



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Land Quality Division

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

January 29, 2024

Song S. Welsh
Marmot Plaza, LLC
8045 SE Flavel St.
Portland, OR 97206-7820

RE: **Pre-enforcement Notice**
Marmot Plaza
DEQ UST Facility #3014
2023-PEN-8942

Song S. Welsh:

The Oregon Department of Environmental Quality (DEQ) believes Marmot Plaza, LLC. has violated Oregon's environmental regulations at the underground storage tank (UST) facility #3014 located at 59650 E Hwy 26 in. Sandy, OR.

On November 16, 2023, 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 Marmot Plaza, LLC is responsible for the following violations of Oregon Administrative Rules (OAR) 340-150. These violations were also cited on Field Citation 8828, dated November 16, 2023.

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 340-150-0135(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
- (4) OAR 340-150-0325(2)(b) **Class I** Failure to conduct the last two 3-year inspections/tests of corrosion protection system
- (5) OAR 340-150-0325(3) **Class I** Failure to inspect impressed current corrosion protection system every 60 days

Corrective Action Requested

- (1) Submit *30-Day Notice of Intent to Decommission USTs or Complete a Change-in-Service* by March 31, 2024.
- (2) Complete the decommissioning or change in service by September 30, 2024.

This matter is being 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

cc: S. Ward Greene, Esq.