

October 26, 2009

Secretary
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504

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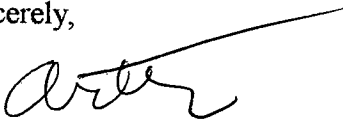
Dear Sir,

I wish to submit the attached documents in reference to the Freedom 2000 (Gellatly/Calder group) Application TG-081576. While this documentation is extensive, I believe that when Commission Staff has reviewed it, they can conclude the following:

1. That the three complainants Shannon Tomsen, Renee Coe, and Shelley Damewood were operating in coordination with the Gellatly/Calder group of Freedom 2000.
2. That the intent of the Complainants actions were to harass Point Recycling and Refuse, to intimidate County and Commission staff and officials, to intimidate citizens in Point Roberts, and to present false and misleading information.
3. That the purpose of these actions were to further business objectives of the Gellatly/Calder group.
4. That Whatcom County had decided prior to the collapse of the curbside recycling system to replace Point Recycling as the operator of the Point Roberts System. That the County deliberately caused the collapse of the system for political objectives.
5. That Whatcom County encouraged the Gellatly/Calder group and the Complainants' actions against Point Recycling and Refuse with the promise of turning the Transfer Station over to the Gellatly/Calder Group.

I believe that with this information, the Commission can conclude that a group who deliberately destroyed solid waste collection for a community fails the fitness test and does not qualify for a Certificate of Public Convenience and Necessity.

Sincerely,



Arthur Wilkowski
218 Elizabeth Drive
Point Roberts, WA 98281

Exhibit List

- PW-1 Letter from PRR to Pete Kremen 12/8/2000
 - PW-2 Letter from PRR to Bob Colbo 12/8/2000
 - PW-3 Letter from PRR to Whatcom County Council 2/18/2000
 - PW-4 SWAC Minutes 1/25/2001
 - PW-5 Conversation with Peter Christensen, DOE 2/14/2001
 - PW-6 WUTC Letter to Pete Kremen 3/5/2001
 - PW-7 WCPW Letter to Gene Eckhardt WUTC 3/13/2001
 - PW-8 PRR Letter to Jeff Monson 1/2006
 - PW-9 PRR Letter to Jeff Monson 2/27/2006
 - PW-10 PRR Letter to Bruce Roll 4/28/06
 - PW-11 Gene Eckhardt WUTC letter to PRR 7/20/06
 - PW-12 WCPW Memo to Barbara Brenner 4/18/07
 - PW-13 SWAC Minutes 4/26/07
 - PW-15 SWAC Minutes 5/24/2007
 - PW-16 Letter from Rodd Pemble SWAC to County Council 6/1/07
 - PW-17 E-Mail from Gene Eckhardt WUTC to Penni Lemperes WCSW 7/10/07
 - PW-18 Letter from PRR to Frank Abart WCPW 8/23/07
 - PW-19 PRR Customer Recycling Survey 4/25/07
 - PW-20 PRR Letter to Penny Lemperes WCSW 1/24/08
 - PW-21 E-Mail From Daniel Gibson to Penni Lemperes 2/6/08
 - PW-22 E-Mail from Daniel Gibson to Frank Abart 2/7/08
 - PW-23 E-Mail from Daniel Gibson to Frank Abart 4/16/08
 - PW-24 Letter from PRR to Frank Abart 5/27/08
 - PW-25 Letter from PRR to WUTC 5/23/08
 - PW-26 Letter from PRR to Peter Christiansen DOE 5/27/08
 - PW-27 E-mail from Stephanie Draper to Frank Abart 7/15/08
 - PW-28 E-mail from Arden Haines to Frank Abart 7/15/08
 - PW-29 E-mail from Penni Lemperes to Daniel Gibson 7/18/08
 - PW-30 E-mail from Penni Lemperes to Frank Abart 8/8/08
 - PW-31 E-Mail from Jon Hutchings to Frank Abart 8/14/08
 - PW-32 Comments from 9/24/08 Meeting regarding PT Roberts Recycling/Garbage Curbside Collection
 - PW-33 Letter from PRR to Jon Hutchins WCSW 11/6/08
-
- CC-1 Email from Arden Haines to Frank Abart 3/19/08
 - CC-2 Pt Roberts Curbside Garbage/Recycling Program –April 4, 2008
 - CC-3 E-mail from Penni Lemperes to Jon Hutchins 5/6/08
 - CC-4 Public Works Subcommittee- May 20,2008 Options sheet
 - CC-5 Letter from Frank Abart WCPW to PRR 2/11/08
 - CC-6 Letter from Frank Abart WCPW to Penny Ingraham WUTC 4/18/08
 - CC-7 Public Works Safety Committee Minutes 5/20/08
 - CC-8 Public Works Safety Committee Minutes 7/10/08
 - CC-9 Memo from Barbara Benner to Council 6/13/07
 - CC-10 Council Minutes 6/5/07
 - CC-11 E-mail from Penni Lemperes to Frank Abart 8/1/07
 - CC-12 E-mail from Gene Eckhardt UTC to Penni Lemperes WCSW 7/10/07
 - CC-13 Letter from PRR to Pete Kremen with attached petition 8/1/08

CC-14 Public Works Safety Committee Minutes 8/5/08
CC-15 County Council Minutes 9/9/08
CC-16 County Council Minutes 9/23/08
CC-17 E-Mail from Carl Weimer to Jon Hutchings 9/24/08
CC-18 Letter from PRR to County Council 10/6/08
CC-19 Public Works Safety Committee Minutes 10/7/08

BB-1 Memo from Barbara Benner to Pete Kremen 2/14/07
BB-2 E-Mail from Barbara Benner to Brian Calder 4/23/07
BB-3 E-mail from Barbara Benner to Ruby White 4/22/07
BB-4 E-mail from Barbara Benner to Pat White 4/22/07
BB-5 E-mail from Barbara Benner to David Gellatly 4/22/07
BB-6 E-mail from Barbara Benner to Paul Doyle 4/22/07
BB-7 E-mail from Barbara Benner to Ruby White 4/21/07
BB-8 Letter to Barbara Benner from Craig Carter 4/23/07
BB-9 E-mail from Rodd Pemble to Penni Lempere 4/27/07
BB-10 Blanket E-mail from Barbara Benner 5/2/07
BB-11 E-mail from Barbara Benner to Frank Abart 6/5/07
BB-12 E-mail from Renee Coe to Barbara Benner 6/7/07
BB-13 E-mail from Barbara Benner to Knick Pyles 6/10/07
BB-14 Memo and information from Barbara Benner to Council 6/13/07
BB-15 County Council Minutes 6/5/07
BB-16 E-mails between Barbara Benner and Karl King 8/3/07
BB-17 E-mail Barbara Bennner 7/14/07 to 7/16/07
BB-18 E-mail from Barbara Benner to Council 8/14/08
BB-19 E-mail from Barbara Benner to Margret Kaech WUTC 8/15/08
BB-20 E-mail from Barbara Benner to County Staff 8/15/08
BB-21 E-mails from Barbara Benner 8/15/08
BB-22 Letter David Danner WUTC to Barbara Benner 8/22/08
BB-23 E-mail from Barbara Benner to Brian Calder 1/29/09
BB-24 E-mails from Barbara Benner to Knick Pyles 2/5/09

BC-1 E-mail from Brian Calder to Barbara Benner 4/29/07
BC-2 Fax from Brian Calder to Penni Lempere 5/6/07
BC-3 E-mail between Brian Calder and Barbara Benner 6/6/07
BC-4 E-mail from Brian Calder to Barbara Benner 6/10/07
BC-5 E-mail from Brian Calder to Council 10/7/08
BC-6 Letter from PRR to Jon Hutchins 1/28/09

RC-1 Letter from Ron Calder to Pete Kremen 2/9/07
RC-2 Letter from Ron Calder to Barbara Benner 2/17/09
RC-3 Letter from Ron Calder to Solid Waste Division 3/2/07
RC-4 Letter from Ron Calder to Barbara Benner 4/23/07
RC-5 E-mail from Penni Lempere to Frank Abart 3/14/08
RC-6 Letter from Ron Calder to Carl Weime 8/19/08
RC-7 Letter from Ron Calder to David Danner 8/28/08
RC-8 Letter from Ron Calder to Barbara Benner 8/17/08
RC-9 E-mail from Jon Hutchins to Daniel Gibson 10/13/08

RC-10 Letter from Ron Calder to Barbara Benner 2/2/09

DG-1 Emails between David Gellatly and Barbara Benner 4/22/07
DG-2 E-mail from Barbara Benner to Brain Calder 4/23/07
DG-3 E-mails between David Gellatly and Barbara Benner 8/31/07
DG-4 Email from Debbie Bailey to Frank Abart 5/1/07
DG-5 Letter from David Gellatly to WCPW 6/19/08
DG-6 Letter from WCPW to David Gellatly 6/25/08
DG-7 Letter from David Gellately to Frank Abart WCPW 7/6/08
DG-8 Letter from Frank Abart WCPW to David Gellatly 7/14/08
DG-9 E-mail from David Gellatly to Shelly Damewood 7/14/08
DG-10 Letter from Frank Abart to David Gellatly 7/15/08
DG-11 E-mail from David Gellatly to Shelly Damewood and others 8/14/08
DG-12 Letter from David Gellatly to WUTC 8/26/08
DG-13 E-mail from David Gellatly to County Council 8/25/08
DG-14 E-mail from David Gellatly to Frank Abart 10/5/08
DG-15 E-mail from Jon Hutchings to Debbie Bailey 10/15/08

ST-1 E-mail from Shannon Tomsen to Frank Abart 5/29/08
ST-2 E-mail from Barbara Benner to Shannon Tomsen 7/14/08
ST-3 E-mail from Frank Abart to Jon Hutchings 7/15/08
ST-4 E-mail from Frank Abart to Jon Hutchings 8/13/08
ST-5 E-mail from Shannon Tomsen to Jon Hutchings 8/14/08
ST-6 E-mail from Shannon Tomsen to Pete Kremen 8/14/08
ST-7 E-mail from Shannon Tomsen to Jon Hutchings 8/14/08
ST-8 E-mail from Jon Hutchings to Shannon Tomsen 8/14/08
ST-9 E-mail from Jon Hutchings to Shannon Tomsen 8/19/08
ST-10 E-mails from Sam Crawford with Shannon Tomsen 8/22/08
ST-11 letter from Shannon Tomsen to Sam Crawford 8/25/08
ST-12 Presentation to County Council by Shannon Tomsen 9/9/08
ST-13 E-mail from Shannon Tomsen to County Council 9/11/08
ST-14 E-mail from Shannon Tomsen to Pete Kremen 10/3/08
ST-15 E-mail from Shannon Tomsen to Carl Weimer 10/6/08
ST-16 E-mail from Shannon Tomsen to County Council 10/7/08
ST-17 E-mail from Shannon Tomsen to Frank Abart 10/9/08
ST-18 E-mail from ShannonTomsen to Frank Abart 10/23/08
ST-19 E-mail from Shannon Tomsen to Frank Abart 10/24/08
ST-20 E-mail from Carl Weimer to Shannon Tomsen 11/16/08
ST-21 E-mail from Shannon Tomsen to Carl Weimer 11/17/08
ST-22 E-mail from Barbara Benner to Carol Tan 1/14/09
ST-23 E-mails between Shannon Tomsen and Knick Pyles 1/14/09 and 1/15/09

RC-1 Letter from Renee Coe to Barbara Brenner 4/23/07
RC-2 E-mail from Barbara Brenner to Renee Coe 6/6/07
RC-3 E-mail from Renee Coe to Barbara Brenner 6/7/07
RC-4 E-mail from Barbara Brenner to Renee Coe 10/11/07
RC-5 E-mail from Renee Coe to Barbara Brenner 7/14/08
RC-6 E-mail from Renee Coe to Frank Abart 7/18/08
RC-7 Letter from Renee Coe to Sam Crawford 8/6/08
RC-8 E-mail from Renee Coe to Sam Crawford 8/14/08
RC-9 E-mail from Sam Crawford Renee Coe 8/15/08
RC-10 Public Records Request from Renee Coe 9/12/08
RC-11 Renee Coe Presentation to Council 9/23/08
RC-12 Renee Coe Presentation to SWAC 9/25/08
RC-13 Letter from Renee Coe to WCSW 10/1/08
RC-14 Letter from Renee Coe to WCSW 9/22/08
RC-15 E-mail from Renee Coe to County Council 10/7/08
RC-16 Requests for information from Renee Coe 11/19/08,11/20/08
RC-17 E-mail from Barbara Brenner to Renee Coe 1/14/09

SD-1 E-mail from Shelley Damewood to Judy Ross 7/12/08
SD-2 E-mail fro Shelley Damewood to Barbara Brenner 7/14/08
SD-3 Presentation to County Council 9/23/08
SD-4 E-mail from Shelley Damewood to CarlWeimer 10/7/08

Complaint against Point Recycling and Refuse by Renee Coe, Shelley Damewood, and Shannon Tomsen

~~66~~ pg 1
pcc-1

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone/Fax: (360) 945-1516

December 8th, 2000

Pete Kremmen,
Whatcom County Executive

Dear Mr. Kremmen

Under Whatcom County Code 8.10.050 Section L.

Point Recycling and Refuse has determined that mandatory residential curbside recycling is not financially viable in Point Roberts. Having determined that the cost of recycling any materials through a curbside collection program is unreasonable we are petitioning you to exempt the requirement of curbside recycling in Point Roberts. We will replace the curbside program with a self-haul drop-off recycling program that better meets the needs of this isolated and small community and does so at a lower cost to residents.

Whatcom County Code 8.10.050 Section L

Should the County or the hauler determine that there is no reasonable market for a material and/or **the cost of recycling that material is unreasonable, they can petition the Executive to eliminate the requirement for that material to be collected as a recyclable.** The Executive has full discretion whether to accept or deny the request. The Executive must state the period of time the exemption will be allowed.

The duration of the exemption should be indefinite or until such time as the Whatcom County Solid Waste Division and the Washington Utilities and Transportation Commission determine that curbside recycling service can be consistently provided at the same cost per household as the average cost per household in the rest of Whatcom County.

We have asked the Whatcom County Solid Waste Advisory to give an opinion on this issue and are enclosing background documents to assist you in your determination. We have surveyed our customers and are enclosing their responses.

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pw-1

In closing, let me state that we have tried our best to make curbside garbage and recycling collection in Point Roberts as efficient and affordable as possible. The requirement of curbside recycling does not meet the service needs of our small, isolated and extremely seasonal community. We can design a better system of curbside garbage collection and self-haul drop-off recycling. Please allow us the flexibility to build this system correctly, meaning that we have services that meet the needs of the most people at a reasonable cost to all customers.

Thank you for your consideration.

Sincerely,
Arthur Wilkowski
Owner and Operator

Enclosures

CC: Whatcom County Council
Whatcom County Solid Waste Division
Whatcom County SWAC
Washington Utilities and Transportation Commission

~~_____~~
PW-2

Point Recycling and Refuse

P.M.B. 1542, 145 Tyee Drive, Point Roberts, WA 98281

Business Phone/Fax: (360) 945-1516

December 8th, 2000

Bob Colbo
Washington Utilities and Transportation Commission

Point Recycling and Refuse has determined that the mandatory residential recycling collection program in Point Roberts is not financially viable. We are in the process of trying to get Whatcom County's approval to cancel the residential recycling program and replace it with a self-haul drop-off recycling program. Enclosed is our correspondence with Whatcom County that explains the situation and a copy of their Service Level Ordinance. This is so that you are kept informed of the situation and can determine the correct course of action in shutting down the program. We would like your opinion on the long-term financial viability of a residential recycling program with the customer size, seasonal variation and geographic challenges facing Point Roberts. We would also like your determination of what would happen if the monthly recycling fee were increased above the current WUTC approved \$5.21 per month, and even if the WUTC would allow any future rate increases.

Sincerely,

Arthur Wilkowski
Owner and Operator

Enclosures

CC: Whatcom County Executive
Whatcom County Solid Waste Division
Whatcom County SWAC
Washington Utilities and Transportation Commission

EE-3
pw

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone/Fax: (360) 945-1516

December 8th, 2000

Whatcom County Council
Public Works Committee

Point Recycling and Refuse has determined that the mandatory residential recycling collection program in Point Roberts is not financially viable. Point Roberts is isolated and given the small customer base and extreme seasonal variation in customers on service, we cannot guarantee that the monthly service fee will not dramatically increase. Point Roberts would be better served by canceling the roadside collection of recyclables and replacing the program with a self-haul drop-off program. This would allow residents to recycle materials at a lower cost. We have explained the situation to our customers and in a return survey, their response was overwhelmingly in favor of replacing roadside recycling collection with a self-haul drop off program.

The current garbage collection service options do not meet people's needs. The infrequent nature of residents requires infrequent service such as pre-paid tags for garbage service. We cannot provide that service option with mandatory every-other-week recycling service. For example; if a seasonal resident visits their cabin for a weekend, they may have one can of garbage to be picked up. That one garbage can will cost them \$10.08 with tax because of the mandatory recycling service of \$5.21, even though it may not be recycling week for them. Without mandatory recycling collection, that same customer would pay \$4.87 for one garbage can and then save up their recycling and take it to the recycling center for a nominal fee.

I would like for the Service Level Ordinance to be modified to exclude Point Roberts only, from mandatory residential recycling and to expand garbage service levels to include infrequent service. I would like to meet with the Public Works Committee to explain this issue further and to determine the correct course of action.

Sincerely,

Arthur Wilkowski
Owner and Operator

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ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Enclosures

- CC: Whatcom County Executive
- Whatcom County Solid Waste Division
- Whatcom County SWAC
- Washington Utilities and Transportation Commission

**WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES
January 25, 2001**

Members Present:

Dave Bader, Herb Barker, Dan McShane, Mike Reilly, Robin Robertson, Steve Standifird, Bob French, Arthur Wilkowski, Bob Ryan

Members Absent:

Larry McCarter, Excused; Peter Tassoni, Unexcused

Staff Present:

Penni Lemperes, Debbie Bailey, Dick Prieve

Others Present:

Barbara Brenner, Council; John Zielstra, Skagit Soils; Ed Nikula, SSC; Mike Beverick, Washington Land Recycling; Sam Crawford, Council; Charlene French, citizen.

Call to Order:

The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, January 25, at 7:03 p.m. by Chairperson Herb Barker.

Minutes:

The minutes of the December 7, 2000 SWAC meeting were approved with no corrections.

Communications:

Dan McShane received a letter from Rod Pemble, SSC. Mr. Pemble related that in the City of Bellingham, SSC reviews all commercial development or multi-family permit applications for adequate dumpster planning. He voiced a concern that this did not happen in the rest of the county and perhaps it should. This will be discussed at a future SWAC meeting. Dave Bader asked that staff check with the building permit department for their input.

Copies of Sturgis' Code of Parliamentary Procedure were distributed to all SWAC members for use while serving on the committee.

Agenda Items:

Election of Officers

Herb Barker and Arthur Wilkowski were elected unanimously for Chairman and Co-Chairman respectively.

Pt. Roberts Curbside Recycling

Arthur Wilkowski made a presentation to SWAC on his company's garbage and recycling program. He said that he had the support of the Pt. Roberts Voters Association to discontinue curbside recycling and go to a pre-paid tag and drop-off system. He believes there will be a cost-incentive to encourage recycling. After much discussion, Dave Bader made a motion with a "friendly amendment" by Dan McShane: The Whatcom County Service Level Ordinance should be modified to not require curbside recycling in Pt. Roberts in recognition of it being a unique area and because of its disconnection to the rest of the county. Steve Standifird seconded it. The motion failed with Wilkowski abstaining and Ryan, Reilly, French, McShane, and Robertson voting against. Wilkowski then put the County on notice of his intent to seek WUTC revision of tariff to opt out of recycling. On Feb. 14th, he will notify customers that the recycling program will end.



Solid Waste Mission and Objectives

Dick Prieve read to SWAC the Solid Waste Division of Public Works' Mission statement and objectives for the coming year. Additionally, he wanted to go on record that none of the Solid Waste staff is related to nor has any business with any of the SWAC members nor any recycling, hauling, or other waste-related business.

Comp Plan Recommendations

All SWAC members were given final copies of the 1999 Comprehensive Solid Waste Management Plan, as well as a listing of the recommendations contained in the plan. SWAC members were asked to review chapters 4 through 7 and forward comments to staff. These chapters will be discussed at the next SWAC meeting.

Organics

We are still waiting for a resolution to the future of the "Clean Green" yardwaste facility. The City of Bellingham has a new Public Works director and is seeking a new Parks director who will then be reviewing the current site. The City recently published an RFP for operation of the facility for the coming year. Robin Robertson wants the county to commit time to develop a comprehensive yard-waste plan. This subject will be explored when Chapter 5 is discussed during the review of the Comp Plan.

Other Business

Dan McShane stated that two months ago the Council made a budget recommendation to alter the staffing of the Solid Waste division. Since this would be against SWEC's recommendation and would be subject to binding arbitration, he asked for SWAC's support to ask the council not to go ahead with the amendment. After comments from Barbara Brenner supporting the amendment and questions from SWAC members, Bader made a motion that the council not act against the SWEC recommendation. Robin Robertson made a motion to table the discussion to the next meeting. The motion to table passed with Bader, Wilkowski and McShane opposing. Reilly requested staff and SWEC opinions.

Mike Reilly brought up the tribal landfill issue and asked that SWAC send a letter to the EPA. Barbara Brenner says the Council had sent a letter quite a while ago. McShane mentioned suing the EPA. The issue will be discussed when the SWAC reviews Chapter 11 of the Comp Plan.

Dave Bader wanted to emphasize that when the SWAC holds an Executive Session, it is expected that the discussion will remain confidential. If this is not to be the case, he wants to know in advance.

Action Items: Staff: Discuss w/Building Permit department dumpster review

Next Meeting Agenda:

1. Chapter 4 through 7 Comp Plan discussion
2. Permit review by garbage hauler provider
3. Council budget amendment

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Next Meeting Schedule

The next meeting will be held Thursday, March 1, 2001, at 7 p.m. in the Courthouse Annex meeting room.

Adjournment

Meeting was adjourned at 9:45 p.m.

CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held *January 25, 2001*.

Attest: Debbie Bailey
Debbie Bailey, Solid Waste Secretary
WCPW Solid Waste

Herb Barker
Herb Barker, Chairperson
Whatcom County Solid Waste Advisory Committee

Conversation with Peter Christensen, DOE, February 14, 2001
RE: Pt. Roberts Recycling Proposal

According to Peter Christensen, Department of Ecology, Whatcom County could offer Arthur Wilkowski a waiver from curbside pickup of recycling materials only. The Department of Ecology would have to do a formal response to his request, but would have no problem granting his request of going to a drop-off only recycling program.

The DOE considers Pt. Roberts to be a rural area of a mainly seasonal population of a unique isolated nature. Its uniqueness also stems from the fact that two borders need to be crossed to reach it from the mainland, or it can be reached by boat. Even if it were considered an urban area, it still falls into a unique category with a very limited population. Common sense would dictate that a drop-box arrangement for recycled materials may work better in such an area as this, as opposed to a curbside program which would have a much higher cost than mainland curbside programs.

According to RCW 7095.090 (7) (B) (I), an area requires one drop box for recycled materials per 10,000 to 15,000 people. Pt. Roberts fits into that category.

Peter cited Auburn, WA, as an area that has a very successful drop-box program in its community of 45,000 citizens, as well as the community of San Juan Island.

If you would like to talk further with Peter, please feel free to contact him at the following number: (425) 649-7076

I have left a message for Bob Colbo, WUTC and have not as yet received a return call. His number is: (360) 664-1160

MAR-05-2001 MON 02:55 PM UTC SWW & COMPLIANCE

FAX NO. 3605861

P. 04

pw-6



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
 1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
 (360) 664-1160 • TTY (360) 586-8203

March 5, 2001

Pete Kremen, Whatcom County Executive
 311 Grand Ave., Ste. 108
 Bellingham, WA 98225-4082

Dear Mr. Kremen:

Points Recycling and Refuse (Points Recycling) filed proposed tariffs with the Commission that will eliminate curbside recycling service effective April 1, 2001. The Commissioners will consider this matter at its Open Meeting, starting at 9:30 am on March 28, 2001, at the Commission's offices in Olympia. In the interim, Staff will analyze the proposed filing and prepare a written memorandum that states the results of our review and recommends the Commissioners take specific action. Staff will distribute its written memorandum to the Commissioners on Monday, March 26, 2001, at which time it will also be available to the public.

Points Recycling sent you a letter, dated February 8, 2001, that states:

"We interpret Section 5.k. to mean that, since the County says that they could find someone else to do the roadside recycling, then Points Recycling does not have to do it. The WUTC will allow us to remove the service and roadside recycling in Point Roberts will end on March 31st."

At this time, Staff does not agree with Points Recycling's interpretation of the plan nor in Points Recycling's conclusion that the Commission will allow Points Recycling to remove the mandatory recycling service from its tariff. As you know, state statutes grant counties the authority to contract for recycling services.

Staff has received comments and inquiries from different persons, with different perspectives. To help Staff better understand this matter, I request that you send us a written statement of:

- the County's interpretation of the Whatcom County minimum service level ordinance,
- whether or not the County believes Points Recycling would violate the Whatcom County minimum service level ordinance if Points Recycling eliminated mandatory recycling,

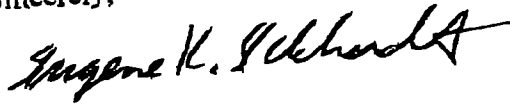


- whether or not the County has granted, or would grant, Points Recycling an "exemption" from mandatory recycling under Whatcom County Code 8.10.050 Section L, and
- what action the County plans to take if Points Recycling does eliminate mandatory recycling.

I have enclosed a copy of a similar letter addressed to Points Recycling. Staff believes it needs additional information from both Points Recycling and Whatcom County before we can fully analyze this matter. I appreciate your cooperation and ask that you respond no later than March 13, 2001, if at all possible.

If you have any questions, please call me at 360-664-1249.

Sincerely,



Eugene K. Eckhardt
Assistant Director of Water and Transportation

Enclosure

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

WHATCOM COUNTY COURTHOUSE
11 Grand Avenue
Bellingham, WA 98225-4038

JEFFREY M. MONSEN, P.E.
Director



EC-7
pw

March 13, 2001

Mr. Eugene K. Eckhardt
Assistant Director of Water and Transportation
Washington Utilities and Transportation Comm.
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Dear Mr. Eckhardt:

A letter from WUTC dated March 5, 2001, requested a written statement from Whatcom County by March 13, 2001, addressing:

- The County's interpretation of the Whatcom County minimum service level ordinance,
- Whether or not the County believes Point Recycling would violate the Whatcom County minimum service level ordinance if Point Recycling eliminated mandatory recycling,
- Whether or not the County has granted, or would grant, Point Recycling an "exemption" from mandatory recycling under Whatcom County Code 8.10.050, Section L, and
- What action the County plans to take if Point Recycling does eliminate mandatory recycling.

In reply, the County supplies the following analysis and answers.

County's Interpretation of its Service Level Ordinance

The County begins its interpretation of its service level ordinance with Whatcom County Code (WCC) 8.10.050. A., which reads: "Certificated haulers shall collect source separated recyclables from all residences in unincorporated portions of Whatcom County that receive garbage collection, except as provided in subsection K of this section" Thus, following the ordinance, Point Recycling is required to collect source-separated recyclables from all of its customers, unless subsection K provides otherwise. Section K reads as follows:

"The election made by this chapter pursuant to RCW 36.58.040, notifying the WUTC to carry out the plan rather than awarding a contract, shall continue to December 31, 2002, except as provided in this subsection. If the county executive determines that a certificated hauler has materially failed to comply with the requirements or policies of this chapter, the county executive shall

provide the hauler with a written notice specifying the non-compliance and affording the hauler 60 days to cure the noncompliance; provided, however, that the hauler shall not be required to cure any non-compliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the hauler's control. At the discretion of the county executive, the period for cure may be extended. If the hauler fails to cure, the county may contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the hauler."

Thus, to determine whether a particular hauler is in compliance with Section A, it is necessary to determine whether any of the exceptions provided in Section K apply to his situation. WUTC's carrying out of the plan, then, means that it will enforce against the hauler the requirements of the County relative to mandatory recycling in the context of the exceptions spelled out in Section K.

First, upon determination by the County Executive that a hauler has materially failed to comply with the requirements of WCC 8.10, the County shall give notice specifying the non-compliance and provide 60 days for the hauler to cure non-compliance. That implies that during this procedural phase of notice and opportunity to cure, WUTC's carrying out of the plan means awaiting the outcome of this process. Second, the County Executive may extend the period for cure. WUTC would carry out the plan as it pertains to recyclables by awaiting the completion of this period of extension. Third, if the non-compliance is caused by an event or condition beyond the control of the hauler, he will not be required to cure. The clear implication is that in such situations, WUTC's carrying out of the plan means not taking any action against the hauler for the non-compliance beyond his control.

We still face the question of who it is that makes the determination that non-compliance is beyond the hauler's control. For obvious reasons, the hauler is not the final arbiter of that decision. Nor does it appear that WUTC is the arbiter of this particular decision, since it is not specifically referred to in this context. It seems to be most sensible to conclude that the County is at least the initial arbiter of whether non-compliance is beyond the control of the hauler, and that the hauler's remedy would be to challenge that decision indirectly through an appeal from an adverse decision by WUTC against the hauler that was based on the County's decision regarding non-compliance. Finally, the County has the option ("may") of contracting with someone else for provision of the recycling service in the hauler's area. That implies that there is no need and no basis for WUTC to act against the hauler as it relates to the recycling service if someone else is contracted by the County to do it in his stead.

Would Cessation of Recycling Service Violate the Service Level Ordinance?

To answer the second question posed by WUTC staff, the hauler would be in violation of the County's service level ordinance for purposes of WUTC action if: 1) it ceased its recycling service, 2) it failed to cure within 60 days, or the County-granted extension thereof, after receiving notice of non-compliance from the County, 3) the non-compliance

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pw

Eugene K. Eckhardt, WUTC
March 13, 2001
Page 3

was not beyond its control as determined by the County, and 4) the County had not contracted out the recycling service to someone else.

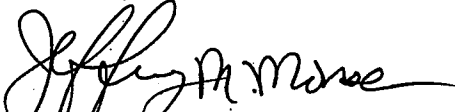
Would the County Grant an "Exemption" from Mandatory Recycling?

The question first asks whether the County has granted an exemption from mandatory recycling under WCC 8.10.050, Section L. The answer to that is a simple "no." On the followup question of whether the County would grant an exemption to Point Recycling under Section L, the answer is no, not unless the company makes a compelling case, through a cost-benefit analysis, that the cost of mandatory recycling service in this particular service area is unreasonable. That case has not been made to this point, although the County has not shut the door on Point Recycling making that argument.

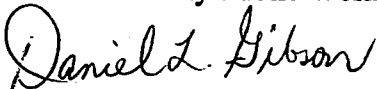
What Action Will the County Take if the Recycling Service is Eliminated?

At this point in time, if Point Recycling eliminated the mandatory recycling collection service, Whatcom County would give notice to Point Recycling of its non-compliance with the service level ordinance, and direct it to cure its non-compliance within 60 days. Simultaneously, it would assess the likelihood of forming a contractual relationship with someone else to perform the recycling service. Unless the hauler makes a compelling case for an extension of time to cure non-compliance, or for an exemption, and unless it appears likely that someone else will pick up the recycling service, the County would notify WUTC and the hauler that it desires the plan to be executed, i.e. that it expects Point Recycling to resume the recycling collection service immediately or have its franchise revoked by WUTC.

Sincerely,



Jeff Monsen,
Whatcom County Public Works Director



Daniel L. Gibson
Whatcom County Deputy Prosecuting Attorney

pw-8

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

1/2006

Jeff Monson, Director
Whatcom County Public Works
332 Commercial Street, Suite 210
Bellingham, WA 98225

Dear Mr. Monson,

Point Recycling and Refuse would like to request an increase in the Transfer Station Rates under Section "F" Item 1, of our Lease Agreement Contract No. 200310005.

The current tip fee rates are \$220.00 per ton, minimum charge \$4.00.
We would like to increase the rates to \$231.66 per ton, minimum charge \$4.35.

These rates, with State Refuse Tax, would have an effective rate of \$240.00 per ton, minimum charge \$4.50.

This is an increase of approximately 5.3%.

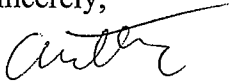
The reason for this increase is that in the past year, our disposal cost has increased \$5.00 per ton, and our trucking cost to transport the solid waste from Point Roberts to Ferndale has increased \$4.92 per ton. We have also had additional inflationary costs in insurance, utilities, labor taxes, etc. Rates have not been increased in over 7 years.

This increase is essentially profit neutral for the company. The net revenue increase is approximately \$15,000 per year.

I would like to point out that we have made substantial improvements to the station by adding full utilities, a scale trailer, and a weigh scale. We have transformed what was once a marginal site into a service that meets the community's needs, and is actually a local tourist attraction. We operate above our required 2 days per week summer/ 1 day per week winter, by being open 4 days per week summer/3 days per week winter, with "when we are here" service. We often have at least one customer, six or seven days per week.

Please let me know when we can make these new rates effective.

Sincerely,



Arthur Wilkowski

Cc: Whatcom County Solid Waste Division

POINT ROBERTS TRANSFER STATION

	RATE	STATE TAX	EFFECTIVE RATE
CURRENT RATES	\$ 220.00	\$ 7.92	\$ 227.92
PROPOSED INCREASE	\$ 11.66	\$ 0.42	\$ 12.08
NEW RATES	\$ 231.66 5.30%	\$ 8.34	\$ 240.00 5.30%

40 pound garge can goes from \$4.56 to \$4.80, an increase of 24 cents.

minimum charge goes from \$4.00 to \$4.35 - effective rate is \$4.50

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pw

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516.

February 27, 2006

Jeff Monson, Director
Whatcom County Public Works
322 N. Commercial Street, Suite 210
Bellingham, WA 98225

Dear Mr. Monson,

RE: Request to Change Transfer Station Rates

I wish to withdraw my earlier request to increase the Transfer Station Rate from \$220.00 per ton to \$231.66.

Since I first made that request, I have been notified by the disposal site that the City of Ferndale is implementing a 6% tax on the disposal sites which will increase my cost by an additional \$4.27 per ton. This would bring the proposed rate up to \$236.96. With Refuse Tax the effective rate would be \$245.49 per ton or 12.3 cents per pound.

We are facing future disposal increases over the next few years. We also will need to make substantial improvements to the station to add concrete slabs in front of the Z-Wall, to pour cap slabs on the ecology block walls and bin slabs at the base of the walls. We also need to address drainage issues and road improvements. A rough estimate is an additional investment of \$20,000. We must also replace our backhoe as soon as possible, at a cost of \$35,000. Our total tonnage for 2005 was 1,288.6 tons, actually a decrease from 2004. Capital improvements have very little tonnage to spread expenses over.

The current tip fee rates are \$220.00 per ton, minimum charge \$4.00.

We would like to increase the rates to \$241.31 per ton, with Refuse Tax this equals \$250.00 per ton or 12.5 cents per pound. A 40 pound garbage can would increase from \$4.56 to \$5.00.

In the effort to attract more small volume visits and to decrease littering, we would like to remove the minimum charge. That way if someone has only 10 pounds of garbage, it would only cost them \$1.25 for disposal.

<u>This is an increase of 9.7% or:</u>	<u>\$21.31 per ton</u>
Direct disposal cost increases:	\$14.33 per ton
Additional revenue for operating costs and improvements:	\$ 6.98 per ton or \$8,994.43 per year

This increase is still relatively profit neutral for the company. This slight increase in revenue will allow us to continue developing and improving this site.

Our lease agreement is unclear about the rate setting or modification process. I feel that these rates are fair, just and reasonable. They reflect the small volume of our station and the tremendous challenges that we face in transporting solid waste out of this facility. This is an effort to keep up with the inflationary pressures we have absorbed for the past seven years.

We will make these rates effective April 1st, 2006 when the City of Ferndale Tax increase goes into effect. We will provide notice of new rates in the next local paper which will be published on March 31st. We will post rate increase notices at our facility on March 11th.

We will work with your Solid Waste Staff to prepare amended rates for the County Uniform Fee Schedule which will be updated at the next available opportunity.

I feel that we will be able to maintain rates at this level for a considerable time. We do face an uncertain future of disposal site increases, fuel and trucking expenses and changes to the already time consuming logistics of cross-border trucking.

Could you provide me with a letter confirming the new rates of \$245.49 per ton, no minimum charge, and effective April 1st, 2006.

Sincerely,



Arthur Wilkowski

Cc: Whatcom County Solid Waste Division

EE-10
pw

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone: (360) 945-1516

April 28, 2006

Bruce Roll
Whatcom County Public Works
322 N. Commercial Street, Suite 210
Bellingham, WA 98225

Dear Mr. Roll,

RE: Proposal to eliminate curbside recycling in Point Roberts and replace with free self-haul recycling for regular year-round curbside garbage customers

I would like to ask the County to allow me to shut down the curbside recycling program in Point Roberts because the program is not economically viable due to the small number of customers. I am willing to offer free self-haul recycling at the Transfer Station to the effected customers. This will require that the County modify the Service Level Ordinance and the Transfer Station Lease Agreement.

Program Description

We provide curbside recycling to approximately 340 customers. Our collection volume is about 70 tons per year of recyclables. Program revenue is about \$21,000 per year. In 2001, we negotiated program changes with the County to make recycling available only to permanent year-round customers in order to add Infrequent Garbage Service for seasonal customers. In reviewing program analysis from that time, I have found that the program is essentially the same in size and revenue after 5 years. Our median annual customer count in 2000 was 340 customers. So, the program is stagnant from a growth standpoint. What was accomplished at that time was to stabilize the program size, eliminating huge seasonal swings, which allowed us to continue the program without any increased investment.

Program Challenges

The program will soon require significant investment. Our recycling truck is now 16 years old, and being a complex piece of equipment, prone to mechanical failure. We will need to replace this truck. A used recycling truck will cost us approximately \$70,000 to purchase and get on-line. We will have to keep the existing truck because we are required to have perfect reliability. We must have backup for all our equipment. So, existing operating costs will stay the same but we will be adding \$14,000 per year in increased depreciation plus additional insurance and licensing costs. Adding a truck will increase annual program costs by approximately \$17,000 per year, or \$50.00 per customer. Rates will increase from \$5.21 per month to \$9.38 per month for recycling. Our small customer volume means that any program cost increases have significant rate increases. There is no economy of scale.

State Requirement of Whatcom County

The State requires the County to have recycling programs available. The County is not required to have all curbside programs. Many Counties have only self-haul programs or a mix of curbside and self-haul. The State does require the County to have programs that are economically feasible.

Other Collection Options

Our current equipment is very efficient from a collection standpoint. Route time is very fast and the truck holds all the recyclables. When the truck is full, we drive it to the processing center in Canada, about 2 hours round trip.

We could switch to less expensive smaller trucks however we would just be trading more labor time for less capital investment. Smaller trucks would also require transfer capacity at our station which would be a substantial capital investment. I don't think smaller trucks would lower total program costs. Smaller trucks also are physically harder to use, requiring more and higher lifting.

Effects on Customers

Point Roberts has approximately 2000 residential units, of which, perhaps 800 could be considered to be year-round. The recycling program services 340 units, 17% of total units and 43% of year-round. Of existing customers; some are large volume users, some choose not to use the program at all. The majority of customers, demographically, are older single or two person households who are small generators. Customers currently pay \$62.52 per year for recycling; about twice what households in the mainland County are paying. Free self-haul recycling is a direct savings for the customers and a reduction of 21% to 46% in their monthly bill.

Effects on Recycling Volumes

Will switching to a self-haul program cause a decrease in recycling volumes? I don't know, if recycling is free there is an economic incentive to recycle. Customers can keep their recycling bins as incentive. Perhaps some households will get on regular garbage service in order to use free recycling. In the scope of County recycling volumes, any increase or decrease in recycling volumes in Point Roberts wouldn't have any real effect, we are only talking about a few tons per year. The Station is open several days per week. It is located no more than one mile from any household. Most customers have the ability to transport their recycling. For those who do not have transport, there is a local "van pool" that takes people to the store and could also bring in their recycling. I don't think that anyone would be unable to recycle.

Effects on Other County Curbside Programs

Changing the recycling in Point Roberts will have no effect on the other County curbside recycling programs simply because the County has the power to dictate program design. The problem in Point Roberts is no economy of scale for capital costs. The other programs do not have that problem. Some areas that those companies serve such as Lummi Island or Kendal may have higher operational costs but the equipment serves so many other customers that the capital costs are very low. Furthermore, because of the regulatory system, rates are equal for all customers. While those companies may have higher operational costs for individual customers in remote areas; program wide the company is able to make their regulated margins and rates are kept low.

Summary

I am not going to pick a fight with the County on this but to be honest, I don't know how I can maintain this program into the future. I think that my proposal is the right course of action. I can't figure out how to have a reliable curbside program and keep rates at an acceptable level. I accept that the County can dictate what recycling programs I provide, and that the WUTC will set rates for that program. What are we trying to accomplish here? We want convenient recycling options to be available. We want a system that meets affordable goals. I would like to discuss options with the County and move forward quickly. Looking at the demographics and logistics of Point Roberts, I believe that the current program is the wrong design. Curbside recycling programs are based on high density, high customer volumes. Remote areas can piggy-back on to urban programs. As a separate, detached area of the County, Point Roberts has no characteristics requiring a curbside program. This program does not and will not meet the long term needs of the community or any goals of affordability.

Sincerely,



Arthur Wilkowski

CC: Bob Colbo, WUTC Accounting



pw: 11

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

July 20, 2006

Mr. Arthur Wilkowski
Point Recycling and Refuse
P.M.B. 1542, 145 Tyee Drive
Point Roberts, WA 98281

RE: Point Recycling and Refuse Company's curbside recycling program

Dear Mr. Wilkowski:

Thank you for your letter regarding your concerns about Whatcom County's Minimum Service Level 8.10.050 for residential recycling.

The Washington Utilities and Transportation Commission (commission) can not advise Point Recycling and Refuse to discontinue its recycling program as required by the Whatcom County Ordinance 8.10.050. RCW 81.77.030 requires the commission to make sure that companies comply with local solid waste management plans and related implementation ordinances.

Commission staff believes this is a county issue and encourages the company to continue to work with the county staff. Staff does not comment on the "value" of any county programs, we only determine the appropriate rates for the services. Staff supports Ms. Penni Lempere's comments to file a rate increase, if necessary, so the company can maintain compliance with the Whatcom County Minimum Service Level Ordinance.

Commission staff is available if you need any technical assistance regarding how to file a rate case. If you have questions about this letter, please contact Ms. Penny Hansen at 360-664-1242.

Sincerely,

Eugene Eckhardt,
Assistant Director for Transportation and Water

cc: Penni Lempere, Whatcom County Solid Waste Specialist



WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT

FRANK M. ABART
Director



WHATCOM COUNTY
PUBLIC WORKS
SOLID WASTE DIVISION
CIVIC CENTER ANNEX
322 N. Commercial St. Suite 220
Bellingham, WA 98225
Phone: (360) 676-7695
Fax: (360) 738-4561

AB2007-7 ✓
pw
12
pg 1

MEMORANDUM

RECEIVED

APR 19 2007

WHATCOM COUNTY
COUNCIL

DATE: April 18, 2007
TO: Barbara Brenner
FROM: Debbie Bailey, Secretary
Solid Waste Division

Hi Barbara.

I know you don't always have a chance to read e-mails, so I wanted to make sure you got all the attachments I e-mailed to the SWAC with the April 26th Agenda Notice.

The Pt. Roberts issue is the main topic and I just want everyone to refresh themselves on his proposal by re-reading the documents. If you could go over them ahead of time it will be easier to follow his presentation.

- No. 1 – Arthur's initial letter to SWAC outlining his proposal.
- No. 2 – Rodd Pemble's questions to Arthur re: above proposal.
- No. 3 – Arthur's response to Rodd's questions.

Since we have filled the two vacant positions we should have a good chance of a quorum for the meeting.

DW
E-12
Pg 2

1

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone/Fax: (360) 945-1516

March 15, 2007

Whatcom County Solid Waste Advisory Committee
Whatcom County Solid Waste Division
322 N. Commercial Street, Suite 210
Bellingham, WA 98225

RE: Proposal to Implement Full Universal Service and Replace Curbside Recycling In Point Roberts

Point Recycling and Refuse Company is requesting several changes to the Solid Waste and Recycling System in Point Roberts. We have discussed these changes with County Staff and seek to process the changes through the appropriate channels.

These changes are:

1. Elimination of the County Exemption Program in Point Roberts only and implement full mandatory Universal Service for garbage collection.
2. Cancellation of the Mandatory Curbside Recycling Program and replace it with free self-haul recycling for all residential properties through the Point Roberts Transfer Station.

These changes are proposed to only apply in Point Roberts and will have no impact on services in the rest of the County. The County does already have Solid Waste Laws that are specific only to Point Roberts.

Implementation of these changes will require the County to modify the "Service Level Ordinance", the "Universal Service Ordinance", the Unified Fee Schedule and the Point Roberts Transfer Station Lease Agreement.

Procedure for Implementation

1. Approval by the Solid Waste Advisory Committee (SWAC)
2. Approval by the Solid Waste Executive Committee (SWEC)
3. Review by the Whatcom County Council Public Works Committee
4. Approval by the Whatcom County Council by adopting the amended ordinances.
5. Approval of new Tariff changes for Point Recycling and Refuse by the Washington Utilities and Transportation Commission (WUTC).

To understand why these changes need to be implemented requires an understanding of the fundamental economic parameters and goals of the Point Roberts Solid Waste System.

All solid waste systems are unique economic models consisting of facility infrastructure, collection equipment, material types and volumes, residential/commercial populations, customer needs, environmental goals, and transportation logistics. All of these factors are unique for each system. The rates and fees charged to consumers are a direct result of the system design and though the regulation of the collection company by the WUTC are based on the actual cost of providing services to each customer.

Goals of the Point Roberts Solid Waste System

1. Ensure that affordable and reliable solid waste collection is available to all households and businesses. This is a system that cannot stop or breakdown and must maintain the infrastructure to meet the community needs.
2. Provide reasonably priced recycling options and programs to all households and business in order to meet the County's recycling goals.
3. Continue to improve the system to meet future needs and to add options for handling specific materials such as hazardous waste, electronic waste and green-waste.

Problems with the Point Roberts Solid Waste System

Garbage Collection

1. This system faces a very small potential volume with a service area of only 4 square miles of low density residential/vacation homes and few businesses.
2. There is very little participation in the system. There are 2000 total households/cabins; 340 permanent year-round households on service (17%), 200 infrequent households on service and about 200 regular households using the transfer station. So about 27% of the households use curbside collection and another 10% use the transfer station for a total of about 37%. Roadside collection customer numbers have been about the same since 2001 with no real customer growth.
3. Total System Tonnage is about 1,300 tons per year for curbside and transfer station. This is probably only about 50% of the potential tonnage in Point Roberts. Tonnage varies slightly from year to year but has essentially been constant for the past 6 years.
4. Due to the geographic isolation from the rest of the County, enforcement of solid waste laws is problematic. Burning and dumping of garbage is a chronic problem. It is also too easy for people to sneak garbage across the Border into Canada.

Recycling Collection

1. Permanent year-round households are required to have mandatory curbside recycling by County Ordinance. Infrequent customers do not have curbside recycling.
2. The curbside recycling program collects an average of 70 tons per year and volume of materials and number of customers has not really changed since 2001. There are too few customers to support the equipment required to maintain the program.
3. Annual program revenue is about \$21,000 per year with a monthly fee of \$5.21, annual fee is \$62.52.
4. The recycling truck is 16 years old and completely worn out. It needs to be replaced. A decent used truck will cost about \$70,000 and increase annual expenses by about \$16,000. Since the system can never stop, a second truck is required for backup. The program is looking at a projected rate increase of 66% for a monthly fee of \$8.64 per month.
5. The infrequent service program implemented in 2000 was a stop gap measure to stabilize the system. When 70% of the potential customers are seasonal, the recycling program was required to have a huge operating infrastructure without year-round customers to support it. Making recycling a year-round requirement stabilized the revenue and equipment needs.
6. The infrequent service option is now a potentially fatal component in the system. If the Company has to substantially raise the recycling rates several things will happen:
 - a. Customers will switch to infrequent service thereby decreasing recycling revenue.
 - b. Customers will cancel service entirely and either self-haul to the station or dispose of waste outside of the system. This will result in the already inefficient collection routes having fewer customers and lead to an increase in garbage collection rates.

Solid Waste Systems are intentionally designed. It is possible for the system design to actually fail to meet the system goals because of lack of participation or material volume. After operating this company for 8 years, I still question if it is economically viable for garbage collection. There are huge infrastructure needs for replacement collection equipment and transfer station improvements. Increased garbage tonnage is required to fund these improvements without substantial rate increases. As a regulated utility, everyone in the community benefits from a viable system and everyone should contribute to it. Full universal service would be a profound change in the economics of the system. The garbage collection company gross annual revenue is only about \$285,000 per year. Adding another 1000 households would result in approximately 25% increased annual revenue. This increased revenue would go a long way towards funding system improvements.

The Curbside Recycling Program is intended to be the primary method of recycling for the community. Since only 17% of the households use the curbside program, then it can be considered to be a failure. Curbside collection does not meet the community needs at reasonable rates. As a rural cabin community, Point Roberts does not meet the design criteria for a curbside recycling program. The community recycling needs can be better met through a free drop-off recycling program.

In the proposed system all residential households would be required to be on minimum garbage service of one can per month. The current rate for monthly service is \$6.40 per month including taxes. If households are on service there is less reason to burn or dump or export garbage. Some households will occasionally have the monthly charge and not have garbage but they are contributing to making a viable solid waste system available to them. A regular monthly fee for all households is also the same policy that the local Water District has had to adopt in order to make their water system sustainable.

All households will have free self-haul recycling available at the Transfer Station which is centrally located and no more than one mile from any household. Customers will now have a significant financial incentive to recycle. Recycling volumes should actually increase.

This proposal is the right design for the Point Roberts System and has the best chance of meeting the County's recycling goals while creating a sustainable solid waste system.

Sincerely,

Arthur Wilkowski

- 1) Proposed hours for transfer station after change?

- 2) Wouldn't mandatory service for garbage also increase recycling participation, thus making that more viable? Does the Point really need that many more people driving to the transfer station every week with 15 pounds of recycling?

- 3) What fraction of the increased funds from mandatory garbage service would be available to help cover recycling program costs, particularly for new equipment? Or do all funds for recycling infrastructure have to be generated by recycling income?

- 4) Why wasn't the "infrequent service rate" set higher to acknowledge the high cost of this approach? If mandatory collection eliminates this option, then people can opt to haul their material elsewhere (garbage or recycling), but at least they'll have to pay you every month. SSC has monthly option for county customers, but they still pay for recycling whether they use it or not.

- 5) What would mandatory monthly minimum garbage service cost with reasonable recycling program charge added in? (reasonable assuming more participation and collection of the monthly fee from 1,000 new customers)

- 6) How many County exemption forms have been filed and approved for Pt. Roberts? What reasonable and legal disposal alternative are applicants citing?

- 7) Is it really cheaper to haul garbage across the border? Are residents taking it home to where they have regular service in Canada?

1) Proposed hours for transfer station after change?

Current Transfer Station Hours: County requirement is 1 day per week winter, 2 days summer. We operate Oct-Apr Sunday, Tuesday, Thursday 12-4, May-Sept we add Saturday 12-4. Winter we average 60 customers on Sunday and 10 to 20 on Tuesday and Thursday. Summer we average 100 on Sunday, 30 on Saturday and 20 on Tuesday and Thursday. Since we also have our office at the Dump, if we are here we will let someone in on Mondays and Wednesdays and before regular dump hours. I don't think that we would need to increase station days but that is possible and depends on when we have to be out on the routes.

2) Wouldn't mandatory service for garbage also increase recycling participation, thus making that more viable? Does the Point really need that many more people driving to the transfer station every week with 15 pounds of recycling?

One would think that the solution would be to have mandatory garbage service and recycling and maybe 2000 households would be enough to make it work. There are several problems. 70 percent of the households are infrequent cabins and second homes. With recycling every-other-week, there is only a 50% chance that the homeowner would be at the house on recycling week. The garbage truck has to run the routes each week and I think that it is acceptable to require a minimum of one garbage can per month. There would be a great deal of dissatisfaction in forcing the EOW recycling on people. I think that is one of the reasons that there is only a 17% participation in the program is that it does not meet the service needs of most households.

Also, the current program is a shoe string operation. There is no recycling infrastructure existing in Point Roberts. If we went to full recycling, we would need two new trucks because we have to have backup. We would also need to be able to empty the trucks in Point Roberts. We take our recycling into Canada which is a two hour round trip if we do it in the morning. The recycling processor is a long ways away and the road there is jammed with heavy traffic after 2:00. The processor often has a one hour wait to empty loads in the afternoon because of all the other trucks from surrounding cities. The Transfer Station has 3 drop-box slots that a truck can dump into but we need those for garbage. There are 3 more slots that we are improving so that a truck can empty into them but they are needed for other materials: Metal, hopefully sheetrock, wood waste and yard waste. We would need at least two working slots to empty the recycling truck of commingled recyclables. More slots if we do separation of items to get some value from them. So there is a huge commitment of equipment and infrastructure to have a complete and reliable curbside program. A self-haul program can use above ground containers without using up the limited drop-box slots. Self-haul requires less infrastructure and minimal operating costs. The real question is if this program was

being implementing for the first time what would be the program design given the parameters of the community:

1. Low population numbers.
2. Infrequent and seasonal household occupancy
3. No existing support infrastructure.
4. Significant export logistics
5. Minimal local distance to the transfer station – less than 1 mile for all households.

So, what recycling program design has the lowest infrastructure costs and operating costs? What program would meet most of the needs of most of the people?

I think that it is a self-haul program.

Transfer Station Trips: Currently it is 150 to 250 per week with a mix of large loads, recycling and regular household. Mandatory garbage service would decrease the “household” trips by about 100 per week. If people recycle every-other-week on average, then there would be a potential of 1,000 per week in peak summer, about 500 per day over 4 hours. I think that it would average out to be less because recycling would be saved up since it is not like garbage and doesn’t stink. This volume may require additional station hours which could be added if needed. Point Roberts has very little traffic to begin with so the impacts would be small. Due to the central location of the station, recycling is a short add on trip instead of a separate long distance haul.

3) What fraction of the increased funds from mandatory garbage service would be available to help cover recycling program costs, particularly for new equipment? Or do all funds for recycling infrastructure have to be generated by recycling income?

Under WUTC rules, rates are based on the cost of providing each service with no subsidies. So, all costs of curbside recycling must be paid for by the customers. A self-haul recycling program would be funding through the existing Transfer Station garbage tip fees as set by the County. The garbage collection company is a customer of the transfer station so an increased volume of garbage through the station with mandatory garbage service will be able to fund the recycling. I do not anticipate a need to raise station tip fees.

Mandatory garbage collection will increase garbage revenue for the garbage collection company. Since rates are set on the cost of service from the previous year, we cannot model a rate decrease. However, increased revenue will be applied to needed garbage collection equipment and the WUTC will require a rate case after one year. If the WUTC determines that the Company has over earned, then a refund will be applied in the new rate model. It is similar to when disposal fees decreased in the county several years ago. The garbage companies were required to refund any excess earnings back to the customers. However, it was also an excellent opportunity for all the companies to replace and improve equipment without raising rates.

4) Why wasn't the "infrequent service rate" set higher to acknowledge the high cost of this approach? If mandatory collection eliminates this option, then people can opt to haul their material elsewhere (garbage or recycling), but at least they'll have to pay you every month. SSC has monthly option for county customers, but they still pay for recycling whether they use it or not.

The infrequent service rate is set slightly higher from a garbage standpoint to cover the "opportunity cost" of having the service available. The WUTC has very stringent rate design rules that prohibit "behavioral rate design" and insist on "cost-of-service". The price for an infrequent tag is the same as for "monthly" garbage service - \$6.26 per can. For year-round customers, the rates are close to being linear. The first can of the month has the "administrative costs" and each additional can has just the collection and disposal costs (WUTC rate model rules). Extra cans are \$4.51 each. The "weekly" service rate is "monthly" plus 3.33 extra cans at \$4.51 each. So a "tag" customer who sets out several tag cans per month is paying a few dollars more each month over being on "regular service" to cover the costs of the company existing year round to meet their infrequent needs. With mandatory year round service, some tag customers could actually save money over a year by paying less for the extra cans each month, but they may have a few months when they pay for a monthly can and have no garbage.

