



Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

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November 17, 2021

Taylor Loewen
Portland General Manager
Ridwell Inc.
7006 NE 79th Ct.
Portland, OR 97218
taylor@ridwell.com

RE: Warning Letter with Opportunity to Correct (WLOTTC)
Ridwell Inc
2021-WLOTTC-6692
Multnomah County

Dear Taylor:

DEQ is committed to continuing to protect the environment, deter non-compliance, and maintain a consistent statewide enforcement program. However, DEQ recognizes that public health and economic disruptions related to the COVID-19 outbreak may temporarily impact your ability to comply with DEQ requirements. DEQ encourages you to respond to this letter with specific information regarding outbreak related impacts to your operations, including staffing and service shortages.

On June 30, 2021, DEQ staff toured Ridwell's Portland facility located at 7006 NE 79th Ct, Portland, OR 97218. Ridwell operates a solid waste disposal site as defined in Oregon law and rules and accepts solid wastes including light bulbs, fluorescent light tubes, batteries, plastics, styrofoam and other wastes. These wastes may contain metals such as mercury, lead, nickel, lithium or other pollutants that may constitute a potential threat of adverse impact on the environment or public health. On September 13, 2021, DEQ sent Ridwell a letter asking Ridwell to apply for a DEQ solid waste permit by October 15, 2021. On October 11, 2021, DEQ received a request from Ridwell asking for a 30-day extension to submit the DEQ solid waste permit application. On October 13, 2021, DEQ granted an extension until November 15, 2021, for Ridwell to submit a DEQ solid waste permit application.

On November 12, 2021, Ridwell's attorney provided a letter to DEQ stating Ridwell's position that the facility in question does not require a permit. DEQ has had several meetings and discussions with Ridwell and its attorney concerning the permitting status of the facility. The

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November 12 letter did not provide DEQ with significant new information about the facility or make legal arguments that DEQ has not already considered. DEQ did not receive a solid waste permit application by November 15, 2021.

Ridwell is in violation of the requirement to have a DEQ solid waste permit. The violation is identified below. Class I violations are considered to be the most serious violations; Class III violations are the least serious.

Violation:

According to OAR 340-093-0050(1) Ridwell has established a disposal site without first obtaining a DEQ solid waste permit. "...no person may establish, operate, maintain or substantially alter, expand, improve or close a disposal site, and no person may change the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefore from the department." According to OAR 340-012-0065(1)(a), this is a Class I violation.¹

Corrective Actions Required

By Nov. 30, 2021, either cease solid waste transfer station and material recovery activities and submit a plan for how you intend to remove and properly dispose of all solid waste at the facility located at 7006 NE 79th Ct. Portland, OR 97218, or submit to DEQ a complete solid waste transfer station/material recovery permit application including a land use compatibility statement and the appropriate solid waste permit application fee.

- The Solid Waste Disposal Permit application can be found at: <http://www.oregon.gov/deq/mm/swpermits/Pages/SW-Permit-Applications.aspx>.
- A fee schedule can be found at: <http://www.oregon.gov/deq/mm/swpermits/Pages/Fees.aspx>.
- Refer to the DEQ Solid Waste Disposal Site and Landfill Permit Applications website for additional instruction on supplemental materials to include with the permit application: <http://www.oregon.gov/deq/mm/swpermits/Pages/Solid-Waste-Disposal-Sites-and-Landfill.aspx>

¹ Ridwell's November 12 letter asserts that the facility in question is not a material recovery facility, as that term is defined in DEQ's rules and as DEQ has previously described the facility. The facility as described in the Ridwell letter, if not a material recovery facility, would be a transfer station, as it accepts solid waste and then transfers the waste to other disposal sites for disposal, or recycling and recovery. As DEQ has previously relayed to Ridwell, either a transfer station or a material recovery facility like the facility operated by Ridwell would be a disposal site that requires a permit. The distinction is therefore not material to whether the facility needs to obtain a permit. DEQ would expect that the operational details relevant to this distinction would be proposed by Ridwell in the permit application and worked out in the permitting process.

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Should these violations remain uncorrected or should you repeat any of these violations, this matter may be referred to the Department's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a Department order. Civil penalties can be assessed for each day of violation.

If you believe any of the facts in this warning letter are in error, you may provide information to me at the office at the address shown at the top of this letter or by email to Audrey.obrien@deq.state.or.us. DEQ will consider new information you submit and take appropriate action.

Oregon DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, please feel free to contact me in writing, by email, or by phone at 503-209-9182. Please contact me if you have questions moving forward.

Sincerely,

Audrey M O'Brien

Audrey O'Brien

Manager, Northwest Region Environmental Partnerships Section

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