



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Land Quality Division

700 NE Multnomah Street, Suite 600

Portland, OR 97232

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TTY 711

April 29, 2024

Troy Turney
Smith River Store
16334 Lower Smith River Rd
Reedsport, OR 97467-9767

RE: **Pre-enforcement Notice**
Smith River Store
DEQ UST Facility #8468
2024-PEN-9268

Troy Turney

The Oregon Department of Environmental Quality (DEQ) believes that Smith River Store has violated Oregon's environmental regulations at the underground storage tank (UST) facility #3640 located at 16334 Lower Smith River Rd in Reedsport, OR.

On April 24, 2024, DEQ conducted a full compliance inspection at this facility. The equipment inspection and subsequent records review documented violations with the UST rules. DEQ has concluded that Smith River Store is responsible for the following violations of Oregon Administrative Rules (OAR) 340-150.

Violations

- (1) OAR 340-151-0010; **Class I** Failure to establish or maintain a required financial responsibility mechanism
- (2) OAR 340-150-0210(2) **Class II**. Failure to have a trained UST System Operator for an UST facility or to provide emergency response information
- (3) OAR 340-150-0167(2) **Class II** Failure to submit a request for change-in-service, a request to return to operational status or an application to extend temporary closure at least 30 days before a temporary closure certificate expires
- (4) OAR 340-150-0325(2)(b) **Class I** Failure to Failure to conduct the last two 3-year inspections/tests of corrosion protection system.

Corrective Action Requested

- (1) Submit a 30 Day Notice of Intent to Decommission USTs or Submit a Change in Service by July 1, 2024
- (2) Complete the decommissioning by December 31, 2024.

This matter will be referred to the Department's Office of Compliance Enforcement for formal enforcement action, which may include assessment of civil penalties and/or issuance of a Department order. Your timely and responsive action on these items will be taken into consideration in any civil penalty assessment issued by the Department.

If you believe, any of the facts in this Pre-Enforcement Notice are in error you may provide written information to me at the address shown at the top of this letter. The Department will consider new information you submit in determining the appropriate enforcement actions that will be taken for these violations.

Please feel free to contact me at 503-869-0770 or diana.foss@deq.oregon.gov if you have any questions about compliance with DEQ's UST regulations.

Sincerely,

A handwritten signature in cursive script that reads "Diana Foss".

Diana Foss
Senior Policy Analyst
Underground Storage Tanks Program