The infrequent garbage service was implemented to deal with a structural problem in the recycling program. Prior to infrequent service, if a household wanted to have garbage collected in any given month, they had to also have recycling collection. This created several problems. Customers visiting their cabin for just one weekend in the winter who wanted to get their garbage picked up had to restart service for just one month and pay for recycling collection even if they had little or no recycling, and even if it wasn't recycling week for them. Then they would have to cancel service until they needed it again. Summer customers would have service for only two months. For each "summer" recycler, the company had to provide a \$20.00 set of recycling bins, and have the collection capacity to meet the summer volume. The customer would pay \$10.42 per summer for the recycling service. It would take two years to pay for the bins alone and have no revenue to cover the collection and recycling costs. The recycling program had a seasonal customer change of 44%. There was also a huge administrative cost of starting and stopping customers all the time. Recycling volumes increase in summer in all communities. We were at a summer volume approaching the need to have the ability to empty the recycling truck in Point Roberts. This would have required even more investment without any actual funding from the seasonal customers. Before infrequent service we averaged 332 recycling customers per month but had a peak number of 442 but a low of 293. After "infrequent service" was implemented, we ended up with a consistent monthly average of 340 permanent customers. This stabilized the system revenue, collection capacity needs and equipment requirements. We also added an additional 200 infrequent customers. Total customer numbers have been flat for the past 6 years.

5) What would mandatory monthly minimum garbage service cost with reasonable recycling program charge added in? (reasonable assuming more participation and collection of the monthly fee from 1,000 new customers)

Monthly minimum garbage cost would be \$6.26 per month, any excess revenue would have to be refunded to the customers after a rate case in one year. It would be more complicated to calculate the recycling rate if it was mandatory. The existing recycling truck is worthless. So, you would have to start the whole program from scratch and estimate a new rate like all the companies did in the beginning. Figure 2,000 households.

One new truck - \$140,000 = \$20,000 per year
One used backup truck - \$70,000 = \$14,000 per year
1700 recycling bins - \$34,000 = \$6,800 per year
Transfer boxes and station improvements - \$25,000 = \$3,500 per year

Annual Depreciation per year = \$44,300 per year or \$22.15 per household per year.

Collection expenses (labor, fuel, licenses, repairs, etc) estimated \$140,000 per year or \$70 per household.

So maybe \$92 per year or \$7.66 per month.

When programs were started, companies could estimate a reasonable rate and the WUTC would approve it. Since this program already exists, I don't know if the WUTC would allow a projected rate. They may require us to operate for a full year at the existing rate then do a rate case. This makes it very problematic to finance the new equipment.

So the choice is this; Do Point Roberts residents have to pay \$160,000 to \$190,000 per year for curbside recycling when they could have free self-haul recycling within the current transfer station rates? And, which program better meets their needs?

6) How many County exemption forms have been filed and approved for Pt. Roberts? What reasonable and legal disposal alternative are applicants citing?

The County has no idea of the valid exemptions, the Exemption Program is non-functional and there is no enforcement.

7) Is it really cheaper to haul garbage across the border? Are residents taking it home to where they have regular service in Canada?

Disposal in Canada is cheaper for several reasons.

1. There is an operating landfill only 10 miles away. And being a landfill is cheaper than the disposal sites in Whatcom County. Garbage from Point Roberts is prohibited from that landfill but they only enforce it against this garbage company.
2. Residential garbage rates in Canada are not based on Pay-as-you-throw rate models like the WUTC but are often either flat monthly fees or paid in a property tax assessment.

Illegal burning, dumping and use of commercial dumpsters are a significant and chronic problem in Point Roberts. There is no enforcement presence here at all.

I think that there are several things to consider about Point Roberts.

1. Point Roberts is completely disconnected from the rest of the County and has unique populations and logistics that are significantly different from elsewhere.
2. The number one priority is the reliable and consistent collection of garbage at reasonable rates. This can only be accomplished through full mandatory service.
3. The residential occupancy patterns and recycling needs are very different from urban areas or even rural mainland Whatcom County.
4. Many communities meet their recycling goals through self-haul programs.
5. Company financial and operational resources are limited. There is a great deal of investment still needed in garbage collection equipment, roll-off equipment and transfer station improvements. There are only three of us to operate this entire company, make sure that it never stops, and to build improvements. Mandatory garbage collection will require adding another driver and two more route days. We are talking about a 300% increase in route customers and transporting the additional waste to Ferndale. Organizing this while simultaneously rebuilding the entire curbside recycling program and adding a second new recycling driver is a daunting task. The system needs to be kept as simple as possible. Collection routes are immediate demand systems, routes have to run each day no matter what happens. Collection problems cause interruptions of service. Transfer Stations are delayed demand systems with built in excess capacity. Station problems usually do not interrupt service and there is time to deal with the problem. We need to focus on efficient garbage collection, transportation of waste out of Point Roberts, and building a complete Transfer Station. Maintaining or expanding the curbside recycling program adds a whole level of complexity to the system.
6. Recycling volumes may actually increase because free recycling gives a clear economic incentive to every household including ones transporting recyclables

into Canada.

7. The bottom line for the County is: What system meets the needs of the community at the best cost? And, will a self-haul system achieve equal or increased volumes of recyclables? Self-haul is the better cost option and will probably generate similar volumes of recyclables.

pw
-13
pg 1

WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES
April 26th, 2007

Members Present:

Ed Nikula, Duane Jager, Troy Lautenbach, Iris Newman, Barbara Brenner, Greg Young, Becky Phillips, Lisa Friend, Rodd Pemble, Steven Thomas

Members Absent:

Chad Bedlington

Staff Present:

Penni Lemperes, Debbie Bailey

Others Present:

Charles Sullivan, Whatcom County Health; Chris Piercey, Dept. of Ecology; Fred Miller, Ryzex; Arthur Wilkowski, Pt. Recycling and Refuse. Gene Eckhardt, Washington Utilities and Transportation Commission (WUTC) was present via speaker-phone.

Call to Order

The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, April 26th, 2007 at 5:33 p.m. in the 2nd Floor, Public Works meeting room by Chairperson, Rodd Pemble.

Introductions:

New SWAC members Iris Newman and Steven Thomas were introduced as well as Charles Sullivan, Chris Piercey, Fred Miller and Arthur Wilkowski.

Minutes:

Minutes of the January 25th SWAC meeting were approved as written.

Communications:

SWAC received letters from Arthur Wilkowski, Pt. Recycling and Refuse, to be addressed in the agenda topic.

Agenda Items:

Proposed Ordinance Changes – Pt. Roberts Solid Waste System

Arthur Wilkowski, Pt. Recycling and Refuse, introduced this topic. He has two things for the SWAC to consider:

1. Eliminate the requirement for mandatory curbside recycling, replacing it with self-haul drop off at transfer station for free. Curbside programs are urban designs based on high-participation, high density. Pt. Roberts needs a rural design.
2. Enforce the Universal service ordinance. Arthur proposed, in Pt. Roberts only, elimination of the exemption system and requiring all households to be on a minimum of 1 can a month.

Arthur proposes to operate for one year w/universal service after which the WUTC would require a review. Gene Eckhardt stated that the UTC would put into place a mechanism to monitor the company both on earnings and service, determining what a company would be entitled to in actual cost of service and a reasonable return on investment. Much discussion ensued on how costs are determined and what is a "reasonable return on investment," costs for additional recycling infrastructure, variables that affect service costs, and enforcement or lack thereof in Pt. Roberts. Duane Jager asked Gene if there was historical data to support Arthur's assertion that there is an impending crisis in Pt. Roberts. Gene replied that the company's annual report was due shortly and would be public record.

Barbara Brenner stated that she has been inundated with phone calls, emails and faxes from upset Pt. Roberts residents and that she feels very strongly about not changing the level of service. She distributed copies of letters and emails she'd received to all the SWAC members. Barbara emphasized the need for a meeting in Pt. Roberts before any changes are decided upon. Gene said there had been some complaints in January, and had spoken

to the WUTC Consumer Affairs office that day and they had no active complaints on record. He said that complaints should be sent to the UTC.

It was agreed that more discussion and public input in Pt. Roberts was necessary. Duane moved that if possible, that the issue move forward in the governmental process and not be stalled with SWAC. Barbara moved that those interested from SWAC, County Public Works, and County Council members that are interested in going up there (Pt. Roberts) do so together. Rodd noted that Duane already had a motion and asked him to restate it. Duane moved that "if it's possible that this discussion move forward in the governmental process that the next step is to the Executive Committee prior to SWAC making any final decisions." Troy stated that SWAC needs to be behind something before it goes to SWEC. Arthur said it needs to go to the Public Works committee of the County Council in order to have a public meeting. Barbara made a friendly amendment (to Duane's motion) that the next step is to go to Pt. Roberts for a public meeting. Rodd said he is interpreting the motion to be that SWAC does not want to be a roadblock to this issue, and that if there is a way to smoothly move on to where a hearing might be facilitated, that SWAC does not object and encourages public input and more discussion of the issue. Lisa Friend said that if the motion is to encourage public input and more discussion, she would second it. Barbara added and that the public input will be in Pt. Roberts. Motion carried unanimously with the expectation that a public meeting will be planned for Pt. Roberts soon.

America Recycles Day

Rodd moved that the ARD agenda item be postponed until the next meeting. Iris seconded and the motion carried. It was agreed that ideas can be exchanged via email between meetings.

Other Business

Arthur is requesting a County definition of recycling and distributed information to members. Arthur said that according to the County plan, daily cover is not recycling, it is disposal. Chris Piercey, DoE, stated that Ecology does not consider daily cover to be recycled material, but solid waste. Barbara asked Chris what percentage of waste can be allowed and still be considered recycling, i.e. a whole house. Does it have to be 100% recycled? Chris replied that there was no percentage that he was aware. Charles Sullivan, County Health, answered that if more than 10% of the material coming into a facility ends up in the landfill, then it is not a recycling facility in their view. More than 10% is considered solid waste and the facility needs to be permitted. This item will be on the agenda for the next meeting.

Lisa noted that there was a blog in the Bellingham Herald on recycling. The Herald contacted her and she answered on behalf of the Recycling Hotline. She will email her comments to anyone interested.

Open Session

Duane would like the local grant program to be on the agenda next meeting. He stated that most of the money went unspent and it should be back in the budget and spent on creative programs and innovative ideas.

Rodd stated that members should plan on two hours, from 5:30 to 7:30, for the next meeting to accommodate the hefty agenda.

add-13
pg 3

Action Items: Penni: Coordinate a public meeting in Pt. Roberts.

Next Meeting Agenda

1. Pt. Roberts Solid Waste System
2. ARD ideas
3. Recycling Definition
4. Local Grant Program

Next Meeting Schedule

The next meeting will be held from 5:30 until 7:30 p.m. on Thursday, May 24th, 2007 in the Public Works meeting room.

Adjournment

Meeting was adjourned at 6:55 p.m.

CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held April 26, 2007

Attest: _____
Debbie Bailey, Secretary
WCPW Solid Waste

Rodd Pemble, Chair
Whatcom County Solid Waste Advisory Committee

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pw-15
pg 1

WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES
May 24th, 2007

Members Present:

Ed Nikula, Troy Lautenbach, Duane Jager, Iris Newman, Barbara Brenner, Becky Phillips, Lisa Friend, Rodd Pemble, Steven Thomas, Chad Bedlington.

DISTRIBUTED TO

Members Absent:

Absent: Greg Young

MAY 31 2007

Staff Present:

Penni Lemperes, Debbie Bailey, Frank Abart

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Others Present:

Charles Sullivan, Whatcom County Health

Call to Order

The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, May 24th, 2007 at 5:38 p.m. in the Public Works Meeting Room by Chairperson, Rodd Pemble.

Introductions

Chad Bedlington, City of Bellingham, and Frank Abart, Whatcom County Public Works Director, were introduced.

Minutes:

Minutes of the April 26th SWAC meeting were approved as written.

Communications:

SWAC Chair, Rodd Pemble, sent a letter to SWAC members regarding general meeting protocol and the role of SWAC. Barbara disagreed with the statement that discussion of agenda items via email violated the Open Meetings Act and quoted from a book on municipal research. Copies of RCW Chapter 42.30, Open Public Meetings Acts were distributed to members. According to Dan Gibson, Whatcom County Prosecuting Attorney, care needs to be given as to the nature of what is e-mailed among members of the SWAC so that it does not become a form of deliberation that is subject to the Open Public Meetings Act. This is not to say that members cannot e-mail each other, but that the e-mails should not become an alternate method of conducting the business of the committee. An agenda item which requires action on the part of the SWAC is considered a part of the meeting, and all meetings are declared open and public.

Agenda Items:

Pt. Roberts Solid Waste System

As this item was continued from the last SWAC meeting, Rodd made a two-part motion:

- 1. Impose mandatory garbage collection in the form of required purchase of 12 tags equivalent in volume and price to monthly service;**
- 2. Drop the requirement for curbside recycling, impose free drop off at transfer station, with review by Solid Waste division after a 1 year probation period.**

Barbara Brenner would like more information and suggested that Arthur Wilkowski could go to the UTC for rate increases if it (UTC) determines they're reasonable. Arthur stated that the County has jurisdiction over system design and the UTC has jurisdiction over rates. He is seeking a change in the design. Charles Sullivan is concerned that there is no means to compel the citizens of Pt. Roberts to purchase the 12 tags. Barbara says recycling at curbside is still needed. She also wants to know at what point it can be opened up for another company to step in. Arthur stated that the County can contract for recycling collection, but the G Certificate is granted from the state and unless he violates his tariff, he will remain as the garbage company in the area. Duane Jager wants to hear from the UTC what kinds of costs are realistic to be financially viable so service remains as is. General consensus was that there needed to be a public meeting in Pt. Roberts to gauge

Whatcom County Solid Waste Meeting Minutes – 5/24/07

citizens' wants and needs before the group could back any recommended changes. It was agreed that the County Council should hold the meeting/hearing. Troy Lautenbach suggested that the SWAC present some ideas and options to the citizens. If so, Barbara wants one option to say "leave services as they are." Becky Phillips amended the motion on the floor to recommend to the County Council that a public meeting/hearing will be held in Pt. Roberts to discuss potential changes to service with several options available including, but not limited to, the two that Rodd proposed as well as **Option 3, leave service as is**. Steven Thomas seconded the motion. Motion carried. Penni was asked to call the UTC to get the financial information on what it would cost to maintain current system.

America Recycles Day

Rodd stated that ARD is November 15th. Lisa Friend listed both new and previously stated ideas as possible options:

1. Amnesty Days – Bulky item pickup, or specific site cleanup (i.e. Kendall, Custer)
2. CDL – Construction Demolition and Landclearing. Advertise source separated and reuse.
3. Pharmaceuticals
4. Yogurt Containers – suggestion for one-day shredding event.
5. Ban Bags for a Day – Stores to not provide plastic bags for one day.
6. Major Advertising – for places like Reuse Works.
7. Auto Rodeo – Amnesty event for junk cars as was done in Kittitas County.
8. Recycling company logos – Contest in newspaper to identify logos of recycling places and what can be taken there.
9. Whatcom Recycles Day Concert/event – Admission price is 3 recyclable items. Host a concert or event. Educate people and teach where they can take certain things.

Discussion of ideas followed. Penni Lempere stated that some litter grant money is also available for a cleanup event. Members will gather more information and continue discussion at next meeting.

Recycling Definition

Rodd stated that material from Pt. Roberts is being ground up and used as alternate daily cover (ADC) in Canada which according to the UTC, may be considered recycling. The Department of Ecology's unofficial position is that ADC is not considered recycling. Arthur has asked for a definition from Whatcom County. Charles suggested that the County adopt the DOE's 350 regulations as its own, which will compel Ecology to issue a determination at the state level and the UTC then would have to deal with Ecology. Arthur stated that there is some conflict between 350 (WAC) and the RCW. The RCW states that it is the County's authority to define recycling. Discussion centered on what would be a fair percentage of waste/contamination to still be considered recycling. Troy noted that a facility could be over 10% waste and still be a recycling facility or intermediate solid waste handling facility, but would need to be permitted rather than exempted. Rodd asked Charles to get some input from Ecology, and the 350 definition and continue discussion at the next regular meeting in July. Rodd would also like to ask Dan Gibson what the implications are if the County came up with its own interpretation.

Local Grant Program

Rodd stated that although this agenda item was requested by Duane, only \$10,000, earmarked for the ARD, was available in this year's budget. It was explained that this program was initially only approved for the 2005/2006 budget and additional money was

needed this year for the Cedarville landfill. Duane and Barbara recommended that the grants be put back in the budget. Rodd wants assurance that the source of any money does not come from the school education program. Penni gave a synopsis of the grants that were given out in the 2005/2006 cycle. Barbara wants to know the dollar amounts of all the grants at the next meeting and also would like to know more about the budget to determine if all the current items are worthwhile and perhaps a source of funding to reinstate the grants. Duane moved that the SWAC recommend to the Executive Committee and the County Council that the Solid Waste Division:

1. Reinststate the annual allocation of \$75,000 to the local grant program line item in the 2007 County budget.
2. Continue to follow the guidelines recommended by the SWAC to implement the program.
3. Ambitiously promote the program.
4. Remove arbitrary barriers that prevent distribution of funds.
5. Distribute 100% of the funds to worthy programs.
6. Report the program's successes and failures to the SWAC
7. Continue the program indefinitely unless advisory and/or governing entities direct the Solid Waste Division to do otherwise.

Becky amended the motion to include the clause that the funds are not to be pulled from currently funded programs in the Solid Waste budget. Amended motion carried.

Other Business

Penni announced that Becky Phillips won the WSRA Recycler of the Year award for the kindergarten through 12th grade recycling programs.

Open Session

Action Items:

Penni: Contact UTC

Rodd: Write letter to Council requesting meeting in Pt. Roberts.
Write letter to SWEC regarding Local Grant program.

Next Meeting Agenda

1. Comp Plan Public Comment
2. ARD

Next Meeting Schedule

The next meeting will be held from 5:30 to 7:00 on Thursday, June 28th, 2007 in the Public Works meeting room.

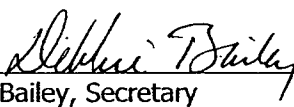
Adjournment

Meeting was adjourned at 7:52 p.m.

CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held May 24, 2007.

Attest:


Debbie Bailey, Secretary
WCPW Solid Waste

Rodd Pemble, Chair
Whatcom County Solid Waste Advisory Committee

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT
FRANK ABART
ADMINISTRATOR



411 CIVIL COURT
PW-16
ADMINISTRATION
CIVIC CENTER
322 N. Commercial Street, Suite 210
Bellingham, WA 98225-4042
Telephone: (360) 676-6692
FAX: (360) 738-4561
www.whatcomcounty.us

6/1/07

Whatcom County Council
311 Grand Ave
Bellingham, WA 98225

DISTRICT

JUN 4 - 2007

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Re: Point Roberts Meeting

Dear Council Members,

The Solid Waste Advisory Committee recommends that at its earliest possible convenience the Council host a public meeting in Point Roberts to gather input from constituents on the attached requests from Point Roberts garbage & recycling service provider Arthur Wilkowski. Mr. Wilkowski's correspondence lays out serious issues that the Council should consider carefully. SWAC believes that process should begin with taking public input from the residences and businesses served by Point Disposal.

Specifically, the meeting should seek to gather input on the following possible solutions to Mr. Wilkowski's requests, as well as any other solutions which Council or citizens may bring forward for consideration.

- 1. Impose mandatory garbage collection in the form of required purchase of 12 tags equivalent in volume and price to monthly service;***
- 2. Drop the requirement for curbside recycling, impose free drop off at transfer station, with review by Solid Waste division after a 1 year probation period.***
- 3. Keep the present system with no changes.***

Sincerely,

A handwritten signature in black ink that reads "Rodd Pemble". The signature is written in a cursive, flowing style.

Rodd Pemble
Chair, SWAC

PW-17

From: "Eckhardt, Gene (UTC)" <geckhard@utc.wa.gov>
To: "Penni Lemperes" <PLempere@co.whatcom.wa.us>
Date: 7/10/2007 12:48 PM
Subject: RE: Pt. Roberts

CC: "Ingram, Penny (UTC)" <PIngram@utc.wa.gov>

It was good to talk with you today, but disappointing to hear that this issue continues.

I understand that the Public Works Committee (subcommittee of the County Council) will meet today (it would help my staff to know about these meetings and questions in advance so we have more time to respond or attend) to discuss the following:

1. Topic: Should the County Council meet up in Pt. Roberts?
2. Proposal: Recycling Ordinance change:
 - * Current - Mandatory pay, voluntary use.
 - * Proposal - No curbside recycling - even voluntary.
 - * Customers could take it to the transfer site for free.
3. Proposal: Solid Waste Ordinance change:
 - * Current - Mandatory service, but exemption.
 - * Proposal - Mandatory pay, with no county exemption.
4. Has Pts. Recycling filed a rate case?
No.
5. Why not?
You should ask the company.
6. How does UTC handle haulers that cannot exist under a county imposed system?
A company's financial health is determined by many variables: the types of services provided, including those required by the county, customer subscription levels, rates, costs to provide service, revenue, etc.

The county has solid waste planning authority through its Comprehensive Solid Waste Management Plan, including minimum service levels and implementing ordinances. Clearly, the county affects the company's operations through its solid waste management policies: minimum service levels, mandatory collection districts, etc.

The commission regulates the collection and transportation of solid waste, including residential recyclables, under RCW 81.77. RCW 81.77.030(5) requires the commission to ensure that regulated haulers provide services in compliance with the county's solid waste management plan and implementing ordinances.

The commission sets rates for the various collection services the company provides and oversees the company's business practices to ensure customers receive fair treatment and adequate services. The company is entitled to recover reasonable, prudent expenses and an opportunity to earn a reasonable return on investment.

Commission staff audits the company's books and records to establish reasonable costs, establish an appropriate revenue target using a computer model known as the Lurito-Gallagher model (expenses, investment, capital structure, capital costs, etc.) and design rates for the various services.

The regulated company is responsible to provide adequate collection services, including those required in the county's Solid Waste Management Plan. The owner / management are responsible to manage the company, just like any other private business. That includes deciding when the company requires additional revenue to pay expenses, etc. To increase rates, the company must demonstrate to the commission that it requires additional revenue.

Every company, regulated or not, must decide when it should increase prices, how much to increase prices and what impact increasing prices will have on its customers. Pt. Roberts has not filed a rate case to increase prices. Mr. Wilkowski stated that he believes that if he increases prices, some customers will cancel service and he may end up with less total revenue. Staff understands his concern. The commission sets rates using average costs. If customers cancel service in response to a rate increase, the company could earn less total revenue. Staff recognizes this is a difficult situation for the company.

If you have additional questions, please let me know.

Eugene K. Eckhardt
Assistant Director of Water and Transportation
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250
Tel: (360) 664-1249
FAX: (360) 586-1150
E-mail: geckhard@wutc.wa.gov

-----Original Message-----

From: Penni Lempere [mailto:PLempere@co.whatcom.wa.us]
Sent: Tuesday, July 10, 2007 10:32 AM
To: Eckhardt, Gene (UTC)
Subject: Pt. Roberts

Here are the questions I have been asked by Carl Weimer, Chairperson of the Whatcom County Council:

1. Has Arthur Wilkowski of Pt. Recycling & Refuse requested a rate adjustment from the WUTC? If so, what was your analysis and ruling. If he hasn't requested an increase, why not?
2. How does the WUTC handle haulers that can't financially exist under a county imposed system?

Thank you so much for your time and consideration of these questions.

PW-18

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone (360) 945-1516

August 23, 2007

Frank Abart, Public Works Director
Whatcom County Public Works
322 N. Commercial, Suite 210
Bellingham, WA 98225-4042

DISTRIBUTED TO
AUG 23 2007
ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Dear Frank,

Point Recycling and Refuse Company is close to finishing an extensive rebuild and expansion of the Point Roberts Transfer Station. We are now ready to add several new material disposal and recycling options. Under the Lease Agreement, all rates must be approved by the Whatcom County Executive and added to the Unified Fee Schedule. I am requesting temporary rates be approved immediately so that we can begin offering the services and file tariff changes with the WUTC. Final permanent rates may be included in the Unified Fee Schedule when the County conducts the annual schedule review and update. I do require an approval of rates letter from the County in order for the WUTC to approve the collection rates.

Materials Added and New Rates for Point Roberts Transfer Station:

E-Waste Recycling

Fluorescent Light Bulbs	\$1.00 Each
Computer Monitors	Garbage Weight Disposal Fee plus \$10.00
Televisions	Garbage Weight Disposal Fee plus \$15.00
Box Type Electronics	Garbage Weight Disposal Fee plus \$ 5.00
Miscellaneous Small Electronics	Garbage Weight Disposal Fee only

Yardwaste Recycling (grass, weeds, leaves) \$70.00 per ton

Brush, Branch and Land-Clearing Debris Recycling \$70.00 per ton

Mixed Construct Waste Disposal (no sheetrock, household garbage or yardwaste) \$180 per ton

Clean Sheetrock Recycling (no other waste contaminants) \$180 per ton

40-Yard Demolition Boxes (no sheetrock) \$1000.00 per box
Minimum Weight 5 tons Maximum Weight 9 tons)

We will begin offering these rates and services effective September 1st 2007.

We will also file with the WUTC for curbside collection rates for E-waste.

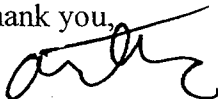
Curbside Pickup Rates:	Most electronics	\$1.00 plus disposal fees
	Monitors and Televisions	\$3.00 plus disposal fees.

Fluorescent light bulbs will not be collected curbside, customers may request special pickup services under existing hourly Tariff Rates. This also applies to oversized electronic items such as copiers, large monitors, console TVs and large screen TVs.

Customers can request special 12-yard drop box service for separated yardwaste, sheetrock or mixed construction waste under current tariff rates.

Adding these services has required a substantial financial investment and effort by the Company. As a regulated utility we are required to not only get rate approval from the County but also to file permit modifications, additional permits, annual reporting documents and tariff revisions with the Whatcom County Health Department, the Department of Ecology and the WUTC. We also must work out complicated transportation and storage logistics. It is extremely difficult to modify established rates and services therefore we cannot add new services unless we are absolutely confident that the system can be maintained. Rates for E-waste and Yardwaste are based on at-cost and provided as a community service. We are continuing our program of upgrading the Transfer Station and will be adding additional services when possible.

Thank you,



Arthur Wilkowski

Cc: Pete Kremen, County Executive
Penni Lempere, Whatcom County Solid Waste
Whatcom County Council
SWAC
Christina Reeves, Whatcom County

April 25, 2007

To: Whatcom County SWAC Members
From: Arthur Wilkowski, Point Recycling and Refuse
RE: Customer Recycling Survey

I sent a survey to my recycling customers. Enclosed are the survey, and the results. I have also included any comments that customers made. I tried to make the survey simple and factual. I did not request people's names so that they could comment freely and I did not try to influence the results by lobbying "friends" to give answers that I wanted. This is the gathering of information for the planning process that we are going through.

My thoughts on the results are as follows:

This is a rough survey, it is intended to only give a general idea of customers needs and actions. It will not give us an exact answer but we can make some general conclusions and predictions.

Some customers did not complete the whole survey and some had contradictory responses such as saying that they would cancel recycling service if the rates when up but not wanting the County to cancel the curbside program.

In general, the majority of customers said that they could and would self-haul their recyclables. Some said that they could do so but would not.

(this may give the indication that current recycling volumes will be maintained through a self-haul program)

A small group of customers cannot self-haul and do not have someone to haul for them. (This is obviously a service need that will have to be met. This could be done through an optional "disabled" household service filed with the WUTC. A small volume once per month service done with a pickup truck. Since recycling is free at the station then the regulated rate would only have the pickup cost. These customers also tended to say that they would not cancel service if the recycling fee went up because they have no other option, they cannot self-haul their recycling or garbage so they must pay whatever the fee is.)

Some customers want the convenience of roadside pickup and cost does not matter to them, some customers have no option to self-haul but cost does matter due to limited income.

Roughly half of the responses said that they would cancel service if the recycling fee increased. (This demonstrates the significant risk that the program faces with any rate increase. The existing customer base is so small that even a few customers canceling service will have a profound impact. For example: If rates increase to \$9.00 per month including a 10% profit for the company – profit is used to reinvest in equipment, not taken out of the program – annual revenue would be \$36,720 per year with \$3,672 in revenue over expenses. If each customer is now paying \$108 per year, then it takes only 34 customers canceling service for the program to require another rate increase. With each rate increase, more customers leave service. Since recycling service is tied to garbage service, then the garbage collection side also loses customers and revenue.)

Some customers expressed a desire for more recycling options at the transfer station. We are in the process of making substantial improvements to the station to add these materials. Some want expanded station hours which could be accomplished if needed but there is a lack of awareness of actual station hours which are already four days per week.

Some customers do not want the program cancelled because while they will continue to recycle, they believe that other people will not.
(perhaps this is a valid concern, but it is a prediction on the behavior of others)

Almost half of the responses wanted the roadside program cancelled. (This does not necessarily mean that the program should be cancelled or continued, but it does indicate that the program and other options should be evaluated. It is impossible for any program to perfectly meet the needs of everyone in the community. The goal is to reasonably meet most of the needs. One could conclude that since 83% of the households are not using the roadside recycling, then the current program is not meeting the needs of the vast majority of households)

Some customers expressed a desire for continuing recycling education in the community. (The County does do extensive recycling education but most of it does not apply to Point Roberts which needs unique recycling promotion)

So What Are Our Options:

1. Continue the curbside recycling program
 Benefits: Maintains the status quo, recycling volumes will probably stay the same and will not increase due to lack of any program growth in 7 years.
 Risks: Significant rate increases, customers dropping of service, recycling volumes decreasing, increased garbage collection rates, does not address problems of garbage burning and dumping. Does not address education issues.

2. Cancel the curbside recycling program and have free self-haul recycling for only those households who choose to be on permanent garbage service (the people who have curbside recycling now)
 Benefits: Customers save money and avoids possible loss of curbside garbage customers, may give incentive for households to start garbage service to get free recycling. Customers can get recycling education with regular bills.
 Risks: May be slight decrease in recycling volumes, may not be enough incentive for households to start service, no effect on illegal garbage practices. Does not address education issues.

3. Cancel the curbside recycling program and have free self-haul recycling for all households but all households have to be on universal garbage service.
 Benefits: All households have access to free recycling, likely increase in recycling volumes. All households can receive recycling education through regular bills. Probable decrease in garbage collection fees. Probable decrease in garbage burning and dumping.

So, please look over the survey responses and we can continue discussing options.
Thank you, Arthur Wilkowski

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

April 16, 2007

Dear Customers,

There are a couple of items to update you about.

1. Your current recycling calendar has an error and gets the schedule weeks messed up in May. Please discard your old recycling calendar and use the enclosed revised recycling calendar. On a more specific note for Meg, "Go right now and tape the new recycling calendar on to your refrigerator so that you do not have to keep calling me to see when to put out your recycling"
2. Whatcom County and I are discussing some changes to the curbside recycling program. These changes do affect you and you have the right to comment. Enclosed is a recycling survey for you to fill out and send back. Please do so as soon as possible.

How the Curbside Recycling Program Works: The Company is required by Whatcom County Ordinance to provide and charge for a curbside recycling program as designed by Whatcom County in the Solid Waste Management Plan. The Washington Utilities and Transportation Commission (WUTC) sets the rates for the recycling program based on the actual cost of providing the service.

How Changes to the Recycling Program are Made:

Any changes to the program must go through a complex process.

Step 1. Review by the Solid Waste Advisory Committee (SWAC)

(a citizen advisory group appointed by the County Council to make recommendations on solid waste and recycling programs) If approved by the SWAC-

Step 2. Review by the Solid Waste Executive Committee (SWEC)

(this is all the county Mayors and the Whatcom County Executive Pete Kremen)

If approved by the SWEC-

Step 3. Review by the Whatcom County Council's Public Works Committee

(a sub-group of the County Council) If approved by the Public Works Committee-

Step 4. Then Whatcom County Solid Waste Staff write the proposed changes into a County Ordinance which is reviewed by the WUTC.

Step 5. The proposed new County Ordinance is brought to the whole County Council for review and approval.

Any changes are incorporated in the Whatcom County Solid Waste Management plan.

Step 6. The Company must file for any changes in services in a revised Tariff with the WUTC.

Step 7. Once the revised Tariff is approved by the WUTC then the Company can actually make the changes.

What are the Proposed Changes: I have asked the County to allow us to cancel the curbside recycling program completely and to replace it with a free self-haul recycling program at the Transfer Station. This means that we would no longer pickup your recycling at your house but you can haul it yourself to the Transfer Station free of charge.

(Over-)

Recycling Survey Results 22% of Customers Responded

How often do you set out your recycling?	Every time	Monthly	Less than Monthly	Never
Totals	37	25	7	5
% of Returned Surveys (76)	49%	33%	9%	7%
% of Total Recycling Customers (340)	11%	7%	2%	1%

Would you bring your recycling to the Transfer Station?	Yes	No
Totals	58	15
% of Returned Surveys (76)	76%	17%
% of Total Recycling Customers (340)	17%	4%

Is it impossible for you to bring your recycling to the Transfer Station?	Yes	No
Totals	12	50
% of Returned Surveys (76)	16%	66%
% of Total Recycling Customers (340)	4%	15%

If so, could someone bring it for you?	Yes	No
Totals	4	6
% of Returned Surveys (76)	5%	8%
% of Total Recycling Customers (340)	1%	2%

The current monthly recycling fee is \$5.21,
 If the monthly fee increased to \$8.00 or \$9.00 per month, would you continue on recycling service or would you cancel service and self-haul your garbage and recycling to the Transfer Station?

	Stay on service
Totals	33
% of Returned Surveys (76)	46%
% of Total Recycling Customers (340)	10%

	Cancel Service
Totals	34
% of Returned Surveys (76)	45%
% of Total Recycling Customers (340)	10%

Do you recommend that the County cancel this curbside recycling program?

	Yes
Totals	30
% of Returned Surveys (76)	39%
% of Total Recycling Customers (340)	9%

	No
Totals	35
% of Returned Surveys (76)	46%
% of Total Recycling Customers (340)	10%

Other Comments:

(self-hauling) difficult and would not bring it as often

I would recycle regardless, I would prefer to pay the current rate. If the program is cancelled, I will take my recycle weekly.

More recycling items should be allowed. Plastic is plastic and too much is being put in garbage because it is not "acceptable" in the recycle bins.

I agree that it must not be cost effective with so few customers at this time. I would like to see the County have additional times here that other recyclables could be turned in at the dump. As well as household hazardous waste.

Please make service profitable for Point Recycling. If you don't, Maybe Whatcom County might like to give us service for our tax dollars. – Lucy Cutherbertson

Hang in there Arthur – I know you are trying to provide good service. D. McAfee

I don't have an opinion either way OK, at this time

Please do not cancel the recycling, I believe, if it is cancelled, most people will just throw their recyclables into the trash. This is the wrong message in these days of waste and environmental problems. If it ends up all of the residents on the Point are required to have garbage service, then the number of people choosing recycling will go up as well. If that does not occur, I am all for raising my recycling rates.

(self-haul) is inconvenient – I'd stop recycling and mix everything. Why not charge EVERYBODY for recycling – a lower fee – they can use it or not but still pay. Or surcharge the regular garbage service \$1/month to pay for new truck, you need economies of scale, not to stop service. E. Belkin

(Recommend canceling the program) It depends on how much the fee will increase. – I do not agree about self-haul my garbage to the transfer station. I could do it for the recycling if I have to but not the garbage. You don't talk about garbage at all but the question includes it... Why?

Perhaps more hours for the transfer station to stay open to accommodate different work hours, thanks

Can do either.

Have no problem self-hauling if it could be at least 6 days per week.

If the choice were to pay more or self-haul for free, we would self-haul. If the majority people agree to self-haul (cancel the program). If you move to self-haul, I would like to see yard-waste recycling added.

Have an option for recycling plastic tubs, tetrapaks, plastic bags that aren't picked up currently. Recycling bins at Marketplace for easy drop-off of recyclables at any time.

I would take it to the transfer station if it costs less.

Arthur, More important- garbage service is part of a community's infrastructure, and should be the responsibility of EVERY property owner in order to make the service cost efficient for everybody concerned. With only 350 +/- permanent customers, no wonder you are having financial problems. Do non-residence get a rebate from their primary home area when they are in Point Roberts? I doubt it! Dave Niles

I would prefer curbside but I would use the transfer station if I needed to.

How about a compulsory charge similar to other assessments that appear on our property tax notice, the charge must allow Point Recycling to make a reasonable profit.

How about bottle return refunds

I would rather stay on the curbside system but if canceled could bring it I guess. Thanks for all the good service Arthur.

Soooo much easier and cleaner to do it at curbside. I think many would just add recycling to regular trash rather than haul it. I'd rather pay more and keep curbside. Hi Art! – Barbara Bradstock.

We need curbside collection! People will add their recycling to their garbage which is a tragedy.

Put the whole community on the program and the cost will come down. Its time to move into the 21st century.

The convenience of the pickup service probably outweighs the extra \$3-\$4 dollar charge. However, if I was required to bring my recycling to the transfer station it wouldn't be an issue.

Art dear – for the Mohr's (Ted and Angie) a "self-haul" would be virtually impossible even bi-monthly as it is now given Ted's disability and the fact that although he could drive to and fro, the added stress and time consumed for me since I'm the one doing nearly ALL the "heavy" work means I'm almost reaching a Breaking Point as it is, and given the nature of the lack of help around us on Culp Court – it's a little much – we have and DO appreciate your service to us that I'm sure. Ted would pay a few \$ more. Love You –

If the price goes to \$8-9 I'd have to cancel- I cannot self-haul and there is no one to do it for me – recycling would probably end up in my garbage – I hate to do that- but it seems that is my only choice – I am a handicapped low income senior. – a friend just volunteered to haul my recycling when she hauls her own. So---

The County needs to improve its recycling program.

Hello Arthur, I'd be agreeable to take both garbage and recycling to self-haul program, no problem. Thanks Linda Bruce.

I would like to be convinced that recycling was actually doing our planet some good. It seems that the chemicals and processes to make these things reusable are more harmful than just dumping them. But I am more than willing to try and make this a better place.

Every property should have to pay a utility fee for garbage and recycling – as in Canada. It should be billed annually with property taxes.

If we are to do the self-hauling recycle year round, the transfer station needs to be open more hours than currently, i.e. every weekend (either Sat or Sun).

I prefer to have my recycling picked up, I really don't look forward to putting it in my car.

Yes, but it would cost me about the same as the \$8-9 fee.

If the recycle system on your site was very convenient, I'd have no trouble bringing it to PR&R. Your hours are limited, I believe you run a "great" service and I'm sorry to see you catch hell from the small minded folks here. I appreciate all you do and strive to do.

I self-haul recycling to the dump monthly – I continue to support recycling service, even if rates increase. I would like to have ongoing information about what happens to our recycled items, Could there be a quarterly newspaper article that encourages us to recycle by letting us know how many pounds of garbage on the Point are saved from landfill by recycling. I would suggest you try a different dump configuration for recycling drop off if you go to a self-haul program. It is frustrating to sit in line on a Sunday afternoon, waiting to drop off my recycling while other garbage customers are weighed and charged etc. I work Tuesdays and Thursdays so can't get to the dump on those days. I'd rather not donate a lot of time on Sundays to hauling my recycling, Thanks – Val Loreen.

People who haul their own should not be charged.

As long as I can keep the recycling bins to transport the items to the station, I am fine with bringing it in.

I do not have a great deal to recycle.

Thank you for all you do and I appreciate having my garbage picked up but never use the recycling as I never remember the day and I take my bottles back to the recycling station.

As of late, we haven't had time to recycle. We now are going to continue to curbside recycle. We would be willing to bring recycling to the transfer station but with to continue curbside garbage service thank you Chris and Jana Thompson

Would a free self-haul program cause more people to recycle and be more environmentally conscious? What would the self-haul hours be (any increased times at the transfer station)? I would LOVE to see a grass/plant/yard material recycling area. This would be of more importance to me than an increased recycle fee.

pw-20

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone: (360) 945-1516

January 24, 2008

Penny Lemperes
Whatcom County Solid Waste
Suite 210
322 N. Commercial
Bellingham, WA 98225-4042

Dear Penny,

This letter is to inform you that Point Recycling and Refuse Company is forced to suspend our curbside recycling collection program in Point Roberts. This is because our recycling collection truck has finally completely died, the engine is blown. We no longer have the equipment necessary to provide the service. Repairing the engine is not cost feasible or affordable and the program is too small to afford purchasing another truck.

I am sending a notice to my 340 recycling customers informing them of the situation and will credit their accounts for any service not provided. For the time being, these customers will be instructed to self-haul their recyclables to the transfer station free of charge.

The collapse of this program is not a failure on our part but an economic inevitability of a system that is too small to support the equipment necessary. I think that it is admirable that we were able to hold the program together for this long. I have repeatedly advised the County and the WUTC of the situation that when this truck was done, the program would also end. The real failure here is that the County and the WUTC refused to understand that solid waste and recycling systems are designed within economic parameters. With an impractical system design and a complete absence of governmental support the task that was set to us was impossible.

I will continue to move forward with development of the transfer station for self-haul recycling. We need to meet to discuss where to go from here. I am available whenever you are ready.

Sincerely,

Arthur Wilkowski

CC: Peter Christianson, Dept of Ecology
Gene Eckhardt, WUTC

PW-21

From: Daniel Gibson
To: Frank Abart; Penni Lempere
Date: 2/6/2008 4:28 PM
Subject: Fwd: RE: Point Recycling and Refuse discontinuance of curbside recycling Attorney - Client Privilege

Penni/Frank:

It appears to me that the UTC does have the power to take action against Arthur's certificate under the authority granted it in RCW 81.77.030. Our role is outlined in our code. We do not have the power of certificate revocation, though we could complain to the UTC and could also contract with someone else to provide the curbside recycling service.

Daniel L. Gibson
Asst. Chief Civil Deputy Prosecutor
Whatcom County
dgibson@co.whatcom.wa.us
360.676.6692 (Public Works) or 360.676.6784 (Prosecutor's Ofc.)

>>> Penni Lempere 2/6/2008 2:45 PM >>>
Here's some insight from the WUTC on the Pt Roberts situation.

>>> "Ingram, Penny (UTC)" <PIngram@utc.wa.gov> 2/6/2008 2:29 PM >>>
Good afternoon Penni. See below for answers.

-----Original Message-----

From: Penni Lempere [mailto:PLempere@co.whatcom.wa.us]
Sent: Wednesday, February 06, 2008 12:49 PM
To: Ingram, Penny (UTC)
Subject: RE: Point Recycling and Refuse discontinuance of curbsiderecycling

Here are the basic questions regarding Arthur Wilkowski's recent decision to stop pickup of curbside recycling in Pt. Roberts:

1. Is curbside recycling a requirement of Arthur's franchise license with the WUTC?

Answer: No. Recycling is not a requirement for the commission to issue a certificate of public convenience and necessity to a solid waste company.

However, in Whatcom County, a regulated company must comply with the

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county Comprehensive Solid Waste Management Plan (Plan) and implementing ordinance(s). At a minimum, the company must offer the services to all its customers. The commission, per RCW 81.77.030(5) requires compliance with both the Plan and related implementation ordinances.

The November 1999 Whatcom County solid waste management plan (plan) in Chapter 5, Section 5.2 Recyclable Material Designation defines the types of materials considered to be "recyclable." Source separated designated recycling materials include:

- * All grades of pulpable paper products;
- * All recyclable metals, both ferrous and non-ferrous;
- * Container and window glass;
- * Source-separated organic materials such as yard debris, food waste, tree trimming, wood waste, uncontaminated compostable paper and fiber products that are not readily recyclable through existing pulping processes, and uncontaminated sludges;
- * Lubricating and other recyclable oils;
- * Tires and other recyclable rubber products;
- * Lead-acid and removable household batteries;
- * Recyclable textiles;
- * Plastics such as PET, HDPE, LDPE, and films;
- * Chemicals with properties that make them recyclable or reusable, such as antifreeze, inks, latex paint, film developers, and other chemical products and by-products of industrial or commercial processes;
- * Gypsum board;
- * Polyurethane;
- * And other materials for which the county determines that viable markets with uses exist.

The Whatcom County Minimum Service Level Ordinance 90-95 (Whatcom County Code 8.10) directs certificated haulers to establish residential "curbside" recycling collection programs in unincorporated areas. The certificated haulers shall collect: newspapers, mixed waste paper, aluminum, tin-plated steel containers, plastic bottles, and glass containers placed in household collection bins. Haulers are also

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directed to collect refillable glass containers, corrugated cardboard, yard waste, scrap metal, lead acid batteries, and used motor oil from residences when set adjacent to household bins.

2. Do local residents at Pt. Roberts need some sort of certification or license to pick up and/or transport recycling in Pt. Roberts?

It depends on the type of "recycling."

To collect and transport "commercial recycling" requires a common carrier permit under RCW 81.80.

To collect and transport "residential and multifamily" source separated recycling requires a certificate of public convenience and necessity because source separated recycling is defined as solid waste in WAC 480-70-041.

RCW 81.77 adopts the following definitions for the purpose of defining the type of "solid waste" collection that requires a certificate under that chapter:

"(8) Solid waste collection does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, nor collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80 RCW; and

(9) "Solid waste" means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences."

3. Could someone else pick up curbside recycling other than Arthur?

PW-21

Yes, but only if they have a certificate of public convenience and necessity to provide collection and transportation of solid waste.

A company could file an application (WAC 480-70-081 Certificates, general) to provide solid waste service at any time. Points Recycling and Refuse, LLC (G-155) holds the certificate to collect and transport solid waste in Point Roberts.

"RCW 81.77.040

Certificate of convenience and necessity required - Issuance - Transferability - Solid waste categories.

A solid waste collection company shall not operate for the hauling of solid waste for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. To operate a solid waste collection company in the unincorporated areas of a county, the company must comply with the solid waste management plan prepared under chapter 70.95 RCW in the company's franchise area.

Issuance of the certificate of necessity must be determined on, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for solid waste collection and disposal, set out in an affidavit or declaration; a statement of the assets on hand of the person, firm, association, or corporation that will be expended on the purported plant for solid waste collection and disposal, set out in an affidavit or declaration; a statement of prior experience, if any, in such field by the petitioner, set out in an affidavit or declaration; and sentiment in the community contemplated to be served as to the necessity for such a service.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after notice and an opportunity for a hearing, issue the certificate only if the existing solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission or if the existing solid waste collection company does not object."

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4. Could we receive a copy of Arthur's WUTC franchise agreement?
Yes. Please see attached.

General UTC Regulation

All materials are either (1) disposed or (2) recycled. For the purpose of collection and transportation, there is just one question - "Does the material go to a disposal site or to a recycler?" If the answer is a disposal site, the material is waste, and that requires a UTC certificate under RCW 81.77. If the answer is a recycler, the material is recycling, and that requires a UTC permit under RCW 81.80.

The Washington Utilities and Transportation Commission (UTC or commission) regulates the collection and transportation of solid waste from commercial and residential customers in unincorporated areas of the state, and within cities and towns that do not contract for or provide solid waste collection services themselves (RCW 8 1.77).

"Solid waste" includes collecting and transporting source separated recyclable materials collected from residences, but does not include collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation.

A solid waste collection company must have a certificate of public convenience and necessity, issued by the UTC, to provide solid waste collection services (RCW 81.77.040).

The UTC does not regulate solid waste collection in a city that provides solid waste collection itself or contracts for solid waste collection within the city limits (RCW 81.77.020).

The UTC's authority is limited to the collection and transportation of solid waste (including source separated recyclable materials collected from residences) from generators to the disposal or recycling site. The UTC's authority does not extend to the transportation of solid waste from transfer stations identified in the county's comprehensive solid

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waste management plan. (RCW 36.58.50) The UTC's authority does apply to the transportation of solid waste from sites that are not identified in the county's comprehensive solid waste management plan. (RCW70.95.090 (1))

I hope you find this information useful. Please let me know if you have any further questions regarding these issues.

Sincerely,

Penny Ingram

Regulatory Analyst

Washington Utilities and Transportation Commission

360-664-1242

PW-22

From: Daniel Gibson
To: Frank Abart
Date: 2/7/2008 1:41 PM
Subject: Fwd: RE: Point Recycling and Refuse discontinuance of curbside recycling

Frank:

No, I had not seen it. It sounds like Gene is pre-emptively shifting responsibility for action onto the County, effectively shielding his agency from scrutiny for its exercise (or failure to exercise) its statutory charge.

Daniel L. Gibson
Asst. Chief Civil Deputy Prosecutor
Whatcom County
dgibson@co.whatcom.wa.us
360.676.6692 (Public Works) or 360.676.6784 (Prosecutor's Ofc.)

>>> Frank Abart 2/7/2008 12:44 PM >>>
Have you seen this??

>>> "Eckhardt, Gene (UTC)" <geckhard@utc.wa.gov> 2/7/2008 10:37 AM >>>
Greetings,

I'm glad to see people are starting to discuss this issue and explore alternate scenarios. I need some additional information before I can brief the commissioners on this situation.

1. Would you please tell me what the county intends to do to enforce its Minimum Service Level Ordinance 90-95 (Whatcom County Code 8.10)?
2. I understood that the Whatcom County Council intended to schedule a meeting in Point Roberts during the late summer, early fall. Staff committed to attend that meeting. Does the County Council still intend to meet in Point Roberts? What, if anything, is going on here?

If you have any questions, please let me know.

Thank you,

Eugene K. Eckhardt

PW-23

From: Daniel Gibson
To: Frank Abart
Date: 4/16/2008 11:51 AM
Subject: Re: Pt. Roberts Draft
Attachments: wutcSolidWastePtRoberts041508.doc

Frank:

Attached is the letter to the WUTC to which I made a number of changes, though none alter the substance of the original. My question is this: do we have a Plan B ready to go if Arthur's certificate is pulled?

Daniel L. Gibson
Asst. Chief Civil Deputy Prosecutor
Whatcom County
dgibson@co.whatcom.wa.us
360.676.6692 (Public Works) or 360.676.6784 (Prosecutor's Ofc.)

>>> Frank Abart 4/15/2008 9:41 AM >>>

Please review the draft letter regarding Pt. Roberts recycling. Thanks.

Frank.

AB2008-~~14~~ 210 ✓
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pg 1

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone (360) 945-1516

May 27, 2008

Frank Abart, Director
Whatcom County Public Works
Suite 210
322 N. Commercial St
Bellingham, WA 98225

IN-BASKET	RESPONSE	FILED
6/2/2008		2008 ALL COUNCIL MEMBERS WHATCOM COUNTY COUNCIL 210

DISTRIBUTED TO
MAY 28 2008

Dear Mr. Abart,

In response to your letter dated February 11, 2008, ordering me to resume curbside recycling collection in Point Roberts. I will be very clear, that is not going to happen. As I have been telling you for years, the program is not economically viable or necessary. I cannot subsidize the program and no bank would finance equipment on the program given the current participation and lack of support from the County.

I am providing free self-haul recycling to every household, the needs of the community are being met and more households are recycling now than were before. The recycling center is open six days per week. This is the direction that the system needs to go and I am going to implement it.

I find it incredibly amusing that nobody from the County or the WUTC has even bothered to call me about the situation. It is a monumental absurdity of blind bureaucracy. There is a profound refusal to participate and realize that I am not a slave to be ordered to a task by the County and the WUTC but that all three of us are equally bound to serve the community. It was never my task to prove this program was not possible but it was the mandated task of the County and the WUTC to design, assess, and support a viable and sustainable system.

I believe that the County does not know what to do; how to evaluate the situation; or make decisions. The County's Solid Waste Department and planning process is non-functional and has been for years. One may want to blame staff but the fault rests completely on the County Council. Sixteen years ago, when I was an intern with Solid Waste, we had a Solid Waste Manager, a Recycling Manager, a secretary and two interns. We were cutting edge and won National and State awards for our programs. The Department has since been gutted of staff and resources consisting now of two secretaries (both are capable of their jobs as assigned) with the occasional oversight of the Public Works Director. Staff are forbidden to make decisions contrary to the political whims of the Council or else their jobs are at stake. The County put the whole solid waste and recycling system on autopilot a long time ago. The County no longer has the ability to understand its jurisdictional role or fulfill its responsibilities. Solid waste and recycling systems are engineered economic models that have predictable outcomes based on design, support, participation and enforcement. You cannot design and maintain systems successfully when decisions are made by part-time committees consisting of mostly ignorant (in solid waste and recycling) citizens and politicians where the most strident voices eliminate practical discussion. You know what they say a camel is? A horse designed by committee. When the County builds a road or a bridge you hire

experts and you listen to them about what can be done and what cannot. Solid waste and recycling systems are no different in purpose and process but the County refuses to listen.

The County has reached this point for two reasons: money and politics. Solid Waste staff and authority started being cut with the huge cost over-runs of the new Courthouse. A general fund budget crunch was increased by the anti-tax initiatives of the mid 1990's. The County was able to transfer funds from Solid Waste by making the division into a department of Public Works and charging administrative overhead fees. Perhaps legal, maybe not; but when you fire all the staff then who would question it, especially when Public Works is now in charge of the budget. And then we have politics; for the most part Councilperson Barbara Benner who has consistently tried to use solid waste in her personal vendettas against the former Recomp regarding MSW composting, flow control, mushroom composting and medical waste. She has repeatedly tried to exceed the County's jurisdictional authority, bypass legal procedures or avoid mandated solid waste responsibilities. Professional, trained, and strong solid waste staff would have been a check against these political abuses, so they were removed.

The creation of the Planned and Regulated solid waste and recycling system was intended to address numerous problems in solid waste such as illegal dumping, burning and litter; maximize recycling; provide funding for County programs; and to ensure affordable and effective collection systems. In that process, a partnership was created between the County, the Cities and the Haulers to be bound in service to the community and to fulfill responsibilities. The County was required in the Plan to address service needs for both urban and rural areas which it has never done for Point Roberts. The Plan is implemented through the Service Level Ordinance and the Universal Service Ordinance. The County made promises that it has not kept. When you asked the Haulers to build your recycling system, you promised to help us achieve maximum recycling at the lowest rates through Universal Service. When the Cities joined the Plan you promised to treat "county" and "city" households equally. When you put your Excise Tax on the Haulers, (which I first proposed and helped to design), you effectively increased Haulers rates compared to self-haulers who do not pay the tax, so you promised to implement Universal Service. You promised the Cities who have Universal Service that you would tax county residents equally through Universal Service. However, the County refuses to implement its own ordinances. Over and over the Haulers or others have stepped up to implement programs in recycling, yardwaste, or electronics collection and the programs have failed to achieve their full potential in volumes and rates, or even collapsed completely, because the County will not take the rational steps necessary for the community benefit. Why? Because of politics like where Barbara Brenner who does not subscribe to collection service, self-hauls her recycling for free to RDS, and does not pay County Excise Tax but uses her position on SWAC to block any actions she does not agree with. So, the fundamental solid waste problems still are not addressed and recycling objectives are not met because the County fails to understand its role and responsibilities as a partner in the system.

I find it to be the utmost in hypocrisy that the County would demand that I comply with the Service Level Ordinance but then refuse to implement the Universal Service Ordinance. Over the years, you should have listened to me when I tried to bring problems to your attention and helped me when I asked for it because we are partners. When I suspended curbside recycling, somebody should have called me but nobody did. What should have happened? We should have set down with the WUTC, Ecology, the County lawyers, some of the knowledgeable people in the county such as Carl Weimer, Ed Nikula, Rodd Pemple, Bob Colbo, and Calvin Den Hartog in order to create a feasible plan for Point Roberts where we all understood the task at hand, our individual obligations, and the possible or impossible. But nothing happens. The County has put me in an unbearable situation where absent a game plan, I can not move forward with this system. I do not

know what equipment to buy or what to tell my customers. No business can continue for long in that situation.

Your Solid Waste Plan is not valid for Point Roberts because you have never done an Urban/Rural designation or assessment of program feasibility. Your curbside recycling program was a failure from the beginning; only 17% of households participating. You don't understand that 83% of the households voted against curbside recycling in the most important way, they chose not to participate in the system. You talk of public meetings which are pointless until there is a game plan to discuss. Public meetings and committees are for getting input not making decisions. Who in the County actually makes any decisions?

I must comply with my WUTC Tariff so I am filing to remove Curbside Recycling. This will allow my customers to formally comment on the program and on the County's failure to adequately plan their solid waste and recycling system. It will put a 45 day clock on the process to force some action and participation from the County. I anticipate that WUTC staff will deny my application as they did in 2000, because I must comply with your Solid Waste Plan. Therefore, I must request that the Department of Ecology invalidate your Plan until you comply with the required guidelines including rural programs, feasibility and cost assessments.

This isn't the way this should have gone. We are partners in service and should cooperate. However, I have a job to do, to serve this community and create a viable, sustainable system. It requires that both the County and the WUTC participate and understand their obligations to support and protect this system. So far, both agencies have refused to participate in the success and survival of this system.

Sincerely,



Arthur Wilkowski
Owner/ Operator

Cc: Whatcom County Council, Executive,
Peter Christianson, Dept of Ecology
WUTC

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pg 1

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98284
Business Phone (360) 945-1516

DISTRIBUTED TO
MAY 28 2008
ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

May 23, 2008

Commission Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
POB 47250, Olympia WA 98504-7250

Dear Commission,

Point Recycling and Refuse Company (G-155) is submitting a filing to remove Curbside Recycling Collection from our Tariff.

