



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

NOTICE OF VIOLATION

NOV-440-22

To: Wayne Jackson
WestRock Portland Recycle
6328 SE 100th Ave.
Portland, OR 97266
wayne.jackson@westrock.com

Facility: WestRock Portland Recycle
6328 SE 100th Ave.
Portland, OR 97266

Operating Instrument: Solid Waste Facility License No. N-156-19A

Dates of Violations: November 1, 2021 and ongoing

License Violation 1: Solid Waste Facility License Section 5.6
Outdoor storage of source-separated recyclable materials

WestRock Portland Recycle (WestRock) stored approximately 2,200 tons of baled, source-separated recyclable materials outdoors for more than three months in a manner that subjected the material to degradation.

Section 5.6 of Solid Waste Facility License No. L-156-19A provides for the specific instances in which source-separated recyclable materials may be stored outdoors and reads, in part:

- a) *The material is stored within an enclosed shipping container, enclosed vehicle, securely covered drop box (roll off container), compactor, or other similar secure portable storage container;*

- b) The material is stored on an impervious surface and securely covered in order to be protected from the wind and precipitation; or*
- c) The material is stored in a manner that prevents material degradation, vectors, litter, odors, fires, or other conditions that may threaten the environment or quality of the material.*

West Rock did not meet these conditions because it stored the source-separated recyclable materials uncovered and outside of a building and for several months during the timeframe of November 2021 through at least February 18, 2022.

License Violation 2:

Solid Waste Facility License Section 6.1
Plan compliance

WestRock did not follow the procedures for outdoor storage outlined in its Metro-approved operating plan.

Section 6.1 of Solid Waste Facility License No. L-156-19A reads, in part:

The licensee must operate the facility in accordance with an operating plan approved in writing by Metro.

The facility's Metro-approved operating plan, dated March 8, 2019, contains a description of procedures to be followed for outdoor material storage and they read, in part:

6 a) iii. Materials stored outside (including paper) is stored for a limited time to avoid degradation, litter, fire, vectors, odors or other issues.

6 c). Material stockpiles are intended for short-term holding awaiting processing or shipment.

WestRock stored source-separated recyclable materials outdoors and uncovered for over three months in violation of its Metro-approved operating plan. The facility's plan describes the use of off-site storage, trailers and drop boxes to protect the materials from degradation.

Details of Violation:

WestRock holds a Metro-issued license authorizing the acceptance and processing of source-separated recyclable

materials (such as mixed paper, plastic and metal) from the commercial and residential sectors.

On June 21, 2021, Metro performed an inspection of WestRock and observed uncovered, loose, mixed recyclables stored outdoors. The inspector provided technical assistance to the facility at the time of the inspection and via email afterwards explaining that the facility must take action to properly store source-separated recyclables in a manner that prevents material degradation.

On January 20, 2022, Metro inspectors observed baled, mixed recyclables being stored uncovered and outdoors in violation of the facility license and the facility's Metro-approved operating plan. Metro staff contacted WestRock by email that day and alerted the facility that it was not following its operating plan for the outdoor storage of recyclables. Metro also requested that the facility provide an explanation about the material storage, the duration it had been outdoors, and a detailed description of its plan to process the material or otherwise remove it from the site in an expedited manner.

WestRock responded via email on January 25, 2022, and stated that the materials had been stored outdoors since approximately October 2021. The facility proposed three strategies to remove the material including selling the material to another authorized facility, limiting inbound volumes and optimizing processing equipment. WestRock suggested that all the materials would be removed using one or more of these strategies by the end of April 2022.

On January 28, 2022, Metro directed WestRock to securely cover the materials stored outdoors by February 4, 2022. Metro performed a subsequent inspection on February 14 and observed that the facility had placed tarps over portions of the baled material outside, but it was inadequate to prevent material degradation and exposure to weather.

Civil Penalty:

Metro will not impose a civil penalty at this time. This is WestRock's first violation of storage requirements during the term of its license.

Required Action:

WestRock must perform the following corrective actions:

1. Securely cover the source-separated recyclables in a manner that protects them from any further material

- degradation, vectors, litter, odors, fires, or other conditions that may threaten the environment or quality of the material by no later than **February 25, 2022**. Metro will allow a temporary cover as an interim measure for the subject materials until **April 30, 2022**.
2. Submit a revised operating plan to Metro by **March 25, 2022**, that describes how the facility will store source-separated recyclable material to prevent degradation before it is baled or processed. The operating plan should specifically address procedure for short-term (more than seven consecutive days but less than 30 consecutive days in length) and long-term (30 consecutive days or more in length) storage.
 3. Demonstrate that WestRock has processed the source-separated recyclables for recovery or transported the material to another Metro-authorized material recovery facility for processing by **April 30, 2022**.
 4. WestRock must track and report the following information on a weekly basis for all of the subject recyclables that it processes on site:
 - a. Estimated total amount of subject material in inventory each week;
 - b. Amount of subject material processed on site each week;
 - c. Amount of subject material delivered to another facility for processing each week (including name and location of the facility); and
 - d. Describe, if any, operational changes that WestRock implements each week to process the subject material recovery of this material including, but not limited to, reduction of incoming waste to the facility to maximize processing capacity, changes in processing schedules or hours, and speeding up of processing equipment.
 5. WestRock must report the above information weekly to Metro by 5 p.m. each Monday for the previous week. The facility must submit these weekly reports on **February 28 through May 6, 2022**. The first report must include information from January 20, 2022 through February 27, 2022 and the total estimated amount of subject material onsite on January 20, 2022.

Metro will continue to monitor the facility and conduct inspections to determine compliance with Metro's requirements. If WestRock fails to comply with the required actions described

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above, then it will be subject to additional penalties up to \$500 per violation for each day that the violation occurs. For additional information about this matter or other Metro requirements, contact Hila Ritter, Solid Waste Compliance Coordinator at hila.ritter@oregonmetro.gov

February 24, 2022

Date

DocuSigned by:
Roy Brower
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Roy W. Brower
Waste Prevention & Environmental Services 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 issuance date of this Notice. 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: Wayne.Jackson@westrock.com

cc: Pam Peck, Metro
Warren Johnson, Metro
Hila Ritter, Metro
Will Ennis, Metro
Audrey O'Brien, Oregon DEQ
