



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

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March 13, 2018

Grimm's Fuel Company  
Jeff Grimm  
18850 SW Cipole Road  
Tualatin, OR 97062

RE: Pre- Enforcement Notice  
Solid Waste Permit Violations  
Washington County

Dear Mr. Grimm:

The Oregon Department of Environmental Quality (DEQ) conducted a compliance inspection on February 23, 2018, of the Grimm's Fuel Company (Grimm's) facility located at 18850 SW Cipole Road, Tualatin, OR 97062. DEQ has concluded that Grimm's is responsible for the following violations of Oregon Administrative Rule (OAR) and your composting permit. Class I violations are the most serious violations; Class III violations are the least serious.

**(1) Violation of OAR 340-096-0130(9)(a) and 340-096-0130(10) – Special Rules Relating to Composting: Leachate Collection Design and Management Requirements** –*Leachate storage design must assure collection of any leachate generated from areas of feedstock collection and preparation and active composting areas and convey the leachate to a storage basin, tank or other containment structure that has adequate capacity to collect and contain the amount of leachate generated. Any leachate collection system subject to this rule must describe the methods the facility will use to beneficially reuse or properly dispose of collected liquids.*

The facility's leachate collection system is designed to allow for overflow of leachate into the stormwater collection system, where it co-mingles and is conveyed through the treatment system and conveyed off-site, ultimately discharging to the Tualatin River.

The leachate and stormwater management processes and infrastructure currently employed at the facility are not accurately described in the current Operations Plan (dated July 2017) and Stormwater Pollution Control Plan (SWPCP). During DEQ's Feb 23, 2018 compliance inspection, Mr. Grimm described that, at times, leachate overflows from the leachate vault and into the stormwater collection system.

Grimm's operates under a 1200-Z permit that is administered by Clean Water Services. Discharge of co-mingled leachate and stormwater is not allowed under the current 1200-Z permit because leachate is considered a waste stream. The co-mingling of leachate and stormwater is only allowed if the facility captures all of the co-mingled wastewater and either a) recirculates all material back into composting operations or b) transports the waste offsite to an appropriate water treatment facility.

**This is a Class I solid waste violation according to OAR 340-012-0065(1)(k) – Operating a composting facility in a manner that causes a discharge to surface water of pollutants, leachate or stormwater when that discharge is not authorized by an NPDES permit.**

**Corrective action requested** – This violation cannot be corrected retroactively. The facility must make process changes and/or infrastructure improvements to prevent the discharge of leachate to surface waters of the State. DEQ is requiring that the Operations Plan be updated to accurately describe the wastewater and stormwater system and submit to DEQ for approval by April 15, 2018.

- (2) **Violation of Solid Waste Disposal Site Composting Permit #1433: Section 9.11 - Fire protection** - *Arrangements must be made with the local fire control agency to immediately acquire their services when needed and adequate on-site fire control protection, as determined through the local fire control agency, must be provided. Fires must be immediately extinguished and reported to DEQ within 24 hours.*

The Tualatin Valley Fire and Rescue documented responses to fires at the facility on the following occasions: August 25, 2017; November 26, 2016; August 19, 2016; August 17, 2016; and August 7, 2016. DEQ does not have notification records for any of these fires. During DEQ's Feb 23, 2018 compliance inspection, Mr. Grimm confirmed that the facility has not notified DEQ of fire events at the facility.

**This is a Class II solid waste violation according to OAR 340-012-0065(2)(f) - Operating a composting facility in a manner that fails to comply with the facility's registration, permit, DEQ-approved plans or DEQ rules.**

**Corrective action requested** – This violation cannot be corrected retroactively. In the future, Grimm's must adhere to its permit and report unauthorized fires to DEQ within 24 hours.

- (3) **Violation of Solid Waste Disposal Site Composting Permit #1433: Section 4.4 – Process Controls** – *The permittee must monitor and record processing parameters, including moisture content at the frequency and locations specified in the Operations Plan.*

Records provided by Grimm's during DEQ's Feb 23, 2018 compliance inspection show that Grimm's has taken, at most, one moisture sample per month since August 2016. The approved Operation Plan prescribes that at least nine samples of Oxygen, Temperature and Moisture Content must be taken and recorded once per month.

***This is a Class II solid waste violation according to OAR 340-012-0065(2)(f) – Operating a composting facility in a manner that fails to comply with the facility's registration, permit, DEQ-approved plans or DEQ rules.***

**Corrective action requested** – This violation cannot be corrected retroactively; however, from herein, the facility should adhere to its permit and Operations Plan and follow the prescribed Parameter Monitoring schedule.

The violations cited above pose risk of environmental harm and risk to human health and safety. These violations are being referred to the DEQ Office of Compliance and Enforcement for formal enforcement action, which may include a civil penalty assessment for each day of the violation.

If you believe any of the violations alleged in this warning letter are in error you may provide written information demonstrating that. DEQ will consider new information you submit and take appropriate action.

DEQ endeavors to assist you in your compliance efforts. Information on DEQ rules and statutes as well as technical assistance and other solid waste management information can be found on the Solid Waste Page of the Oregon DEQ website at: <http://www.deq.state.or.us/lq/sw/index.htm>. If you have, any questions or concerns please feel free to contact me by phone at (503) 229-5590, or email at [fleming.jeremy@deq.state.or.us](mailto:fleming.jeremy@deq.state.or.us). DEQ appreciates your cooperation in complying with these rules and protecting Oregon's environment.

Sincerely,



Jeremy Fleming  
Solid Waste Compliance Specialist

Enclosures: 2/23/2018 Compost Facility Inspection Report & Photolog  
TVFR Department Fire Reports

Ecc: Audrey O'Brien, DEQ NW Region Environmental Partnerships Manager ([obrien.audrey@deq.state.or.us](mailto:obrien.audrey@deq.state.or.us))  
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