

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of  
WASTE MANAGEMENT OF  
WASHINGTON, INC.  
d/b/a WM Healthcare Solutions  
of Washington  
720 4th Ave. Ste 400  
Kirkland, WA 98033-8136

Docket No. TG-120033

DECLARATION OF CHRISTOPHER  
DUNN IN OPPOSITION TO WASTE  
MANAGEMENT'S MOTION FOR  
SUMMARY DETERMINATION AS TO  
FINANCIAL AND OPERATIONAL  
FITNESS

I, Christopher Dunn, declare as follows:

1. I am Regional Operations Manager for Stericycle of Washington, Inc. ("Stericycle") and have held that position since April 2011. My responsibilities in my present position include the supervision of Stericycle's biomedical waste collection and transportation functions. From 1999 until April 2011, I served as Stericycle's Transportation Manager with direct responsibility for organizing and managing Stericycle's biomedical waste collection and transportation functions. From 1995 until 1999, I was employed by BFI Medical Waste Systems of Washington, Inc. ("BFI"), first as a tractor/trailer driver handling transfer shuttles throughout the state of Washington and subsequently as BFI's Transportation/Operations

1 Manager with responsibility for managing BFI's collection and transportation functions in  
2 Washington, Oregon, Northern Idaho and British Columbia. I am knowledgeable about  
3 Washington's road systems, state and federal regulations affecting biomedical waste collection  
4 and transportation and all operational factors that affect biomedical waste collection and  
5 transportation.  
6

7 2. I have reviewed copies of the following documents filed by Waste Management  
8 of Washington, Inc. ("WM") with the Washington Utilities & Transportation Commission (the  
9 "Commission"):

- 10 • WM's Application for authority to conduct biomedical waste collection and  
11 transportation services in areas of the state of Washington beyond the territory  
12 described in WM's Certificate No. G-237 (Docket No. TG-120033) (the  
13 "Application");
- 14 • Map showing the territory covered by G-237 attached to WM's Application in  
15 Docket No. TG-120033 (attached as Exhibit A);
- 16 • Equipment List attached to WM's Application in Docket No. TG-120033 (the  
17 "Equipment List") (attached as Exhibit B); and
- 18 • WM Healthcare Solutions, Inc. (WMHS) Biomedical Waste Operating Plan for  
19 Waste Management of Washington, Inc. Seattle Biomedical Waste Treatment  
20 Facility attached to WM's Application in Docket No. TG-120033 (the  
21 "Treatment Facility Operations Plan") (excerpt attached as Exhibit C).

22 3. The materials filed in connection with WM's Application and itemized in the  
23 preceding paragraph do not include a transportation operations plan. Such a plan would  
24  
25  
26

1 describe how WM proposes to organize its collection and transportation functions in the  
2 territory covered by the Application, including (for example) the routes (regular and  
3 occasional) its collection and line-haul vehicles would use, the travel time and mileage  
4 involved in such routes, where WM's transportation equipment (collection vehicles, storage  
5 trailers, etc.) will be based, the number of drivers, dispatchers and other personnel that will be  
6 involved in carrying out the plan, the service frequency required for service to customers in  
7 different parts of the state, the volumes of the different types of waste that WM expects to  
8 handle, the length of time that waste would be stored prior to treatment, etc. Because WM has  
9 not provided a transportation plan, WM has not demonstrated its ability to provide the  
10 collection and transportation services proposed in its Application with the transportation  
11 equipment identified on the Equipment List.  
12

13  
14 4. I have been asked to evaluate WM's ability to provide the proposed biomedical  
15 waste collection and transportation services proposed in its Application. WM proposes to  
16 provide these services using the equipment set forth in the Equipment List. Clearly, the  
17 information that WM has provided to the Commission is incomplete. Nonetheless, I am still  
18 able to evaluate WM's operational ability to provide the proposed collection and transportation  
19 services based on the available information and certain reasonable assumptions. My opinions,  
20 as set forth below, are based on the equipment described in the Equipment List and the plant  
21 and facilities referenced in the Treatment Facility Operations Plan. I have assumed that WM  
22 would serve the entire territory covered by its Application. I have further assumed that WM  
23 would seek to handle up to 50% of the volume that Stericycle currently handles in the new  
24  
25  
26

territory. Finally, I have assumed that WM's new customers would require a level of service (i.e., frequency of service) equivalent to that currently provided by Stericycle.

