



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5696
FAX (503) 229-5100
TTY 711

December 31, 2024

CERTIFIED MAIL: 9589 0710 5270 0688 6500 51

Chemical Waste Management of the Northwest, Inc.
CT Corporation System, Registered Agent
780 Commercial St SE Ste 100
Salem OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ-HW-ER-2024-614

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$49,200 for failing to meet land disposal restrictions when disposing of hazardous waste, and for failing to comply with the Waste Analysis Plan before discharging hazardous waste into the surface impoundment pond, at your permitted hazardous waste facility in Arlington. Specifically, in 2023, you disposed of two loads of potliner wastes without treatment, as well as six loads of waste ferric chloride solution without treatment for hazardous levels of chromium. Additionally, in early 2024, you discharged wastewater into the treatment pond without previously sampling the pond for compatibility with the discharged waste.

DEQ issued this penalty because as a permitted hazardous waste treatment, storage, and disposal facility, Chemical Waste Management of the Northwest, Inc. is responsible for ensuring waste received is treated and disposed of in strict adherence with the law.

DEQ appreciates your efforts to identify and disclose the violations, as well as your efforts to address the violations by improving training, modifying profiling, receiving, and disposal procedures, and in the case of the potliner waste, excavating the waste and surrounding contaminated soil from the landfill. DEQ considered these efforts when determining the amount of civil penalty.

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:

<https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges.

Pay by check or money order: Make checks payable to "Department of Environmental Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232

Via email – DEQappeals@deq.oregon.gov

Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of your penalty. Further information is available by calling the number below or at <http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>.

DEQ's rules are available at <http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx> or by calling the number below.

If you have any questions, please contact Sarah Wheeler at 971-301-0622.

Sincerely,



Becka Puskas, Interim Manager
Office of Compliance and Enforcement

Enclosures

cc: Ryan Peterson, DEQ
Ron Doughten, DEQ
Steven Hill, Miller Nash, steve.hill@millernash.com
Ame Lewis, alewis6@wm.com
Jim Denson, jdenson@wm.com

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

2 OF THE STATE OF OREGON

3 IN THE MATTER OF:) NOTICE OF CIVIL PENALTY
4 CHEMICAL WASTE MANAGEMENT) ASSESSMENT AND ORDER
5 OF THE NORTHWEST, INC.,)
Respondent.) CASE NO. LQ-HW-ER-2024-614

6 I. AUTHORITY

7 The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment
8 and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140,
9 466.994, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012,
10 100-102.

11 II. FINDINGS OF FACT

12 1. Respondent operates a hazardous waste treatment, storage, and disposal facility (the
13 Facility) in Arlington, Oregon, pursuant to Permit Number ORD-089-452-353 (the Permit), issued by
14 DEQ pursuant to ORS Chapter 466.

15 2. Between May 31 and November 15, 2023, Respondent received six shipments of waste
16 ferric chloride solution for disposal at the Facility. Prior to disposing of it in the landfill at the Facility,
17 Respondent did not treat this waste meet the land disposal restriction standards for chromium.

18 3. In November of 2023, Respondent disposed four 20-yard roll-off containers, totaling
19 347,560 pounds, of spent potliner waste from primary aluminum reduction in the landfill at the Facility.
20 Respondent did not treat this waste to meet the treatment standards for this waste stream prior to
21 disposing of it at the landfill at the Facility.

22 4. During February 19 and 20, 2024, Respondent discharged a total of 60,000 gallons of
23 wastewater from the Organic Recovery Unit (ORU) treatment tanks into surface impoundment pond B
24 at the Facility. Prior to discharging the wastewater, Respondent did not sample the pond for
25 compatibility with the wastewater.

26 ///

27 ///

1 III. CONCLUSIONS

2 Based upon the foregoing Findings of Fact, DEQ has determined that Respondent violated the
3 following provisions of Oregon law, including hazardous waste and used oil laws adopted by OAR
4 340-100-0002.

5 1. Respondent violated 40 CFR 268.40(a)(1) and (e), and 268.48, by disposing of
6 hazardous waste at the Facility without meeting the land disposal restrictions (LDRs) between May 31
7 and November 15, 2023. Specifically, Respondent disposed of six shipments, totaling 33,100 pounds of
8 waste ferric chloride solution in the landfill at the Facility, without treating it for chromium to meet
9 land disposal restrictions prior to disposal. The waste ferric chloride solution was a corrosive hazardous
10 waste, U.S. Environmental Protection Agency Hazardous Waste Number (Waste No.) D002, pursuant
11 to 40 CFR 261.22(a)(1), and a toxic hazardous waste, Waste No. D007, pursuant to 40 CFR 261.24.
12 The waste had a chromium content of 19,000 milligrams per liter (mg/L) according to the Toxicity
13 Characteristic Leachate Procedure testing and a pH of less than or equal to two. Respondent treated the
14 waste for the corrosivity characteristic but did not treat the waste for chromium as required by 40 CFR
15 268.40(a)(1) and (e), and 40 CFR 268.48. This is a Class I violation, according to OAR 340-012-
16 0068(1)(b). DEQ hereby assesses a \$25,200 civil penalty for this violation.

