

ARCHIVES

March 2007

FRONT PAGE

This Issue Main Page

Letter from garbage company sparks concern

Main Archive Page

Editor Letters

By Meg Olson

* →

“Now I have their attention.”

* →

Local garbage company owner Arthur Wilkowski is acknowledging he can't do a lot of what he said he would do in a late January mailing and newspaper advertisement, but he's satisfied with the outcome. “This was the only option left to me by the government agencies and by this community,” he said. “People don't want to pay attention unless there's a crisis.”

Whatcom County's solid waste division and the Washington Utilities and Transportation Commission (WUTC) both snapped to attention when Point Recycling and Refuse sent out the announcements stating that any property owner who buried, burned or exported waste products from Point Roberts, or hired a contractor who did so, would be “permanently excluded from all services” provided by the local garbage hauler.

* →

“He's not allowed to deny service,” said WUTC spokesman Tim Sweeney. “He has an obligation to provide that service unless they fail to pay for it.” Sweeney said the company is required to provide any service that is part of the tariff schedule for Point Recycling and Refuse approved by the WUTC. Limited conditions under which service can be suspended, and not permanently, include non-payment, hazardous conditions and violations of state and county solid waste law.

“There are a lot of things in that public notice he just cannot do,” said county solid waste specialist Penni Lemperes after an early February meeting with Wilkowski, county legal staff and the WUTC.

* → "He cannot bar anyone from coming to the transfer station," Lemperes said. "It's on county property and it's open to the public."

Lemperes also said Wilkowski's assertion in an advertisement in the All Point Bulletin that "all past exemptions are void" was in error, as was his inclusion in his recent mailing of his own exemption form with his own version of what is a prohibited method of waste disposal.

* → "He had no right to send out his own exemption form," Lemperes said. "He has no legal right and nobody should sign it." The form available through the county solid waste department is the only legal form and the only one property owners seeking an exemption from mandatory household garbage service should sign and file with the county.

The exemption forms are required in Whatcom County for those who don't pay for household garbage pickup but choose alternative methods of garbage disposal. "You have to sign an affidavit that you will responsibly deal with your garbage and recycling," Lemperes said.

According to the county exemption forms, responsible ways to dispose of trash include composting, self-hauling to an approved disposal site, commercial waste collection, and recycling. Prohibited methods are illegal dumping, burning or burying waste.

On his form Wilkowski added an additional prohibited method: "exportation of any waste outside of Point Roberts."

Lemperes said county solid waste regulations did not prohibit material leaving the Point. "We can't prohibit export out of Point Roberts. We just don't do that," she said. "We export our waste from here down to Oregon. We don't have landfills in Whatcom County."

Paula Shore from the Canada Border Services Agency confirmed that household garbage is prohibited from crossing the border but recyclable materials are permitted. "We don't control Canadian law and if people want to take stuff across into Canada we can't stop them," Lemperes said.

WUTC regulatory analyst Penny Ingram confirmed that Point Recycling and Refuse was the only certificated hauler who can dispose of and collect solid waste in Point Roberts. Recyclable materials can leave the waste stream, as long as they are taken either personally or through a licensed carrier to an appropriate facility. "If it

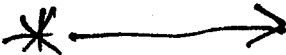
goes to a commercial recycler they would need a common carrier and that is different from a regulated hauler." The WUTC issues certificates to common carriers as well as solid waste companies.

"It comes down to semantics," Wilkowski said. He thinks to call construction debris a recyclable is a misnomer. "Crunching up an entire house and hauling it out of here is a clear effort to dispose."

Wilkowski said the volume of material leaving the local garbage system threatens to make to local garbage company nonviable. "If tonnage leaves the system rates go up. If Timbers hauls 400-500 tons out of the system how do you think that affects our system?" he said, referring to the Canadian company that has been taking construction debris from the Point to Urban Woodwaste Recyclers in B.C.

The recycler runs through 180,000 tonnes of construction debris per year and recycles 80 percent of that as hog fuel for pulp mills, wood for paneling, metals and capping material for landfills.

Wilkowski said he takes in approximately 1,200 tons a year and it isn't enough to make the business profitable. The company reported gross revenue of \$375,000 and a net loss of \$15,000, which Wilkowski absorbed by taking it out of his \$60,000 annual salary. "I've taken a loss every year," he said. "The company is surviving on the depreciation of the infrastructure. This is a serious economic crisis and enough to break the system."



Local builder Ken Calder, who has used Timbers to haul recyclable construction debris to Canada, said he has based his decision on the economics: a large project in 2004 generated 260,000 pounds of debris. At the current dump fees that would have cost him \$28,000 to dispose of at the local transfer station. He paid \$5,400 for hauling costs and disposal fees at Urban Woodwaste Recyclers.