5. The Treatment Facility Operations Plan suggests that WM's operations in the new territory covered by its Application would be organized around on the following primary facilities:

| FACILITY TYPE                                |   | FACILITY LOCATION   |
|--|---|---|
| Treatment                                    | Medical Waste Not Requiring Incinerator Treatment | Seattle BMW Treatment Facility<br>149 SW Kenyon St.<br>Seattle, WA 98108<br>Solid Waste Permit: PR0080378                       |
|  | Medical Waste Requiring Incinerator Treatment     | WM Resource Recovery & Recycling Center<br>7505 State Highway 65<br>Anahuac, TX 77514<br>Solid Waste Permit: 2239A              |
| Transfer                                     |   | WM Eastmont Transfer Station<br>7201 W. Marginal Way<br>Seattle, WA 98106<br>Solid Waste Permit: PR0015734                      |
| Treated Medical Waste (Solid Waste) Disposal |   | WM Columbia Ridge Landfill and Recycling Center<br>18177 Cedar Springs Lane<br>Arlington, OR 97812<br>Solid Waste Permit: #1472 |

6. WM's Equipment List indicates that WM would use only three collection vehicles or "route trucks" to serve the territory covered by its Application. I first evaluated WM's ability to perform the proposed services on the assumption that the WM Eastmont Transfer Station would serve as the base of operations for WM's three route trucks.

5. At least one of WM's route trucks would be needed every day, five days per week to serve generators located in Clark and Skamania counties and vicinity. Because of the volumes of waste involved, the number of customers and the distances from the base, this truck



1 would be fully occupied with this service. If the route truck was based in Clark County, then it  
2 would still be fully occupied.

3           7. More than one route truck would probably be needed to serve the generators  
4 located in Clallam, Jefferson, Grays Harbor, Pacific, Mason and Thurston counties,  
5 collectively. Generators in the outlying counties typically produce smaller volumes of waste  
6 and require less frequent service. But serving these generators involves extended drive time and  
7 aggravating temporal factors such as the need to use ferries. The generators located in Mason  
8 and Thurston counties produce larger volumes of waste and require more frequent service. If  
9 WM attempted to serve the generators located in all of the foregoing counties using only one  
10 truck, WM would probably not be able to provide a level of service commensurate to that  
11 which is currently provided by Stericycle.  
12

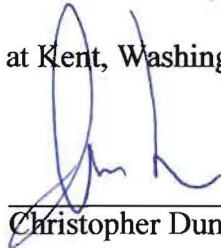
13           8. WM would need at least two route trucks to serve the eastern Washington  
14 portion of the proposed service territory. With the exception of Spokane and a couple of other  
15 mid-sized cities, eastern Washington is similar to the western coastal region: the generators  
16 located there generate small to moderate volumes of waste and are few and far between. Given  
17 the extensive travel time necessary to serve these geographically dispersed generators, I do not  
18 believe that WM could serve eastern Washington with a single route truck without violating  
19 U.S. Department of Transportation regulations governing driver hours.  
20

21           9. Even if WM based a truck in eastern Washington, I do not believe WM could  
22 provide DOT-compliant service to generators in eastern Washington with only a single route  
23 truck.  
24  
25  
26

1 10. Based on the foregoing and my knowledge and experience in managing  
2 biomedical waste collection and transportation functions, I do not believe it would be possible  
3 for WM to provide the collection and transportation services proposed in its Application with  
4 only the three route trucks identified in WM's Equipment List.  
5

6 I declare under penalty of perjury under the laws of the State of Washington and the  
7 United States that the foregoing is true and correct to the best of my knowledge and belief.

