

Point Recycling and Refuse

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Washington Utilities and Transportation Commission

PO Box 47250

Olympia, WA 98504-7250

RE: Docket TG-091687 Point Recycling - Response to Whatcom County

Dear Commission,

Whatcom County has stated that they want to have full garbage and recycling collection services restored to Point Roberts.

This is a completely unrealistic expectation and demand.

Whatcom County was required by State Law to provide Point Roberts with an economically feasible solid waste system design, and to review that design for effectiveness, modifying the plan if necessary. Whatcom County failed to conduct any analysis for the original plan design and refused repeated requests by Point Recycling to review and modify the plan. The Department of Ecology notified Whatcom County at least three times during the past ten years; that they had not complied with State Law regarding Point Roberts and that curbside recycling was not required or appropriate.

Whatcom County also recognized in their Plan that full Universal Service was necessary for collection programs to be affordable and to meet their goals. Whatcom County has refused to implement any part of their Universal Service Ordinance.

Whatcom County placed an unreasonable obligation on Point Recycling to provide an urban recycling collection program in a small isolated rural area. The County failed to support that mandate by refusing to enforce their solid waste laws. The collapse of the Point Roberts recycling collection program and later garbage collection was entirely the County's fault.

The expectation by the County for the Commission to grant a full certificate is still based in the County's refusal to accept and fulfill their State mandated responsibilities.

Their curbside recycling program was a failure because 83% of the households chose not to use it. The overwhelming majority of Point Roberts' residents did not want the County to pursue its complaint against Point Recycling, which resulted in the cancellation of all services. The County has never surveyed residents or conducted any analysis to support their system design.

Regulated solid waste utilities must operate within the economic parameters of the County system design and enforcement policies. It is impossible for any company to make a system work when the design is contrary to community needs and local feasibility. It is also impossible for the Commission to determine the economic ability of a company to provide sustainable services without an effective County Plan and a commitment by the County to support the company. Point Roberts has many unique challenges of isolation and small volume that can only be addressed by the County.

The granting of a full Certificate without any rational plan or support is guaranteed to be a disaster. The Commission should refuse to grant a full Certificate until the County demonstrates not only a reasonable need and design but also a commitment to actually support the system and enforce their Universal Service Ordinance. The best course for this community is for the Commission to determine that there is no fit applicant for a full Certificate. This will place the burden back upon the County to create a new plan. The County could then execute their option of contracting with an experienced Canadian garbage collection company to provide service to those customers who want it; or if contracting fails then the County should enforce their Universal Service Ordinance and seek new qualified applicants for a full Certificate based on an accurate and detailed plan. The burden of solving this problem has always rested by State Law on Whatcom County, not on the Commission.

Sincerely,

Arthur Wilkowski
Point Recycling and Refuse