Today the per-pound fee at the local transfer station is 12.5 cents per pound. Urban Woodwaste Recyclers charges three cents to take recyclable construction waste. "And it's not all going straight into a landfill," Calder said, adding Urban Woodwaste Recyclers also provided an incentive to send them clean recyclables by charging lower fees for cleaner loads of a single material.

"Those contractors who are the first to scream when a Canadian company comes down here to work seem to think this is OK,"

Wilkowski said. "Yes, I need to provide lower cost options for construction and I'm working on it but it takes infrastructure. If I don't get the support of the community I don't have the volume to make it work."

Backing down on most of the ultimatums he issued at the beginning of the month, Wilkowski said he will work with the county on the clearly illegal ways waste leaves the system: burning, dumping and burying garbage.

"If we know it's happening there is something in the code where our health department can investigate and take action," Lemperes said. "It's one of those things that doesn't really have any teeth. I wish we had a litter cop. I'm sure all the fines he would collect could pay for his position for a year."

Wilkowski said he will work with the county on changes to the exemption program to improve its efficiency.

On February 8 Wilkowski also took action the WUTC is willing to consider, issuing notices of suspension of service to two local individuals for "exporting waste out of the solid waste system." The WUTC will now make an official decision as to whether or not it is legal to do so.

"That is involved in an investigation now," Ingram said. The garbage hauler can refuse service if he can demonstrate the customer is currently not complying with state, county or municipal regulations. "The company makes the notification first and then the customer contacts our commission," which determines if there is sufficient legal grounds to terminate service. Ingram said any terminations would not attach to a property but to an individual.

©2000-2007 All Point Bulletin All Right Reserved

[Privacy Statement](#)

Questions or comments about this web site, contact the [Webmaster](#)

Web Design & Hosting by
Web Design & Hosting by NWCASCADCS.COM



Notice to the Citizens of Point Roberts from Whatcom County Public Works regarding operation of the Point Roberts Transfer Station

Recent changes in operation of the Point Roberts Transfer Station make it necessary to clarify the terms and conditions of the current lease agreement between Points Recycling and Refuse, LLC (the Company) and Whatcom County.

The lease agreement stipulates:

The Company shall maintain and operate a solid waste and recycling drop box/container facility (the "Facility") upon the Property. The Facility shall be for the use of the general public and businesses. The Company agrees to maintain and operate the Facility by providing drop box/containers for the separation of recyclables, putrescible garbage and other materials that may be agreed upon between the Company and the County.

In performing such functions, the Company shall provide sufficient personnel, equipment and utilities for operation of the Facility in accordance with this Agreement. Notwithstanding the foregoing:

The Company shall make the Facility open and available to the public a minimum of 2 (two) days per week, between the months of May through September and 1 (one) day per week, between the months of October through April during the hours 12:00 p.m. to 4:00 p.m. This schedule may be altered by mutual written agreement if the volume so dictates.

In the operation of the solid waste drop box/container, the Company shall not be required to receive, accept or dispose of any suspicious or hazardous waste which would violate local, state or federal environmental laws or regulations. The Company reserves the right to inspect any and all waste and other material delivered to the Facility and may reject any such material which the Company believes, or the local area health district or State Department of Ecology advises the Company would upon disposal present a significant risk to human health or the environment or create or expose the County, facility users, or the Company to significant potential liability. The Company shall be responsible for acquisition of, cost of and renewal of all applicable permits relating to solid waste handling at the Facility.

In the operation of the recycling center, the Company shall accept, at a minimum, newspaper, mixed paper, cardboard, aluminum, glass (clear, brown and green), scrap metal, tin cans and plastic bottles. So long as it is legally permitted to do so, the Company is allowed to accept batteries, used oil and antifreeze, and may chip woody debris on site. The Company shall be entitled to salvage any materials remaining in Solid Waste received for disposal at the Facility."

It is important to note:

Whatcom County does not dictate which two afternoons during each week that the Facility is opened.

Whatcom County's Unified Fee Schedule, adopted annually by the County Council, allows the Company to charge up to \$0.05 per pound of recycled material delivered to the transfer station.

Whatcom County has not initiated legal action against the Company. Whatcom County Department of Public Works notified the Washington Utilities and Transportation Commission (WUTC) about continuing violations of the Whatcom County Code. WUTC will hold hearings on these matters.

WUTC determines who hauls solid waste and sets rates for haulage.

Whatcom County Public Works does not anticipate a lapse in garbage service at Point Roberts. We are actively working with Point Recycling and Refuse to resolve these issues.

For comments or questions regarding the use of the transfer station, contact Whatcom County Public Works at (360) 676-7695 or co.whatcom.wa.us/publicworks

For comments or questions regarding the franchise agreement to haul garbage, please contact the Washington Utilities and Transportation Commission at (360) 664-1160 or www.wutc.wa.gov