



WasteXpress Application for Certificate
Revised November 4, 2020

621 Woodland Square Loop SE
Lacey, WA 98503
P.O. Box 47250
Olympia, WA 98504-7250
Phone: 360-664-1222
Email: transportation@utc.wa.gov

Section 2 – Industry Questionnaire Continued

3. Please describe the territory in which you wish to operate, include the name, address, and county for disposal of waste and the name, address and county where residential recycling materials will be delivered (NOTE: territory must be described using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries or other geographic description).

International Resource Management, Inc. dba WasteXpress requests a certificate of public convenience and necessity authorizing it to operate as a specialized solid waste collection company (as a Class C company) throughout the State of Washington. Commodity to be hauled: Hazardous waste; Dangerous waste; Special waste (e.g. any solid waste that requires additional processing, special handling, special packaging, special transportation and/or additional disposal techniques due to its quantity, concentration, physical or chemical characteristics or biological properties); and Other solid waste that is not hazardous, dangerous or special, excepting (a) Non-hazardous solid waste from residential customers; (b) Municipal solid waste (e.g., garbage or putrescible wet waste) and (c) Biomedical or Biohazardous waste (e.g., infectious or red bag waste). Dropbox service may be provided for Hazardous, Dangerous and/or Special Waste only.

Attach a map that meets the requirements of [WAC 480-70-056](#) and clearly shows the territory described above.

4. State below the conditions that justify granting your application. If you are applying for temporary certificate authority, be sure your statement addresses and support the question of “immediate and urgent need.”

See Attached Response to Questions dated November 4, 2020.

5. Please tell us about your experience and knowledge of transportation or solid waste, including knowledge of motor carrier driver and equipment safety requirements:

See Attached Response to Questions dated November 4, 2020.

6. Have you or your company ever been cited for business-related violations of state laws or commission rules by the commission or any other federal or state agency? No Yes If yes, please explain:

See Attached Response to Questions dated November 4, 2020

RESPONSE TO QUESTIONS
WasteXpress Application for Certificate to Operate
As a Solid Waste Collection Company

- 4. State below the conditions that justify granting your application. If you are applying for temporary certificate authority, be sure your statement addresses and support the question of “immediate and urgent need.”**

WasteXpress requests non-exclusive authority to collect solid wastes as described in Section 3 of its Application (revised 27OCT20) from commercial and industrial generators throughout the State of Washington. Washington generators (both industrial and commercial) benefit from competition in the market for hazardous, dangerous and special waste collection services for reasons similar to those advanced by the Washington Utilities and Transportation Commission in the matter of Stericycle of Washington, Inc. v. Washington UTC and Waste Management of Washington, Inc., 190 Wn App 74 (Wash. Ct. App. 2015) (relating to collection of biomedical waste). If collection of biomedical waste is “highly specialized”, collection of hazardous, dangerous and special wastes is even more so in that the regulatory environment (state and federal) is perhaps the most complicated of any environmental concern and the very broad range of potential hazards implicated require that equipment be maintained well and that operators be highly trained and continually qualified.

Beyond the benefits of competition there is the imperative of redundancy in the marketplace. Unlike common refuse, commercial and industrial hazardous, dangerous and special wastes are subject to strict limits on amounts and time in storage at generators’ (customers’) facilities. WasteXpress provides individualized quality waste management services directly to small and medium size businesses that typically get poor service from large, vertically integrated disposal companies. WasteXpress focuses its services on businesses that don’t have the time, storage space, or environmental expertise to appropriately manage their waste or which need highly customized, specific and comprehensive disposal services. Smaller businesses need a comprehensive waste collection company that can provide the specialized service they require, is immediately responsive to their particular needs and does not treat them as less valuable or less important than larger customers.

WasteXpress generally hauls specific waste products for specific customers, provides only on-call or nonscheduled service, and provides accessorial services not normally provided by traditional solid waste collection companies. WasteXpress does not pick up solid waste on a daily, weekly or other regular basis (although some customers may be “due” a pickup periodically depending on their manufacturing schedules and regulatory time-limits for onsite waste storage). Generally, WasteXpress’ customers will call WasteXpress to arrange for service as needed, or WasteXpress sales staff will periodically call the customer to ask if service is required. WasteXpress does not provide “curbside” service.

As a “specialized solid waste collection company” collecting hazardous, dangerous and special wastes, WasteXpress (in compliance with extensive state and federal regulations) must

complete a number of profiling tasks before (and to a lesser extent after) collecting waste which are ultimately determinative of the unique (or specific) fee charged to manage the waste.

