

Exhibit "A"

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY,	)	STIPULATION AND FINAL ORDER
OF THE STATE OF OREGON,	)	No. AQ-NWR-80-76
	)	MULTNOMAH COUNTY
Department,	)	
	)	
v.	)	
	)	
CITY OF PORTLAND,	)	
	)	
Respondent.	)	

WHEREAS:

1. On May 6, 1980, the Department of Environmental Quality (Department) filed with the Environmental Quality Commission (Commission) a Notice of Assessment of Civil Penalty in case No. AQ-NWR-80-76, against City of Portland (Respondent), assessing a \$7,500 civil penalty upon Respondent.

2. On May 27, 1980, the Respondent filed a request for hearing and answer to the notice referred to in Paragraph 1 above.

3. The parties wish to compromise and settle the civil penalty referred to in Paragraph 1 above on the following terms.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties hereto, it is stipulated and agreed that:

I

Respondent hereby waives any and all objections it may have: to the form, content, manner of service and timeliness of the notices referred to in Paragraph 1 above; to a contested case hearing thereon and judicial review, thereof; and to service of a copy of this stipulated final order,

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Exhibit "A"

1 which order shall be effective upon signing by or on behalf of the  
2 Commission.

3 II

4 Respondent admits each and every fact and violation alleged in the  
5 notice referred to in Paragraph 1 above.

6 III

7 Subject to approval by the Commission, the parties agree to a  
8 mitigation of the \$7,500 civil penalty to \$450.

9 IV

10 The Commission shall enter a final order:

11 A. Finding that each and every fact and violation alleged in the  
12 notice referred to in Paragraph 1 above occurred.

13 B. Imposing upon Respondent a civil penalty of \$450 for the  
14 violation cited in the notice referred to in Paragraph 1 above, plus  
15 interest from the date which the order is signed below until paid in full.

16 C. Finding that the Department and Commission have satisfied all  
17 the requirements of law and the mitigation herein is consistent with public  
18 health and safety and is in the public interest.

19 DEPARTMENT OF ENVIRONMENTAL QUALITY

20  
21 \_\_\_\_\_  
22 Date

\_\_\_\_\_  
WILLIAM H. YOUNG  
Director

23 RESPONDENT

24  
25 \_\_\_\_\_  
26 Date

\_\_\_\_\_  
Mike Lindberg, Commissioner  
City of Portland

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FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joe B. Richards, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Al Densmore, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronald M. Somers, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fred J. Burgess, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary V. Bishop, Member

ORDINANCE NO. **150027**

An Ordinance authorizing the Commissioner of Public Works to sign a Stipulation and Final Order agreement with the State Department of Environmental Quality, payment of a \$450 penalty and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That on April 16, 1980 the Bureau of Maintenance burned storm debris at Delta Park, in violation of the Burning Permit issued by the State of Oregon, Department of Environmental Quality.
2. That on May 6, 1980 the Department of Environmental Quality assessed a \$7,500 Civil Penalty upon the City of Portland for illegal burning.
3. That on May 27, 1980 the City of Portland requested and were subsequently granted a hearing to answer the charges.
4. That the State Department of Environmental Quality has found that the Special Permit violation was not intentional, the City has made commitments to provide adequate handling and disposal of ice and storm and similar debris in the future and the City of Portland has worked with the Department in all of their environmental programs in a cooperative spirit and therefore agrees that the penalty ought to be substantially mitigated.
5. That the Department of Environmental Quality will accept payment of \$450 as a mitigated penalty, and execution of the Stipulation and Final Order agreement (Exhibit A) to settle the case.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Works is hereby authorized to sign the Stipulation and Final Order agreement as presented by the State Department of Environmental Quality.
- b. The \$450 penalty shall be paid from the Bureau of Maintenance 1980-81 Budget, BUC #16900036, Object Code 490.

# ORDINANCE No.

Section 2. The Council declares that an emergency exists because a delay in proceeding will cause the offer to be withdrawn; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 120035

ORDINANCE NO. 120035

Life

and declaring an emergency. On July 16, 1980, the City of Portland, Oregon, Department of Environmental Services, Order 80-1000, with the approval of the City Council, authorized the Commissioner of the Department of Environmental Services to sign a Submittal of Ordinance 120035.

JUL 1 1980

OFFICE OF THE CITY CLERK

OFFICE OF THE CITY CLERK

*[Handwritten signature]*

Passed by the Council, **JUL 16 1980**  
Commissioner Lindberg  
Gail Stephens:cs  
July 10, 1980

Attest:

*[Handwritten signature: George Gebreich]*  
Auditor of the City of Portland

Calendar No. 2572

ORDINANCE No. 150027

Title

An Ordinance authorizing the Commissioner of Public Works to sign a Stipulation and Final Order agreement with the State Department of Environmental Quality, payment of a \$450 penalty and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <b>ML mg7</b>

BUREAU APPROVAL
Bureau:
Maintenance
Prepared By: <b>Gail Stephens</b> Date: <b>7/10/80</b>
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:
<b>R. O. Schmidt</b>

NOTED BY
City Attorney
City Auditor
City Engineer
<b>John Lang</b>
John Lang Public Works Administrator

Filed JUL 11 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By **Jordan Crockett**  
Deputy

120027

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