17 2. Respondent violated Permit Condition II.C.I and Section 2.2.3 of the Waste Analysis
18 Plan, which requires Respondent to collect and test a new sample from impoundment ponds for
19 compatibility with new waste before adding any waste stream which is different from the immediately
20 previous waste stream. During February 19 and 20, 2024, Respondent discharged a total of 60,000
21 gallons of ORU-treated wastewater into surface impoundment pond B, a hazardous waste treatment
22 unit, at the Facility. Respondent made these discharges before performing compatibility testing. Permit
23 Condition II.C.I requires Respondent to follow the procedures in the Waste Analysis Plan. This is a
24 Class I violation in accordance with OAR 340-012-0068(1)(q). DEQ hereby assesses a \$24,000 civil
25 penalty for this violation.

26 3. Respondent violated 40 CFR 268.40(a)(1) and (e), and 268.48, by disposing of
27 hazardous waste at the Facility without meeting the land disposal restrictions in November 2023.

1 Specifically, Respondent disposed of four 20-yard roll-off containers, totaling 347,560 pounds, of spent
2 potliner waste from primary aluminum reduction in the landfill at the Facility, without treating the
3 waste to the meet the standards for land disposal in 40 CFR 268.40(a) and (e), and 268.48, prior to
4 disposal. Pursuant to 40 CFR 261.32(a), the potliner waste was a hazardous waste identified as Waste
5 No. K088. This is a Class I violation, according to OAR 340-012-0068(1)(b). Pursuant to OAR 340-012-
6 0160(2), DEQ does not assess a civil penalty for this violation.

7 IV. ORDER TO PAY CIVIL PENALTY

8 Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is
9 hereby ORDERED TO:

10 Pay a total civil penalty of \$49,200. The determination of the civil penalty is attached as Exhibits 1
11 and 2, which are incorporated as part of this Notice.

12 If you do not file a request for hearing as set forth in Section V below, please pay the penalty as
13 follows:

14 Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here:
15 <https://ydo.oregon.gov>. Select Register Account or Login, then select Pay Invoices/Fees on your account
16 dashboard. Enter the Reference Number and FIMS Account ID included on the attached payment slip.
17 Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no
18 additional charges.

19 Pay by check or money order: Make checks payable to “Department of Environmental
20 Quality” and mail to the address on the enclosed payment slip. Please make sure to include the payment
21 slip with your check or money order.

22 V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

23 You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ
24 must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If
25 you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached
26 exhibits, you must do so in your request for hearing, as factual matters not denied will be considered
27 admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for

1 further information about requests for hearing.) You must send your request to: **DEQ, Office of**
2 **Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax
3 it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge
4 employed by the Office of Administrative Hearings will conduct the hearing, according to ORS
5 Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be
6 represented by an attorney at the hearing, however you are not required to be. If you are an individual,
7 you may represent yourself. If you are a corporation, partnership, limited liability company,
8 unincorporated association, trust or government body, you must be represented by an attorney or a duly
9 authorized representative, as set forth in OAR 137-003-0555.

10 Active duty Service members have a right to stay proceedings under the federal Service
11 Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-
12 452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed
13 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military
14 Department does not have a toll free telephone number.

15 If you fail to file a timely request for hearing, the Notice will become a final order by default
16 without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later
17 withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the
18 hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates
19 the relevant portions of its files, including information submitted by you, as the record for purposes of
20 proving a prima facie case.

21
22
23
24 12/31/2024
Date

25 Rebecca J Puskas
Becka Puskas, Interim Manager
Office of Compliance and Enforcement

EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 1 Failure to meet land disposal restrictions when disposing hazardous waste, in violation of 40 CFR 268.40(a)(1), (e), and 268.48.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0068(1)(b).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(b)(A)(i) because Respondent disposed of 33,100 pounds of hazardous waste without meeting the land disposal restrictions.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(ii) because Respondent has a hazardous waste treatment, storage, and disposal permit, and violated a hazardous waste rule.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 6 according to OAR 340-012-0145(2)(a)(C) and (D), because Respondent has the following prior significant actions within the past ten years:

- Two Class I violations in case no. LQ/HW-ER-2015-044, issued May 6, 2015;
- Two Class I violations and one Class II violation in case no. LQ/HW-ER-2020-094, issued August 28, 2020; and
- One Class I violation in case no. LQ/HW-ER-2022-510, issued June 14, 2022.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing, and receives a value of 2 according to OAR 340-012-0145(4)(b) because there were six occurrences of the violation. Respondent disposed of six shipments in violation of the LDR requirement between May 31, 2023, and November 15, 2023.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent, as defined in OAR 240-012-0030(15). By failing to seek additional information (such as analytical results) about hazardous levels of metals when receiving a caustic etching waste, Respondent failed to take reasonable care to avoid the foreseeable risk of committing this violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -1 according to OAR 340-012-0145(6)(e) because Respondent made reasonable efforts to ensure the violation would not be repeated. Respondent stopped accepting this waste stream upon learning of the violation.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0, as DEQ has determined that the economic benefit resulting from this violation is de minimis.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
 $= \$12,000 + [(0.1 \times \$12,000) \times (6 + 0 + 2 + 4 + (-1))] + \0
 $= \$12,000 + (\$1,200 \times 11) + \$0$
 $= \$12,000 + \$13,200 + \$0$
 $= \$25,200$