When WasteXpress receives a call from a customer to manage its “waste”, WasteXpress must first consider a variety of factors to determine whether that “waste” is actually a “solid waste” as the term “solid waste” is defined in State and Federal dangerous and hazardous waste regulations and, if so, how that “waste” must be managed in accordance with state and federal regulations. These factors include:

- a. The process by which the secondary material (the “waste”) is generated (which may determine, for instance, whether the “waste” can be alternatively managed as a used oil or otherwise recycled);
- b. The composition of the waste, including particularly the presence and concentration of any hazardous and/or toxic constituents (such as dioxins, PCBs, pesticides, etc.), halogen content, metals content, and hydrocarbon content;
- c. The characteristics of the waste (i.e., flammability, ignitability, corrosivity, toxicity, and/or reactivity);
- d. The material phase of the waste (e.g., liquid, solid, gaseous or multi-phase);
- e. The heating (BTU) value of the waste;
- f. The waste’s specific gravity;
- g. Packaging integrity and compatibility;
- h. The rate of waste generation and how much is being stored over time;
- i. The amount (volume, weight and number of containers) shipped for this particular service call;
- j. Transportation needs and geographical location of the generator;
- k. Specific needs of the generator (must be landfilled, incinerated, treated, etc.).

Occasionally, profiling information can be obtained over the telephone but most of the time a WasteXpress representative must visit the generator’s site to perform some basic testing to determine characteristics, take samples for analysis, inventory and confirm quantities generated, obtain Material Safety Data Sheets and any previous analytical results, inspect containers, and to educate the generator and ensure that its representatives are familiar with applicable law and are aware of their company’s responsibilities. During the site visit

WasteXpress representatives may provide the generator with accessorial consulting services such as suggesting to the generator how it might reduce its waste volumes, how it should store and label its wastes, and other good housekeeping practices.

One aspect of the initial profiling phase is determining both the classification of the waste (e.g., hazardous, dangerous, special or other) and of the generator (e.g., large quantity generator, small quantity generator, exempt generator, etc.) These classifications will determine how each waste must be managed.

The initial task in all proper waste transport, as required by U.S.E.P.A. and Washington Department of Ecology rules, is to determine whether the waste is hazardous, dangerous, special or non-regulated. WasteXpress confirms, and in most cases assists generators in making, a determination for every waste shipment. This is an important service for WasteXpress' customers but it is also critically important to WasteXpress because of the "strict liability" imposed on transporters who transport hazardous waste without the required Uniform Hazardous Waste Manifest.

WasteXpress must also determine the regulatory status of the generator (e.g., large quantity generator, small quantity generator, conditionally exempt or very small quantity generator) each time a request is made to pick up waste. Each determination is highly specific to each customer – even involving review of the manufacturing process from which the waste derives – and may change for each customer based on timing and amount of waste generation. In Washington, if the generator generates less than 220 pounds of hazardous / dangerous waste per month, it and its waste may be "conditionally exempt" from most of the hazardous / dangerous waste regulations (assuming the generator ensures delivery to an appropriate offsite disposal facility).

Importantly, from a transportation perspective, "conditionally exempt" hazardous / dangerous waste may be shipped on a Bill of Lading (as may special waste) as opposed to on the Uniform Hazardous Waste Manifest ("UHWL") required of other hazardous / dangerous waste shipments. Waste profiling allows WasteXpress to comply with all U.S. Department of Transportation rules including determining for each individual shipment applicable DOT hazard class, packaging requirements, shipping document requirements, placarding requirements and that all lids and caps have been tightened to specification.

Because WasteXpress does not operate a "final disposal facility" and is viewed instead as a "broker" of disposal services by end facilities, once profiling is complete, as documented in a completed "Request for Waste Profiling and Disposal" form, the profile is then shared with one or more final disposal facilities to confirm that the designated disposal facility can accept the waste and to determine how the waste will be managed (i.e., by placement in a landfill, by incineration, by burning for energy recovery, by treatment in an industrial wastewater treatment unit, etc.) Only then will WasteXpress receive a confirmed price quote from the treatment or disposal facility for each particular generator's waste.