8 EXECUTED this 24 day of May, 2012 at Kent, Washington

9  
10 By   
11 Christopher Dunn

1 **CERTIFICATE OF SERVICE**

2 I, Vickie L. Owen, certify under penalty of perjury under the laws of the State of  
3 Washington that, on May 25, 2012, I caused to be served on the person(s) listed below in the  
4 manner shown a copy of DECLARATION OF CHRISTOPHER DUNN IN OPPOSITION TO  
5 WASTE MANAGEMENT’S MOTION FOR SUMMARY DETERMINATION AS TO  
6 FINANCIAL AND OPERATIONAL FITNESS:

7 Washington Utilities and  
8 Transportation Commission  
9 1300 S. Evergreen Park Dr. SW  
10 PO Box 47250  
11 Olympia, WA 98504-7250  
12 (360) 664-1160  
13 records@utc.wa.gov

- 14  Via Legal Messenger
- 15  Via Facsimile
- 16  Via U.S. Mail, First Class,  
17 Postage Prepaid
- 18  Via Email

19 Administrative Law Judge  
20 Gregory Kopta  
21 gkopta@utc.wa.gov

- 22  Via Email

23 Jessica Goldman  
24 Polly L. McNeill  
25 Summit Law Group  
26 315 – 5<sup>th</sup> Avenue South  
Seattle, WA 98104  
jessicag@summitlaw.com  
pollym@summitlaw.com  
kathym@summitlaw.com  
deannas@summitlaw.com

- 27  Via Legal Messenger
- 28  Via Facsimile
- 29  Via U.S. Mail, First Class,  
30 Postage Prepaid
- 31  Via Email

32 James K. Sells  
33 Attorney at Law  
34 PMB 22, 3110 Judson Street  
35 Gig Harbor, WA 98335  
36 jamesells@comcast.net  
cheryls@rsulaw.com  
*Attorney for Protestant WRRRA, Rubatino,  
Consolidated, Murrey’s and Pullman*

- 37  Via Legal Messenger
- 38  Via Facsimile
- 39  Via U.S. Mail, First Class,  
40 Postage Prepaid
- 41  Via Email

1 Fronda Woods  
2 Office of the Attorney General  
3 Utilities and Transportation Division  
4 1400 S. Evergreen Park Drive SW  
5 PO Box 40128  
6 Olympia, WA 98504-0128  
7 (360) 664-1225  
8 (360) 586-5522 Fax  
9 fwoods@utc.wa.gov  
10 BDeMarco@utc.wa.gov

