



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

NOTICE OF VIOLATION and IMPOSITION OF CIVIL PENALTY

NOV-461-25

To: Karl Schumacher
WestRock, CP, LLC
6328 SE 100th Ave.
Portland, OR 97266

Facility: WestRock Portland Recycling
6328 SE 100th Ave.
Portland, OR 97266

Operating Instrument: Metro Code Section 5.05.040(a) and Solid waste facility license No. L-156-24

Dates of Violation: August 23-November 8, 2024

Code Violation: Metro finds that WestRock Portland Recycling located at 6328 SE 100th Ave. in Portland is in violation of Metro Code Section 5.05.040(a) and solid waste facility license No. L-156-24 for causing the unauthorized transport of solid waste generated within the Metro region to Caton Landfill in Naches, WA for disposal.

Metro Code Section 5.05.040 (a) states:
No person may transport, or cause to be transported, solid waste generated within the Metro jurisdictional boundary to a non-system facility without a valid, Metro issued non-system license.

Solid waste facility license No. L-156-24 section 12.2 states:
The licensee must ensure that solid waste transported from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.

Details of Violation: On November 7, 2024, Metro received a complaint that WestRock Recycling Portland (WestRock) was transporting waste generated at the Portland facility for final disposal to an unapproved, non-system landfill, Caton Landfill in Naches, WA.

On November 8, 2024, Jerry Hartley, WestRock, confirmed via telephone with Will Ennis, Metro, that WestRock Portland Recycling began transporting waste to Caton landfill as a cost saving measure. J. Hartley stated that WestRock was unaware of Metro's requirements and Metro staff directed the WestRock Portland Recycling facility to cease transporting waste to the non-system landfill that same day.

In response to Metro's request, WestRock Portland Recycling reported that it transported 33 loads totaling 747.95 tons of waste generated in the Metro region to Caton Landfill between August 23, 2024, and November 8, 2024. Westrock Portland Recycling did not obtain a Metro non-system license to transport waste to Canton Landfill or pay to Metro the requisite regional system fees and excise taxes that were due at the time of disposal.

Civil Penalty:

Metro finds that WestRock Portland Recycling is in violation of Metro Code Section 5.05.040(a) and is subject to a monetary penalty of \$38,133.04. The penalty amount includes recovery of unpaid excise taxes and regional system fees, the cost of the application fee that WestRock Portland Recycling would have paid if it had applied for a non-system license, a penalty for each load that was transported to the landfill in violation of Metro Code, finance charges and an administrative fee. See the enclosed penalty calculation worksheet.

Required Action:

WestRock Portland Recycling must:


1. Pay the penalty amount as specified in this notice of violation; and
2. Submit to Metro, within 30 days of the issuance of this NOV, a written description of the procedures it will implement to prevent waste being transported to unauthorized facilities. The description should include measures to ensure accurate reporting and remittance of requisite excise taxes and regional system fees to Metro.

Metro will continue to monitor WestRock Portland Recycling for compliance with Metro's solid waste requirements. Future flow control violations may 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 Melissa Sutton, Enforcement Program Manager, at melissa.sutton@oregonmetro.gov.

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WestRock Portland Recycling
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April 16, 2025

Date

DocuSigned by:

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Marta McGuire, Ph.D.
Director
Waste Prevention and 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 Melissa Sutton, Solid Waste Enforcement Program Manager, and ensure that Metro receives the request within 30 days of the date this Notice was mailed. 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: karl.schumacher@westrock.com; jerry.hartley@westrock.com

cc: Warren Johnson, Metro
Hila Ritter, Metro
Melissa M. Sutton, Metro
Audrey O'Brien, Oregon DEQ
