

# PUBLIC NOTICE

## Rules and Conditions For Solid Waste and Recycling Services in Point Roberts

The Point Roberts Solid Waste System exists to serve this Community with the goal of providing necessary public services at the lowest cost rates. Rates and Services are regulated to protect the consumer. Certain Laws and Rules exist to support the Solid Waste System in order to achieve optimum rates and protect the community health and welfare. The Company operates under an obligation to serve current and future needs; to treat all customers equally; to provide fair, just and reasonable service; to ensure that all solid waste laws and rules are enforced; and to take all efforts to achieve the lowest cost rates and services. Each member of the community seeking to use the System is obligated to commit all of their waste to the system and to comply with all solid waste laws and rules. Any Person, Property, or Business who violates the intent of the System or any Solid Waste Laws and Rules forfeits their right to access the System, and the Company may withhold any and all services.

The Company will be enforcing the following existing Solid Waste Laws and Rules:

### Residential Properties: Whatcom County Universal Service Ordinance

All households are required to be on Residential Garbage Collection or to have a valid Solid Waste Exemption on file with the Company. All past exemptions are void. Exempt Households are required to self-haul all their garbage to the Point Roberts Transfer Station. New exemption forms are available at the Transfer Station. The Company will be verifying the status of all residential properties. Effective immediately, only active Collection Customers or Valid Exempt households will be able to use the Transfer Station or other services. On July 1<sup>st</sup>, 2007, any residential property that is not on Collection Service or has a Valid Exemption will be forwarded to Whatcom County for enforcement action.

### Prohibited Actions: Illegal Disposal

Burning of any garbage or construction waste is prohibited.  
Dumping or burying of any garbage or construction waste is prohibited.  
Placement of residential garbage into commercial dumpsters is prohibited.  
Transportation of any garbage or construction waste outside of Point Roberts is prohibited.

The Company will document all illegal disposal and seek enforcement action. Upon documentation, the Company will immediately suspend all services to the suspect property, property owner and any associated construction contractors until enforcement issues are resolved. The burden of proof of proper disposal is upon the property owner.

### Construction Sites and Contractors:

The burning or burying of any construction waste is prohibited. All construction sites are required to keep waste within containers for collection by the Company or for self-haul to the Point Roberts Transfer Station.

The exportation of any waste outside of Point Roberts is prohibited. Any construction site that hauls waste out of Point Roberts whether by the property owner, contractor, sub-contractor or by using a foreign hauling company will result in the immediate and permanent suspension of all services for that property and any contractors associated with that project. The burden of proper disposal is upon both the property owner and the contractor.

### This means that:

If a property owner hires a contractor who then burns or buries waste, hauls it out of Point Roberts, or hires a foreign hauling company; then that property and the contractor will be permanently excluded from the solid waste system.

If a contractor does work for a property owner who then burns or buries waste, hauls it out of Point Roberts, or hires a foreign hauling company; then that contractor and the property owner will be permanently excluded from the solid waste system.

The Point Roberts Solid Waste System exists as a balance of mutual commitment and sacrifice by both the Company and each member of the community. In order to correct certain ongoing and significant compliance problems that jeopardize the viability of this system, the Company must adopt an "all in or all out policy". The company is only obligated to serve when each individual is obligated to support the system. Individuals who do not fulfill their obligation to commit all their waste to the system are increasing rates for the other users of the system. In order to achieve the lowest cost rates and services, the Company cannot continue to provide any services to individuals who deliberately undermine the system.

If you have any questions regarding these rules, collection service or exemptions please call 945-1516 or visit the Transfer Station during regular hours Sunday, Tuesday, Thursday, 12-4

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The Point Roberts Solid Waste System exists as a balance of mutual commitment and sacrifice by both the Company and each member of the community. In order to correct certain ongoing and significant compliance problems that jeopardize the viability of this system, the Company must seek full enforcement of solid waste laws. The company is only obligated to serve when each individual is obligated to support the system. Individuals who do not fulfill their obligation to commit all their waste to the system are increasing rates for the other users of the system. In order to achieve the lowest cost rates and services, the Company cannot continue to provide collection services to individuals who deliberately undermine the system.

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May 2008

**INSIDE**

This Issue Main Page

**WUTC and trash hauler at loggerheads**

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Page

*By Meg Olson*

Editor Letters

Garden

State and county regulators are saying the local garbage company isn't playing by the rules and are threatening cancellation of Point Recycling and Refuse's permit.

Company owner Arthur Wilkowski says he's just trying to get them to support system changes that make a garbage and recycling collection system feasible in Point Roberts.

\* → [ The Washington Utilities and Transportation Commission had a hearing scheduled for March 4 to determine whether the company should lose its waste collection permit for failing to pay regulatory fees and file annual reports. WUTC staff and Wilkowski informed the judge on March 3 they were "seeking to resolve this matter without canceling Point Recycling's solid waste collection certificate." The hearing was continued until April 29 and Wilkowski was given until April 15 to pay overdue regulatory fees and penalties for not filing timely reports with the commission. He has until May 1 to get the reports in.

"I paid the fees, the reports they'll get in a couple of days," said Wilkowski. WUTC representative Marilyn Meehan said that to date they had not received fees or reports from Wilkowski and the April 29 hearing was scheduled to proceed.

\* → [ Wilkowski said he was withholding fees and reports to induce the WUTC to help him solve problems he says make the local waste system unfeasible, such as independent haulers taking a share of the construction waste and a county mandate to provide curbside recycling.

\* → [ "I'm still trying to get them to address enforcement issues and analysis of system design," he said. "I'm trying to get their attention."

\* → [

Wilkowski and WUTC staff have been wrangling over the issue since 2006, when the company was issued a penalty of \$100 for not filing 2005 reports and paying fees. Wilkowski appealed the penalty, according to an order filed in February 2008, claiming that the company "had several issues before commission staff that were not being addressed to its satisfaction. Points (sic) said it would comply with the commission (in filing the annual report) when the commission found the time to address the company's problems." The appeal was denied.

\* → [

Point Recycling and Refuse again did not file reports for 2006 in 2007 or pay fees, and was fined \$200. After the company did not respond to several letters requesting the reports be filed and fees paid, the order states, the commission began proceedings on its own behalf to suspend or cancel the company's permit.

WUTC representative Marilyn Meehan said a mandatory curbside recycling program was part of the county's solid waste plan and it was not the WUTC's role to override local waste management. "It's our job to analyze what customers pay for services they receive," she said. "It's not our job to determine what services they receive. That's the county."

\* → [

Whatcom County gave Wilkowski 60 days, until April 11, to restart curbside recycling pickup, which he discontinued at the end of January, claiming that it was not economically feasible with only 17 percent of local households on the system. He put in place a free self-haul system for customers he says is working well, and he does not intend to restart a curbside program at this time.

\* → [

"The 60 days have come and gone and we haven't heard a word," said Penny Lempere from the county's solid waste division. "Everybody's dug in with their feet in the sand, waiting for what the other guy's going to do."

Lempere said county public works director Frank Abart had officially requested another WUTC hearing on the Point Recycling and Refuse waste collection certificate. "He's violating county code," she said. "If people have complaints they should call the WUTC and file a formal complaint."

The county was not willing to look at changes to the system in Point Roberts until Wilkowski completes a rate case study, looking at the cost of providing services, which Lempere said they had requested last year but were still waiting for. "With that we can present the findings to county council and present options. There are all kind of options."

Some changes may need to be made to county code to accommodate the Point's unique geography and demographics, Lempere

acknowledged. "I believe Point Roberts should not be lumped in with the rest of the county. It's just not the same," she said. "I ultimately want a town hall meeting with the county council and the executive and the community and the hauler to look at solutions."

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June 2008

**INSIDE**

This Issue Main Page

## Recycling issue remains unresolved

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*By Meg Olson*

Editor Letters

Garden

Point Recycling and Refuse owner Arthur Wilkowski continues to pepper regulators with letters and filings in an attempt to get them to support what he feels the community needs in a garbage system.

\* ———

“Basically I’m putting the firecracker in the anthill,” Wilkowski said.

In a cluster of filings submitted to the Whatcom Utilities and Transportation Commission (WUTC) on May 23, Wilkowski is asking the state regulatory agency to change his company’s tariff to remove the curbside recycling program, which he suspended in January.

\* ———

Wilkowski is arguing the program has always had too small a customer base to be economically viable, and has seen no customer growth in eight years. “I have repeatedly asked the county and commission staff to evaluate the cost feasibility and need of this program,” he wrote. The current free self-haul program, open to all community members and not only those on the garbage service, better serves Point Roberts needs and helps insure fewer recyclables end up in landfills and ditches, he said.

\* ———

“It’s not my job to prove this system doesn’t work,” Wilkowski said. “It’s their job to design and evaluate a cost-effective, reasonable plan for this area.”

Wilkowski said currently only 17 percent of households use the regular garbage pickup service, another 10 percent use the tag system for occasional collection, and ten percent use the transfer station to self-haul their garbage. “Less than 50 percent of households use the system,” he said. His solution is to mandate service for all households, ensuring greater participation in the system his company operates, which he describes as a “solid-waste co-op.”

Wilkowski is also asking for a definition to be added to his tariff that would specifically classify any material that may be used to make



“alternative daily landfill cover” as disposal, not recycling. Wilkowski is claiming that “sham” recyclers are removing construction waste from Point Roberts, which ends up being ground up to cap the Vancouver landfill.

Exhibit No. \_\_\_\_\_ C-7  
Page 2 of 2

“My case is it’s garbage and it’s going to a landfill. It doesn’t matter if you grind it up,” Wilkowski said. When companies compete with the local garbage system by removing solid waste from the waste stream, it drives up rates for other users of the system, Wilkowski argues.