I have been trying to shut down this program for eight years. This program has never been economically viable because the customer volume of only 340 customers (17% of households), no customer growth in eight years, only \$20,000 per year in revenue, and Whatcom County's refusal to enforce their own Universal Service Ordinance. I have repeatedly asked the County and Commission Staff to evaluate the cost feasibility and need of this program. Both the County and Staff have refused to perform their mandated planning and cost assessment requirements. There is no rational justification for this program. I have been set a task that was not possible and denied the support required to succeed.

On January 24th, 2008, our single 18 year old recycling truck suffered a catastrophic mechanical breakdown. We suspended the program and notified customers that they could bring in their recycling at no charge to our transfer station. We notified customers that if they had a complaint they could contact the WUTC and Whatcom County. To date, I am not aware of any customer complaints. I notified WUTC Staff and Whatcom County of the suspension. No persons from the County or Staff have even bothered to call me to discuss the situation or what should be done. I am faced with two government agencies that extensively control my business and bind me to service yet refuse to participate in the system or to fulfill their responsibilities. It was never my job to prove that this program was not viable, it is the County's and the WUTC's responsibility to ensure a practical, feasible and sustainable system design in the best interests of the consumers.

The WUTC is required to review the cost impacts on the County's Plan and Policies on the rate payers. This process has always been a rubberstamp for every plan the Commission has ever reviewed. Cost assessments are basically worthless for analysis due to broad generalization and lack of detail. I know of no case where the Commission Staff have actually calculated the impacts of a plan on a specific Hauler. In Point Roberts, it is obvious that the plan is impractical and unrealistic because it is written for the needs of urban Bellingham not this rural and isolated community. The Commission is intended to be a check against the whims of County politicians, to ensure that the consumer has a system which actually works to their benefit and is sustainable.

Currently I am in violation of the Whatcom County Service Level Ordinance and my WUTC Tariff. This issue must be resolved. Whatcom County is not willing and probably unable to perform their required planning and need assessment and Commission Staff have refused to perform their

pw-25
pg 2

required cost assessment. The Company is unable to comply with the Service Level Ordinance. WUTC Staff have already demonstrated on other issues that they would prefer to destroy this system rather than participate in its success. Therefore, compliance with my Tariff is the utmost necessity.

I request that the Commission approve this filing because Whatcom County and the WUTC have both failed in their planning and cost assessment requirements of the Whatcom County Solid Waste Plan. Whatcom County's Solid Waste Plan is not valid for Point Roberts, and so the Service Level Ordinance is not valid. There have been no customer complaints regarding suspension of this program and no customer requests for the service to continue.

We have sent notice of our action to the Whatcom County Council and have mailed notice to our customers. The Point Roberts "All Point Bulletin" is a once-per-month paper which will have notice on May 30th. Effective Date for this Filing is July 7th 2008. Questions can be made to Arthur Wilkowski at 360-945-1516.

Sincerely,



Arthur Wilkowski
Owner/ Operator

Cc: Whatcom County Council, Executive, Public Works
Peter Christianson, Dept of Ecology

pw-25
pg 3

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone (360) 945-1516

DISTRIBUTED TO
MAY 28 2008

May 26, 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Customer Notice of Tariff Filings

Point Recycling and Refuse Company has initiated two Tariff filings with the Washington Utilities and Transportation Commission (WUTC). This is your opportunity to comment on each filing.

Filing #1 - Cancellation of Curbside Recycling Collection

You are all aware that in January we were forced to suspend recycling collection due to equipment failure. We are offering free self-haul recycling to every household and the recycling center is now open six days per week. I believe that more households are recycling now than before because only 17% were using the curbside program. The curbside recycling program fundamentally failed to meet recycling goals because the vast majority of households chose not to use it.

Whatcom County and the WUTC control all aspects of the Company and the services we provide. We must comply with our Tariff which currently requires us to provide curbside recycling and we must obey the County Service Level Ordinance which dictates curbside recycling. I have been trying to remove curbside recycling for the past eight years. It is not the right program for this community and is not feasible. The County and the WUTC are required to plan and support a viable solid waste and recycling system for Point Roberts. They are also required to conduct cost feasibility and impact assessments on programs in order to determine the best option meeting your needs. The County and the WUTC refuse to perform their required obligations to this community.

I believe that the right system is free self-haul recycling and for every household to be on minimum garbage service. This will maximize recycling while stabilizing the rates for the garbage collection. Garbage burning, dumping and littering, as well as dumping on commercial business is a huge problem which is best addressed by putting every household on service. While I know what direction this system should go, I cannot implement it without the participation and support of the County and the WUTC. Their lack of commitment to you can be demonstrated in that since I suspended the recycling collection, not a single person from the County or the WUTC has bothered to even call to discuss the problem.

So, this is your opportunity to comment on the curbside recycling program, Universal Service, and the County and WUTC involvement in the system.

Below is the exact wording of the Tariff changes that are proposed.

Following is a description of the recycling program (type of containers, frequency, etc.). Program provided in accordance with Ordinance Nos. 90-95, 95-045, 97-067, and 2001-041 (as codified in Chapter 8.10 of the Whatcom County Code) of Whatcom County.

The Company is unable to provide curbside recycling service and has determined that curbside recycling collection is not economically viable, not needed in Point Roberts, and not in the best interests of the rate payers. Curbside Recycling Collection was permanently suspended on January 24th, 2008. The Company is providing free self-haul recycling as an alternative.

The above listed Ordinances are to implement the Whatcom County Solid Waste Management Plan. Whatcom County is required under the planning guidelines to determine recycling needs for both urban and rural areas, to determine the cost effectiveness of recycling programs and to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community.

Planning criteria shall also include levels of participation and unreasonable cost impacts on the rate payer. The WUTC is required to assess the collection cost impacts on rates charged by regulated companies.

Both Whatcom County and the WUTC have failed to perform their legislatively mandated responsibilities in the planning process specific for Point Roberts. There has never been a reasonable or specific planning or cost assessment performed. Whatcom County also refuses to implement and enforce the companion Universal Service Ordinance in the Plan. Therefore, the Whatcom County Solid Waste Management Plan is not valid for Point Roberts and the associated Service Level Ordinances listed above are not valid. The Company cannot be required to comply with a Solid Waste Management Plan until all planning requirements are fulfilled by both Whatcom County and the WUTC; and a determination is made that curbside recycling is needed, viable and sustainable.

Filing #2 - Definition of Recycling in Point Roberts

The fundamental goal of the regulated solid waste system is to provide each community with the necessary solid waste collection at the optimum rates. This is done by having just one company collect garbage and then regulating all the rates and services. Rates are based on the cost of providing service and it is impossible for the company to make rates higher, or lower, than they should be. Rates are an economic reality.

This system in Point Roberts is like a big co-op that exists to benefit everybody. I am just the operator of a system that the County and WUTC control and design where they are required to support and protect it for your best interests.

Below is the proposed Tariff change.

Definition of Recycling:

In Point Roberts, Recycling is defined by the Washington State Department of Ecology and Whatcom County. Both Agencies have determined that Alternative Daily Landfill Cover (ADLC) is not a recycled material or a recycling process. Therefore, any material hauled to manufacture ADLC is actually garbage and a disposal process. Under State Law, only the WUTC Certificated Hauler in Point Roberts, Point Recycling and Refuse Company, can haul garbage for disposal. Any other companies hauling materials for ADLC are in violation of State Law and subject to enforcement action by the WUTC.

This filing has to do mostly with the Sham Recyclers. Companies presenting themselves as recyclers but almost everything they haul is put into a landfill or dumped in the local gravel pit. They are not recycling as defined by the Department of Ecology or Whatcom County which means that they are actually hauling garbage.

The result of sham recycling is that everyone else will pay more for all garbage services. That is the way the system works, it is a community co-op and when Sham Recyclers undermine the local utility, everyone else pays for it.

This filing is the opportunity for you to comment on this definition of recycling, the WUTC's lack of enforcement and the impacts that Sham Recycling will have on your rates and services.

I encourage every person to comment to both the County and the WUTC about each filing; what ever your opinion is, your voice needs to be heard.

Contact the WUTC:

Dave Danner, Executive Director
WUTC
PO BOX 47250
Olympia, WA 98504-7250
Phone 360-664-1208
Fax 360-586-1150
consumer@utc.wa.gov

Contact Whatcom County:

Pete Kremen, County Executive
Suite 108
311 Grand Ave
Bellingham, WA 98225
Phone:360-676-6717
Fax: 360-676-6775
pkremen@co.whatcom.wa.us

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone (360) 945-1516

May 27, 2008

Peter Christiansen
Washington State Department of Ecology
Northwest Regional Office
3190 160th Ave. S.E.
Bellevue, WA 98281

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ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Dear Mr. Christiansen,

Point Recycling and Refuse Company (G-155) is submitting a WUTC filing to cancel our Whatcom County mandated curbside recycling program. The program is not economically viable, not the right design for this community and a complete failure to meet recycling objectives.

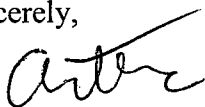
I officially request that the Department of Ecology suspend the Whatcom County Solid Waste Management Plan for the following reasons:

1. Failure to meet planning guidelines in regard to urban/rural designation of programs.
2. Failure to perform any service needs or program feasibility assessment for Point Roberts.
3. Failure to enforce the Whatcom County Universal Service Ordinance which is a key component of the Plan in regards to maximizing recycling participation, optimizing collection rates and programs, and funding the solid waste system.
4. Failure to apply County Solid Waste Excise Tax fairly and equally to all businesses and households.
5. Failure to maximum County Tax revenue for programs.
6. Failure to adequately staff the Whatcom County Solid Waste Department with enough staff and expertise to fulfill State mandates and planning requirements.
7. Failure of the WUTC to actually calculate the required cost impact assessment of the Plan on the ratepayers of Point Roberts.

Whatcom County put their solid waste system on autopilot many years ago. It is a tragedy to this community that a program which was once the best in the State, one of the best in the Country, has deteriorated to a point of non-functionality. The County is no longer able to fulfill any of the State required planning requirements and objectives, unable to support and evaluate existing programs and unable to make practical decisions.

It is in the best interests of the citizens of Whatcom County that the Department of Ecology suspends the Whatcom County Solid Waste Plan and withholds all State Solid Waste Funds until such time the County demonstrates the ability to comply with State mandates.

Sincerely,



Arthur Wilkowski
Owner/ Operator

Cc: WUTC
Whatcom County Executive
Whatcom County Council
Whatcom County Public Works

PW-27

From: Stephanie Draper
To: Frank Abart
Date: 7/15/2008 11:03 AM
Subject: Fwd: phone call

FYI..from Arden.

Stephanie L. Draper
Administrative Assistant
Whatcom County Public Works Department
Office:(360)676-6692 ext.50679
Fax:(360)738-4561
sdraper@co.whatcom.wa.us

>>> Arden Haines 07-15-08 10:57 AM >>>
Stephanie:

Would you ask Frank to call Deb Ferguson in Point Roberts about the Arthur Wilkowski, garbage issue. Her number is 604 453 6899. Arthur has apparently sent a letter to all citizens there saying some very flagrant things about the county abandoning the residents there. I think Frank already knows about the letter.

Thank you,

Arden

PW-28

From: Arden Haines
To: Frank Abart
Date: 7/15/2008 11:53 AM
Subject: Re: Pt Roberts recycling



Ok, thanks for letting me know in case they call again. I was wondering if it might be good to have a fact sheet in email that Stephanie and I could at least send out to folks. I'm thinking of the Barbara Brenner note she wrote back to Shannon Tomsen -- I don't know how sensitive it is right now to talk about what is happening (in terms of potential litigation) but Arthur's latest letter has raised the level of mutiny to a higher pitch than ever.

Life is chair of bowlies.

>>> Frank Abart 7/15/2008 11:49 AM >>>

I don't remember if I advised you that I called these folks shortly after 5:00 last night and also had to leave a message.

>>> Arden Haines 7/14/2008 2:09 PM >>>

Frank:

We had a call from John Miller in PT Roberts. He was calling about a letter that Arthur Wilkowski has sent to all customers outlining his side of the issue and what the potential problems are (i.e. there will be no garbage service) et.

John is particularly wondering

1. Why they can't continue with self haul recycling
2. Why they can't have universal service (everyone pays regardless of use)

He just wants to understand whether what he is hearing from Arthur is correct or if there is another side that he doesn't know about.

I think it would be best if you filled him and let him know the status (what IS the status by the way - is a hearing scheduled?). We've had several inquiries and I don't know what to tell people the process is from here.

Can you call Mr. Miller? 360 945 2138. He did say that Pt Roberts considers the county executive to be a great friend and they are appreciative of efforts he makes for them. He is not of the camp that feels that they are second class citizens of the county, nor does he necessarily believe everything that Arthur says.

Thanks,
Arden

PW-29
pg 1

From: Penni Lemperes
To: Daniel Gibson; Frank Abart; Jon Hutchings
Date: 7/18/2008 8:31 AM
Subject: article for All Point Bulletin
Attachments: Allpointsbulletin71808.doc

Here's a draft of an article for the Bulletin regarding the transfer station. It needs to get to them by their deadline of 5:00 today.

Notice to the Citizens of Point Roberts from Whatcom County Public Works regarding the operation of the transfer station operated by Points Recycling and Refuse, LLC:

In light of recent changes at the Point Roberts Transfer Station, operated by Arthur Wilkowski of Points Recycling and Refuse, Whatcom County Public Works provides the following information, taken directly from the lease agreement between Mr. Wilkowski and the County.

- The current lease will expire on October 31, 2008.

E. Scope of Operation

"The Company shall maintain and operate a solid waste and recycling drop box/container facility (the "Facility") upon the Property. The Facility shall be for the use of the general public and businesses. The Company agrees to maintain and operate the Facility by providing drop box/containers for the separation of recyclables, putrescible garbage and other materials that may be agreed upon between the Company and the County.

In performing such functions, the Company shall provide sufficient personnel, equipment and utilities for operation of the Facility in accordance with this Agreement. Notwithstanding the foregoing:

1. The Company shall make the Facility open and available to the public a minimum of 2 (two) days per week, between the months of May through September and 1 (one) day per week, between the months of October through April during the hours 12:00 p.m. to 4:00 p.m. This schedule may be altered by mutual written agreement if the volume so dictates.
2. In the operation of the solid waste drop box/container, the Company shall not be required to receive, accept or dispose of any suspicious or hazardous waste which would violate local, state or federal environmental laws or regulations. The Company reserves the right to inspect any and all waste and other material delivered to the Facility and may reject any such material which the Company believes, or the local area health district or State Department of Ecology advises the Company would upon disposal present a significant risk to human health or the environment or create or expose the County, facility users, or the Company to significant potential liability. The Company shall be responsible for acquisition of, cost of and renewal of all applicable permits relating to solid waste handling at the Facility.
3. In the operation of the recycling center, the Company shall accept, at a minimum, newspaper, mixed paper, cardboard, aluminum, glass (clear, brown and green), scrap metal, tin cans and plastic bottles. So long as it

is legally permitted to do so, the Company is allowed to accept batteries, used oil and antifreeze, and may chip woody debris on site. The Company shall be entitled to salvage any materials remaining in Solid Waste received for disposal at the Facility."

For comments or questions regarding the use of the transfer station, contact Whatcom County Public Works at 360 676-7695.

For comments or questions regarding the franchise agreement to haul garbage with the WUTC (Washington Utilities and Transportation Commission), please call them at 360 664-1160.

PW-3
Pg 1

From: Penni Lemperes
To: Frank Abart; Jon Hutchings
CC: Debbie Bailey
Date: 8/8/2008 3:03 PM
Subject: Summary of Pt Roberts Inquiries
Attachments: PtRInquiries8808.doc

Here's a list of the main points of the inquiries we've received by phone or e-mail. Some are in support, some aren't, and a few have suggestions as to how to change things.

We'll have to be able to respond to the county's ability, or not, to receive payment for services through either property taxes or utility bills. That seems to be one of the main questions asked, especially by Canadians who pay for it that way in Canada.

I'll talk with you about it on Monday. Have a nice weekend!

Pt Roberts Inquiries 25 total

(Two people responded twice, at different times, but saying the same thing, so I only counted them as one response each)

Several inquiries regarding having mandatory service, with it paid for by property tax or utility bill.

Two inquiries regarding self-serve kiosks, open 24/7.

Eleven positive responses, six negative responses.

Several writers urge County to resolve Pt Roberts issues by public meeting or gathering all concerned parties together to discuss issues.

Curious as to why there is no recycling at the local school – it was stopped over a year ago.

Encourages a public hearing

Support for withdrawal of mandatory curbside pickup, with free drop off at transfer station. Support the County levying a "garbage" tax.

Support drop off for free with no curbside pickup.

Recycling is much easier to do with free drop off and increased station hours. Much more efficient than sending a garbage truck for just a few households.

Happy with the current system of transfer station open 6 days a week, with free drop off of recyclables, with reasonable fee for yard waste, and a decrease in monthly pickup fee.

Would like County to look into the possibility of self-serve 24-hour garbage kiosks.

The current system serves the community well and we are satisfied with the service provided.

Stick by the rules and get a new service provider. Present Company does not serve the interest of the community.

Elected and appointed County representatives need to address the problem at Pt Roberts. It's time to sit down and figure out a common sense solution.

We need to find a system that works for our community and Arthur has the community's best interest at heart. Please work with him.

Garbage collection has NEVER been so efficient and well organized as run by Arthur Wilkowski in my 41 years of living on the Point. Please work out a compromise where common sense prevails.

Transfer station should be relocated, more easily accessible to people leaving the Point, well lit and open 24/7, paid for by taxpayers through their property tax.

I strongly support self-haul recycling in our community and would support fully self-haul garbage to keep the current owner in business and the transfer station open.

Concerned about the future community cleanup efforts.

Please come to a solution that will provide regular and effective service for trash and recycling at the Point.

Do not support the actions of PRR and believe their certificate should be immediately revoked.

Citizen of Pt Roberts ready to step in and take over the recycling business if Arthur Wilkowski steps down.

We need Arthur Wilkowski and his business. I have nothing but the utmost admiration for what he has done to the transfer station.

We vote to support PRR – may they thrive and serve.

It is my hope that the County does not renew Mr. Wilkowski's lease and that the WUTC revoke his certification.

Concerned about lack of separation of recycling items at the transfer station.

I believe curbside recycling should be required.

Insisting on curbside recycling is the wrong thing – the alternative system of free drop-off at the transfer station with increased days and hours of operation is completely acceptable.

I urge you to find an alternative solution for managing recycling and solid waste at Pt Roberts, other than PRR.

Cost of garbage and recycling should be paid for by all residents, but as part of their yearly utility bill.

PW-31
Pg 1

From: Jon Hutchings
To: Abart, Frank; Kremen, Pete
CC: Council; Desler, Dewey; Gibson, Daniel
Date: 8/14/2008 5:45 PM
Subject: Fwd: Dockets TG-080913/TG-080914/TG-081089 (Consolidated) Points Recycling - Notice of Reschedule
Attachments: Notice Rescheduling Prehearing Conf 081089.pdf; Notice Rescheduling Prehearing Conf 081089.doc

Pete and Frank,

Please be aware that the UTC notice rescheduling the pre-hearing conference came out today. I am sure that the notice will generate a new wave of concerns from the community. It is important to communicate that "...engaged in negotiations" means that the parties are talking about solutions (in this case with SWAC and community involvement) as opposed to meaning closed-door discussions between the County and PRR.

The next meeting of the SWAC will be its regularly scheduled September date.

Respectfully,

Jon

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

>>> "Kaech, Margret (UTC)" <MKaech@utc.wa.gov> 8/14/2008 4:38 PM >>>
A courtesy copy of the following notice that will be served tomorrow in the above-mentioned dockets is attached:

Notice Rescheduling Prehearing Conference

(Rescheduled to December 8, 2008)

Margret L Kaech

PW-31
Pg-2

August 15, 2008

**NOTICE RESCHEDULING PREHEARING CONFERENCE
(Rescheduled to December 8, 2008)**

Re: *Washington Utilities and Transportation Commission v. Points Recycling and Refuse, LLC*, Dockets TG-080913 and TG-080914; *Whatcom County v. Points Recycling and Refuse, LLC*, Docket TG-081089, (Consolidated).

TO ALL PARTIES:

On July 24, 2008, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Prehearing Conference in the above matters. In the notice, the Commission set a prehearing conference for Monday, August 18, 2008, at 10:00 a.m. On August 13, 2008, the Commission received a letter from counsel for Points Recycling and Refuse, LLC, indicating that the parties are engaged in negotiations and anticipate settling the issues in these consolidated proceedings. Counsel requests that the prehearing conference set for August 18, 2008, be rescheduled for three months from its prior date, to a date certain, to allow the parties the opportunity to negotiate a settlement. Counsel indicates that all parties agree to the continuance.

Under WAC 480-07-385(2), the Commission will grant a timely request for a continuance when all parties expressly agree to the continuance unless it is inconsistent with the public interest or the Commission's administrative needs. The Commission supports and encourages informal resolution of disputes, including settlement agreements.¹ Since a procedural schedule had not been established for discovery or hearing in this matter, and the parties have demonstrated good cause for the continuance, the prehearing conference should be rescheduled.

¹See, RCW 34.05.060; WAC 480-07-700.

pw-31
pg-3

PLEASE TAKE NOTICE That the prehearing conference scheduled for August 18, 2008, is rescheduled to 10:00 a.m. December 8, 2008, in Room 206 of the Commission's offices, located at the Richard Hemstad Building, 1300 S. Evergreen Park Drive, SW, Olympia, Washington. The Commission's bridge line (360-664-3846) is available for those parties unable to attend the conference in person.

Sincerely,

MARGUERITE E. RUSSELL
Administrative Law Judge

Comments from 9/24/08 meeting regarding Pt Roberts Recycling/Garbage Curbside Collection

General Principles:

1. Pt Roberts is too small to sustain viable mandatory curbside garbage and recycling pickup.
2. The County will recognize and utilize legitimate private sector providers.

Specific Applications in Pt Roberts:

1. Arthur Wilkowski is presently offering solid waste curbside pickup. There is no reason for us to stop this.
2. Curbside recycling pickup is on the bubble. We need to provide full and honest comment on Gellatly's application to WUTC for just curbside pickup of recycling. If WUTC approves his application, keep mandatory curbside recycling in place and let this effort play itself out.
3. If Gellatly doesn't obtain WUTC approval, drop mandatory curbside recycling requirement.
4. Address cost of recycling handling through uniform fee schedule.
5. Recognize future possible necessity of separate disposal district, with 100% of garbage and recycling being self-haul and an excise tax on every property owner to finance manning disposal site.

Those present at meeting:

Jon Hutchings, Assistant Director of Solid Waste
Daniel Gibson, Deputy Prosecuting Attorney
Penni Lemperes, Solid Waste Specialist
Troy Lautenbach, T & T Recovery owner and SWAC member
Ed Nikula, Vice President of Sanitary Service and SWAC member
Dave Bonvoloir, Island County Public Works Director

Main points of Arthur Wilkowski's request for solutions for solid waste and recycling system at Pt Roberts

- Change in RCW 70.095-090 to designate Pt Roberts as a "rural service area"
- Change the Whatcom County Service Level Ordinance to remove curbside recycling and allow residents to bring recycling into the transfer station for no charge
- Makes changes in the Solid Waste Comprehensive Management Plan to designate the uniqueness of Pt Roberts as it pertains to waste management
- Make changes to the current exemption program to better deal with the unique Pt Roberts community. Possible ideas:
 - County will charge an annual fee for exemptions
 - Fee may be billed and collected by Certified Hauler
 - Exemptions are available only to "seasonal vacation or weekend residents"
- Provide education to the Pt Roberts community regarding what is legal as well as illegal as it pertains to:
 - Burning
 - Dumping
 - Littering
 - Use of commercial containers
 - Hauling of solid waste and/or recyclables
 - Disposal activities

Proposed ideas for changes to the solid waste and recycling system at Pt Roberts

- Change in RCW 70.095-090 to designate Pt Roberts as a "rural service area"
- Change the Whatcom County Service Level Ordinance to remove curbside recycling and allow residents to bring recycling into the transfer station for no charge, while still providing curbside pickup of garbage
- WUTC could designate one hauler for curbside pickup of recyclables, and another hauler for curbside pickup of garbage
- Provide no curbside pickup of either recycling or garbage, and only operate a transfer station for self-haul
- Makes changes in the Solid Waste Comprehensive Management Plan to designate the uniqueness of Pt Roberts as it pertains to waste management
- Make changes to the current exemption program to better deal with the unique Pt Roberts community. Possible ideas:
 - County will charge an annual fee for exemptions
 - Fee may be billed and collected by Certified Hauler
 - Exemptions are available only to "seasonal vacation or weekend residents"
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 - Burning
 - Dumping
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 - Use of commercial containers
 - Hauling of solid waste and/or recyclables
 - Disposal activities

Possible solutions for discussion regarding Pt Roberts garbage/recycling issues

Possible Administrative or Legislative Change	Authority	Benefit	Drawback	Process
Designate PR as a "rural service area" per RCW 70.95.090	WC	?		
Remove curbside recycling from Whatcom County's Service Level Ordinance and remove recycling from G-certificate	WC/UTC	free self-haul at transfer station	reduce LOS-some residents not able to recycle	Staff/SWAC recommendation to Council
Additional references to uniqueness of PR waste management in Solid Waste Comp Plan	WC	Should help find ways to deal with barriers of international border		Staff/SWAC recommendation Public process
Improve exemption program: <ul style="list-style-type: none"> Charge an annual fee for exemptions billed and collected by Certified Hauler? Make exemptions available only to "seasonal vacation or weekend residents?" 	WC	Would help stabilize solid waste system and keep it viable Help avoid "death spiral"	Cumbersome and costly to administer. Other sections of County may want to make changes because of their own uniqueness. (Birch Bay, Lummi Island, Kendal, etc.)	Staff/SWAC recommendation to Council
Provide focused education and outreach on: <ul style="list-style-type: none"> Burning Dumping Littering Use of commercial containers Hauling of solid waste/recycling Disposal activities 	WC	See only benefits to educating residents/businesses since many of them are Canadians and don't understand our rules or policies	Need enforcement. Education & enforcement go hand in hand. Without enforcement, the education is meaningless	Work with Health Department, DOE and Northwest Clean Air Agency to provide more frequent and better enforcement
Split recycling and garbage curbside pickup service	UTC	Curbside pickup remains available for recycling	Questions as to long-term viability of garbage & recycling service provided by two separate haulers	UTC certification & rate adjustment

Possibilities for committee to study Pt Roberts Garbage/Recycling Issues

Jerry Mingo, Hazardous/Solid Waste Coordinator

Island County, WA
PO Box 5000
Coupeville, WA 98239
360 678-5111
JerryM@co.island.wa.us

Jerry works for Island County as their hazardous/solid waste coordinator and is inordinately familiar with garbage and recycling issues in communities that are away from the mainland. While it is not the same as having to cross international borders, there are isolated communities to deal with as well as traveling over water. Jerry has been in this business for many years, and is part of the Washington Solid Waste Policy Forum. Whatcom County is also a participant in the policy forum, and over the past 10 years we have worked on many solid waste issues together.

Ed Nikula, Vice President & SWAC Member

Sanitary Service Company
1001 Roeder Ave
Bellingham, WA 98227
360 734-3490
ed@SSC-Inc.com

Ed is a former employee of the WUTC and has been working for Sanitary Service Company for many years as their chief financial officer and now as their Vice President. Ed has also sat on the Solid Waste Advisory Committee off and on for the past ten years, and is inordinately familiar with Pt Roberts issues. Working for Sanitary Service as well as the WUTC, Ed has the knowledge of garbage and recycling issues from both perspectives.

Troy Lautenbach, Owner & SWAC Member

T & T Recovery
4731 Lost Creek Road
Bellingham, WA 98229
360 671-0722
troy@lautenbachind.com

Troy has been a recycling business owner in Whatcom County for many years and has sat on the Solid Waste Advisory Committee for six years. He is very familiar with the issues at Pt Roberts and as a recycling small business owner, he understands the intricacies of trying to operate a business within the parameters of Washington State.

From: Penni Lemperes
To: ed@SSC-Inc.com; JerryM@co.island.wa.us; troy@lautenbachind.com
Subject: Need your expertise

First of all, please keep this e-mail confidential. We have some serious issues going on in Pt Roberts with the current recycling and garbage curbside pickup and I have been asked by management and our County Executive to get input from experts in the field.

Jerry, we're asking you because you're familiar with working in a smaller community that's isolated from the mainland. While you don't have to cross an international border, you do have to navigate several islands, and you've been in a local government dealing with solid waste issues for many years.

Troy, you're a small business owner familiar with recycling issues, as well as sitting on the SWAC for several years, so you're very familiar with the issues at the Point.

Ed, working for SSC, as well as for the UTC in the past, you too are well versed in garbage issues. And having served for several terms on our SWAC, you know the issues at the Point as well.

All that said, we'd like to invite you to participate in a couple of meetings to discuss various proposals for changes at Pt Roberts that would best serve the community and their garbage/recycling needs. We have some ideas to run by you, and if you will agree to meet with us sometime next week, either in person or by phone, I'll send you out a packet of information. Please let me know if you'd be willing, and your availability as soon as possible. If you have questions, please call me at 360 676-7695. -

Debbie Bailey - Discussion points for Pt Roberts

From: Penni Lemperes
To: Dave Bonvouloir; ed@SSC-Inc.com; Jerry Mingo;
troy@lautenbachind.com
Date: 9/17/2008 3:37 PM
Subject: Discussion points for Pt Roberts
CC: Debbie Bailey; Jon Hutchings
Attachments: worksheetfor92408.docx; Directions to 322 N.doc

Arthur Wilkowski, Point Recycling & Refuse violated a county ordinance when he stopped picking up curbside recycling several months ago. Please go to the UTC website and look under the following docket numbers for information on an upcoming hearing dealing with the matter:

TG-080913, TG-080914, and TG-081089

A Pt Roberts resident, David Gellatly, has subsequently made application with the UTC to obtain the proper certification to pick up curbside recycling only. Please see the following Docket number: TG-081576

Attached are some possible solutions for discussion in resolving some of these issues at Pt Roberts. We look forward to meeting with you all on Wednesday, September 24th. I have also attached directions to the Solid Waste Office. Thank you again for offering your time and assistance!

Please call me at 360 676-7695 if you have questions.

Possible solutions for discussion regarding Pt Roberts garbage/recycling issues

Possible Administrative or Legislative Change	Authority	Benefit	Drawback	Process
Designate PR as a "rural service area" per RCW 70.95.090	WC	?		
Remove curbside recycling from Whatcom County's Service Level Ordinance and remove recycling from G-certificate	WC/UTC	free self-haul at transfer station	reduce LOS-some residents not able to recycle	Staff/SWAC recommendation to Council
Additional references to uniqueness of PR waste management in Solid Waste Comp Plan	WC	Should help find ways to deal with barriers of international border		Staff/SWAC recommendation Public process
Improve exemption program: <ul style="list-style-type: none"> Charge an annual fee for exemptions billed and collected by Certified Hauler? Make exemptions available only to "seasonal vacation or weekend residents?" 	WC	Would help stabilize solid waste system and keep it viable Help avoid "death spiral"	Cumbersome and costly to administer. Other sections of County may want to make changes because of their own uniqueness. (Birch Bay, Lummi Island, Kendal, etc.)	Staff/SWAC recommendation to Council
Provide focused education and outreach on: <ul style="list-style-type: none"> Burning Dumping Littering Use of commercial containers Hauling of solid waste/recycling Disposal activities 	WC	See only benefits to educating residents/businesses, since many of them are Canadians and don't understand our rules or policies	Need enforcement. Education & enforcement go hand-in-hand. Without enforcement, the education is meaningless.	Work with Health Department, DOE and Northwest Clean Air Agency to provide More frequent and better enforcement.
Split recycling and garbage curbside pickup service	UTC	Curbside pickup remains available for recycling	Questions as to long-term viability of garbage & recycling service provided by two separate haulers	UTC certification & rate adjustment

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Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

November 6, 2008

Jon Hutchins, Assistant Public Works Director
Whatcom County Solid Waste
Suite 210
322 N. Commercial
Bellingham, WA 98225-4042

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NOV 07 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

RE: Changes in Lower BC Recycling System

Dear Jon,

I have been notified by my Canadian recycling processor, Metro Materials Recovery, that they will be closing their processing plant for mixed containers effective November 15th, 2008.

This is a significant disruption in the Lower B.C. Recycling System. The system was operating at full processing capacity and now a major facility is going permanently off line. I have contacted all of the other processors in the area. It is my impression that no other facility is available to me at this time. All other plants were operating at capacity, or solely for their own collection programs. It was communicated to me by several companies; that they are all just trying to survive this problem themselves. Point Recycling is too small to offer incentives and being "foreign" has no political leverage or benefit to the Canadians. Obviously, they will look after themselves, and their system, collectors, cities and politics first before helping me.

The market for processed recyclables has also collapsed. All the processors are having problems getting rid of their baled recyclables. Their storage warehouses are full and they are not looking to take any additional materials above their current commitments.

Given the low profit margins for recyclable processing, difficulty in locating facilities, receding economy and tight financing; I do not think that the capacity problem will be solved quickly. Too much risk and uncertainty for a limited pay off.

I believe that we can continue to find processors in Canada for our recycled paper however, with a saturated international market and growing inventories, paper will probably become a charge item in the near future.

Unless there is a change, we will be implementing our contingency option and hauling mixed containers to Northwest Recycling in Bellingham.

This will result in a significant increase in cost and time.

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Pg 2

Hauling of materials will increase by approximately \$5,000 per year. Trip mileage increases from 35 miles to 120 miles. Trip time increases from 2 hours to 5 ½ hours.

Material processing fees for mixed containers increases from \$42 per ton to \$100 per ton. Please note, I do not blame Northwest Recycling for the increased processing cost or consider it unreasonable. It is simply the economics of a high density, high volume urban core system (Vancouver) compared to a relatively small Bellingham system with different transportation and market parameters. Projected prices from the other Canadian processors, if they were able or willing to take my recyclables, were \$75.00 per ton. The net materials processing increase will be approximately \$5,000 per year.

Total projected increase will be approximately \$10,000 per year.

The situation in British Columbia may change and we will continue to look for better options. We will do what is necessary to continue the program. There is nothing the County needs to do in this situation and this letter is to inform you of the situation only.

Sincerely,

Arthur Wilkowski
Point Recycling and Refuse

Enclosure: Letter from Metro Waste Paper Recovery

CC: Whatcom County Council, County Executive
WUTC, Ecology



METRO Waste Paper Recovery Inc.

Point Recycling and Refuse
P.M.B. 1542, 145 Tye Drive
Point Roberts, WA 98281

To Whom It May Concern:

Please be advised that effective **November 15th, 2008**, METRO Waste Paper Recovery Inc. will be shutting down operations of its Container Plant, located at 12353 104th Avenue, Surrey. We will no longer be accepting RMC (rigid mixed containers) at this facility beyond this date.

For more information about where to recycle RMC, please contact RCBC at 604.732.9253.

If you have any questions or concerns please contact your local Material Recovery Specialist or myself.

Thank you,

- NOT accepting at Vancouver plant either.

- will still take paper

Brandon Rogers
Operations Manager, Surrey, Vancouver, Victoria
METRO Waste Paper Recovery Inc.
Office 604-580-3077
Fax 604-589-7833
Cell 604-968-0360
www.metrowaste.com

~~IPI International Paper Industries~~
~~CK Fibre~~
~~Best Rec~~

Father - over alex Fraser Bridge

CK Fibre - woody
↑ 11/15 left message spoke to

Canadian Fibre
3471 Boundary Rd, Richmond
604-524-4627

- Can't take any more
would be - \$ ~~65~~ 75 per ton

IPI 6362-148th St } Does not accept from others!
Surrey
604-599-8151

- Good location By Detest Bridge
Best Rec = Urban Impact
604-273-0089

10071 River Drive, Richmond
145 message - not likely, only processes their own

12345-104th Avenue, Surrey, British Columbia, Canada V3V 3H2
Phone: 604.589.4385 Facsimile: 604.589.7833
www.metrowaste.com

Northwest Recycling - Bellingham
will take with notice - room for 40 yds at a time
\$ 100.00 per ton
No of \$5800 per ton
360-~~733~~ 0100
PARTY

Green... by Nature

pw-33
pg 4

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

November 6, 2008

Jon Hutchins, Assistant Public Works Director
Whatcom County Solid Waste
Suite 210
322 N. Commercial
Bellingham, WA 98225-4042

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NOV 07 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Dear Jon,

This is an analysis of the Point Roberts Self-Haul Recycling Program (2008) compared to the previous year with Curbside Recycling (2007).

Quarter	Tons Mixed Paper		Tons Mixed Containers		Combined Tons		Set Outs	
	2007	2008	2007	2008	2007	2008	2007	2008
1 st	7.85	7.59	7.45	8.14	15.3	15.73	1208	734
2 nd	12.09	15.31	8.31	14.89	20.4	31.2	1176	1096
3 rd	17.2	10.64	12.95	10.29	30.15	20.93	1237	2429
			Total for 9 months		65.85	67.86	3621	4259

Year 2007 is the full Curbside Program serving 340 households.

Year 2008 is Free Self-haul available to 2000 households.

2008 recyclables processing cost at Metro Materials Recovery was: \$2,183.10.
 2008 recyclables hauling cost to take to Metro was approximately: \$4,600.00.
 Total cost paid by Point Recycling to provide Free Recycling was: \$6,783.10

Recycling pickup fees saved by customers since Free Recycling started: \$15,942.60

Things to Consider:

Point Roberts is a very small system; small changes manifest in large ways over short periods. One cannot make specific conclusions about a small period of time, only general conclusions about trends. For example; I would not say that self-haul recycling increased recycling volumes compared to curbside, even though there was a 3% increase. What you can determine is that self-haul recycling did not cause a decrease in recycling and you could project that self-haul would continue to meet curbside volumes in the future.

It can be assumed that some households that had curbside recycling are no longer recycling; however some households that did not use curbside or self-haul are now using free self-haul recycling. With education and promotion the number of households using free self-haul recycling will increase.

Understand that the recycling processing and hauling costs are about the same for a Self-haul or a Curbside system. The difference is that a curbside collection system also requires a collection truck and the expense

of driving around and picking up from households. So, a Self-haul program lowers the total system costs and equipment requirements.

A Curbside program must be funded by user fees; it is regulated and cannot be subsidized by other garbage customers. A Self-haul program is funded by the Transfer Station garbage tipping fees and can be made permanent at the discretion of the County.

The Curbside Recycling program had maximized its potential, 340 households with zero growth for 8 years. Unless the County implemented full Universal Service, the program would not increase recyclables recovered. Only 17% of the total households used the program; so it was a design failure. It did not meet recycling and service goals. Why so little participation? Partly cost, partly no enforcement and support from the County, but mostly because it didn't meet the needs of a community that has non-traditional occupancy of households. Basically the wrong program design for a community of mostly weekend/occasional or second homes.

Free Self-haul Recycling has potential to reach 2000 homes; 100% of total households. There is economic incentives to use it because it is free. The Transfer Station is conveniently located and open 5 or 6 days per week.

There are a handful of elderly or disabled persons who need assistance in getting their recyclables to the Transfer Station. I have contacted all my customers that needed assistance; most have their recycling brought in by caregivers, neighbors or family members. I currently have two elderly customers whose recycling I pickup as a favor. I plan to file with the WUTC for a "special needs" on-call recycling pickup for those people who absolutely cannot find another way to bring in their recyclables. However, due to the existing County complaint against the Company, my recycling tariff pages are under suspension and cannot be changed or modified until the complaint is resolved.

It has been claimed that there is a huge demand for commercial recycling collection. That is not the case and is a false and misleading statement. In Point Roberts, there are only about 21 businesses that could be considered possible candidates for commercial recycling collection. Cardboard is the largest recyclable for those businesses. Point Roberts Auto Freight has been providing cardboard recycling collection to most businesses for many years. The Marketplace ships their own cardboard out in their delivery trucks. The Marina hauls their recyclables and their garbage out of the system. The Golf Course, the Hardware Store, and several other businesses self-haul their recycling to the Transfer Station for free. Free self-haul recycling is available to all businesses. All of these businesses are very small. Other than Cardboard, they generate what you would consider to be a household volume of recyclables, maybe 32-gallons every one or two weeks. Picking up commercial recycling of such small and inconsistent volumes from these businesses could not be priced affordably even if the businesses needed the service.

I am also enclosing a couple of past documents to reference you on recycling issues in Point Roberts.

Sincerely,

Arthur Wilkowski
Point Recycling and Refuse

CC: Whatcom County Council, County Executive
WUTC, Ecology

CC-1

From: Arden Haines
To: Frank Abart
Date: 3/19/2008 4:45 PM
Subject: Re: Pt Roberts Curbside Recycling Program

Not confusing at all. In fact, it answers more questions than not.
Thanks.
Arden

>>> Frank Abart 3/19/2008 4:38 PM >>>

A copy was sent to the Council. Regarding the RFP/RFQ, it will be for only the collection of recycling. We do not have the authority to direct trash pickup - only the WUTC can do this if Arthur can no longer provide the trash service, for whatever the reason, as deemed appropriate by the WUTC.

We can do an RFP/RFQ for the transfer station as well, only because we own it. But this is not likely if he is allowed to continue collecting trash by the WUTC.

Sorry if this is confusing.

Frank.

>>> Arden Haines 3/19/2008 4:17 PM >>>

Frank, Penni:

I'm responding to the memo you sent to Pete regarding County options for Pt Roberts Recycling. Pete and Dewey discussed this last night and feel that depending on Wikowski's response the county should do an RFQ for a new provider and then if no one responds go the next step of changing the code.

I'm assuming you sent a separate copy of the memo to Council.

Let me know if you have any questions.

Thanks,
Arden

Pt Roberts Curbside Garbage/Recycling Program – April 4, 2008

According to a recent article in the All Point Bulletin, Arthur Wilkowski has no intention of resuming curbside pickup of recyclables in Pt Roberts. Therefore, after April 11, the date by which Mr. Wilkowski needs to "cure" the problem, the County needs to address the issue. The following points are options relevant to the situation:

- Ask the Washington Utilities and Transportation Commission to suspend Mr. Wilkowski's certification to pickup and haul garbage to his transfer station as he is in direction violation of current Whatcom County Code.
- If Mr. Wilkowski's certification is suspended, publish an RFP for another company to operate the transfer station, to include both curbside garbage and recycling pickup.
- Change the current code to either discontinue curbside pickup of recycling or revoke the exemption system in Pt Roberts and make every property owner pay for the system to make it work for everyone.

The current system in Pt Roberts simply does not work. Since the transfer station came into operation, the previous owner went bankrupt, and Mr. Wilkowski can't maintain both a recycling truck and a garbage truck with only 340 regular curbside customers.

Mr. Wilkowski, as well as the Solid Waste Advisory Committee asked last August that the situation be addressed by the County Council with a town hall meeting in Pt Roberts, where all parties involved could express their views and try to come up with an equitable solution to the problem. To date, nothing has been done to address the issue.

CC-3
Pg 1

From: Penni Lemperes
To: Jon Hutchings
CC: Frank Abart
Date: 5/6/2008 2:21 PM
Subject: Revised Pt Roberts document
Attachments: Pt Robts050608.doc.

Here is the revised document with your changes, Jon.

Pt Roberts Curbside Garbage/Recycling Program Options **May 6, 2008**

- A letter was sent from Frank Abart, Public Works Director, to the Washington Utilities and Transportation Commission on April 18, 2008, requesting a suspension of Arthur Wilkowski's certification to pick up and haul garbage to the Pt Roberts transfer station as he is in direction violation of current Whatcom County Code.
- As of this date, Mr. Wilkowski has paid his past due fees and provided past due reports to the WUTC, required as part of his franchise agreement. The WUTC has rescheduled a hearing with him for July 22, 2008 regarding their own issues with him.
- At this time, we have not received any further information from the WUTC regarding a hearing to discuss the issue of Mr. Wilkowski's continued violation of the Whatcom County Code with regards to curbside collection of recyclables at Pt Roberts.
- **If Mr. Wilkowski's certification is suspended, as requested by Whatcom County, another hauler will need to operate the transfer station, pick up garbage and/or offer recycling pickup.** Sanitary Service Company was contacted on Friday, April 25, 2008, to see if they would be interested in providing garbage service at Pt Roberts on an emergency interim basis. Paul Razore, owner, said they could provide the service. The only two other Whatcom County franchised haulers, Blaine Bay Refuse and Nooksack Valley Disposal would also need to be contacted and appraised of the situation. They may, or may not be interested in providing service to Pt Roberts. The owner of Blaine Bay Refuse also owns the large transfer station, RDS, and may be willing to let SSC pick up the garbage and bring the waste to their transfer station. That way, both companies would benefit. In the past Nooksack Valley has not been interested in picking up garbage in Pt Roberts.
- **Long-term solution involves changing the current code to either**
 - (1) Waive the curbside pickup of recycling requirement in Pt. Roberts, or
 - (2) Revoke the exemption system in Pt Roberts and make every property owner pay for the service.
- Note that the transfer station lease expires in October of this year. Any new operating requirements must be resolved before the lease can be renewed.

Public Works Subcommittee – May 20, 2008

Solid Waste Collection/Recycle Collection Options for Point Roberts

Issue Statement: The current vendor for Solid Waste curbside pick-up and recycling curbside pick-up has ceased operations related to recycling curbside pick-up and has indicated that Solid Waste curbside pick-up operations will likely cease at the end of October, 2008. There is a need for discussion related to both of these services in Point Roberts and what *level of service* is necessary for both of these services. The level of service will dictate the cost of each service to the customers.

Definition: Washington Utilities and Transportation Commission (WUTC)

Types of Service/Options:

1. Solid Waste curbside pick-up (WUTC oversight)
2. Solid Waste transfer station drop-off (Whatcom County oversight)
3. Recycle materials, transfer station drop-off and/or curbside pick-up (Whatcom County oversight)

Summary of Details:

- Whatcom County owns the transfer station property in Point Roberts. The property is a closed landfill site with approximately 5 acres and general address location of 2005 Johnson Road (parcel #405302316509). The transfer station area is approximately 25% of the site use. Maintenance & Operations also uses a portion of the property for storage/office facility. *Aerial photo attached.*
- The transfer station site is leased to the current solid waste vendor for \$50/month. The fee is a standard fee and is established at a low rate to reduce the cost of services to the vendor and ultimately the public who receive the services. *Copy of lease attached.*
- Whatcom County Public Works leases the transfer station site for five (5) years with an option to extend for an additional five (5) years. The term of the current lease is set to expire on October 31, 2008.
- Whatcom County Code (WCC) 8.11.030 establishes the process for exemption from mandatory solid waste and recycling collection. The exemption allowance can be altered for Point Roberts if the County Council determines that some form of “universal” service is necessary. Whatcom is the only County in the state of Washington that has an exemption option like this. *Copy of WCC 8.11.030 attached.*

- Customer base for the current vendor is approximately 340 residences, plus approximately 160 "infrequent tag" customers, plus approximately 100 self haul customers (people hauling their solid waste to the transfer station themselves). Data from the Whatcom County Assessor and the Point Roberts Water District indicates that there are 2,151 separate connections for water (buildings with billable water service) and 3,043 parcels with some type of building improvements.
- The vendor has indicated, via letter to the WUTC dated April 22, 2008, that it is likely they will cease operations at the end of the current least period (October 31, 2008).
- The vendor is in violation of the WCC 8.10.050 regarding obligation to provide curbside recycle pick-up services. Public Works sent a letter to the vendor, dated February 11, 2008, as per WCC requirements and issued an additional letter to the WUTC, dated April 18, 2008, after the service was not restored. *Copies attached: WCC 8.10.050, 2-11-08 letter, 4-18-08 letter.*
- WUTC must schedule a hearing related to the WCC violation concern issued by Public Works. A hearing date has not yet been scheduled.
- Public Works has determined that other vendors are available to provide the services on an interim/emergency basis. Public Works has communicated this information to the WUTC for verification as they deem appropriate. Sanitary Service Company, Blaine Bay Refuse, and Nooksack Valley Disposal are the three vendors franchised in Whatcom County by the WUTC.
- If a new provider for the curbside pick-up services (solid waste and/or recycle materials) is assigned by the WUTC, either permanent or temporary, an increase in fees should be anticipated. WUTC sets the rates but no provider will assume the work in the area at a financial loss. The WUTC cannot force any vendor to provide service under these circumstances.

Level of Service Discussion Options:

The following information outlines a few "service level" options with supporting information to consider. These are not all inclusive and there may be many other options developed from discussion, consideration, and public input. All options are private sector vendor driven service and do not consider subsidy.

- Provide self pay/transfer station drop off with specific days and hours. Fee is paid at the time of drop off and probably based upon weight. This option would require the minimal investment and overhead costs to a vendor and costs to those using the service would be based upon participation and volume.

- Notes: This is the lowest cost alternative. Fees are set and approved through the County Council Unified Fee Schedule in cooperation with the vendor. Customers are required to bring their own solid waste and recycling to the transfer station during designated days/hours.

- Provide one or two days per week curbside pick-up service of solid waste and recycling materials and fees charged only to the customers that choose the service. Fee is paid monthly by those who elect service (similar to the current system in place).

- Notes: The voluntary customer base does not appear to be very supportive of this type of system to the extent that a vendor would find the business financially feasible. The WUTC sets rates but it is likely that rates would have to increase. Overall rate increases might be reduced if the exemption were eliminated and all residence owners were required to pay a monthly fee for service regardless of the level they utilized the services. This could be a possible pilot project for five, seven, or ten years with an evaluation at the end of a specified period to determine the level of success of this method.

- Provide a minimal level of service that includes one day per week curbside pick-up of solid waste only and limited hours of access to the transfer station for recycle drop-offs. Fees are assessed to only those who utilize the services.

- Notes: Fees may need to be higher unless there is exceptional volume increases in customer participation. Concerns have been expressed regarding random trash dumping if customers must pay higher costs for solid waste and recycling services. As fees increase, customer participation is likely to decrease unless there is a mandatory fee payment system in place to stabilize the revenue stream for the vendor and stabilize the expenses to all residents.

Suggested Process Possibility:

1. Determine the level of service desired. This may require one or more public hearings to determine if there is any clear service level of choice vs. the cost of the service. It is safe to assume that the higher level of service (such as curbside pick-up), will result in the higher level of costs to provide the service.
2. After the level of service is determined, a notification can be sent to the WUTC advising of the service level. The WUTC can then pursue an appropriate certified vendor for the franchise area and set rates accordingly.

Public Works Subcommittee – May 20, 2008

Solid Waste Collection/Recycle Collection Options for Pt. Roberts

These items are for initial discussion only, other options and related discussion is certainly encouraged.

Note: Whatcom County is the only County in Washington that has an exemption system for Solid Waste collection services.

- Provide self pay/transfer station drop off with specific days and hours. Fee is paid at the time of drop off and probably based upon weight. This option would require the minimal investment and overhead costs to a vendor but costs to those using the service would be based upon participation and volume.
- Provide one or two days per week curb side pick-up service and fee's charged only to the customers that choose the service. Fee is paid monthly by those who elect service (similar to the current system in place).
- Provide one or two days per week curb side pick-up service to ALL resident locations and charge a universal fee through a property tax process. Fee would be mandatory and paid with property taxes. No exemptions allowed. This could be a possible pilot project for five, seven, or ten years with an evaluation at the end of a specified period to determine the level of success of this method.
-

8.11.020 Collection mandatory– Starting date.

Solid waste and recycling collection shall become mandatory for owners of all developed property within the recycling and collection district on a date which the county executive has certified for implementation of the mandatory collection program. Such date shall be determined by the county executive after consultation with staff of the solid waste division, who shall have consulted with haulers, concerning the administrative feasibility of implementation. Such date shall occur on the first day of a month, and shall not be sooner than the first day of the month following the approval of the ordinance codified in this chapter, nor later than one year following such approval. (Ord. 90-96 § 2).

8.11.030 Procedure to obtain exemption.

A. At least 60 days prior to the date of implementation of mandatory solid waste and recycling collection, the solid waste division shall provide reasonable notice to all residences and businesses that mandatory collection will be implemented. Such notice shall state how requests for exemption may be filed. Such notice shall be issued in coordination with certificated haulers.

B. Any person who wishes an exemption from the provisions or application of this chapter may file an affidavit with the solid waste manager which states substantively as follows:

I swear or affirm that I should be exempt from the requirements of universal recycling and solid waste collection because I am disposing of my waste in an environmentally sound way.

This affidavit is subject to periodic verification by the solid waste manager or his/her designee.

C. Within 30 days after implementation of mandatory collection, the solid waste manager shall provide a report to the county executive containing findings on the number of exemptions that have been requested, the grounds stated for such exemptions, and the actions taken on the requests. Within 60 days after implementation of mandatory collection, the county executive shall report the findings to the county council, together with any recommendations for further legislative action on exemptions which the county executive believes are appropriate. (Ord. 90-96 § 3).

8.11.040 Enforcement– Civil penalty.

A. If any residence, business, or institution, not otherwise exempt from mandatory collection, refuses to pay for such mandatory collection, the county may, upon the request of a certificated hauler, through the prosecuting attorney's office commence appropriate action to enforce the provisions of this chapter. The prevailing party shall be entitled to an award of reasonable attorney's fees and costs in any such action.

B. Any person who knowingly fails to subscribe to or pay for solid waste and recycling collection service without having obtained an exemption shall be liable in addition to actual damages, for a penalty to the county in an amount equal to any past due bill for solid waste and recycling collection service not to exceed \$500.00, plus an additional penalty of not less than \$100.00 nor more than \$200.00 which shall not be suspended or deferred. (Ord. 90-96 § 4).

8.11.050 Governing body designated– Election.

The Whatcom County council shall be the governing body of the recycling and collection district. The electors of said district shall be all registered voters residing within the district. (Ord. 90-96 § 5).

8.11.060 Severability.

The invalidity or unenforceability of any portion of this chapter shall not affect the other provisions thereof, and this chapter shall be construed in all respects as if such invalid or unenforceable provision were omitted. (Ord. 90-96 § 6).

CC-4
Pg 6

8.10.050 Residential recycling collection.

A. Certificated haulers shall collect source separated recyclables from all residences in unincorporated portions of Whatcom County that receive regularly scheduled garbage collection, except as provided in subsection K of this section. All single-family residences shall be provided with recycling collection at least every other week and on the same day of the week as garbage collection. Service to multifamily residences shall be provided at least every other week. The hauler shall provide residents, who have completed the garbage exemption process, the opportunity to subscribe to recycling-only collection service without subscribing to garbage collection. Recycling-only customers will be charged the full cost of recycling collection service plus an appropriate administrative/billing fee. In Point Roberts only, single-family residences are defined as permanently year-round occupied buildings and every-other-week recycling collection does not have to be on the same day as garbage pickup.

B. The hauler shall provide recycling containers to each residence at the customer's request. Container design and use shall be subject to the prior approval of the county. The cost to the hauler of the initial container set for each dwelling unit, of damaged containers, and of containers for new customers as necessary, shall be a cost incorporated into the collection rate. The cost of lost or stolen containers shall be borne by the customer. The hauler shall deliver all containers to the dwelling unit unless otherwise directed by the county.

C. 1. Haulers shall collect, and recycling containers shall be designed to hold, the following materials:

- a. Newspaper;
- b. Mixed waste paper;
- c. Aluminum containers;
- d. Tin-plated steel containers;
- e. Glass containers;
- f. All plastic bottles; all remaining plastic containers are eligible as approved by the county and the hauler;
- g. Yard Waste. Collection of this material is deferred pending further amendments to this chapter.

2. The following materials shall also be collected when placed adjacent to set-out containers:

- a. Corrugated cardboard;
- b. Scrap metal no longer than 24 inches in any dimension or heavier than 35 pounds per piece;
- c. Lead-acid batteries that show no signs of leakage;
- d. Used motor oil in sealed containers;
- e. Other source separated materials designated by the county and the hauler and approved by the county council.

D. Materials shall be collected on the improved public road nearest to the residence (or mutually agreed upon location) when properly set out on the designated collection day. The hauler is not required to collect materials at any particular hour. The collector is not required to enter private property to collect material while an animal considered or feared to be vicious is loose. The resident shall confine such an animal on collection day.

E. In case of missed collection, the hauler shall investigate and, if the missed collection is verified, shall arrange for the collection of the uncollected recyclable material within one business day after the complaint is received, unless otherwise agreed by the hauler and customer. All haulers shall add staff as needed to answer questions and respond to complaints from 8:00 a.m. to 5:00 p.m. on collection days.

F. Each hauler shall charge the same recycling collection rates to each residential dwelling unit that receives garbage collection service from that hauler.

G. Haulers and recycling companies shall take reasonable actions in marketing recyclable materials to implement the county's policies regarding local processing and priorities of use. All materials collected shall be processed and marketed such that no recyclable material is landfilled, incinerated, or disposed of in any way other than recycling.