EXHIBIT 2

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 2 Failure to collect and test a new sample from impoundment ponds for compatibility with new waste before adding any waste stream which is different from the immediately previous waste stream, in violation of Section 2.2.3 of the Waste Analysis Plan and Permit Condition II.C.I.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0068(1)(q).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(b)(A)(i) because Respondent discharged 60,000 gallons of hazardous waste without first sampling the impoundment pond.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is \$12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(ii) because Respondent has a hazardous waste treatment, storage, and disposal permit, and violated a hazardous waste rule.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 6 according to OAR 340-012-0145(2)(a)(C) and (D), because Respondent has the following prior significant actions within the past ten years:

- Two Class I violations in case no. LQ/HW-ER-2015-044, issued May 6, 2015;
- Two Class I violations and one Class II violation in case no. LQ/HW-ER-2020-094, issued August 28, 2020; and
- One Class I violation in case no. LQ/HW-ER-2022-510, issued June 14, 2022.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is insufficient information on which to base a finding under paragraphs (3)(a) or (b).

"O" is whether the violation was repeated or ongoing, and receives a value of 0 according to OAR 340-012-0145(4)(a) because there was one occurrence of the violation. Respondent should have sampled the impoundment pond one time before the discharges.

"M" is the mental state of the Respondent and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent, as defined in OAR 240-012-0030(15). Respondent is a highly-regulated, permitted, hazardous waste treatment, storage,

and disposal facility. Respondent's Waste Analysis Plan expressly requires following this sampling procedure. By failing to ensure the pond was sampled as required prior to discharging from the tanks, Respondent failed to take reasonable care to avoid the foreseeable risk of committing this violation.

"C" is Respondent's efforts to correct or mitigate the violation and receives a value of 0 according to OAR 340-012-0145(6)(f) because there is insufficient information to make a finding under paragraphs (6)(a) through (6)(e).

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of \$0, as DEQ has determined that the economic benefit resulting from this violation is de minimis.

PENALTY CALCULATION: $\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (\text{P} + \text{H} + \text{O} + \text{M} + \text{C})] + \text{EB}$
= \$12,000 + [(0.1 x \$12,000) x (6 + 0 + 0 + 4 + 0)] + \$0
= \$12,000 + (\$1,200 x 10) + \$0
= \$12,000 + \$12,000 + \$0
= \$24,000

Oregon Department of Environmental Quality
 700 NE Multnomah Street, Suite 600
 Portland, OR 97232-4100



State of Oregon
DEQ Department of Environmental Quality

Phone: 503-229-5437
 Fax: 503-229-5850

CIVIL PENALTY - ORS 468.135(2)

DATE:	December 31, 2024
RESPONSE DATE :	March 11, 2025
TOTAL PENALTY:	\$49,200.00

Account Name:	CHEMICAL WASTE MANAGEMENT OF THE NW		
Account Type:	Vendor/Organization/Company	Reference Number:	CPGFD2500028
SubSystem ID:	198190	FIMS Acct. ID:	1096

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
\$ 49,200.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 49,200.00

Payment of this penalty is subject to the exercise of your options or right to appeal as described in the enclosed enforcement documents.

To Pay Online with ACH or Credit Card Visit <https://ydo.oregon.gov> and select 'Register Account'



 PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



REFERENCE NO.	CPGFD2500028		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	March 11, 2025
FIMS ACCT. ID:	1096	TOTAL PENALTY DUE:	\$49200.00

AMOUNT ENCLOSED:

MAKE CHECK PAYABLE TO: Department of Environmental Quality

DEQ FINANCIAL SERVICES - LBX4244
PO BOX 4244
PORTLAND OR 97208-4244

Check this box if updated address information has been provided on the back of the form.

00401 7400 10040 74001 0500 000000 0095000010960(CPGFD)250002800049200002



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 468.135(2)

700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
Phone: 503-229-5437
Fax: 503-229-5850

Penalty Detail

Transaction Date	Description	Amount
12/30/2024	2024-614 LQ-HW-ER-2024-614	\$49,200.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

Address Changes

Please visit <https://ydo.oregon.gov> to update your mailing address online or provide the following information:

Name _____
Address _____
City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. LQ-HW-ER-2024-614 upon:

9589 0710 5270 0688 6500 51

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	
Chemical Waste Management of the Northwest, Inc. CT Corporation System, Registered Agent 780 Commercial St SE Ste 100 Salem, OR 97301	
Total Postage and Fees	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

by mailing a true copy of the above by placing it in a sealed envelope, with postage prepaid, at the DEQ/DAS mail services in Portland, Oregon, on 12/31/2024.

Osac esulhite

Office of Compliance and Enforcement
Department of Environmental Quality