WUTC representative Marilyn Meehan said the two filings would be reviewed by the commission on June 26, and consumers are encouraged to comment on one or both of the filings at [consumer@utc.wa.gov](mailto:consumer@utc.wa.gov), or to call 360/664-1208 to find out how else they can get their input before the commission.

Wilkowski had been scheduled for a hearing at the end of April on whether the company should lose its solid waste collection permit for failing to file annual reports and pay certain fees. Meehan confirmed that those reports and fees have been filed, and the WUTC considers that issue resolved.

The county, however, has requested a hearing before the WUTC to address Point Recycling and Refuse’s discontinuance of the curbside recycling program, which is mandatory under the county’s solid waste plan.

Penny Lemperes, solid waste specialist with the county, said they had not yet received a date for the hearing from WUTC staff. “We can’t make the wheels turn any faster,” she said. “It’s hard to get all the powers that be together to address this but we’re trying.”

Lemperes acknowledged Wilkowski’s argument that the system needed a tune up. “It hasn’t worked well,” she said. “We don’t want to put a band aid on it. We need to fix the system and find the best cost-effective solution for the citizens of Point Roberts.”



August 2008

**INSIDE**

Main Archive  
Page

**It's time for some serious trash talking**

Editor Letters

*By Meg Olson*

Garden

As the war of words continues over the local garbage system, Arthur Wilkowski wants to bring the discussion home.

Wilkowski, owner of Point Recycling and Refuse, said he has booked the community center for a community forum on garbage and recycling issues for August 13 at 7 p.m. and he will invite state and county regulators to attend.

\* → [ "I'm sending out party invitations," Wilkowski said. "It will be an open forum on garbage and recycling issues mediated by Whatcom County Executive Pete Kremen." With his invitations he plans to send copies of a petition, signed by over 250 users of the local dump, in support of keeping his company as the local garbage hauler and asking the county to "work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts."

\* → [ Since the local garbage company canceled its curbside recycling program in January following an equipment failure, the county has been pressuring the company to resume the service, required under county code. "I will be very clear. That will never happen," Wilkowski wrote to county public works director Frank Abart in May. Wilkowski has maintained that, with only 17 percent of local households participating in the curbside recycling program, it is not a

\* → [ cost effective way to handle recyclables in Point Roberts. He has instead put in place a free self-haul recycling program for all community members that he claims has doubled the amount of recyclable material collected.

In response to Wilkowski's refusal to resume curbside pickup of recycling the county requested a hearing before the Washington Utility and Transportation Commission(WUTC) to determine whether Wilkowski's certification as the designated garbage hauler for Point

Roberts should be revoked. The pre-hearing proceedings are expected to start in September.

Faced with losing his license, Wilkowski wrote to county and state regulators and asked for a meeting on changes he has insisted are necessary for the garbage system to become sustainable for the community. He said he has asked Abart several times for a meeting about the future of the Point Roberts garbage system. "I get no response," he said. "Every time."

In mailings and handouts to customers, Wilkowski has announced cutbacks to service "as required by the county," which he claims are in response to the county having taken "legal action which could result in the elimination of this company."

Free recycling will be cancelled and recycling will be accepted at five cents a pound. The transfer station will only be open two days a week. Tag service for infrequent pickup will be cancelled.

"The situation is beyond our control," Wilkowski wrote.

"That's not true," said county executive Pete Kremen. The county has not taken legal action against the company, he explained, only reported it for violating county code. The county does not require Wilkowski to charge for recycling. The county fee schedule only stipulates a five-cent per pound maximum charge.

The county does not limit hours of operation at the dump to four hours a day on Saturday and Sunday, but Wilkowski's lease agreement specifies those operating hours as a minimum. "We just want him to live up to his agreement," Kremen said.

Kremen agreed there needs to be a meeting in Point Roberts with all parties and community members to "see if we can get to yes," but originally thought it should wait until the outcome of the hearing. He added that county council would have to enact legislative changes if the Point needs to have specific rules for a successful garbage service.

"I want Point Roberts to have the most effective and efficient garbage service it can," said county council member Barbara Brenner. "There may need to be a legislative solution. What I'm hoping to get from the WUTC is information we need to evaluate the situation." Like other county contract and agreements, she said, she wanted outside review of the service.

Wilkowski thinks if the matter continues to a hearing on the revocation of his license it will be too late to make changes and has warned customers that "sometime in August or September there could be no garbage collection company and in November there could be no transfer station."

\* → [ The lease under which Point Recycling and Refuse operates the dump expires in October and Wilkowski feels "because of the county's hostile attitude" it will not be renewed. "I don't have a long term window here," he said.

\* → [ Kremen said the community could count on the continuation of garbage service. "Whatever the outcome of the hearing there will be garbage pickup," he said. "It may be the existing or a new company but one or more authorized franchises would be appointed by the WUTC."

At Lite Weight Recyclers, David Gellatly said they are prepared to apply to be the designated local waste hauler if the position becomes available, and they would also be interested in leasing and operating the transfer station. "We've made it very clear we would be very interested," he said.

Wilkowski has condemned Lite Weight Recyclers, which collects construction waste and scrap metal and sells it to recyclers in Canada, as "sham recyclers" that undermine the local garbage company by removing material from the waste stream which he claims is not "recycling" because a portion ends up being ground up and purchased from the Canadian recyclers to be used instead of earth as daily cover by the landfill at Burns Bog.

Gellatly said his company provides cost-effective recycling options for the community and hopes to continue to do so. "I'm going to explore commercial recycling because right now there is none, and look at some other recycling options" he said. "There's a niche there and I can provide it."

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# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281  
Business Phone: (360) 945-1516

## Customer Notice

Dear Customer,

Point Recycling is making some changes regarding enforcement of Solid Waste Rules and Conditions of Service. This letter is to notify you of the changes and to attempt to explain the reasons.

Point Recycling operates under certain obligations to this community and to each customer. Those obligations include a basic obligation to serve under a regulated system, to treat all customers equally and to charge rates that are fair, just and reasonable. Rates are based on the cost of providing service and Company profits are severely curtailed. The Point Recycling also has the obligation to build and operate a solid waste system to meet the needs of the community now and into the future. We must build and maintain this system at our expense without any assistance or support from government agencies or taxes. We also must strive to keep rates as low as possible.

The fundamental concept is that one Company (Point Recycling and Refuse) operating under regulation, and handling all the garbage is able to provide the best service at the lowest price. Each member in the community commits all of their waste to the system and receives the benefits of the regulated system in the form of lower rates, fair treatment and certain consumer protections.

The problem that we face is that garbage volumes are decreasing because not enough people are fulfilling their commitment to the system. There are 2,000 households in Point Roberts, only 340 are on permanent garbage service, another 200 are on infrequent service and only about 200 are regular users of the Transfer Station. So, only 37% of the households are supporting the system. The rest of the households use the system only at their convenience and use illegal disposal methods or haul into Canada the rest of the time. The local construction contractors are another problem with only about 50% supporting the system and the other half taking deliberate steps to undermine the system.

The Point Roberts System is very small and requires a substantial investment in equipment and facility improvements to not only continue meeting current needs but also to expand for future needs. This investment comes from the customers in the rates charged for services, the system reflects the commitment that the community makes to it, and the rates are an economic reality for the current volume of garbage. If garbage volume goes up then rates go down, if garbage volume goes down then rates must go up.

In order to fulfill our obligation to achieve the lowest rates possible we must insist that everyone in the community support the system and complies with Solid Waste Laws and Rules. We must apply an "all in or all out" policy. It is a very simple and fair deal: The Point Recycling makes a commitment to serve and sacrifices significant rights and each Customer commits all their waste to the system. If anyone believes that they have a choice on how to use the system; that the system "has to" take their garbage only when they want. Well, "has to" is a two way street, the System only "has to" serve if each person "has to" commit to the system. Any person who is diverting waste out of this system is deliberately increasing the rates for the rest of the users of the system. As a Company who is obligated to protect our customers, we will no longer tolerate actions that harm the system.

This is what we are going to do:

We will be enforcing the Whatcom County Universal Service Ordinance. All households will either be on Collection Service or have a valid Exemption to haul their waste to the Transfer Station. That is the only option, on service or use the station. We will pursue all enforcement actions necessary to achieve full compliance, up to and including absolute denial of any services.

Since certain members of the local construction industry are the most significant violators of the rules of the system, construction sites will feel the brunt of our enforcement. All construction sites will be required to comply with the solid waste rules. Any site or contractor that violates the rules will receive enforcement action which can include permanent exclusion from the system. You may hire any contractor that you wish to; we have no opinion on their quality of work or their rates. Some local contractors have been extremely loyal to the system which we appreciate, and others have been extremely hostile. Our only concern is where and how the construction waste is disposed. All waste must stay within the system. The full commitment of all waste is the price of admission into the system. If you hire a contractor, be sure that you know what is happening to the waste. If the waste is handled against the rules (burned, buried or exported), the property owner will be held responsible. If your contractor brings in a foreign hauler for the waste, then your property will be permanently excluded from all services. If there is a container on your site, and it isn't ours, then you are undermining the system.

What you need to do:

Read the enclosed information including the Residential Service Application. Next time you get a bill, you will receive a new Application for Service which you must complete and return to continue service.

Understand that if you discontinue service, that you will be required to apply for a Solid Waste Exemption and comply with the terms and conditions of an Exemption.

Understand that if you have construction work done, that you will be required to have collection service at the site or file for a Construction Site Exemption to haul waste to the Point Roberts Transfer Station.

Understand the Prohibited Methods of Waste Disposal and realize that the Company is obligated to take action against any violations.

If you have any questions call us.