Haulers shall adopt collection procedures and technologies to minimize the cross-contamination or nonrecyclability of collected materials.

H. The county, in consultation with certificated haulers and purchasers of recyclable materials, shall establish promotional strategies by which the haulers shall inform the public about recycling collection service. The county may adopt, and pay for, additional promotional strategies if they wish. Any hauler that wishes to adopt additional promotional strategies shall obtain the prior approval from the county. Requirements imposed by the WUTC are not promotional strategies for purposes of this section.

I. It is unlawful for any person, other than the collectors as authorized by this chapter, to collect, remove, haul, or dispose of recyclable materials set out for collection pursuant to this section without first obtaining the consent of the occupant or owner of the premises. Any violation of this subsection shall constitute a misdemeanor and, upon conviction, violators shall be punished by a fine of not less than \$500.00. Each day of such violation, and violation at each dwelling unit, shall be deemed a separate and independent offense.

J. The business name and telephone number of the collector shall be clearly visible on each side of each vehicle used to provide residential recycling service. The collector shall contain, tie, or enclose all collected materials to prevent leaking, spilling, or littering.

K. If the county executive determines that a certificated hauler has materially failed to comply with the requirements or policies of this chapter, the county executive shall provide the hauler with a written notice specifying the noncompliance and affording the hauler 60 days to cure the noncompliance; provided, however, that the hauler shall not be required to cure any noncompliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the hauler's control. At the discretion of the county executive, the period for cure may be extended. If the hauler fails to cure, the county may contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the hauler. All single-family residences located in Point Roberts, meeting the definition of seasonal vacation or weekend homes as defined under WCC 8.10.030(H), are exempt from curbside recycling collection.

L. Should the county or the hauler determine that there is no reasonable market for a material and/or the cost of recycling that material is unreasonable, they can petition the executive to eliminate the requirement for that material to be collected as a recyclable. The executive has full discretion whether to accept or deny the request. The executive must state the period of time the exemption will be allowed. (Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.060 Nonresidential and multifamily garbage collection.

A. Certificated haulers shall perform collection and hauling of garbage from nonresidential and multifamily accounts in Whatcom County.

B. Container sizes for nonresidential and multifamily accounts shall be approved by the hauler.

C. Rate structures for nonresidential and multifamily garbage collection shall be designed to encourage waste reduction and recycling and to comply with the plan.

D. Certificated haulers shall bill each customer at least once every three months. (Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.070 Submittal of documents and notices.

A. Whenever a certificated hauler files a proposed tariff revision with the WUTC, the hauler shall simultaneously provide the county with copies of the proposed tariff and all nonproprietary supporting materials submitted to the WUTC at any time prior to approval of the tariff. Such materials include but are not limited to any correspondence or other information concerning rate calculation parameters and details, tariff sheet application and adjustments, and annual reports.

B. 1. All certificated haulers, recycling collectors and processors, transfer facilities, and disposal facilities shall provide the county with the following quarterly information on April 20th, July 20th, October 20th, and January 20th for each of the previous three months and, where appropriate and practical, separately listed for each city and unincorporated area of

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT
FRANK ABART
ADMINISTRATOR



cc-5
ADMINISTRATION
CIVIC CENTER
322 N. Commercial Street, Suite 210
Bellingham, WA 98225-4042
Telephone: (360) 676-6692
FAX: (360) 738-4561
www.whatcomcounty.us

February 11, 2008

Mr. Arthur Wilkowski
Point Recycling and Refuse
P.M.B. 1542, 145 Tye Drive
Point Roberts, WA 98281

Dear Mr. Wilkowski:

Whatcom County Public Works is in receipt of your letter, Dated January 24, 2008, regarding your decision to suspend curbside collection of recycling due to equipment failure with your recycling truck. As stated in your letter, you have opted to provide free self-haul of recycles to your current customers while there is no curbside collection available to them.

Per Whatcom County Code 8.10.050, "A. Certificated haulers shall collect source separated recyclables from all residences in unincorporated portions of Whatcom County that receive regularly scheduled garbage collection . . ."

As per Section K of Whatcom County Code 8.10.050, you are hereby given notice that you have 60 days from this date to cure noncompliance with the aforementioned code. If you cannot continue curbside recycling, the County will take whatever measures deemed appropriate as a next step.

Thank you for your prompt attention to this issue.

Sincerely,

A handwritten signature in black ink that reads "Frank M. Abart". The signature is fluid and cursive.

Frank Abart
Public Works Director

cc: Pete Kremen
WUTC

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT
FRANK ABART
ADMINISTRATOR



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COPY

April 18, 2008

Penny Ingraham
Washington Utilities and Transportation Commission
1300 S Evergreen Park Dr SW
PO Box 47250
Olympia, WA 98504-7250

Dear Ms. Ingraham:

On February 11, 2008, I sent a letter to Arthur Wilkowski, Point Recycling and Refuse regarding Mr. Wilkowski's decision to no longer provide curbside pickup service of recyclables to his solid waste customers.

The letter to Mr. Wilkowski stated that per Whatcom County Code 8.10.050 "A. Certified hauler shall collect source separated recyclables from all residents in unincorporated portions of Whatcom County that receive regularly scheduled garbage collection . . ."

As per Section K of Whatcom County Code 8.10.050, Mr. Wilkowski was given notice that he had 60 days from the date of February 11, 2008, to cure noncompliance, which as of April 11, 2008, he has not done. We have received telephone inquiries from citizens of Pt Roberts that are not pleased and want the service provided.

At this time, Mr. Wilkowski is still in violation of the County Code, and the Whatcom County Comprehensive Solid Waste Management Plan, Chapter 5, Recycling. As such, I am requesting to pursue the steps necessary with the WUTC to revoke Mr. Wilkowski's certification as the designated hauler in Pt. Roberts. The obvious desire is to acquire the services of a designated hauler that will provide compliance with the Whatcom County Code as soon as possible.

Please contact the Whatcom County Solid Waste Office at 360-676-7695 if you require any additional information. I will await guidance from you regarding the process, procedure and next steps. Thank you for your time and consideration.

Best regards,



Frank M. Abart, Director

WHATCOM COUNTY COUNCIL
Public Works and Safety Committee

May 20, 2008

Committee Chair Barbara Brenner called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

L. Ward Nelson
Laurie Caskey-Schreiber

Absent:

None

Also Present:

Carl Weimer
Sam Crawford

COMMITTEE DISCUSSION

1. DISCUSSION AND UPDATE ON POINT ROBERTS SOLID WASTE AND RECYCLING PROGRAM (AB2008-210)

Frank Abart, Public Works Department Director, submitted information (*on file*) to update the committee. He read the issue statement and types of services and options.

Crawford asked if the Washington Utilities and Transportation Committee (WUTC) also mandate whether the service exists, or only oversees the service if the service does exist. He asked if the WUTC has a say in whether or not they even have the curbside service. Abart stated the WUTC doesn't decide if the curbside pickup service exists.

He continued to read through the handouts, including the summary of details and the level of service discussion options.

Brenner stated that there may not be an increase in fees. She asked if the County could still lease the transfer station for a drop off service. Abart stated that they could lease the station to the provider.

Abart stated that now is the time to discuss a potential change in the level of service, so the change can be communicated to the WUTC.

Caskey-Schreiber stated she would like to have curbside recycling pickup service in Point Roberts. She is willing to request bids from other providers. Abart stated that whoever the WUTC selects for the solid waste pickup is also required to provided curbside recycling. He asked if the Council recommendation is to deviate from that.

Caskey-Schreiber stated she wants one provider for both services. Abart stated they've done what the County is allowed to do per the County Code. Now it's up to the WUTC to set a hearing and have a discussion.

Brenner stated the Council needs to talk with the attorney. Being out of compliance with the County means the provider is also out of compliance with the State. Even without a hearing, the County should be allowed to take over the service.

1 Crawford stated there has been a lot of emotional debate with Mr. Wilkowski about
2 what is and isn't right and what works and doesn't work. Don't get into that. He asked if a
3 potential vendor can make a case to the WUTC about what it costs to provide the service
4 and the reasonable level of profit for the business. He asked what has gone wrong. He
5 asked if it is possible to viably do this service in Point Roberts. Abart stated it is possible.

6
7 Crawford asked why they don't just go with the status quo and see what happens.
8 Abart stated there are variables in Point Roberts aside from the geographic location.

9
10 Brenner stated that it's probably not a full-time business, but someone with a
11 franchise can probably make it cost-effective. Mr. Wilkowski has tried to make it a full-time
12 business, but it hasn't worked out.

13
14 Crawford stated he doesn't care if it's full-time or part-time. He thought the job of
15 the WUTC is to analyze what it takes to get the job done in a competitive environment, and
16 then set rates accordingly.

17
18 Brenner stated that's not what it is. The other companies can't do anything without
19 infringing upon an existing utility. The County can't do anything until Mr. Wilkowski resigns.

20
21 Weimer asked if the County can see whether the other companies want to charge as
22 their rate and then, if necessary, changes its rules to go back to self-haul. Abart stated the
23 County doesn't control the rates. The County may make a recommendation on the level of
24 service.

25
26 Weimer stated he would like the existing level of service. He would like to see a bid
27 from another company to find out what it will cost. If he doesn't like that cost, the County
28 can change its rule.

29
30 The County is also out of compliance with County law. Part of the County law says
31 that everyone is supposed to have garbage pick-up. There are 2,000 residences in Point
32 Roberts, and only 500 of them are signed up for service. Part of Mr. Wilkowski's problem is
33 that people who are supposed to pay for service aren't, and the County isn't forcing its
34 regulations by making those 1,500 residences get service or exemptions. Those people in
35 Point Roberts don't have exemptions. Abart stated they would have to hire several staff to
36 get the exemption process underway.

37
38 Brenner stated they don't need several staff for 2,000 residences. Abart stated they
39 would have to enforce countywide.

40
41 Brenner stated they have to start somewhere. Point Roberts is the perfect place to
42 start.

43
44 Caskey-Schreiber asked if a Canadian provider is working in Point Roberts. Abart
45 stated he doesn't know. A Canadian citizen can take their garbage across the border when
46 going home. Canada includes the solid waste fee in its property tax base. 20

47
48 Brenner stated an exemption is an important option for people who want to be
49 responsible for their own garbage.

50
51 Nelson stated the service isn't County service. It only makes the regulations.
52 Exemptions only have to do with the haulers. Don't imply that the County provides the
53 service.

1
2 Brenner stated the County, not the hauler, provides the exemption. A huge
3 percentage of the people in Point Roberts are Canadian, so they are allowed to take their
4 garbage into Canada.

5
6 Crawford asked why this problem isn't at Lummi Island, Glacier, and other remote
7 areas.

8
9 Weimer stated they do have that problem. The County doesn't know what 20,000
10 County residences are doing with their garbage because they don't have exemptions and
11 aren't on garbage service.

12
13 Brenner stated Lummi Island is served by a professional service.

14
15 Caskey-Schreiber stated Mr. Wilkowski has come before the Council and said he can't
16 make a living or profit doing all of it. That's why he's elected to cut back his service. That's
17 the real stalemate.

18
19 Brenner stated the next step is to meet with legal counsel to discuss legal issues.

20
21 Crawford asked if the committee is not going to make a recommendation to the full
22 Council, and if no action is needed.

23
24 Brenner stated they could work with the WUTC.

25
26 Crawford stated get clarification of the WUTC process quickly.

27
28 Brenner stated it won't happen. The WUTC hasn't been dealing with this issue.

29
30 Caskey-Schreiber stated work with the administration to write a letter to the WUTC
31 to ask for a provider that can provide services at the current level of service, and if the
32 WUTC doesn't help the County do that, the County will have to take legal action.

33
34 Crawford stated he thought the WUTC was responsible to make sure the County
35 mandate happens.

36
37 Brenner stated it is responsible for that, but it hasn't done it.

38
39 Caskey-Schreiber stated this may motivate the WUTC to allow Mr. Wilkowski to raise
40 rates or allow the County to find another provider.

41
42 Brenner stated the WUTC should not operate in a vacuum about whether this guy
43 can raise rates.

44
45 Weimer stated the WUTC enforces the level of service the County mandates. The
46 WUTC hasn't done that, and is supposed to schedule a hearing on why Mr. Wilkowski is not
47 providing the correct level of service. The letter could encourage that hearing to find out
48 what is happening.

49
50 Jack Weiss, resident, stated he is a former solid waste employee for the County. He
51 set up this solid waste program for the County. If the County writes a letter to the WUTC
52 and withdraws the certificate, Point Roberts becomes an open area. The reason other
53 remote areas work is because they are larger areas and serve other areas.

1
2 If Mr. Wilkowski can't service the area, the County can challenge it. The County can
3 ask the WUTC to withdraw the certificate, and the area opens up. The other haulers bid out
4 and request to service the area.

5
6 Crawford asked if the WUTC has started that process. He asked if Mr. Wilkowski has
7 asked to withdraw his certificate. Abart stated Mr. Wilkowski's letter says that he will
8 probably not continue service after October 31, 2008 unless something changes. It wasn't
9 a definitive withdrawal.

10
11 **Caskey-Schreiber moved** to request that Mr. Abart draft a letter to the WUTC
12 strongly requesting that the WUTC hold the hearing as soon as possible so the County can
13 continue the level of service. The letter, once drafted, can come to the Council for approval.

14
15 Abart stated he would like legal counsel to review the letter also.

16
17 **Motion carried unanimously.**

18
19 **Brenner moved** to recommend that the Council Chair would approve the wording
20 and sign the letter.

21
22 **Motion carried unanimously.**

23
24
25 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

26
27 **1. RESOLUTION ESTABLISHING A PEAK OIL TASK FORCE TO STUDY AND MAKE**
28 **RECOMMENDATIONS REGARDING THE CONSEQUENCES OF DIMINISHING**
29 **ENERGY RESOURCES ON WHATCOM COUNTY AND THE CITY OF BELLINGHAM**
30 **(AB2008-200)**

31
32 Crawford explained this item and the next item. There is a third version that melds
33 these two resolutions.

34
35 *(Clerk's Note: this item and the next item were discussed together.)*

36
37 Brenner stated that she is fine with Councilmember Weimer's version, but this title
38 better-defines what they're talking about. They're not talking about just peak oil. They're
39 talking about all kinds of fossil fuels.

40
41 Weimer stated groups have been meeting since last year about this issue. The City
42 Council passed a similar thing last night.

43
44 Jack Weiss, Bellingham City Council, stated the City Council passed a peak oil
45 resolution. It was the original resolution, similar to Councilmember Weimer's version. He
46 presented the melded version of the ordinance verbally to the City Council, but the council
47 members felt uncomfortable with passing that particular version because it was presented
48 verbally. If it turns out that the two are conflicted, the City Council is willing to work with
49 the County Council to negotiate language. They don't want to give the task force a
50 conflicting message. The most important thing is the task force's results.

51
52 Crawford stated the task of the task force is to talk about local plans and solutions
53 for meeting high cost petroleum products, not to determine whether or not they've reached

1 peak oil. Start working on local constructive ideas about how the community can act
2 responsibly and appropriately in a world with a changing energy situation. Weiss stated he
3 agrees that they won't debate peak oil.
4

5 Crawford stated a title that includes the label "peak oil" will divide the community. It
6 is a phrase that is very contentious. His proposal changes that language.
7

8 Caskey-Schreiber stated she's fine with the modified version of the resolution.
9 Certain phrases have political connotations, for whatever reason. It's more important to get
10 the right scope and purpose rather than the right wording.
11

12 **Nelson moved** to recommend approval of the compromise version (*on file*). He
13 doesn't have a problem being prepared, but they do a disservice by scaring people.
14

15 John Rawlins, Whatcom Community College Instructor, gave a presentation (*on file*)
16 and explained his sources for information.
17

18 (*Clerk's Note: End of tape one, side A.*)
19

20 Rawlins continued to read his presentation on the world conventional oil supply now
21 in decline, the 30 counties producing half of the world total, the origin of the Carter
22 Doctrine, and world net exports peaked two years ago.
23

24 **Motion carried unanimously.**
25

26 (*Clerk's Note: Nelson left the meeting at 2:35 p.m.*)
27

28 Rawlins completed his presentation.
29

30 Weimer stated they need to talk about how they are going to pay for this task force.
31 It should be a self-funding group. The City may be willing to take on some coordination
32 costs. The City may also have \$15,000 from the emergency management system. The City
33 may look to the County to match that amount. They could ask the County's Conservation
34 Resource Analyst Christina Reeves to work with the task force.
35

36 Brenner stated talk about it during the budget process.
37

38 Caskey-Schreiber stated ask Executive Kremen to put Christina Reeves on this issue.
39 She would be a great liaison to this task force and how the County could play a role in policy
40 changes.
41

42 Weiss stated the other resource is Andy Day, Assistant Fire Chief, who will also help
43 with this.
44

45 **2. RESOLUTION ESTABLISHING AN ENERGY RESOURCE SCARCITY TASK FORCE**
46 **TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE**
47 **CONSEQUENCES OF A POTENTIALLY DYNAMIC MARKET FOR ENERGY**
48 **RESOURCES ON WHATCOM COUNTY AND THE CITY OF BELLINGHAM**
49 **(AB2008-200A)**
50

51 See the above item for discussion of this item.
52
53

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OTHER BUSINESS

There was no other business.

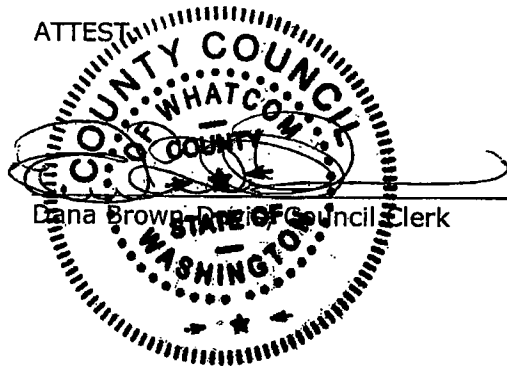
ADJOURN

The meeting adjourned at 2:45 p.m.



Jill Nixon, Minutes Transcription

ATTEST



Dana Brown, District Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Barbara Brenner, Committee Chair

WHATCOM COUNTY COUNCIL
Public Works and Safety Committee

July 10, 2007

Committee Chair Barbara Brenner called the meeting to order at 1:35 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:
L. Ward Nelson
Laurie Caskey-Schreiber

Absent:
None

Also Present:
Carl Weimer
Dan McShane

COMMITTEE DISCUSSION

1. PRESENTATION FROM WENDY SCHERRER, EXECUTIVE DIRECTOR NOOKSACK SALMON ENHANCEMENT ASSOCIATION, REGARDING A REQUEST FOR WASHINGTON CONSERVATION CORPS MATCH FUNDING (AB2007-299)

Wendy Scherrer, Nooksack Salmon Enhancement Association (NSEA) Executive Director, stated she's leaving NSEA soon. They've chosen a new Executive Director. The South Fork inner-tubing issue is coming forward again with the good weather. They've produced flyers (*on file*) for people about the issue. The response to this program has been great. NSEA works cooperatively with the Nooksack Tribe and State Department of Fish and Wildlife (WDFW) and the County.

Nelson stated locals feel the use has diminished and there is less of an impact, but people still do it. Scherrer stated federal and State enforcement staff are still enforcing problems that do occur.

Brenner stated they should give information to the local newspapers in the area.

Scherrer stated they sent forward a proposal to the County Public Works Department. The County has funded a Conservation Corps crew since 1999. It is a cooperative partnership among the County, NSEA, the State, and the federal government. They have to raise one dollar for every dollar received from a federal or state grant. They can get a lot of money into Whatcom County to fix and restore degraded streams. They can use the Conservation Corps crew time as part of the match. The State Department of Ecology offered another crew this year. The County provides the crew. NSEA provides the training and equipment. The crew works for 11 months. Every year, they have 30,000 volunteer hours contributing to salmon recovery.

Darrell Gray, NSEA, described the Conservation Corps crew. This year, the crew will work for 12 months. If the crew members complete all 12 months of work, they get a contribution to their education. The volunteer program benefits NSEA's projects greatly. The crew is worth \$150,000 per year in State or local funding. Most grants are federal and require a certain match. The \$150,000 will bring in an additional \$450,000 to the county. Most of the funding goes to local contractors and suppliers. They also employ supervisory staff. The State provides fuel, mileage, insurance, accounting services, and training. The

1 crew is also trained in emergency response. The application is for a three-year
2 commitment. He manages all the landowner contacts, project permitting, organizing the
3 materials, monitoring, and quality control.
4

5 Justin Lamb, NSEA, stated his experience with the Corps and NSEA has been great.
6 He worked with different sites and people. It's a great education program. It's an
7 opportunity for young people to get experience and job skills for their résumés. It brings
8 together many diverse people. They are doing a lot for the environment. He hopes to
9 continue in this field doing the same work.
10

11 Rose Woofenden, NSEA Board of Directors Member, stated she served in the
12 Conservation Corps last year. It was a wonderful experience. The program started her on a
13 path of community involvement. She learned teamwork and restoration skills. She gained
14 a lot of experience. She is impressed with NSEA and serves on its Board. She described
15 the education and training she received while on the crew. It's a very valuable program.
16

17 Weimer stated there is nothing the Council can do about funding without approval
18 from the administration. He asked if the administration supports this project. Scherrer
19 stated she sent this letter to the County Council, County Executive, and Public Works
20 administrative staff. She got no response. Frank Abart is not supportive of the program.
21 She hasn't heard from the Executive's Office. They would like to start the crew on October
22 1. They need a commitment from the County by the end of this month. There are only 25
23 crews in the state.
24

25 Brenner stated the Council does have an ability to do an amendment to budget
26 items. A budget amendment is coming forward this evening.
27

28 Weimer stated they need clarity about that.
29

30 Caskey-Schreiber stated it was funded in the past for one year. She asked if NSEA
31 asked for funding for two years. Scherrer stated they always ask for two-year funding, but
32 have been approved for one year.
33

34 Caskey-Schreiber explained the budget process. NSEA really has to work with
35 Executive Kremen. The Council's hands are tied unless it comes from the administration.
36

37 Brenner stated she doesn't agree that's accurate. The County Council has in the
38 past made budget requests that are added to administrative budget amendments. NSEA
39 has done a lot of work that has saved the County a lot of money. The crew does a lot of
40 work.
41

42 **Brenner moved** to support this request.
43

44 Nelson asked the contributions from the different partners. Scherrer stated the City
45 has a crew. They work collaboratively on projects. There is no exchange of money among
46 the partnerships. From Whatcom County, they request a \$95,000 contribution. Then the
47 crew will work with the County on projects. They've done that before with County staff
48 John Thompson. In the past, the contribution has gone from \$55,000 to \$75,000. This
49 amount is for the next three years.
50

51 Nelson asked if there is a bid process. Scherrer stated the County contracts with a
52 crew and assigns them to NSEA. The crew now is employed until the end of the summer.
53 The current contract ends at the end of August.

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Nelson stated this is a finance issue. It should be before the Finance Committee.

Brenner stated it has to do with Public Works projects. It's appropriate to talk about it in this committee.

Caskey-Schreiber stated she would like to talk to the Council's legal counsel. She asked about the request. Scherrer stated the whole crew costs \$95,000 for the federal fiscal year. They need to contract with the County for the last three months of 2007 and the first nine months of 2008.

Caskey-Schreiber asked if the County would pay \$56,000, and the State Department of Ecology would provide a match for next year. Scherrer stated the State Department of Ecology provides a certain match. The local match has to be \$95,000.

Caskey-Schreiber stated NSEA can't ask for money beyond 2008, when it has to go through the next budget cycle. NSEA must sit down with the administration and work this out. Even if the Council allocates the money, the administration may not distribute the funds.

Brenner stated they don't need a legal opinion for the Council to ask the administration to fund this.

Nelson suggested a friendly amendment for the motion to recommend that the full Council request from the administration allocation of funds for the NSEA program for 2008.

Brenner accepted the friendly amendment.

Weimer asked how the work of this crew is integrated with shorelines and other plans. Gray stated they follow the water resource inventory area (WRIA) 1 Salmon Recovery Plan to prioritize their projects. He's been working with John Thompson in the Public Works Department.

McShane read from the Charter regarding adopting budget amendments. It may require a public hearing. At the earliest, this will be done at the first meeting in August.

Brenner stated they have budget supplemental requests every month to tweak the current budget.

Brenner amended and restated the motion to recommend that the full Council request from the administration allocation of funds for NSEA program for the last three months of 2007 and the first nine months of 2008.

Motion carried unanimously.

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

- 1. RESOLUTION DECLARING WHATCOM COUNTY'S INTENT TO REQUIRE THE RECYCLING OF ALL ELECTRONICS AND MERCURY-CONTAINING PRODUCTS IN THE COMMUNITY WASTE STREAM (AB2007-300)**

1 Brenner stated the Council should make sure that they know where the materials go
2 and what is done with them. She asked to hear what will happen in 2009 when the federal
3 or State law goes into effect for companies who sell electronics having to accept spent
4 electronics.
5

6 Fred Miller, Ryzex, Bellingham, stated talk about recycling, electronics, the State law,
7 what private sector initiative is, how the County can start the leadership process, and how
8 to create the best environment for the private sector to pickup and make this happen. It's
9 already working. Now they want to take it to the next level. The environmental and
10 economic benefits of recycling are a given. There are issues with recycling electronics,
11 including toxics. They must be properly handled. It's important for the civic leadership to
12 address this concern. They must make sure companies address these environmental
13 challenges properly.
14

15 Washington State has started a state program. It's the fourth or fifth in the country,
16 and the first to require product stewardship. If people plan to sell electronic equipment as
17 covered under the law, as of January 1, 2007, they must register with the State. The State
18 will start tracking all the manufacturers. Each manufacturers pay based on their overall
19 market share. Manufacturers can pay into the State system or create their own system.
20 The manufacturers would pay the collectors, processors, and transporters. It will take a
21 long time to get the program going fully. In 2009, citizens will be able to take covered
22 electronic products such as televisions and computers to recycling centers and recycle them
23 for no charge. The cost will be borne elsewhere. The cost won't be assessed at the time of
24 retail. The cost will be built into the price of the electronic. Those manufacturers who build
25 longer-lasting products will eventually pay less in recycling fees.
26

27 Locally, Ryzex set up a system to accept and collect electronics. The ReStore also
28 has a program. Other businesses are now taking material in for proper recycling and
29 disposal. Now they're trying to take the next step. Sanitary Service Company is
30 announcing curbside recycling of certain electronics, which will be voluntary, beginning this
31 September.
32

33 Rodd Pemble, Sanitary Service Company (SSC), stated the curbside collection
34 program will be a cost per item, based on size. The incentive is for people who want to
35 recycle the products conveniently from home. It is a community efficiency setup, similar to
36 the composting program. The same recycling trucks already go down every alley, so they
37 can start collecting those smaller items. The size limit is 20" x 20" x 20".
38

39 *(Clerk's Note: End of tape one, side A.)*
40

41 Miller stated another option is a community collection day. People are willing to pay
42 \$20 or \$25 to do that.
43

44 Robyn du Pre, ReSources, stated their electronics program is a volunteer-based
45 electronics recycling program. They have been very surprised by the community response.
46 They charge people \$19 for a monitor and a per pound fee for CPU's and peripherals. Many
47 people want to do the right thing. ReSources can provide a better infrastructure for those
48 folks. This is a major source of toxics to the waste stream. She's glad the Council added
49 compact fluorescent lights to the resolution. That will soon become a problem if they don't
50 get ahead of it.
51

52 Pemble stated the State program only addresses televisions, computer monitors, and
53 computers. Anything with a circuit board and a plug will be included in Bellingham's

1 curbside program. Even when the State program kicks in, people will still have a need for
2 the local program for the other electronic equipment. They all have the same kinds of
3 heavy materials in them.
4

5 Nelson asked about the State fee. Miller stated the fee is to the manufacturers. The
6 consumer won't see a separate fee, but it will be built into the cost of the item.
7

8 ***Brenner moved*** to recommend approval to the full Council.
9

10 Arthur Wilkowski, Point Recycling and Refuse Company, stated this can work. The
11 County can implement it effectively. There are very knowledgeable people in the county in
12 the solid waste and recycling field. If they all work together, they can have a
13 comprehensive, integrated program that will work. The program will fail if there is no
14 follow-through by the County Council. Trust the County staff and give them the support to
15 put together an effective program, and then make sure it's implemented.
16

17 Brenner stated this will go through the Solid Waste Advisory Committee and Solid
18 Waste Executive Committee. Wilkowski stated support the staff. The advisory committees
19 generate ideas and opinions, not detailed program design. That is what the staff does.
20

21 ***Motion carried unanimously.***
22
23

24 **COMMITTEE DISCUSSION**
25

26 **2. DISCUSSION REGARDING PT. ROBERTS GARBAGE AND RECYCLING ISSUES**
27 **(AB2007-301)**
28

29 Brenner asked for staff's comments on Councilmember Weimer's letter.
30

31 Penni Lempere, Public Works Department, stated she sent her information to
32 Councilmember Weimer.
33

34 Brenner stated she would like a copy of the information.
35

36 Weimer stated the Solid Waste Advisory Committee (SWAC) requested that the
37 Council hold a hearing in Point Roberts. The Council sent the issue to this committee to get
38 a better understanding of on what the Council would have a hearing. He asked a number of
39 questions about what Point Recycling wants to do, how it matches with the Solid Waste
40 Comprehensive Plan, whether the SWAC had made any recommendations, and if the Council
41 is premature in having a hearing in Point Roberts before a lot of the groundwork is done.
42

43 Nelson asked if they are discussing the recommendation from the SWAC chair.
44

45 Weimer stated they are.
46

47 Brenner stated the three points in the letter from the SWAC chair are the focal points
48 for the meeting or hearing in Point Roberts.
49

50 Weimer stated his questions were follow-up questions to make sure the Council has
51 enough background before going to Point Roberts. Ms. Lempere sent him a packet of
52 information that answers a lot of his questions. This proposal from Point Recycling doesn't
53 match the current or proposed Solid Waste Comprehensive Plan. The Washington

1 Transportation and Utility Commission (WUTC) sent a letter about how they would look at a
2 company that can't pay for the system. The SWAC didn't want to make any decisions on
3 this. The SWAC wanted input from the citizens at Point Roberts regarding the requested
4 change in service. The meeting in Point Roberts went well. People voiced their opinions
5 and councilmembers got their questions answered. The SWAC wants the Council to make a
6 decision because it's an ordinance change. The Council has the information on what Point
7 Recycling wants the change to be. The SWAC wanted to make sure everyone was involved
8 and heard, so they can make a definitive decision on a change in service. According to the
9 WUTC and State Department of Ecology, Point Roberts is like no place else in Washington
10 State. They have to haul garbage into Canada and back into the United States. The WUTC
11 will not allow them to make an exception and haul garbage to Canada because there is a
12 treaty. Canada will not accept garbage from the U.S. It can be very difficult to get in and
13 out of Canada at times. The cost to provide the service is high. Many of the homes are
14 vacation homes, so there isn't the necessary infrastructure. The community is unique and
15 needs to be handled accordingly.

16
17 Brenner asked if the County has something in writing from the Canadians. Lempere
18 stated they do. There is a letter from the Canadian government that deals with a specific
19 landfill in Canada. They will accept recyclables, but not garbage.

20
21 Brenner asked for a copy of the letter from the Canadian government.

22
23 Lempere stated the WUTC and Department of Ecology are meeting now to
24 determine the definition of recycling. The two agencies don't agree, which puts the County
25 in the middle of the situation.

26
27 Nelson stated the federal government has a treaty with Canada. Lempere stated it
28 is a treaty issue. They cannot break the treaty. They're not willing to amend the treaty.
29 The City of Vancouver has a contract with a certain landfill. The garbage must come within
30 that territory.

31
32 Arthur Wilkowski, Point Recycling and Refuse, stated hauling to the Canadian landfill
33 would have made things a lot easier. British Columbia has a regional solid waste system.
34 The Province has a certain planning authority. The City operates the facility. They have an
35 agreement. When they designed the system, they excluded many things.

36
37 Brenner asked how often Point Recycling goes from Point Roberts to the facility in
38 Whatcom County. Wilkowski stated he goes to RDS. He does about 1,300 tons of garbage
39 per year. He hauls about two or three 40-yard boxes per week in the winter. In the
40 summer, he hauls five or six boxes. His trucks will sit at the border for hours, which
41 imposes an operational cost and a logistical challenge. This system must never stop. It
42 can't break down. However, if the border shuts down for any reason, he is not able to move
43 the material.

44
45 One problem is that a Canadian garbage company is coming to Point Roberts to
46 illegally poach garbage. The WUTC is slow to respond. It took him eight months to get any
47 enforcement action from the WUTC. He had to get aggressive with the residents. If people
48 do business with this illegal hauler, he will not do business with the resident. That's a hard
49 stance. However, he is a utility, not a monopoly. He is bound and obligated to provide the
50 service, no matter what happens to his facility and equipment. The organizations that bind
51 him to service, which are the County and the State, are responsible for protecting the
52 company. By protecting the company, they protect the citizens and consumers.

53

1 Brenner asked the difference between a utility and a monopoly. Wilkowski stated
2 monopolies dominate the marketplace, but have freedom of choice to set rates and services
3 and decide with whom they do business. They can use that power to influence their
4 business. He does not set rates. He does not set services. He has no freedom of choice in
5 his obligation to serve. That is why the State set up regulating utilities.
6

7 Brenner asked from where this definition of monopoly comes. A utility is a
8 monopoly.
9

10 Caskey-Schreiber stated that doesn't matter to the issue today.
11

12 Wilkowski stated that rates are based on an economic model. When waste leaves
13 the system, whether burned, buried, or illegally hauled out of the system, it drives up the
14 rates for other consumers. He's been trying for years to get the WUTC or border to stop
15 this illegal hauler. If this hauler takes 30 or 40 percent of the tonnage out of the system, it
16 drives up the rates for everyone.
17

18 Caskey-Schreiber asked why less garbage would increase the rate of operation.
19 Wilkowski stated he must maintain equipment and basic overhead operating costs. Rates
20 are based on the cost of service. He applies for rates from the WUTC, after showing all his
21 services provided and expenses the past year. The WUTC verifies the expenses. The
22 information is plugged into a formula to determine the rates. Everyone who uses the
23 system is paying for the operating costs. He can earn five percent revenue over expenses.
24 The foreign company is using the excuse of recycling to cross the border with garbage. He
25 is trying to protect his consumers, but the government agencies aren't helping to protect
26 the consumers by stopping the illegal hauler. That's why he's been trying to get a recycling
27 definition out of the Solid Waste Advisory Committee. He has to go nuts to get anyone's
28 attention. Now, all of a sudden, the WUTC is paying attention. The system must be
29 designed for certain outcomes and effects. Now, the County must generate a reasonable
30 research proposal for the public to comment on. They have input from SWAC and the
31 councilmembers. Send it back to staff to look at the details of implementing his proposal
32 for universal service, which benefits the consumers, and for having a reasonable self-haul
33 program. Explain to the residents the program, which needs to be put together in a tighter,
34 clearer package.
35

36 Caskey-Schreiber asked if these people who elect to use a Canadian provider get an
37 exemption. Wilkowski stated they do not. They just do it.
38

39 Caskey-Schreiber stated she needs to see what Mr. Wilkowski is asking for, and then
40 staff's perspective on the proposal.
41

42 Brenner stated that she wants to see a financial analysis of Point Recycling before
43 she does anything. The WUTC said they will do a financial analysis if Mr. Wilkowski asks for
44 it. Wilkowski stated that if staff works to put together an organized, documented proposal
45 for the public, he will file a rate case.
46

47 Weimer stated there is more than one issue. One issue is economics. Mr. Wilkowski
48 could ask for higher rates, but fewer people will use the service, and then the rates will go
49 higher again. The County doesn't enforce collection in Point Roberts. The other issue is
50 enforcement of what's going across the border and the definition of recycling. He would like
51 enough clarity so the councilmembers know what they're talking about if they go to Point
52 Roberts for a meeting.
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Wilkowski stated he is trying to change the economic model.

Caskey-Schreiber stated she wants to know from what economic model to what other economic model Mr. Wilkowski wants to change. She wants to know what exactly would change.

Brenner stated she wants a financial analysis of what exists now, including the problems with the current system. Wilkowski stated the way to do that is to file a rate case.

Brenner stated the first step is a WUTC financial analysis. She would like to know how much time Mr. Wilkowski and his staff works. She needs the information from a third party, not from Mr. Wilkowski. Wilkowski stated he works 80 hours per week.

Weimer stated he would like information from staff about what it means to go to universal service. He would like to know about the issue with the definition of recycling. He would like to know why the Council should believe it when Mr. Wilkowski says he can't make it economically and they should stop picking up recycling curbside. Wilkowski stated the WUTC says they should file a rate case. The WUTC will not issue an opinion.

Weimer stated one question is whether closing the loophole for material going to Canada would affect the economic issue, and whether they would be able to continue curbside recycling. There are many variables. Wilkowski stated the County staff can answer those questions from the Council.

Brenner stated it's not fair to have staff and Mr. Wilkowski work on a proposal. A proposal should be broad, and not include just the input from the affected party. The other affected parties are all the rate payers. The Council must decide on going to Point Roberts for a meeting before asking staff to do anything.

Caskey-Schreiber stated she wants to know what Mr. Wilkowski proposes, the status of the proposal, the exact changes in the proposal, the current budget, reasons why the current budget doesn't work, and how the proposal would change the situation. Lemperes stated she has much of that information.

Caskey-Schreiber stated all she wants is a memo with that information.

Brenner stated she needs the financial analysis from the WUTC. Wilkowski stated he will work with the WUTC. He will start bringing things forward to councilmembers and staff.

Brenner stated the County must do this, not Mr. Wilkowski. Staff needs to give their information and answers to the questions. Mr. Wilkowski only needs to request a financial analysis from the WUTC and bring it to the Council. Lemperes stated that is the only information she needs. She has answers to everything else.

Nelson asked where residents can legally take their garbage if they can't take it into Canada. Wilkowski stated residents can take garbage to the transfer station or he can pick it up. That's the only choice. It's a closed system. Only 33 percent of the households are using this system at all.

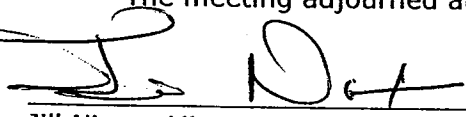
OTHER BUSINESS

There was no other business.

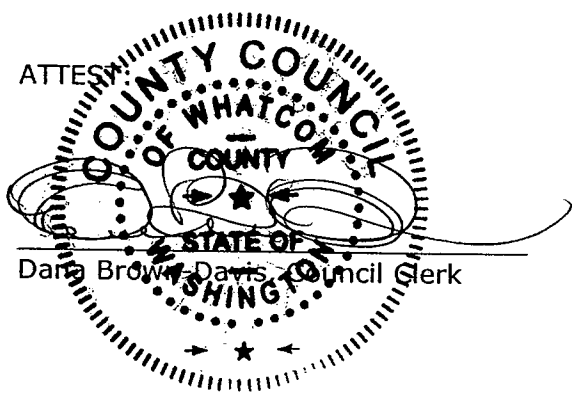
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ADJOURN

The meeting adjourned at 3:05 p.m.



Jill Nixon, Minutes Transcription



Dara Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Barbara Brenner, Committee Chair



WHATCOM COUNTY COUNCIL

FROM THE DESK OF COUNCILMEMBER BARBARA BRENNER

MEMORANDUM

June 13, 2007

TO: Whatcom County Councilmembers
FROM: Barbara ^{BB}Brenner, Whatcom County Councilmember
SUBJECT: Point Roberts Garbage Problems

Attached to the hardcopy of this memo is the March article from the All Point Bulletin entitled "Letter from garbage company sparks concern" (available at council office). In the article the operator of Point Recycling and Refuse admits he knowingly sent non factual information to the community regarding garbage disposal which alarmed residents. According to the reporter, Mr. Wilkowski acknowledges, "he can't do a lot of what he said he would do in a late January mailing and newspaper advertisement but he is satisfied with the outcome." "This is the only outcome left to me by the government agencies and the community. Now I have their attention." Also attached to the hardcopy is a letter from the Prosecutor's office confirming that Mr. Wilkowski cannot do what he claimed.

The attachments are important in light of Mr. Wilkowski's accusations at the June 5 council meeting (See hardcopy attached DRAFT council minutes of 6-19 meeting or link to: <http://www.co.whatcom.wa.us/council/meetings/council/packet/minutes0619.pdf>).

At end of this e-mail are the minutes of the April 26 and May 24 solid waste advisory committee (SWAC) meetings in which the Pt. Roberts garbage operation was recently discussed.

The solid waste department no longer tapes meetings so minutes are the most accurate reflection available. At the council meeting Mr. Wilkowski said the minutes reflected what happened. SWAC by its very nature can cause friction regarding some issues. I was concerned, having received very negative correspondence from Pt. Roberts residents. Contrary to Mr. Wilkowski's claim, I distributed that correspondence to SWAC as was noted in the April SWAC minutes (correspondence available at council office). Mr. Wilkowski was to my best recollection always given the last word regarding any concerns.

I never implied he had, "lied, committed fraud, stolen from his customers, and failed to fulfill his responsibilities to the county." I said it is not my job to trust Mr. Wilkowski's claim that his financial needs are legitimate.

I said only by getting a financial analysis from the Utilities and Transportation Commission (UTC) can we know. Mr. Wilkowski can supply SWAC/council a financial analysis from the UTC. He said he didn't go to the UTC because they look at legitimacy of rates and he wants to change the system, not rates. Rates bring in more or less money to the operator depending on the system. Until we know if his rates inadequately reflect legitimate costs plus allowed profit we cannot know if his proposal is reasonable. Until Mr. Wilkowski knowingly sent non factual information to his customers I had not received any complaints regarding the current system.

At SWAC, I requested a public meeting in Point Roberts before considering any changes to the current system. I received correspondence (available at council office) that Mr. Wilkowski was threatening his customers and banning at least one individual from the transfer station which is owned by the county, not Mr. Wilkowski. I asked at what point, if Mr. Wilkowski is banning anyone from a county owned transfer station can another company provide services. Mr. Wilkowski said they can't because he is a monopoly, an important reason to ensure fairness for ratepayers.

My frustration at not having enough information to make a reasonable decision is warranted. His proposal might have sailed through the SWAC without my persistence. I make no apologies for the debate. Mr. Wilkowski kept assuring SWAC that he is honest, well respected, and friends with everyone at the Point and their dogs (he really did say that). The newspaper article and correspondence seem to contradict that.

If we receive financial analysis from the UTC that shows his financial problems are legitimate, I will lead the charge to ensure he is able to obtain his allowed rate of return while providing reasonable service for Point Roberts.

I look forward to obtaining all relevant financial information, and holding a public meeting in Point Roberts to ensure we make the best decisions regarding any changes to the existing Point Roberts garbage service.

BB:mb

Attachments

C: Pete Kremen, County Executive
Frank Abart, County Public Works Director
SWAC Members
Dana Brown-Davis, Clerk of the Council
Correspondence File

I:\SHARED\COUNCIL\Barbara Brenner\2007\Point Roberts Garbage 6.14.doc

• **WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES**
• **April 26th, 2007**

Members Present:

Ed Nikula, Duane Jager, Troy Lautenbach, Iris Newman, Barbara Brenner, Greg Young, Becky Phillips, Lisa Friend, Rodd Pemble, Steven Thomas

• **Members Absent:**

Chad Bedlington

Staff Present:

Penni Lemperes, Debbie Bailey

Others Present:

- Charles Sullivan, Whatcom County Health; Chris Piercey, Dept. of Ecology; Fred Miller, Ryzex; Arthur Wilkowski, Pt. Recycling and Refuse. Gene Eckhardt, Washington Utilities and Transportation Commission (WUTC) was present via speaker-phone.

Call to Order

- The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, April 26th, 2007 at 5:33 p.m. in the 2nd Floor, Public Works meeting room by Chairperson, Rodd Pemble.

Introductions:

- New SWAC members Iris Newman and Steven Thomas were introduced as well as Charles Sullivan, Chris Piercey, Fred Miller and Arthur Wilkowski.

Minutes:

Minutes of the January 25th SWAC meeting were approved as written.

Communications:

SWAC received letters from Arthur Wilkowski, Pt. Recycling and Refuse, to be addressed in the agenda topic.

Agenda Items:

Proposed Ordinance Changes – Pt. Roberts Solid Waste System

Arthur Wilkowski, Pt. Recycling and Refuse, introduced this topic. He has two things for the SWAC to consider:

- 1. Eliminate the requirement for mandatory curbside recycling, replacing it with self-haul drop off at transfer station for free. Curbside programs are urban designs based on high-participation, high density. Pt. Roberts needs a rural design.
- 2. Enforce the Universal service ordinance. Arthur proposed, in Pt. Roberts only, elimination of the exemption system and requiring all households to be on a minimum of 1 can a month.

Arthur proposes to operate for one year w/universal service after which the WUTC would require a review. Gene Eckhardt stated that the UTC would put into place a mechanism to monitor the company both on earnings and service, determining what a company would be entitled to in actual cost of service and a reasonable return on investment. Much discussion ensued on how costs are determined and what is a "reasonable return on investment," costs for additional recycling infrastructure, variables that affect service costs, and enforcement or lack thereof in Pt. Roberts. Duane Jager asked Gene if there was historical data to support Arthur's assertion that there is an impending crisis in Pt.

Roberts. Gene replied that the company's annual report was due shortly and would be public record.

- Barbara Brenner stated that she has been inundated with phone calls, emails and faxes from upset Pt. Roberts residents and that she feels very strongly about not changing the level of service. She distributed copies of letters and emails she'd received to all the SWAC members. Barbara emphasized the need for a meeting in Pt. Roberts before any changes are decided upon. Gene said there had been some complaints in January, and had spoken to the WUTC Consumer Affairs office that day and they had no active complaints on record. He said that complaints should be sent to the UTC.

It was agreed that more discussion and public input in Pt. Roberts was necessary. Duane moved that if possible, that the issue move forward in the governmental process and not be stalled with SWAC. Barbara moved that those interested from SWAC, County Public Works, and County Council members that are interested in going up there (Pt. Roberts) do so together. Rodd noted that Duane already had a motion and asked him to restate it. Duane moved that "if it's possible that this discussion move forward in the governmental process that the next step is to the Executive Committee prior to SWAC making any final decisions." Troy stated that SWAC needs to be behind something before it goes to SWEC. Arthur said it needs to go to the Public Works committee of the County Council in order to have a public meeting. Barbara made a friendly amendment (to Duane's motion) that the next step is to go to Pt. Roberts for a public meeting. Rodd said he is interpreting the motion to be that SWAC does not want to be a roadblock to this issue, and that if there is a way to smoothly move on to where a hearing might be facilitated, that SWAC does not object and encourages public input and more discussion of the issue. Lisa Friend said that if the motion is to encourage public input and more discussion, she would second it. Barbara added and that the public input will be in Pt. Roberts. Motion carried unanimously with the expectation that a public meeting will be planned for Pt. Roberts soon.

- **America Recycles Day**

- Rodd moved that the ARD agenda item be postponed until the next meeting. Iris seconded and the motion carried. It was agreed that ideas can be exchanged via email between meetings.

- **Other Business**

- Arthur is requesting a County definition of recycling and distributed information to members. Arthur said that according to the County plan, daily cover is not recycling, it is disposal. Chris Piercey, DoE, stated that Ecology does not consider daily cover to be recycled material, but solid waste. Barbara asked Chris what percentage of waste can be allowed and still be considered recycling, i.e. a whole house. Does it have to be 100% recycled? Chris replied that there was no percentage that he was aware of. Charles Sullivan, County Health, answered that if more than 10% of the material coming into a facility ends up in the landfill, then it is not a recycling facility in their view. More than 10% is considered solid waste and the facility needs to be permitted. This item will be on the agenda for the next meeting.

WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES

May 24th, 2007

Members Present:

Ed Nikula, Troy Lautenbach, Duane Jager, Iris Newman, Barbara Brenner, Becky Phillips, Lisa Friend, Rodd Pemble, Steven Thomas, Chad Bedlington.

Members Absent:

Absent: Greg Young

Staff Present:

Penni Lemperes, Debbie Bailey, Frank Abart

Others Present:

Charles Sullivan, Whatcom County Health

Call to Order

The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, May 24th, 2007 at 5:38 p.m. in the Public Works Meeting Room by Chairperson, Rodd Pemble.

Introductions

Chad Bedlington, City of Bellingham, and Frank Abart, Whatcom County Public Works Director, were introduced.

Minutes:

Minutes of the April 26th SWAC meeting were approved as written.

Communications:

SWAC Chair, Rodd Pemble, sent a letter to SWAC members regarding general meeting protocol and the role of SWAC. Barbara disagreed with the statement that discussion of agenda items via email violated the Open Meetings Act and quoted from a book on municipal research. Copies of RCW Chapter 42.30, Open Public Meetings Acts were distributed to members. According to Dan Gibson, Whatcom County Prosecuting Attorney, care needs to be given as to the nature of what is e-mailed among members of the SWAC so that it does not become a form of deliberation that is subject to the Open Public Meetings Act. This is not to say that members cannot e-mail each other, but that the e-mails should not become an alternate method of conducting the business of the committee. An agenda item which requires action on the part of the SWAC is considered a part of the meeting, and all meetings are declared open and public.

Agenda Items:

Pt. Roberts Solid Waste System

As this item was continued from the last SWAC meeting, Rodd made a two-part motion:

1. Impose mandatory garbage collection in the form of required purchase of 12 tags equivalent in volume and price to monthly service;
2. Drop the requirement for curbside recycling, impose free drop off at transfer station, with review by Solid Waste division after a 1 year probation period.

Barbara Brenner would like more information and suggested that Arthur Wilkowski could go to the UTC for rate increases if it (UTC) determines they're reasonable. Arthur stated that the County has jurisdiction over system design and the UTC has jurisdiction over rates. He is seeking a change in the design. Charles Sullivan is concerned that there is no means to compel the citizens of Pt. Roberts to purchase the 12 tags. Barbara says recycling at curbside is still needed. She also wants to know at what point it can be opened up for another company to step in. Arthur stated that the County can contract for recycling collection, but the G Certificate is granted from the state and unless he violates

• Lisa noted that there was a blog in the Bellingham Herald on recycling. The Herald contacted her and she answered on behalf of the Recycling Hotline. She will email her comments to anyone interested.

• **Open Session**

Duane would like the local grant program to be on the agenda next meeting. He stated that most of the money went unspent and it should be back in the budget and spent on creative programs and innovative ideas.

Rodd stated that members should plan on two hours, from 5:30 to 7:30, for the next meeting to accommodate the hefty agenda.

• **Action Items:** Penni: Coordinate a public meeting in Pt. Roberts.

• **Next Meeting Agenda**

- 1. Pt. Roberts Solid Waste System
- 2. ARD ideas
- 3. Recycling Definition
- 4. Local Grant Program

• **Next Meeting Schedule**

• The next meeting will be held from 5:30 until 7:30 p.m. on Thursday, May 24th, 2007 in the Public Works meeting room.

• **Adjournment**

Meeting was adjourned at 6:55 p.m.

•
CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held April 26, 2007

Attest:

Debbie Bailey, Secretary
WCPW Solid Waste

Rodd Pemble, Chair
Whatcom County Solid Waste Advisory Committee

Local Grant Program

Rodd stated that although this agenda item was requested by Duane, only \$10,000, earmarked for the ARD, was available in this year's budget. It was explained that this program was initially only approved for the 2005/2006 budget and additional money was needed this year for the Cedarville landfill. Duane and Barbara recommended that the grants be put back in the budget. Rodd wants assurance that the source of any money does not come from the school education program. Penni gave a synopsis of the grants that were given out in the 2005/2006 cycle. Barbara wants to know the dollar amounts of all the grants at the next meeting and also would like to know more about the budget to determine if all the current items are worthwhile and perhaps a source of funding to reinstate the grants. Duane moved that the SWAC recommend to the Executive Committee and the County Council that the Solid Waste Division:

1. Reinstate the annual allocation of \$75,000 to the local grant program line item in the 2007 County budget.
2. Continue to follow the guidelines recommended by the SWAC to implement the program.
3. Ambitiously promote the program.
4. Remove arbitrary barriers that prevent distribution of funds.
5. Distribute 100% of the funds to worthy programs.
6. Report the program's successes and failures to the SWAC
7. Continue the program indefinitely unless advisory and /or governing entities direct the Solid Waste Division to do otherwise.

Becky amended the motion to include the clause that the funds are not to be pulled from currently funded programs in the Solid Waste budget. Amended motion carried.

Other Business

Penni announced that Becky Phillips won the WSRA Recycler of the Year award for the kindergarten through 12th grade recycling programs.

Open Session

Action Items: Penni: Contact UTC
Rodd: Write letter to Council requesting meeting in Pt. Roberts.
Write letter to SWEC regarding Local Grant program.

Next Meeting Agenda

1. Comp Plan Public Comment
2. ARD

Next Meeting Schedule

The next meeting will be held from 5:30 to 7:00 on Thursday, June 28th, 2007 in the Public Works meeting room.

Adjournment

Meeting was adjourned at 7:52 p.m.

his tariff, he will remain as the garbage company in the area. Duane Jager wants to hear from the UTC what kinds of costs are realistic to be financially viable so service remains as is. General consensus was that there needed to be a public meeting in Pt. Roberts to gauge citizens' wants and needs before the group could back any recommended changes. It was agreed that the County Council should hold the meeting/hearing. Troy Lautenbach suggested that the SWAC present some ideas and options to the citizens. If so, Barbara wants one option to say "leave services as they are." Becky Phillips amended the motion on the floor to recommend to the County Council that a public meeting/hearing will be held in Pt. Roberts to discuss potential changes to service with several options available including, but not limited to, the two that Rodd proposed as well as Option 3, leave service as is. Steven Thomas seconded the motion. Motion carried. Penni was asked to call the UTC to get the financial information on what it would cost to maintain current system.

America Recycles Day

Rodd stated that ARD is November 15th. Lisa Friend listed both new and previously stated ideas as possible options:

1. Amnesty Days - Bulky item pickup, or specific site cleanup (i.e. Kendall, Custer)
2. CDL - Construction Demolition and Landclearing. Advertise source separated and reuse.
3. Pharmaceuticals
4. Yogurt Containers - suggestion for one-day shredding event.
5. Ban Bags for a Day - Stores to not provide plastic bags for one day.
6. Major Advertising - for places like Reuse Works.
7. Auto Rodeo - Amnesty event for junk cars as was done in Kittitas County.
8. Recycling company logos - Contest in newspaper to identify logos of recycling places and what can be taken there.
9. Whatcom Recycles Day Concert/event - Admission price is 3 recyclable items. Host a concert or event. Educate people and teach where they can take certain things.

Discussion of ideas followed. Penni Lempere stated that some litter grant money is also available for a cleanup event. Members will gather more information and continue discussion at next meeting.

Recycling Definition

Rodd stated that material from Pt. Roberts is being ground up and used as alternate daily cover (ADC) in Canada which according to the UTC, may be considered recycling. The Department of Ecology's unofficial position is that ADC is not considered recycling. Arthur has asked for a definition from Whatcom County. Charles suggested that the County adopt the DOE's 350 regulations as its own, which will compel Ecology to issue a determination at the state level and the UTC then would have to deal with Ecology. Arthur stated that there is some conflict between 350 (WAC) and the RCW. The RCW states that it is the County's authority to define recycling. Discussion centered on what would be a fair percentage of waste/contamination to still be considered recycling. Troy noted that a facility could be over 10% waste and still be a recycling facility or intermediate solid waste handling facility, but would need to be permitted rather than exempted. Rodd asked Charles to get some input from Ecology, and the 350 definition and continue discussion at the next regular meeting in July. Rodd would also like to ask Dan Gibson what the implications are if the County came up with its own interpretation.

CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held May 24, 2007.

Attest:

Debbie Bailey, Secretary
WCPW Solid Waste

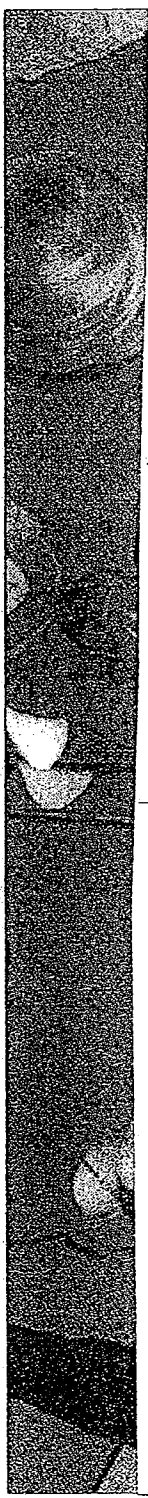
Rodd Pemble, Chair
Whatcom County Solid Waste Advisory Committee

All Point Bulletin

THE COMMUNITY NEWS

March 2007

Barbara Brenner 1/08
Whatcom County Council
311 Grand Ave.
Bellingham, WA 98225



▲ Point Roberts primary school students played Ring Around The Valentine on February 14.

Photo by Meg Olson

Letter from garbage company sparks concern

BY MEG OLSON

"Now I have their attention."

