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Solid Waste Enforcement: Oregon Department of Environmental Quality Proposed Notice of Civil Penalty Assessment Addressing Portland Recycling Facility

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The Oregon Department of Environmental Quality (“ODEQ”) issued a September 24th Notice of Civil Penalty Assessment and Order (“Notice”) to Radius Recycling, Inc. (“Radius”) addressing alleged violations of solid waste and waste tire rules. See Case No. LQ-SW-NWR-2019-150.

The Notice provides that Radius operates a business accepting, processing, recycling, and disposing materials discarded at the facility which includes vehicles, appliances, other materials that contain metal and tires in Portland, Oregon (“Facility”).

The Facility is stated to receive over 200,000 tons of discarded materials at the Facility per year. Approximately 60% are stated to be non-vehicles. The vehicles and appliances are stated to contain fluids including refrigerants, oils, fuels, and antifreeze.

The Facility is stated to store piles of tires, unprocessed metal, shredded metal, processed non-metallic automotive shredder residue (“ASR”), used oil, and antifreeze outdoors at the Facility. ASR is stated to be used at landfills as alternative daily cover. It is stated to potentially contain tires as vehicles are sometimes shredded for which the tires have not been removed.

A fire is stated to have occurred at the Facility in 2007 involving a pile of scrap metal, paint, oils, and plastic that caused noxious smoke within the City of Portland. Further, there are stated to have been two fires at the Facility in 2024.

The Notice provides that small fires ignite in material piles at the Facility. This includes a fire on May 22, 2024, while ODEQ’s staff were present.

ODEQ inspections are stated to have occurred at the Facility:

- May 23, 2018.
- May 22, 2024.
- July 17, 2024.

170 waste tires are stated to have been stored at the Facility on May 22, 2024. On the same day, ODEQ is stated to have noted crushed cars to be shredded with waste tires still attached to certain cars.

Radius is stated to have not submitted documentation to ODEQ indicating it had removed waste tires from the Facility. Further, it is stated to not have a solid waste disposal site permit or a waste tire storage permit from ODEQ for the Facility and has not applied for such permits.

The Notice alleges that Radius has established, operates, and maintains an unpermitted materials recovery solid waste disposal site. It also alleges that Radius has established, is operating, and maintains an unpermitted waste tire storage site.

A civil penalty of \$29,580.00 is proposed. In addition, Radius is required to submit to ODEQ a plan describing additional measures at the Facility to prevent and mitigate fires along with an application for a solid waste disposal site.

The Notice provides certain appeal rights.

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