

Point Recycling and Refuse

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Whatcom County Council
Suite 105
311 Grand Avenue
Bellingham, WA 98225

Dear Council,

I wish to comment on the application by Freedom 2000, L.L.C to provide curbside recycling collection in Point Roberts.

At the public meeting, last August in Point Roberts, David Gellatly, Ron Calder and Brian Calder each adamantly proclaimed their joint affiliation as businessmen and the legality and integrity of their activities. However, as revealed in the September 18th letter from the WUTC, Gellately and the Calders have been operating their companies; J-man Trucking and Light Weight Recyclers, without required State and Federal permits and licenses. Furthermore, they were found by the Whatcom County Health Department to be using the local gravel pit as an un-zoned and un-permitted landfill. They are currently under enforcement or compliance investigation by both the WUTC and the Department of Ecology. For the County Council, this should raise significant questions, if not about the legality of their actions and motivations, then about their fundamental competence as businessmen.

The Freedom 2000 application is incomplete and misleading. It is simply is a couple of guys saying, "I have an old truck parked out in the front yard; I can be a real, reliable and trustworthy business, believe me." There are no actual details of operations; where will they have a legally zoned and permitted office to park their equipment, store recyclables or for customers to visit; where they will take recyclables; who will drive the trucks; what bins they will provide. Where is the assurance that they can and will do what they promise?

The application also lacks any fundamental business plan, projected customers, operating costs or revenues. There is no determination if the proposal is actually feasible or if it won't just fall apart within a few months. If a business couldn't go to a bank and get a loan on a business model, why would the County or the WUTC support a proposal based on so little information or analysis.

The Freedom 2000 application will not solve the problem and will not work. The County needs to understand the legal structures of solid waste systems. Curbside recycling collection can only successfully be implemented in two ways; either provided by the Certificated Garbage Collector Point Recycling and Refuse (PRR) or by the County issuing a bid and contracting for service. If the County contracts for recycling collection, then PRR would be required to provide the recycling collector with a list of garbage customers qualifying for recycling collection.

PRR would also be required to include in the garbage bill, the contracted recycling fee (plus a WUTC determined processing fee), which would be remitted to the County to pay the contractor. As a stand alone Certificated Recycling Only Collector, Freedom 2000 would have to bill each customer directly but PRR is prohibited by law from providing customer information to Freedom 2000. Curbside recycling collection would then be an optional service, disconnected from garbage collection. This limitation of legal structures is why no other stand alone "recycling only certificates" exist; why the WUTC has not granted one; and why they would not grant one in the future. It simply is not the right legal and structural method to create a viable and sustainable curbside recycling system.

There is also the question if a curbside recycling program is even needed or wanted by the majority of Point Roberts households. With the old program, only 340 households out of over 2,000 actually chose to use the program when it was mandated as part of garbage service. The program failed to meet recycling goals and needs because less than 17% of the households used it.

All recycling customers had the formal opportunity to comment to the WUTC about the service, only a handful wanted the program restarted but many more wanted free self-haul instead. There is no significant public demand for curbside recycling. The community needs are being met through free self-haul recycling; as is done in many small communities throughout the state. There are a handful of people actively campaigning for curbside recycling but it is obvious that they are working for personal political reasons, not it the public good.

If Freedom 2000 is granted a Certificate for recycling collection, how many customers will they have? There were 340 original recycling customers paying \$5.21 per month required with their garbage service. Hundreds of those same customers are happy with free self-haul. How many people will then sign up for optional recycling collection that increases to \$7.00 per month when they could self-haul for free? I would expect Freedom 2000 to have only a handful of customers, far less than is necessary to fund the program. The only way to make a curbside recycling program work would be to remove and prohibit free self-haul recycling; it is either one way or the other. Does the County want to tell hundred of happy self-haulers that they must now pay for curbside recycling?

The Freedom 2000 application does not solve the problem of recycling in Point Roberts. It also does not relieve the County of the fundamental obligation to assess the true needs and economic parameters of the system. The County has the responsibility to understand the legal structures of solid waste systems and to develop a professional, reasonable, sustainable and planned system for Point Roberts. The County should continue to develop a practical long-term solution that everyone is confident will work.

Each Council Member should consider these questions:

- Do you have complete confidence and trust in the applicants as competent and honest businessmen?
- Do you think that Freedom 2000 is a viable business plan and model?
- Do you understand the legal, structural and economic impacts of the Freedom 2000 application?
- Does the County have an accurate understanding of the Point Roberts issues and the need, if any, for curbside recycling?
- Do you believe that this will be a successful answer to the Point Roberts problem?
- Do you think that given time, the County can develop its own functional plan for the Point Roberts system?
- Does the County want to examine other options, including making self-haul recycling permanent or contracting for recycling collection?

I will be filing a petition myself against the Freedom 2000 application. That action will send the application to hearing and closer examination by the WUTC staff. This is a long legal process. Instead of supporting or opposing the Freedom 2000 application, the County should notify the WUTC that more information and details are required. The County should Petition to Intervene in the case under WAC 480-07-355. This would allow the County to continue developing its own solution while participating in the exploration of the Freedom 2000 application and the applicants other affiliated business activities.

Sincerely,

Arthur Wilkowski
Point Recycling and Refuse

Cc: County Executive
County Solid Waste
WUTC
Ecology