



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Office of Compliance and Enforcement  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232-4100  
(503) 229-5696  
FAX (503) 229-5100  
TTY 711

October 18, 2022

CERTIFIED MAIL: 7020 2450 0000 3349 5369

Waste Management Disposal Services of Oregon, Inc.  
c/o CT Corporation System  
388 State Street, Suite 420  
Salem OR 97301

Re: Notice of Civil Penalty Assessment and Order  
Case No. LQ-SW-ER-2022-028

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$3,900 for disposing of prohibited waste at the Columbia Ridge Landfill.

DEQ issued this penalty because permitted solid waste landfills in Oregon are not allowed to dispose of waste prohibited from disposal as solid waste in the state where the waste originated. In January 2022, you disposed of a 275-gallon container of waste liquid machine coolant in the solid waste landfill. This waste is regulated as hazardous waste in Washington state and was manifested to go to a hazardous waste landfill. After it was tipped at Columbia Ridge, it was then covered by approximately 5,000 tons of garbage prior to identifying the violation. As agreed-upon by Waste Management and DEQ, attempting to remove the waste posed more risks to employee and environmental safety than leaving the waste in place.

DEQ appreciates your efforts to address the violation by immediately reporting it to DEQ, putting new procedures in place, and providing additional training to landfill staff. DEQ considered these efforts when determining the amount of civil penalty.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov)

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due. Alternatively, you can pay the penalty by sending a check or money order to the above address.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Sarah Wheeler at 971-301-0622.

Sincerely,



Kieran O'Donnell, Manager  
Office of Compliance and Enforcement

Enclosures

cc: Heidi Williams, DEQ  
Ron Doughten, DEQ  
Accounting, DEQ  
James Kincaid, Cable Huston, [jkincaid@cablehuston.com](mailto:jkincaid@cablehuston.com)  
James Denson, Waste Management, [jdenson@wm.com](mailto:jdenson@wm.com)

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF: ) NOTICE OF CIVIL PENALTY  
4 WASTE MANAGEMENT DISPOSAL ) ASSESSMENT AND ORDER  
5 SERVICES OF OREGON, INC., )  
Respondent. ) CASE NO. LQ-SW-ER-2022-028

6 I. AUTHORITY

7 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment  
8 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,  
9 ORS 459.995, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011,  
10 012, and 093.

11 II. FINDINGS OF FACT

12 1. At all material times, Respondent owned and operated Columbia Ridge Landfill and  
13 Recycling Center, a municipal solid waste landfill, at 18177 Cedar Springs Lane in Arlington, Oregon  
14 (the Facility).

15 2. On November 8, 2017, DEQ issued Respondent Solid Waste Disposal Site Permit  
16 Number 391 for operations at the Facility (the Permit). The Permit was in effect at all material times.

17 3. On January 31, 2022, Respondent disposed of a 275-gallon container of waste machine  
18 coolant (the Container) into the landfill at the Facility.

19 4. The Container was from Washington state, where its contents are regulated as a  
20 hazardous waste. The documents accompanying the Container designated it as X007, which is an  
21 Oregon state waste code for wastes received from out of state that are regulated as hazardous waste in  
22 the state of origin. The documents also directed the Container to be disposed of at the permitted  
23 hazardous waste landfill in Arlington.

24 5. OAR 340-093-0040(2)(b) states: "Wastes which are hazardous under the law of the state  
25 of origin shall not be managed at a solid waste disposal site when transported to Oregon."

26 6. OAR 340-093-0040(4) states: "[I]f the state of origin prohibits or restricts the disposal  
27 of any kind of solid waste within the state of origin, such prohibition or restriction also shall apply to

1 the disposal of the out-of-state solid waste in Oregon.”

2 III. CONCLUSIONS

3 Respondent violated OAR 340-093-0040(2)(b) and (4) by disposing of prohibited waste at the  
4 Facility, as described in Section II above. This is a Class I violation, according to OAR 340-012-  
5 0065(1)(c). DEQ hereby assesses a \$3,900 civil penalty for this violation.

