

Air/Solid Waste Enforcement: Oregon Department of Justice Contempt Ruling Addressing Metal Recycler



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The Oregon Department of Justice ("ODOJ") announced in an August 13th news release that it obtained a contempt ruling against NW Metals, Inc. ("NWM") and the company's president for allegedly failing to comply with a stipulated permanent injunction ("Injunction") addressing compliance with Oregon air quality and solid waste laws. See Case No. 19CV49704.

A Multnomah County, Oregon Circuit Judge is stated to have made this determination in an August 11th General Judgment of Remedial Contempt ("Judgment").

The Judgment states that NWM and the president failed to comply with the Injunction by:

- Operating a metal shredder without the proper air permit;
- Failing to comply with air quality laws under ORS 468A;
- Failing to obtain the proper solid waste permits;
- Failing to comply with solid waste laws under ORS 459; and,
- Failing to comply with state water quality rules under ORS 468B, including the failure to obtain a 1200-Z stormwater permit.

The Judgment also determines:

- The Type II Notice to Construct issued to Anotta and NW Metals is not a valid air permit and was not issued for the NW Metals N. Commercial Ave. operation;
- NW Metals is operating at the N. Commercial Ave. location in a manner that requires a valid Air Contaminant Discharge Permit ("ACDP"); and
- The prior ACDP issued for the NW Metals N. Columbia Blvd. operation is not valid for the N. Commercial Ave. location.

NMW is stated to be prohibited from operating until there is compliance with the State of Oregon's environmental laws and the Oregon Department of Environmental Quality's air, solid waste, and stormwater permit requirements.

The ODOJ news release states that the Judgment has been appealed by NMW to the Oregon Court of Appeals for a stay of the ruling requiring the company to stop operating.

A copy of the Judgment can be found [here](#).