How Does This Benefit You:

These changes are intended to benefit you by stabilizing rates and creating a system that actually works. If everyone commits to the system then everyone gets a better system at lower rates. It is a fair and reasonable deal. Most existing customers will not have to worry about anything or any enforcement actions. Some people will have to make small changes to how they handle their waste. As a Company, we will be fair and reasonable in our enforcement but we must also be firm about the rules and conditions. We are not trying to punish anyone for past actions. We are trying to educate everyone as to the terms of the system. Most people who are not fully participating in the system are doing so out of ignorance and will be given the opportunity to get on board. There are a small handful of people who are causing significant problems and it is for those people that enforcement action will be firmly applied.

Thank you,

Arthur Wilkowski  
Owner

## Point Recycling and Refuse Company

### Application For Residential Service

The Point Roberts Solid Waste System exists to serve this Community and has the goal of providing necessary public services at the lowest cost rates. Rates and Services are regulated to protect the consumer. Certain Laws and Rules exist to support the Solid Waste System in order to achieve optimum rates and protect community health and welfare. Point Recycling and Refuse operates under an obligation to serve current and future needs; to treat all customers equally; to provide fair, just and reasonable service; to ensure that all solid waste laws and rules are enforced; and to take all efforts to achieve the lowest cost rates and services. Each member of the community seeking to use the System is obligated to commit all of their waste to the System and to comply with all solid waste laws and rules. Any Person, Property, or Business who violates the intent of the System or any Solid Waste Laws and Rules forfeits their right to access the System and the Company may withhold any and all services.

#### Residential Service Agreement Process

1. Read and understand the "Prohibited Methods of Waste Disposal" section;
2. Answer the questions listed;
3. Read, understand and sign the enclosed affidavit;
4. Submit the completed application to Point Recycling and Refuse Company.

Service will be provided under the following conditions:

1. Applicant has completed and signed this service agreement; and
2. Applicant and or service address has no outstanding charges for garbage service.

Service will be denied or revoked for the following reasons:

1. There are any observed violations of the "Prohibited Methods of Waste Disposal".
2. Upon tracking your usage of the Point Roberts Solid Waste System, the Company believes that you are not contributing 100% of your waste to the system.
3. The customer, property owner or property has unpaid solid waste charges.

#### "Prohibited Methods of Waste Disposal"

1. All burning of garbage, construction waste or wood (other than vegetation) is prohibited. Burn barrels are prohibited for any burning.
2. Construction Sites are required to keep all waste inside of containers.
3. Burying of any garbage or construction waste is prohibited.
4. Illegal dumping of any waste including vegetation is prohibited. No residential waste is allowed in commercial dumpsters.
5. Exportation of any waste outside of Point Roberts is prohibited.
6. The use of any foreign hauling company to transport waste out of Point Roberts is prohibited and will result in the permanent suspension of all solid waste services to the property, the property owner, and involved contractors. This suspension will be permanent regardless of change in property ownership.

Please return this application to:

Point Recycling and Refuse Company  
PMB 1542, 145 Tye Drive  
Point Roberts, WA 98281, USA

OR hand deliver to:  
Point Roberts Transfer Station  
2005 Johnson Road  
Point Roberts

Any Questions: Call Point Recycling at 945-1516 or visit the Transfer Station

Applicant Information		Exhibit No. _____ (RC-9)
Property Address:		Page 4 of 12
Property Owner	Phone	
Mailing Address		
City/State/Province	Zip or Postal Code	
Occupant (if other than owner)		
How many residential units and business are on your property?		
_____ Residential Units	_____ Businesses	
Who is responsible for waste disposal? _____ Property Owner _____ Renter		
(If a Renter is requesting service, the property owner must submit a written request. Property owners are ultimately responsible for garbage services, proper disposal and charges. It is recommended that all property owners provide garbage collection to their renters.)		

### Affidavit

I swear or affirm that I am requesting solid waste collection service and that I am disposing of all my waste in an environmentally sound way within the Point Roberts Solid Waste System.

I understand that by requesting service from a regulated system, I am asking the Company to forfeit certain rights to set services, rates and profits, and to exist under an obligation to serve my current solid waste and recycling needs and into the future; that I receive rates that are based on the Cost-of-Service and are fair, just and reasonable; and that I have certain consumer protections available through the regulatory process.

I understand that in exchange for the obligations placed upon the Company, I am required to commit all my waste to the system and comply with the rules and conditions of the system; and that this is a fair and reasonable exchange of rights and commitments between myself and the Company.

I understand that the Point Roberts Solid Waste System has made a significant commitment of infrastructure in the form of facilities, equipment and staff in order to meet my current solid waste and recycling needs and to do so into the future. It is my reciprocal commitment to the System of all my solid waste and compliance with all Solid Waste Laws and Rules which guarantees me access to the System. If I fail to comply with the conditions of the System, then the System has to right to withhold all services to my property for any duration, including permanent suspension regardless of change in ownership.

I understand that this affidavit and my solid waste practices are subject to verification by Point Recycling and Refuse Company, the Whatcom County Health Department and the Whatcom County Solid Waste Division. I will keep records of my waste disposal and grant all access to my property at any time to the above organizations or their agents for verification of the conditions of this affidavit.

I have read and clearly understand the requirements for proper solid waste disposal as summarized in this service application

I understand that if my service application is not approved, or I cancel service, or my service is suspended, I will be required to apply for a Solid Waste Exemption.

I understand that if I am found to be disposing of my waste in a manner that is not environmentally sound, or is a violation of the terms of this service agreement, my service may be revoked.

I understand that I must cooperate fully with any solid waste investigations, and that the Solid Waste System may suspend all access to services for the duration of investigation.

Property Owner's Signature:

Date:

Renter's Signature:



## Universal Recycling and Waste Collection Exemption Application and Affidavit Point Roberts Solid Waste System

In order to have a viable Point Roberts Solid Waste System to serve the public good and protect public health and welfare, it has been determined that all properties and businesses in Point Roberts must contribute all of their waste to the Point Roberts Solid Waste System and comply with all solid waste handling laws, rules and conditions.

### Exemption Process

Waste collection service is required for everyone who has a business or a property with residential buildings in Whatcom County unless an exemption is granted. Exempt properties or businesses are required to self-haul all of their waste to the Point Roberts Transfer Station. The attached application is to request an exemption from garbage collection services. To process this request, please complete the following:

1. Read and understand the "Prohibited Methods of Waste Disposal" section;
2. Answer the questions listed;
3. Read, understand and sign the enclosed affidavit;
4. Submit the completed application to Point Recycling and Refuse Company.

Exemptions will be granted for the following reasons:

1. Regular garbage collection is not available at your address due to road or site conditions; and/or
2. You chose to self-haul all of your garbage to the Point Roberts Transfer Station;
3. You affirm that you understand the "Prohibited Methods of Waste Disposal" and will not violate those conditions and will commit all waste to the Point Roberts Solid Waste System.
4. If a rental property- the property owner requests an exemption

Exemptions will be denied or revoked for the following reasons:

1. There are any observed violations of the "Prohibited Methods of Waste Disposal".
2. Upon tracking your usage of the Point Roberts Transfer Station, the Company believes that you are not contributing 100% of your waste to the system.
3. Property renters fail to comply with the conditions of the Exemption.

Residential Properties;

- Without Valid Exemptions;
- That refuse to comply with the Exemption Process; or
- Have revoked Exemptions;

Will be forward to Whatcom County for prosecution and will be charged for basic garbage collection service whether used or not. Any unpaid garbage fees will be forwarded to the Whatcom County Assessor for collection.

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**Universal Recycling and Waste Collection Exemption Application and Affidavit  
Point Roberts Solid Waste System**

**“Prohibited Methods of Waste Disposal”**

1. All burning of garbage, construction waste or wood (other than vegetation) is prohibited. Burn barrels are prohibited for any burning.
2. Burying of any garbage or construction waste is prohibited.
3. Illegal dumping of any waste including vegetation is prohibited. No residential waste is allowed in commercial dumpsters.
4. Exportation of any waste outside of Point Roberts is prohibited.
5. The use of any foreign hauling company to transport waste out of Point Roberts is prohibited and will result in the permanent suspension of all solid waste services to the property, the property owner, and involved contractors. This suspension will be permanent regardless of change in property ownership.

<b>Applicant Information</b>	
Property Address:	
Tax Parcel #	
Property Owner	Phone
Mailing Address	
City/State/Province	Zip or Postal Code
Property Occupant (if other than owner)	
How many residential units and business are on your property?	
_____ Residential Units	_____ Businesses
Who is responsible for waste disposal? _____ Property Owner _____ Renter	
(If tenant is requesting an exemption, the property owner must submit a written request. Property owners are ultimately responsible for garbage services, proper disposal and charges. It is recommended that all landlords provide regular garbage collection to their tenants.)	

<p><b>Why are you applying to be exempt from garbage collection and curbside recycling:</b></p> <p>_____ My household doesn't generate enough waste to need services (less than one garbage can per month)</p> <p>_____ I prefer to handle my waste independently</p> <p>_____ Pick-up is inconvenient or impractical for my property or service is not available on my private road</p> <p>_____ This is a vacation home and I am not here on a consistent basis (less than once each month)</p> <p>(mark which of the following applies):</p> <p style="padding-left: 40px;">_____ I will haul my own waste to the Point Roberts Transfer Station when I am in Point Roberts</p> <p style="padding-left: 40px;">_____ I will use Roadside Collection Service when I am here – Infrequent Tag Service</p> <p style="padding-left: 40px;">_____ I will use both Roadside Collection Service and the Transfer Station</p>
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## Affidavit

I swear or affirm that I should be exempt from the requirement of universal solid waste collection because I am disposing of all my waste in an environmentally sound way within the Point Roberts Solid Waste System.

I understand that this affidavit and my solid waste practices are subject to verification by Point Recycling and Refuse Company, the Whatcom County Health Department and the Whatcom County Solid Waste Division. I will keep records of my waste disposal and grant all access to my property at any time to the above organizations or their agents for verification of the conditions of this exemption.

