State of Oregon
DEQ Department of Environmental Quality

Memorandum

Date: Aug. 6, 2026

To: Environmental Quality Commission

From: Leah Feldon, Director

Subject: Agenda item D, action item: Winchester Water Control District and TerraFirma Foundation Repair, Inc. Hearing
Sept. 10-11, 2026, EQC meeting

Purpose and importance of item

The Winchester Water Control District (WWCD) and TerraFirma Foundation Repair, Inc. (TerraFirma) ask the EQC to review the Proposed and Final Orders issued in Contested Case No. 2024-ABC-06610 and 2024-ABC-06612. DEQ assessed civil penalties against WWCD and TerraFirma for violating water quality laws during a 2023 repair of Winchester Dam. The matters were consolidated and referred to the Office of Administrative Hearings, where Senior Administrative Law Judge Elizabeth Jarry (ALJ Jarry) issued Proposed and Final Orders. ALJ Jarry agreed with DEQ on each alleged violation but slightly reduced the assessed penalty to correct a math error. DEQ is tasked with protecting the quality of waters of the state and enforcing water pollution laws.

Prior EQC involvement

See the background section for the case history.

Background

This consolidated case is an appeal of DEQ enforcement actions against WWCD and its contractor TerraFirma, for violating multiple terms of a 401 Water Quality Certification (401 WQC) and causing pollution to the North Umpqua River in violation of ORS 468B.025(1)(a) during a 2023 repair project at the Winchester Dam outside Roseburg.

DEQ issued a Notice of Civil Penalty Assessment and Order to each WWCD and TerraFirma on October 26, 2023, assessing penalties of $106,778 and $27,600 respectively for violating multiple terms of the 401 WQC and state water pollution law. On November 14, 2023, WWCD and TerraFirma timely requested a hearing. On June 27, 2024, DEQ amended the Notice of Civil Penalty Assessment and Order to WWCD, combining two violations and removing the assessment of a penalty for one, reducing the civil penalty to $78,567.

On June 28, 2024, DEQ referred the WWCD and TerraFirma matters to the Office of Administrative Hearings and requested that the matters be consolidated. On July 30, 2024, WaterWatch of Oregon, The Steamboaters, Native Fish Society, Oregon Wild, and Umpqua Watershed petitioned for party status, which DEQ granted in part on August 15, 2024. These petitioners have participated as limited parties since.

DEQ filed a Motion for Summary Determination seeking a favorable ruling on all violations alleged against WWCD and TerraFirma. WWCD and TerraFirma responded and filed their own Motion for Summary Determination, seeking a jury trial and challenging DEQ's authority with respect to the civil penalty assessment. After briefing, Administrative Law Judge (ALJ) Jarry found that DEQ was entitled to a favorable ruling with respect to the WWCD's violation of Condition 19 of the 401 WQC (operating equipment in the flowing channel of the river) and Condition 16 of the 401 WQC (failing to provide unobstructed fish passage from September 1, 2023, through September 5, 2023). ALJ Jarry also held that the WWCD was entitled to a favorable ruling with respect to the WWCD's assertion that DEQ may not increase the base penalty based on

violations caused by another contractor during a prior repair project. ALJ Jarry determined that the question of whether a jury trial was required was a pure matter of law properly addressable at the summary determination phase; after considering the issue, she determined that the WWCD and TerraFirma were not entitled to a jury trial. With respect to all other matters raised in the Motions for Summary Determination, ALJ Jarry determined there were disputed issues of fact and that the alleged violations must proceed to a hearing.

DEQ, WWCD, and TerraFirma presented their case and evidence during a hearing on October 13 and 14, 2025. ALJ Jarry issued a Proposed and Final Order on March 6, 2026, finding that WWCD violated conditions 2, 8, 9, 10, 11, 15, 16, 17, and 19 of the 401 WQC and should incur a penalty of $77,767. Similarly, ALJ Jarry found that TerraFirma caused pollution to waters of the state by placing tire mats and discharging concrete into the North Umpqua River in violation of ORS 468B.025(1)(a) and should be assessed a penalty of $27,000.

