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Hazardous Waste Enforcement: Oregon Department of Environmental Quality Notice of Civil Penalty Assessment/Order Addressing Salem Warehouse/Distribution Center

07/31/2024

The Oregon Department of Environmental Quality (“ODEQ”) issued a May 21st Notice of Civil Penalty Assessment and Order (“Notice”) to Home Depot U.S.A., Inc. (“Home Depot”) addressing the Oregon Hazardous Waste Regulations. See Case no. LQ/HW-WR-2023-580.

The Notice provides that Home Depot operates a warehouse and distribution center (“Facility”) for its retail home improvement stores in Salem, Oregon.

The Facility is stated to have generated more than 2,200 pounds of hazardous waste in a calendar month. Consequently, it is stated to constitute a large quantity generator registered using a RCRA ID.

ODEQ is stated to have inspected the Facility on February 27, 2023. This inspection included a review of the Facility’s records.

A 50-gallon container of waste Preen Garden Weed Preventer Plus Plant Food is stated to have been stored in the 90-day hazardous waste accumulation area at the Facility. The container was stated to have been staged for disposal in the “Non-RCRA” lane.

Paragraph 5 of the Notice states:

Waste Preen Garden Weed Preventor Plus Plant Food is a pesticide residue according to OAR 340-100-0010(3)(j) and is an Oregon-only hazardous waste according to OAR 340-101-0033(6).

The previously referenced container is stated to have not been labeled with the words “Hazardous Waste” and did not include the applicable waste code which applies to Oregon-only pesticide residues. Further, the Notice provides that the Facility offered the hazardous waste for disposal on a manifest which did not include the correct waste code for the hazardous waste offered for disposal.

The Notice also provides that from on or about December 21, 2019, through December 13, 2022, the Facility accumulated approximately 534 containers of unknown waste. As of February 27, 2023, the Facility is stated to have not performed hazardous waste determinations on the previously described residues.

A proposed civil penalty of \$25,973.00 is assessed.

The Notice provides certain appeal rights.

A copy of the Notice can be downloaded [here](#).