I have read and clearly understand the requirements for proper solid waste disposal as summarized in this exemption application

I understand that if my exemption application is not approved, I will be required to subscribe for waste collection services.

I understand that if I am found to be disposing of my waste in a manner that is not environmentally sound, or is a violation of the terms of this exemption, my exemption may be revoked, and I will be required to subscribe for waste collection services.

I understand that I must cooperate fully with any solid waste investigations, and that the Solid Waste System may suspend all access to services for the duration of investigation.

I understand that the Point Roberts Solid Waste System has made a significant commitment of infrastructure in the form of facilities, equipment and staff in order to meet my current solid waste and recycling needs and to do so into the future. It is my reciprocal commitment to the System of all my solid waste and compliance with all Solid Waste Laws and Rules which guarantees me access to the System. If I fail to comply with the conditions of the System, then the System has to right to withhold all services to my property for any duration, including permanent suspension regardless of change in ownership.

Property Owner's Signature:

Date:

Renter's Signature:

Please return this application to:

Point Recycling and Refuse Company  
PMB 1542, 145 Tyee Drive  
Point Roberts, WA 98281, USA

OR  
Point Roberts Transfer Station  
2005 Johnson Road  
Point Roberts

## Point Recycling and Refuse Company

### Application For Special Clean-up Service and Construction Sites

The Point Roberts Solid Waste System exists to serve this Community and has the goal of providing necessary public services at the lowest cost rates. Rates and Services are regulated to protect the consumer. Certain Laws and Rules exist to support the Solid Waste System in order to achieve optimum rates and protect community health and welfare. Point Recycling and Refuse operates under an obligation to serve current and future needs; to treat all customers equally; to provide fair, just and reasonable service; to ensure that all solid waste laws and rules are enforced; and to take all efforts to achieve the lowest cost rates and services. Each member of the community seeking to use the System is obligated to commit all of their waste to the System and to comply with all solid waste laws and rules. Any Person, Property, or Business who violates the intent of the System or any Solid Waste Laws and Rules forfeits their right to access the System and the Company may withhold any and all services.

#### Special Service Agreement Process

1. Read and understand the "Prohibited Methods of Waste Disposal" section;
2. Answer the questions listed;
3. Read, understand and sign the enclosed affidavit;
4. Submit the completed application to Point Recycling and Refuse Company.

Service will be provided under the following conditions:

1. Applicant has completed and signed this service agreement; and
2. Applicant and or service address has no outstanding charges for garbage service.

Service will be denied or revoked for the following reasons:

1. There are any observed violations of the "Prohibited Methods of Waste Disposal".
2. Upon tracking your usage of the Point Roberts Solid Waste System, the Company believes that you are not contributing 100% of your waste to the system.
3. The customer, property owner or property has unpaid solid waste charges.

#### "Prohibited Methods of Waste Disposal"

1. All burning of garbage, construction waste or wood (other than vegetation) is prohibited. Burn barrels are prohibited for any burning.
2. Construction Sites are required to keep all waste inside of containers.
3. Burying of any garbage or construction waste is prohibited.
4. Illegal dumping of any waste including vegetation is prohibited. No residential waste is allowed in commercial dumpsters.
5. Exportation of any waste outside of Point Roberts is prohibited.
6. The use of any foreign hauling company to transport waste out of Point Roberts is prohibited and will result in the permanent suspension of all solid waste services to the property, the property owner, and involved contractors. This suspension will be permanent regardless of change in property ownership.

Please return this application to:

Point Recycling and Refuse Company  
PMB 1542, 145 Tye Drive  
Point Roberts, WA 98281, USA

OR hand deliver to:  
Point Roberts Transfer Station  
2005 Johnson Road  
Point Roberts

Any Questions: Call Point Recycling at 945-1516 or visit the Transfer Station

<b>Applicant Information</b>		Exhibit No. _____ (RC-9)
Property Address: _____		Page 9 of 12
Property Owner _____	Phone _____	
Mailing Address _____		
City/State/Province _____	Zip or Postal Code _____	
Contractor (if other than owner) _____		
Who is responsible for waste disposal? _____ Property Owner _____ Contractor		
(If a Contractor is requesting service, the property owner must submit a written request. Property owners are ultimately responsible for garbage services, proper disposal and charges. It is recommended that all property owners provide garbage collection to their Contractors.)		

### Affidavit

I swear or affirm that I am requesting solid waste collection service and that I am disposing of all my waste in an environmentally sound way within the Point Roberts Solid Waste System.

I understand that by requesting service from a regulated system, I am asking the Company to forfeit certain rights to set services, rates and profits, and to exist under an obligation to serve my current solid waste and recycling needs and into the future; that I receive rates that are based on the Cost-of-Service and are fair, just and reasonable; and that I have certain consumer protections available through the regulatory process.

I understand that in exchange for the obligations placed upon the Company, I am required to commit all my waste to the system and comply with the rules and conditions of the system; and that this is a fair and reasonable exchange of rights and commitments between myself and the Company.

I understand that the Point Roberts Solid Waste System has made a significant commitment of infrastructure in the form of facilities, equipment and staff in order to meet my current solid waste and recycling needs and to do so into the future. It is my reciprocal commitment to the System of all my solid waste and compliance with all Solid Waste Laws and Rules which guarantees me access to the System. If I fail to comply with the conditions of the System, then the System has to right to withhold all services to my property for any duration, including permanent suspension regardless of change in ownership.

I understand that this affidavit and my solid waste practices are subject to verification by Point Recycling and Refuse Company, the Whatcom County Health Department and the Whatcom County Solid Waste Division. I will keep records of my waste disposal and grant all access to my property at any time to the above organizations or their agents for verification of the conditions of this exemption.

I have read and clearly understand the requirements for proper solid waste disposal as summarized in this service application

I understand that if my service application is not approved, or I cancel service, or my service is suspended, I will be required to apply for a Solid Waste Exemption.

I understand that if I am found to be disposing of my waste in a manner that is not environmentally sound, or is a violation of the terms of this service agreement, my service may be revoked.

I understand that I must cooperate fully with any solid waste investigations, and that the Solid Waste System may suspend all access to services for the duration of investigation.

Property Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Contractor's Signature: \_\_\_\_\_

**Construction Site  
 Universal Waste Collection Exemption Application and Affidavit  
 Point Roberts Solid Waste System**

**“Prohibited Methods of Waste Disposal”**

1. All burning of garbage, construction waste or wood (other than vegetation) is prohibited. Burn barrels are prohibited for any burning.
2. Construction Sites are required to keep all waste inside of containers.
3. Burying of any garbage or construction waste is prohibited.
4. Illegal dumping of any waste including vegetation is prohibited. No residential waste is allowed in commercial dumpsters.
5. Exportation of any waste outside of Point Roberts is prohibited.
6. The use of any foreign hauling company to transport waste out of Point Roberts is prohibited and will result in the permanent suspension of all solid waste services to the property, the property owner, and involved contractors. This suspension will be permanent regardless of change in property ownership.

<b>Applicant Information</b>	
Property Address:	
Tax Parcel #	
Property Owner	Phone
Mailing Address	
City/State/Province	Zip or Postal Code
General Contractor (if other than owner)	
<p>Who is responsible for waste disposal? ____ Property Owner ____ Contractor          (If Contractor is requesting an exemption, the property owner must submit a written request. Property owners are ultimately responsible for garbage services, proper disposal and charges. It is recommended that all property owners provide garbage collection to their contractors.)</p>	

<p><b>Why are you applying to be exempt from Construction Site garbage collection:</b></p> <p>____ My project doesn't generate enough waste to need services (less than one dumpster per month)</p> <p>____ I prefer to handle my waste independently</p> <p>____ Pick-up is inconvenient or impractical for my property or service is not available on my private road (mark which of the following applies):</p> <p style="padding-left: 40px;">____ I will haul my own waste to the Point Roberts Transfer Station on a regular basis</p> <p style="padding-left: 40px;">____ I will use Roadside Collection Service when I need it.</p> <p style="padding-left: 40px;">____ I will use both Roadside Collection Service and the Transfer Station</p>
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**Construction Site  
Universal Waste Collection  
Exemption Application and Affidavit  
Point Roberts Solid Waste System**

In order to have a viable Point Roberts Solid Waste System to serve the public good and protect public health and welfare, it has been determined that all properties and businesses in Point Roberts must contribute all of their waste to the Point Roberts Solid Waste System and comply with all solid waste handling laws, rules and conditions.

**Exemption Process**

Waste collection service is required for everyone who has a business or a property with residential buildings in Whatcom County unless an exemption is granted. Exempt properties or businesses are required to self-haul all of their waste to the Point Roberts Transfer Station. The attached application is to request an exemption from garbage collection services for a Construction Site. To process this request, please complete the following:

1. Read and understand the "Prohibited Methods of Waste Disposal" section;
2. Answer the questions listed;
3. Read, understand and sign the enclosed affidavit;
4. Submit the completed application to Point Recycling and Refuse Company.

Exemptions will be granted for the following reasons:

1. Regular garbage collection is not available at your address due to road or site conditions; and/or
2. You chose to self-haul all of your garbage to the Point Roberts Transfer Station;
3. You affirm that you understand the "Prohibited Methods of Waste Disposal" and will not violate those conditions and will commit all waste to the Point Roberts Solid Waste System.
4. You understand that Property Owners, General Contractors and Sub-Contractors are each responsible to ensuring that all waste on the construction site is handled appropriately within the Point Roberts Solid Waste System.

Exemptions will be denied or revoked for the following reasons:

1. There are any observed violations of the "Prohibited Methods of Waste Disposal".
2. Upon tracking your usage of the Point Roberts Transfer Station, the Company believes that you are not contributing 100% of your waste to the system.

