



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

**NOTICE OF VIOLATION and
IMPOSITION OF CIVIL PENALTY**

NOV-441-22

To: Jess Brown
Safety-Kleen Systems, Inc.
16540 SE 130th Ave.
Clackamas, OR 97015
jess.brown@safety-kleen.com

Facility: Safety-Kleen Systems, Inc.
16540 SE 130th Ave.
Clackamas, OR 97015

Operating Instrument: Metro Code

Dates of Violation: Ongoing

Code Violation: Metro finds that Safety-Kleen Systems, Inc. located at 16540 SE 130th Ave. in Clackamas is in violation of Metro Code Sections 5.01.030(a) and 5.01.050(a) because it is operating a facility that reloads solid waste and has not obtained a Metro solid waste license as required by Metro Code.

Metro Code 5.01.030(a) states that:

Except as otherwise provided in this chapter, or in Metro Code Chapter 5.05, it is unlawful for:

Any person to establish, operate, maintain or expand a solid waste facility within Metro without an appropriate license or franchise from Metro.

Metro Code Section 5.01.050(a) also states that a Metro solid waste license is required for any person owning or controlling a facility that reloads or processes solid waste.

Details of Violation: Beginning in April 2021, Metro staff repeatedly requested information from Safety-Kleen Systems, Inc. (Safety-Kleen) and

its affiliated companies (including, but not limited to, Clean Harbors, Evergreen Oil, Veolia and Thermo Fluids), about the materials it accepts and manages including:

1. The name and location of each facility in the Metro region that accepts waste generated in the Metro region (include both the formal name and any associated acronyms used to describe these facilities);
2. The types of solid waste received at each facility and whether it is generated in-region, out-of-region or both (indicating the waste types that are RCRA or otherwise regulated);
3. How it manages each waste type it accepts at its facilities, (containerized waste opened or not, materials sorted, consolidated, processed, reloaded, etc.);
4. Where the solid waste goes when it leaves each facility (name and address of destination and function - additional processing, disposal, etc.); and
5. Permits issued by other agencies (Oregon DEQ, EPA, etc.) for each facility operating in the Metro region.

Although, Metro repeatedly granted additional time for Safety-Kleen and its affiliated companies to provide the above information over the past year, it failed to provide the information. On January 14, 2022, Jess Brown (Senior Environmental Compliance Manager, Safety-Kleen) reported to Metro that Safety-Kleen and its affiliates had compiled the requested information, but it would not release the information to Metro until approved by its senior management team.

On September 8, 2021, Metro staff Joanna Dyer and Hila Ritter met via Zoom with Safety-Kleen staff Jess Brown and Stephen Grose to discuss Metro licensing requirements for Safety-Kleen and its affiliated companies. Based on the description of solid waste activities taking place at Safety-Kleen's facility in Clackamas provided to Metro during that Zoom meeting, Metro informed Jess Brown and Stephen Grose at that time that a Metro solid waste facility license is required for at least the Safety-Kleen facility. In addition, Metro learned from Oregon Department of Environmental Quality (DEQ) that Safety-Kleen in Clackamas holds a solid waste transfer station permit No. 1621. According to DEQ records, that facility accepts hazardous wastes and solid wastes (including containerized waste in drums, bulk waste in drop boxes covered onsite with tarps, asbestos containing waste, and liquid waste in tanker trucks that may be pumped into onsite vaults for temporary storage). Solid waste is stored onsite for up to 10 days and accumulated with other similar wastes to create shipments to disposal facilities.

On October 27, 2021, Metro informed Safety-Kleen in an email that it must participate in a pre-application conference and submit a complete solid waste facility license application by no later than January 14, 2022, and that failure to comply with this date would subject it to enforcement actions including imposition of monetary penalties. Metro sent four emails to Jess Brown between Nov. and Jan. notifying it that it is operating an unauthorized solid waste facility in violation of Metro Code, which subjects the company to enforcement actions including penalties. These emails also reminded Safety-Kleen of the pre-application conference and solid waste facility application requirements and the data Metro is seeking. To date, Safety-Kleen has not applied for the requisite solid waste facility license or provided the requested information.

Civil Penalty:

Metro finds that Safety-Kleen is in violation of Metro Code Sections 5.01.030(a) and 5.01.050(a) and is subject to a monetary penalty of \$360. The penalty amount includes the cost of the application fee that Safety-Kleen would have paid if it had applied for a solid waste facility license 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.

Safety-Kleen must correct the cited violations and pay the penalty amount as specified in this notice of violation. If Safety-Kleen submits a complete solid waste facility license application to Metro within one year of the date of this Notice of Violation, Metro will apply the penalty amount that it receives under this notice toward the cost of the license application fee.

Required Action:

Safety-Kleen must perform the following corrective actions:

1. Provide Metro access to inspect Safety-Kleen's Clackamas facility and affiliated companies to determine compliance with Metro's requirements.
2. Schedule and participate in a pre-applications conference with Metro by **Friday, March 11, 2022**. Please contact Joanna Dyer, Solid Waste Authorization Coordinator, at joanna.dyer@oregonmetro.gov to schedule this conference.
3. Submit to Metro a complete solid waste facility license application including all the data requested as described

in this notice by **Monday, May 16, 2022**. Submit application to Joanna Dyer, Solid Waste Authorization Coordinator, at Joanna.dyer@oregonmetro.gov.

Metro will continue to monitor the facility and affiliated companies and conduct inspections to determine compliance with Metro's requirements. If Safety-Kleen fails to comply with the required actions described 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 16, 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: jess.brown@safety-kleen.com

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