Local garbage company owner Arthur Wilkowski is acknowledging he can't do a lot of what he said he would do in a late January mailing and newspaper advertisement, but he's satisfied with the outcome.

"This was the only option left to me by the government agencies and by this community," he said. "People don't want to pay attention unless there's a crisis."

Whatcom County's solid waste division and the Washington Utilities and Transportation Commission (WUTC) both snapped to attention when Point Recycling and Refuse sent out the announcements

stating that any property owner who buried, burned or exported waste products from Point Roberts, or hired a contractor who did so, would be "permanently excluded from all services" provided by the local garbage hauler.

"He's not allowed to deny service," said WUTC spokesman Tim Sweeney. "He has an obligation to provide that service unless they fail to pay for it." Sweeney said the company is required to provide any service that is part of the tariff schedule for Point Recycling and Refuse approved by the WUTC. Limited conditions under which service can be suspended, and not permanently, include non-payment, hazardous conditions and violations of state and coun-

ty solid waste law.

"There are a lot of things in that public notice he just cannot do," said county solid waste specialist Penni Lempers after an early February meeting with Wilkowski, county legal staff and the WUTC.

"He cannot bar anyone from coming to the transfer station," Lempers said. "It's on county property and it's open to the public."

Lempers also said Wilkowski's assertion in an advertisement in the All Point Bulletin that "all past exemptions are void" was in error, as was his inclusion in his recent mailing of his own exemption form with his own

(See Garbage, page 13)

more in taxes in 2007 than in 2006. Summer homes in the Maple Beach were some of the hardest hit and are looking at a 98 percent tax hike this year.

"We got an increase of 77 percent," said Fred DeHaan, whose family owns 20 acres along the southern bluff that was home-standed by his wife Pauline's family in 1896. The land, two family homes and cabins along the beach will cost the DeHaans an additional \$12,000 per year in taxes. "We'll have to raise our rents but I don't know if some of these people will be able to afford it for summer homes," he said.

The flip side is that some properties will pay less taxes in 2007 than they did in 2006, while some will barely see them change. A three-bedroom home on Uscardia Lane will see an eight percent increase in their property taxes. Owners of a mobile home on a rented pad in Sunny Point park saw a welcome 46 percent drop in the taxes they owe for 2007.

Along Tyee Drive almost all the developed commercial properties will see a decrease in their taxes. In the last valuation the assessed value of the land on which the parcel service, the liquor store, the water

(See Property taxes, page 10)

Lights!

Boobs rescue

Antiques?

Contents

Garbage...

(continued from page 1)

version of what is a prohibited method of waste disposal.

"He had no right to send out his own exemption form," Lemperes said. "He has no legal right and nobody should sign it." The form available through the county solid waste department is the only legal form and the only one property owners seeking an exemption from mandatory household garbage service should sign and file with the county.

The exemption forms are required in Whatcom County for those who don't pay for household garbage pickup but choose alternative methods of garbage disposal. "You have to sign an affidavit that you will responsibly deal with your garbage and recycling," Lemperes said.

According to the county exemption forms, responsible ways to dispose of trash include composting, self-hauling to an approved disposal site, commercial waste collection, and recycling. Prohibited methods are illegal dumping, burning or burying waste.

On his form Wilkowski added an additional prohibited method: "exportation of any waste outside of Point Roberts."

Lemperes said county solid waste regulations did not prohibit material leaving the Point. "'We can't prohibit export out of Point Roberts. We just don't do that.'" she said. "We export our waste from here down to Oregon. We don't have landfills in Whatcom County."

Paula Shore from the Canada Border Services Agency confirmed that household garbage is prohibited from crossing the border but recyclable materials are permitted. "We don't control Canadian law and if people want to take stuff across into Canada we can't stop them," Lemperes said.

WUTC regulatory analyst Penny Ingram confirmed that Point Recycling and Refuse was the only certificated hauler who can dispose of and collect solid waste in Point Roberts. Recyclable materials can leave the waste stream, as long as they are taken either personally or through a licensed carrier to an appropriate facility. "If it goes to a commercial recycler they would need a common carrier and that is different from a regulated hauler." The WUTC issues certificates to common carriers as well as solid waste companies.

"It comes down to semantics," Wilkowski said. He thinks to call construction debris a recyclable is a misnomer. "Crunching up an entire house and hauling it out of here is a clear effort to dispose."

Wilkowski said the volume of material leaving the local garbage system threatens to make to local garbage company nonviable. "If tonnage leaves the system rates go up. If Timbers hauls 400-500 tons out of the system how do you think that affects our system?" he said, referring to the Canadian company that has been taking construction debris from the Point to Urban Woodwaste Recyclers in B.C.

The recycler runs through 180,000 tonnes of construction debris per year and recycles 80 percent of that as hog fuel for pulp mills, wood for paneling, metals and capping material for landfills.

Wilkowski said he takes in approximately 1,200 tons a year and it isn't enough to make the business profitable. The company reported gross revenue of \$375,000 and a net loss of \$15,000, which Wilkowski absorbed by taking it out of his \$60,000 annual salary. "I've taken a loss every year," he said. "The company is surviving on the depreciation of the infrastructure. This is a serious economic crisis and enough to break the system."

Local builder Ken Calder, who has used Timbers to haul recyclable construction debris to Canada, said he has based his decision on the economics: a large project in 2004 generated 260,000 pounds of debris. At the current dump fees that would have cost him \$28,000 to dispose of at the local transfer station. He paid \$5,400 for hauling costs and disposal fees at Urban Woodwaste Recyclers.

Today the per-pound fee at the local transfer station is 12.5 cents per pound. Urban Woodwaste Recyclers charges three cents to take recyclable construction waste. "And it's not all going straight into a landfill," Calder said, adding Urban Woodwaste Recyclers also provided an incentive to send them clean recyclables by charging lower fees for cleaner loads of a single material.

"Those contractors who are the first to scream when a Canadian company comes down here to work seem to think this is OK," Wilkowski said. "Yes, I need to provide lower cost options for construction and I'm working on it but it takes infrastructure. If I don't get the support of the community I don't have the volume to make it work."

Backing down on most of the ultimatums he issued at the beginning of the month, Wilkowski said he will work with the county on the clearly illegal ways waste leaves the system: burning, dumping and burying garbage.

"If we know it's happening there is something in the code where our health department can investigate and take action," Lemperes said. "It's one of those things that doesn't really have any teeth. I wish we had a litter cop. I'm sure all the fines he would collect could pay for his position for a year."

Wilkowski said he will work with the county on changes to the exemption program to improve its efficiency.

On February 8 Wilkowski also took action the WUTC is willing to consider, issuing notices of suspension of service to two local individuals for "exporting waste out of the solid waste system." The WUTC will now make an official decision as to whether or not it is legal to do so.

"That is involved in an investigation now," Ingram said. The garbage hauler can refuse service if he can demonstrate the customer is currently not complying with state, county or municipal regulations. "The company makes the notification first and then the customer contacts our commission," which determines if there is sufficient legal grounds to terminate service. Ingram said any terminations would not attach to a property but to an individual.

**WHATCOM COUNTY PROSECUTING ATTORNEY
DAVID S. McEACHRAN**

CHIEF CRIMINAL DEPUTY

Mac D. Setter

ASST. CHIEF CRIMINAL DEPUTY

Warren J. Page

CRIMINAL DEPUTIES

Craig D. Chambers
Elizabeth L. Gallery
David A. Graham
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Jeffrey D. Sawyer
Anna Gigliotti
Shane P. Brady
Shannon Connor
Christopher D. Quinn
Sharon L. Fields
David E. Freeman

Whatcom County Courthouse
311 Grand Avenue, Second Floor
Bellingham, Washington 98225-4079
(360) 676-6784 FAX (360) 738-2532
COUNTY (360) 398-1310

CHIEF CIVIL DEPUTY

Randall J. Watts

CIVIL DEPUTIES

Kurt L. Frakes
Daniel L. Gibson
Royce Buckingham

**CIVIL SUPPORT
ENFORCEMENT DEPUTIES**

Angela A. Corvas
Dionne M. Clasen

APPELLATE DEPUTIES

Kimberly Tholin
Hillary A. Thomas

SENIOR ADMINISTRATOR

Kathy Walker

February 26, 2007

Mr. Ron Calder
575 Calder Drive
Point Roberts, WA 98281

Re: Garbage Pickup


Dear Mr. Calder:

Mr. McEachran has forwarded your letter concerning the situation up at Point Roberts to my attention. I have consulted both the Health Department and the Public Work Department in an effort to find out what is happening. While I agree that the advertisement in the *All Point Bulletin* is disturbing, I do not find it criminal.

The County has been in conversation with the franchise hauler in the area. The County has made it clear that he cannot bar anyone from dropping garbage at the transfer station. It is open to the public. Concerning the curb side, that is controlled by the State. Consequently if you feel you are being discriminated against at the transfer station you have civil remedies. However, I do not view it as criminal.

If you have any questions, please do not hesitate to contact me.

Sincerely,


RANDALL J. WATTS
Chief Civil Deputy
Prosecuting Attorney

RJW:tz

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WHATCOM COUNTY COUNCIL
Regular County Council

June 5, 2007

Council Chair Carl Weimer called the meeting to order at 7:01 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Laurie Caskey-Schreiber

Absent:

L. Ward Nelson

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced there was an **update on open and soon to be open collective bargaining agreements (AB2007-018)** in executive session during the Committee of the Whole meeting.

Weimer also announced there was **consideration of an appeal filed by Jonathan Sitkin, Attorney for Whatcom County Fire District No. 21, regarding an application for a zoning conditional use permit to construct a three-story condominium building in the Resort Commercial Zone for Ocean Pointe Condominiums (AB2007-179)** in executive session during the Committee of the Whole meeting.

Brenner moved to uphold the Hearing Examiner's decision.

Motion carried 5-1 with McShane opposed.

SPECIAL PRESENTATIONS

1. EXECUTIVE KREMEN TO PROCLAIM HUNGER AWARENESS DAY (AB2007-017)

Pete Kremen, County Executive, read the proclamation in to the record. He introduced members of the Whatcom Anti-Hunger Coalition and presented the members with the proclamation.

Unidentified speaker, Whatcom Anti-Hunger Coalition, explained the activities and purpose of the coalition.

Brenner asked if the County can contribute to the Small Potatoes Gleaning Project. Kremen stated the administration has looked at how it can justify providing funds to that

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1 effort. At this time, the administration isn't able to find an acceptable method of providing
2 funds that the State Auditor would approve. The administration will still continue to try and
3 find a way to work with that organization. They need to be creative and resourceful. He will
4 support the project in any way he legally can.

5
6 **2. EXECUTIVE KREMEN TO PRESENT A CERTIFICATE OF GOOD PRACTICE TO**
7 **COUNTY ENGINEER (AB2007-017)**

8
9 Pete Kremen, County Executive, read a letter into the record from the County Road
10 Administration Board (CRAB) Director Jay Weber. He presented a certificate of good practice
11 to County Road Engineer Joe Rutan for the Engineering Division.

12
13
14 **MINUTES CONSENT**

15
16 **1. REGULAR COUNTY COUNCIL FOR MAY 8, 2007**

17
18 *Caskey-Schreiber moved* to approve the minutes.

19
20 *Motion carried unanimously.*

21
22
23 **OPEN SESSION**

24
25 The following people spoke:

26
27 Arthur Wilkowski, 218 Elizabeth Drive, Point Roberts, stated he owns and operates
28 Point Recycling and Refuse Company, the State regulated utility for garbage collection in
29 Point Roberts. In the past eight years with Point Recycling, he has taken a bankrupt and
30 broken down garbage company and transformed it into a modern company. He committed
31 to providing a personal level of service that exceeds all expectations, to know each of his
32 customers, and to treat his customers as friends and neighbors. As the lease operator of
33 the County transfer station, he transformed an under-serviced, poorly built site into a
34 modern station by installing all utilities, a scale house, and scale. He has rebuilt virtually
35 every part of the site. In the past two months, he's spent over \$20,000 on required
36 improvements, bringing his total investment in the site to over \$200,000. He has exceeded
37 his contract operating hours by over 200 percent and all County expectations of investment
38 in order to build a station that his community needs now and into the future. His site is
39 very popular with the community. He's been on the local garden tour and have, at times,
40 been considered Point Roberts' number one tourist attraction.

41
42 At the last Solid Waste Advisory Committee (SWAC) meeting, when he tried to
43 address certain long-term problems with design of the Point Roberts solid waste system,
44 Councilmember Brenner implied that he has lied, committed fraud, stolen from his
45 customers, and failed to fulfill his responsibilities to the community. Councilmember
46 Brenner has asked for his removal as operator of the County transfer station, and even as a
47 State regulated utility. She has done so in a very McCarthian manner, citing certain letters
48 and communications that only she has. She has denied his rights to due process and to
49 explain, defend, or counter her charges against him. In doing so, she has crossed the line
50 from being stubborn and opinionated politician, and has become a callous and abusive
51 tyrant, intent on the destruction of his company. Her personal hostility toward him stems

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1 from the numerous times he's argued against her on the SWAC when she has failed to
2 understand the County's proper solid waste authority, responsibilities, and obligations, or
3 when she has attempted to deny her opponents their right to due process and fair
4 representation.
5

6 If it is indeed the County Council's goal to remove him as the operator in Point
7 Roberts, he would hope that the County Council would actually talk to some people about
8 his company and his service. The County Council should talk to its own staff in the Solid
9 Waste Division, the Health Department, the roads department, and the Disposal of Toxics
10 about his commitment to the program. Talk to his customers about the reliable and fair
11 service he has provided. They will find that the vast majority of people in his community
12 consider him to be a hard-working, honest person, and they value his contributions and
13 efforts to serve them. Barbara Brenner has clearly allied herself with a small handful of
14 community troublemakers and bullies that have personal agendas against the local solid
15 waste utility. He is officially requesting, under the Freedom of Information Act, copies of all
16 emails, letters, and notes that Barbara Brenner has received or sent in the past six months
17 concerning his company and solid waste issues in Point Roberts. He requests the
18 opportunity to respond to any allegations made against him, and have everything submitted
19 to the SWAC and Council. He requests that the County attorney review all information to
20 determine if County Council person Barbara Brenner has exceeded her authority or
21 demonstrated unwarranted hostility toward him or his company.
22

23 If the County Council wants to actually deal with solid waste issues in Point Roberts,
24 the service level ordinance and the station lease are the jurisdiction of the County
25 Executive's Office. This issue should be addressed by that office at this time. He requests
26 that County Council person Barbara Brenner, due to demonstrated hostility toward him, be
27 removed from the process until the issue comes before the Council as a whole. He requests
28 that a substitute councilmember be appointed to liaison with the Executive's Office,
29 probably Carl Weimer, because of his significant solid waste expertise.
30

31 Weimer stated he received a letter today from the Solid Waste Advisory Committee
32 asking the Council to go to Point Roberts and hold a semi-official public hearing on some of
33 the same issues.
34

35 McShane asked Mr. Wilkowski when this occurred. Wilkowski stated it was at the
36 last meeting, last month.
37

38 McShane asked if Mr. Wilkowski has seen the minutes of that meeting. Wilkowski
39 stated he has.
40

41 McShane asked if the minutes reflect those statements regarding Ms. Brenner.
42 Wilkowski stated they do.
43

44 Caskey-Schreiber stated this is the first she has heard about this issue. She asked
45 what the problem is. Wilkowski stated Councilmember Brenner doesn't listen. She's a
46 bulldog. He's trying to get a rational discussion about the design of the solid waste system
47 that the County binds him to operate and serve. He operates under intense regulation and
48 constraint by both the County and the State. There are some problems that need to be
49 addressed. He's trying to have a rational dialog about it. Councilmember Brenner's
50 response, every time he's tried to come to the County with issues over the years, is to
51 attack.

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1
2 Caskey-Schreiber stated they all make decisions for the Council. Mr. Wilkowski is
3 more than welcome to contact any one of them, and they will try to help him. Wilkowski
4 stated that is why he's here.
5

6 Brenner stated that she never accused Mr. Wilkowski of anything. She said that it
7 shouldn't be their position to take one side's word for anything. She said that repeatedly.
8 If Mr. Wilkowski wants to take that as implying that, that's his problem, not hers. She also
9 received a lot of letters, which she did pass on, and he actually saw them at the meeting
10 because she passed them around to everybody. Somehow, the Solid Waste Division doesn't
11 seem to have them now. She has been trying to locate most of them. She's found, she
12 thinks, most of them.
13

14 She asked if the Solid Waste Division audiotapes the meetings. It's too bad. It
15 doesn't reflect in the minutes. Mr. Wilkowski can accuse her of anything he wants. It goes
16 with the territory. Just because she doesn't agree with his position doesn't mean he is
17 necessarily rational, and she's not. It means they are having a disagreement. She stands
18 by it. The Council has a fiduciary responsibility to the taxpayers everywhere to not just take
19 any provider's word for anything when it's a utility and a monopoly. They are supposed to
20 be there to ensure that the rights of the utility payers are being respected, too. It's not her
21 job to take his word for anything.
22

23 Weimer stated the Council will discuss a SWAC request to have a meeting in Point
24 Roberts. It sounds like some system issues need to be worked through, beside the
25 personality issues.
26

27 Karen Frakes, Prosecutor's Office, stated a verbal public disclosure request isn't
28 sufficient. If Mr. Wilkowski does want documents from the County, County policy requires
29 that he file a written request. All that information is on the County website.
30

31 Johnnie Grames, 1506 E. Maplewood Avenue, Bellingham, stated that when a cow
32 drinks water, it turns to milk. When a snakes drinks water, it turns to poison. He feels the
33 opposite of the previous speaker about Councilmember Brenner. He is glad Councilmember
34 Brenner is his representative.
35

36 In his neighborhood, there are quite a few McShane signs in the right-of-way. When
37 people were voting on the new jail, which is law enforcement and big business, there were
38 quite a few signs in the right-of-way. That sets a bad example. He doesn't want to make a
39 big deal out of it in case he ends up in jail or having to approach the administration.
40

41 A person named Evan Knappenberger is doing a vigil downtown about doing a
42 continuous tour of duty and a Pentagon program where they trap soldiers in the military.
43 He hopes that the Council talks to Mr. Knappenberger. He is very articulate and a dedicated
44 soldier. He comes from a military family. His father and grandfather were war heroes.
45 He did tours of duty in Iraq. He will be downtown until Friday. There will be an op-ed piece
46 in the Bellingham Herald tomorrow. Because of all the resources used for this war, people
47 are affected on all levels. He submitted information on Mr. Knappenberger (*on file*).
48

49 Betsy Putterman, 3694 Birch Terrace Drive, Custer, stated she is a member of the
50 Citizens Commission on Human Rights. She thanked the Council for the work it does.
51

DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

1 **2. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, SIXTH**
2 **REQUEST, IN THE AMOUNT OF \$1,841,651 (AB2007-254)**
3
4

5 **OTHER BUSINESS**
6

7 Brenner stated she would like to have a public meeting in Point Roberts, which was
8 the actual request she made to the Solid Waste Advisory Committee. If people have
9 concerns, they should go up there.

10
11 Weimer asked if there was Council consent to have a meeting in Point Roberts.
12

13 Caskey-Schreiber stated the Clerk of the Council should email the councilmembers
14 with suggested dates.
15

16 Weimer stated put off the meeting until at least the middle of July.
17

18 Crawford asked if they should get a recommendation from the Public Works
19 Committee, since this is a public works issue.
20

21 Brenner stated she wanted the SWAC to go up there or contact the Utilities and
22 Transportation Commission first. The Utilities and Transportation Commission is set up to
23 analyze or audit someone's utility business. When asked, Mr. Wilkowski said the Utilities
24 and Transportation Commission refused. She talked to the spokesman from the Utilities
25 and Transportation Commission (UTC), who said the UTC refused because Mr. Wilkowski did
26 not want an audit or an analysis, but wanted them to advocate for him to the Council.
27 That's not what the UTC does. She feels strongly that they should have some kind of
28 financial analysis before they do much of anything. Mr. Wilkowski is the one who has to ask
29 for it. Mr. Wilkowski can get an audit if he applies for a tariff increase. He can also just
30 request the UTC to do an analysis of his business. It's an important element to have before
31 they make a decision.
32

33 Caskey-Schreiber stated ask the SWAC for a recommendation, and then go from
34 there.
35

36 Brenner stated the SWAC decided to not make a recommendation because they
37 hadn't gone to Point Roberts and didn't have all the information. The Council can't force
38 them to go up there. She recommended that they do that.
39

40 Fleetwood asked if it's necessary to go up there to get the sufficient information to
41 make the decision.
42

43 Brenner stated it's only fair if they are going to do any significant change in garbage
44 service for an area. They should get some input from the people who live there.
45

46 Fleetwood stated he agrees with that. He asked if it's necessary to go to Point
47 Roberts in order to hear from Point Roberts residents.
48

49 Brenner stated not everyone has email. She's gotten phone calls, email, and letters,
50 but it's common courtesy to go up there if they are going to make significant changes.
51 Before that, they still need some kind of an economic analysis, which the UTC does.
52

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1 Weimer asked if Mr. Wilkowski is asking for these changes because he says he can't
2 make a go of it economically.
3

4 Brenner stated he is.
5

6 Crawford stated the service provider is requesting a change based on what he thinks
7 is economically practical. If the SWAC did have a recommendation, then the Public Works
8 Department would probably go ahead and write an ordinance for the Council to consider
9 after a public hearing. In this case, the SWAC isn't making a recommendation and isn't
10 interested in going to Point Roberts. All that can come out of a hearing in Point Roberts is
11 that the Council would ask the Public Works Department to write an ordinance.
12

13 Because of Point Roberts' unique location, it's a tough situation. The Council should
14 strongly encourage the SWAC to have a hearing in Point Roberts and then make a
15 recommendation to the Council if changes need to be made.
16

17 McShane stated the SWAC outlined three options in a letter from Rod Pemble, and
18 recommended that the Council have a hearing in Point Roberts on those three options. The
19 Council needs to have an ordinance, or multiple ordinances, to reflect those options. This
20 came up once before when he was on the SWAC. Consider whether this is consistent with
21 the goals of the Solid Waste Plan. The SWAC was silent on that. It's worth hearing from
22 the citizens, which is the advice from the SWAC.
23

24 Brenner stated she suggests that the Council go to Point Roberts to hear from the
25 residents. At the same time, ask Mr. Wilkowski to request a financial analysis of his
26 business from the UTC. She's not comfortable making the decision without someone
27 looking over his shoulder and deciding that this is necessary.
28

29 Caskey-Schreiber stated that if the County contacts with this provider, then it should
30 be the contractor's decision if he needs to do a change of business practice to make it work.
31 The question is whether the County tries to work with the contractor to keep him viable.
32

33 Weimer stated it's complicated because the provider has a G permit, which means
34 he's a State-regulated monopoly.
35

36 Brenner stated that's why it's up to the State to make a determination on financial
37 analysis of whether he's within his bounds to make this request.
38

39 McShane stated SWAC did not make a formal recommendation about UTC analysis.
40 This should be sent to the Public Works Committee, which may have potential appearance
41 of fairness issues. It should go to committee to work on potential language for a hearing.
42 Send the language to the Solid Waste Advisory Committee for a recommendation. The
43 SWAC should say on what it wants the Council to have a hearing. The SWAC is not going to
44 make a recommendation other than the Council should have a hearing. Then have a
45 hearing in Point Roberts about the desires of the residents. After they decide the option, it's
46 up to the UTC to determine the correct rates.
47

48 Caskey-Schreiber stated they should get all the information possible. She is clueless
49 on this process, issue, and situation. She is concerned about the public saying that the
50 service should be left as it is, but the provider not being able to make it work financially.
51

DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

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Crawford stated that if they do all this in good faith, then the provider has an excellent case with the UTC to raise his rates.

McShane stated the Public Works Committee and Council should come up with an ordinance, and then run it by the SWAC.

Brenner stated that the letter from Rod Pemble didn't represent the SWAC, just his own questions. All the letters she received weren't included because staff couldn't find all the letters. It's up to her to locate them. She made copies of the letters and distributed them at the meeting.

McShane stated a SWAC action item was that Rod Pemble was to write a letter to the Council to request a meeting in Point Roberts.

Brenner stated this would be scheduled in the Public Works Committee on July 10.

Weimer stated the Council will host a special Council meeting as the Health Board on June 7. A quorum of councilmembers will be present.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

Brenner stated the Women in Timber are having a timber tour on Friday. It's an incredible tour. She encouraged everyone to attend.

ADJOURN

The meeting adjourned at 8:31 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on _____, 2007.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

CC-11

pg 1

From: Penni Lempere
To: Frank Abart
Date: 8/1/2007 10:40 AM
Subject: Memo to Council regarding Pt. Roberts
Attachments: ptbob.doc

Attached is the memo for the Council regarding Pt. Roberts. The 2nd paragraph is not an opinion of the situation, but a statement of some of the issues in Pt. Roberts. You may or may not want me to leave them in.



CC-11
Pg 2

AB2007-391 ✓
ADMINISTRATION

CIVIC CENTER
322 N. Commercial Street, Suite 210
Bellingham, WA 98225-4042
Telephone: (360) 676-6692
FAX: (360) 738-4561
www.whatcomcounty.us

MEMORANDUM

DISTRIBUTED TO

AUG 03 2007

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

DATE: August 1, 2007

TO: Pete Kremen, County Executive
Whatcom County Council

Through: Frank Abart, Director

FROM: Penni Lemperes, Solid Waste Specialist

SUBJECT: Pt. Roberts Transfer Station

I have been requested to summarize the events leading to Arthur Wilkowski, owner of Pt. Recycling and Refuse, asking for a change in the way garbage and recycling is collected in Pt. Roberts.

This has become a complicated issue, with differences of opinion between the Washington Utilities and Transportation Commission and the Department of Ecology regarding their definition of recycling as it pertains to specific instances in Pt. Roberts, alleged lack of enforcement issues, and the fact that Pt. Roberts is indeed a unique community in its remote location.

I have attached documents, not including information already sent to you by various parties involved, in chronological order that deal directly with issues at Pt. Roberts. This will provide a better picture of why Mr. Wilkowski is asking for a change in the way he does business and why the SWAC has asked the County Council to convene a public meeting in Pt. Roberts.

Attached documents include:

- 10/28/03 – Letter from Brian Calder, Contractor to Pete Kremen, Executive
- 1/06 – Letter from A. Wilkowski to Jeff Monsen, PW Director
- 2/27/06 - Letter from A. Wilkowski to Jeff Monsen, PW Director
- 3/9/06 - Letter from A. Wilkowski to City of Vancouver
- 4/28/06 – Letter from A. Wilkowski to Bruce Roll, Asst. Public Works Dir.
- 7/20/06 – Letter from A. Wilkowski to WUTC

- 7/24/06 - Letter from A. Wilkowski to WUTC
- 8/22/06 – Letter from WUTC to A. Wilkowski
- 2/27/07 – Public Notice from A. Wilkowski published in All Points Bulletin
- 3/1/07 – Letter to City of Vancouver from A. Wilkowski
- 3/15/07 – Letter to SWAC from A. Wilkowski
- 3/22/07 – Questions/Answers from Rodd Pemble, SWAC Chair, to A. Wilkowski
- 4/9/07 – Letter for SWAC from A. Wilkowski
- 4/22/07 – E-mail between David Gellatly & Barbara Brenner
- 4/29/07 – E-mail from Brian Calder to Barbara Brenner
- 5/7/07 – Letter to DOE from A. Wilkowski
- 6/26/07 – Letter to A. Wilkowski from DOE
- 6/28/07 – Letter to A. Wilkowski from City of Vancouver
- 7/10/07 – E-mail to Debbie Bailey, Solid Waste, from Knick Pyles
- 7/10/07 – E-mail from Pt. Roberts Taxpayers Assoc. to specific Council members
- 7/10/07 – E-mail from WUTC to Penni Lemperes, Solid Waste
- 7/24/07 – Letter to A. Wilkowski from WUTC

If I can be of further assistance, please contact me at 50291.

cc-11
Pg 4

RECEIVED

OCT 30 2003

PETE KREMER
COUNTY EXECUTIVE

Brian Calder, contractor
1940 APA Road
Point Roberts, Wa. 98281
(360) 945-2353

October 28, 2003

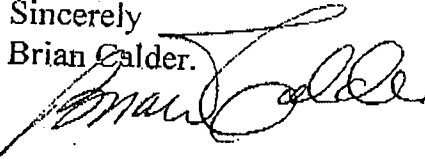
Whatcom County Executive
311 Grand Avenue #108
Bellingham WA.
98225

Mr. Duey Duffler, Deputy Administrator

Dear Mr. Duffler

I am a general contractor located in Point Roberts Washington. Whatcom County owns a 10-acre piece of property located in the 1900 block of Johnson Road. Whatcom County Engineering Services use the location building as an office and shop, and the outside area to store construction equipment, aggregate and road repair materials. Some of the additional land area is leased to a private independent individual who operates a waste transfer station for household garbage. We would like to make application to the County to lease the balance of the unused land area to operate our waste building materials disposal business.

We would intend to take bulk materials from construction and demolition sites to the facility, sort the materials, transfer them to our appropriate recycle unit and deliver to appropriate disposal facilities. As it is now we have to arrange to bring in large units from Ferndale or Bellingham and dump everything in mixed together and send them out as soon as possible and deal with 2 international borders. We see a great advantage to both our business and the Point Roberts community to be able to offer this service. We further offer to improve your property as your tenant with driveways and gravelling the working areas. We offer to pay the same annual rental as the existing tenant. Please advise us what application forms we must fill out and whether a deposit is required with our submission.

Sincerely
Brian Calder.


CC-11
Pg 5

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone: (360) 945-1516

1/2006

Jeff Monson, Director
Whatcom County Public Works
332 Commercial Street, Suite 210
Bellingham, WA 98225

Dear Mr. Monson,

Point Recycling and Refuse would like to request an increase in the Transfer Station Rates under Section "F" Item 1, of our Lease Agreement Contract No. 200310005.

The current tip fee rates are \$220.00 per ton, minimum charge \$4.00.
We would like to increase the rates to \$231.66 per ton, minimum charge \$4.35.

These rates, with State Refuse Tax, would have an effective rate of \$240.00 per ton, minimum charge \$4.50.

This is an increase of approximately 5.3%.

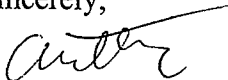
The reason for this increase is that in the past year, our disposal cost has increased \$5.00 per ton, and our trucking cost to transport the solid waste from Point Roberts to Ferndale has increased \$4.92 per ton. We have also had additional inflationary costs in insurance, utilities, labor taxes, etc. Rates have not been increased in over 7 years.

This increase is essentially profit neutral for the company. The net revenue increase is approximately \$15,000 per year.

I would like to point out that we have made substantial improvements to the station by adding full utilities, a scale trailer, and a weigh scale. We have transformed what was once a marginal site into a service that meets the community's needs, and is actually a local tourist attraction. We operate above our required 2 days per week summer/ 1 day per week winter, by being open 4 days per week summer/3 days per week winter, with "when we are here" service. We often have at least one customer, six or seven days per week.

Please let me know when we can make these new rates effective.

Sincerely,



Arthur Wilkowski

Cc: Whatcom County Solid Waste Division

POINT ROBERTS TRANSFER STATION

	RATE	STATE TAX	EFFECTIVE RATE
CURRENT RATES	\$ 220.00	\$ 7.92	\$ 227.92
PROPOSED INCREASE	\$ 11.66	\$ 0.42	\$ 12.08
NEW RATES	\$ 231.66 5.30%	\$ 8.34	\$ 240.00 5.30%

40 pound garge can goes from \$4.56 to \$4.80, an increase of 24 cents.

minimum charge goes from \$4.00 to \$4.35 - effective rate is \$4.50

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone: (360) 945-1516

February 27, 2006

Jeff Monson, Director
Whatcom County Public Works
322 N. Commercial Street, Suite 210
Bellingham, WA 98225

Dear Mr. Monson,

RE: Request to Change Transfer Station Rates

I wish to withdraw my earlier request to increase the Transfer Station Rate from \$220.00 per ton to \$231.66.

Since I first made that request, I have been notified by the disposal site that the City of Ferndale is implementing a 6% tax on the disposal sites which will increase my cost by an additional \$4.27 per ton. This would bring the proposed rate up to \$236.96. With Refuse Tax the effective rate would be \$245.49 per ton or 12.3 cents per pound.

We are facing future disposal increases over the next few years. We also will need to make substantial improvements to the station to add concrete slabs in front of the Z-Wall, to pour cap slabs on the ecology block walls and bin slabs at the base of the walls. We also need to address drainage issues and road improvements. A rough estimate is an additional investment of \$20,000. We must also replace our backhoe as soon as possible, at a cost of \$35,000. Our total tonnage for 2005 was 1,288.6 tons, actually a decrease from 2004. Capital improvements have very little tonnage to spread expenses over.

The current tip fee rates are \$220.00 per ton, minimum charge \$4.00.

We would like to increase the rates to \$241.31 per ton, with Refuse Tax this equals \$250.00 per ton or 12.5 cents per pound. A 40 pound garbage can would increase from \$4.56 to \$5.00.

In the effort to attract more small volume visits and to decrease littering, we would like to remove the minimum charge. That way if someone has only 10 pounds of garbage, it would only cost them \$1.25 for disposal.

<u>This is an increase of 9.7% or:</u>	\$21.31 per ton
Direct disposal cost increases:	\$14.33 per ton
Additional revenue for operating costs and improvements:	\$ 6.98 per ton or \$8,994.43 per year

This increase is still relatively profit neutral for the company. This slight increase in revenue will allow us to continue developing and improving this site.

Our lease agreement is unclear about the rate setting or modification process. I feel that these rates are fair, just and reasonable. They reflect the small volume of our station and the tremendous challenges that we face in transporting solid waste out of this facility. This is an effort to keep up with the inflationary pressures we have absorbed for the past seven years.

We will make these rates effective April 1st, 2006 when the City of Ferndale Tax increase goes into effect. We will provide notice of new rates in the next local paper which will be published on March 31st. We will post rate increase notices at our facility on March 11th.

We will work with your Solid Waste Staff to prepare amended rates for the County Uniform Fee Schedule which will be updated at the next available opportunity.

I feel that we will be able to maintain rates at this level for a considerable time. We do face an uncertain future of disposal site increases, fuel and trucking expenses and changes to the already time consuming logistics of cross-border trucking.

Could you provide me with a letter confirming the new rates of \$245.49 per ton, no minimum charge, and effective April 1st, 2006.

Sincerely,



Arthur Wilkowski

cc: Whatcom County Solid Waste Division

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

March 9 2006

Brian Davies, P.Eng
Director of Engineering Services
City of Vancouver
453 West 12th Ave.
Vancouver, B.C. V5Y-1V4, Canada

Dear Mr. Davies,

Point Recycling and Refuse Company is the Washington State regulated solid waste utility serving Point Roberts, Washington. Several times over the past 6 years we have requested permission to utilize your Burns Bog Landfill. We have always been denied this request. Most recently, in April of 2005, the Washington State Utilities and Transportation Commission made inquiries during our last rate review, and confirmed that our company is prohibited access to your facilities.

Your facilities are currently accepting an estimated 30% to 40% of the solid waste generated in Point Roberts from several different sources.

1. It is common practice for Canadian citizens with cabins in Point Roberts to take their waste in small quantities or even truck loads of waste, or appliances and refrigerators back across the Border and into your facilities.
2. We have observed the pickup trucks of Canadian construction contractors who do work in Point Roberts, leaving your landfill, and also the trucks of local contractors with Washington State license plates. Apparently, entire houses can be built or demolished in Point Roberts without generating any waste for disposal in Point Roberts. It is a common practice for sheetrock to be hauled to your facility.
3. Most significantly, there are several Canadian Drop-Box companies operating in Point Roberts. They are able to take loads, almost daily, across the Border without inspection or documentation. They claim that this is material to be recycled at Urban Woodwaste Recovery in Vancouver. We have followed some of these trucks to that site, however, without documentation from the Border, there is no requirement that these loads go to that site.

Urban Woodwaste Recovery is a construction material transfer station that does perform some recycling however approximately 50% of the material they accept is landfilled. Their primary "recycled" product is ground waste used as daily cover in the landfill. This

may be interpreted by some as true recycling, or it may be considered efficient landfill space management. From the attached photos of Canadian drop-boxes hauled from Point Roberts, you can see a significant level of by-pass garbage.

The primary Canadian Drop-Box Hauler is Timbers Disposal of Richmond, we have also observed HB Disposal operating in Point Roberts.

Point Roberts is a very small solid waste system. Your acceptance of some garbage from Point Roberts while prohibiting the regulated utility from using your sites seriously jeopardizes the economic viability of the system.

I am requesting that you provide us with a letter authorizing us to use your facilities so that we me obtain the permits required from Agriculture Canada for us to bring solid waste to your landfill.

Thank you for your assistance with these issues.

Sincerely,

Arthur Wilkowski
Owner

CC: Mayor Lois Jackson, Corporation of Delta
Tim Jervis, Engineering and Construction Manager, GVRD

Enclosures: Photos of material hauled from Point Roberts into Canada

Note: The contents of this letter are opinion and information as we understand it, and not intended to be taken as legal fact or to imply any illegal action by any persons.

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

April 28, 2006

Bruce Roll
Whatcom County Public Works
322 N. Commercial Street, Suite 210
Bellingham, WA 98225

Dear Mr. Roll,

RE: Proposal to eliminate curbside recycling in Point Roberts and replace with free self-haul recycling for regular year-round curbside garbage customers

I would like to ask the County to allow me to shut down the curbside recycling program in Point Roberts because the program is not economically viable due to the small number of customers. I am willing to offer free self-haul recycling at the Transfer Station to the effected customers. This will require that the County modify the Service Level Ordinance and the Transfer Station Lease Agreement.

Program Description

We provide curbside recycling to approximately 340 customers. Our collection volume is about 70 tons per year of recyclables. Program revenue is about \$21,000 per year. In 2001, we negotiated program changes with the County to make recycling available only to permanent year-round customers in order to add Infrequent Garbage Service for seasonal customers. In reviewing program analysis from that time, I have found that the program is essentially the same in size and revenue after 5 years. Our median annual customer count in 2000 was 340 customers. So, the program is stagnant from a growth standpoint. What was accomplished at that time was to stabilize the program size, eliminating huge seasonal swings, which allowed us to continue the program without any increased investment.

Program Challenges

The program will soon require significant investment. Our recycling truck is now 16 years old, and being a complex piece of equipment, prone to mechanical failure. We will need to replace this truck. A used recycling truck will cost us approximately \$70,000 to purchase and get on-line. We will have to keep the existing truck because we are required to have perfect reliability. We must have backup for all our equipment. So, existing operating costs will stay the same but we will be adding \$14,000 per year in increased depreciation plus additional insurance and licensing costs. Adding a truck will increase annual program costs by approximately \$17,000 per year, or \$50.00 per customer. Rates will increase from \$5.21 per month to \$9.38 per month for recycling. Our small customer volume means that any program cost increases have significant rate increases. There is no economy of scale.

State Requirement of Whatcom County

The State requires the County to have recycling programs available. The County is not required to have all curbside programs. Many Counties have only self-haul programs or a mix of curbside and self-haul. The State does require the County to have programs that are economically feasible.

Other Collection Options

Our current equipment is very efficient from a collection standpoint. Route time is very fast and the truck holds all the recyclables. When the truck is full, we drive it to the processing center in Canada, about 2 hours round trip.

We could switch to less expensive smaller trucks however we would just be trading more labor time for less capital investment. Smaller trucks would also require transfer capacity at our station which would be a substantial capital investment. I don't think smaller trucks would lower total program costs. Smaller trucks also are physically harder to use, requiring more and higher lifting.

Effects on Customers

Point Roberts has approximately 2000 residential units, of which, perhaps 800 could be considered to be year-round. The recycling program services 340 units, 17% of total units and 43% of year-round. Of existing customers; some are large volume users, some choose not to use the program at all. The majority of customers, demographically, are older single or two person households who are small generators. Customers currently pay \$62.52 per year for recycling; about twice what households in the mainland County are paying. Free self-haul recycling is a direct savings for the customers and a reduction of 21% to 46% in their monthly bill.

Effects on Recycling Volumes

Will switching to a self-haul program cause a decrease in recycling volumes? I don't know, if recycling is free there is an economic incentive to recycle. Customers can keep their recycling bins as incentive. Perhaps some households will get on regular garbage service in order to use free recycling. In the scope of County recycling volumes, any increase or decrease in recycling volumes in Point Roberts wouldn't have any real effect, we are only talking about a few tons per year. The Station is open several days per week. It is located no more than one mile from any household. Most customers have the ability to transport their recycling. For those who do not have transport, there is a local "van pool" that takes people to the store and could also bring in their recycling. I don't think that anyone would be unable to recycle.

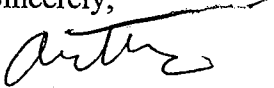
Effects on Other County Curbside Programs

Changing the recycling in Point Roberts will have no effect on the other County curbside recycling programs simply because the County has the power to dictate program design. The problem in Point Roberts is no economy of scale for capital costs. The other programs do not have that problem. Some areas that those companies serve such as Lummi Island or Kendal may have higher operational costs but the equipment serves so many other customers that the capital costs are very low. Furthermore, because of the regulatory system, rates are equal for all customers. While those companies may have higher operational costs for individual customers in remote areas; program wide the company is able to make their regulated margins and rates are kept low.

Summary

I am not going to pick a fight with the County on this but to be honest, I don't know how I can maintain this program into the future. I think that my proposal is the right course of action. I can't figure out how to have a reliable curbside program and keep rates at an acceptable level. I accept that the County can dictate what recycling programs I provide, and that the WUTC will set rates for that program. What are we trying to accomplish here? We want convenient recycling options to be available. We want a system that meets affordable goals. I would like to discuss options with the County and move forward quickly. Looking at the demographics and logistics of Point Roberts, I believe that the current program is the wrong design. Curbside recycling programs are based on high density, high customer volumes. Remote areas can piggy-back on to urban programs. As a separate, detached area of the County, Point Roberts has no characteristics requiring a curbside program. This program does not and will not meet the long term needs of the community or any goals of affordability.

Sincerely,



Arthur Wilkowski

CC: Bob Colbo, WUTC Accounting



CC-11
Pg 14

STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

July 20, 2006

Mr. Arthur Wilkowski
Point Recycling and Refuse
P.M.B. 1542, 145 Tyee Drive
Point Roberts, WA 98281

RE: Point Recycling and Refuse Company's curbside recycling program

Dear Mr. Wilkowski:

Thank you for your letter regarding your concerns about Whatcom County's Minimum Service Level 8.10.050 for residential recycling.

The Washington Utilities and Transportation Commission (commission) can not advise Point Recycling and Refuse to discontinue its recycling program as required by the Whatcom County Ordinance 8.10.050. RCW 81.77.030 requires the commission to make sure that companies comply with local solid waste management plans and related implementation ordinances.

Commission staff believes this is a county issue and encourages the company to continue to work with the county staff. Staff does not comment on the "value" of any county programs, we only determine the appropriate rates for the services. Staff supports Ms. Penni Lempere's comments to file a rate increase, if necessary, so the company can maintain compliance with the Whatcom County Minimum Service Level Ordinance.

Commission staff is available if you need any technical assistance regarding how to file a rate case. If you have questions about this letter, please contact Ms. Penny Hansen at 360-664-1242.

Sincerely,

Eugene Eckhardt,
Assistant Director for Transportation and Water

cc: Penni Lempere, Whatcom County Solid Waste Specialist



Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone: (360) 945-1516

July 24, 2006

Eugene Eckhardt
Assistant Director for Transportation and Water
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-47250

RE: Point Recycling and Refuse Company's curbside recycling program

Dear Mr. Eckhardt:

I have received your letter dated July 20th, 2006. You have informed me that Commission Staff does not comment on the "value" of any county programs.

You are mistaken in your conclusions. In my review of the pertinent RCWs which I have attached, it is very clear that the State Legislature designated the WUTC as the financial oversight organization for County mandated recycling programs. The intent of the Legislature was that recycling programs be designed to meet the needs of each specific community and be economically feasible and reasonable. The WUTC is required to ensure these goals.

The Commission has consistently failed these mandates in regards to Point Roberts. The Commission Staff have reviewed several versions of the County Solid Waste Management Plan without specifically looking at the financial impacts on my customers. The Commission Staff have twice audited this company and auditors have been unwilling to determine the viability of the recycling program. In 1990, I expressed serious concerns about this system design and could not get reasonable evaluation from Staff. At this time, I am requesting a feasibility review, and since under RCW 81.77.030, the Commission controls and regulates every aspect of my Company, when I say that there is a problem, the Commission must listen and take action.

This is not a situation where I will tolerate being punted back and forth between the WUTC and the County.

This system is an economic model, in order to achieve optimum regulated rates and reasonable levels of service, the system must be actually designed. The current unreasonable design is destined for failure and collapse.

I understand my job of serving this community and take it quite seriously. There are problems here that, since I do not control the system design, require the full participation of the Commission and the County.

I expect the Commission Staff to actually look at the economics of this small system and then communicate to the County, that there are concerns and potential problems which need to be addressed.

Sincerely,



Arthur Wilkowski, Owner/Operator

Cc: Penni Lemperes, Whatcom County Solid Waste Specialist

RCW 70.95.010

Legislative finding — Priorities — Goals.

The legislature finds:

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed municipal solid waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

RCW 70.95.090

County and city comprehensive solid waste management plans — Contents.

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

RCW 70.95.092

County and city comprehensive solid waste management plans – Levels of service, reduction and recycling.

Levels of service shall be defined in the waste reduction and recycling element of each local comprehensive solid waste management plan and shall include the services set forth in RCW 70.95.090. In determining which service level is provided to residential and nonresidential waste generators in each community, counties and cities shall develop clear criteria for designating areas as urban or rural. In designating urban areas, local governments shall consider the planning guidelines adopted by the department, total population, population density, and any applicable land use or utility service plans.

RCW 70.95.096

Utilities and transportation commission to review local plan's assessment of cost impacts on rates.

Upon receipt, the department shall immediately provide the utilities and transportation commission with a copy of each preliminary draft local comprehensive solid waste management plan. Within forty-five days after receiving a plan, the commission shall have reviewed the plan's assessment of solid waste collection cost impacts on rates charged by solid waste collection companies regulated under chapter 81.77 RCW and shall advise the county or city submitting the plan and the department of the probable effect of the plan's recommendations on those rates.

[1989 c 431 § 12.]

RCW 81.77.030

Supervision and regulation by commission.

The commission shall supervise and regulate every solid waste collection company in this state,

- (1) By fixing and altering its rates, charges, classifications, rules and regulations;
- (2) By regulating the accounts, service, and safety of operations;
- (3) By requiring the filing of annual and other reports and data;
- (4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;
- (5) By requiring compliance with local solid waste management plans and related implementation ordinances;
- (6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area.



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STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

August 22, 2006

Mr. Arthur Wilkowski
Points Recycling and Refuse
P.M.B. 1542
145 Tyee Drive
Point Roberts, WA 98281

Dear Mr. Wilkowski:

I received your letter of July 24, 2006. I understand how frustrated you must feel if you believe commission staff and the county are bouncing you back and forth. Fortunately, that is not the case. Commission staff believes the duties and responsibilities of both the county and the commission is clear and mutually exclusive.

The state legislature delegated to local governments authority and responsibility to manage its solid waste infrastructure and to fully implement waste reduction and source separation strategies (RCW 70.95.010). The county prepares its Comprehensive Solid Waste Management Plan and adopts implementing ordinances. The commission's role in this process is strictly advisory.

The commission's role is simple. The commission sets appropriate rates (RCW 81.04.250) for solid waste collection services, including those as required by local governments or the Solid Waste Management Plan. Commission staff is not placing your company between county and state government. The commission does not have any jurisdiction or authority to modify or make exceptions to a county code for Point Recycling and Refuse customers.

By law (RCW 81.77.030), the commission must ensure regulated haulers, such as Point Recycling and Refuse, comply and implement county ordinances including minimum service level ordinances for garbage and recycling, as established by Whatcom County in code (8.10.040 Single family residential garbage collection and 8.10.050 Residential recycling collection) and to ensure compliance with the Whatcom County Solid Waste Management Plan. Also (RCW 81.77.040) states "A condition of operating a solid waste company in the unincorporated areas of a county shall be complying with the solid waste management plan prepared under chapter 70.95 RCW applicable in the company's franchise area."

Another concern of commission staff is that your company adequately recovers the necessary revenues to remain financially viable when implementing requirements of local governments. If



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you believe the rates for Point Recycling and Refuse need additional revenue to continue compliance with the required ordinances, we encourage you to file a general rate case with the commission.

I offer the following suggestions:

- (1) Commission staff is more than willing to discuss (by conference call or in person) this matter further with you and the county staff. We will advise both the company and the county of the likely effect on rates of various service options. However, we will not advocate a particular service level or outcome.
- (2) If you wish to bring this matter before the commissioners, I suggest that you make a tariff filing to effect your desired outcome (eliminate mandatory recycling?). You must notice your customers and the county. Both customers and the county can submit comments to the commission. The commissioners will consider the matter at a regularly scheduled open meeting.

The commissioner's decision at the open meeting is limited to:

- (a) Take no action on the filing, which means the filing would become effective by operation of law, or
- (b) Suspend the matter for additional consideration at hearing. Staff believes a filing that is inconsistent with the Whatcom County Comprehensive Solid Waste Management Plan and related implementing ordinances, would be contrary to law. Therefore, staff would recommend the commission suspend the matter and set it for hearing. If the commissioners suspend the filing, the company, staff and any intervenor (county or customer) would present evidence, under oath, to the commission at a hearing.

I hope you find this explanation helpful and will advise staff what we can do to discuss this matter with the county or bring this matter before the commissioners.

Sincerely,



Eugene Eckhardt
Assistant Director of Transportation and Water

cc Penni Lempres, Whatcom County Solid Waste Specialist

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PUBLIC NOTICE

Rules and Conditions For Solid Waste and Recycling Services in Point Roberts

The Point Roberts Solid Waste System exists to serve this Community with the goal of providing necessary public services at the lowest cost rates. Rates and Services are regulated to protect the consumer. Certain Laws and Rules exist to support the Solid Waste System in order to achieve optimum rates and protect the community health and welfare. The Company operates under an obligation to serve current and future needs; to treat all customers equally; to provide fair, just and reasonable service; to ensure that all solid waste laws and rules are enforced; and to take all efforts to achieve the lowest cost rates and services

The Company will be seeking enforcing the following existing Solid Waste Laws and Rules:

Residential Properties: Whatcom County Universal Service Ordinance

All households are required to be on Residential Garbage Collection or to have a valid Solid Waste Exemption. The Company will be verifying the status of all residential properties. On July 1st, 2007, any residential property that is not on Collection Service or has a Valid Exemption will be forwarded to Whatcom County for enforcement action.

Prohibited Actions: Illegal Disposal

Burning of any garbage or construction waste is prohibited
Dumping or burying of any garbage or construction waste is prohibited
Placement of residential garbage into commercial dumpsters is prohibited

The Company will document all illegal disposal and seek enforcement action.

Construction Sites and Contractors:

The burning or burying of any construction waste is prohibited. All construction sites are required to keep waste within containers. Any construction site that hauls waste out of Point Roberts by using a foreign hauling company will result in the permanent suspension of all collection services for that property and any contractors associated with that project.

The Point Roberts Solid Waste System exists as a balance of mutual commitment and sacrifice by both the Company and each member of the community. In order to correct certain ongoing and significant compliance problems that jeopardize the viability of this system, the Company must seek full enforcement of solid waste laws. The company is only obligated to serve when each individual is obligated to support the system. Individuals who do not fulfill their obligation to commit all their waste to the system are increasing rates for the other users of the system. In order to achieve the lowest cost rates and services, the Company cannot continue to provide collection services to individuals who deliberately undermine the system.

If you have any questions regarding these rules, collection service or exemptions please call 945-1516 or visit the Transfer Station during regular hours Sun, Tues, Thurs, 12-

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Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

March 1, 2007

Brian Davies, P.Eng
Director of Engineering Services
City of Vancouver
453 West 12th Ave.
Vancouver, B.C. V5Y-1V4, Canada

RE: Point Roberts Access to the Burns Bog Landfill

Dear Mr. Davies,

On March 9th, 2006, I sent you a letter outlining how solid waste from Point Roberts was entering your landfill, and requested that you officially allow the Regulated Solid Waste Utility in Point Roberts to bring waste to your facility. I never received a response to my request.

I have asked for access to your landfill several times over the past eight years and have been denied on every occasion. It has been a clear understanding that our two solid waste systems exist as neighbors only but no waste is to be exported from Point Roberts into your system. I had hoped that by being honest and respectful to your system perhaps at some point in the future you could be generous enough to officially grant me access to your landfill.

Things have changed. A backdoor into your landfill does exist. Out of courtesy and respect, I have chosen to not use this backdoor. However, one of your own hauling companies, Timbers Disposal has invaded my system and is transporting a substantial amount of waste out of Point Roberts. As you know, all solid waste systems need waste tonnage to fund the underlying infrastructure costs. This is even more significant in regards to extremely small systems such as Point Roberts. The actions of Timbers will cause significant rate increases to my customers. So I am notifying you of my intention to use the same methods as Timbers to take waste out of Point Roberts.

This is how the backdoor method works:

Canadian Customs at the Point Roberts Border will only enforce their own laws for the importing of material into Canada. Their regulations prohibit only the import of agriculturally prohibited items such as food waste or green waste. They will allow all other waste to cross the Border without any requirement of a specific destination or determination if it is recycled. Anyone can take garbage, absent food waste, across the Border and directly to your landfill.

What Timbers Disposal is doing is claiming that they are hauling all recyclables. Timbers is currently being investigated by the Washington Utilities and Transportation Commission for documented cases of hauling garbage. Timbers takes their loads to Urban Woodwaste Recovery in Vancouver. The material is then hauled to your landfill.

Urban Woodwaste Recovery (UWWR) accepts any waste except household waste. All by-pass garbage is hauled to your landfill. I can operate as Timbers is doing and take all sorts of non-recyclable waste into UWWR, pay the additional contamination fees, and get my waste into your landfill.

Because of the continued invasive and aggressive actions of your hauler within my system, I am now forced to begin hauling mixed construction waste loads into UWWR. I will now also begin separating all my waste at my transfer station into "agricultural prohibited items" and "non-agricultural" waste. All waste not prohibited by Canadian Customs can be hauled into UWWR for disposal in your landfill.

I assume that if you do not have a problem with what Timbers is doing as outlined above, that I have your permission to use the same methods. If for some reason you do have a problem with this, please let me know.

Sincerely,

Arthur Wilkowski
Owner

CC: Mayor Lois Jackson, Corporation of Delta
Tim Jervis, Engineering and Construction Manager, GVRD
Lynn Belanger, City of Vancouver Landfill Operations
GVRD Waste Management Committee
Gene Eckhardt, Washington Utilities and Transportation Commission
Whatcom County Solid Waste Division

Enclosure: March 9th, 2006 Letter

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Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone/Fax: (360) 945-1516

March 15, 2007

Whatcom County Solid Waste Advisory Committee

Whatcom County Solid Waste Division

322 N. Commercial Street, Suite 210

Bellingham, WA 98225

RE: Proposal to Implement Full Universal Service and Replace Curbside Recycling In Point Roberts

Point Recycling and Refuse Company is requesting several changes to the Solid Waste and Recycling System in Point Roberts. We have discussed these changes with County Staff and seek to process the changes through the appropriate channels.

These changes are:

1. Elimination of the County Exemption Program in Point Roberts only and implement full mandatory Universal Service for garbage collection.
2. Cancellation of the Mandatory Curbside Recycling Program and replace it with free self-haul recycling for all residential properties at the Point Roberts Transfer Station.

These changes are proposed to only apply in Point Roberts and will have no impact on services in the rest of the County. The County does already have Solid Waste Laws that are specific only to Point Roberts.

Implementation of these changes will require the County to modify the "Service Level Ordinance", the "Universal Service Ordinance", the Unified Fee Schedule and the Point Roberts Transfer Station Lease Agreement.

Procedure for Implementation

1. Approval by the Solid Waste Advisory Committee (SWAC)
2. Approval by the Solid Waste Exectutive Committee (SWEC)
3. Review by the Whatcom County Council Public Works Committee
4. Approval by the Whatcom County Council by adopting the amended ordinances.
5. Approval of new Tariff changes for Point Recycling and Refuse by the Washington Utilities and Transportation Commission (WUTC).

To understand why these changes need to be implemented requires the understanding of the fundamental economic parameters and goals of the Point Roberts Solid Waste System.

All solid waste systems are unique economic models consisting of facility infrastructure, collection equipment, material types and volumes, residential/commercial populations, customer needs, environmental goals, and transportation logistics. All of these factors are unique for each system. The rates and fees charged to consumers are a direct result of the system design and though the regulation of the collection company by the WUTC are based on the actual cost of providing services to each customer.