Construction Sites;

- Without Valid Exemptions;
- That refuse to comply with the Exemption Process; or
- Have revoked Exemptions;

Will be forward to Whatcom County for prosecution and will have all Solid Waste Services Suspended Permanently for that Property, Property Owner and associated Construction Contractors.

## Affidavit

I swear or affirm that I should be exempt from the requirement of universal solid waste collection because I am disposing of all my waste in an environmentally sound way within the Point Roberts Solid Waste System.

I understand that this affidavit and my solid waste practices are subject to verification by Point Recycling and Refuse Company, the Whatcom County Health Department and the Whatcom County Solid Waste Division. I will keep records of my waste disposal and grant all access to my property at any time to the above organizations or their agents for verification of the conditions of this exemption.

I have read and clearly understand the requirements for proper solid waste disposal as summarized in this exemption application

I understand that if my exemption application is not approved, I will be required to subscribe for waste collection services.

I understand that if I am found to be disposing of my waste in a manner that is not environmentally sound, or is a violation of the terms of this exemption, my exemption may be revoked, and I will be required to subscribe for waste collection services.

I understand that I must cooperate fully with any solid waste investigations, and that the Solid Waste System may suspend all access to services for the duration of investigation.

I understand that the Point Roberts Solid Waste System has made a significant commitment of infrastructure in the form of facilities, equipment and staff in order to meet my current solid waste and recycling needs and to do so into the future. It is my reciprocal commitment to the System of all my solid waste and compliance with all Solid Waste Laws and Rules which guarantees me access to the System. If I fail to comply with the conditions of the System, then the System has to right to withhold all services to my property for any duration, including permanent suspension regardless of change in ownership.

Property Owner's Signature:

Date:

General Contractor's Signature:

Sub-Contractors:

Please return this application to:

Point Recycling and Refuse Company  
PMB 1542, 145 Tye Drive  
Point Roberts, WA 98281, USA

OR  
Point Roberts Transfer Station  
2005 Johnson Road  
Point Roberts

# Point Recycling and Refuse

Dear Customer,

This is an update on issues with the County about curbside recycling and some changes we are forced to make. Whatcom County insists that we restart the curbside recycling collection and cancel the free self-haul recycling. The County has requested that the WUTC revoke our garbage certificate for not obeying them. The curbside recycling program has always been a failure with only 17% of the households using it. It didn't meet recycling goals and could not financially support itself.

On June 26<sup>th</sup>, the Commission had a hearing to determine if the Company could remove curbside recycling from our Tariff. The Commission decided that the County's complaint required the issue go to hearing before a law judge. Despite no significant desire from the citizens of Point Roberts for curbside recycling, the County insists that canceling the Company's certificate is the only option.

At some time, (the date isn't set yet), there will be a hearing before a judge. I see a strong possibility that the Judge will side with the County and revoke the Company's certificate. Now we are in a hostile legal situation; there is no more discussion, mediation or debate, just the strict interpretation of the law regardless of the impact on this community. Without the County suspending their complaint and opening a dialog with the Company and this community, the process will proceed to an inevitable negative conclusion.

## What would happen then?

The Company would be required to stop operations immediately after the hearing. No further residential pickup. We would be forced to dump and pull all commercial containers the next day. If we continued to operate we would face additional fines and legal actions.

We could still operate the transfer station for a few months. We lease the station from the County who sets the station hours, services and rates. This lease is scheduled to be automatically renewed in October. However, because of the County's obviously hostile attitude, I do not believe the lease would be renewed and we would be forced to vacate the site and remove all of our improvements.

Potentially, sometime in August or September there could be no garbage collection company and in November there could be no operating transfer station.

## Can the County do this?

Just as the County has the power to create and support a sustainable solid waste and recycling system that meets your needs, they also have the power to destroy it.

## Will there be another garbage company?

Point Roberts is too small, isolated and complicated to be served by a mainland company because the economics do not work, especially since the County will not provide any support to this system. There could possibly never be garbage collection here again.

## Why is the County doing this?

Honestly, I don't know why. My job is to serve this community and build the solid waste and recycling system you need, now and into the future. I have done so. All I have ever asked the County is for them to do their job; give me a sustainable and practical system design and support me in my service to you. Every garbage company in Point Roberts has failed because the County just refuses to participate. Since the curbside recycling program was cancelled in January, nobody from the County has called to discuss the issue. The County has refused to meet with me, denied putting the issue on their Advisory Committee agenda and declined to come to Point Roberts. There is no rational basis for their demands or actions. Free self-haul recycling works; more people are recycling now than ever before. The County simply does not care about Point Roberts. You all know that Point Roberts is too small to get County attention on anything. This County apathy is how we got to this point, and also why the process will continue until the system is destroyed.

The Company is now in a position where our future is uncertain. In a few months, the Company could cease to exist, the end of nine years effort. Jay, Mike and I have worked hard to build this system and regret this course of events. However, we could soon be unemployed, and must look to our futures and how we will provide for our families.

We have always taken the view, that as a utility, we serve the community. The Company provides many charitable community services in order to fulfill environmental goals and community needs. We can not do this any longer. We must cut costs and prepare for the dismantling and end of this system. We must also strictly adhere to our Transfer Station Lease Agreement in the long-shot hope of a renewal.

Against our desires, we are forced to make the following changes effective July 21<sup>st</sup>:

Transfer Station Hours: We are required to operate the transfer station two days per week. The Station will be open only Saturday and Sunday from 12:00 to 4:00.

Free Recycling: We provide free recycling at our cost in violation of County rules. We are forced to charge 5 cents per pound for recycling. I encourage everyone to continue recycling.

Yard-waste Recycling: Yard-waste Recycling is based on stockpiling enough material to cover the cost of processing. Since we cannot guarantee we will be here past October, we must cancel this program. We will accept yard-waste as garbage at the garbage rate.

Used Oil and Batteries: We have taken these materials as a community service exceeding our Station Agreement. We cannot continue to accept these items. Please call 360-676-7695 for your disposal needs.

Litter Cleanup: We have facilitated litter collection and accepted disposal at our cost as a community service. Litter is the responsibility of the County. Please call 360-676-7695 with your litter problems.

We apologize for any inconvenience these actions may cause you, however the situation is beyond our control.

What can you do?

The problem is not just the curbside recycling. This system is dying; the commercial customer base shrinks every year, zero growth in residential customers for 8 years, ever growing illegal poaching by sham recyclers and the Marina has pulled out of the system because so many households were dumping garbage on them. The County withdrawing their complaint is not a solution to the actual problems. The County, the WUTC and everyone in this community needs to get on board and support this utility and maybe there is a chance of it surviving.

We need:

1. Self-haul recycling not curbside.
2. Full universal service; putting every household on service will stabilize rates and stop the dumping on commercial businesses, so then maybe the Marina will come back into the system.
3. Enforcement of litter, dumping and burning laws.
4. Enforcement against the illegal sham recyclers that are making everyone else pay more for garbage. This is a regulated utility, actually a co-op to benefit everyone. When people undermine the utility, all the other people in this community pay the price.
5. County understanding that the Transfer Station and the Garbage Company cannot survive without each other, and together they do more for the community as a combined regulated utility.
6. Above all, the full participation and commitment from the County and the WUTC to create a sustainable system that meets your needs.

Everyone needs to contact all the following people and continue contacting them until these issues are resolved.

Pete Kremen, County Executive Suite 108, 311 Grand Avenue, Bellingham, WA 98225 <a href="mailto:pkremen@co.whatcom.wa.us">pkremen@co.whatcom.wa.us</a> 360-676-6717	Carl Weiner, County Council Suite 105, 311 Grand Avenue, Bellingham, WA 98225 <a href="mailto:council@co.whatcom.wa.us">council@co.whatcom.wa.us</a> 360-676-6690	Peter Christiansen, Ecology 3190 160 <sup>th</sup> Ave. S.E. Bellevue, WA 98008-5452 <a href="mailto:Pchr461@ecy.wa.gov">Pchr461@ecy.wa.gov</a> 425-649-7000
Dave Danner, WUTC PO Box 47250 Olympia, WA 98504-7250 <a href="mailto:DDanner@wutc.wa.gov">DDanner@wutc.wa.gov</a> 360-664-1160	Rep. Doug Ericksen 360-786-7980 <a href="mailto:ericksen.doug@leg.wa.gov">ericksen.doug@leg.wa.gov</a>	Rep Kelli Linville 360-738-6177 <a href="mailto:Linville.kelli@leg.wa.gov">Linville.kelli@leg.wa.gov</a>

# Point Recycling and Refus

Exhibit No. \_\_\_\_\_ (RC-11)  
Page 1 of 2

This is an update on issues with the County about curbside recycling and some changes we are forced to make.

Whatcom County insists that we restart the curbside recycling collection and cancel the free self-haul recycling. Despite no significant desire from the citizens of Point Roberts for curbside recycling, the County insists that canceling the Company's Certificate is the only option.

At some time, (the date isn't set yet), there will be a hearing before a judge. I see a strong possibility that the Judge will side with the County and revoke the Company's certificate. Now we are in a hostile legal situation; there is no more discussion, mediation or debate, just the strict interpretation of the law regardless of the impact on this community. Without the County suspending their complaint and opening a dialog with the Company and this community, the process will proceed to an inevitable negative conclusion.

## What would happen then?

The Company would be required to stop operations immediately after the hearing. No further residential pickup. We would be forced to dump and pull all commercial containers the next day. If we continued to operate we would face additional fines and legal actions.

We could still operate the transfer station for a few months. We lease the station from the County who sets the station hours, services and rates. This lease is scheduled to be automatically renewed in October. However, because of the County's obviously hostile attitude, I do not believe the lease would be renewed and we would be forced to vacate the site and remove all of our improvements.