WWCD timely filed for Commission Review of the Proposed and Final Order on March 30, 2026. WWCD and TerraFirma have submitted Exceptions and Briefs, DEQ has submitted an Answer, and the Limited Parties have submitted a Response.

DEQ requests that the EQC uphold the Proposed and Final Orders in their entirety and adopt them as the Final Orders of the Commission.

This matter is now presented for your review.

Findings of fact

ALJ Jarry made 85 findings of fact in the WWCD matter, which are listed on pages 4 through 23 of the Proposed and Final Order in the WWCD matter. ALJ Jarry made 27 findings of fact in the TerraFirma matter, which are listed on pages 3 through 8 of the Proposed and Final Order in the TerraFirma matter.

Conclusions of law

ALJ Jarry agreed with DEQ on each violation charged against WWCD and only adjusted the assessed penalty slightly to correct a math error. ALJ Jarry's conclusions of law are reproduced below and can be found on pages 23–24 of the Proposed and Final Order in the WWCD matter.

1. WWCD violated Condition 2 of the 401 WQC by performing work that was inconsistent with the project description contained in the permit application materials.
2. WWCD violated Condition 8 of the 401 WQC by failing to develop an erosion and sediment control plan, failing to implement erosion and sediment control measures to prevent or control the movement of soil into waters of the state, and failing to maintain an adequate supply of erosion and sediment control materials at the construction site.
3. WWCD violated Condition 9 of the 401 WQC by placing biologically harmful materials and construction debris (concrete) where they could enter waters of the state.
4. WWCD violated Condition 9 of the 401 WQC by placing biologically harmful materials and construction debris (tire mats) where they could enter waters of the state.
5. WWCD violated Conditions 10 and 19 of the 401 WQC by operating equipment in the flowing channel of the river.
6. WWCD violated Condition 11 of the 401 WQC by failing to report discharges of deleterious materials into waters of the state to the Oregon Emergency Response Service.
7. WWCD violated Condition 15 of the 401 WQC by failing to remove all construction materials and temporary fill from below the ordinary high water mark before the expiration of the in-water work window preferred by ODFW and approved by the U.S. Army Corps of Engineers.
8. WWCD violated Condition 16 of the 401 WQC by failing to provide unobstructed fish passage from September 1, 2023, through September 5, 2023.

9. WWCD violated Condition 17 of the 401 WQC by failing to fully isolate the in-water work area from the active flowing stream.
10. Respondent should be assessed civil penalties in the total amount of $77,767 for violations of Conditions 2, 8, 9 (concrete), 9 (tires), 10 and 19, 15, 16, and 17 of the 401 WQC.

Similarly, ALJ Jarry agreed with DEQ on every violation charged against TerraFirma but likewise adjusted the penalty to correct for a math error. ALJ Jarry's conclusions of law are reproduced below and can be found on page 8 of the Proposed and Final Order in the TerraFirma matter.

1. TerraFirma caused pollution to waters of the state by placing tire mats directly into the North Umpqua River.
2. TerraFirma caused pollution to waters of the state by discharging concrete-contaminated water into the North Umpqua River.
3. TerraFirma should be assessed civil penalties for violations of ORS 468B.025(1)(a) in the total amount of $27,000.

Issues on appeal

WWCD and TerraFirma have submitted Exceptions and Briefs, requesting that the EQC review and revise many conclusions of law and findings of fact in the Proposed and Final Orders. WWCD and/or TerraFirma's arguments are summarized below, as is DEQ's response. The issue numbers listed below correspond to those used in WWCD's and/or TerraFirma's Exceptions and Briefs.