With a quote for treatment or disposal in hand WasteXpress can complete a Quotation / Authority to Proceed with Work form which then and only then can be issued to the generator. The "Unit Price" quoted will be based on such factors as:

- a. The characteristics of the waste and any health and safety concerns;
- b. The volume of waste to be collected;
- c. The geographic location of the generator relative to WasteXpress' transfer facility, the designated final disposal site, and/or other generators (if the pickup can be coordinated among several generators);
- d. Labor requirements for repacking, consolidating waste on-site, or other transportation issues;
- e. In-transit hazardous materials segregation issues;
- f. Provision of supplies such as drums, labels, expendables, etc.;
- g. Any fees and/or costs that have been incurred with the initial profiling phase;
and
- h. Treatment or disposal costs charged to WasteXpress by the final disposal facility.

WasteXpress provides and may charge generators as separate line items for the following accessorial services:

- a. Onsite cleanup of leaks, spills or other operational releases of hazardous substances;
- b. Cleaning of industrial equipment and manufacturing areas;
- c. Waste sampling and analysis;
- d. Preparation of Uniform Hazardous Waste Manifests, Bills of Lading or other required transportation documentation;
- e. Lab packing or other onsite bulking;
- f. Site audits for compliance with storage and handling regulations;
- g. Regulatory training required by the Washington Department of Transportation and Department of Ecology;

- h. Compliance assistance with safety and health regulations;
- i. Identification and provision of waste-specific containers and labeling; and
- j. General environmental consulting.

The quote/work order is delivered to the generator who will either accept or reject the proposal, further negotiate prices or request to amend the services offered. If the work order is accepted the work will be scheduled and a technician or crew will be dispatched to the generator's facility. The WasteXpress technician or crew will inspect all waste containers, collect and load them onto a WasteXpress truck, and transport the wastes to the designated treatment or disposal facility or to WasteXpress' transfer facility in Portland, Oregon.

Once the wastes are received at the WasteXpress transfer facility, the containers are reinspected, their contents confirmed, and any irregularities are noted. Non-conforming shipments may lead to additional charges. If the generator disagrees with the amended charges, the wastes will be returned to the generator without any charges. Unless they are carried directly to a treatment or disposal facility or to another transfer facility, most wastes will be held at the WasteXpress transfer facility in Portland, Oregon for ten or fewer days before being shipped to the designated final treatment or disposal facility. Some wastes not hazardous or dangerous may be held for longer periods, or may be held for aggregation with similar wastes subject to authority granted by the Oregon Department of Environmental Quality in Solid Waste Disposal Permit #1565 issued to International Resource Management, Inc. dba WasteXpress.

5. Please tell us about your experience and knowledge of transportation or solid waste, including knowledge of motor carrier driver and equipment safety requirements.

International Resource Management, Inc. (Oregon business registration #178287-81) dba WasteXpress is a licensed hazardous materials transporter (USDOT #881002). WasteXpress' USEPA Identification Number is ORQ000023150. The WasteXpress aggregation and transfer facility in Portland, Oregon operates as a Transfer Station in accordance with ODEQ Solid Waste Disposal Permit #1565, site number 78960.

WasteXpress has been in business since 1989. The company's founder Arthur Marx continues to oversee WasteXpress operations with the assistance of long-time employee (and minority owner) Jeremy Komp. WasteXpress currently has 16 employees working in Washington and Oregon as drivers with a total of eight trucks and three trailers, as operators at WasteXpress' aggregation and transfer facility in Portland, Oregon, and as management at its Portland, Oregon headquarters and its satellite office in Tacoma, Washington. (The Tacoma office does not operate as an aggregation or transfer facility.)

WASTEXPRESS SENIOR PROJECT MANAGERS

Arthur Marx
40 hour Hazwopper trainer
DOT trainer
Registered Contractor
CPR Certification

Mr. Marx has nearly 40 years of experience working in industrial environments with over 30 years specifically in the environmental, hazmat and waste transportation and disposal business. He started his working career with Burlington Northern Railroad in 1982 where he managed train derailments and hazmat cleanups. He then held the position of Environmental Engineer for Lafser and Schrieber Engineering, managed a hazardous waste treatment plant and held the position of VP of Sales and Transportation for Riedel Environmental, VP of Operations for Environmental Management Resources, Inc., and Account rep for Philip Environmental. He's been with WasteXpress for 25 years and has helped develop WasteXpress into a very efficient and responsive Northwest remediation and waste management firm. His expertise is in RCRA (hazardous waste disposal regulations), DOT hazmat regulations and site cleanup.