Potentially, sometime in August or September there could be no garbage collection company and in November there could be no operating transfer station.

## Can the County do this?

Just as the County has the power to create and support a sustainable solid waste and recycling system that meets your needs, they also have the power to destroy it.

## Why is the County doing this?

Honestly, I don't know why. My job is to serve this community and build the solid waste and recycling system you need, now and into the future. I have done so. All I have ever asked the County is for them to do their job; give me a sustainable and practical system design and support me in my service to you. Every garbage company in Point Roberts has failed because the County just refuses to participate. Free self-haul recycling works; more people are recycling now than ever before. The County simply does not care about Point Roberts. You all know that Point Roberts is too small to get County attention on anything. This County apathy is how we got to this point, and also why the process will continue until the system is destroyed.

## What can you do?

The problem is not just the curbside recycling. The County withdrawing their complaint is not a solution to the actual problems. The County, the WUTC and everyone in this community needs to get on board and support this utility and maybe there is a chance of it surviving.

Customer Notice

Sum. July 13  
2008

Whatcom County has taken legal action which could result in the elimination of this Company and our operations at this facility,

Therefore, we are required to make the following changes effective July 21<sup>st</sup> 2008.

Station Hours: Noon to 4:00 Saturday and Sunday only as required by the County.

Recycling: We are required by the County to charge 5 cents per pound.  
No more free recycling.

Yard-waste Recycling: We can no longer accept yard-waste for recycling.  
Yard-waste will be accepted as garbage.

Used Oil, Batteries, Fluorescent light bulbs, Tires, Refrigerators and Propane Tanks: No longer accepted.

We apologize for the inconvenience but the situation is beyond our control.

If you have questions or comments please call  
Whatcom County Solid Waste at 360-676-7695

Everyone needs to contact all the following people and continue contacting them until these issues are resolved.

Pete Kremen, County Executive Suite 108, 311 Grand Avenue, Bellingham, WA 98225 <a href="mailto:pkremen@co.whatcom.wa.us">pkremen@co.whatcom.wa.us</a> 360-676-6717	Carl Weimer, County Council Suite 105, 311 Grand Avenue, Bellingham, WA 98225 <a href="mailto:council@co.whatcom.wa.us">council@co.whatcom.wa.us</a> 360-676-6690	Peter Christiansen, Ecology 3190 160 <sup>th</sup> Ave. S.E. Bellevue, WA 98008-5452 <a href="mailto:Pchr461@ecy.wa.gov">Pchr461@ecy.wa.gov</a> 425-649-7000
Dave Danner, WUTC PO Box 47250 Olympia, WA 98504-7250 <a href="mailto:DDanner@wutc.wa.gov">DDanner@wutc.wa.gov</a> 360-664-1160	Rep. Doug Ericksen 360-786-7980 <a href="mailto:ericksen.doug@leg.wa.gov">ericksen.doug@leg.wa.gov</a>	Rep Kelli Linville 360-738-6177 <a href="mailto:Linville.kelli@leg.wa.gov">Linville.kelli@leg.wa.gov</a>

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TG-061052

**PLEASE NOTE:** You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- 1. **Payment of penalty.** I admit that the violation occurred and enclose \$100 in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

RECEIVED  
 RECEIVED FROM  
 06 JUL 25 AM 8:44  
 STATE OF WASHINGTON  
 UTILITIES AND TRANSPORTATION  
 COMMISSION

- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
  - a) I ask for a hearing for a decision by an administrative law judge
  - OR  b) I waive a hearing and ask for an administrative decision on the information I present here.

*I have several issues before Commission staff that are not being addressed to my satisfaction. When the Commission finds the time to address my problems then I will comply to the Commission. Until that time I am occupied trying to deal with these issues.*

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: July 24, 2006 [month/day/year], at Point Roberts, WA [city, state]

Points Recycling and Refuse LLC  
Name of Respondent (company) - please print

Anthony Wilkowsky  
Signature of Applicant

**RCW 9A.72.020:**

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."

# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281  
Business Phone: (360) 945-1516

July 24, 2006

Eugene Eckhardt  
Assistant Director for Transportation and Water  
Washington Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-47250

RECEIVED  
RECORDS DIVISION  
06 JUL 25 AM 11:08  
UTILITY AND TRANSPORTATION  
COMMISSION

**RE: Point Recycling and Refuse Company's curbside recycling program**

Dear Mr. Eckhardt:

I have received your letter dated July 20<sup>th</sup>, 2006. You have informed me that Commission Staff does not comment on the "value" of any county programs.

You are mistaken in your conclusions. In my review of the pertinent RCWs which I have attached, it is very clear that the State Legislature designated the WUTC as the financial oversight organization for County mandated recycling programs. The intent of the Legislature was that recycling programs be designed to meet the needs of each specific community and be economically feasible and reasonable. The WUTC is required to ensure these goals.

The Commission has consistently failed these mandates in regards to Point Roberts. The Commission Staff have reviewed several versions of the County Solid Waste Management Plan without specifically looking at the financial impacts on my customers. The Commission Staff have twice audited this company and auditors have been unwilling to determine the viability of the recycling program. In 1990, I expressed serious concerns about this system design and could not get reasonable evaluation from Staff. At this time, I am requesting a feasibility review, and since under RCW 81.77.030, the Commission controls and regulates every aspect of my Company, when I say that there is a problem, the Commission must listen and take action.

This is not a situation where I will tolerate being punted back and forth between the WUTC and the County.

This system is an economic model, in order to achieve optimum regulated rates and reasonable levels of service, the system must be actually designed. The current unreasonable design is destined for failure and collapse.



**I understand my job of serving this community and take it quite seriously. There are problems here that, since I do not control the system design, require the full participation of the Commission and the County.**

**I expect the Commission Staff to actually look at the economics of this small system and then communicate to the County, that there are concerns and potential problems which need to be addressed.**

**Sincerely,**



**Arthur Wilkowski, Owner/Operator**

**Cc: Penni Lemperes, Whatcom County Solid Waste Specialist**

**RCW 70.95.010**  
**Legislative finding — Priorities — Goals.**

The legislature finds:

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

\* (b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed municipal solid waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

\* This comes from 70.95.010(6), Not 70.95.010(3)  
which appears to support issues the hauler favors.

**RCW 70.95.090**

**County and city comprehensive solid waste management plans — Contents.**

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(5) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

**RCW 70.95.092**

**County and city comprehensive solid waste management plans — Levels of service, reduction and recycling.**

Levels of service shall be defined in the waste reduction and recycling element of each local comprehensive solid waste management plan and shall include the services set forth in RCW 70.95.090. In determining which service level is provided to residential and nonresidential waste generators in each community, counties and cities shall develop clear criteria for designating areas as urban or rural. In designating urban areas, local governments shall consider the planning guidelines adopted by the department, total population, population density, and any applicable land use or utility service plans.

**RCW 70.95.096**

**Utilities and transportation commission to review local plan's assessment of cost impacts on rates.**

Upon receipt, the department shall immediately provide the utilities and transportation commission with a copy of each preliminary draft local comprehensive solid waste management plan. Within forty-five days after receiving a plan, the commission shall have reviewed the plan's assessment of solid waste collection cost impacts on rates charged by solid waste collection companies regulated under chapter 81.77 RCW and shall advise the county or city submitting the plan and the department of the probable effect of the plan's recommendations on those rates.

[1989 c 431 § 12]

**RCW 81.77.030**

**Supervision and regulation by commission.**

The commission shall supervise and regulate every solid waste collection company in this state.

- (1) By fixing and altering its rates, charges, classifications, rules and regulations;
- (2) By regulating the accounts, service, and safety of operations;
- (3) By requiring the filing of annual and other reports and data;
- (4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;
- (5) By requiring compliance with local solid waste management plans and related implementation ordinances;
- (6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area.

# Point Recycling and Refuse

P.M.B. 1542, 145 Tyee Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

July 17, 2006

Records Center  
Washington Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-47250

Dear Sir:

This filing is submitted by: Points Recycling and Refuse L.L.C. G-155 d/b/a Point Recycling and Refuse Company

Notice of Withdrawal of Tariff Filing TG-061079.

Please withdraw this filing effective immediately.

Sincerely,

Arthur Wilkowski, Owner/Operator

# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

July 17, 2006

Carole J. Washburn  
Executive Secretary  
Washington Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-47250

Dear Sir:

## Request to Remove Properties from Service Area

This request is submitted by: Point Recycling and Refuse L.L.C. G-155 d/b/a Point Recycling and Refuse Company.

The Company is requesting additional language regarding our service area to exclude three property parcels from our service area. The reason for this request is that the property owners and, or their hired contractors have diverted significant volumes of solid waste outside of the local solid waste system through the use of an illegally operating Canadian hauling company. This diversion of waste outside of the system will cause an increase in rates to the loyal users of the system.

The Company has no desire to provide any regulated services to these properties in the future, regardless of change of ownership. The Company does not want to be obligated to serve these property parcels, therefore the properties are being removed from our Service Area.

The service area is of such a small size that exportation of garbage outside of the system cannot be tolerated. It is the obligation of any business or property owner who wishes to receive regulated services, to contribute 100 percent of their garbage to support the system. Any diversion of materials out of the system is a clear statement by the property owner of the desire to forfeit all their regulatory rights to services.

## Service Area Description with Proposed Language

Point Recycling And Refuse Company  
(Registered trade name of Solid Waste Collection Company)  
Certificate Number G- 155

### NAMING RATES FOR THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE, AND IF NOTED, RECYCLING AND YARDWASTE IN THE FOLLOWING DESCRIBED TERRITORY:

**SOLID WASTE COLLECTION SERVICE** in that portion of Whatcom County also known as Point Roberts, contained within the following area: Beginning at the northwest corner of T41N, R3W; thence south on the west line of said township to the southwest corner of the north half of T40N, R3W; thence east on the south line of the north half of said township to the east line of said township; thence north on the east line of said township extended to the US/Canada boundary (also the north line of T41N, R3W); thence west along said boundary line to the northwest corner of T41N, R3W, the point of beginning.