Issue #	WWCD's Argument	DEQ's Response
1	WWCD is entitled to a civil jury trial. The penalties assessed against WWCD here are analogous to suits in common law that existed at the time Oregon became a state, namely breach of contract and fraud. The penalty is also akin to a nuisance action where only damages, not an injunction, are sought. A party is entitled to a jury under such claims. Further, the penalty assessments here are not remedial but deterrent. This is legal relief, which entitles WWCD to a jury trial.	The ALJ correctly found that WWCD is not entitled to a jury trial. This is a contested case proceeding, not a civil suit in a court of law. There was no analogous suits in common law present at the time of Oregon statehood, and statute makes clear the legislature did not intend to afford respondents a jury trial in these proceedings. WWCD cited no Oregon precedent for their position. The federal precedents they cite are inapplicable since the Seventh Amendment does not apply to states.
2	There is not substantial evidence in the record to show that WWCD violated Condition 17 of the 401 WQC (conclusion of law 9). WWCD used water containment facilities as designed in the JPA and followed an engineering firm's advice regarding water management. Federal inspectors were satisfied with it.	Record evidence shows that work began before the coffer dam—the water containment facility outlined in the JPA—was completed. Even after coffer dam completion, water leaked into the work area and was pumped to a makeshift settling pond where it leaked into the river.
3	There is not substantial evidence in the record to show that WWCD violated Condition 2 of the 401 WQC (conclusion of law 1). WWCD used existing roads to access the upstream side of the dam. This shows that WWCD complied with the intent of the JPA and 401 WQC, which was to preserve water quality.	Evidence shows that WWCD conducted work outside the approved work area. The 401 WQC required WWCD to confine work to the approve work area, which WWCD did not do.

4	There is not substantial evidence in the record to show that WWCD violated Condition 8 of the 401 WQC (conclusion of law 2). DEQ's witnesses that testified to the use of sediment and erosion controls were only at the site for a few days, couldn't speak to controls used on days they weren't present, and didn't inspect trailers and vehicles that WWCD's witnesses said contained the sediment controls.	The record evidence shows that WWCD did not use erosion controls in the approved project area. While some erosion controls were on site, they were used for purposes other than erosion control (e.g. biobags to contain water leaking from the settlement pond) or used outside the approved project area (e.g. under the I-5 bridge).
5	There is not substantial evidence in the record to show that WWCD violated Condition 2 or 9 of the 401 WQC (conclusion of law 1 and 4). Evidence that showed that the use of mats was authorized or required was omitted. Further, there is not substantial evidence that shows that the tire mats were in contact with, or in, the river.	WWCD misrepresents the 401 WQC. The 401 WQC allowed use of mats to prevent soil compaction, not as a driving platform on the coffer dam. Regardless, tires are listed as deleterious waste material under Condition 9 of the 401 WQC, meaning any use of tire mats below the ordinary high water mark is prohibited.
6	There is not substantial evidence in the record to show that WWCD violated Condition 16 of the 401 WQC (conclusion of law 8). Record evidence is insufficient to show that impacts of fish passage blockage were not negligible and that fish were not able to pass through the spill gates. Further, NOAA authorized the blockage. WWCD was not authorized to construct a temporary fish ladder.	Condition 16 of the 401 WQC required that *unobstructed* fish passage be provided at all times and prohibited the disruption of movement of any aquatic life. The record evidence shows that fish were prevented from passing through the dam spill gates during the alleged five-day period. The blockage of the fish passage for five days delayed or prohibited the migration of Chinook salmon, summer steelhead, and coho salmon. Unsuccessful passage attempts by these fish depleted energy stores, which negatively affects spawning success.
7	There is not substantial evidence in the record to show that WWCD violated Condition 15 of the 401 WQC (conclusion of law 7). There's insufficient evidence to show what constituted the ordinary high water mark and, therefore, whether materials were left below it after the expiration of the in-water work window.	WWCD left materials below the ordinary high water mark as it was indicated in the JPA. WWCD has presented no evidence to show that the high water mark is incorrect. It is unreasonable to suggest that DEQ must conduct an independent analysis of the location of the water mark for every project.
8	There is not substantial evidence in the record to show that WWCD violated Condition 2 of the 401 WQC (conclusion of law 1). DEQ unlawfully withdrew the first 401 WQC, causing WWCD to propose installation of a sediment membrane without sufficient time to vet feasibility. Also, since DEQ unlawfully withdrew the first 401 WQC, the sediment membrane proposed in the second 401 WQC was not a validly established requirement.	WWCD did not challenge the validity of the 401 WQC within the 20-day period required by OAR 340-048-0045(2) or raise this argument as a defense in their request for a hearing. Thus, WWCD waived this argument. Further, the 401 WQC was issued based on the revised JPA submitted in July 2023, meaning WWCD must implement the project as described in that JPA. WWCD also never told DEQ that installation of the membrane was impossible.
9	There is not substantial evidence in the record to show that WWCD violated Condition 2 of the 401 WQC (conclusion of law 1). The U.S. Army	WWCD did not include the bridge in the JPA; thus, it was not reviewed and was not an authorized activity under the 401 WQC. The

