

NEW/OPEN ENFORCEMENT ACTIONS STATUS REPORT

9/01/2021 -- 09/30/2021

Report of open and actions initiated since last report

NEW Enforcement Actions:

1. KUYKENDALL, ROBERT & DAVE COOPER & ESTATE OF JOHN L. GRAHAM (FALL CREEK)
 - A. Violation: Outdoor burning when prohibited; outdoor burning such as to create a nuisance or hazard to public safety; outdoor burning of prohibited materials (plastics, metal cans, glass, etc.)
 - B. Initial Action Taken: NON #3840 issued 09/30/2020
 - C. Subsequent Action: NCP #2021-3840 (\$600) issued 09/30/2021
 - D. Resolution: PENDING

ACTIONS PERFORMED (NON issued prior to 09/01/2021 with current action in reporting period):

1. J.H. BAXTER & CO., EUGENE PLANT (EUGENE)
 - A. Violation: 43-015-7- Failure to provide for an asbestos survey prior to commencing renovation or demolition of a facility; 43-015-10 - failure to abide by asbestos abatement notification and fee requirements; 43-015-11.C - failure to abide by asbestos abatement negative pressure enclosure requirements; 43-015-11.D.- failure to adequately wet asbestos containing material; 43-015-11.G.- failure to adequately clean project area at conclusion of abatement project; 43-015-11.H.- failure to secure asbestos containing waste at project site; 43-015-11.N.- open storage of asbestos containing waste; 43-015-11.P.- conducting an asbestos abatement without possessing a current license or certification; 43-015-19 - failure to abide by friable asbestos disposal requirements. LRAPA Title 43 "Asbestos Requirements" enclosed. J.H. Baxter & Co. may submit by June 11, 2021, an account of the events related to the violations alleged in this NON, action(s) to correct and remedy to prevent recurrence.
 - B. Initial Action Taken: NON #3834 issued 06/02/2021
 - C. Subsequent Action: NCP #2021-3834 (\$7,800) issued 06/24/2021: request for reduction approved by LRAPA for \$5,200 with LRAPA providing asbestos awareness training to JHB personnel and signed Stipulated Final Order. Asbestos awareness training conducted by Aaron Speck, LRAPA Asbestos Inspector, on 05/19/2021. The SFO was signed and JHB paid \$5,200 on 08/23/2021.
 - D. Resolution: CASE CLOSED on 8/23/2021

2. JONES, ANTHONY R. (VENETA)

- A. Violation: Failure to promptly extinguish illegal outdoor burning; outdoor burning when prohibited; outdoor burning such as to create a nuisance; outdoor burning of prohibited materials (grass clippings); failure to conduct outdoor burning in an efficient manner
- B. Initial Action Taken: NON #3818 issued 05/15/2020
- C. Subsequent Action: NCP #2020-3818 (\$700) issued 05/27/2020: request for hearing scheduled and held on 11/13/2020; On 12/15/2020, the Hearing's Officer held up the violations however, adjusted the civil penalty from \$700 to \$600; Respondent has 30 days from 12/29/2020 to request an appeal or pay the \$600 adjusted civil penalty; 01/13/2021 Respondent request an Appeal to the LRAPA Board; 1/14/2021 Respondent was sent letter with details on requirements for the Request for Appeal to the Board - Respondent has 30 days from 02/13/2021 to submit Exceptions and Brief, Respondent submitted Appellee's Brief 02/11/2021; On 03/01/2021, LRAPA's attorney submitted LRAPA's Answering Brief; no Reply Brief was submitted by Respondent; the Appeal to the LRAPA Board of Director's was scheduled and held on 07/08/2021; On 7/8/2021 LRAPA Board upheld the Hearing's Officers Decision; Respondent has 60 days from 7/8/21 to file for State Judicial Review; On 9/7/2021 Respondent and LRAPA entered into a SFO to settle the case for \$-0-.
- D. Resolution: CASE CLOSED on 09/07/2021

PENDING (Enforcement Actions issued prior to 09/01/2021 with no subsequent action in the current reporting period):

1. LANE COUNTY SHORT MOUNTAIN LANDFILL (EUGENE)

- A. Violation: Failure to cover active asbestos containing waste materials (ACWM) disposal area at the end of each day that new ACWM is disposed of with tarp that is identical to, or equivalent of, materials used to cover active areas of the general landfill.
- B. Initial Action Taken: NON #3830 issued 06/17/2021
- C. Subsequent Action: PENDING
- D. Resolution: PENDING

2. OREGON INDUSTRIAL LUMBER PRODUCTS, I (SPRINGFIELD)

- A. Violation: Respondent continues to operate wood fired boiler in such a manner as to cause the deposition of ash fallout on the property of other persons and has failed to correct the issue in a timely manner.
- B. Initial Action Taken: NON #3838 issued 06/21/2021
- C. Subsequent Action: PENDING
- D. Resolution: PENDING

For perspective, here is the total number of enforcement actions for calendar year 2021 compared to previous years:

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	*2021
Notices of Non-compliance and Warnings	64	41	51	36	38	41	39	41	55	15	14
Notices of Violation with Civil Penalties	42	29	23	28	37	37	28	43	37	26	12

* Year-to-date.