



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 10, 1200 Sixth Avenue, Seattle, Washington 98101  
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-10-2024-0068, NPDES No. ORR203146  
Penalty Amount: \$1,648, Inspection Date: December 20, 2023

FILED

July 16, 2024

10:22 A.M. PST

U.S. EPA REGION 10  
HEARING CLERK

Port of Toledo ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Worksheet" ("Settlement Worksheet"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the alleged violations specified in the Settlement Worksheet.

Respondent failed to comply with the condition(s) or limitation(s) of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the specific alleged violations specified in the Settlement Worksheet or this Expedited Settlement Agreement ("Agreement").

This Agreement constitutes a Consent Agreement and Final Order, which EPA is authorized to enter under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of \$1,648. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Settlement Worksheet; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations identified in the Settlement Worksheet have been corrected. Respondent shall submit a written report and other documentation required by EPA with this Agreement detailing the specific actions taken to correct the alleged violations cited herein. This documentation may include monitoring, inspection and maintenance reports, documentation of corrective actions, certification records, and other records required for compliance with permit documentation and recordkeeping conditions.

Respondent certifies that, within ten (10) days after receipt of the Final Order, Respondent will submit electronic payment via [www.pay.gov](http://www.pay.gov) or submit a bank, cashiers, or certified check, with

case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to:

**Regional Hearing Clerk**  
**U.S. EPA, Region 10**  
**Fines and Penalties, Cincinnati Finance Center**  
**In the Matter of: Port of Toledo Boatyard**  
**Docket No.: CWA-10-2024-0068**  
**P.O. Box 979078**  
**St. Louis, MO 63197-9000**

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

This Agreement settles EPA's civil penalty claims against Respondent for the alleged Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Settlement Worksheet. EPA has determined this Agreement to be appropriate.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Oregon for the purposes of consultation with Oregon on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public comment on it. EPA will address any comments on the Agreement in accordance with section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and 40 CFR §§ 22.38 and 22.45.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it signed is by the Regional Judicial Officer, unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1391(g)(5), following public notice of this Agreement.

APPROVED BY RESPONDENT:

Name (print): CHARLES R. GERTTOLA

Title (print): COM. PRES.

Signature: Charles R. Gerttola Date: 23/Apr/2024

APPROVED BY EPA:

EDWARD  
KOWALSKI

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KOWALSKI  
Date: 2024.04.25 11:40:30 -07'00'

Edward J. Kowalski, Director  
Enforcement and Compliance Assurance Division

More than 40 days have elapsed since providing the Agreement to Oregon and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

Vanessa Oquendo, Case Officer  
Enforcement and Compliance Assurance Division

Having determined that this Agreement is authorized by law,  
IT IS SO ORDERED:

RICHARD  
MEDNICK

Digitally signed by RICHARD  
MEDNICK  
Date: 2024.07.16 10:20:54  
-07'00'

Date: \_\_\_\_\_

Regional Judicial Officer  
Region 10  
U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
INDUSTRIAL STORMWATER  
EXPEDITED SETTLEMENT AGREEMENT



Permittee		Site Factors		
Site Name:	Port of Toledo Boatyard	Acres of Exposure:	4	
Street Address:	1000 Southwest Altree Lane	Full Time Employees:	20	
City, State, Zip:	Toldeo, Oregon 97391	Environmental Harm:	Low	
Lat/Long:	44.6167 N – 123.9482 W	Sector:	R - Ship and Boat Building or Repairing Yards	
Permit ID:	ORR203146	Receiving Water(s):	Yaquina River	
Inspection Date:	12/20/2023	Water(s) Status:	High Quality	
Permit Section Citation		Magnitude*	Penalty Amount	Duration
A.1.a-j Narrative Technology-based Effluent Limits		Minimal	\$916	Dec-23
B.12.a Routine Facility Inspections		< 5%	\$366	November 2022; October 2023
B.12.a.vii Monthly Visual Assessment of Stormwater Discharges		< 5%	\$366	November 2022; October 2023
		<b>Total:</b>	<b>\$1,648</b>	

\* "Magnitude" reflects the severity and/or duration of the violations identified by the Inspector(s) at the time of the Inspection.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
INDUSTRIAL STORMWATER  
EXPEDITED SETTLEMENT AGREEMENT



Permit Section Citation	Description of Violations
A.1.a-j Narrative Technology-based Effluent Limits	Multiple areas of uncovered material along the Facility's eastern perimeter were observed in which there was potential to discharge pollutants in stormwater into the receiving waterbody that was located adjacent to this edge (the river bank). The Facility submitted education and training logs documenting employee training in 2018, 2021, and 2024. Training documentation did not include training conducted in 2019, 2020, and 2022 (employee training is to be conducted annually). Ms. Scacco explained in her February 2, 2024 email that SWPCP training was missed in 2023.
B.12.a Routine Facility Inspections	The Facility missed monthly site inspections in November of 2022 and in October of 2023.
.12.a.v Monthly Visual Assessment of Stormwater Discharges	The Facility missed monthly visual observations in November of 2022 and in October of 2023.

## CERTIFICATE OF SERVICE

I certify that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Port of Toledo Boatyard, Docket No.: CWA-10-2024-0068**, was filed with the Regional Hearing Clerk; and that a true and correct copy was served on the date specified below to the following addresses via electronic mail:

Vanessa Oquendo  
U.S. Environmental Protection Agency  
Region 10, Mail Stop 20-C04  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101  
oquendo.vanessa@epa.gov

Mr. Chuck Gerttula  
Commission President  
Port of Toledo  
496 Northeast Highway 20, Unit 1  
Toledo, Oregon 97391  
cgerttul@newportnet.com

SALEE  
PORTER

Digitally signed by SALEE  
PORTER  
Date: 2024.07.16 14:39:59  
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Regional Hearing Clerk  
EPA Region 10