Goals of the Point Roberts Solid Waste System

1. Ensure that affordable and reliable solid waste collection is available to all household and businesses. This is a system that cannot stop or breakdown and must maintain the infrastructure to meet the community needs.
2. Provide reasonably priced recycling options and programs to all households and business in order to meet the County's recycling goals.
3. Continue to improve the system to meet future needs and to add options for handling specific materials such as hazardous waste, e-waste and greenwaste.

Problems with the Point Roberts Solid Waste System

Garbage Collection

1. This system faces a very small potential volume with a service area of only 4 square miles of low density residential/vacation homes and few businesses.
2. There is very little participation in the system. There are 2000 total households/cabins; 340 permanent year-round households on service (17%), 200 infrequent households on service and about 200 regular households using the transfer station. So about 27% of the households use curbside collection and another 10% use the transfer station for a total of about 37%. Roadside collection customer numbers have been about the same since 2001 with no real customer growth.
3. Total System Tonnage is about 1,300 tons per year for curbside and transfer station. This is probably only about 50% of the potential tonnage in Point Roberts. Tonnage varies slightly from year to year but has essentially been constant for the past 6 years.
4. Due to the geographic isolation from the rest of the County, enforcement of solid waste laws is problematic. Burning and dumping of garbage is a chronic problem. It is also too easy for people to sneak garbage across to Border into Canada.

Recycling Collection

1. Permanent year-round households are required to have mandatory curbside recycling by County Ordinance. Infrequent customers do not have curbside recycling.
2. The curbside recycling program collects an average of 70 tons per year and volume of materials and number of customers has not really changed since 2001. There are too few customers to support the equipment required to maintain the program.
3. Annual program revenue is about \$21,000 per year with a monthly fee of \$5.21, annual fee is \$62.52.
4. The recycling truck is 16 years old and completely worn out. It needs to be replaced. A decent used truck will cost about \$70,000 and increase annual expenses by about \$16,000. Since the system can never stop, a second truck is required for backup. The program is looking at a projected rate increase of 66% for a monthly fee of \$8.64 per month.
5. The infrequent service program implemented in 2000 was a stop gap measure to stabilize the system. When 70% of the potential customers are seasonal, the recycling program was required to have a huge operating infrastructure without year-round customers to support it. Making recycling a year-round requirement stabilized the revenue and equipment needs.
6. The infrequent service option is now a potentially fatal component in the system. If the Company has to substantially raise the recycling rates several things will happen:
 - a. Customers will switch to infrequent service thereby decreasing recycling revenue.
 - b. Customers will cancel service entirely and either self-haul to the station or dispose of waste outside of the system. This will result in the already inefficient collection routes having fewer customers and lead to an increase in garbage collection rates.

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Solid Waste Systems are intentionally designed. It is possible for the system design to actually fail to meet the system goals because of lack of participation or material volume. After operating this company for 8 years, I still question if it is economically viable for garbage collection. There is a huge infrastructure need for replacement equipment and transfer station improvements. Increased garbage tonnage is required to fund these improvements without substantial rate increases. As a regulated utility, everyone in the community benefits from a viable system and everyone should contribute to it. Full universal service would be a profound change in the economics of the system. The garbage collection company gross annual revenue is only about \$285,000 per year. Adding another 1000 households would result in approximately 25% increased annual revenue. This increased revenue would go a long way towards funding system improvements.

The Curbside Recycling Program is intended to be the primary method of recycling for the community. Since only 17% of the households use the program, then it can be considered to be a failure. It does not meet the community needs at reasonable rates. As a rural cabin community, Point Roberts does not meet the design criteria for a curbside recycling program. The community recycling needs can be better met through a free drop-off recycling program.

In the proposed system all residential households would be required to be on minimum garbage service of one can per month. The current rate for monthly service is \$6.40 per month including taxes. If households are on service there is less reason to burn or dump or export garbage. Some households will occasional have the monthly charge and not have garbage but they are contributing to making a viable solid waste system available to them. A regular monthly fee for all households is also the same policy that the local Water District has had to adopt in order to make their rates sustainable.

All households will have free self-haul recycling available at the Transfer Station which is centrally located and no more than one mile from any household. Customers will now have a significant financial incentive to recycle. Recycling volumes should actually increase.

This proposal is the right design for the Point Roberts System and has to best chance of meeting the County's recycling goals while creating a sustainable solid waste system.

Sincerely,

Arthur Wilkowski

1) Proposed hours for transfer station after change?

Current Transfer Station Hours: County requirement is 1 day per week winter, 2 days summer. We operate Oct-Apr Sunday, Tuesday, Thursday 12-4, May-Sept we add Saturday 12-4. Winter we average 60 customers on Sunday and 10 to 20 on Tuesday and Thursday. Summer we average 100 on Sunday, 30 on Saturday and 20 on Tuesday and Thursday. Since we also have our office at the Dump, if we are here we will let someone in on Mondays and Wednesdays and before regular dump hours. I don't think that we would need to increase station days but that is possible and depends on when we have to be out on the routes.

2) Wouldn't mandatory service for garbage also increase recycling participation, thus making that more viable? Does the Point really need that many more people driving to the transfer station every week with 15 pounds of recycling?

One would think that the solution would be to have mandatory garbage service and recycling and maybe 2000 households would be enough to make it work. There are several problems. 70 percent of the households are infrequent cabins and second homes. With recycling every-other-week, there is only a 50% chance that the homeowner would be at the house on recycling week. The garbage truck has to run the routes each week and I think that it is acceptable to require a minimum of one garbage can per month. There would be a great deal of dissatisfaction in forcing the EOW recycling on people. I think that is one of the reasons that there is only a 17% participation in the program is that it does not meet the service needs of most households.

Also, the current program is a shoe string operation. There is no recycling infrastructure existing in Point Roberts. If we went to full recycling, we would need two new trucks because we have to have backup. We would also need to be able to empty the trucks in Point Roberts. We take our recycling into Canada which is a two hour round trip if we do it in the morning. The recycling processor is a long ways away and the road there is jammed with heavy traffic after 2:00. The processor often has a one hour wait to empty loads in the afternoon because of all the other trucks from surrounding cities. The Transfer Station has 3 drop-box slots that a truck can dump into but we need those for garbage. There are 3 more slots that we are improving so that a truck can empty into them but they are needed for other materials: Metal, hopefully sheetrock, wood waste and yard waste. We would need at least two working slots to empty the recycling truck of commingled recyclables. More slots if we do separation of items to get some value from them. So there is a huge commitment of equipment and infrastructure to have a complete and reliable curbside program. A self-haul program can use above ground containers without using up the limited drop-box slots. Self-haul requires less infrastructure and minimal operating costs. The real question is if this program was

being implementing for the first time what would be the program design given the parameters of the community:

1. Low population numbers.
2. Infrequent and seasonal household occupancy
3. No existing support infrastructure.
4. Significant export logistics
5. Minimal local distance to the transfer station – less than 1 mile for all households.

So, what recycling program design has the lowest infrastructure costs and operating costs? What program would meet most of the needs of most of the people?

I think that it is a self-haul program.

Transfer Station Trips: Currently it is 150 to 250 per week with a mix of large loads, recycling and regular household. Mandatory garbage service would decrease the “household” trips by about 100 per week. If people recycle every-other-week on average, then there would be a potential of 1,000 per week in peak summer, about 500 per day over 4 hours. I think that it would average out to be less because recycling would be saved up since it is not like garbage and doesn’t stink. This volume may require additional station hours which could be added if needed. Point Roberts has very little traffic to begin with so the impacts would be small. Due to the central location of the station, recycling is a short add on trip instead of a separate long distance haul.

3) What fraction of the increased funds from mandatory garbage service would be available to help cover recycling program costs, particularly for new equipment? Or do all funds for recycling infrastructure have to be generated by recycling income?

Under WUTC rules, rates are based on the cost of providing each service with no subsidies. So, all costs of curbside recycling must be paid for by the customers. A self-haul recycling program would be funding through the existing Transfer Station garbage tip fees as set by the County. The garbage collection company is a customer of the transfer station so an increased volume of garbage through the station with mandatory garbage service will be able to fund the recycling. I do not anticipate a need to raise station tip fees.

Mandatory garbage collection will increase garbage revenue for the garbage collection company. Since rates are set on the cost of service from the previous year, we cannot model a rate decrease. However, increased revenue will be applied to needed garbage collection equipment and the WUTC will require a rate case after one year. If the WUTC determines that the Company has over earned, then a refund will be applied in the new rate model. It is similar to when disposal fees decreased in the county several years ago. The garbage companies were required to refund any excess earnings back to the customers. However, it was also an excellent opportunity for all the companies to replace and improve equipment without raising rates.

- 3) Why wasn't the "infrequent service rate" set higher to acknowledge the high cost of this approach? If mandatory collection eliminates this option, then people can opt to haul their material elsewhere (garbage or recycling), but at least they'll have to pay you every month. SSC has monthly option for county customers, but they still pay for recycling whether they use it or not.

The infrequent service rate is set slightly higher from a garbage standpoint to cover the "opportunity cost" of having the service available. The WUTC has very stringent rate design rules that prohibit "behavioral rate design" and insist on "cost-of-service". The price for an infrequent tag is the same as for "monthly" garbage service - \$6.26 per can. For year-round customers, the rates are close to being linear. The first can of the month has the "administrative costs" and each additional can has just the collection and disposal costs (WUTC rate model rules). Extra cans are \$4.51 each. The "weekly" service rate is "monthly" plus 3.33 extra cans at \$4.51 each. So a "tag" customer who sets out several tag cans per month is paying a few dollars more each month over being on "regular service" to cover the costs of the company existing year round to meet their infrequent needs. With mandatory year round service, some tag customers could actually save money over a year by paying less for the extra cans each month, but they may have a few months when they pay for a monthly can and have no garbage.

The infrequent garbage service was implemented to deal with a structural problem in the recycling program. Prior to infrequent service, if a household wanted to have garbage collected in any given month, they had to also have recycling collection. This created several problems. Customers visiting their cabin for just one weekend in the winter who wanted to get their garbage picked up had to restart service for just one month and pay for recycling collection even if they had little or no recycling, and even if it wasn't recycling week for them. Then they would have to cancel service until they needed it again. Summer customers would have service for only two months. For each "summer" recycler, the company had to provide a \$20.00 set of recycling bins, and have the collection capacity to meet the summer volume. The customer would pay \$10.42 per summer for the recycling service. It would take two years to pay for the bins alone and have no revenue to cover the collection and recycling costs. The recycling program had a seasonal customer change of 44%. There was also a huge administrative cost of starting and stopping customers all the time. Recycling volumes increase in summer in all communities. We were at a summer volume approaching the need to have the ability to empty the recycling truck in Point Roberts. This would have required even more investment without any actual funding from the seasonal customers. Before infrequent service we averaged 332 recycling customers per month but had a peak number of 442 but a low of 293. After "infrequent service" was implemented, we ended up with a consistent monthly average of 340 permanent customers. This stabilized the system revenue, collection capacity needs and equipment requirements. We also added an additional 200 infrequent customers. Total customer numbers have been flat for the past 6 years.

5) What would mandatory monthly minimum garbage service cost with reasonable recycling program charge added in? (reasonable assuming more participation and collection of the monthly fee from 1,000 new customers)

Monthly minimum garbage cost would be \$6.26 per month, any excess revenue would have to be refunded to the customers after a rate case in one year. It would be more complicated to calculate the recycling rate if it was mandatory. The existing recycling truck is worthless. So, you would have to start the whole program from scratch and estimate a new rate like all the companies did in the beginning. Figure 2,000 households.

- One new truck - \$140,000 = \$20,000 per year
- One used backup truck - \$70,000 = \$14,000 per year
- 1700 recycling bins - \$34,000 = \$6,800 per year
- Transfer boxes and station improvements - \$25,000 = \$3,500 per year

Annual Depreciation per year = \$44,300 per year or \$22.15 per household per year.

Collection expenses (labor, fuel, licenses, repairs, etc) estimated \$140,000 per year or \$70 per household.

So maybe \$92 per year or \$7.66 per month.

When programs were started, companies could estimate a reasonable rate and the WUTC would approve it. Since this program already exists, I don't know if the WUTC would allow a projected rate. They may require us to operate for a full year at the existing rate then do a rate case. This makes it very problematic to finance the new equipment.

So the choice is this; Do Point Roberts residents have to pay \$160,000 to \$190,000 per year for curbside recycling when they could have free self-haul recycling within the current transfer station rates? And, which program better meets their needs?

6) How many County exemption forms have been filed and approved for Pt. Roberts? What reasonable and legal disposal alternative are applicants citing?

The County has no idea of the valid exemptions, the Exemption Program is non-functional and there is no enforcement.

7) Is it really cheaper to haul garbage across the border? Are residents taking it home to where they have regular service in Canada?

Disposal in Canada is cheaper for several reasons.

1. There is an operating landfill only 10 miles away. And being a landfill is cheaper than the disposal sites in Whatcom County. Garbage from Point Roberts is prohibited from that landfill but they only enforce it against this garbage company.
2. Residential garbage rates in Canada are not based on Pay-as-you-throw rate models like the WUTC but are often either flat monthly fees or paid in a property tax assessment.

Illegal burning, dumping and use of commercial dumpsters are a significant and chronic problem in Point Roberts. There is no enforcement presence here at all.

I think that there are several things to consider about Point Roberts.

1. Point Roberts is completely disconnected from the rest of the County and has unique populations and logistics that are significantly different from elsewhere.
2. The number one priority is the reliable and consistent collection of garbage at reasonable rates. This can only be accomplished through full mandatory service.
3. The residential occupancy patterns and recycling needs are very different from urban areas or even rural mainland Whatcom County.
4. Many communities meet their recycling goals through self-haul programs.
5. Company financial and operational resources are limited. There is a great deal of investment still needed in garbage collection equipment, roll-off equipment and transfer station improvements. There are only three of us to operate this entire company, make sure that it never stops, and to build improvements. Mandatory garbage collection will require adding another driver and two more route days. We are talking about a 300% increase in route customers and transporting the additional waste to Ferndale. Organizing this while simultaneously rebuilding the entire curbside recycling program and adding a second new recycling driver is a daunting task. The system needs to be kept as simple as possible. Collection routes are immediate demand systems, routes have to run each day no matter what happens. Collection problems cause interruptions of service. Transfer Stations are delayed demand systems with built in excess capacity. Station problems usually do not interrupt service and there is time to deal with the problem. We need to focus on efficient garbage collection, transportation of waste out of Point Roberts, and building a complete Transfer Station. Maintaining or expanding the curbside recycling program adds a whole level of complexity to the system.
6. Recycling volumes may actually increase because free recycling gives a clear economic incentive to every household including ones transporting recyclables

into Canada.

7. The bottom line for the County is: What system meets the needs of the community at the best cost? And, will a self-haul system achieve equal or increased volumes of recyclables? Self-haul is the better cost option and will probably generate similar volumes of recyclables.

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone/Fax: (360) 945-1516

April 9, 2007

To: Whatcom County Solid Waste Advisory Committee
From: Arthur Wilkowski
Re: Request for clarification of Whatcom County Definition of Recycling for Daily Landfill Cover

Background:

The definition of what is recycling and what is not recycling is outlined in the Washington State RCW's and the WAC's. There are some possible conflicts in the various definitions but the ultimate decision is determined by each County or City through the Local Solid Waste Management Plan.

WAC 173-350-100 "Recyclable Materials" means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

The intent of recycling is to conserve the resource and to divert those resources out of landfills. The RCW's are very clear about this goal in their definition of recycling.

RCW 70-95-030 (19) Recycling means the transforming or remanufacturing of waste materials into usable or marketable materials for use other than landfill disposal or incineration.

WAC 173-350-100 "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, and sorting for purpose of transport.

A recent EPA document further defines recycling "Legitimate recycling would not include recycling practices that involve discard of materials, such as recycling of inherently waste-like materials, recycling of materials that are used in a manner constituting disposal, etc."

So it would appear that "What is recycling" is very clear; Recycling is the source separation of materials to be reprocessed into new materials for reuse and not to be placed in landfills.

However, there is one more definition that causes problems in determining what is actually recycling. It is this definition and its interpretation by the Washington Utilities and Transportation Commission (WUTC) that is causing a problem.

How Regulated Garbage and Recycling Collection Works:

All unincorporated areas of Washington State are divided up into Garbage Collection Territories regulated by the WUTC. The goal of this system is to ensure that everyone has access to reliable and reasonably priced garbage and household recycling services. All rates are regulated based on the cost of providing the service and determined to be "fair, just, and reasonable" by the WUTC auditors. No other persons or companies can collect any garbage within a service territory. Commercial collection of recycling is de-regulated. This means that any legally licensed company can collect source-separated recyclables from any business or construction site. An example would be companies that collect paper and cardboard or metal. The WUTC is the enforcement agency to ensure that any other company is not illegally hauling garbage under the guise of recycling which is called "sham recycling".

The WUTC considers the RCW and WAC definitions of recycling when they make a determination if a company is hauling garbage or recyclables. The problem is that they are looking at a very broad and inaccurate definition outlined in WAC 173-350-100 "beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of

processing or disposal cost alone does not constitute beneficial use.

The WUTC is using "beneficial use" so broadly that many activities that are not recycling are now considered to be recycling, even in conflict with the other RCW's and the County Solid Waste Management Plan.

The Problem Faced in Point Roberts.

There has been a Canadian drop-box company operating illegally in Point Roberts for the past 3 years. This company is hauling construction waste, demolition and household cleanup items into Vancouver under the guise of recycling. The material is taken to a private construction waste transfer station, some items are recovered but the most is ground up for use as landfill daily cover. The goal of this company is clearly to haul garbage out of the Point Roberts Solid Waste System. There is no effort for source separation of recyclables from other waste. The WUTC is finally taking some investigation and enforcement efforts however their preliminary conclusion is that grinding waste for daily cover in the landfill constitutes a "beneficial use" and is therefore recycling. This WUTC conclusion is not correct and has profound impacts on the Point Roberts System and the rest of the County.

Under this "beneficial use" determination any waste other than food-waste may now be called recyclable. Some examples in Point Roberts:

1. A nine-unit condominium complex was build and had zero garbage.
2. A classic heritage house was demolished including all contents crushed with an excavator and 100% recycled.
3. Metal single-wide trailers crushed and mixed and 100% recycled.
4. Estate cleanups of house contents 100% recycled.

All of this so called recycling ended up in the landfill.

The result of the operations of this foreign company will be a significant rate increase for all garbage services and the undermining of the development of real source-separated recycling of construction waste in Point Roberts.

Impacts on the Rest of Whatcom County

The goal of all recycling programs is to transform our economy from a resource consumption economy into a resource conservative economy. This is on both a large national or state level and also on the local level. Whatcom County has placed an emphasis on developing source separation based recycling programs for construction waste to support local collection and processing of recyclable materials. The preferred system for construction sites is with multiple containers for source-separation of recyclables and garbage. The preferred system for demolition is for re-usable materials to be recovered and recyclables to be separated during the demolition process. Some contractors and homeowners are motivated by "value systems" but everyone has some cost based motivation with recycling.

This practice of grinding waste for landfill cover under the title of recycling will spread from Point Roberts into the rest of the County. When that does happen; then excavator contractors can demolish entire houses without salvage or separation of any materials and claim to recycle 100% of the material. Construction sites can have one container and claim 100% recycling. The honorific title of recycler will be sold to the lowest bidder. This will undermine all the current source separated collection of sheetrock, metal, cardboard and wood-waste. Salvage and true recycling on construction sites will no longer be a cost saving option and will be environmentally equal to full destruction of the resources.

Furthermore, because the WUTC has now defined grinding for daily cover as recycling, any grinding sites that open in Whatcom County could claim to be exempt from solid waste permit requirements through the Health Department.

Also, Whatcom County's Solid Waste Programs are funded by the Excise Tax on the garbage haulers. Giving the title of recycling to so much construction garbage will cause a significant drop in County Tax revenue.

Is Daily Landfill Cover Recycling?

I would say that anytime a material ends up in a landfill, that it is garbage. The resource has been lost. Many landfills grind and process different types of waste, and place those wastes in certain ways into the landfill. That is called effective landfill management, not recycling. The purpose of recycling is to save that resource. Grinding wood-waste into daily cover at a landfill does not conserve any trees or wood fiber. When the title of recycling is given to daily cover it undermines all other wood-waste recycling programs that do conserve trees. It would always be cheaper to destroy a building then to take the time and separate the wood-waste for remanufacturing into new wood products. The key point is that the destination doesn't change, material destined for the landfill still ends up there, now along with materials that could have been salvaged or truly recycled however it is now all called recycling.

Daily Cover may meet a broad interpretation of "beneficial use" however it is in direct conflict with the RCW's stating that recycling is for use other than landfill disposal.

Whatcom County's Solid Waste Management Plan clearly states in Section 5.1 that recycling is for use other than landfill disposal.

The WUTC has clearly made an erroneous recycling determination that is in conflict with both State and County recycling definitions. In doing so, the WUTC has infringed on Whatcom County's right and responsibility to determine it's own recycling definitions and programs as outlined in the Local Solid Waste Management Plan.

I am requesting that the SWAC determine that use of ground waste as daily landfill cover is not recycling in accordance with the approved County Solid Waste Management Plan. Whatcom County Solid Waste Staff should then notify the WUTC that the determination that daily cover is recycling is not acceptable to the County and that the County has the right to determine recycling definitions within the County. The WUTC should be advised that in Whatcom County, hauling of any waste for use as daily cover is by definition, the hauling of solid waste.

Thank you,

Arthur Wilkowski

From: <BBGUN1010@aol.com>
 To: <david@kordlyn.com>, <BBrenner@co.whatcom.wa.us>, <pkremen@co.whatcom.wa.us>
 Date: 4/22/07 7:29PM
 Subject: Re: Point Roberts Garbage

Hi David, the solid waste advisory committee (SWAC) is just an advisory committee. I don't believe SWAC makes any final decisions. However there are some solid waste industry people on SWAC. I am on too and I will certainly share everybodys' concerns. I also agree that if SWAC is going to seriously consider Arthur's request there should be a meeting at the Point but I can't force committee members to go. If they recommend an approval it will go to the solid waste executive committee of which the executive is a member. I don't know if they make the final decision or if the council does. I will let you know. But the meeting is on for here on Thursday. However I don't believe there will be any final decisions made. Arthur should have already asked for a meeting at the Point. He probably knows he wouldn't have much support there. Anyway I will let you all know when I know anything. Barbara Brenner.

Dear Barb,

As you are aware, Point Roberts is being held hostage by Arthur Wilkowski and his business Point Recycling and Refuse. He is the self appointed Garbage Guru, who has created his own "System", which he expects everyone else in point Roberts to work within.

Essentially, this came about because some contractors in Point Roberts were not prepared to pay his outrageous prices. For a little insight into this please read the article at this URL:
http://www.allpointbulletin.com/archives/2007/apb_march07/front_page3.html

That article was printed after Arthur published a "PUBLIC NOTICE" in the All Point Bulletin. That same "PUBLIC NOTICE" has been published another two times, despite the fact that it contains misleading information and amounts to what I would consider extortion. Further more, it violates our constitutional rights.

It is my understanding from my business partner and father-in-law Ron Calder, that there is to be a meeting in Whatcom County next week regarding the garbage situation in Point Roberts. This is a matter which is of great importance to Point Roberts and all of its residents and property owners. To hold such a meeting, outside of Point Roberts with out appropriate notice to its residents and property owners is wrong. The impact resulting from decisions made at, or conclusions drawn from information provided at such a meeting could be financially draining to a large number of residents, property owners and businesses in Point Roberts. To allow one person, to dictate, as he has done in his "PUBLIC NOTICES" without the right for us to rebut his statements; question his illogical logic; and hold him accountable for his actions would be wrong.

CC-11
pg 38

He has thumbed his nose at the people and businesses of Point Roberts, County Solid Waste, WUTC, and the US Constitution, in order to line his pockets with more money because he made bad business decisions. Additionally, he has done it in writing, which just reinforces his lack of judgment and intelligence.

To grant him a meeting or hearing regarding this matter anywhere but in Point Roberts would be a clear signal to the people of Point Roberts, that Whatcom County has little interest in doing what is right, and every intention of allowing him to have a monopoly with respect to Solid Waste management in this community. It should be noted that first and foremost, the County has granted him a sweetheart lease (\$50.00 per month) on our own property by which he is making a significant amount of money. Furthermore, he has been in using other county property in the same vicinity to store his vehicles and bins. He further allowed another business to operate out of that property outlined in the lease (after the matter was reported he ceased to allow that business to operate there). If he is losing money, it is through his own stupidity and lack of business sense.

The only aspect of his business which is regulated, as I understand it, is the curbside pickup of house hold garbage. Other than that, our country and constitution allow for free enterprise. There is no Canadian or US federal restrictions on where recyclable materials can go save and except that they must be hauled by a carrier who will deliver them to a designated and approved site.

PLEASE do not allow this meeting to be held in Bellingham. It needs to be held here in Point Roberts so that all of the people can be present to defend against the greedy and unconstitutional desires of Mr. Wilkowski.

Regards,

David Gellatly

Brian CalderCC-11
Pg 39

From: "Brian Calder" <2calder@telus.net>
To: <bbrenner@co.whatcom.wa.us>
Sent: April 29, 2007 6:38 PM
Subject: Garbage, the Point?

Barb,

Firstly, thank you for submitting some of our concerns to the Advisory Board.

I have heard that Artful Arthur (Wilkowski) said he has never denied anyone from Point Roberts access to the garbage dump.

If he did say that then he has uttered another lie.

He has also issued another All Point Bulletin Ad which appears to have been written by the County, which of course it wasn't.

Its full of misinformation, again.

Why doesn't the County simply re-tender the garbage contract. Arthur of course can re-bid, along with the rest of us.

As a general contractor I bid work all the time.

When you ask me for a price to work on your property, I give you a firm price and I live with it.

Similarly with contracts that the County awards. Bids are received and analysed and contracts awarded to a successful bidder.

He/She does the work at the agreed to price or else.

She/He does not get the opportunity 1/2 way through the contract to rewrite it at his/her pleasure and take it to the Council for ratification or approval.

Please show me one single County precedent for this Wilkowski manoeuvre. Its garbage.

I am very seriously considering filing suit against the Point Roberts transfer station operating company for discrimination and unlawful exclusion from the transfer station.

I will also name Whatcom County and the Washington State WUTC as enablers in the banning action.

I do not enter this action lightly.

It is a shame that taxpayers have to resort to this kind of action against those who claim to serve.

I believe the actions (and lack of same) to date, by both County and State to be shameful and un business like in the extreme.

The County inspectors and regulators are constantly threatening Enforcement and Fines to us contractors long before we ever do anything wrong.

Tell those same people that Arthur Wilkowski has a contract with them. Make him live up to it. Enforce it and/or Fine him.

Barb, please know the aforementioned is not directed to you.

In fact in my opinion, you are the only County person who has genuinely tried to made sense in this nonsense.

You have also tried to take positive action over the past 4 months.

thank you.

regards

Brian Calder.

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone/Fax: (360) 945-1516

May 7, 2007

Peter Christianson
Department of Ecology
Norwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452

RE: Request for Clarification of Recycling and Beneficial Use Status for Alternate Daily Landfill Cover


Dear Peter,

I am requesting an official opinion and determination of recycling/beneficial use for alternate daily cover. The Washington Utilities and Transportation Commission staff have issued a finding that alternate daily landfill cover is a beneficial use and therefore is recycling. This finding appears to be in direct conflict with several RCW and WAC definitions of recycling and the Whatcom County Solid Waste Management Plan. I believe that any material placement in a landfill in any form is by definition landfill disposal of solid waste not recycling or beneficial use.

Could the Department of Ecology please issue me a letter with a clear determination that processing of any materials for alternate daily cover in landfills is not recycling or beneficial use.

Thank you for your assistance

Sincerely,



Arthur Wilkowski
Owner

Enclosure: March 29th, 2007 letter from WUTC to Point Recycling Regarding Timber's Disposal

CC: WRRRA
~~Whatcom County Solid Waste Division~~

CC-11
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 26, 2007

Mr. Arthur Wilcowski
Point Recycling and Refuse
P.M.B. 1542
145 Tyee Drive
Point Roberts, WA 98281

RE: Request for Clarification of Recycling and Beneficial Use Status

Dear Mr. Wilcowski;

I am responding to your letter dated May 7, 2007 requesting an official opinion and determination on whether the use of processed construction and demolition debris as alternative daily cover is defined as recycling under Washington State law. Our program position has been, and remains that the use of ground/processed construction and demolition debris as an alternative daily cover is not recycling.

By definition (RCW 70.95.030), demolition and construction wastes are solid waste. Recyclable materials are a component of the solid waste stream and are defined as those "solid wastes that are separated for recycling or reuse, such as papers, metals, and glass that are identified as recyclable material pursuant to a local comprehensive solid waste plan." Recycling is defined as "transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration."

There was little study of the composition of the wastes collected at these dropbox sites. These materials were not sorted at any facility, thus we have no knowledge of the amount of garbage that was hauled with the recyclables. With the entire contents of the drop-box ground to an amorphous condition, we would not call them recyclables. Even if we ignore this argument, we only need to look at the definition of recycling. Ecology does not support the contention that the grinding of C&D for alternative daily cover is what "transforming or remanufacturing waste materials" means. When you look at the definition in its entirety - that recycling is the remaking of materials for use other than landfill disposal or incineration - the phrase "*use other than landfill disposal*" shuts the door on defining any material being used for alternative daily cover as recycling.

The Washington Department of Ecology promotes high value (both economically and environmentally) beneficial end markets for C&D materials. The use of C&D for alternative daily cover is not considered a high value use. End markets need to provide sustainable benefits to Washington communities and their environment. Disposing of



cc-11
Pg 42

Arthur Wilcowski
June 26, 2007
Page 2 of 2

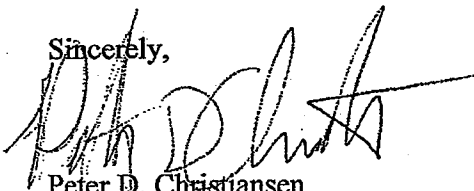
C&D as alternative daily cover shuts out ingenuity and invention that are the harbingers of more sustainable industrial systems.

No use of ground C&D as an alternative daily cover has ever been counted as recycling in our annual recycling survey, nor has any other alternative daily cover been defined as recycling in this state. When reported to Ecology, we have counted this use of these materials as disposal, or not counted it at all.

Please note that Ecology is not taking the position that ground up C&D cannot be effectively used as alternate daily cover. If it meets the specifications required for alternative daily cover, we accept that use. However, we will not define that use as recycling.

If you have further questions, please call me at 425-649-7076 or e-mail me at pchr461@ecy.wa.gov.

Sincerely,



Peter D. Christiansen
Section Supervisor
Solid Waste and Financial Assistance Program
Northwest Regional Office

June 28, 2007

Arthur Wilkowski, Owner
Point Recycling and Refuse
P.M.B. 1542
145 Tyee Drive
Point Roberts, WA 98281

Dear Mr. Wilkowski:

RE: Point Roberts Access to Burns Bog Landfill

Thank you for your letter, dated March 1, 2007, requesting to dispose of municipal solid waste (MSW) from Point Roberts, Washington at the Vancouver Landfill. I apologize for the delay in my response.

The City of Vancouver owns and operates the Vancouver Landfill located in Delta, British Columbia, Canada. The Vancouver Landfill operates under an Operational Certificate (MR-01611) issued by British Columbia's Ministry of Environment. The Operational Certificate authorizes the discharge of refuse "from sources within the Greater Vancouver Regional District". As a result, we are unable to allow the Regulated Solid Waste Utility in Point Roberts to dispose of MSW at the Vancouver Landfill.

We have reviewed your comments relating to other companies hauling MSW from Point Roberts to the Vancouver Landfill for disposal. At this time, we have not found evidence to support your claims. However, we will continue to ensure that MSW disposed of at the Vancouver Landfill originates from sources within the Greater Vancouver Regional District. We will also deal appropriately with companies who falsely indicate material source locations.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Yours truly,



Lynn C. Belanger, P.Eng.
Manager of Transfer & Landfill Operations

lynn.belanger@vancouver.ca
Phone: 604.940.3201
Fax: 604.946.2873

cc: Brian Davies, Assistant City Engineer, Solid Waste Division
Gene Eckhardt, Washington Utilities & Transportation Commission
~~Whatcom County Solid Waste Division~~

CC-12

From: "Eckhardt, Gene (UTC)" <geckhard@utc.wa.gov>
To: "Penni Lemperes" <PLempere@co.whatcom.wa.us>
Date: 7/10/2007 12:48 PM
Subject: RE: Pt. Roberts

CC: "Ingram, Penny (UTC)" <PIngram@utc.wa.gov>

It was good to talk with you today, but disappointing to hear that this issue continues.

I understand that the Public Works Committee (subcommittee of the County Council) will meet today (it would help my staff to know about these meetings and questions in advance so we have more time to respond or attend) to discuss the following:

1. Topic: Should the County Council meet up in Pt. Roberts?
2. Proposal: Recycling Ordinance change:
 - * Current - Mandatory pay, voluntary use.
 - * Proposal - No curbside recycling - even voluntary.
 - * Customers could take it to the transfer site for free.
3. Proposal: Solid Waste Ordinance change:
 - * Current - Mandatory service, but exemption.
 - * Proposal - Mandatory pay, with no county exemption.
4. Has Pts. Recycling filed a rate case?
No.
5. Why not?
You should ask the company.
6. How does UTC handle haulers that cannot exist under a county imposed system?
A company's financial health is determined by many variables: the types of services provided, including those required by the county, customer subscription levels, rates, costs to provide service, revenue, etc.

The county has solid waste planning authority through its Comprehensive Solid Waste Management Plan, including minimum service levels and implementing ordinances. Clearly, the county affects the company's operations through its solid waste management policies: minimum service levels, mandatory collection districts, etc.

The commission regulates the collection and transportation of solid waste, including residential recyclables, under RCW 81.77. RCW 81.77.030(5) requires the commission to ensure that regulated haulers provide services in compliance with the county's solid waste management plan and implementing ordinances.

The commission sets rates for the various collection services the company provides and oversees the company's business practices to ensure customers receive fair treatment and adequate services. The company is entitled to recover reasonable, prudent expenses and an opportunity to earn a reasonable return on investment.

Commission staff audits the company's books and records to establish reasonable costs, establish an appropriate revenue target using a computer model known as the Lurito-Gallagher model (expenses, investment, capital structure, capital costs, etc.) and design rates for the various services.

The regulated company is responsible to provide adequate collection services, including those required in the county's Solid Waste Management Plan. The owner / management are responsible to manage the company, just like any other private business. That includes deciding when the company requires additional revenue to pay expenses, etc. To increase rates, the company must demonstrate to the commission that it requires additional revenue.

Every company, regulated or not, must decide when it should increase prices, how much to increase prices and what impact increasing prices will have on its customers. Pt. Roberts has not filed a rate case to increase prices. Mr. Wilkowski stated that he believes that if he increases prices, some customers will cancel service and he may end up with less total revenue. Staff understands his concern. The commission sets rates using average costs. If customers cancel service in response to a rate increase, the company could earn less total revenue. Staff recognizes this is a difficult situation for the company.

If you have additional questions, please let me know.

Eugene K. Eckhardt
Assistant Director of Water and Transportation
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250
Tel: (360) 664-1249
FAX: (360) 586-1150
E-mail: geckhard@wutc.wa.gov

-----Original Message-----

From: Penni Lempere [mailto:PLempere@co.whatcom.wa.us]
Sent: Tuesday, July 10, 2007 10:32 AM
To: Eckhardt, Gene (UTC)
Subject: Pt. Roberts

Here are the questions I have been asked by Carl Weimer, Chairperson of the Whatcom County Council:

1. Has Arthur Wilkowski of Pt. Recycling & Refuse requested a rate adjustment from the WUTC? If so, what was your analysis and ruling. If he hasn't requested an increase, why not?
2. How does the WUTC handle haulers that can't financially exist under a county imposed system?

Thank you so much for your time and consideration of these questions.

Copy for: 2008-287 ✓
L. Weimer
CC-13 Pg 1

Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281
Business Phone (360) 945-1516

August 1, 2008

Pete Kremen, Whatcom, Executive
Carl Weimer, Whatcom, County Council
Jon Hutchings, Whatcom, County Public Works

RECEIVED

AUG 1 - 2008

WHATCOM COUNTY
COUNCIL

Please find attached petition signed by 350 citizens of Point Roberts.

Sincerely,



Arthur Wilkowski

IN-BASKET	RESPONSE	FILED
8/4/08		2008-287

PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

	Name	Address	Phone
1	Kishineff - Michelle	1623 JOHNSON	360-543-0008
2	Brookes RAY	2172 FIR	945-2399
3	MARK PATTERSON	175 Donegal	945 3007
4	KELLY GOLDMAN	1431 EDWARDS	604 315 8698
5	AUDREY POTKONJAK	2108 CEDAR	778-208-5501
6	PEPPER SISSON	82 TORONTO WAY	360-9450648
7	FRANK WILLIAMS	82119 WHALEN DR	945-1725
8	Eolano Reinecke	156 MILL Rd	(609) 816-8424
9	Wes Harlan	1976 Wellington Dr.	945-1761
10	GREG RABINSON	2170 Alder	
11	Alma Edda	280 Windsor Ave.	945-2131
12	SUE SZCZAWINSKA	2210 WILLIAMS	945 1377
13	Desiree Klemann	106 GOODMAN RD	945-3199
14	Tom Fyfe	1011 GOODMAN RD	945-3199
15	SUZANNE PINCKSTON	643 HIGHLAND DR.	945-1844
16	Don Pinckston	"	945-1844
17	Pam SARKISSIAN	2135 WICKLOW PLACE	945-0305
18	M. Emmet Ganes	1584 EDWARDS DR.	945-1401
19	Waf	2215 WILLIAMS Rd	945-1986
20		246 Boundary Bay Rd.	945-2910

PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

	Name	Address	Phone
1	John [unclear]	1785 Centennial Place Pt. Roberts	945-2458
2	[unclear]	642 Laurel	869-3469
3	Ann [unclear]	PT Roberts WA	945-0474
4	Don Geth	306 Tyce Dr Pt. Rob	945-0369
5	Pat Gubish	268 ELIZABETH DR	945-0655
6	Virginia Lester	2158 Wicklow PL	945-2827
7	Mike Perry [unclear]	1471 Edwards Drive	945-0227
8	Peter Sevel	43 [unclear] Dr	604 3399311
9	Catherine Kohka	1842 Anderson Rd. Pt. Roberts	360-945-3461
10	Joel Finnis	1872 Anderson Rd. Pt. Roberts	945-3461.
11	Mark Smith	3260 [unclear] 1946 Lucia Way, Pt. Roberts	609 468 7706
12	Brad Baulanga	294 WINDSOR DRIVE, PT ROBERTS	604-437-8581
13	Gail Hermann	1506 McKenzie	945 2316
14	DAVE WOLF	150 BURN'S WAY	604 418 8337
15	DNE WOLF	633 STI ROBERT RD	604 418 8337
16	M. HENWOOD	2132 ALDER ST	360 945-4104
17	RIMBE COUPE	#3 1953 Raleigh	604 868-9377
18	WALT LAZARUK	1308 SONSEA DR	604-9451531
19	ERIC BOSSLEY	52 Cedar St.	708-292-0278.
20	BERRY RENE D105	2155 Birch St.	945-0278

PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

	Name	Address	Phone
1	KEN Greenwood	2125 GALT RD	626-9794
2	Dean Tulew	446 Georgia Way	945-2774
3	TEA VANOVERBEEK	332 WINDSOR	945-9337
4	R. Michael Eliot	1459 Edwards	945-0776
5	Michelle Moore	625 Mallard	945-988-0355
6	Bob Roberts	76 Toronto way	604 291.6989
7	C Ruttel	695 So BEACH	945 5087
8	Michelle MacLeod	495 Moose Trail	945-5023
9	Bryan McKnight	397 West Bluff Rd	—
10	Melinda Foyt	310 Evergreen way	945-1867
11	Melissa Chapman	41 Quebec Way	945-1590
12	Leah Jones	41 Quebec way	945-1590
13	V. Robertson	1605 Dea wood	945-1702
14	B. Lawson	1605 Dea wood	945-1702
15	Carolin Robertson	1605 Dea wood	945-1702
16	Bob Levarne	245 Bayview Drive	945-1257
17	Jay Street	54 Diane Creek	931-9191
18	Dave Peterson	80 Limerick	939-5364
19	Jo Anne Melland	976 Wellington	945-1761
20	Raura Birchall	976 Wellington	##


PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

Name	Address	Phone
¹ Dave Hunter	688 Bells Grove	945 2068
² ALLAN PRANETT	175 NIKLSON RD	945-2885
³ Michael CRESSY	246 Elizabeth Dr	945-1427
⁴ VANESSA HODGE	612 S BEACH RD	945-4014
⁵ Melissa Dora	1977 Hudson Lane	945-1760
⁶ Ruth Adams	673 Sylvia Drive	—
⁷ David Riddh	1887 Washington Dr	0623
⁸ Lisa Yeager	1887 Washington Drive	0623
⁹ David Stumpf	2295 BERRY LN	2150
¹⁰ Family	280 James Rd	0190
¹¹ Susan K...	1959 WELLINGTON	0654
¹² Robert Farn	710 KANDORH-	1871
¹³ Glen Gouvin	2155 Cedar St	1897
¹⁴ A. RANGER	2115 CEDAR ST.	
¹⁵ Philip Yortce	216 James Rd	2805
¹⁶ LAURA RAHW	1979 Wellington	514-0226
¹⁷ Merle Capps	1894 Mt	945 1888
¹⁸ Gary Capps	1894 Mt	945 1888
¹⁹ DAVE STAPERS	1979 Wellington	514 0226
²⁰ Tim Hopkins	2132 Maple St	609-808-976

PETITION

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	Name	Address	Phone
1	MARITA Goldsmilk	1275 BROUGHTON LANE	360 945-1677
2	JIM MARSHAN	596 S. Beach Road	945-8872
3	Ann McMann	1551 Ocean View Lane P.R	945 2581
4	FRED McDONALD	688 MAPLE AVENUE	945-1647
5	BEV CAESTER	183 KENNEDY RD	945-1632
6	Simone Shern	297 Boundary Bay rd	945- 1295
7	SCOTT HADLEMAN	604 CALHOUN DR - PT. ROBERTS	945-1552
8	Jody HACKLEMAN	604 CALHOUN DR PT Roberts	1552
9	AL MOORE	2135 Roosevelt Way	945-5486
10	TOM BRADBURY	219 MARINE DR	945 5926
11	L. WOOD	1419 CHURCHILL DR	1291
12	M. Schun	1469 Roosevelt Way	945.1235
13	J. PAUL	1955 N. Cedar Park Dr	601 541 9448
14	Amy Leeking	210 Windsor Drive	945 1251
15	TIM LEEKING	210 WINDSOR DRIVE	945-1251
16	Barb Wallace	241 Bayview	945-5928
17	Mark Sammel	632 HEBBARD	945-0853
18	Hazel Hatt	1457 Churchill Dr.	945-2892
19	G. Kolsan.	1260 APA	945-5889
20		2119 CLISON	945-0224

PETITION

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	Name	Address	Phone
1	Jay Lane	New Market Dr.	945-10410
2	[Signature]	1939 Waters Rd	880-1212
3	HAYLTON K Pyles	670 Freeman Lane	945-1540
4	Beverly [Signature]	2003 APA Road	945-0793
5	Sue McInnes	1954 Waters Rd	945 1009
6	Joe McInnes	" "	"
7	Ayn Washington	670 Freeman Lane	945-1540
8	T. DeMarchi	282 ELIZABETH	—
9	Geoff Bossley	2111 Birch St.	778-996-3466
10	Nancy Martin	1433 Churchill Dr.	360 945 1654
11	Richard [Signature]	1660 HARRISON SEAL DR	360 945 0241
12	Ornette [Signature]	" "	"
13	Fadi Samaha	1728 EDWARDS DR #1	360 543 0993
14	Paule King	2275 Berry Lane	945-1255
15	Adam Silver	1700 Benson Rd	945-0720
16	IAN HILLMAN	508 SOUTHBACON RD	945 1671
17	Kathy Kinney	1772 Province Rd. PR	945-3468
18	N. [Signature]	703 KENDON	945 26 29.
19	Elvin / Craig	1660 Benson Rd	604 583 2942
20	Paul [Signature]	1969 Wellington Rd	945-0531

PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.



	Name	Address	Phone
1	<i>[Signature]</i>	*205-1721 BENSUN ROAD	945-0205
2	BRIAN CHERNIAK	1888 WASHINGTON	945-1310
3	DOUGLAS PRUSS	1895E SATURDAY PLACE	945-2848
4	BILL MADDOX	1484 EDWARDS DR.	945-2175
5	ANDY WICKER	657 MACCLARON LN	945-2685
6	DAVID BIRDALL	377 MARINE	816-2676
7	Vikki Stamm	507 MARINE	778-867-
8	THUNSMAN	607 MARINE	604 3494 771155
9	Mr Hendricks	128 MONTE DR	745-3575
10	Penn		601 816 7571
11	John Harrison	767 MARINE DR	945-1211
12	Phil Laurin	1619 Harbor Seal Dr	945-1703
13	Johns Hutchinson	1515 Columbia Crescent	945 2070
14	Andrew Zoh	1510 Columbia Vista	945 1419
15	Sara McMullen	1859 Edwards Dr	945 1564
16	Cindy Webb	1956 MARINE	
17	Carmen Jackson	2104 Whalen Dr.	945-1944
18	Rose Monish	1365 Gull Rd	945 1266
19	Ben Gill	2128 Adams St	945 1892
20	Anne Price	3638 Nico Wynd Dr.	604 35-4827

PETITION

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	Name	Address	Phone
1	K Martin	121 Bayview	-
2	Al Cull	77 Bayview	945-2527
3	Alison Kev	1815 Edwards Dr.	
4	Jean Burger Daniels	457 Greenwood	945-998
5	[Signature]	457 Greenwood	945-0998
6	[Signature]	2150 Maple	778-281-269
7	[Signature]	647 Crystal Seal Rd.	945-2646
8	Lynne Kinney	1772 Province Rd	945-3468
9	B. DRIVER	280 JAMES RD.	945-1350
10	R Stewart	686 Freeman Lane	945-1869
11	John Sheppard	1981 WELLINGTON RD	945-1816
12	ALEX RANGER	1981 WELLINGTON RD	945-1816
13	[Signature]	1981 WELLINGTON RD	945-1816
14	H. MICHALSON	1956 Walden Rd	945-401
15	Ann Currier	" "	" "
16	N. Rosenberg	" "	" "
17	D. LeBOUX	820 CEDAR	
18	M. Lenoir	820 CEDAR 250801-3802	
19	R. Russell	2181 Maple St	
20	P. Canoterra	2152 Maple St	945-1980

PETITION

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	Name	Address	Phone
1	C. Eddy	1775 Edwards	2607
2	Lizay Cuthbertson	695 Freeman Lane	0456
3	Robert Woodman	695 FREEMAN LANE	0456
4	Sedney R. Allen	1892 Washington Dr	2818
5	Jane Donaldson	1620 Edwards Dr	2066
6	Top Rust	#1 Ft. Higonson Rd	5132
7	John O'Neill	1575 Anderson Rd	1578
8	W. GOEL V (C)	671 ROBT DR	1584
9	HEATHER JONES	2120 Birch St	604 2415112
10	Jouffus	2120 Birch St	604 3512172
11	MACPHEAL	2140 CEDAR	604 2746670
12	HELLE HERMAN	1506 MCKENZIE WAY	945-2316
13	Louise Magratta	1544 CHURCHILL DR	945-3087
14	Rhiannon Allen	2226 Sunrise Drive	945 5075
15	Arthur Reber	2143 Alder Street	945 0385
16	Ron Powell	762 Marine Dr	604 787-9881
17	DEBBIE GRACE	2153 CEDAR ST	604-825-7832
18	Judy Kierkebaek	1994 LARI Waldman Pl.	604-266-2763
19	J. J. Jansen	2127 Alder St	604-910-8600
20	John Stull	1583 Harbor Seal	360-945-3193

PETITION

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	Name	Address	Phone
1	CROSSINGS Inc.	1583 Harbor Seal.	360 945-3193
2	Jeresa Thieman	2127 Alder St.	778-235-7178
3	John Ed	722 Claire Lane	360 945-0344
4	Harry Kelly	1585 Edwards Dr	360 945 9754
5	Carole Mackay	1636 Edwards	360 945 2117
6	Rob Hastings	256 Birch St	604 761-1640
7	Tristan Faye	636 Bells Grove	360-945-5015
8	Jayson Deacon	636 Bells Grove	360-945-5015
9	J. Acton	856 Baker Rd	360 945-1833
10	Harry Chev	2234 SUNRISSE DR.	360-945-1205
11	Paul Maulik	2170 Alder St	
12	Ed Parker	1844 Anderson Rd	945-3180
13	Melrose Jane	2144 WICKLOW PL	945-0778
14	Missa Passburg	1474 Edwards Drive	678 416 6883 cell 945-1308
15	Pam Persing	1474 Edwards Drive	678 416 1408 cell
16	Adrienne Persburg	1474 Edwards Drive	678 416 7076 cell
17	AMADILU	741 KENDAL	360 945 1407
18	A. Weiss	1785 Meadow Ave	360 945-0275
19	Wally Wilson	1885 Washington	945-2991
20	SHUÉ MARSHALL	596 S. Beach Road	945-8872

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PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

Name	Address	Phone
1 Sue Fotsch	2111 Roosevelt Rd Pt Roberts	250 - 552 4986
2 Andrew Kenly	1915 Roosevelt Rd Pt Roberts	945-227 45 24
3 Janne Matheson	2147 Alder St Pt Roberts	945-0463
4 Ash Matheson	2147 Alder St Pt Roberts	945-0463
5 Len Matheson	2152 Birch St Pt Rob	945-5672
6 Denise Pomeroy	1207 - Alder St	945-1819
7 LISA MASON	680 Crystal Beach Rd	945-2762
8 JAMES MCGOVERN	303 MADROWA PLACE Point Roberts	945 0756
9 CHUCK CANNON	291 SHADY GLEN Pt. Roberts	945 2607
10 DAVID NILES	254 ELIZABETH DRIVE	(300) 945-1477
11 CARL BENGTSON	219 Shady Glen Ave	945-1325
12 Barb Bradstock	600 Highland Dr	2529
13 Susan Kelly	870 610 Crystal Beach Rd	945-1068
14 P. Hallett	380 WEST BLUFF	945-0799
15 Gary Ringle	133 Bayview	
16 WA Jensen	1545 Roosevelt	945-2355
17 Ron Moore	2104 MAPLE	945-1073
18 MARCO AURILIO	1548 PANORAMA, PT ROBERTS	205-0088
19 DAN DANELLE AURILIO	1548 PANORAMA, PT ROBERTS	205-0088
20 Frederick Culbert	1965 Holiday Lane	945-5501

PETITION

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	Name	Address	Phone
1	Del Smith	614 Highland Dr	940721
2	Del Kingsbury	624 MALE AVE	945-0685
3	Brian Johnson	659 South Beach Rd.	-
4	TONY DELAP	1875 EDWARD DR.	
5	PAUL NOE	115 MONTE	945 4446
6	Margaret Hobbs	1968 Raleigh	945 2540
7	Chiff Anderson	2103 Whalen Drive	945 2772
8	Blumst Resch	1649 Edward Dr.	945 7055
9	Susan Manor	1954 Saturna Pl	6047636382
10	Josh Dale		945 0694
11	ROB McWHITER		
12	H. DEEIKSEN	636 MALLARD DR	
13	DAVE HARRIS	169 BAYVIEW DR.	945 0513
14	Sheena Hartford	1530 Gulf Rd	718-999-2265
15	MAUREEN NEFF	333 Mill Rd P. Roberts	945 1889
16	RON NEFF	" " "	945 1889
17	W.H. LATNER	1616 APA " "	945-3341
18	Brent Anderson	711 PARKS ROAD " " "	945-2782
19	Erin Duncan	350 Mill Road.	945-0664
20	Jean Larson	676 Robert Drive P.R.	

PETITION

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Name	Address	Phone
¹ Shane Reimer	1786 Province Rd	945-1940
² Cole Reimer	1786 Province Rd	945-1940
³ David Huntsman	607 MALLARD DR.	610 214-855
⁴ Michelle Hycus	1605 Dogwood Dr	945-1702
⁵ Alexus McGill	1605 Dogwood DR	945-1702
⁶ JAN BELLESS	1866 ANDERSON ST	945 2088
⁷ WISOTVEDT	595 MAINE DR	945-2948
⁸ D. H. VORW	195 MAINE DR.	945-2948
⁹ D. BICKEN	691 BEAR CREEK	945-5625
¹⁰ M. Hulbert	323 MELF RD	945-2689
¹¹ V. Mittal	2027 Province Rd	220-3167
¹² T. CUSOIK	1827 Shaw Cir	804 220 9127
¹³ Quelan Electric Inc	1591 MCKENZIE WAY	945-5255
¹⁴ H. Embell	2158 Alder	945-1244
¹⁵ M. Breedvelt	1365 Park Lane	945-2934
¹⁶ ERIKA LOFQUIST	2185 CULP CRT	945-2075
¹⁷ Sandra Raine	2060 Johnson Road P.R.	945-2060
¹⁸ Carol Woodman	1937 ASH PT. Roberts	945-1288
¹⁹ BARRY CRAIG	407 WEST BLUFF P.R.	—
²⁰ LINDA BRUCE	1969 Province Rd	945.0773

PETITION

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	Name	Address	Phone
1	W. K. Reed	58 Diane Circle	945 1475
2	G. Gudmundson	1750 CLIFFRD PT. ROBT	945-0239
3	Smickel	1563 Edwards Dr	-
4	J. BEDARD	1952 SARUNA PL.	
5	Galen Wood	267 James Road	945-1350
6	Julie Dickey	247 BAYVIEW	945-1362
7	M. M. M. M. M.	1851 Edwards	945 2888
8	D. Sherry	745 Marine	945 1680
9	McNeill	1991 E SARUNA PL	-
10	Cheryl Bruffet	337 EVERGREEN Way	945 2508
11	Frank Ney	1457 Churchill Dr.	945-2892
12	Robert Colbert	199 E. Waters Road	945 3277
13	Ron Watts	688 Roberts Dr.	945 3097
14	Madeleine Sutherland	151 - Bayview Dr	945-1624
15	B. BORGET	1656 HARBOR SEAL DR.	945-1534
16	Kott	677 SYLVIA DR	
17	CRAIG MacPherson	200 SNAPE GLEN	
18	Mikes Coumest	231A BAYVIEW DR	
19	MYR Neil	249 Inil	
20	N.M. Anderson	161 Ronald.	945 5474

PETITION

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	Name	Address	Phone
1	W. J. Lamm	2152 - Cedar St.	-
2	Ned Menzie	1967 Waters Rd	-
3	J. Meryn	173 Bayview Dr.	
4	Ann R. Long	85 DERBY	
5	Al Bordenillo	1819 Roosevelt Way	
6	Jim Sarkissian	2135 Wilwood Pl	
7	Liz Chamberlain	1443 Golf Rd	945-1327
8	Bob Barden	2039 Waler Dr -	
9	W. Bussel	1981 Holiday Lane	
10	Maurice Buckley	67 Bayview Drive	945-0420
11	MANNY CORVALES	1900 cliff RD	(718) 571-5498
12	Pete Celle	2149 Cedar St.	
13	R.D. Palmi	652 MALARD DR.	
14	B. Munn	2104 Roosevelt	
15	Margot Maxim	1366 Peltier Dr.	
16	Jennifer Terrell	698 S Beach Rd	
17	DEBBIE GRAYER	2175 CEDAR ST.	
18	E. Brome	2147 Cedar St	
19	Sharon Reifel	1623 Edwards Dr.	945-0479
20	A. Johnson	1293 Huff View	

PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

	Name	Address	Phone
1	Tracy Jacobs	1950 Province Rd.	945-0266
2	John Emery	1437 Pettier Dr	945-0842
3	Christine J. [unclear]	1850 WASHINGTON DR.	945-2795
4	Kelid Thompson	670 CRYSTAL BEACH RD	945-2933
5	Doug & Anna Moore	2135 Roosevelt Way	945-5686
6	KARRY [unclear]	68 1841 EDWON	944-0402
7	[unclear]	1877 Edwards Dr	945-1704
8	[unclear]	1735 Centennial Pkwy	945-2453
9	[unclear]	1015 EDWARDS DRIVE 1019 W Beachview	604-551-2159
10	Sturchoffe	130 Burrill Way	945-0711
11	CRAIG UTIAN	1905 PROVINCE RD. #2	360-612-4747
12	W. [unclear]	699 South Beach	360-945-0996
13	K. Oostindie	1969 Rainier Drive	360-945-1810
14	[unclear]	1922 Waters Road	360-945-2937
15	[unclear]	1546 Columbia Cres.	771-965-3846
16	[unclear]	2214 Ukanidia	2803
17	[unclear]	1778 Cliff Road	360-450-409
18	JOHN BOOTE [unclear]	77 REGINA WAY	360-945-2564
19	W. [unclear]	1857 WASHINGTON	360-588-3266
20	[unclear]	229 Bayview	360-945-1256

1/10

PETITION

I support Point Recycling as the continued operator of garbage collection and the Point Roberts Transfer Station. I request Whatcom County work with Point Recycling to create a practical and sustainable solid waste and recycling system that meets the unique needs of Point Roberts.

