

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

MURREY'S DISPOSAL COMPANY, INC.,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC., WASTE
MANAGEMENT DISPOSAL SERVICES OF
OREGON, INC., AND MJ TRUCKING &
CONTRACTING,

Respondents.

DOCKET TG-200650 and
TG-200651 (*Consolidated*)

**DECLARATION OF ERIC EVANS IN
SUPPORT OF RESPONDENTS'
MOTION FOR SUMMARY
JUDGMENT**

MURREY'S DISPOSAL COMPANY, INC.,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC., WASTE
MANAGEMENT DISPOSAL SERVICES OF
OREGON, INC., AND DANIEL ANDERSON
TRUCKING AND EXCAVATION, LLC,

Respondents.

I, Eric Evans, hereby declare:

1. I am over the age of 18 and make this declaration based on personal knowledge.
2. I am the Industrial Account Manager for Waste Management of Washington, Inc. ("WMW"). I have worked for WMW for approximately seven years.
3. Under contract with Kitsap County, WMW operates the Olympic View Transfer Station ("OVTS") outside of Bremerton, Washington. Puget Sound and Pacific Railroad ("PSAP") provides rail car switching services at OVTS, moving rail cars to and from the Kitsap rail siding to the nearby PSAP rail line for onward transportation. I understand that PSAP owns and operates this rail line under the authority of the United States Surface Transportation Board.

4. WMW transloads intermodal containers of solid waste from motor vehicles to rail cars owned by the Union Pacific Railroad (“UPRR”) that are staged on rail siding owned by Kitsap County and located at OVTS. Similarly, North Mason Fiber Co. (“NMF”) owns and operates a facility in Mason County, near Belfair, Washington. NMF transloads intermodal containers of solid waste from motor vehicles to rail cars owned by UPRR that are staged on rail siding owned by NMF and located at the NMF facility.

5. PSAP provides rail car switching services at the NMF facility, whereby PSAP moves rail cars to and from the NMF facility rail siding to the nearby PSAP rail lines. After loaded rail cars are switched to the PSAP rail line from either OVTS or NMF, the UPRR transports the intermodal containers to the Columbia Ridge Landfill.

6. Waste Management Disposal Services of Oregon, Inc. (“WMDSO”) owns and operates the Columbia Ridge Landfill in Arlington, Oregon. The Columbia Ridge Landfill receives solid waste that is delivered by rail by the UPRR from several facilities, including OVTS and NMF.

7. In 2020, Port Townsend Paper Company (“PTP”), a paper mill in Port Townsend, Washington that generates solid waste in the form of old corrugated cardboard rejects (“OCC Rejects”) that are disposed of in a landfill, contacted Waste Management requesting a bid for solid waste transportation and disposal services for its OCC Rejects. I was aware of the 2011 determination by the UTC Commission staff that federal law preempted the regulation of the transportation of containerized solid waste that included a rail leg. In light of that determination, I submitted a proposal for solid waste transportation and disposal services for PTP’s OCC Rejects. PTP accepted Waste Management’s proposal and entered into a contract with WMDSO.

8. That same year, WMDSO entered into a similar contract with McKinley Paper Company (“McKinley Paper”), a paper mill in Port Angeles that generates OCC Rejects that are disposed of in a landfill, to provide solid waste transportation and disposal services.

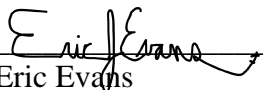
9. WMDSO contracted with Daniel Anderson Trucking & Excavating, LLC (“DAT”) to transport intermodal cargo containers of OCC Rejects from PTP’s Port Townsend facility to either OVTS or NMF commencing in June 2020. Similarly, WMDSO contracted with MJ Trucking & Contracting, Inc. (“MJ Trucking”) to transport intermodal cargo containers of OCC Rejects from McKinley Paper’s Port Angeles facility to either OVTS or NMF. Recently, WMDSO has revised its arrangements with McKinley whereby MJ Trucking also transports intermodal containers of solid waste from McKinley to UPRR’s transload facility located in Seattle, Washington (the “Argo Yard”).

10. Once intermodal cargo containers of OCC Rejects arrive at OVTS, NMF, or the Argo Yard, the containers are loaded onto rail cars for further transportation.

11. Waste Management uses continuous intermodal transportation to transport OCC Rejects from PTP and McKinley Paper that always includes both a rail and a trucking segment. These closed intermodal containers are not unloaded during the continuous intermodal service.

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

EXECUTED this 15th day of March 2021 in Lake Forest Park, Washington.


Eric Evans

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

<p><i>Attorneys for Complainant Murrey's Disposal Co., Inc.</i></p> <p>Blair I. Fassburg, WSBA #41207 David W. Wiley, WSBA #08614 Sean D. Leake, WSBA #52658 WILLIAMS, KASTNER & GIBBS PLLC 601 Union Street, Suite 4100 Seattle, WA 98101-2380 Legal Asst: Maggi Gruber dwiley@williamskastner.com bfassburg@williamskastner.com sleake@williamskastner.com mgruber@williamskastner.com</p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email</p>
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DATED this 16th day of March, 2021.



Sharon K. Hendricks, Legal Assistant
sharonh@summitlaw.com