	Corps of Engineers authorized the use of a bridge to access the downstream side of the dam, and it was assumed in the JPA that access to this area would be accomplished somehow.	Corps' letter WWCD refers to in support of its position informed the WWCD that installation of the bridge was a violation; the letter did not after-the-fact approve the bridge.
10	There is not substantial evidence in the record to establish the penalties for violations of Conditions 10 and 19 of the 401 WQC (conclusion of law 5). The factors used to increase the penalty and the assessment of WWCD's mental state lack evidence.	There is ample evidence in the record to support the mental state assessment DEQ used in the penalty calculation. The respondents were told they could not operate an excavator in a flowing channel of the river but continued to do so anyway.
11	Penalties were increased to deter future likely violations, but DEQ presented no evidence to show that violations will likely occur in the future.	A Completion Report submitted to OWRD shows that future repairs are needed. Given WWCD's hiring pattern and disregard for the 401 WQC, it's likely that future violations will occur.
12	There is not sufficient record evidence to show that WWCD demonstrated a general disregard for the requirements of the 401 WQC.	There is ample record evidence. Witness testimony from WWCD and TerraFirma establish that these entities were concerned with getting the repairs done quickly, rather than protecting waters of the state.
13	There is not sufficient evidence in the record to show that WWCD hired an inexperienced contractor. TerraFirma was experienced and fully qualified to complete the project.	During the bid process, TerraFirma cited three past projects to demonstrate its experience. Only one dealt with in-water work, and on that project TerraFirma was a subcontractor; another firm was responsible for all in-water site protection on that project.
14	WWCD's hiring history is not cited in the Notice as a basis for increasing the penalty and, therefore, cannot be used to increase a penalty. Further, no evidence was submitted showing that WWCD has a history of hiring contractors inexperienced with complex in-water work.	WWCD's witness testified that in 2018, WWCD hired Basco Logging to complete emergency repairs on the Winchester Dam. Basco Logging was owned by the then-President of the Board of the WWCD and incurred civil penalties from DEQ for their work on that project.
15	There is no evidence in the record to support the finding of fact that WWCD anticipated incurring fines for the 2023 repair. The finding of fact misstates testimony by Ms. Baranko, who explained that WWCD did not anticipate fines.	Witness testimony establishes that WWCD included reserves for fines and penalties in the bond they acquired to pay for the 2023 dam repair project. They did this in part because they paid a portion of the penalties incurred by Basco Logging during the 2018 repairs.
16	There is insufficient record evidence to support the number of occurrences of violations. Each additional day a violation is committed counts as a new occurrence. But DEQ did not present evidence showing that each violation occurred on each date alleged. Rather, DEQ assumed that certain conditions were present during the entire repair project.	DEQ established it was more likely than not that the conditions that gave rise to the violations were present for the full date ranges cited. WWCD did not provide evidence to show that the conditions changed on any day DEQ was not present; they merely argued that DEQ was not present to observe the conditions.
17	The Proposed and Final Order did not establish what a reasonable standard of care is in this	The dictionary definition for reasonable is "possessing sound judgment." In many