Name	Address	Phone
1 Bon Vovi		
2 [Signature]	2039 Roadwell.	604 719 4002
3 [Signature]	3117 DYNWISSE SSI BC	250 532-2117
4 Ed Acosta	1614 EDWARDS DR, P.R.	360 945 2820
5 SZ Schwarz	1939 Beacon	360 945 80778
6 F Ellis	2111 Whalen DR	360 945-0693
7 TOR BAXTER	713 MARINIZ DR	-0690
8 FRED DEHAAN	655 FALLS RD	945-0306
9 ERIN MIDSTON	2002 Pronna RD	778-668-5894
10 Bob Atewart	2099 Maple St. ⁶⁰⁴ - 908	4576
11 Catherine Stewart	463 Marine Dr.	945 1447
12 Lisa Bakke	1807 NW 89th St Seattle WA 98117 <small>been coming to Point for 26 years</small>	206 328 2259
13 Al [Signature]	2115 CEDAR ST	945 0344
14 Lynda Jovanovic	395 Mill Rd	945-0764
15 Jim Ehrsman	2160 Garth Rd	439 0471
16 Kathy McLenra	671 Sylvia Drive	-
17		
18		
19		
20		

PETITION

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	Name	Address	Phone
1	VIANELLO	688 MALLARD	604 82331 9453118
2	Rick Reitenbeck	1984 E. WAGONER	604-747-2934
3	John Fountain	1670 Seymour Ridge, P. Road	360 945 2830
4	Bob Green	1293 Golf View Road	
5	Brian Reid	574 Mcleara Road	360-9452413
6	Diane Lindo	1933 Sowers Ct	360-9455006
7	D BRODIE	2080 Cedar St	945 1046
8	Amber Colby	447 Greenwood Dr.	604-868-6940
9	Melanie Cunkio	642 Bello Grove	604 2617245
10	Deloshields	464 Greenwood	3609450251
11	Carol Mashley	1636 Edwards Dr	3609452117
12	Wayne Knauer	355 West Bluff	(360)945-4466
13	Carol Fuesi	Folkestone Ln	9452338
14	Josh Matthews	314 evergreen	(360) 945-2578
15			
16			
17			
18			
19			
20			

WHATCOM COUNTY COUNCIL
Public Works and Safety Committee

August 5, 2008

Committee Chair Barbara Brenner called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:
L. Ward Nelson
Laurie Caskey-Schreiber

Absent:
None

Also Present:
Sam Crawford
Carl Weimer

COMMITTEE DISCUSSION

1. DISCUSSION OF A PROPOSED ORDINANCE AMENDING WHATCOM COUNTY CODE SECTION 8.10.050, RESIDENTIAL RECYCLING COLLECTION (AB2008-287)

Brenner asked why this is on the agenda.

Crawford stated this item was originally scheduled for a public hearing at this evening's meeting. The Solid Waste Advisory Committee (SWAC) wants to discuss this.

Brenner stated everyone is assuming that they want to shut down the business in Point Roberts. She wants economic data on this business from an objective third party. She understood that would come from the Washington Utilities and Transportation Commission (WUTC). She wants to see the data.

Crawford stated the Solid Waste Advisory Committee will schedule this item during its next meeting. The County received something from the WUTC, which said the business owner is in violation of law and the WUTC is moving its process forward.

Brenner stated this seems to be a good opportunity for the County Council to determine what should happen in Point Roberts, rather than react to what's happening. Go through a process of looking at what the County wants to happen in Point Roberts. The County has a solid waste specialist who has never brought the Council ideas about what can happen at Point Roberts. An independent solid waste consultant gave her many ideas and offered to advise the Council for free. Before they can deal with this ordinance, the Council must talk to its attorney this evening.

Dan Gibson, Prosecuting Attorney's Office, stated there is a discussion of garbage and recycling issues scheduled before the Committee of the Whole this evening. Nothing legally prevents this committee from discussing whether or not the County has mandatory curbside service.

Caskey-Schreiber stated deal with this ordinance only.

Process out
of order

1 Crawford stated they don't need to have this meeting today, and take it up later.
2 SWAC is there to look at the issues that are relevant, such as whether there should be
3 curbside recycling. Normally, the Council waits until the respective advisory committee
4 takes up an issue before the Council committee takes up an issue. This committee would be
5 out of order from the regular process if it discusses this today, but nothing prevents the
6 committee from discussing it.

8 Brenner stated the County Council has never been given a menu of alternatives for
9 Point Roberts. She contacted an independent consultant who gave her many ideas. Many
10 of the issues are connected. They need to understand what is and isn't possible, and what
11 things cost. She asked if they can open the issue to all kinds of things or just to the issue
12 the contractor wants. Gibson stated the Council opens up as little or as much as it wants to
13 open up. They deal with issues as they come forward. This issue is brought forward
14 because the County sent a letter to the WUTC, which initiated a hearing.

16 Brenner stated that letter was to ask about all kinds of issues. It was a way for the
17 County to get economic data from the WUTC. Gibson stated he doesn't recall that being
18 part of the dialog. The letter was about the fact that curbside recycling is not happening in
19 Point Roberts, even though its in an ordinance. It was a violation notice.

21 Brenner stated she remembered the committee asking for the economic information.

23 Caskey-Schreiber stated they've been having this same discussion for two years.
24 The contractor isn't going to provide his books. Don't keep battering this about, when they
25 need to deal with the problems that are happening.

27 Brenner stated the WUTC is the only place that has the ability to look at the books.
28 She thought the letter asked the WUTC about the books.

30 Weimer stated they can talk about curbside recycling here. That's part of the
31 solution. Point Roberts has a very small customer base. One decision is whether the
32 County wants one hauler up there. Other options include removing curbside recycling
33 requirements and enforcing the law. Councilmember Crawford's proposed ordinance is one
34 piece of the issue. There are other components of the issue the Council will have to
35 address. He hoped to find out if there are other viable providers who may be willing to step
36 in and provide the same range of services. However, the WUTC talked with others, and no
37 one is interested.

who did
they talk
to?

39 Brenner stated she's heard that people are interested in providing the service. They
40 need to get information on the public record. She doesn't have a strong opinion about
41 curbside service.

43 Weimer stated the Committee of the Whole will discuss whether they want to
44 reconsider its request to the WUTC to take legal action. They can change whatever
45 recycling rules they want.

47 Caskey-Schreiber stated that the County has no control over who the provider is.
48 The County doesn't need to analyze the provider's financial information.

50 Brenner stated garbage disposal in Point Roberts was never meant to be a full-time
51 business. The previous service provider did the service as a side business. Don't assume
52 that everything told to them is accurate. They wouldn't adopt any other ordinances or
53 contracts without economic data.

1
2 Weimer stated deal with the ordinance, and then send it to SWAC.
3

4 Brenner stated that if they solely use drop off service, increase the hours to more
5 than eight hours per day. They have an obligation to know the economics. The contractor
6 has to do what is in the County's solid waste plan.
7

8 Nelson stated the ordinance deals with recyclables. He asked what happens to
9 regular, non-recyclable garbage. Gibson stated regular garbage collection is done through
10 the WUTC's relationship with the provider. The WUTC is charged with administering its
11 relationship with the certificate holder in a way that it complies with County regulations,
12 which now requires pickup of curbside recyclables. There is no preclusion of drop-off
13 service in the County ordinance. Presently, there is a requirement of curbside service.
14

15 Crawford stated his ordinance has an effect to the garbage hauler. It requires the
16 hauler to deal with the recycling onsite, which affects his business operations. The present
17 hauler wasn't necessarily opposed, but garbage and recycling affect each other.
18

19 Caskey-Schreiber stated an issue is whether people will transport this stuff out of the
20 country. Recycling hauled to Canada can be done. Recycling hauled from Point Roberts,
21 through Canada, and back into the U.S. can be done if it's clean. The U.S. won't allow
22 garbage to come into the country.
23

24 Crawford stated that according to emails he's received, Canada will not allow any
25 garbage to cross the border.
26

27 Brenner stated recycling is not garbage.
28

29 Weimer stated direct SWAC to look at all the Point Roberts recycling issues. There
30 are issues with the lease and the facility. There are issues with curbside recycling. Another
31 question is whether it is okay to not require curbside recycling in Point Roberts.
32

33 Crawford stated he was compelled to write the ordinance because of Point Roberts
34 residents who aren't permanent residents. It's difficult for non-permanent residents to use
35 the service when they are in Point Roberts infrequently. Also, twice the amount of
36 recyclables were collected at the drop off station than when there was only curbside service.
37 There seems to be a lot of evidence that people are more inclined to use a central collection
38 point.
39

40 **Nelson moved** to recommend that the Council direct SWAC to evaluate the curbside
41 recycling program in Point Roberts and determine if the proposed ordinance is an
42 appropriate mechanism to address those Point Roberts issues.
43

44 **Weimer suggested** a friendly amendment to have SWAC consider the entire solid
45 waste handling system in Point Roberts, not just recycling.
46

47 **Nelson accepted** the friendly amendment, because the issues are tied together.
48 SWAC will look at all the issues, but the County Council can still deal with the issues
49 individually.
50

51 Gibson asked if the intent of the motion is to indicate that SWAC has to deal with all
52 of the issues before the Council deals with any part of the issue, or if that the SWAC simply
53 looks at the entire issue.

Crawford
Reason

1
2 Nelson stated his intent with the motion is that SWAC simply look at the entire issue.
3

4 Crawford stated he would like to see the WUTC hearing go ahead without the Council
5 impeding it. The County appropriately started a process. The WUTC needs to appropriately
6 deal with that process. If the WUTC thinks the County isn't being reasonable, it will say so.
7 That is more information for the SWAC when it takes up this issue.
8

9 Brenner stated she disagrees. She thought that the County wanted the WUTC to
10 decide a bunch of options. She would rather discuss what they want to do with the WUTC
11 this evening. Figure out what's best for Point Roberts.
12

13 Gibson stated a pre-hearing conference is scheduled on August 18. Schedules are
14 established and discoveries are discussed at that time. They should not deal with these two
15 matters in complete isolation from each other. The question of whether or not Mr.
16 Wilkowski is in violation of the County ordinance shouldn't be pursued for its own purpose.
17 The question is whether Mr. Wilkowski is carrying out what Whatcom County wants and
18 intends for him to carry out. The question with the ordinance is what Whatcom County
19 wants. The course the County chooses to pursue in regard to what it wants for Point
20 Roberts will have a bearing on what happens within the context of the hearing.
21

22 Crawford asked if the County should ask the WUTC to wait until the County decides
23 on what it wants to do. Gibson stated the County will keep the WUTC informed if there is
24 no need for a further hearing. There is no need to spend time pursuing an academic
25 question. The County wants to be there only to the extent that it is necessary to achieve
26 what Whatcom County determines is best for Point Roberts.
27

28 Crawford stated he doesn't mind spending a little bit of the WUTC's time.
29

30 Weimer stated the WUTC will look at whether Mr. Wilkowski is doing what the law
31 says, whose fault it is if he's not, and how they make Mr. Wilkowski economically whole to
32 follow the law. That's where they get into the problem of only having 300 customers. The
33 WUTC may make him economically whole by allowing him to raise his rates, to make it work
34 with the County's solid waste rules.
35

36 Brenner asked if the County can ask the WUTC for the economics of what's
37 happening. The service is now set up as a full-time business. She's not sure about what
38 kind of service they want in Point Roberts. She would like good, sound, third-party
39 expertise.
40

41 Nelson stated Councilmember Brenner wants an audit of the provider's budget. He's
42 not sure if the County can legally ask for that. That is something that the WUTC works out
43 with the provider, in accordance with what the County requires.
44

45 Gibson stated he can't comment on what the WUTC will and will not release.
46

47 Caskey-Schreiber stated the provider is a private business who won a contract with
48 the WUTC. The County doesn't award the contract. The County can affect what it deems as
49 a needed service. That's the only way the County can affect the contractual process.
50

51 Nelson stated that as a committee member, he's not asking or requesting the
52 provider's financial information.
53

1 Caskey-Schreiber stated she isn't either.
2

3 **Nelson restated his motion** to have SWAC look at the solid waste issue, in
4 connection to the recycling program in Point Roberts.
5

6 **Motion carried unanimously.**
7

8
9 **OTHER BUSINESS**

10
11 Nelson stated a constituent asked about speeding motorists on the County section of
12 Euclid Avenue. Traffic safety is an issue because it connects two urban areas.
13

14 Frank Abart, Public Works Department Director, stated the County thought it had an
15 arrangement with the City of Bellingham to install speed bumps at the same time that the
16 City installed its speed bumps. However, the City went ahead and installed its speed bumps
17 without notifying the County, so the County is proceeding with its installation process. It
18 will cost \$100,000.
19

20 Nelson stated look at other, lower cost options.
21

22 Crawford stated he recently toured Paradise and Peaceful Valley. They are losing the
23 garbage cleanup battle. He's never seen it so bad. It looks like a local dump. He doesn't
24 know what to do, but they need to work on the issue. The lots include many abandoned
25 cars. Abart stated the Health Department has enforcement authority.
26

27 Crawford stated the County will have to make sweeping decisions about this area
28 sooner or later.
29

30 Nelson stated bring this issue before the Board of Health at its next meeting in
31 September.
32

33 Caskey-Schreiber stated the Kendall Watch is also very frustrated about the issue.
34 Part of the problem is that the people who have these properties don't have any money.
35 The garbage has to be removed.
36

37 Crawford stated some properties don't have residences. They are just garbage
38 dumps.
39

40 Caskey-Schreiber stated someone has to remove the garbage, given the number of
41 kids in the area and the density of the lots.
42

43 Brenner stated the more they do that, the more dumping that will happen. The only
44 thing that will cure the problem is some sort of enforcement action that is beyond the
45 County Council.
46

47 Caskey-Schreiber stated there is nothing to do if there is no property owner to hold
48 accountable. They still have to clean it up for the sake of the neighborhood and for the
49 health and safety of the committee.
50

51 Brenner stated that if it's a health hazard, do an enforcement action, and clean it up
52 as part of County property and make it a park.
53

1 Caskey-Schreiber stated the County's only option would be to foreclose and use the
2 profits to clean it up.

3
4 Weimer stated it would be interesting to know how many people in Kendall are
5 signed up for garbage service. They can't do anything about it if they don't know who is
6 and isn't with service. Let Sanitary Service sign them up for service.

7
8 Nelson stated Sanitary Service and other haulers will then ask for increased rates.

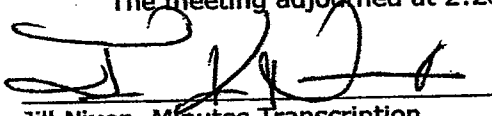
9
10 (Clerk's Note: End of tape one, side A.)

11
12 Crawford stated there is something called a pre-deprivation hearing. It's like a
13 negotiation to work with the property owner. Have the Council walk through the streets
14 with the Health Department to grasp the huge scope of the problem, and have staff explain
15 what the County can and can't do.

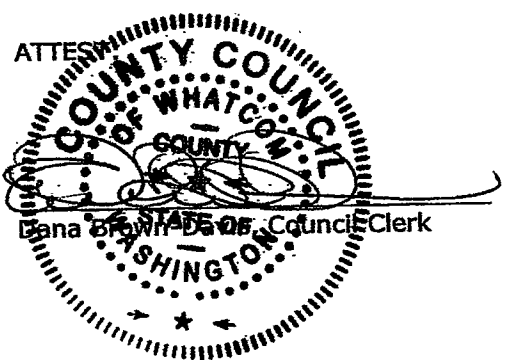
16
17 Caskey-Schreiber stated also start the foreclosure process on some of the
18 abandoned lots, which they've been hesitant to do.

19
20
21 **ADJOURN**

22 The meeting adjourned at 2:20 p.m.


23
24
25
26 

27 Jill Nixon, Minutes Transcription



Barbara Brenner, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Barbara Brenner, Committee Chair

WHATCOM COUNTY COUNCIL
Regular County Council

September 9, 2008

Council Chair Carl Weimer called the meeting to order at 7:08 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

<u>Present:</u>	<u>Absent:</u>
Barbara Brenner	None
Bob Kelly	
Sam Crawford	
Seth Fleetwood	
Laurie Caskey-Schreiber	
L. Ward Nelson	

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced there was **discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation (AB2008-018)** in executive session during the Committee of the Whole meeting.

Weimer announced there was also **consideration of an appeal of the Hearing Examiner's decision on file No. CUP06-0031, filed by Watson, regarding Lake Whatcom Residential Treatment Center / Lake Whatcom Water and Sewer District's application for zoning conditional use permit (AB2007-321B)** in executive session during the Committee of the Whole meeting.

Weimer moved to uphold the Hearing Examiner's decision.

Motion carried unanimously.

MINUTES CONSENT

Nelson moved to approve the Minutes Consent items.

Motion carried unanimously.

1. **COMMITTEE OF THE WHOLE FOR JULY 8, 2008**
2. **SURFACE WATER WORK SESSION FOR JULY 15, 2008**
3. **COMMITTEE OF THE WHOLE FOR JULY 22, 2008**
4. **REGULAR COUNTY COUNCIL FOR JULY 22, 2008**
5. **REGULAR COUNTY COUNCIL FOR AUGUST 5, 2008**

1
2 **OPEN SESSION**
3

4 The following people spoke:
5

6 Shannon Thompson, 2125 Wayland Drive, Point Roberts, submitted a handout (*on*
7 *file*) and stated she would speak on the **discussion of a proposed ordinance amending**
8 **Whatcom County Code Section 8.10.050, residential recycling collection (AB2008-**
9 **287)**. The owner of the business said he was discontinuing curbside recycling because it
10 isn't economically feasible. They have to look at finances for three reasons: the owner
11 brought the issue forward, the owner is in a regulated monopoly, and; the owner leases the
12 business property that he conducts his business on for \$50 per month. If they don't look at
13 all the issues, they will never know how to go forward. The County Code exempts non-
14 permanent residents from the service. Also, the owner submitted his annual report late.
15 The report indicates that total assets in 2005 were \$122,000 and are now \$259,000. The
16 owner has only \$6,400 in profit last year, according to the report. In 2005, his assets were
17 \$28,000. In 2006, the assets were \$47,000. The owner is either driving down his profits
18 for tax purposes or bleeding the company. The revenue is \$422,000. Driver wages and
19 benefits in 2005 were \$61,000. In 2006, they were \$87,000. Now they are almost
20 \$161,000. She believes there are other benefits not outlined in the report. The report
21 indicates revenue of \$21,000 from recycling, and later indicates there was no revenue. The
22 owner made \$78,000 as the sole director. In 1995, the Washington Utilities and
23 Transportation Commission Executive Director made \$92,000, and Boeing machinists
24 average \$54,000 per year. There are no financial problems with the owner. The owner also
25 claimed that the last owner went bankrupt, which is not correct.
26

27 Steve Glenn, 7448 Birch Bay Drive, submitted a handout (*on file*) and stated he
28 needs to speak on the **ordinance amending Whatcom County Code, Title 23,**
29 **Shoreline Management Program; the Official Shoreline Map and associated**
30 **provisions of WCC Chapter 16.16, Critical Areas, and WCC, Title 20 Zoning**
31 **Ordinance to update the Whatcom County Shoreline Management Program in**
32 **accordance with the requirements of the Washington State Shoreline Guidelines**
33 **(WAC 173-26) and other applicable local, state, and federal environmental**
34 **regulations (AB2008-303)** because he has to leave early. He will leave his written
35 comments. All of his properties are south of the point where Jackson Road meets Birch Bay
36 Drive. They all face severe building restrictions due to their proximity to the beach or
37 Terrell Creek. Some of these properties have been in his family for over 55 years. Due to
38 inadequate County enforcement, existing residential properties are being penalized by
39 restrictive building codes.
40

41 Baycrest was built, and all the properties' stormwater drains into Terrell Creek.
42 Terrell Creek is listed as a critical area. Residents along Terrell Creek face restrictive
43 building codes that the Baycrest residents do not face. The magnitude of environmental
44 damage from the Baycrest homes represents a more significant threat than the few homes
45 along Terrell Creek.
46

47 The property built a road through his property without notification. He is now
48 subject to a setback requirement of 40 feet from the center of the road. Since the County
49 took that property, he's lost that buildable space forever.
50

51 A County staff person said that Birch Bay was originally built as a summer residence
52 community, and now people want to live there all year long. The County needs to
53 reexamine a need for environmental preservation against the fairness of the codes to the

WHATCOM COUNTY COUNCIL
Regular County Council

September 23, 2008

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

- Barbara Brenner
- Bob Kelly
- Seth Fleetwood
- Laurie Caskey-Schreiber

Absent:

- L. Ward Nelson
- Sam Crawford

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced there was discussion of the following items in executive session during the Committee of the Whole meeting:

- **Update on negotiations for soon-to-be expired collective bargaining agreement and discussion on the Unrepresented Resolution (AB2008-339)**
- **Consideration of an appeal filed by Mussio regarding motion for reconsideration and motion to dismiss for lack of standing on APL2008-0004 (AB2008-286)**

Fleetwood moved to reverse the Hearing Examiner's decision on their motion to reconsider.

Motion carried unanimously.

- **Consideration of appeal filed by Douglas Shepherd for Lyle and Sue Rader on APL06-0035, regarding Order to Correct issued by Planning and Development Services (AB2008-268)**

Fleetwood moved to uphold the Hearing Examiner's decision.

Motion carried 4-1 with Brenner opposed.

- **Discussion with Senior Deputy Prosecutor Karen Frakes regarding Lake Whatcom Landscape Plan litigation (AB2008-018)**

Fleetwood moved to approve the settlement agreement in Skagit Valley et al vs. the State of Washington.

Motion carried unanimously.

MINUTES CONSENT

1 **Caskey-Schreiber moved** to approve the Minutes Consent items.
2

3 **Motion carried unanimously.**
4

- 5 1. **BOARD OF HEALTH FOR JULY 29, 2008**
6
7 2. **COMMITTEE OF THE WHOLE FOR AUGUST 5, 2008**
8
9 3. **REGULAR COUNTY COUNCIL FOR AUGUST 5, 2008, AS AMENDED**
10
11 4. **COMMITTEE OF THE WHOLE FOR SEPTEMBER 9, 2008**
12

13
14 **OPEN SESSION**

15
16 The following people spoke:
17

18 Renee Coe, 1986 Cedar Park Drive, Point Roberts, submitted and read from
19 information (*on file, exhibit A, page one*) regarding the proposal to eliminate curbside
20 recycling in Point Roberts. A question is why a company who makes money off of
21 customers with curbside recycling offer it free and potentially have to pay two or three
22 times more to dispose of it. They don't even know if it's being recycled.
23

24 Dennis Jones, 1487 Sudden Valley, submitted information (*on file, exhibit B*) and
25 stated he can speak for a consensus of the bipartisan community of the seven precincts in
26 the watershed. He's done polling out there for quite a while. He hoped the Sudden Valley
27 Community Association would be present today to speak in favor of the park reconveyance.
28 He has trouble getting through to the Association. At this point, the Association is fining
29 him \$9,000 per month for minor cosmetic damage to his house. This is discriminatory. It's
30 sad that it comes to that for anyone at Sudden Valley. Their system is a club oligarchy. He
31 understands that Sudden Valley couldn't become a city because of urban growth area (UGA)
32 things. There is hope because there is a new board and a survey is being conducted.
33

34 Many have worked for the Landscape Management Plan that was approved in 2004.
35 It's not on the table. There are other things that will get worked out. He is in favor of the
36 park reconveyance, as it's been drawn on the maps, which primarily includes Austin Creek,
37 the area flooding from poor logging practices in 1983, and Smith Creek. Google the Mid-
38 Peninsula Regional Parks District, which will show ways to fund what they need out there.
39 The reconveyance is the best plan financially, ecologically, and for the community that they
40 could ever get from the State.
41

42 Rick Gantman, Mt. Baker School District Superintendent, stated he thanks the
43 Council for considering all the complex issues related to the impact of reconveyance to the
44 Mt. Baker School District.
45

46 Shelley Damewood, 119 Kilarney Place, Point Roberts, submitted information (*on file,*
47 *exhibit C*) regarding the Whatcom County Solid Waste Ordinance relating to curbside
48 recycling in Point Roberts. Some of the Whereas statements in the proposed change may
49 not be valid. There were no figures as of July 26 to put this ordinance forward.
50

51 No one has addressed the hostile climate in Point Roberts due to the removal of
52 curbside recycling. Her information includes letters from Points Recycling to the community.
53 The information in the letters is untrue.
54

1
2 **PUBLIC HEARINGS**
3

4 **1. RESOLUTION ADOPTING THE WHATCOM COUNTY 2009 ANNUAL**
5 **CONSTRUCTION PROGRAM (AB2008-321)**
6

7 Weimer opened the public hearing and, hearing no one, closed the public hearing.
8

9 ***Caskey-Schreiber moved*** to approve the resolution.
10

11 Brenner stated the Council made an amendment to add money to Lincoln Road. She
12 asked for confirmation that the amendment is in the resolution for 2009.
13

14 Joe Rutan, Public Works Department, stated it is for 2009. Everything in this
15 program is for 2009.
16

17 ***Motion carried unanimously.***
18

19 **2. RESOLUTION TO SELL SURPLUS COUNTY PROPERTY BY PUBLIC AUCTION**
20 **(AB2008-320A)**
21

22 Weimer opened the public hearing and, hearing no one, closed the public hearing.
23

24 ***Brenner moved*** to approve the resolution.
25

26 Fleetwood asked where the auctions are held and if there is a minimum bid amount.
27

28 Brenner stated councilmembers can't bid on these items.
29

30 Dewey Desler, Deputy Administrator, stated staff will get the answer to
31 Councilmember Fleetwood tomorrow.
32

33 ***Motion carried unanimously.***
34

35 **3. RESOLUTION APPROVING THE POINT ROBERTS WATER DISTRICT #4**
36 **COMPREHENSIVE WATER SYSTEM PLAN UPDATE (AB2008-327)**
37

38 Weimer opened the public hearing and the following people spoke:
39

40 Doug Campbell, 1401 Aster Street, Bellingham, stated he is an engineer working in
41 the Point Roberts area. He's reviewed the plan. It's adequate, and meets Department of
42 Health requirements for that area. This allows some folks to move forward with getting
43 water supply. The Council should approve the plan and allow Point Roberts to grow.
44

45 Hearing no one else, Weimer closed the public hearing.
46

47 ***Brenner moved*** to approve the resolution.
48

49 ***Motion carried unanimously.***
50

51 **4. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF**
52 **NEW APPLICATIONS FOR DIVISIONS OF LAND RESULTING IN LOTS**
53 **SMALLER THAN FIVE ACRES WITHIN THE LAKE WHATCOM WATERSHED**
54 **(AB2008-114A)**

CC-17
pg 1

From: Carl Weimer <carlweimer@comcast.net>
To: "Jon Hutchings" <JHutchin@co.whatcom.wa.us>, "Frank Abart" <FAbart@co.wh...
Date: 9/24/2008 8:47 PM
Subject: Re: Application for solid waste collection (residential recycling only) for Point Roberts

Hi you two,

I don't know anything about the guy proposing this, but it would appear this solves our problem. Either Arthur steps up to start curbside recycling again, or he loses that part of his business to this guy. Either way Pt Roberts has curbside recycling again. Is there a downside I'm missing?

I am actually in Olympia, and will be at the WUTC office all day tomorrow regarding pipeline stuff. If there is anything you want me to poke my head in Gene or Penny's office and try to get an answer about shoot me an email in the morning.

Carl

>
>Subject: Application for solid waste collection (residential
>recycling only) for Point Roberts
>Date: Wed, 24 Sep 2008 17:28:34 -0700
>From: "Ingram, Penny (UTC)" <PIngram@utc.wa.gov>
>To: "Penni Lempere" <PLempere@co.whatcom.wa.us>,
> "Frank Abart" <FAbart@co.whatcom.wa.us>,
> <cweimer@co.whatcom.wa.us>
>Cc: "Eckhardt, Gene (UTC)" <geckhard@utc.wa.gov>
>
>September 24, 2008
>
>Greetings,
>
>The commission received an application for solid waste collection by
>Freedom 2000, LLC (TG-081576) that requests a solid waste
>certificate to provide residential and multi-family curbside
>recycling service in Point Roberts. (See attached application).
>
>Currently, Point Recycling and Refuse (G-155) is authorized to
>provide the collection and transportation of solid waste
>(residential garbage, commercial garbage, and residential recycling)
>in Point Roberts.
>
>The commission's licensing staff determined that the application has
>met all the requirements and issued a notice of the pending
>application on September 17, 2008, to interested parties for formal
>comment. There is a 30-day comment period, ending on October 17,
>2008.
>
>It is the commission's responsibility to determine if the applicant
>is fit, willing, and able to provide solid waste collection service
>and if there is a public need for the service. Also, because an
>existing company has the authority to provide the service requested,
>the commission can issue the authority only if the commission finds
>that the existing company will not provide service to the

CC-17
pg 2

>satisfaction of the commission. "For a company to operate in the
>unincorporated areas of the county, the company must comply with the
>solid waste management plan prepared under chapter 70.95 RCW" for
>Whatcom County. (See RCW 81.77.040).

>
>To date, the commission has received no comments.

>
>RCW 81.77.040 Certificate of convenience and necessity required -
>states, in part:

>"When an applicant requests a certificate to operate in a territory
>already served by a certificate holder under this chapter, the
>commission may, after notice and an opportunity for a hearing, issue
>the certificate only if the existing solid waste collection company
>or companies serving the territory will not provide service to the
>satisfaction of the commission or if the existing solid waste
>collection company does not object.

>
> In all other cases, the commission may, with or without hearing,
>issue certificates, or for good cause shown refuse to issue them, or
>issue them for the partial exercise only of the privilege sought,
>and may attach to the exercise of the rights granted such terms and
>conditions as, in its judgment, the public convenience and necessity
>may require."

>
>RCW 81.77.010 Definitions.

>(9) "Solid waste" means the same as defined under RCW
><<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.95.030>>70.95.030,
>except for the purposes of this chapter solid waste does not include
>recyclable materials except for source separated recyclable
>materials collected from residences

>
>Here's a link to RCW 81.77.
><<http://apps.leg.wa.gov/RCW/default.aspx?cite=81.77>><http://apps.leg.wa.gov/RCW/default.aspx?cite=81.77>

>
>
>Sincerely,

>
>Penny L. Ingram | Regulatory Analyst
>Utilities & Transportation Commission, Regulatory Services Division
>P.O. Box 47250 | 1300 S. Evergreen Park Dr SW, Olympia, WA 98504
>ph: 360.664.1242 | fx: 360.586.1130 |
> <<mailto:cmickels@utc.wa.gov>>pingram@utc.wa.gov

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>Content-Type: application/octet-stream;
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> filename="TG-081576 Initial Filing.pdf"

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CC-17
Pg 3

>Content-Description: Notice 081576 09-17-08.pdf
>Content-Disposition: attachment;
> filename="Notice 081576 09-17-08.pdf"
>

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Carl Weimer, Executive Director
Pipeline Safety Trust
1155 N. State St., Suite 609
Bellingham, WA 98225
360-543-5686
<http://www.pstrust.org>

Point Recycling and Refuse

P.M.B. 1542, 145 Tyee Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

October 6, 2008

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 in 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

WHATCOM COUNTY COUNCIL
Public Works and Safety Committee

October 7, 2008

Committee Chair Barbara Brenner called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

L. Ward Nelson
Laurie Caskey-Schreiber

Absent:

None

Also Present:

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. DISCUSSION REGARDING AN APPLICATION FILED BY FREEDOM 2000, LLC, TO PROVIDE CURBSIDE RECYCLING IN POINT ROBERTS (THE UTC HAS REQUESTED THAT THE COUNCIL COMMENT ON THE APPLICATION) (AB2008-210A)

There is a substitute page.

Caskey-Schreiber asked if the Washington Utilities and Transportation Commission (WUTC) approves this. She asked if they are to offer support for or deny.

Brenner stated the Council's role is unclear. Even the Solid Waste Advisory Committee (SWAC) had trouble defining their role in this process. The SWAC supports curbside recycling in Point Roberts. She's not sure what the Council is supposed to say or not say.

Frank Abart, Public Works Department, stated this is a standard WUTC request to make sure the local government entity has notice and can comment or choose not to comment.

Brenner stated that if the WUTC doesn't receive a comment from the County, it won't do this. She suggests that the County Council have no opposition to this moving forward.

Caskey-Schreiber stated she is fine with that.

David Gellatly, Point Roberts, Freedom 2000 LLC Principal, discussed the history of curbside recycling in Point Roberts. The current service provider indicated he will not continue curbside recycling service in Point Roberts. The County Council has an obligation to uphold the County Code, which requires curbside recycling. His company is prepared to provide the service. That would meet Code requirements. Moving forward would support the County Code. The County Council received a letter from Mr. Wilkowski.

Brenner stated it was a letter from the current operator accusing this company of things. That will come out in the WUTC investigation. It isn't her business. Gellatly stated he is prepared to answer questions. The alternative is to have the County enter into a contract with Freedom 2000, LLC for curbside recycling. A separate application process

1 would be for his company to enter into a contract with the County, and take the application
2 and contract to the WUTC. The WUTC would rubberstamp the application.
3

4 Abart stated the County has to have a contract with a company that has WUTC
5 approval for curbside pickup.
6

7 Gellatly stated residential curbside recycling requires a WUTC certificate. However, if
8 the County doesn't get satisfaction from the current provider, the County can approach
9 another provider and enter into a contract, which has an end period.
10

11 Brenner asked if that contract has to be with a WUTC-certified provider. Abart
12 stated to provide curbside pickup services, a contractor has to be certified by the WUTC.
13

14 Nelson stated Freedom 2000, LLC is applying to provide a service that isn't being
15 provided, and is required by the Code. He asked the current recycling charge. Gellatly
16 stated the present carrier has a tariff, which he withdrew. The tariff for just curbside
17 recycling, without garbage collection, was \$7. The tariff included with garbage collection
18 was \$5.71. He would mirror that tariff. The price is the same.
19

20 Brenner stated it would still allow the provider to do what he's doing. This item
21 would provide residents with an option. She went to Point Roberts for a meeting. Many
22 people seem interested in having the option. They don't seem to want to get rid of curbside
23 recycling. Drop-off service would still be available.
24

25 Abart stated Mr. Gellatly has requested use of the existing transfer station. It would
26 impact the current carrier because they'd have to divide up that property.
27

28 Brenner stated that's a separate lease. Abart stated he wanted to make sure they
29 were aware there would be an impact to the current carrier.
30

31 Brenner stated it's a separate issue. This is about whether or not the County wants
32 to continue curbside service in Point Roberts. She didn't hear anyone say they wanted to
33 get rid of the service. People did say they still wanted the service.
34

35 Gellatly stated this is a very small operation. The service would occur one day per
36 week. It's simple and straightforward.
37

38 Brenner asked if this is still something they'd want to do if they didn't get the
39 transfer station. Gellatly stated it is. They can negotiate with other properties.
40

41 **Nelson** stated curbside is part of the requirements on waste handling in Point
42 Roberts. Saying whether or not they want it would require an ordinance change. He
43 **moved** to forward the application forward to the WUTC without comment. The WUTC asked
44 for County comment. The letter would come from the Council. Abart stated the Public
45 Works Department may or may not comment, and he may comment on the location.
46

47 **Brenner suggested a friendly amendment** that the letter say that the Council
48 moves this forward to the WUTC with no opposition.
49

50 **Nelson accepted** the friendly amendment.
51

1 Crawford stated he supports the motion. He asked if Freedom 2000, LLC considering
2 zoning issues when looking at other properties. Gellatly stated he has. One property he's
3 considering is right next door to the existing transfer station.

4
5 Crawford stated keep in mind that the current operation is operating under a
6 conditional use permit. He's not aware of any zone that permits a recycling center outright
7 in Point Roberts, including the existing location.

8
9 Whatcom County Code (WCC) section 8.10.050(k) says at the end that all single
10 family residences in Point Roberts that are weekend vacation homes as defined in the Code
11 are exempt from curbside recycling collection. He didn't know that until someone pointed it
12 out to him. He asked if people get that exemption and if it's commonly used. He asked if
13 that exemption addresses the issue of curbside recycling for weekenders. He asked if
14 people get the exemption. Abart stated he didn't know.

15
16 Brenner stated weekend homes are automatically exempted. People don't have to
17 apply to be exempted.

18
19 Crawford stated he has garbage service in the county, outside the bounds of a city
20 limit. His recycling charge is mandatory if he has any garbage service.

21
22 Brenner stated that Point Roberts residents have the option for service. The hauler
23 set up his own rules for providing service.

24
25 Crawford asked if he has to pay for a recycling service if he does not get an
26 exemption and gets garbage service. Abart stated he doesn't know.

27
28 Brenner stated the hauler decides how the service is set up. The exemption process
29 is for all service, not just curbside garbage pickup.

30
31 Gellatly stated that if someone signs up for garbage service, one has to get curbside
32 recycling, whether or not one recycles. The tariff breaks down the cost per service.
33 Curbside recycling is offered as a standalone service.

34
35 Crawford asked if Mr. Gellatly can run this very part-time business. Gellatly stated
36 he can. His firm's objective is to expand that under commercial recycling, which isn't
37 regulated by the WUTC and isn't available in Point Roberts.

38
39 Shannon Tomsen, 2125 Whalen Drive, Point Roberts, submitted information (*on file*)
40 and read information on driver wages and benefits, recycling revenues and commodity
41 revenues, and officer salary. The current hauler has taken her recycling and thrown it into
42 the garbage truck on at least two occasions. The owner is the only officer. The spreadsheet
43 shows that his claim that he isn't making any money is ludicrous. The owner is making a lot
44 of money as an employee. He makes part of his revenue as office and administration. The
45 annual WUTC reports can be made-up numbers. The numbers on her spreadsheet are low,
46 if anything. He is making money and claims to make a lot of money off of recycling. He
47 claims to offer free recycling right now. How he offers free recycling, while losing \$20,000
48 in revenue, is absurd. He can't take in recycling when he's already losing money on
49 commodities.

50
51 A lot of the support he has on the Point now is based on fear and intimidation. The
52 owner sent a letter to residents in July 2008. She read from the letter. She and others will
53 file a complaint with the WUTC, which manages the relationship between the hauler and its

Why is Tomsen at this meeting?

1 customers. When there is intimidation, only the WUTC can make it stop. Hopefully the
2 WUTC will pull his G certificate after they look at the letters. The County can regulate and
3 manage what happens by controlling the lease. Beef up the County's control of the transfer
4 station. Without that transfer station, Mr. Wilkowski can't operate.

5
6 Remember that anyone taking over any part of this job can indicate today's fee for
7 the service, but that fee can change tomorrow. A hauler can raise rates any time. If there
8 is an increase in the transfer station lease, that cost automatically increases the customer's
9 rates. It's very important to remember that they shouldn't rely solely on Mr. Wilkowski.

10
11 Mr. Wilkowski has made it clear in a letter that he will not provide curbside recycling
12 and that the existing site won't meet minimal standards required for solid waste when he
13 vacates it.

14
15 Brenner asked if the County is obligated to pay for Mr. Wilkowski's improvements.
16 Abart stated it is not, but the County may want to enter into negotiations if the
17 improvements are of value to the County. Otherwise, they are his improvements and he
18 has the legal authority to remove him.

19
20 Brenner asked if there would be a Department of Health problem if the site
21 improvements were gone, but the site was cleaned up. Abart stated he didn't know, but he
22 doesn't think so.

23
24 **Caskey-Schreiber** stated she supports Councilmember Brenner's letter idea. She
25 **suggested a friendly amendment** to send a letter with language that says the County
26 Council doesn't object to that application going forward for curbside recycling.

27
28 **Nelson accepted** the friendly amendment.

29
30 **Motion carried unanimously.**

31
32 *(Clerk's Note: Discussion continued, below.)*

33
34
35 **COMMITTEE DISCUSSION**

36
37 **1. DISCUSSION OF A PROPOSED ORDINANCE AMENDING WHATCOM COUNTY**
38 **CODE 2.78, SOLID WASTE ADVISORY COMMITTEE (AB2008-343)**

39
40 Brenner stated the changes to the code are more in keeping with the original intent
41 of the Solid Waste Advisory Committee (SWAC). When they first created SWAC, they
42 intended to balance the interests of the people in the industry with outside perspectives
43 from a citizen and from other businesses that might use the service. In recent years,
44 industry people have taken the place of the citizen representative position. The
45 amendments would make the intent clearer.

46
47 Caskey-Schreiber stated she understands the modification to the citizen
48 representative, but not the business interest that is not from the solid waste industry.

49
50 Brenner stated they already have those representatives. There are three slots
51 already for the industry.

52

1 Caskey-Schreiber stated the change would always make those in the industry a
2 minority. Industry representatives should at least be equal.
3

4 Brenner stated make sure that citizen positions are occupied by people who aren't a
5 part of the industry. That's her concern. They want input from the experts, but they don't
6 want it heavily weighted.
7

8 Caskey-Schreiber asked why people have been resigning from the SWAC.
9

10 Brenner stated one of the problems is that the SWAC and Solid Waste Executive
11 Committee don't communicate well. The Solid Waste Executive Committee brings
12 recommendations to the Council, not SWAC.
13

14 Frank Abart, Public Works Department Director, stated the Solid Waste Executive
15 Committee has the authority over the budget. The Solid Waste Advisory Committee doesn't
16 report or advise to the Executive Committee, but to the Council and Executive.
17

18 Brenner stated they don't seem to be getting things done.
19

20 Nelson stated he understands the change regarding the citizens, but not the other
21 change. Remove the added language in WCC 2.78.020, "...one business/industry
22 representative ~~not from the solid waste industry~~, one representative from...."
23

24 Crawford stated in the past, the SWAC was filled with people in the solid waste
25 industry. It appears that there is an effort to change the committee so it's not mostly made
26 up of industry representatives. These changes limit representatives to three from the
27 industry out of eleven. That is very different from the membership historically. If that's the
28 intent, leave the language as proposed. What they ought to be considering is whether three
29 representatives from the industry is enough.
30

31 Nelson stated that if that's the intent, he can't support it. It would be the same as
32 not including mineral resource industry members on the Surface Mining Advisory Committee
33 or the mental health board not including people who have anything to do with mental
34 health. An advisory board should have an affiliation to the industry.
35

36 Brenner stated these guys in the industry are all monopolies with the same goals, in
37 different jurisdictions.
38

39 Caskey-Schreiber stated she doesn't know the point of micro-managing the
40 representation because they have a limited role anyway.
41

42 *(Clerk's Note: End of tape one, side A.)*
43

44 Caskey-Schreiber stated she agrees with Councilmember Nelson's proposed
45 amendment. It's okay to have four industry representatives on a board of 11. They've got
46 to be able to implement the policies.
47

48 Brenner stated the goal of the committee is about trying to eliminate as much solid
49 waste as possible, and do as much recycling as possible. The Comprehensive Plan says that
50 recycling is a high priority. It's about more than solid waste, which is why other
51 representatives are on the committee.
52

1 **Caskey-Schreiber moved** to amend WCC 2.78.020, "...one business/industry
2 representative ~~not from the solid waste industry~~, one representative from...."

3
4 **Motion to amend carried unanimously.**

5
6
7 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

- 8
9 **1. DISCUSSION REGARDING AN APPLICATION FILED BY FREEDOM 2000, LLC,**
10 **TO PROVIDE CURBSIDE RECYCLING IN POINT ROBERTS (THE UTC HAS**
11 **REQUESTED THAT THE COUNCIL COMMENT ON THE APPLICATION) (AB2008-**
12 **210A)**

13
14 (Clerk's Note: Discussion continued from above.)

Why was Damewood out this meeting?

15
16 Shelly Damewood, 119 Kilarney Place, Point Roberts, stated she sent an email last
17 night about the history of this issue. They've done a lot of research to figure out how this
18 works. The more they find out, they more they see how things work and can be controlled.
19 The County's site is key to the issue. It is important to the lease. It makes sense to keep it
20 in that quarter. Approve the request from Freedom 2000, LLC. The residents can provide
21 good community oversight.

22
23 Brenner asked if the County has to approve the application. Damewood stated it
24 does, according to communication between Penny Ingram and Carl Weimer.

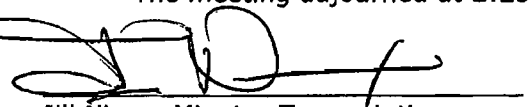
25
26 Abart stated he doesn't have that information from the WUTC. County staff said the
27 WUTC requests comment from the County.

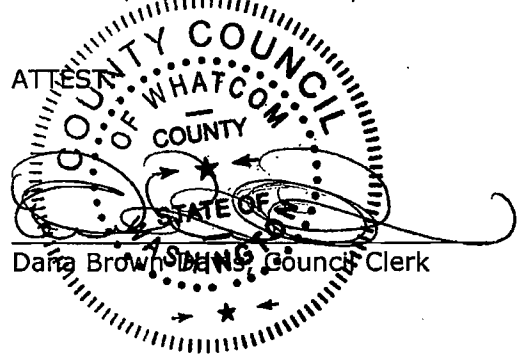
28
29
30 **OTHER BUSINESS**

31
32 There was no other business.

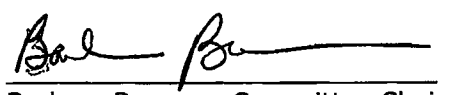
33
34
35 **ADJOURN**

36
37 The meeting adjourned at 2:25 p.m.

38
39
40 
41 Jill Nixon, Minutes Transcription

42
43
44 ATTEST
45 
46
47
48
49
50 Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Barbara Brenner, Committee Chair



WHATCOM COUNTY COUNCIL

FROM THE DESK OF COUNCILMEMBER BARBARA BRENNER

February 14, 2007

MEMORANDUM

TO: Pete Kremen, Whatcom County Executive
FROM: ^{BB} Barbara Brenner, Whatcom County Council Member
SUBJECT: Ron Calder Concern

I am in receipt of a copy of the letter Mr. Calder sent to you about Point Roberts garbage disposal and recycling efforts and his interest in setting up another company to provide the same services (see attached letter). I am interested in knowing what jurisdiction the county has regarding these services. It was my understanding that authorization for a service provider is set up by the State. Also, is the current company using county property and if so, can we allow another company to use it? I assume any company must first become licensed by the State but then what are the rules regarding county property?

I have also received another complaint from John Lesow regarding garbage and recycling at Point Roberts (see attached letter and contract specifics). It has to do with the company, Point Roberts Recycling and Refuse Company requiring residents wanting residential service to sign an affidavit to allow their employees onto private property at any time "for verification of the conditions of this affidavit." I have heard from some attorneys regarding similar regulations we were proposing recently that we can't require access onto private property at any time except maybe in an emergency. That is definitely not what is in this application for residential service from the Point Roberts company. Do any other companies in Whatcom County have the same requirements in residential contracts for garbage/recycling service? My recollection is that when we first set up our garbage regulations we did have a similar clause if, and only if a person opted for an exemption instead of service. I spoke to Ed Nikula from Sanitary Service Company (SSC) and he says SSC has no such affidavit or requirements in contracts for residential service.

It has been a while since we have dealt with these issues. Your assistance would be greatly appreciated.

BB:mb

C: Ron Calder
John Lesow
Point Roberts Recycling and Refuse Company
Dana Brown-Davis, Clerk of the Council
✓Correspondence File

I:\SHARED\COUNCIL\Barbara Brenner\2007\Pt Roberts Recycling and Refuse Complaint 2.15.doc

BB-1
pg 2

575 Calder Drive
Point Roberts
WA 98281
February 9, 2007

Mr Pete Kremen
County Executive
311 Grand Avenue
Bellingham, WA
98225

RECEIVED


FEB 12 2007

WHATCOM COUNTY
COUNCIL
Brenner

Dear Mr Kremen

I represent a group of people with family ties to Point Roberts going back the mid 1890's. We are incensed at the treatment of the people by the local garbage company using our land leased from the county to coerce and extort monies out of the people. The land in question was acquired by the county when the township of Point Roberts ceased to exist. One of our members tried to lease some of this land approximately two years ago and one month ago and was turned down both times. He is also barred from the use of the garbage transfer station or pickup service forever and his properties in perpetuity. As a group we intend to offer the people an alternative. The reason this letter is directed to you is because some of our group have been misled and outright lied to by your county staff – so what we need is a commitment from you to lease us the same amount of land in the same area as the local transfer station at the same price, which we believe is about \$50 a month. We would commit another \$450 a month in donation to be split by the local Parks Department and the Food Bank. Depending on the success of business this amount could increase.

We are presently in negotiations with several companies that actually recycle garbage, demolition green waste and construction debris. We would like some yes or no answers. We don't care to deal in political spin and bovine scatology. We are not going away and we are going to solve these problems to the benefit of the people of Point Roberts and the environment first and our company second. If this county land is made unavailable to us we would expect county support in using any other property of our choosing and if this is the case the minimum donation to the Parks Department and the Food Bank will still happen.



Ron Calder

cc: Barb Brenner, County Council
Irene Waters, Point Roberts Parks Department
Ernie Loreen, Point Roberts Food Bank
All Point Bulletin

RECEIVED

FEB 13 2007

John Lesow/CASCADE
02/10/2007 09:16 AM

To BBGUN1010@aol.com
cc
bcc
Subject Arthur Wilkowski/Point Roberts Garbage Collection Contract

WHATCOM COUNTY
COUNCIL
Brenner

Hi Barbara,

This is the matter I wanted to talk to you about; briefly, on Thursday.

There is a clause in the new contract, recently sent to all customers, regarding entry on to private property for the purposes of inspection.

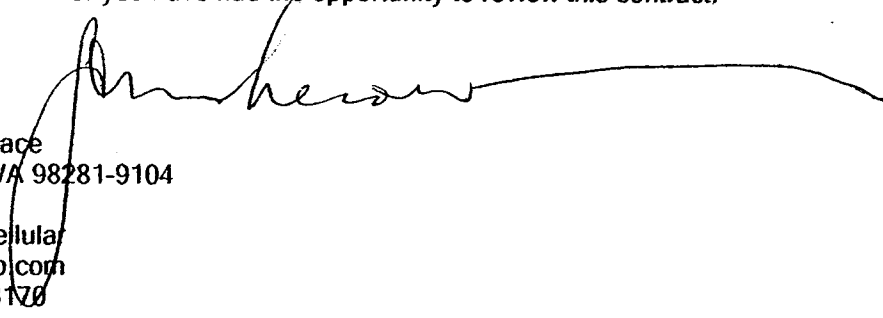
I will send you a copy of the contract today (Saturday) via mail

Several people have spoken to me about this contract, all of them have very strong feelings against anyone entering their property.

I am not asking for you to become involved in this matter in any way. However, I know that there ^{is} no one in the County more knowledgeable about this subject than you, and your advice would be appreciated.

Please contact me after you have had the opportunity to review this contract.

Thank you,



John Lesow
317 Madrona Place
Point Roberts WA 98281-9104
360 945 2620
604 209 0100 cellula
jlesow@cascorp.com
FAX 360 945 3170



Point Recycling and Refuse

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

Customer Notice

Dear Customer,

Point Recycling is making some changes regarding enforcement of Solid Waste Rules and Conditions of Service. This letter is to notify you of the changes and to attempt to explain the reasons.

Point Recycling operates under certain obligations to this community and to each customer. Those obligations include a basic obligation to serve under a regulated system, to treat all customers equally and to charge rates that are fair, just and reasonable. Rates are based on the cost of providing service and Company profits are severely curtailed. The Point Recycling also has the obligation to build and operate a solid waste system to meet the needs of the community now and into the future. We must build and maintain this system at our expense without any assistance or support from government agencies or taxes. We also must strive to keep rates as low as possible.

The fundamental concept is that one Company (Point Recycling and Refuse) operating under regulation, and handling all the garbage is able to provide the best service at the lowest price. Each member in the community commits all of their waste to the system and receives the benefits of the regulated system in the form of lower rates, fair treatment and certain consumer protections.

The problem that we face is that garbage volumes are decreasing because not enough people are fulfilling their commitment to the system. There are 2,000 households in Point Roberts, only 340 are on permanent garbage service, another 200 are on infrequent service and only about 200 are regular users of the Transfer Station. So, only 37% of the households are supporting the system. The rest of the households use the system only at their convenience and use illegal disposal methods or haul into Canada the rest of the time. The local construction contractors are another problem with only about 50% supporting the system and the other half taking deliberate steps to undermine the system.

The Point Roberts System is very small and requires a substantial investment in equipment and facility improvements to not only continue meeting current needs but also to expand for future needs. This investment comes from the customers in the rates charged for services, the system reflects the commitment that the community makes to it, and the rates are an economic reality for the current volume of garbage. If garbage volume goes up then rates go down, if garbage volume goes down than rates must go up.

In order to fulfill our obligation to achieve the lowest rates possible we must insist that everyone in the community support the system and complies with Solid Waste Laws and Rules. We must apply an "all in or all out" policy. It is a very simple and fair deal: The Point Recycling makes a commitment to serve and sacrifices significant rights and each Customer commits all their waste to the system. If anyone believes that they have a choice on how to use the system; that the system "has to" take their garbage only when they want. Well, "has to" is a two way street, the System only "has to" serve if each person "has to" commit to the system. Any person who is diverting waste out of this system is deliberately increasing the rates for the rest of the users of the system. As a Company who is obligated to protect our customers, we will no longer tolerate actions that harm the system.

This is what we are going to do:

We will be enforcing the Whatcom County Universal Service Ordinance. All households will either be on Collection Service or have a valid Exemption to haul their waste to the Transfer Station. That is the only option, on service or use the station. We will pursue all enforcement actions necessary to achieve full compliance, up to and including absolute denial of any services.

Since certain members of the local construction industry are the most significant violators of the rules of the system, construction sites will feel the brunt of our enforcement. All construction sites will be required to comply with the solid waste rules. Any site or contractor that violates the rules will receive enforcement action which can include permanent exclusion from the system. You may hire any contractor that you wish to; we have no opinion on their quality of work or their rates. Some local contractors have been extremely loyal to the system which we appreciate, and others have been extremely hostile. Our only concern is where and how the construction waste is disposed. All waste must stay within the system. The full commitment of all waste is the price of admission into the system. If you hire a contractor, be sure that you know what is happening to the waste. If the waste is handled against the rules (burned, buried or exported), the property owner will be held responsible. If your contractor brings in a foreign hauler for the waste, then your property will be permanently excluded from all services. If there is a container on your site, and it isn't ours, then you are undermining the system.

What you need to do:

Read the enclosed information including the Residential Service Application. Next time you get a bill, you will receive a new Application for Service which you must complete and return to continue service.

Understand that if you discontinue service, that you will be required to apply for a Solid Waste Exemption and comply with the terms and conditions of an Exemption.

Understand that if you have construction work done, that you will be required to have collection service at the site or file for a Construction Site Exemption to haul waste to the Point Roberts Transfer Station.

Understand the Prohibited Methods of Waste Disposal and realize that the Company is obligated to take action against any violations.

If you have any questions call us.

How Does This Benefit You:

These changes are intended to benefit you by stabilizing rates and creating a system that actually works. If everyone commits to the system then everyone gets a better system at lower rates. It is a fair and reasonable deal. Most existing customers will not have to worry about anything or any enforcement actions. Some people will have to make small changes to how they handle their waste. As a Company, we will be fair and reasonable in our enforcement but we must also be firm about the rules and conditions. We are not trying to punish anyone for past actions. We are trying to educate everyone as to the terms of the system. Most people who are not fully participating in the system are doing so out of ignorance and will be given the opportunity to get on board. There are a small handful of people who are causing significant problems and it is for those people that enforcement action will be firmly applied.

Thank you,

Arthur Wilkowski
Owner

Point Recycling and Refuse Company

BB1
Pg 6

Application For Residential Service

The Point Roberts Solid Waste System exists to serve this Community and has the goal of providing necessary public services at the lowest cost rates. Rates and Services are regulated to protect the consumer. Certain Laws and Rules exist to support the Solid Waste System in order to achieve optimum rates and protect community health and welfare. Point Recycling and Refuse operates under an obligation to serve current and future needs; to treat all customers equally; to provide fair, just and reasonable service; to ensure that all solid waste laws and rules are enforced; and to take all efforts to achieve the lowest cost rates and services. Each member of the community seeking to use the System is obligated to commit all of their waste to the System and to comply with all solid waste laws and rules. Any Person, Property, or Business who violates the intent of the System or any Solid Waste Laws and Rules forfeits their right to access the System and the Company may withhold any and all services.

Residential Service Agreement Process

1. Read and understand the "Prohibited Methods of Waste Disposal" section;
2. Answer the questions listed;
3. Read, understand and sign the enclosed affidavit;
4. Submit the completed application to Point Recycling and Refuse Company.