Jeremy Komp
40 hour Hazwopper Certification
Commercial Driver's License (CDL)
Blood Born Pathogen Training
CPR Certification

Mr. Komp started his working career with the United States Marine Corps. where he developed solid leadership skills and was promoted to rank of Sergeant managing a 22 person platoon. He then worked for the State of Oregon as a corrections officer where he gained experience with laws, regulations and procedures, how to manage difficult situations and people, and with creating a positive work and living environment. He started at WasteXpress in 2004 as a field tech and hazardous waste driver where he performed all waste management functions that WasteXpress is engaged. He currently coordinates all waste transportation and field work activities, works closely with all WasteXpress customers to fulfill their needs and interfaces with Project Managers to complete waste identification, regulatory compliance, waste profiling, waste manifesting and disposal. Mr. Komp also establishes and manages an extensive subcontractor and vendor network for WasteXpress.

WASTEXPRESS TECHNICAL STAFF

WasteXpress employees follow strict health and safety protocols when handling waste (unloading, loading, sorting, bulking, packing, shipping, etc.) per the facility's Health and Safety Plan. The following training is required of all employees who handle waste:

- OSHA Hazard Communication Standard (29 CFR 1910.1200(g));
- OSHA HazMat School (29 CFR 1910.134);
- OSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) (29 CFR 1910.120(a));
- USEPA Basic Resource Conservation and Recovery Act (40 CFR Parts 260 through 265);
- DOT Hazardous Materials Transportation (49 CFR Part 172, Subpart H);
- WasteXpress Operations Training (equipment operation, Oregon DEQ approved Operations Plan, general safety).
- All WasteXpress environmental technicians possess a Commercial Driver's License (CDL) and have passed a rigorous DOT background and security check with no criminal records. Several drivers possess the Transportation Worker Identification Credential (TWIC).

EQUIPMENT

WasteXpress possess a variety of equipment that is regularly used on waste management and cleanup projects. Below is a sample of available equipment:

- Flatbed trucks
- Box trucks
- Vacuum tanker
- Pumps & hoses
- Excavator

- Dump Truck
- Hand tools
- PID hazardous vapor meters
- Personal Protective Equipment (PPE)
- Containment boom
- Miscellaneous expendables and supplies

6. Have you or your company ever been cited for business-related violations of state laws or commission rules by the commission or any other federal or state agency?

The Washington Utilities and Transportation Commission filed a Complaint against WasteXpress on June 12, 2020 (docket # TG-200131) alleging that WasteXpress is required to operate subject to a certificate. WasteXpress denies that a certificate is required to collect solid waste from industrial customers. Nevertheless, by this application, WasteXpress requests authority to collect solid waste from commercial and industrial customers without compromise or waiver of defenses advanced in its Answer.

In 2014 the Oregon Department of Environmental Quality alleged that International Resource Management Inc. had or was “Establishing or operating a disposal site without first obtaining a registration or permit; Operating a hazardous waste treatment, storage or disposal facility (TSD) without first obtaining a permit or without having interim status”. DEQ had determined that IRM’s transfer facility in Portland, Oregon, which operates as transfer facility under state and federal rules, needed to operate in accordance with a state issued “Solid Waste Disposal Permit” to the extent that it aggregates Conditionally Exempt Small Quantity Generator (“CESQG”) hazardous waste at the transfer facility. The penalty was mitigated when IRM entered into a Mutually Agreed Order authorizing IRM to aggregate CESQG hazardous waste pending issuance of a permit. Oregon DEQ SWDP #1565 was issued to IRM on Feb. 20, 2018.

In 2017 the Oregon Department of Environmental Quality alleged that International Resource Management Inc. had transported hazardous waste without a Uniform Hazardous Waste Manifest in two separate instances. In both instances ODEQ alleged that IRM was “strictly liable” (without fault) under the Resource Conservation and Recovery Act. IRM responds that in neither instance did transport of the material require a UHWM. In one instance, the material transported was a “used oil” exempt from the requirement of transport under a UHWM. In the other instance the material was not a solid waste because the material (used Isopropyl Alcohol) was not a “spent” material and had not been discarded. IRM disputes DEQ’s claims and has contested the penalty assessments. This matter has not yet been resolved.