	context but assessed a higher penalty to WWCD for deviating from that standard.	instances, WWCD was told they were in violation but continued regardless. Somebody possessing sound judgment would not continue committing a violation after they were told they were in violation.
18	There is not substantial evidence in the record to establish the penalties for violations of Conditions 9 and 11 of the 401 WQC (conclusions of law 3 and 6). The Proposed and Final Order assumes there were concrete particles in the water, but DEQ did not present evidence establishing this. Further, WWCD's isolation efforts meant concrete could not enter the river.	To meet its burden of proof, DEQ had to show that concrete-contaminated water was placed in a location where it *could* enter waters of the state. Record evidence established this. Whether the discharge of concrete-contaminated water increased the pH of the river is irrelevant to proving the alleged violation.
19	TerraFirma's mental state should not be attributable to WWCD. TerraFirma's actions may be attributable to WWCD, but penalties on WWCD cannot be increased because TerraFirma may have had a certain mental state.	The 401 WQC makes clear that WWCD is responsible for its contractors. Further, Mr. Beckley is both the president of TerraFirma and the president of the Board of WWCD. He was personally involved in development of the JPA, application for the 401 WQC, and the repair work.
20	Reference to the 2018 DEQ matter involving Basco Logging should be excluded because DEQ did not rely on that matter for justification when making these penalty assessments.	DEQ referenced WWCD's hiring of Basco Logging for 2018 repairs to demonstrate WWCD's hiring history.
21	WWCD takes issue with each and every finding of fact and conclusion of law that rejected a point of contention raised in WWCD's Closing Brief. WWCD urges the EQC to revise the Proposed and Final Order to adopt the positions taken by WWCD in their Closing Brief.	DEQ responded to each of WWCD's arguments in their Closing Brief. DEQ requests that the EQC adopt the Proposed and Final Order without changes.

Issue #	TerraFirma's Argument	DEQ's Response
1	Same argument as issue #1 above.	Same response. See issue #1 in the table above.
2	DEQ failed to demonstrate that the tire mats contained harmful chemicals and that the chemicals altered the water. Similarly, DEQ failed to show that the amount of concrete discharged rises to the level of pollution.	To meet its burden of proof, DEQ had to show that a substance which *tends to* cause harm was discharged to the river. Record evidence established this. DEQ does not need to show that concrete or tires actually rendered waters harmful to fish or other aquatic life or the habitat thereof.
3	There is insufficient evidence to show that the harmful transformation product 6PPDQ—created when tires leak chemicals into water—was created in this case. No tests of the tires or	This is the same argument as issue #2. See the response to issue #2 in this table.

	downstream waters were completed.	
4	There is insufficient evidence to show that TerraFirma caused pollution by placing tire mats in the river. Tire mats were authorized, isolated within the work area, and elevated off the water. DEQ also failed to provide evidence that this violation occurred 27 times.	This is partially the same argument at issue #2. See the response to issue #2 in this table. Further, DEQ proved that it was more likely than not that the conditions that gave rise to the violations were present for the full date ranges cited.
5	There is not substantial record evidence to support the finding that TerraFirma polluted water with concrete. DEQ did not provide evidence that concrete discharge caused an alteration.	This is the same argument as issue #2. See the response to issue #2 in this table.
6	Same argument as issue #17 above.	Same response. See issue #17 in the table above.
7	Same argument as issue #16 above.	Same response. See issue #16 in the table above.
8	Same argument as issue #18 above.	Same response. See issue #18 in the table above.
9	TerraFirma takes issue with each and every finding of fact and conclusion of law that rejected a point of contention raised in TerraFirma's Closing Brief. TerraFirma urges the EQC to revise the Proposed and Final Order to adopt the position taken by TerraFirma in their Closing Brief.	DEQ responded to each of TerraFirma's arguments in their Closing Brief. DEQ requests the EQC adopt the Proposed and Final Order without changes.

