

BEFORE THE WASHINGTON STATE UTILITIES  
AND TRANSPORTATION COMMISSION

In re the Application of

PNW Composts, Inc.  
for a permanent solid waste certificate.

Docket No. TG-230798

PROTEST OF WASTE CONNECTIONS  
OF WASHINGTON, INC. AND WASTE  
CONTROL, INC. TO THE SOLID WASTE  
CERTIFICATE APPLICATION OF PNW  
COMPOSTS, INC.

1. COMES NOW, WASTE CONNECTIONS, INC. (“Waste Connections”), Certificate G-253 and WASTE CONTROL, INC. (“Waste Control”), Certificate G-101 or “Protestants,” by and through their counsel, David W. Wiley and Sean D. Leake of Williams, Kastner & Gibbs PLLC, 601 Union Street, Suite 4100, Seattle, Washington, 98101, (206) 658-6600, and pursuant to WAC 480-70-106(2), protest the above-entitled solid waste certificate application which seeks authority for:

Food scrap collection service in Clark County Washington. Service areas will initially include Washougal, Camas, & Vancouver Washington (Vancouver, Hazel Dell, Five Corners, Mt. Vista, Orchards, Salmon Creek, Barberton, Felida, Mill Plain, Lake Shore, & Minnehaha) Food scrap collection service in Cowlitz County Washington. Service areas will initially include Longview, Castle Rock & Kalama.

This protest is submitted on the following grounds:

PROTEST OF WASTE CONNECTIONS OF WASHINGTON, INC.  
AND WASTE CONTROL, INC. TO THE SOLID WASTE  
CERTIFICATE APPLICATION OF PNW COMPOSTS, INC. - 1

**Williams, Kastner & Gibbs PLLC**  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
(206) 628-6600

I.

2. Waste Connections is the holder and operator of Solid Waste Certificate G-253, attached hereto as Exhibit A and Waste Control is the holder and operator of Solid Waste Certificate G-101, attached as Exhibit B. As said exhibits indicate, Protestants currently hold authority in conflict with and which overlap the applied-for solid waste food scrap authority as noted above.

II.

3. Protestants, as the holders of overlapping solid waste certificates, therefore allege they have a direct, cognizable interest in this proceeding adverse to this application, and further allege that the applicant is unable to establish it will provide service to the satisfaction of the Commission, that the applicant is fit, willing and able to provide the proposed service, and/or that the applicant's service is required by the present or future public convenience and necessity, as mandated by RCW 81.77.040.

III.

4. Pursuant to the authority under permanent solid waste certificates, Protestants are ready, willing and able to provide all of the collection and transportation services to the generating public sought by applicant. Protestants have invested millions of dollars in the provision of solid waste service within Clark and Cowlitz Counties. The regulated solid waste collection service proposed by applicant is not required by the public convenience and necessity, is not to Protestants' knowledge a recognized component of the local solid waste management plan adopted in Clark and Cowlitz Counties, and would duplicate and/or increase the cost of offering a broad range of services to all classes of customers by Protestants, and is therefore contrary to the public interest.

IV.

5. Moreover, as alluded to in paragraph II, above, Protestants allege that this applicant cannot establish its fitness to conduct operations, its past or future compliance with Washington law and rule, and/or that its service would be consistent with the public interest or required by the present or future public convenience and necessity under RCW 81.77.040.
6. Protestants testify that they will appear at any hearing on this matter and will present evidence through approximately two witnesses, requiring an estimated hearing time of two to three hours.
7. WHEREFORE, Waste Connections and Waste Control, Protestants herein, pray that their right to participate in the entirety of Application TG-230798 be fully affirmed, are currently unaware of any restrictive amendment which would or could satisfy their interest herein, and therefore ask that Application No. TG-230798 of PNW Composts, Inc be denied in its entirety.

DATED this 16<sup>th</sup> day of October, 2023.

*s/David W. Wiley*

\_\_\_\_\_  
David W. Wiley, WSBA #08614  
Sean D. Leake, WSBA #52658  
WILLIAMS, KASTNER & GIBBS PLLC  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
Telephone: (206) 628-6600  
Fax: (206) 628-6611  
[dwiley@williamskastner.com](mailto:dwiley@williamskastner.com)  
[sleake@williamskastner.com](mailto:sleake@williamskastner.com)

*Attorneys for Protestants Waste Connections of  
Washington, Inc. and Waste Control, Inc.*

PROTEST OF WASTE CONNECTIONS OF WASHINGTON, INC.  
AND WASTE CONTROL, INC. TO THE SOLID WASTE  
CERTIFICATE APPLICATION OF PNW COMPOSTS, INC. - 3

**Williams, Kastner & Gibbs PLLC**  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
(206) 628-6600

**WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION****1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250****OLYMPIA, WA 98504-7250****(360) 664-1222****This certificate authorizes the following operations under the provisions of RCW Title 81:**

WASTE CONNECTIONS OF WASHINGTON, INC.  
 d/b/a WASTE CONNECTIONS  
 9411 NE 94TH  
 VANCOUVER, WA 98662

Cert No.  
 G-253

SOLID WASTE COLLECTION SERVICE in Clark County, EXCLUDING the territory described as follows: Starting at the intersection of the east line of Section 10, T5N, R1E and the Clark-Cowlitz County Line (also the centerline of the Lewis River); thence south along said line extended to the southeast corner of Section 22, T5N, R1E; thence west along the south line of said section extended to the northwest corner of Section 28, T5N, R1E; thence south along the west line of said section to the southwest corner of said section; thence west along the south line of Section 29, T5N, R1E extended to its intersection with the Clark-Cowlitz County Line; thence northerly and easterly along said county line to its intersection with the east line of Section 10, T5N, R1E, the point of beginning.

