



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

NOTICE OF VIOLATION and IMPOSITION OF CIVIL PENALTY

NOV-449-23

To: James Denson
Waste Management
7227 NE 55th Ave.
Portland, OR 97218
jdenson@wm.com

Facility: Riverbend Landfill Co.
13469 SW Highway 18
McMinnville, OR 97771

Operating Instrument: Metro Code

Dates of Violation: September 19 – October 5, 2022

Code Violation: Metro finds that Riverbend Landfill, located in Yamhill County, violated Metro Code Section 5.05.040(a) for causing the unauthorized transport of solid waste generated within Metro to Riverbend Landfill for disposal.

Metro Code 5.05.040(a) states:

Unless a person has a valid, Metro-issued non-system license, no person may transport, or cause to be transported, solid waste generated within Metro to any solid waste facility or disposal site.

Details of Violation: Riverbend Landfill is owned and operated by Waste Management of Oregon, Inc. (Waste Management) and is in the process of closing the landfill which requires applying soil to the landfill slopes as closure foundation material. Waste Management directed its customer, an independent company not affiliated with Waste Management, to transport contaminated soil (“cleanup material” as defined in Metro Code Chapter 5.00) generated at a construction site in Portland to Riverbend Landfill beginning on September 19, 2022 and through October 5, 2022. Metro learned about this occurrence on October 5, 2022, when Waste Management contacted Metro

requesting instruction for reporting solid waste tonnage information and paying regional system fees and excise taxes to Metro for waste generated in the Metro area that it had accepted at Riverbend Landfill beginning on Sept. 19, 2022.

In November 2019, Metro Council removed Riverbend Landfill from the list of facilities designated as part of Metro's solid waste system (Resolution No. 19-5021) because it is a "limited capacity landfill" as defined in Metro Code Chapter 5.00. Metro Code prohibits the disposal of Metro area waste at any limited capacity landfill and therefore Waste Management could not report or remit the requisite fees and taxes for this waste through Metro's eFile system.

Waste Management informed Metro that between September 19, 2022 and October 5, 2022, Riverbend Landfill accepted 167 loads for a total of 3,070.6 tons of contaminated soil generated within the Metro region. Waste Management reported that it collected Metro's reduced fee and tax rate (which is also known as the "cleanup material rate") of \$3.50 for each ton of the contaminated soil it received at Riverbend Landfill which equates to \$10,747.10 in outstanding regional system fees and excise taxes. Beginning on October 6, 2022, Waste Management directed its customer to transport the remaining waste for the entire project to Hillsboro Landfill. Waste Management submitted to Metro a written description of the revised processes that it has since put in place to prevent this from happening again. In addition, it acknowledged that Metro has prohibited the disposal of Metro area waste at Riverbend Landfill.

Civil Penalty:

Metro finds that Riverbend Landfill is in violation of Metro Code Section 5.05.040(a) and is subject to a monetary penalty of \$20,347.10. Pursuant to Metro Code Chapter 5.05, the total penalty amount includes the amount of fees and taxes that Metro would have received if the material was disposed of at an approved location, the cost of the application fee that would have been required to transport waste to a non-system facility, a fine for each load that was transported to the landfill in violation of Metro Code, and an administrative fee; see the enclosed penalty calculation worksheet.

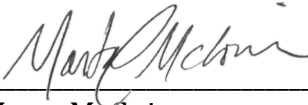
Required Action:

Riverbend Landfill must pay the penalty amount as specified in this notice of violation.

Metro will continue to monitor for compliance with Metro's requirements. If Riverbend Landfill 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.

1/27/2023

Date



Marta McGuire

Director

Waste Prevention & Environmental Services

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: jdenson@wm.com

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