



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

NOTICE OF VIOLATION

NOV-439-22

To: Dawn Lucinio
Evergreen Disposal & Recycling, Inc.
P.O. Box 5069
Aloha, OR 97006

Facility: Evergreen Disposal & Recycling, Inc.
8145 NE Nicholas Ct.
Aloha, OR 97124

Operating Instrument: Non-System License (NSL) No. N-190-20(expired)

Dates of Violation: November through December 23, 2021

Code Violation: Metro Code Section 5.05.190
Failure to comply with Non-System License

Evergreen Disposal & Recycling, Inc. exceeded its annual tonnage authorization (450 tons) under NSL No. N-190-20, Section 2, by transporting 705 tons of yard debris mixed with residential food waste in calendar year 2021 to Recology Organics North Plains.

Details of Violation: NSL No. N-190-20 authorized Evergreen Disposal & Recycling, Inc. (Evergreen) to transport up to 450 tons of yard debris containing food waste generated by residential customers within the Metro region to Recology Organics North Plains (Recology) for composting. Evergreen reported to Metro that by the end of November 2021 it transported 606 tons to Recology.

Metro notified Evergreen Disposal by email on December 23, 2021, that it had exceeded the annual tonnage authorization under the NSL by 156 tons. Notwithstanding that fact, Metro notified Evergreen in that email that it could continue to transport waste to Recology for the remainder of 2021 with the

condition that it must report to Metro all of the Metro area waste that it transported to Recology under the license through December, 31 2021 by no later than January 15, 2022. That email further informed Evergreen that the tonnage limit exceedance could result in an enforcement action including the imposition of a civil penalty.

On December 23, 2021, Evergreen requested to increase the NSL tonnage limit and explained that it was not aware it had exceeded its tonnage limit, and that it had underestimated the impact of the addition of food waste to the yard debris collection program in Hillsboro.

Metro notified Evergreen that the tonnage limit would not be applicable beginning in 2022 because Metro entered into a designated facility agreement with Recology, which shifted the tracking and reporting responsibility to Recology.

Under the terms of NSL No. N-190-20, Evergreen was responsible for tracking and reporting to Metro the amount of waste it transported to Recology and it could have proactively applied to Metro for a change of authorization to increase its tonnage authorization prior to exceeding its authorization in November 2021.

On January 18, 2021, Evergreen Disposal submitted its tonnage report to Metro as required.

In total, Evergreen Disposal exceeded its NSL limit by 255 tons in 2021.

Civil Penalty:

Metro finds that Evergreen Disposal is in violation of Metro Code Sections 5.05.190 and is subject to a monetary penalty of \$60. The penalty amount includes the cost of the application fee that Evergreen Disposal would have paid if it had applied for a change of authorization as required by Metro Code and an administrative fee; see the enclosed penalty calculation worksheet. Pursuant to Metro Code Section 5.01.330, additional violations of this chapter are subject to penalties of up to \$500 for each occurrence.

Required Action:


Evergreen Disposal must pay the penalty amount of \$60 as described in this notice of violation.

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For additional information about this matter or other Metro requirements, contact Hila Ritter, Solid Waste Compliance Coordinator at hila.ritter@oregonmetro.gov.

February 14, 2022

Date

DocuSigned by:

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Pamela C. Peck
Policy & Compliance Director

CONTESTED CASE NOTICE

Under Metro Code Chapter 2.05, you have the right to request a contested case hearing regarding this Notice of Violation. You must make this request in writing to the attention of Hila Ritter, Compliance Coordinator, and ensure that Metro receives the request within 30 days of the date this Notice was mailed. You may retain legal counsel to represent you at the hearing. Article XI, Section 14 of the Oregon Constitution, the Metro Charter, ORS Chapter 268, and Metro Code Chapter 2.05 and Metro Code Title V provide Metro's authority and jurisdiction for the hearing.

Sent via electronic mail only to: dawn@evergreendisposalrecycling.com

cc: Warren Johnson, Metro
Hila Ritter, Metro