6 IV. ORDER TO PAY CIVIL PENALTY

7 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is  
8 hereby ORDERED TO:

9 Pay a total civil penalty of \$3,900. The determination of the civil penalty is attached as Exhibit 1  
10 and is incorporated as part of this Notice.

11 If you do not file a request for hearing as set forth in Section V below, your check or money order  
12 must be made payable to "**State Treasurer, State of Oregon**" and sent to the **DEQ, Business Office,**  
13 **700 NE Multnomah Street, Suite 600, Portland, Oregon 97232.**

14 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

15 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ  
16 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If  
17 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached  
18 exhibit, you must do so in your request for hearing, as factual matters not denied will be considered  
19 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for  
20 further information about requests for hearing.) You must send your request to: **DEQ, Office of**  
21 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax  
22 it to **503-229-6762** or email it to [DEQappeals@deq.oregon.gov](mailto:DEQappeals@deq.oregon.gov). An administrative law judge  
23 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS  
24 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be  
25 represented by an attorney at the hearing, however you are not required to be. If you are an individual,  
26 you may represent yourself. If you are a corporation, partnership, limited liability company,  
27 unincorporated association, trust or government body, you must be represented by an attorney or a duly



1 authorized representative, as set forth in OAR 137-003-0555.

2 Active duty Service members have a right to stay proceedings under the federal Service  
3 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-  
4 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed  
5 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military  
6 Department does not have a toll free telephone number.

7 If you fail to file a timely request for hearing, the Notice will become a final order by default  
8 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later  
9 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the  
10 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates  
11 the relevant portions of its files, including information submitted by you, as the record for purposes of  
12 proving a prima facie case.

13  
14 10 / 18 / 2022

15 Date

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15 Kieran O'Donnell, Manager  
16 Office of Compliance and Enforcement  
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EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY  
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

- VIOLATION NO. 1 Disposing of prohibited waste at the Facility, in violation of OAR 340-093-0040(2)(b) and (4).
- CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0065(1)(c), because Respondent disposed of or authorized the disposal of solid waste at a location not permitted by DEQ to receive that solid waste.
- MAGNITUDE: The magnitude of the violation is minor pursuant to OAR 340-012-0135(3)(a)(C) because Respondent illegally disposed of less than 40 cubic yards of waste.
- CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is:  $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$
- "BP" is the base penalty, which is \$3,000 for a Class I, minor magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(iii) and applicable pursuant to OAR 340-012-0140(2)(a)(Q)(i), because Respondent violated a solid waste rule and Respondent has a solid waste permit.
- "P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because Respondent does not have any prior significant actions.
- "H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.
- "O" is whether the violation was repeated or ongoing, and receives a value of 0 according to OAR 340-012-0145(4)(a) because there was one occurrence of the violation, on January 31, 2022.
- "M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent, as defined in OAR 340-012-0030(15). Respondent is a highly-regulated and permitted facility in the business of accepting solid waste for disposal. The documents accompanying the waste to the Facility identified it as X007 and designated it for disposal at a permitted hazardous waste landfill. By allowing this waste to be tipped into the solid waste landfill, Respondent failed to take reasonable care to prevent the reasonably foreseeable risk of committing this violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure the violation would not be repeated. Respondent promptly notified DEQ of the violation and consulted with DEQ regarding removal of the waste. Respondent improved procedures for reviewing waste containers and conducted additional training of staff.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0, as DEQ has determined that Respondent didn't receive more than a de minimis economic benefit as a result of this violation.

PENALTY CALCULATION:  $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$   
= \$3,000 + [(0.1 x \$3,000) x (0 + 0 + 0 + 4 - 1)] + \$0  
= \$3,000 + (\$300 x 3) + \$0  
= \$3,000 + \$900 + \$0  
= \$3,900