EXCLUDING the City of Camas as of 9/13/1961.

SOLID WASTE COLLECTION SERVICE in that portion of Cowlitz County described as follows: Starting at the intersection of the west line of Section 27, T6N, R3E and the Clark-Cowlitz County Line; thence north along said line extended to the northwest corner of Section 15, T6N, R3E; thence east along the north line of said section to the northwest corner of Section 13, T6N, R3E; thence north along the west line of said section extended to the northwest corner of Section 24, T7N, R3E; thence east along the north line of said section extended to its intersection with the Cowlitz-Skamania County Line (also the east line of Section 24, T7N, R4E); thence south along said county line to its intersection with the Clark-Cowlitz County Line (also the centerline of the Lewis River); thence westerly and southerly along said county line to its intersection with the west line of Section 27, T6N, R3E, the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Skamania County described as follows: Starting at the southwest corner of Section 7, T5N, R5E; thence north along the west line of said section extended to the northwest corner of Section 19, T7N, R5E; thence east along the north line of said section extended to the northeast corner of Section 24, T7N, R6E; thence south along the east line of said section extended to the southeast corner of Section 12, T5N, R6E; thence west along the south line of said section extended to the southwest corner of Section 7, T5N, R5E, the point of beginning.

TG-020303

06-20-02

WASHINGTON UTILITIES AND TRANSPORTATION  
 COMMISSION



By \_\_\_\_\_

# WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

**This certificate authorizes the following operations under the provisions of RCW Title 81:**

WASTE CONTROL, INC.  
d/b/a WASTE CONTROL  
PO BOX 148  
KELSO, WA 98626

Cert No.  
G-101

SOLID WASTE COLLECTION SERVICE in that portion of Clark County described as follows: Starting at the intersection of the east line of Section 10, T5N, R1E and the Clark-Cowlitz County Line (also the centerline of the Lewis River); thence south along said line extended to the southeast corner of Section 22, T5N, R1E; thence west along the south line of said section extended to the northwest corner of Section 28, T5N, R1E; thence south along the west line of said section to the southwest corner of said section; thence west along the south line of Section 29, T5N, R1E extended to its intersection with the Clark-Cowlitz County Line; thence northerly and easterly along said county line to its intersection with the east line of Section 10, T5N, R1E, the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Cowlitz County described as follows: Starting at the intersection of the Clark-Cowlitz County Line and the Washington-Oregon State Line (also the intersection of the Lewis River extended to the center of the Columbia River); thence northerly and westerly along said state line to its intersection with the Cowlitz-Wahkiakum County Line, (also the west line of Section 17, T8N, R4W); thence north along said county line to its intersection with the Cowlitz-Lewis County Line (also the northwest corner of Section 5, T10N, R4W); thence east along said county line to the northeast corner of Section 4, T10N, R3W; thence south on the east line of said section extended to the southeast corner of Section 9, T10N, R3W; thence east on the south line of said section extended to the southwest corner of Section 11, T10N, R3W; thence north on the west line of said section extended to the northwest corner of Section 2, T10N, R3W; thence east on the north line of said section extended to the northeast corner of Section 1, T10N, R3E; thence south along the east line of said section extended to the northeast corner of Section 1, T9N, R3E; thence east along the north line of said section extended to the northeast corner of Section 1, T9N, R4E; thence south on the east line of said section extended to its intersection with the southeast corner of Section 36, T9N, R4E; thence west along the south line of said section extended to its intersection with the northeast corner of Section 1, T8N, R1E; thence south along the east line of said section extended to its intersection with the northwest corner of Section 18, T6N, R2E; thence east along the north line of said section extended to the northeast corner of Section 16, T6N, R3E; thence south along the east line of said section extended to its intersection with the

WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION



By \_\_\_\_\_

*[Handwritten signature]*

*NOTE: A copy of this permit **MUST** be carried in each vehicle being operated under this authority.*

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

Clark-Cowlitz County Line (also the center of Lake Merwyn and the Lewis River); thence westerly and southerly along said county line to its intersection with the Washington-Oregon State Line, the point of beginning.

REFUSE COLLECTION SERVICE only in that portion of Cowlitz County described as follows:  
Sections 3 and 10, T10N, R3W.

SOLID WASTE COLLECTION SERVICE in that portion of Skamania County described as follows:  
Starting at the northeast corner of Section 4, T9N, R5E; thence south on the east line of said section extended to the southeast corner of Section 33, T9N, R5E; thence west on the south line of said section extended to the southwest corner of Section 31, T9N, R5E; thence north on the west line of said section extended to the northwest corner of Section 6, T9N, R5E; thence east on the north line of said section extended to the northeast corner of Section 4, T9N, R5E, the point of beginning.

TG-020291

08-01-02