



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

Henry Sanders
Sanders PNW Investments, LLC
67538 E. Bay Road
North Bend, OR 97459-9482

RE: **Pre-enforcement Notice**
Glasgow Market
DEQ UST Facility #9899
2024-PEN-9272

Henry Sanders:

The Oregon Department of Environmental Quality (DEQ) believes that Sanders PNW Investments, LLC has violated Oregon's environmental regulations at the underground storage tank (UST) facility #9899 located at 67538 E. Bay Road. in North Bend, 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 Sanders PNW Investments, LLC 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 340-150-0052 **Class II** Failure to apply for a modified general permit registration certificate when there is a change of permittee, tank owner or property owner
- (5) OAR 340-150-0135(2) **Class II** Failure to allow access at reasonable time to interview persons, inspect equipment and site conditions, collect samples, take still or video pictures, conduct an investigation or review and copy records
- (6) OAR 340-150-0400(1)(c) **Class I** Failure to install, operate, maintain or calibrate release detection equipment per manufacturer's instructions, including service checks for operability or running condition.

Corrective Action Requested

- (1) Submit a General Permit Registration Form to Modify Permittee, Tank Owner and Property Owner Information by May 15, 2024.
- (2) Submit a 30 Day Notice of Intent to Decommission USTs or Submit a Change in Service by July 1, 2024
- (3) 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,



Diana Foss
Senior Policy Analyst
Underground Storage Tanks Program