EQC authority

The EQC has the authority to hear this appeal under OAR 340-011-0575. The EQC may substitute its judgment for that of the ALJ in making a particular finding of fact, conclusion of law, or order except as limited by ORS 183.650 and OAR 137-003-0665. The major limitations include:

1. If the EQC modifies a proposed order in any substantial manner, it must identify the modification and explain to the parties why the EQC made the modification.
2. The EQC may modify a finding of historical fact made by the ALJ only if it determines that there is clear and convincing evidence in the record that the finding was wrong.
3. The EQC may not consider evidence that was not presented to the ALJ. The EQC may, based upon the filing of a motion and a showing of good cause, remand the matter to the ALJ to consider the evidence.
4. If the EQC remands the matter to the ALJ, the EQC shall specify the scope of the hearing and the issues to be addressed.

Alternatives

The EQC may either:

1. As requested by DEQ, uphold the Proposed and Final Orders entirely and adopt them as the Final Orders of the Commission.

2. As requested by WWCD and TerraFirma, issue a final order adopting the positions taken by WWCD and TerraFirma in their Closing Briefs, which would largely clear them of wrongdoing.
3. Take any other action within the EQC's authority.

Supporting materials

A. **Documents regarding Petition for Review**

1. WWCD's Petition for Commission Review, dated March 30, 2026
2. TerraFirma's Petition for Commission Review, dated March 30, 2026
3. WWCD's Exceptions and Brief, dated April 28, 2026
4. TerraFirma's Exceptions and Brief, dated April 28, 2026
5. Limited Parties' Response to WWCD's Exceptions and Brief, dated May 27, 2026
6. DEQ's Answer to Respondents' Exceptions and Briefs, dated May 28, 2026
7. Respondents' Request for Extension of Time & Dir. Feldon's Approval, dated June 3-4, 2026
8. Respondents' Joint Reply in Support of Exceptions and Brief, dated July 1, 2026

B. **ALJ's Proposed Orders**

1. WWCD Proposed Order, dated March 6, 2026
2. TerraFirma Proposed Order, dated March 6, 2026

C. **Hearing Record**

1. DEQ's Exhibits A1-A53, admitted into the record
2. Respondents' Exhibits R1-R191, admitted into the record
3. Closing Briefs

i. DEQ's Closing Brief
ii. Respondents' Closing Brief
iii. Limited Parties' Post-Hearing Closing Brief
iv. DEQ's Closing Reply Brief
v. Respondents' Response to DEQ's Closing Brief

4. Hearing Recordings & Written Transcripts
5. Motions for Summary Determination (MSD)

a. DEQ's MSD

i. DEQ's MSD (with attachments), dated December 13, 2024
ii. Attachment B to Greg Huchko's Declaration (Video)
iii. Attachment C to Greg Huchko's Declaration (Video)
iv. Attachment C to Kirk Blaine's Declaration (Video)
v. Attachment N to Kirk Blaine's Declaration (Video)
vi. Video Attachment to Kirk Blaine's Declaration (Para 9_1 of 2)
vii. Video Attachment to Kirk Blaine's Declaration (Para 9_2 of 2)
viii. Respondents' Response to DEQ's MSD, dated January 10, 2025
ix. Affidavit of Dominic Carollo
x. Affidavit of Ryan Beckley
xi. Exhibits R01_R17 to Affidavit of Ryan Beckley
xii. Exhibit R18 to Affidavit of Ryan Beckley
xiii. Exhibit R19 to Affidavit of Ryan Beckley
xiv. DEQ's Reply in Support of DEQ's MSD, dated January 24, 2025

b. Respondents' MSD

i. Cover Letter to Respondents' MSD, dated December 13, 2025
ii. Respondents' MSD, dated December 13, 2025
iii. Affidavit of Nolan G. Smith
iv. DEQ's Response to Respondents' MSD, dated January 10, 2025
v. Cover Letter to Respondents' Reply in Support of MSD, dated January 24, 2025
vi. Respondents' Reply in Support of MSD, dated January 24, 2025

c. Limited Parties' Brief in Support of DEQ's MSD, dated January 17, 2025

d. WWCD MSD Ruling, dated March 6, 2025
e. TerraFirma MSD Ruling, dated March 6, 2025

