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BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

In re the Matter of Determining the Proper  
Carrier Classification of

Docket No.: TG-072226

GLACIER RECYCLE, LLC; HUNGRY  
BUZZARD RECOVERY, LLC; AND T&T  
RECOVERY, INC.

MEMORANDUM IN RESPONSE TO  
PETITIONS TO INTERVENE

**I. INTRODUCTION AND REQUEST FOR RELIEF**

Glacier Recycle, LLC, Hungry Buzzard Recovery, LLC, and T&T Recovery, Inc., by and through their counsel of record, submit this memorandum in opposition to the Petitions to Intervene filed in the above-captioned matter by the Washington Refuse and Recycling Association (“WRRRA”), Murrey’s Disposal Company, Inc. (“Murrey’s”), Island Disposal, Inc. (“Island Disposal”), Waste Connections of Washington, Inc. (“WCW”), Lynnwood Disposal d/b/a Allied Waste of Lynnwood (“Lynnwood Disposal”), and Eastside Disposal d/b/a Allied Waste of Bellevue (“Eastside Disposal”) (collectively, “Petitioners”).

The Petitions should be denied, because the Petitioners fail to articulate a substantial interest in these proceedings, and fail to demonstrate that intervention would be in the public interest.

**II. STATEMENT OF RELEVANT FACTS**

On December 28, 2007, the Washington Utilities and Transportation Commission (WUTC) instituted a special proceeding with respect to Glacier Recycle, LLC, Hungry Buzzard

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1 Recovery, LLC, and T&T Recovery, Inc.'s transportation of construction, demolition and land  
2 clearing ("CDL") waste to a Weyerhaeuser facility in Longview, Washington. *See generally,*  
3 *Order Instituting Special Proceeding*, ¶ 5.

4 On or about January 4, 2008, the WRRRA filed its Petition to Intervene in the above-  
5 captioned proceedings ("WRRRA Petition"). The stated basis for the WRRRA's Petition is as  
6 follows:

7 WRRRA is a trade association representing over 30 solid waste haulers in  
8 Washington state. As such, it has taken part as a party or intervenor in  
9 virtually every WUTC hearing regarding solid waste since the inception of  
10 regulation of solid waste. Matters involving regulation of the solid waste  
industry are of interest to the members of the WRRRA [...]. The issue  
herein, i.e., the alleged unlawful transportation and disposal of solid waste,  
is of vital importance to the WRRRA's members.

11 *WRRRA Petition*, ¶ 2. The WRRRA further states that it does not intend to broaden the issues in  
12 this matter, and that its position with respect to said issues are "that expressed by the  
13 Commission in its Order Instituting Special Proceeding herein." *WRRRA Petition*, ¶¶ 4-5.

14 On or about January 18, 2008, Murrey's, Island Disposal, WCW, Lynnwood Disposal  
15 and Eastside Disposal collectively filed a Petition to Intervene in the above-captioned  
16 proceedings ("Murrey Petition"). The stated basis for the Murrey Petition is that the petitioners  
17 "have a direct interest in the subject matter raised by the Notice and Order filed by the  
18 Commission, particularly with respect to the issue of whether the ongoing operations of the  
19 Respondents violate RCW 81.77.040 and WAC 480-70-081." *Murrey Petition*, 2. The Murrey  
20 Petition further asserts that the petitioners "have a direct stake in the outcome of any  
21 Commission ruling in this matter."<sup>1</sup> *Murrey Petition*, 2. Finally, the Murrey Petition alleges that  
22 the Commission's "belief and allegations regarding Respondents' ongoing activities...are  
23 accurate in fact and under law." *Murrey Petition*, 2.

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<sup>1</sup> The Murrey Petition does not expressly state whether the petitioners intend to broaden the  
issues in these proceedings, as is required by WAC 480-07-355(1)(c)(iv).



1 these proceedings—Glacier Recycle, LLC, Hungry Buzzard Recovery, LLC, and T&T  
2 Recovery, Inc.’s transportation of CDL waste to a Weyerhaeuser facility in Longview,  
3 Washington. *See generally, Order Instituting Special Proceeding*, ¶ 5.

4 Because the WRRRA and Murrey Petitions fail to articulate any substantial interest in  
5 these proceedings, they should be denied.<sup>3</sup>

6 Assuming *arguendo* that the Petitioners had articulated a substantial interest in these  
7 proceedings, the Petitions should nevertheless be denied because they cannot demonstrate that  
8 intervention is in the public interest.

9 The Petitioners do not allege that their interests (or those of the public) will not be  
10 adequately articulated and/or represented by the WUTC. To the contrary, the WRRRA  
11 affirmatively alleges that its position with respect to the matters at issue is the same as that of the  
12 WUTC, the very agency charged with protecting the public’s interest with respect to the  
13 “transportation and disposal of solid waste.” *WRRRA Petition*, ¶ 5. Similarly, the Murrey Petition  
14 alleges that the Commission’s “belief and allegations regarding Respondents’ ongoing  
15 activities...are accurate in fact and under law.” *Murrey Petition*, 2. Thus, by their own  
16 admission, the Petitioners merely intend to adopt the position of the WUTC as their own, and  
17 have no intent to broaden the scope of the matters at issue. There is thus no basis to conclude  
18 that intervention by the Petitioners in these proceedings would serve the public interest.

19 In short, the WRRRA and Murrey Petitions do not articulate any substantial interest in  
20 these proceedings such as would justify intervention, much less how Petitioners’ participation in  
21 these proceedings would serve the public interest. The WRRRA and Murrey Petitions should be  
22 denied.

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25 <sup>3</sup> Similarly, the WRRRA’s suggestion that intervention is justified because it has participated “in  
26 virtually every WUTC hearing regarding solid waste since the inception of regulation of solid  
waste” is without merit. The WRRRA must articulate some justification for intervention that is  
specific to these proceedings, not merely a pattern of participation in other administrative  
proceedings. WAC 480-07-355(3).


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**VI. CONCLUSION**

For the foregoing reasons, the WRRRA and Murrey Petitions to Intervene should be denied. In the alternative, the Petitioners' participation in these proceedings should be limited in accordance with RCW 34.05.443(2)(a)-(b).

DATED this 22nd day of January, 2008.

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