

Empire Disposal

905 N Sumner, Colfax, WA 99111
(509)397-3200

Re: *In the Matter of a Penalty Assessment Against Empire Disposal, Inc. in the Amount of \$5,300*
Docket TG-161282

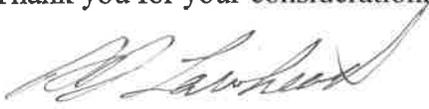
To Whom It May Concern,

The violation of CFR 391.51(b)(2) – failing to maintain inquiries into driver’s driving record in driver’s qualification file is unwarranted. Empire Disposal maintains a complete and accurate driver’s qualification file online. The violation of CFR 391.51(b)(2) was purely a miscommunication between Empire Disposal and Commission Motor Carrier Investigator Sandi Yeomans. The driver qualification files requested were all available and online. The Investigator was not specific when she asked for the “files” on all employees and was given the personnel files for the employees requested. All driver qualification files are paperless and kept online. It was not until the Compliance Review dated December 14, 2016 that this violation was brought to light and the requested driver qualification files were presented to the Investigator within moments.

Empire Disposal does admit that violations of CFR 383.37(b) occurred; albeit unknowingly. On August 16, 2016, Empire Disposal employee Melroy Manner was reissued his driver’s license as his previous license was schedule to expire. Empire Disposal was not made aware by the employee, or any other entity, of any driver’s licensing issues. Empire Disposal did request a Motor Vehicle Record (MVR) for all drivers on September 6, 2016 in which Mr. Manner’s MVR did not list any revocations, suspensions, accidents, violations, etc. Circling back in review however this is the point in time that Empire Disposal should have become aware of the change of “Class” from B to DL on the employee’s MVR. It was not identified and the employee continued to resume normal, operating activities. As a result, Empire Disposal did violate CFR 383.37(b) from September 6, 2016 to October 26, 2016; when the violation was identified and Empire Disposal took immediate action to remove the employee from all driving-related activities. This is intended to shed an adequate amount of light on how the violation(s) were allowed to occur and why we believe the penalty should be reduced.

Empire Disposal continues to employ Mr. Manner, a 17-year Empire Disposal employee, in a non-driving capacity as he manages the bureaucratic difficulties involved in the reissuance of a lost birth certificate.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "A. Lawhead".

Aaron Lawhead, Operations Manager
Empire Disposal