1)(b)(iv) please replace the existing language with the following:

1 point if the violation impacted an area of particular environmental value where oil or hazardous materials could pose a greater threat than in other non-sensitive areas, for example sensitive environments such as those listed in OAR 340-122-0115(50), drinking water sources, and cultural sites.

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Tel: 503-229-5374

From: FELDON Leah
Sent: Thursday, March 14, 2013 2:37 PM
To: CARLOUGH Les; WESTBROOK Esther
Subject: Re: Revised new spill language

I like it. Fine with me. Thanks!!

From: CARLOUGH Les
Sent: Thursday, March 14, 2013 02:30 PM
To: WESTBROOK Esther; FELDON Leah
Subject: Revised new spill language

Let me know if this works and I'll get it to Jenny. She will make these last things tomorrow so let me know if there are changes or if it requires additional discussion. Thanks.

340-012-0160 DEQ Discretion Regarding Penalty Assessment

(3) For the violation of spilling oil or hazardous materials into waters of the state, if the respondent exceeds all relevant DEQ regulations pertaining to spill preparation and takes all other reasonably expected precautions to prevent and be prepared for spill response, DEQ may reduce the penalty for the spill by 10%. Depending on circumstances, such precautions may include, without limitation, employee safety training, company policies designed to reduce spill risks, availability of spill response equipment or staff, or used of alternative non-toxic oils.