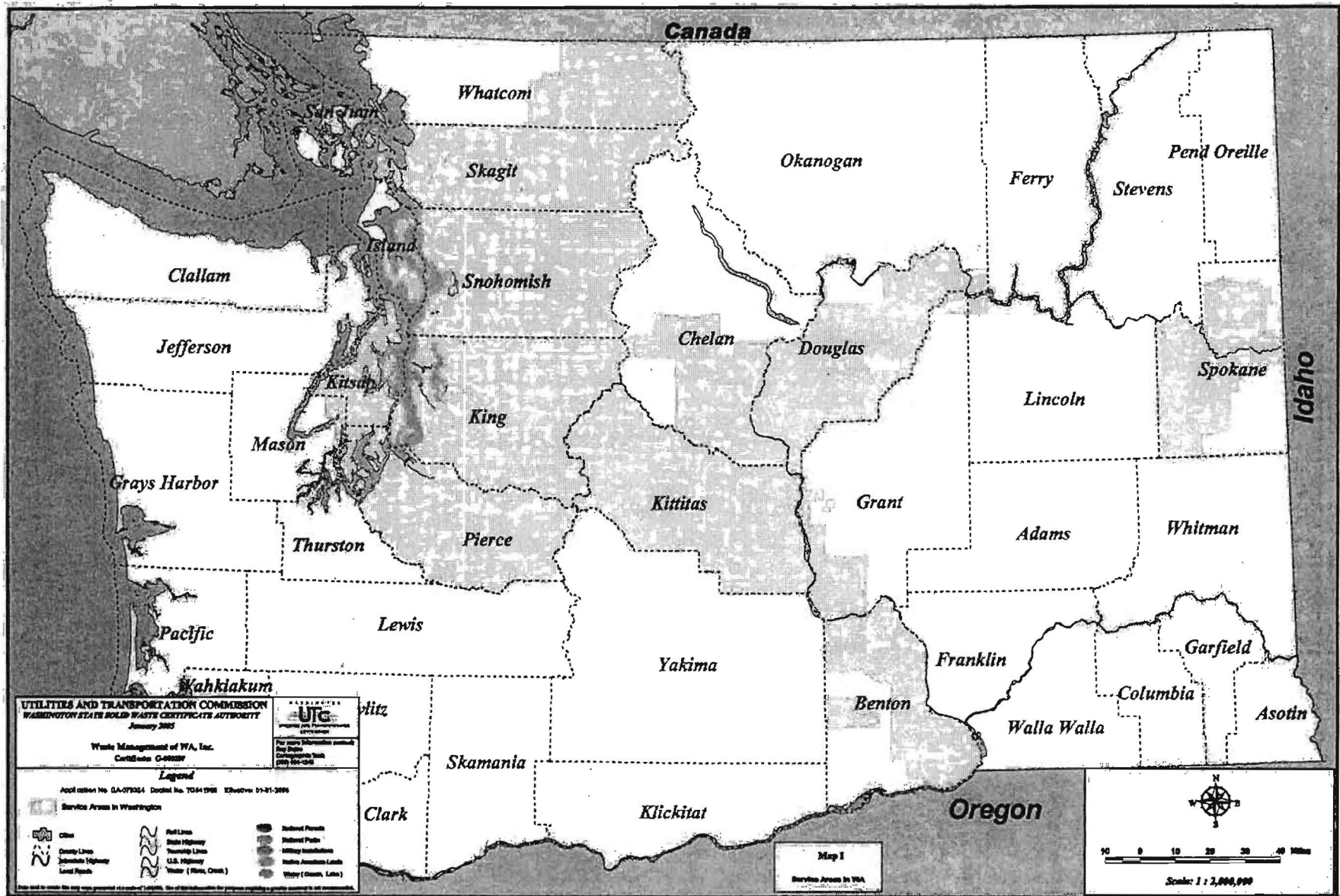
- Via Legal Messenger  
 Via Facsimile  
 Via U.S. Mail, First Class,  
Postage Prepaid  
 Via Email

11 Dated at Seattle, Washington this 25th day of May, 2012.

12 

13 Vickie L. Owen  
14 vowen@gsblaw.com





| YEAR | MAKE       | LICENSE NUMBER | VEHICLE ID NUMBER | GROSS VEHICLE WEIGHT | TYPE OF VEHICLE    |
|------|------------|----------------|-------------------|----------------------|--------------------|
| 2009 | PETERBILT  | VP75160 - CA   | 9551007           | 35,000               | LONG HAUL TRACTOR  |
| 2012 | INTL       | B59367S        | 606508            | 26,000               | COLLECTION VEHICLE |
| 2012 | INTL       | T581835        | 606619            | 26,000               | COLLECTION VEHICLE |
| 2007 | HINO       | B89944A        | 506240            | 26,000               | COLLECTION VEHICLE |
| 2011 | Great Dane | 2136813        | RF53108           | 20,000               | REEFER TRAILER     |
| 2011 | Great Dane | 2136814        | RF53109           | 20,000               | REEFER TRAILER     |
| 2011 | Great Dane | 2136815        | RF53110           | 20,000               | REEFER TRAILER     |
| 2011 | Great Dane | 2136816        | RF53111           | 20,000               | REEFER TRAILER     |
| 2011 | Great Dane | 2136817        | RF53112           | 20,000               | REEFER TRAILER     |
| 2012 | Vanguard   | 2139122        | RF53125           | 20,000               | REEFER TRAILER     |
| 2012 | Vanguard   | 2139123        | RF53126           | 20,000               | REEFER TRAILER     |

EXHIBIT B

# EXHIBIT C

Condensation from the sterilizer-grinder unit will be discharged to the sanitary sewer system.