D. **Pre-Hearing Documents**

a. Notices of Civil Penalty Assessment and Order

i. Notice of Civil Penalty Assessment and Order issued to the WWCD, dated October 26, 2023
ii. Notice of Civil Penalty Assessment and Order issued to TerraFirma, dated October 26, 2023
iii. Amended Notice of Civil Penalty Assessment and Order issued to the WWCD, dated June 27, 2024
iv. Second Amended Notice of Civil Penalty Assessment and Order issued to the WWCD, dated March 20, 2025

b. Respondents' Hearing Requests

i. WWCD's Request for Hearing, dated November 14, 2023
ii. TerraFirma's Request for Hearing, dated November 14, 2023
iii. WWCD's Response to DEQ's Amended Notice of Civil Penalty Assessment and Order, dated July 2, 2024
iv. TerraFirma's Amended Request for Hearing, dated July 11, 2024
v. TerraFirma's Explanation in Support of Amended Request for Hearing, dated July 11, 2024
vi. DEQ's Acceptance of TerraFirma's Amended Request for Hearing, dated July 19, 2024
vii. WWCD's Response to DEQ's Second Amended Notice of Civil Penalty Assessment and Order, dated April 8, 2025

c. Referral to OAH

i. WWCD and TerraFirma Combined Referral to OAH, dated June 28, 2024

d. Petition for Party Status

i. Petition for Party Status in WWCD Matter, dated July 30, 2024
ii. Notification to WWCD of Petition for Party Status, dated August 6, 2024
iii. WWCD's Response to Petition for Party Status, dated August 9, 2024
iv. DEQ's Order Granting and Denying in Part Petition for Party Status, dated August 15, 2024

e. Correspondence with OAH

i. Prehearing Conference Notice, dated July 16, 2024
ii. ALJs Post-PreHearing Conference Communication, dated August 13, 2024
iii. OAH Notice of Hearing, dated August 14, 2024
iv. ALJ Reassignment Request, dated August 16, 2024
v. OAH Ruling on Request for Change of ALJ, dated August 19, 2024
vi. Respondents' Motion to Amend Hearing Schedule, dated August 30, 2024
vii. Declaration of Dominic Carollo in Support of Motion to Amend Hearing Schedule, dated August 30, 2024
viii. ALJs Ruling on Respondents' Motion to Amend Hearing Schedule, dated September 3, 2024
ix. Notice of Rescheduled Hearing, dated September 4, 2024
x. Notice of M.Fahey Attorney Withdrawal, dated October 11, 2024
xi. Correspondence with ALJ RE: MSD Decision Timeline and Hearing Format, dated February 28, 2025
xii. Notice of Virtual Hearing, dated March 6, 2025
xiii. Respondents' Request for Hearing Continuance, dated March 21, 2025
xiv. ALJ Ruling on Respondents' Request for Hearing Continuance, dated March 24, 2025
xv. Notice of Prehearing Conference, dated March 24, 2025
xvi. ALJs Post-PreHearing Conference Communication, dated April 1, 2025
xvii. Notice of Rescheduled Virtual Hearing, dated April 1, 2025
xviii. Notice of M.Sargetakis Attorney Withdrawal, dated April 16, 2025
xix. Notice of Attorney Association R.Kirschner, dated May 7, 2025
xx. Notice of A.Dolezal Attorney Withdrawal, dated August 22, 2025
xxi. ALJ Correspondence RE: Closing Argument Schedule, dated October 14, 2025

Memorandum

xxii. Correspondence with ALJ RE: Closing Brief Deadline, dated November 3, 2025

Report prepared by Paul Garrahan, Oregon Department of Justice

Attorney-in-Charge, Natural Resources Section, General Counsel Division

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

For translation or other formats, visit DEQ's Civil Rights and Environmental Justice page.