Excluding providing any collection service to the following Property Parcels:  
1726 Edwards Drive – Parcel Number 405310410416000 – known as Marina Mist Condos  
81 Bay View Drive – Parcel Number 5143355331590000 – known as The Old Clark's Store  
1875 Anderson Street – 4053021052050000

If you have questions regarding this filing, please contact Arthur Wilkowski. Phone number 360-945-1516, Fax 360-945-0414, E-mail [prandr@pointroberts.net](mailto:prandr@pointroberts.net).

Sincerely,

Arthur Wilkowski, Owner/Operator

# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281  
Business Phone: (360) 945-1516

## Notice of Suspension of Regulated Solid Waste Services

February 8, 2007

Having given due notice of the Rules and Conditions of the Point Roberts Solid Waste System, the Company has found that:

Al Perritt  
175 Nelson Rd  
Point Roberts, Washington

Has violated the Terms and Conditions of access to the Point Roberts Solid Waste System by exporting waste out of Point Roberts. The Solid Waste System is only obligated to provide services in exchange for the full and complete commitment of all waste from each business and property.

Date of Violation: February 5, 2007

Location of Violation: 725 South Beach Rd, Point Roberts

This is official notice to Al Perritt that the Point Recycling and Refuse Company is filing with the Washington Utilities and Transportation Commission (WUTC) to amend our Service Territory to remove Parcel #4153352160330000 known as 175 Nelson Road, Point Roberts from our Service Territory.

Currently the Company is legally obligated to provide service to this property under our regulated rules and tariff rates. We are required to continue to provide service to your property until such time as the WUTC processes our request. At the time the amendment is finalized, then the Company is legally prohibited from ever providing any services to the property regardless of change in property ownership.

The Company is still legally obligated to provide regulated services such as special cleanup containers to you at any other property within our service territory.

Whatcom County Solid Waste Division agrees with the Company of the economic need for all waste generated within Point Roberts to be handled in the Point Roberts Solid Waste System. They have requested the Company to continue providing you access to the Transfer Station while the County proceeds with their own enforcement programs. The Company has agreed to this request. So, for the time being you may continue to use the Point Roberts Transfer Station.

If you have any questions regarding this action, you may contact Gene Eckhardt at the WUTC, 360 664-1249

Sincerely,



Arthur Wilkowski

cc: Gene Eckhardt, WUTC  
Penni Lemperes Whatcom County Solid Waste Division



# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

February 8, 2007

Gene Eckhardt  
Washington Utilities and Transportation Commission  
Po Box 47250  
Olympia, WA 98504-7250

RE: Request to Amend Service Territory Description for G-155 Points Recycling and Refuse LLC.

Dear Mr. Eckhardt,

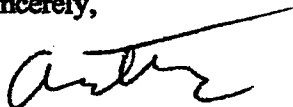
Point Recycling and Refuse Company would like to amend our Service Territory Description for G-155 to remove the following property parcels.

Property Owner:	Brian Calder Calder Storage & Cartage LTD
Property Address:	1940 APA Road, Point Roberts, Washington
Parcel Number:	4053021840750000

Property Owner:	Ronald Al Perritt
Property Address:	175 Nelson Road, Point Roberts, Washington
Parcel Number:	4153352160330000

Please initiate with this process and advice the Company of the required actions.

Sincerely,



Arthur Wilkowski

CC: Whatcom County Solid Waste Division

**Point Recycling and Refuse**  
P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281  
Business Phone: (360) 945-1516

May 7, 2007

**RECEIVED**

MAY 08 2007

**WASH. UT. & TP. COMM**

Mr. Gene Eckhardt  
Washington Utilities and  
Transportation Commission  
PO Box 47250  
Olympia, WA 98504-7250

**Re: Correspondence of July 17, 2006 and February 9, 2007**

Dear Mr. Eckhardt:

This is regarding my correspondence to you of July 17, 2006 and February 9, 2007, in which I sought to amend Certificate G-155 to exclude specific properties. I will not repeat my reasons for that request here, but ask that the request to remove any properties be withdrawn. I will continue to serve my entire area while this, and related issues, are under discussion.

Very truly yours,



**ARTHUR WILKOWSKI**  
Owner  
Point Recycling & Refuse

# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281  
Business Phone (360) 945-1516

May 27, 2008

Frank Abart, Director  
Whatcom County Public Works  
Suite 210  
322 N. Commercial St  
Bellingham, WA 98225

Dear Mr. Abart,

In response to your letter dated February 11, 2008, ordering me to resume curbside recycling collection in Point Roberts. I will be very clear, that is not going to happen. As I have been telling you for years, the program is not economically viable or necessary. I cannot subsidize the program and no bank would finance equipment on the program given the current participation and lack of support from the County.

I am providing free self-haul recycling to every household, the needs of the community are being met and more households are recycling now than were before. The recycling center is open six days per week. This is the direction that the system needs to go and I am going to implement it.

I find it incredibly amusing that nobody from the County or the WUTC has even bothered to call me about the situation. It is a monumental absurdity of blind bureaucracy. There is a profound refusal to participate and realize that I am not a slave to be ordered to a task by the County and the WUTC but that all three of us are equally bound to serve the community. It was never my task to prove this program was not possible but it was the mandated task of the County and the WUTC to design, assess, and support a viable and sustainable system.

I believe that the County does not know what to do; how to evaluate the situation; or make decisions. The County's Solid Waste Department and planning process is non-functional and has been for years. One may want to blame staff but the fault rests completely on the County Council. Sixteen years ago, when I was an intern with Solid Waste, we had a Solid Waste Manager, a Recycling Manager, a secretary and two interns. We were cutting edge and won National and State awards for our programs. The Department has since been gutted of staff and resources consisting now of two secretaries (both are capable of their jobs as assigned) with the occasional oversight of the Public Works Director. Staff are forbidden to make decisions contrary to the political whims of the Council or else their jobs are at stake. The County put the whole solid waste and recycling system on autopilot a long time ago. The County no longer has the ability to understand its jurisdictional role or fulfill its responsibilities. Solid waste and recycling systems are engineered economic models that have predictable outcomes based on design, support, participation and enforcement. You cannot design and maintain systems successfully when decisions are made by part-time committees consisting of mostly ignorant (in solid waste and recycling) citizens and politicians where the most strident voices eliminate practical discussion. You know what they say a camel is? A horse designed by committee. When the County builds a road or a bridge you hire

experts and you listen to them about what can be done and what cannot. Solid waste and recycling systems are no different in purpose and process but the County refuses to listen.

The County has reached this point for two reasons: money and politics. Solid Waste staff and authority started being cut with the huge cost over-runs of the new Courthouse. A general fund budget crunch was increased by the anti-tax initiatives of the mid 1990's. The County was able to transfer funds from Solid Waste by making the division into a department of Public Works and charging administrative overhead fees. Perhaps legal, maybe not; but when you fire all the staff then who would question it, especially when Public Works is now in charge of the budget. And then we have politics; for the most part Councilperson Barbara Benner who has consistently tried to use solid waste in her personal vendettas against the former Recomp regarding MSW composting, flow control, mushroom composting and medical waste. She has repeatedly tried to exceed the County's jurisdictional authority, bypass legal procedures or avoid mandated solid waste responsibilities. Professional, trained, and strong solid waste staff would have been a check against these political abuses, so they were removed.

The creation of the Planned and Regulated solid waste and recycling system was intended to address numerous problems in solid waste such as illegal dumping, burning and litter; maximize recycling; provide funding for County programs; and to ensure affordable and effective collection systems. In that process, a partnership was created between the County, the Cities and the Haulers to be bound in service to the community and to fulfill responsibilities. The County was required in the Plan to address service needs for both urban and rural areas which it has never done for Point Roberts. The Plan is implemented through the Service Level Ordinance and the Universal Service Ordinance. The County made promises that it has not kept. When you asked the Haulers to build your recycling system, you promised to help us achieve maximum recycling at the lowest rates through Universal Service. When the Cities joined the Plan you promised to treat "county" and "city" households equally. When you put your Excise Tax on the Haulers, (which I first proposed and helped to design), you effectively increased Haulers rates compared to self-haulers who do not pay the tax, so you promised to implement Universal Service. You promised the Cities who have Universal Service that you would tax county residents equally through Universal Service. However, the County refuses to implement its own ordinances. Over and over the Haulers or others have stepped up to implement programs in recycling, yardwaste, or electronics collection and the programs have failed to achieve their full potential in volumes and rates, or even collapsed completely, because the County will not take the rational steps necessary for the community benefit. Why? Because of politics like where Barbara Brenner who does not subscribe to collection service, self-hauls her recycling for free to RDS, and does not pay County Excise Tax but uses her position on SWAC to block any actions she does not agree with. So, the fundamental solid waste problems still are not addressed and recycling objectives are not met because the County fails to understand its role and responsibilities as a partner in the system.

I find it to be the utmost in hypocrisy that the County would demand that I comply with the Service Level Ordinance but then refuse to implement the Universal Service Ordinance. Over the years, you should have listened to me when I tried to bring problems to your attention and helped me when I asked for it because we are partners. When I suspended curbside recycling, somebody should have called me but nobody did. What should have happened? We should have set down with the WUTC, Ecology, the County lawyers, some of the knowledgeable people in the county such as Carl Weimer, Ed Nikula, Rodd Pemple, Bob Colbo, and Calvin Den Hartog in order to create a feasible plan for Point Roberts where we all understood the task at hand, our individual obligations, and the possible or impossible. But nothing happens. The County has put me in an unbearable situation where absent a game plan, I can not move forward with this system. I do not

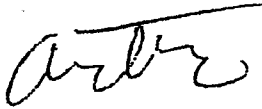
know what equipment to buy or what to tell my customers. No business can continue for long in that situation.