P.O. Box 31100 Portland OR 97231 Call 503-224-3206 Fax 503-228-9168

Request for Waste Profiling and Disposal

Job#: _____

Company/Generator Name: _____ 0

Business Address: _____ 0

Telephone Number: _____ 0 Contact Person: _____ 0

EPA ID: VSQG

Waste Name:	Haz & NH waste	Universal waste	Bio Haz
Waste Generating Process:	Inventory cleanout of various chemicals	Inventory cleanout	Accumulating bio waste
Flashpoint:	See LP inventory	N/A	N/A
pH:	See LP inventory	N/A	N/A
Heavy Metals:	See LP inventory	N/A	N/A
RCRA VOC's:	See LP inventory	N/A	N/A
Viscosity:	See LP inventory	N/A	Solid
Chemical Composition:	See LP inventory	Universal waste 100%	Bio Hazardous 100% including: sharp in puncture proof containers, blood contaminated debris (no free liquids).
Analytical or msds on file:	no	no	no
Hazardous Waste:	See LP inventory	no	no
Waste Codes:	See LP inventory	none	no
Proposed Facilities:	IRM	IRM	IRM
Profile Number:	IRM-1	IRM-URT	IRM-1

II. CEG Certification (sign if applicable)

State and Federal hazardous waste regulations define a Conditionally Exempt Generator (CEG) as a hazardous waste generator that generates, in one month, no more than 100 kilograms (220 pounds or approximately 25 gals) of hazardous waste, 2.2 pounds of acutely hazardous waste, or 220 pounds of spill cleanup debris containing hazardous waste. Additionally, to be a Conditionally Exempt Generator a generator must not at any time accumulate more than 2200 pounds (approximately 250 gals) of hazardous waste on site. Generators that do not meet these requirements are no longer defined as Conditionally Exempt Generators and must comply with regulations for small quantity or large quantity generators.

Under penalty of law and for the purposes of receiving the benefits of WasteXpress's Conditionally Exempt Generator hazardous waste collection service, I certify my organization complies with all requirements for conditionally exempt generator status. I understand that only the types and quantities of waste(s) listed on the Work Order/Quote and approved by WasteXpress may be disposed through this service. Additionally, I acknowledge CEG waste being shipped to the International Resource Management will be repackaged, consolidated and shipped on a manifest along with other CEG generators to a permitted recycler, subtitle C/D landfill or TSDF per the 40 CFR for proper reclamation or waste disposal.

Signature _____ Date _____

I hereby certify that all information submitted above and attached contains true and accurate descriptions of this waste. I hereby authorize WasteXpress to proceed with submitting waste profiles, wastestream surveys and or waste approval forms on my behalf to secure necessary approvals to dispose of this waste at a hazardous waste treatment, storage, disposal facility (TSDF) or other facility that is permitted and able to manage this waste. This authorization does not obligate me in any way to direct any volume of this waste to any disposal at this time, but may be decided once waste disposal approval has been obtained. I agree to notify WasteXpress if there is any change in the waste stream information as submitted for approval. I also certify that if waste samples were obtained, they were collected according to EPA acceptable methods and the sample(s) were analyzed by a qualified certified laboratory and that the appropriate chain of custody was used.

Signature _____ Date _____

Printed Name _____ Title _____



P.O. Box 31100 Portland OR 97231 Call 503-224-3206 Fax 503-228-9168

Quotation/Authority to Proceed with Work

WXP Job#: _____

Attention: _____ **From:** _____ **Date:** _____
Company: _____ **eMail:** _____ **Mobile:** _____
Job Site: _____ **Phone:** _____
Work: _____

Item	Unit Price	Unit	Estimated Quantity	Total		Actual Quantity	Total Actual
				Estimated	Actual		
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -
_____	_____	Per X	_____	= \$ -	X	_____	\$ -

Customer PO#: _____ **Estimated Total Charges:** \$ _____ - _____
 COD?: Yes No Project/Pickup scheduled for: _____

Work Details

Package and Ship materials according to hazard class

General Assumptions

Pricing terms are time and materials. Actual quantities and unit prices may vary depending on our inspection of each container and materials encountered onsite. Analytical results may be unexpectedly required and may change pickup schedules as well as disposal and other costs. Final transportation and disposal pricing is pending end facility approval. Charges are based on performing all work priced. Pricing assumes drums are UN rated and in shippable condition. Rusty or damaged containers may require additional time, material, and disposal/recycling costs to handle. Assumes the work will proceed unimpeded through to successful completion.

Terms and Conditions

Please sign below authorizing WasteXpress to proceed with the work as described above. Client agrees to pay the fee, price or rate given for the work indicated. Actual charges will depend on actual amounts of waste managed and time expended. Client agrees to hold harmless and indemnify WasteXpress for all damages, costs, or penalties in connection with WasteXpress' services except as caused solely by WasteXpress. Please sign and return by email to your WasteXpress contact or to info@wastex.com. Sales, waste, and other taxes are not included. Credit card fee: 2.75%. Payment terms are net 30 days. Interest will be charged at 1.5% per month or the maximum allowed by law for all past due amounts. Thank you for your business.

Bill To: _____

Signature: _____ **Date:** _____