**c. Audit Procedures for Critical Equipment Used to Process/Treat Biomedical Waste and Sharps:** Routine maintenance will be performed on all critical equipment in accordance with the manufacturers' specifications. All thermometers used in the process will be calibrated annually. Maintenance documentation will be retained for a period of at least three (3) years in the Facility Operating Records File (FORF), and shall be available to the health officer upon request.

Efficiency verification assessments for treatment used to treat biomedical waste and sharps will be performed every 40 hours of operation using the indicator organism *Bacillus stearothermophilis*. As a back up heat-sensitive tape will be used for each load that is processed to indicate that the load has undergone the steam sterilization process. Audit documentation will be retained for a period of at least three (3) years in the FORF, and shall be available to the health officer upon request.

## 5. Contingency Plan and Emergency Procedures

In the event of an emergency such as fire, spill, or explosion the operator should contact the following agencies:

- Public Health Seattle and King County - 206-205-4394
- Department of Ecology - 425-649-7000

In addition to the information in this section, emergency procedures and information is contained in the Facility Emergency Action Plan located in Appendix I.

**a. Back-up Facilities:** Following is a matrix identifying alternate treatment, transfer and disposal back-up facilities that will be utilized in the event that primary facilities identified below become inoperable, unreachable or unavailable and cannot be used within an appropriate amount of time.

|           |   | Primary  | Back-up for Primary  |
|-----------|---|--|--|
| Treatment | Medical Waste Not Requiring Incinerator Treatment | Seattle BMW Treatment Facility<br>149 SW Kenyon St.<br>Seattle, WA 98108 | WM Refuse Inc. Medical Waste<br>1390 E. Commercial Row<br>Reno, NV 89512 |



|   |   |   |   |
|---|---|---|---|
|   |   | Solid Waste Permit:<br>PR0080378  | Solid Waste Permit:<br>WM940004   |
|   | Medical<br>Waste<br>Requiring<br>Incinerator<br>Treatment | WM Resource Recovery &<br>Recycling Center<br><br>7505 State Highway 65<br><br>Anahuac, TX 77514<br><br>Solid Waste Permit:<br>2239A                  | Covanta Marion, Inc.<br><br>4850 Brooklake Road, NE<br>Brooks, OR 97305<br><br>Solid Waste Permit:#364  |
| Transfer  |   | WM- Eastmont Transfer<br>Station<br><br>7201 W. Marginal Way<br><br>Seattle, WA 98106<br><br>Solid Waste Permit:<br>PR0015734                         | King County Bow Lake<br>Transfer Station<br><br>18800 Orillia Rd. S<br><br>Tukwila, WA 98188<br><br>Solid Waste Permit:<br>PR0015729  |
| Treated Medical Waste<br>(Solid Waste) Disposal |   | WM Columbia Ridge<br>Landfill & Recycling<br>Center<br><br>18177 Cedar Springs<br>Lane<br><br>Arlington, OR 97812<br><br>Solid Waste Permit:<br>#1472 | WM Greater Wenatchee<br>Landfill,<br><br>191 Webb Road<br>East Wenatchee, WA 98802<br><br>Solid Waste Permit:<br>Combined Operating Permit<br>for Municipal Solid Waste<br>Landfilling and Solid<br>Waste Handling Facility<br><br>Air Operating Permit:<br>04AQ-C007 |

**b. Fire Procedures**

- 1) Small fires will be contained with the use of a small fire extinguisher.
- 2) Stop any operating equipment immediately.
- 3) De-energize electricity to the equipment at the main breaker.