Your Solid Waste Plan is not valid for Point Roberts because you have never done an Urban/Rural designation or assessment of program feasibility. Your curbside recycling program was a failure from the beginning; only 17% of households participating. You don't understand that 83% of the households voted against curbside recycling in the most important way, they chose not to participate in the system. You talk of public meetings which are pointless until there is a game plan to discuss. Public meetings and committees are for getting input not making decisions. Who in the County actually makes any decisions?

I must comply with my WUTC Tariff so I am filing to remove Curbside Recycling. This will allow my customers to formally comment on the program and on the County's failure to adequately plan their solid waste and recycling system. It will put a 45 day clock on the process to force some action and participation from the County. I anticipate that WUTC staff will deny my application as they did in 2000, because I must comply with your Solid Waste Plan. Therefore, I must request that the Department of Ecology invalidate your Plan until you comply with the required guidelines including rural programs, feasibility and cost assessments.

This isn't the way this should have gone. We are partners in service and should cooperate. However, I have a job to do, to serve this community and create a viable, sustainable system. It requires that both the County and the WUTC participate and understand their obligations to support and protect this system. So far, both agencies have refused to participate in the success and survival of this system.

Sincerely,



Arthur Wilkowski  
Owner/ Operator

Cc: Whatcom County Council, Executive,  
Peter Christianson, Dept of Ecology  
WUTC

# Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281  
Business Phone (360) 945-1516

July 14, 2008

Charles Sullivan  
Whatcom County Health Department  
509 Girard Street  
Bellingham, WA 98225-4005

**RECEIVED**  
JUL 16 2008  
WASH. UT. & TP. COMM

Dear Charles,

Point Recycling is forced to make changes at our Point Roberts Transfer Station.

Whatcom County Administration has taken legal action against our company that could result in the termination of all garbage collection. This irrational and unjustified attitude by Administration indicates an inherent hostility precluding a sustainable future for the Point Roberts Transfer Station.

As a utility operator, I have always taken a long term view, and built the solid waste and recycling infrastructure this community needs for the future. I have also provided numerous services below cost in order to meet the County's environmental goals. The County's actions have forced us into an uncertain future. We are now required to limit our activities to a four month perspective under the probability that the Company will no longer exist past this October.

We are forced to suspend collection of all materials outside of the Station Lease Requirements and materials which require stockpiling prior to export or processing. Effective July 21<sup>st</sup> we will no longer accept the following items: Yard-waste recycling; Used motor oil; Batteries; Electronic waste recycling; Fluorescent light bulbs; Tires; Propane tanks and Refrigerators.

We are also limiting Station hours to the County required two days per week. I will be submitting a revised Plan of Operations to your department.

Given the County's refusal to participate in this solid waste system or to fulfill its legal mandates, I do not foresee operating the Transfer Station past October 31<sup>st</sup>, 2008. We will be required to remove all Station improvements from the site. When we vacate the property, this site will no longer meet the Minimal Functional Standards required for a Solid Waste Operating Permit. It will take several months for the County to rebuild the facility to a point where it could legally accept solid waste.

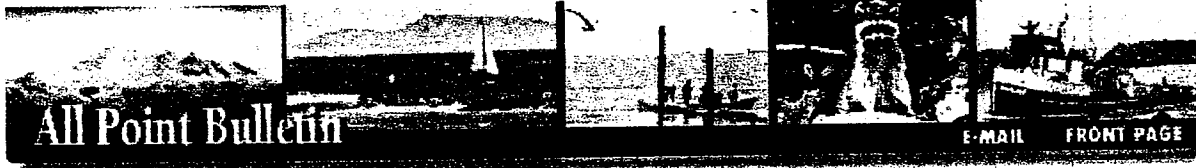
The County Health Department should prepare for the environmental repercussions in Point Roberts of no garbage collection for any households or businesses, and no operating transfer station.

Sincerely,



Arthur Wilkowski  
Owner/ Operator  
Cc: Whatcom County Council, Executive,  
Peter Christianson, Dept of Ecology  
WUTC

<b>WUTC Class A &amp; B Solid Waste Collection Companies Annual Report</b>						
	2005(a)	2005(b)	2006(a)	2006(b)	2007(a)	2007(b)
<b>1</b>	<b>Points Recycling &amp; Refuse</b>					
<b>2</b>		340		335		335
<b>3</b>		\$ 21,611		\$ 21,871		\$ 21,851
<b>4</b>						
<b>5</b>						
<b>6</b>						
<b>7</b>						
<b>8</b>						
<b>9</b>						
<b>10</b>						
<b>11</b>	Recycling Disposal Company: Metro Materials Recovery					
<b>12</b>						
<b>13</b>	<b>Blaine Bay Refuse</b>					
<b>14</b>		2593		2996		2937
<b>15</b>		\$ 88,681		\$ 102,243		\$ 106,308
<b>16</b>						
<b>17</b>						
<b>18</b>						
<b>19</b>						
<b>20</b>						
<b>21</b>						
<b>22</b>						
<b>23</b>						
<b>24</b>						
<b>25</b>	Recycling Disposal Company: NW Recycling					
<b>26</b>						
<b>27</b>	<b>Nooksack Valley Disposal</b>					
<b>28</b>		2209		2240		2264
<b>29</b>		\$ 90,939		\$ 92,641		\$ 91,744
<b>30</b>						
<b>31</b>						
<b>32</b>						
<b>33</b>						
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<b>39</b>						
<b>40</b>						
<b>41</b>						
<b>42</b>						
<b>43</b>	Recycling Disposal Company: Recycling & Disposal Services					
<b>44</b>						
<b>45</b>	<b>Sanitary Services Company</b>					
<b>46</b>		17064		20294		17816
<b>47</b>		\$ 730,425		\$ 955,455		#####
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## 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 Lempere 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.

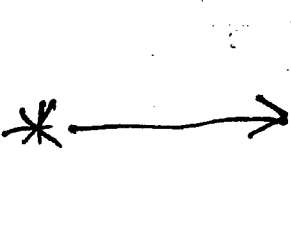
WUTC regulatory analyst Penny Ingram confirmed that Point Recycling and Refuse was the only certificated hauler who can dispose of and collect solid waste in Point Roberts. Recyclable materials can leave the waste stream, as long as they are taken either personally or through a licensed carrier to an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

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**Points Recycling and Refuse  
Annual Report Comparison 2003-2007**

Line No.	Annual report year	2003	2004	2005	2006	2007
1	Date submitted	30-Jun-04	2-May-05	29-Apr-08	29-Apr-08	3-Sep-08
2	Number of drivers	1	2	2	2	2
3	Miles operated	page missing	6,260	6,577	30,105	22,340
4	Fixed assets	122,813.93	122,813.93	236,320.43	259,320.43	259,320.43
5	Proprietor's capital	39,991.72	30,343.67	28,677.39	47,419.81	6,454.18
6	Driver wages and benefit	31,665.78	40,085.26	61,712.00	87,634.07	161,473.32
7	Dereciation	15,140.04	12,494.00	17,218.45	30,035.24	34,088.16
8	Office & administration	72,422.78	52,613.70	53,619.43	39,538.13	41,052.82
9	Revenues	299,407.73	329,695.25	382,259.05	429,366.14	422,331.37
10	Recycling revenues	23,038.61	21,153.31	21,610.76	21,870.79	21,850.79
11	Commodity revenue	0	-1051.77	-3,528.16	-3,146.62	-1,992.95
12	Driver wages	30,218.52	56,431.00	47,678.31	72,426.90	98,232.52
13	No. of employees	1	2	1	2	3
14	Disposal wages	8,443.25	none listed	7,358.25	3,270.00	none listed
15	No. of employees	1	none listed	3	1	none listed
16	Officer salary	47,132.92	54,000.00	59,325.00	70,400.00	78,489.00
17	No. of officers	1	1	2	1	1

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**INSIDE****Recycling pickup service dropped***By Cameron Ellis*

Point Roberts has a new recycling system, if the local garbage hauler has anything to say about it. Others aren't so sure.

Since the end of January, Art Wilkowski, owner of Point Recycling & Refuse, has stopped curbside collection of recycling in favor of a self-haul program in which residents bring their recycling to the transfer station on Johnson Road free of charge.

The engine in the company's lone recycling truck suffered a catastrophic failure and is too expensive to repair, according to Wilkowski. This setback has given Wilkowski the opportunity to introduce the drop-off system, something he's wanted to do for quite some time. Last year he approached the county to request permission to drop the service.

"Everyone's taken care of through this program," said Wilkowski, noting he believes most of his recycling customers are utilizing the self-haul system.

\* →



Wilkowski has no desire to return to the previous system. "It's not economically feasible, given the current rates and customer base. I don't think it's what's best for the customer," he said. Repairs to the recycling truck would cost 60 percent of the service's annual revenue, and user rates would subsequently rise. Wilkowski says a used recycling truck would cost well over \$50,000 which is out of reach given the revenues from the recycling program.

The Whatcom County Solid Waste Division has taken exception to the new process. The county issued a news release stating Wilkowski has 60 days from February 11 to comply with county regulations that require solid waste carriers to provide a curbside program for recycling.

It remains unclear what will happen after 60 days, but it is clear that the county is not happy with the current state of affairs.

"One of two things is going to happen; we can hire someone else to manage it [recycling], or the county council will make a decision. The county council hasn't said anything yet," said Penni Lemperes of the Whatcom County Public Works Solid Waste Division.

(Cameron Ellis, a Blaine high school senior and local resident, is interning this spring at the All Point Bulletin.)