Service will be provided under the following conditions:

1. Applicant has completed and signed this service agreement; and
2. Applicant and or service address has no outstanding charges for garbage service.

Service will be denied or revoked for the following reasons:

1. There are any observed violations of the "Prohibited Methods of Waste Disposal".
2. Upon tracking your usage of the Point Roberts Solid Waste System, the Company believes that you are not contributing 100% of your waste to the system.
3. The customer, property owner or property has unpaid solid waste charges.

"Prohibited Methods of Waste Disposal"

1. All burning of garbage, construction waste or wood (other than vegetation) is prohibited. Burn barrels are prohibited for any burning.
2. Construction Sites are required to keep all waste inside of containers.
3. Burying of any garbage or construction waste is prohibited.
4. Illegal dumping of any waste including vegetation is prohibited. No residential waste is allowed in commercial dumpsters.
5. Exportation of any waste outside of Point Roberts is prohibited.
6. The use of any foreign hauling company to transport waste out of Point Roberts is prohibited and will result in the permanent suspension of all solid waste services to the property, the property owner, and involved contractors. This suspension will be permanent regardless of change in property ownership.

Please return this application to:

Point Recycling and Refuse Company
PMB 1542, 145 Tye Drive
Point Roberts, WA 98281, USA

OR hand deliver to:
Point Roberts Transfer Station
2005 Johnson Road
Point Roberts

Any Questions: Call Point Recycling at 945-1516 or visit the Transfer Station

Applicant Information	
Property Address:	
Property Owner	Phone
Mailing Address	
City/State/Province	Zip or Postal Code
Occupant (if other than owner)	
How many residential units and business are on your property? _____ Residential Units _____ Businesses	
Who is responsible for waste disposal? _____ Property Owner _____ Renter	
<small>(If a Renter is requesting service, the property owner must submit a written request. Property owners are ultimately responsible for garbage services, proper disposal and charges. It is recommended that all property owners provide garbage collection to their renters.)</small>	

Affidavit

I swear or affirm that I am requesting solid waste collection service and that I am disposing of all my waste in an environmentally sound way within the Point Roberts Solid Waste System.

I understand that by requesting service from a regulated system, I am asking the Company to forfeit certain rights to set services, rates and profits, and to exist under an obligation to serve my current solid waste and recycling needs and into the future; that I receive rates that are based on the Cost-of-Service and are fair, just and reasonable; and that I have certain consumer protections available through the regulatory process.

I understand that in exchange for the obligations placed upon the Company, I am required to commit all my waste to the system and comply with the rules and conditions of the system; and that this is a fair and reasonable exchange of rights and commitments between myself and the Company.

I understand that the Point Roberts Solid Waste System has made a significant commitment of infrastructure in the form of facilities, equipment and staff in order to meet my current solid waste and recycling needs and to do so into the future. It is my reciprocal commitment to the System of all my solid waste and compliance with all Solid Waste Laws and Rules which guarantees me access to the System. If I fail to comply with the conditions of the System, then the System has to right to withhold all services to my property for any duration, including permanent suspension regardless of change in ownership.

I understand that this affidavit and my solid waste practices are subject to verification by Point Recycling and Refuse Company, the Whatcom County Health Department and the Whatcom County Solid Waste Division. I will keep records of my waste disposal and grant all access to my property at any time to the above organizations or their agents for verification of the conditions of this affidavit.

I have read and clearly understand the requirements for proper solid waste disposal as summarized in this service application

I understand that if my service application is not approved, or I cancel service, or my service is suspended, I will be required to apply for a Solid Waste Exemption.

I understand that if I am found to be disposing of my waste in a manner that is not environmentally sound, or is a violation of the terms of this service agreement, my service may be revoked.

I understand that I must cooperate fully with any solid waste investigations, and that the Solid Waste System may suspend all access to services for the duration of investigation.

Property Owner's Signature: _____ Date: _____

Renter's Signature: _____

BB-2
Pg 1

From: <BBGUN1010@aol.com>
To: <2calder@telus.net>, <BBrenner@co.whatcom.wa.us>
Date: 4/23/07 10:45AM
Subject: Re: Point Roberts Garbage

RECEIVED

APR 25 2007

WHATCOM COUNTY
COUNCIL

Brenner



Hi Brian, I don't know why I got this again. I did answer that I will do my best to get your message across but these people are volunteers and I can't make them do anything. However this committee is an advisory committee-it doesn't make any final decisions. I will keep you posted but the meeting is scheduled for Bellingham. This is only to discuss Arthur's request. I will adamantly oppose any changes, unless it is a change of provider. I'll let you know what happens. Barbara

In a message dated 4/22/2007 8:18:02 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <2calder@telus.net>
Received: from mx1.co.whatcom.wa.us ([198.239.72.226])
by is-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 20:17:01 -0700
Received: from mx1.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
by mx1.co.whatcom.wa.us (Postfix) with ESMTP id 2312B104073
for <BBrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 20:17:01 -0700 (PDT)
Received: from defout.telus.net (defout.telus.net [204.209.205.55])
by mx1.co.whatcom.wa.us (Postfix) with ESMTP id AA837104012
for <BBrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 20:17:00 -0700 (PDT)
Received: from priv-edtnaa06.telusplanet.net ([66.183.122.152])
by priv-edtnes86.telusplanet.net
(InterMail vM.7.08.02.00 201-2186-121-20061213) with ESMTP
id
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Sun, 22 Apr 2007 20:39:51 -0600
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[66.183.122.152])
by priv-edtnaa06.telusplanet.net (BorderWare MXtreme Infinity Mail Firewall)
with SMTP
id 383FSGRL9N; Sun, 22 Apr 2007 20:39:51 -0600 (MDT)
Message-ID: <008801c78550\$bc130730\$6400a8c0@oemcomputer>
Reply-To: "Brian Calder" <2calder@telus.net>
From: "Brian Calder" <2calder@telus.net>
To: <BBrenner@co.whatcom.wa.us>, <BBGUN1010@aol.com>
References: <ce6.dbcd941.335d6d15@aol.com>
Subject: Re: Point Roberts Garbage
Date: Sun, 22 Apr 2007 19:40:19 -0700
Organization: National Land Consultants
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----_NextPart_000_0085_01C78516.0F540DD0"
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X-AV-Checked: ClamAV using ClamSMTP

BB-2
Pg 2

Thanks Barb,

When you pass on my letter perhaps you would note that I wish to appear before them also. Ideally when Mr. Wilkowski is present, however if they want us to meet separately that would be fine also.

regards

brian calder.

----- Original Message -----

From: BBGUN1010@aol.com

To: 2calder@telus.net ; BBrenner@co.whatcom.wa.us

Sent: Sunday, April 22, 2007 6:59 PM

Subject: Re: Point Roberts Garbage

Hi Brian, I have not read David Galletly's letter. Could you send it? If it is in the latest issue of the APB I have not gotten it yet. I will certainly pass along your letter to the solid waste advisory committee (SWAC). Barbara

In a message dated 4/22/2007 6:51:45 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <2calder@telus.net>

Received: from mx2.co.whatcom.wa.us ([172.16.10.11])

by sheriff-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 18:50:21 -0700

Received: from mx2.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])

by mx2.co.whatcom.wa.us (Postfix) with ESMTP id 842F3800E8

for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 18:50:21 -0700 (PDT)

Received: from defout.telus.net (defout.telus.net [199.185.220.240])

by mx2.co.whatcom.wa.us (Postfix) with SMTP id 467C6800E7

for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 18:50:21 -0700 (PDT)

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by priv-edtnes87.telusplanet.net

(InterMail vM.7.08.02.00 201-2186-121-20061213) with ESMTP

id

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Sun, 22 Apr 2007 19:50:20 -0600

Received: from oemcomputer (d66-183-122-152.bchsia.telus.net

[66.183.122.152])

by priv-edtnaa06.telusplanet.net (BorderWare MXtreme Infinity Mail Firewall)

with SMTP

id C2A8LKUHDH; Sun, 22 Apr 2007 19:50:19 -0600 (MDT)

Message-ID: <007b01c78549\$d12be490\$6400a8c0@oemcomputer>

Reply-To: "Brian Calder" <2calder@telus.net>

From: "Brian Calder" <2calder@telus.net>

To: <bbrenner@co.whatcom.wa.us>

Subject: Point Roberts Garbage

Date: Sun, 22 Apr 2007 18:50:48 -0700

Organization: National Land Consultants

MIME-Version: 1.0

Content-Type: multipart/alternative;

boundary="-----_NextPart_000_0078_01C7850F.247F3AB0"

X-Priority: 3

X-MSMail-Priority: Normal

X-Mailer: Microsoft Outlook Express 6.00.2900.3028

X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2900.3028

BIB 1
Pg 3

X-AV-Checked: ClamAV using ClamSMTP

Barb Brenner,

I understand that my brother Ron and Jerry White have forwarded a copy of the letter I received from Arthur Wilkowski of the Point Roberts Refuse Company. I found this letter taped to the windshield of my excavator which was located on a construction site in Boundary Bay.

Sometime in the night Mr. Wilkowski must have snuck into the site and trespassed my clients property and taped the letter to my excavator. Very professional.

The letter denies me corporate and PERSONAL access to the County owned property at the transfer station.

He further banned anyone I contract for, know, or have ever spoken to, (or possibly may meet in the future?).

I reported this action and sent a copy of the letter to a fellow named Dennis at Olympia WUTC and to Penni Lempere at the County.

Both said 'he cant do that'.

I responded, that's all well and good for you to say, but read the letter , he DID do that.

That was January 29, 2007 and nothing ahs been done to reinstate me to the transfer station.

What am I supposed to do?

Our family are original settlers to Point Roberts being granted 40 acre homestead in 1893.

Our great grandfather donated all of the lumber for the original Baptist Church from his Sawmill operation (and we aren't even Baptist).

We have been supportive members of Point Roberts Community and families for over 100 years.

Is our family's recognition of community service to be recorded as being denied garbage service?

Only in Point Roberts.

* I have read David Gellatlys letter and support it completely.

Thank you for the efforts you advance on behalf of the Point Roberts Community.

regards

brian calder.

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BB-3
Pg 1

From: <BBGUN1010@aol.com>
To: <dinosaur@whidbey.com>, <BBrenner@co.whatcom.wa.us>
Date: 4/22/07 7:37PM
Subject: Re: Ron CAlder, etc.

RECEIVED

APR 25 2007

WHATCOM COUNTY
COUNCIL*Brenner*

Hi again Ruby, I will also pass this on to the SWAC. It is always fun talking to you. One way or the other I will be up soon. Barbara.

In a message dated 4/21/2007 9:37:37 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <dinosaur@whidbey.com>
 Received: from mx2.co.whatcom.wa.us ([172.16.10.11])
 by sheriff-gw.co.whatcom.wa.us with SMTP; Sat, 21 Apr 2007 21:36:47 -0700
 Received: from mx2.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
 by mx2.co.whatcom.wa.us (Postfix) with ESMTP id 9D046800E8
 for <bbrenner@co.whatcom.wa.us>; Sat, 21 Apr 2007 21:36:47 -0700 (PDT)
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 by mx2.co.whatcom.wa.us (Postfix) with SMTP id 87D93800E7
 for <bbrenner@co.whatcom.wa.us>; Sat, 21 Apr 2007 21:36:47 -0700 (PDT)
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 by mail1.whidbey.net with esmtp (Exim 4.61)
 (envelope-from <dinosaur@whidbey.com>)
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 for bbrenner@co.whatcom.wa.us; Sat, 21 Apr 2007 21:36:46 -0700
 Message-ID: <462AE662.40904@whidbey.com>
 Date: Sat, 21 Apr 2007 21:36:50 -0700
 From: Ruby White <dinosaur@whidbey.com>
 User-Agent: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.4)
 Gecko/20030624 Netscape/7.1 (ax)
 X-Accept-Language: en-us, en
 MIME-Version: 1.0
 To: bbrenner@co.whatcom.wa.us
 Subject: Ron CAlder, etc.
 Content-Type: text/plain; charset=ISO-8859-1; format=flowed
 Content-Transfer-Encoding: 7bit
 X-AV-Checked: ClamAV using ClamSMTP

Spoke with Ron C today. It sure sounds as tho if he can get started with having us take our refuse to the site, that eventually other services might be worked out. One thing for sure is that this community will not be dictated to by King ARthur. I feel certain there will be much local support for Ron 's prposal if it can be done.
 It was nice visiting with you, and catching up on how well the boys ae doing. Wish I had known when I was getting five kids thru the teenage years that the human brain ai't all done until they are in their early twenties. Must be where that term "half baked" came from. I wasted a lotta years expecting teenagers to thik and behave like adults.
 Had a poignant moment this evening when Jerry's Ryley came by to let me see him in his tux for the prom.
 Had to believe that little guy is not six four or five and about to

BB-3
Pg 2

graduate.
Hugs

***** See what's free at <http://www.aol.com>.

BB 4

From: <BBGUN1010@aol.com>
To: <ptbob@whidbey.com>, <2calder@telus.net>, <BBrenner@co.whatcom.wa.us>
Date: 4/22/2007 7:34 PM
Subject: Fwd: Point Roberts Garbage
Attachments: Re: Point Roberts Garbage

Hi Pat, I thought I would just send you one of the replies I already did to save some time. Also, Brian, I did get David's letter and here is my reply. Stay tuned both of you. I will let you know as I know. Barbara Brenner

***** See what's free at <http://www.aol.com>.

BB-5
Pg 1

From: <BBGUN1010@aol.com>
To: <david@kordlyn.com>, <BBrenner@co.whatcom.wa.us>, <pkremen@co.whatcom.wa.us>
Date: 4/22/07 7:30PM
Subject: Re: Point Roberts Garbage

RECEIVED

APR 25 2007

WHATCOM COUNTY
COUNCIL*Brenner*

Hi David, the solid waste advisory committee (SWAC) is just an advisory committee. I don't believe SWAC makes any final decisions. However there are some solid waste industry people on SWAC. I am on too and I will certainly share everybody's concerns. I also agree that if SWAC is going to seriously consider Arthur's request there should be a meeting at the Point but I can't force committee members to go. If they recommend an approval it will go to the solid waste executive committee of which the executive is a member. I don't know if they make the final decision or if the council does. I will let you know. But the meeting is on for here on Thursday. However I don't believe there will be any final decisions made. Arthur should have already asked for a meeting at the Point. He probably knows he wouldn't have much support there. Anyway I will let you all know when I know anything. Barbara Brenner.

In a message dated 4/22/2007 11:38:31 A.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <david@kordlyn.com>
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by sheriff-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 11:37:03 -0700
Received: from mx2.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
by mx2.co.whatcom.wa.us (Postfix) with ESMTP id 4D609800E8
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 11:37:03 -0700 (PDT)
Received: from mailout.whidbey.net (mailout.whidbey.net [209.166.64.124])
by mx2.co.whatcom.wa.us (Postfix) with SMTP id 3BDCB800E7
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 11:37:02 -0700 (PDT)
Received: from [209.166.86.3] (helo=S0027575007)
by mail2.whidbey.net with esmtp (Exim 4.61)
(envelope-from <david@kordlyn.com>)
id 1Hfgvl-0005Gu-M9; Sun, 22 Apr 2007 11:37:02 -0700
From: "David Gellatly" <david@kordlyn.com>
To: <bbrenner@co.whatcom.wa.us>
Subject: Point Roberts Garbage
Date: Sun, 22 Apr 2007 11:38:09 -0700
Message-ID: <01bc01c7850d\$6445bef0\$6501a8c0@S0027575007>
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X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook, Build 10.0.2627
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.3028
Importance: Normal
X-AV-Checked: ClamAV using ClamSMTP

Dear Barb,

BB-5
Pg 2

As you are aware, Point Roberts is being held hostage by Arthur Wilkowski and his business Point Recycling and Refuse. He is the self appointed Garbage Guru, who has created his own "System", which he expects everyone else in point Roberts to work within.

Essentially, this came about because some contractors in Point Roberts were not prepared to pay his outrageous prices. For a little insight into this please read the article at this URL:
http://www.allpointbulletin.com/archives/2007/apb_march07/front_page3.html

That article was printed after Arthur published a "PUBLIC NOTICE" in the All Point Bulletin. That same "PUBLIC NOTICE" has been published another two times, despite the fact that it contains misleading information and amounts to what I would consider extortion. Further more, it violates our constitutional rights.

It is my understanding from my business partner and father-in-law Ron Calder, that there is to be a meeting in Whatcom County next week regarding the garbage situation in Point Roberts. This is a matter which is of great importance to Point Roberts and all of its residents and property owners. To hold such a meeting, outside of Point Roberts with out appropriate notice to its residents and property owners is wrong. The impact resulting from decisions made at, or conclusions drawn from information provided at such a meeting could be financially draining to a large number of residents, property owners and businesses in Point Roberts. To allow one person, to dictate, as he has done in his "PUBLIC NOTICES" without the right for us to rebut his statements; question his illogical logic; and hold him accountable for his actions would be wrong.

He has thumbed his nose at the people and businesses of Point Roberts, County Solid Waste, WUTC, and the US Constitution, in order to line his pockets with more money because he made bad business decisions. Additionally, he has done it in writing, which just reinforces his lack of judgment and intelligence.

To grant him a meeting or hearing regarding this matter anywhere but in Point Roberts would be a clear signal to the people of Point Roberts, that Whatcom County has little interest in doing what is right, and every intention of allowing him to have a monopoly with respect to Solid Waste management in this community. It should be noted that first and foremost, the County has granted him a sweetheart lease (\$50.00 per month) on our own property by which he is making a significant amount of money. Furthermore, he has been in using other county property in the same vicinity to store his vehicles and bins. He further allowed another business to operate out of that property outlined in the lease (after the matter was reported he ceased to allow that business to operate there). If he is loosing money, it is through his own stupidity and lack of business sense.

The only aspect of his business which is regulated, as I understand it, is the curbside pickup of house hold garbage. Other than that, our country and constitution allow for free enterprise. There is no Canadian or US federal restrictions on where recyclable materials can go save and except that they must be hauled by a carrier who will deliver them to a

BB-5
Pg 3

designated and approved site.

PLEASE do not allow this meeting to be held in Bellingham. It needs to be held here in Point Roberts so that all of the people can be present to defend against the greedy and unconstitutional desires of Mr. Wilkowski.

Regards,

David Gellatly

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From: <BBGUN1010@aol.com>
To: <doylek@whidbey.com>, <BBrenner@co.whatcom.wa.us>
Date: 4/22/07 6:49PM
Subject: Re: Point Roberts Recycling and Refuse

RECEIVED

APR 25 2007

WHATCOM COUNTY
COUNCIL



Hi Paul, I will pass along your concerns to the Solid Waste Advisory Committee (SWAC). I don't believe SWAC makes any final decisions, only recommendations. But I agree that if we consider making a change that large it should happen only after a meeting up there. Of course the SWAC may vote against recommending any changes. I, for one, am not persuaded by Arthur's arguments. I will keep you posted. Barbara Brenner

In a message dated 4/22/2007 1:04:09 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <doylek@whidbey.com>
Received: from mx1.co.whatcom.wa.us ([198.239.72.226])
by is-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 13:03:21 -0700
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by mx1.co.whatcom.wa.us (Postfix) with ESMTP id A94FF104073
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 13:03:21 -0700 (PDT)
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by mx1.co.whatcom.wa.us (Postfix) with ESMTP id 8D83D104012
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 13:03:21 -0700 (PDT)
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by mail1.whidbey.net with smtp (Exim 4.61)
(envelope-from <doylek@whidbey.com>)
id 1HfiHI-0008Pp-RB
for bbrenner@co.whatcom.wa.us; Sun, 22 Apr 2007 13:03:21 -0700
Message-ID: <001301c7851b\$024e5e10\$6405a8c0@KittyandPaul>
From: "Kitty and Paul Doyle" <doylek@whidbey.com>
To: <bbrenner@co.whatcom.wa.us>
Subject: Point Roberts Recycling and Refuse
Date: Sun, 22 Apr 2007 13:15:43 -0700
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----_NextPart_000_0010_01C784E0.54E47EB0"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.3028
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.3028
X-AV-Checked: ClamAV using ClamSMTP

Dear Ms. Brenner,

It has come to my attention there is to be a meeting in Bellingham in regards to rate increases and removal of exemptions on Thursday April 26th, for Point Recycling and Refuse. A large portion of the residents will be unable to attend. Because of the Hugh impact to the residents of the point it is suggested to move the meeting to the Community Center at Point Roberts where a cross section of the population could attend. Your attention to this matter is appreciated.

From: Ruby White <dinosaur@whidbey.com>
To: <bbrenner@co.whatcom.wa.us>
Date: 4/21/07 9:36PM
Subject: Ron Calder, etc.

Spoke with Ron C today. It sure sounds as tho if he can get started with having us take our refuse to the site, that eventually other services might be worked out. One thing for sure is that this community will not be dictated to by King ARthur. I feel certain there will be much local support for Ron 's prposal if it can be done.

It was nice visiting with you, and catching up on how well the boys ae doing. Wish I had known when I was getting five kids thru the teenage years that the human brain ai't all done until they are in their early twenties. Must be where that term "half baked" came from. I wasted a lotta years expecting teenagers to thik and behave like adults. Had a poignant moment this evening when Jerry's Ryley came by to let me see him in his tux for the prom. Had to believe that little guy is not six four or five and about to graduate.
Hugs

RECEIVED

APR 25 2007

WHATCOM COUNTY COUNCIL

Brenner

C.M.V. Brenner ✓
P. 1
BB-8

RECEIVED

APR 24 2007

WHATCOM COUNTY
COUNCIL

April 23, 2007

Ms. Barbara Brenner
Whatcom County Council Member
District 3, Position B
Bellingham, Washington

Dear Ms. Brenner,

In reference to the attached Letter to the Editor that I put in the April 2007 edition of the All Points Bulletin, Mr. Wilkowski had to trespass on my property to see what was burning behind my house. He has a history of trespassing whenever it suits him.

I am personally sick and tired of his threats in the newspaper and feel that he has overstepped his bounds by thinking that he has the authority to personally oversee other people's business.

Craig Carter
Craig Carter
Point Roberts

Letters...

(continued from page 6)

The Editor:

I feel that I can finally sleep well in Point Roberts, knowing that Arthur Wilkowski thinks that it is his responsibility to notify the fire department of all small fires in the event that your small fire might be consuming something that should have entered his transfer station.

Mr. Wilkowski admitted to me that he had indeed notified the fire department that there was a fire on my property and that I might have been burning items that should have entered his solid waste facility.

Mr. Wilkowski's license agreement with the county/state allows him to only collect or provide pick up service of household generated garbage. All other garbage, such as recyclables or contractor related waste can be, (and frequently is) collected by independent collection agencies at a great cost benefit to the customer.

I, for one, support this as do many other Point Roberts residents. In conclusion, it is time for a change in the Point Roberts garbage industry.

Craig Carter
Point Roberts

Debbie Bailey - Meeting

From: "Rodd Pemble" <rodd@ssc-inc.com>
To: "Penni Lempere" <PLempere@co.whatcom.wa.us>
Date: 4/27/2007 7:41 AM
Subject: Meeting

Dear Penni,

Just wanted to clarify a couple things. I felt a bit blindsided last night by Barbara's stacks of hate mail, and what I took as overly aggressive questioning of our guest. I should have kept a tighter rein on Arthur interrupting, but I must admit I feel for him - he's the **only** guy in the room whose livelihood and reputation are on the line.

Is there a protocol for members bringing and distributing communications? I think in the future it should be run through your office and perhaps the chair rather than just swamping the meeting with information that may be:

- 1) unverified allegations
- 2) not necessarily relevant to the discussion on the agenda
- 3) prejudicial to a invited guest without them having the chance to review the material beforehand

The more I thought about it later, the more I felt Barbara came in loaded for bear, effectively turning SWAC into judge and jury, which we are not. The logistics involved with having Gene participate made the meeting more cumbersome as well, but I think some principles of our general operation need to be ironed out before we go further.

Look forward to hearing your thoughts and perspective on this, from your much longer experience with the SWAC.

Rodd

BB-10

From: <BBGUN1010@aol.com>
To: <pkremen@co.whatcom.wa.us>, <BBrenner@co.whatcom.wa.us>, <BBGUN1010@aol.com>, <council@co.whatcom.wa.us>
Date: 5/2/07 6:28PM
Subject: Brenner re: Garbage issue

Hello all. Sorry it has taken me so long to respond after the SWAC meeting but I was waiting to hear back from the WA. State Utilities and Transportation Commission (WSUTC) before I wrote. However I have not heard and you are still waiting so here goes.

RECEIVED

MAY 04 2007

WHATCOM COUNTY
COUNCIL

Brenner

First I do not agree with Arthur's request. I wholeheartedly support exemptions at the Point. Further I do not believe he will be able to go around threatening to ban folks from his service for unacceptable reasons as he has been doing. He may be a monopoly but he cannot be a dictator.

I am unconvinced that Arthur's problem is legitimate. It may be that he is not a very good business person. I spoke to someone who said he offered to purchase a recycle truck together with Authur and share use. That certainly would save money. According to the person, Arthur did not return his call.

This is the way it is. Arthur has a monopoly that the state will preserve but that preservation will include auditing his books to ensure the customers do not get gouged. I believe if Authur wants to make changes and someone else is willing to provide what Arthur is now providing for the current rates there may be an opportunity for another company to apply. I don't know what the process would be but the WSUTC certainly cannot ignore the best interests of the customers. I do know the WSUTC staff person who spoke to us SWAC members said he will be recommending against one of Arthur's requests but the guy was on a conference phone and hard to hear. I also know that the SWAC members and the WSUTC staff person are now aware of how controversial Arthur has become, which is not in the customers' interests. Although Arthur claimed everyone loves him at the Point except a very small vocal minority I passed around the letters I received and read the comments from our county prosecutor refuting Arthur's comments regarding what he can do. I also told SWAC and the WSUTC the many other comments, all negative that I had received regarding Arthur's escapades including the fact that I haven't gotten this much complaint from the Point in many years.

There was a motion from SWAC to have some sort of meeting up at the Point but it wasn't clear to me when or where or who would have the meeting. I also was disappointed at the public works solid waste person because I had the feeling she seemed to support garbage police and possibly elimination of the exemption at the point.

Anyway I am also copying this letter to the Council and the Executive as the public works staff work for him.

So now you know what I know and my opinion. I look forward to hearing any comments. Also you have my permission to share my comments with anyone and everyone.

Barbara Brenner, Whatcom County Council Member

Barbara Brenner ✓
BB-11

From: <BBGUN1010@aol.com>
To: <fabart@co.whatcom.wa.us>, <BBrenner@co.whatcom.wa.us>, <council@co.whatcom.wa.us>, <pkremen@co.whatcom.wa.us>
Date: Tue, Jun 5, 2007 8:36 AM
Subject: Re: Message Response

Frank, thank you so much for your message. Penny had copies of the letters because I sat next to her and watched her read some of them. She may not have gotten copies of all of them but I know she saw some of them. There has seemed to be a clear bias on the part of Penny in support of Arthur's issue even though I had received a large number of letters, e-mails, and calls from Pt. Roberts against the changes Arthur is proposing. I also contacted the UTC and was told they refused Arthur's request because instead of asking for an analysis or audit of his business (which they can do), he asked the UTC to advocate for him and they do not do that.

Again, thank you. I will locate the letters and distribute them to council members and to you. I would appreciate it if you would also write to the council that many letters were received at the SWAC opposing Arthur's proposal and were supposed to be retained into the record.

Barbara Brenner

In a message dated 6/4/2007 3:20:33 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

DISTRIBUTED
VIA E-MAIL TO

Date: Mon, 04 Jun 2007 15:19:44 -0700
From: "Frank Abart" <FAbart@co.whatcom.wa.us>
To: "Barbara Brenner" <BBrenner@co.whatcom.wa.us>
Cc: "Pete Kremen" <PKremen@co.whatcom.wa.us>
Subject: Message Response
Mime-Version: 1.0
Content-Type: text/plain; charset=US-ASCII
Content-Transfer-Encoding: quoted-printable
Content-Disposition: inline

JUN 5 - 2007

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Barbara:

I just received your voice message about the letters not being included in the information that went to Council. I agree that they should be included. I asked staff about the concern and they indicated that they did not have copies of the letters. They indicated that you brought copies for distribution and there were not enough for them to get a copy.

I suggest that you provide copies of the letters to the Council office for this issue. I would be glad to provide the copies from PW if you can get them to me. I will also be having a conversation with staff about what is expected when material is provided for review at one of these meetings.

I am open to other options and ideas you may have about the letters being provided to Council. Thanks.

Barbara Brenner ✓

RECEIVED

BB-12

From: "Renee Coe" <coe@pointroberts.net>
To: <BBGUN1010@aol.com>
Date: 6/7/07 6:51PM
Subject: Re: Point Roberts Garbage Issue

JUN 11 2007

WHATCOM COUNTY
COUNCIL*Brenner*

Barbara,

Thank you for the update. I won't be able to attend the July 10th meeting but welcome the opportunity to write to the committee. I will forward your email to others in the community so they may review the information below as well.

Renee

----- Original Message -----

From: BBGUN1010@aol.com
To: BBGUN1010@aol.com
Sent: Thursday, June 07, 2007 12:26 PM
Subject: Point Roberts Garbage Issue

At last Tuesday night's county council meeting Arthur Wilkowski from Pt Roberts Refuse and Recycling spoke to the council to request a change in his operation. He also made a request for all correspondence to and from me regarding his operation.

The solid waste department is unable to find the correspondence I distributed at the SWAC meeting to SWAC members from Pt. Roberts residents so I am compiling that and whatever else I have. Our attorney told Arthur that he must make his request in writing but that is not necessary since I think it is very important that the solid waste department, the SWAC, and councilmembers, as well as Mr. Wilkowski have the information.

The council discussed Mr. Wilkowski's concern and decided to put the matter into the council public works committee, scheduled for July 10 at 1:30 in the county council chambers. This meeting is intended to sort out some ideas for incorporating into documents to bring up to Point Roberts for a public meeting or a public hearing at a future date that will not be decided until after the meeting on July 10.

There have been two ideas brought forward so far. Mr. Wilkowski's proposed changes to require mandatory garbage collection throughout Point Roberts and eliminate curbside recycling in favor of free drop-off at the transfer station. The other idea is to leave the system as it is. However, the council is open to other options as well. That is one of the reasons the council will be coming up to the Point to listen to Point Roberts residents comments.

You are welcome to attend the July 10 meeting and/or e-mail councilmembers at council@co.whatcom.wa.us, write the council at Whatcom County Council, 311 Grand Ave, Bellingham, WA 98225, or call the council office at (360) 676-6690 if you have any comments regarding the meeting or anything else.

Please forward this e-mail to anyone who may be interested. You are also welcome to contact me at bbrenner@co.whatcom.wa.us or call me at (360)-384-2762 if you have any questions.

Thank you for your continued interest in Point Roberts issues.
Barbara Brenner, Whatcom County Councilmember

Cm Brenner ✓

BB-13
Pg 1

From: <BBGUN1010@aol.com>
 To: <BBrenner@co.whatcom.wa.us>
 Date: 6/10/07 1:52PM
 Subject: swac

RECEIVED

JUN 11 2007

WHATCOM COUNTY
COUNCIL*Brenner*

@PR 3 5 07

Dear Barbara:

Thanks for the good reply. Will see what more I can find out to put together the piece for the PRTA and the Freeman Beach neighbors. On Chile, well, that can wait— we need to put together a Power Point presentation on our life down there. We have them on Chilean wooden boats and our some of our travels. Sometime this summer we can show one or more either here or when we go to the doctor or whatever in contiguous Whatcom County. Best regards,
 Knick Pyles

From: BBGUN1010@aol.com [mailto:BBGUN1010@aol.com]
 Sent: Thursday, May 03, 2007 8:29 AM
 To: hkpyles@dccnet.com
 Subject: Re: Thank you and follow up

Hi Knick

I disagree that a minimum fee for all is fair if another company can do it the current way it is being done. I also have a big problem with all the incorrect information and scare tactics Arthur has been using. Yes we will talk about Chile but I am late for a meeting so it will have to be another time.

Barbara

In a message dated 5/2/2007 11:05:08 P.M. Pacific Daylight Time, hkpyles@dccnet.com writes:

@Point Roberts 2 V 07

Dear Barbara:

Thank you for your good reply and the copy-in of your message to Pete Kremen and the Council.

At the PRTA Board meeting tonight the subject was discussed with much concern but no ready answers. The PRTA Board does feel that a minimum fee for all would be equitable. How that fee is to be collected is another question. Could it be added to the semi annual tax bill? That would be

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Pg 2

good, except some entity has to pay for the six months of financing. Of course, the financing costs would be less than any monthly or semi monthly billing situation, so adding a minimum fee to the tax bill seems the best idea if the County will go along with it.

Another alternative is to add it to the Water Bill, if the Water District will go along with it.

This is not the most efficient, but it is the second most efficient and probably the easiest to instigate.

The PRTA will be putting out a newsletter/AGM meeting announcement in the next two weeks and I am detailed to put in something about the garbage situation.

So, any help you can give me in getting together the facts of the situation now and the alternatives for the future will be very much appreciated.

What I would like to do is to be able to put together a couple of alternative proposals that will work for everyone involved.

For sure, the situation now is not good.

Why aren't we talking about Chile!! Much more fun!!!

Right now, I am going to write my Chilean neighbor, who together have fought the garbage problem there, and tell him I am right back in it here!!! He will get a kick out of it, that is for sure!

More later

MCKP

From: BBGUN1010@aol.com [mailto:BBGUN1010@aol.com]

Sent: Wednesday, May 02, 2007 6:28 PM

To: pkremen@co.whatcom.wa.us; BBrenner@co.whatcom.wa.us; BBGUN1010@aol.com; council@co.whatcom.wa.us

Subject: Brenner re: Garbage issue

Hello all. Sorry it has taken me so long to respond after the SWAC meeting but I was waiting to hear back from the WA. State Utilities and Transportation Commission (WSUTC) before I wrote. However I have not heard and you are still waiting so here goes.

First I do not agree with Arthur's request. I wholeheartedly support exemptions at the Point. Further I do not believe he will be able to go around threatening to ban folks from his service for unacceptable reasons as he has been doing. He may be a monopoly but he cannot be a dictator.

I am unconvinced that Arthur's problem is legitimate. It may be that he is not a very good business person. I spoke to someone who said he offered to purchase a recycle truck together with Authur and share use. That certainly would save money. According to the person, Arthur did not return his call.

This is the way it is. Arthur has a monopoly that the state will preserve but that preservation will include auditing his books to ensure the customers do not get gouged. I believe if Authur wants to make changes and someone else is willing to provide what Arthur is now providing for the current rates

BB-13
pg 3

there may be an opportunity for another company to apply. I don't know what the process would be but the WSUTC certainly cannot ignore the best interests of the customers. I do know the WSUTC staff person who spoke to us SWAC members said he will be recommending against one of Arthur's requests but the guy was on a conference phone and hard to hear. I also know that the SWAC members and the WSUTC staff person are now aware of how controversial Arthur has become, which is not in the customers' interests. Although Arthur claimed everyone loves him at the Point except a very small vocal minority I passed around the letters I received and read the comments from our county prosecutor refuting Arthur's comments regarding what he can do. I also told SWAC and the WSUTC the many other comments, all negative that I had received regarding Arthur's escapades including the fact that I haven't gotten this much complaint from the Point in many years.

There was a motion from SWAC to have some sort of meeting up at the Point but it wasn't clear to me when or where or who would have the meeting. I also was disappointed at the public works solid waste person because I had the feeling she seemed to support garbage police and possibly elimination of the exemption at the point.

Anyway I am also copying this letter to the Council and the Executive as the public works staff work for him.

So now you know what I know and my opinion. I look forward to hearing any comments. Also you have my permission to share my comments with anyone and everyone.

Barbara Brenner, Whatcom County Council Member

***** See what's free at <http://www.aol.com>.

6/13/07
BB-14
Pg 1

From: <BBGUN1010@aol.com>
To: <dbrown@co.whatcom.wa.us>
Date: 6/13/2007 3:05 PM
Subject: Point Roberts Garbage Problem

Memo to Council Members
From Barbara Brenner, Council Member
Subject: Point Roberts Garbage Problem

I have attached the March article from the All Point Bulletin entitled "Letter from garbage company sparks concern". In the article the operator of Point Recycling and Refuse admits he knowingly sent non factual information to the Point Roberts community regarding garbage disposal which sparked controversy and concern of residents. According to the reporter, Mr. Wilkowski acknowledges, "he can't do a lot of what he said he would do in a late January mailing and newspaper advertisement but he is satisfied with the outcome." "This is the only outcome left to me by the government agencies and the community. Now I have their attention." There is also attached a letter from the prosecutor's office telling a rate payer in Point Roberts that Mr. Wilkowski cannot do what he claimed. He further stated it was a civil matter, not a criminal one. Since the transfer station is county property I wonder why the county would suggest it go that far.

The article is important in light of the accusations from Mr. Wilkowski at the June 5 council meeting (See attached draft minutes which are subject to change before approval by full council at 6-19 meeting).

Also attached are the minutes of the April 26 and May 24 SWAC meetings, the only SWAC meetings of which I am aware that the Pt. Roberts garbage operation was recently discussed.

Since the solid waste department has decided to no longer tape meetings the minutes are the best reflection available of the meeting. Of course different SWAC members may have different memories of what occurred. SWAC by its very nature can cause friction regarding some of the issues. The Point Roberts garbage problem certainly brought out passion on my part, having received very negative correspondence from Point Roberts residents (Contrary to Mr. Wilkowski's claim, the correspondence to which I spoke at the SWAC meeting was backed up by letters and e-mails that I distributed at the SWAC meeting, was noted in the April SWAC minutes, and is available at the council office). The discussion also brought out what I saw as passion on the part of Mr. Wilkowski, who was to my best recollection always given the last word regarding any concerns I raised.

Contrary to Mr. Wilkowski's claim, I have no idea whether he has ever "lied, committed fraud, stolen from his customers, and failed to fulfill his responsibilities to the county." I said it is not my job to trust Mr. Wilkowski's claim that his financial needs are legitimate. I further stated that only by getting a financial analysis from the Utilities and Transportation Commission (UTC) can we have an understanding of whether Mr. Wilkowski's needs are legitimate. I continue to be surprised that Mr. Wilkowski does not supply SWAC and the council with a financial analysis from the UTC before bringing his proposal forward. He said he didn't go to the UTC because they look at the legitimacy of rates and he wants to change the system, not the rates. Rates bring in more or less money to the operator depending on the system. Until we know if his current rates adequately reflect his costs plus his allowed profit we

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pg 2

cannot know if it is reasonable to assume he needs changes to his system. Until Mr. Wilkowski knowingly sent non factual information to his customers I had not received any complaints regarding the system that is in place.

I further very passionately requested a public meeting in Point Roberts to get public comment before considering any changes to the current system. Unlike other SWAC members, many who are new, I had received correspondence that Mr. Wilkowski was threatening this customers and banning at least one individual from the transfer station (which is owned by the county, not Mr. Wilkowski). I asked at what point, if Mr. Wilkowski is banning anyone from a county owned transfer station can another company provide services. Mr. Wilkowski said that can't happen. According to him the only way another company can come in is if he voluntary quits or goes bankrupt.

In answer to Mr. Wilkowski's request that I recuse myself from the process, I doubt he would be making the request if I wasn't questioning the prospect of making significant changes to the existing system based on Mr. Wilkowski's claims alone. If we receive financial analysis from the UTC that shows his financial problems are legitimate I will lead the charge to ensure he is able to obtain his allowed rate of return while providing reasonable service for Point Roberts. I will not be recusing myself.

Contrary to Mr. Wilkowski's claim, I don't believe my frustration at not having enough information to make a reasonable decision is unwarranted and my hostility was at having this come to us without that necessary information and a public process in Point Roberts. If my passion regarding those two necessities makes anyone uncomfortable I would like to point out that if I were not involved in the SWAC discussion the issue might have sailed through with Mr. Wilkowski's recommendation. I make no apologies for that. It isn't fun being the bad guy to force a closer look at what is happening, especially after Mr. Wilkowski's assurances that he is honest, well respected, and friends with everyone at the Point including their dogs (he really did say that).

I am sure I could do a better job. But I believe I do a very good job of protecting the rights of the rate payers and if it is any consolation, I am better than I used to be. I am always trying to improve my skills, including getting the answers that I need.

There are new SWAC members and I am sure the last two meetings weren't fun for them either. I can think of many other ways I would rather be spending my time that arguing with a monopoly to protect the best interests of rate payers. In fact after the council meeting someone pointed out to me at least one time Mr. Wilkowski and I were on the same side of an issue. But I suppose it is easier to blame the messenger when an issue doesn't automatically go one's way.

I look forward to obtaining all relevant financial information and holding a public meeting in Point Roberts to ensure we know what we need to make the best decision if we are going to make significant changes to the existing Point Roberts garbage service.



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Pg 3

WHATCOM COUNTY COUNCIL

FROM THE DESK OF COUNCILMEMBER BARBARA BRENNER

M E M O R A N D U M

June 13, 2007

TO: Whatcom County Councilmembers
FROM: ^{BB} Barbara Brenner, Whatcom County Councilmember
SUBJECT: Point Roberts Garbage Problems

Attached to the hardcopy of this memo is the March article from the All Point Bulletin entitled "Letter from garbage company sparks concern" (available at council office). In the article the operator of Point Recycling and Refuse admits he knowingly sent non factual information to the community regarding garbage disposal which alarmed residents. According to the reporter, Mr. Wilkowski acknowledges, "he can't do a lot of what he said he would do in a late January mailing and newspaper advertisement but he is satisfied with the outcome." "This is the only outcome left to me by the government agencies and the community. Now I have their attention." Also attached to the hardcopy is a letter from the Prosecutor's office confirming that Mr. Wilkowski cannot do what he claimed.

The attachments are important in light of Mr. Wilkowski's accusations at the June 5 council meeting (See hardcopy attached DRAFT council minutes of 6-19 meeting or link to: <http://www.co.whatcom.wa.us/council/meetings/council/packet/minutes0619.pdf>).

At end of this e-mail are the minutes of the April 26 and May 24 solid waste advisory committee (SWAC) meetings in which the Pt. Roberts garbage operation was recently discussed.

The solid waste department no longer tapes meetings so minutes are the most accurate reflection available. At the council meeting Mr. Wilkowski said the minutes reflected what happened. SWAC by its very nature can cause friction regarding some issues. I was concerned, having received very negative correspondence from Pt. Roberts residents. Contrary to Mr. Wilkowski's claim, I distributed that correspondence to SWAC as was noted in the April SWAC minutes (correspondence available at council office). Mr. Wilkowski was to my best recollection always given the last word regarding any concerns.

I never implied he had, "lied, committed fraud, stolen from his customers, and failed to fulfill his responsibilities to the county." I said it is not my job to trust Mr. Wilkowski's claim that his financial needs are legitimate.

I said only by getting a financial analysis from the Utilities and Transportation Commission (UTC) can we know. Mr. Wilkowski can supply SWAC/council a financial analysis from the UTC. He said he didn't go to the UTC because they look at legitimacy of rates and he wants to change the system, not rates. Rates bring in more or less money to the operator depending on the system. Until we know if his rates inadequately reflect legitimate costs plus allowed profit we cannot know if his proposal is reasonable. Until Mr. Wilkowski knowingly sent non factual information to his customers I had not received any complaints regarding the current system.

At SWAC, I requested a public meeting in Point Roberts before considering any changes to the current system. I received correspondence (available at council office) that Mr. Wilkowski was threatening his customers and banning at least one individual from the transfer station which is owned by the county, not Mr. Wilkowski. I asked at what point, if Mr. Wilkowski is banning anyone from a county owned transfer station can another company provide services. Mr. Wilkowski said they can't because he is a monopoly, an important reason to ensure fairness for ratepayers.

My frustration at not having enough information to make a reasonable decision is warranted. His proposal might have sailed through the SWAC without my persistence. I make no apologies for the debate. Mr. Wilkowski kept assuring SWAC that he is honest, well respected, and friends with everyone at the Point and their dogs (he really did say that). The newspaper article and correspondence seem to contradict that.

If we receive financial analysis from the UTC that shows his financial problems are legitimate, I will lead the charge to ensure he is able to obtain his allowed rate of return while providing reasonable service for Point Roberts.

I look forward to obtaining all relevant financial information, and holding a public meeting in Point Roberts to ensure we make the best decisions regarding any changes to the existing Point Roberts garbage service.

BB:mb

Attachments

C: Pete Kremen, County Executive
Frank Abart, County Public Works Director
SWAC Members
Dana Brown-Davis, Clerk of the Council
Correspondence File

I:\SHARED\COUNCIL\Barbara Brenner\2007\Point Roberts Garbage 6.14.doc

- **WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES**
 - **April 26th, 2007**

Members Present:

Ed Nikula, Duane Jager, Troy Lautenbach, Iris Newman, Barbara Brenner, Greg Young, Becky Phillips, Lisa Friend, Rodd Pemble, Steven Thomas

- **Members Absent:**

Chad Bedlington

Staff Present:

Penni Lemperes, Debbie Bailey

Others Present:

- Charles Sullivan, Whatcom County Health; Chris Piercey, Dept. of Ecology; Fred Miller, Ryzex; Arthur Wilkowski, Pt. Recycling and Refuse. Gene Eckhardt, Washington Utilities and Transportation Commission (WUTC) was present via speaker-phone.

Call to Order

- The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, April 26th, 2007 at 5:33 p.m. in the 2nd Floor, Public Works meeting room by Chairperson, Rodd Pemble.

Introductions:

- New SWAC members Iris Newman and Steven Thomas were introduced as well as Charles Sullivan, Chris Piercey, Fred Miller and Arthur Wilkowski.

Minutes:

Minutes of the January 25th SWAC meeting were approved as written.

Communications:

SWAC received letters from Arthur Wilkowski, Pt. Recycling and Refuse, to be addressed in the agenda topic.

Agenda Items:

Proposed Ordinance Changes – Pt. Roberts Solid Waste System

Arthur Wilkowski, Pt. Recycling and Refuse, introduced this topic. He has two things for the SWAC to consider:

- 1. Eliminate the requirement for mandatory curbside recycling, replacing it with self-haul drop off at transfer station for free. Curbside programs are urban designs based on high-participation, high density. Pt. Roberts needs a rural design.
- 2. Enforce the Universal service ordinance. Arthur proposed, in Pt. Roberts only, elimination of the exemption system and requiring all households to be on a minimum of 1 can a month.

Arthur proposes to operate for one year w/universal service after which the WUTC would require a review. Gene Eckhardt stated that the UTC would put into place a mechanism to monitor the company both on earnings and service, determining what a company would be entitled to in actual cost of service and a reasonable return on investment. Much discussion ensued on how costs are determined and what is a "reasonable return on investment," costs for additional recycling infrastructure, variables that affect service costs, and enforcement or lack thereof in Pt. Roberts. Duane Jager asked Gene if there was historical data to support Arthur's assertion that there is an impending crisis in Pt.

Roberts. Gene replied that the company's annual report was due shortly and would be public record.

- Barbara Brenner stated that she has been inundated with phone calls, emails and faxes from upset Pt. Roberts residents and that she feels very strongly about not changing the level of service. She distributed copies of letters and emails she'd received to all the SWAC members. Barbara emphasized the need for a meeting in Pt. Roberts before any changes are decided upon. Gene said there had been some complaints in January, and had spoken to the WUTC Consumer Affairs office that day and they had no active complaints on record. He said that complaints should be sent to the UTC.

It was agreed that more discussion and public input in Pt. Roberts was necessary. Duane moved that if possible, that the issue move forward in the governmental process and not be stalled with SWAC. Barbara moved that those interested from SWAC, County Public Works, and County Council members that are interested in going up there (Pt. Roberts) do so together. Rodd noted that Duane already had a motion and asked him to restate it. Duane moved that "if it's possible that this discussion move forward in the governmental process that the next step is to the Executive Committee prior to SWAC making any final decisions." Troy stated that SWAC needs to be behind something before it goes to SWEC. Arthur said it needs to go to the Public Works committee of the County Council in order to have a public meeting. Barbara made a friendly amendment (to Duane's motion) that the next step is to go to Pt. Roberts for a public meeting. Rodd said he is interpreting the motion to be that SWAC does not want to be a roadblock to this issue, and that if there is a way to smoothly move on to where a hearing might be facilitated, that SWAC does not object and encourages public input and more discussion of the issue. Lisa Friend said that if the motion is to encourage public input and more discussion, she would second it. Barbara added and that the public input will be in Pt. Roberts. Motion carried unanimously with the expectation that a public meeting will be planned for Pt. Roberts soon.

- **America Recycles Day**
- Rodd moved that the ARD agenda item be postponed until the next meeting. Iris seconded and the motion carried. It was agreed that ideas can be exchanged via email between meetings.
- **Other Business**
- Arthur is requesting a County definition of recycling and distributed information to members. Arthur said that according to the County plan, daily cover is not recycling, it is disposal. Chris Piercey, DoE, stated that Ecology does not consider daily cover to be recycled material, but solid waste. Barbara asked Chris what percentage of waste can be allowed and still be considered recycling, i.e. a whole house. Does it have to be 100% recycled? Chris replied that there was no percentage that he was aware. Charles Sullivan, County Health, answered that if more than 10% of the material coming into a facility ends up in the landfill, then it is not a recycling facility in their view. More than 10% is considered solid waste and the facility needs to be permitted. This item will be on the agenda for the next meeting.

- Lisa noted that there was a blog in the Bellingham Herald on recycling. The Herald contacted her and she answered on behalf of the Recycling Hotline. She will email her comments to anyone interested.
- **Open Session**
Duane would like the local grant program to be on the agenda next meeting. He stated that most of the money went unspent and it should be back in the budget and spent on creative programs and innovative ideas.

Rodd stated that members should plan on two hours, from 5:30 to 7:30, for the next meeting to accommodate the hefty agenda.
- **Action Items:** Penni: Coordinate a public meeting in Pt. Roberts.
- **Next Meeting Agenda**
 1. Pt. Roberts Solid Waste System
 2. ARD ideas
 3. Recycling Definition
 4. Local Grant Program
- **Next Meeting Schedule**
- The next meeting will be held from 5:30 until 7:30 p.m. on Thursday, May 24th, 2007 in the Public Works meeting room.
- **Adjournment**
Meeting was adjourned at 6:55 p.m.

•
CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held April 26, 2007

Attest:

Debbie Bailey, Secretary
WCPW Solid Waste

Rodd Pemble, Chair
Whatcom County Solid Waste Advisory Committee

•

WHATCOM COUNTY SOLID WASTE ADVISORY COMMITTEE MINUTES

May 24th, 2007

Members Present:

Ed Nikula, Troy Lautenbach, Duane Jager, Iris Newman, Barbara Brenner, Becky Phillips, Lisa Friend, Rodd Pemble, Steven Thomas, Chad Bedlington.

Members Absent:

Absent: Greg Young

Staff Present:

Penni Lemperes, Debbie Bailey, Frank Abart

Others Present:

Charles Sullivan, Whatcom County Health

Call to Order

The regular meeting of the Whatcom County Solid Waste Advisory Committee was called to order on Thursday, May 24th, 2007 at 5:38 p.m. in the Public Works Meeting Room by Chairperson, Rodd Pemble.

Introductions

Chad Bedlington, City of Bellingham, and Frank Abart, Whatcom County Public Works Director, were introduced.

Minutes:

Minutes of the April 26th SWAC meeting were approved as written.

Communications:

SWAC Chair, Rodd Pemble, sent a letter to SWAC members regarding general meeting protocol and the role of SWAC. Barbara disagreed with the statement that discussion of agenda items via email violated the Open Meetings Act and quoted from a book on municipal research. Copies of RCW Chapter 42.30, Open Public Meetings Acts were distributed to members. According to Dan Gibson, Whatcom County Prosecuting Attorney, care needs to be given as to the nature of what is e-mailed among members of the SWAC so that it does not become a form of deliberation that is subject to the Open Public Meetings Act. This is not to say that members cannot e-mail each other, but that the e-mails should not become an alternate method of conducting the business of the committee. An agenda item which requires action on the part of the SWAC is considered a part of the meeting, and all meetings are declared open and public.

Agenda Items:

Pt. Roberts Solid Waste System

As this item was continued from the last SWAC meeting, Rodd made a two-part motion:

1. Impose mandatory garbage collection in the form of required purchase of 12 tags equivalent in volume and price to monthly service;
2. Drop the requirement for curbside recycling, impose free drop off at transfer station, with review by Solid Waste division after a 1 year probation period.

Barbara Brenner would like more information and suggested that Arthur Wilkowski could go to the UTC for rate increases if it (UTC) determines they're reasonable. Arthur stated that the County has jurisdiction over system design and the UTC has jurisdiction over rates. He is seeking a change in the design. Charles Sullivan is concerned that there is no means to compel the citizens of Pt. Roberts to purchase the 12 tags. Barbara says recycling at curbside is still needed. She also wants to know at what point it can be opened up for another company to step in. Arthur stated that the County can contract for recycling collection, but the G Certificate is granted from the state and unless he violates

his tariff, he will remain as the garbage company in the area. Duane Jager wants to hear from the UTC what kinds of costs are realistic to be financially viable so service remains as is. General consensus was that there needed to be a public meeting in Pt. Roberts to gauge citizens' wants and needs before the group could back any recommended changes. It was agreed that the County Council should hold the meeting/hearing. Troy Lautenbach suggested that the SWAC present some ideas and options to the citizens. If so, Barbara wants one option to say "leave services as they are." Becky Phillips amended the motion on the floor to recommend to the County Council that a public meeting/hearing will be held in Pt. Roberts to discuss potential changes to service with several options available including, but not limited to, the two that Rodd proposed as well as Option 3, leave service as is. Steven Thomas seconded the motion. Motion carried. Penni was asked to call the UTC to get the financial information on what it would cost to maintain current system.

America Recycles Day

Rodd stated that ARD is November 15th. Lisa Friend listed both new and previously stated ideas as possible options:

1. Amnesty Days – Bulky item pickup, or specific site cleanup (i.e. Kendall, Custer)
2. CDL – Construction Demolition and Landclearing. Advertise source separated and reuse.
3. Pharmaceuticals
4. Yogurt Containers – suggestion for one-day shredding event.
5. Ban Bags for a Day – Stores to not provide plastic bags for one day.
6. Major Advertising – for places like Reuse Works.
7. Auto Rodeo – Amnesty event for junk cars as was done in Kittitas County.
8. Recycling company logos – Contest in newspaper to identify logos of recycling places and what can be taken there.
9. Whatcom Recycles Day Concert/event – Admission price is 3 recyclable items. Host a concert or event. Educate people and teach where they can take certain things.

Discussion of ideas followed. Penni Lemperes stated that some litter grant money is also available for a cleanup event. Members will gather more information and continue discussion at next meeting.

Recycling Definition

Rodd stated that material from Pt. Roberts is being ground up and used as alternate daily cover (ADC) in Canada which according to the UTC, may be considered recycling. The Department of Ecology's unofficial position is that ADC is not considered recycling. Arthur has asked for a definition from Whatcom County. Charles suggested that the County adopt the DOE's 350 regulations as its own, which will compel Ecology to issue a determination at the state level and the UTC then would have to deal with Ecology. Arthur stated that there is some conflict between 350 (WAC) and the RCW. The RCW states that it is the County's authority to define recycling. Discussion centered on what would be a fair percentage of waste/contamination to still be considered recycling. Troy noted that a facility could be over 10% waste and still be a recycling facility or intermediate solid waste handling facility, but would need to be permitted rather than exempted. Rodd asked Charles to get some input from Ecology, and the 350 definition and continue discussion at the next regular meeting in July. Rodd would also like to ask Dan Gibson what the implications are if the County came up with its own interpretation.

Local Grant Program

Rodd stated that although this agenda item was requested by Duane, only \$10,000, earmarked for the ARD, was available in this year's budget. It was explained that this program was initially only approved for the 2005/2006 budget and additional money was needed this year for the Cedarville landfill. Duane and Barbara recommended that the grants be put back in the budget. Rodd wants assurance that the source of any money does not come from the school education program. Penni gave a synopsis of the grants that were given out in the 2005/2006 cycle. Barbara wants to know the dollar amounts of all the grants at the next meeting and also would like to know more about the budget to determine if all the current items are worthwhile and perhaps a source of funding to reinstate the grants. Duane moved that the SWAC recommend to the Executive Committee and the County Council that the Solid Waste Division:

1. Reinstate the annual allocation of \$75,000 to the local grant program line item in the 2007 County budget.
2. Continue to follow the guidelines recommended by the SWAC to implement the program.
3. Ambitiously promote the program.
4. Remove arbitrary barriers that prevent distribution of funds.
5. Distribute 100% of the funds to worthy programs.
6. Report the program's successes and failures to the SWAC
7. Continue the program indefinitely unless advisory and /or governing entities direct the Solid Waste Division to do otherwise.

Becky amended the motion to include the clause that the funds are not to be pulled from currently funded programs in the Solid Waste budget. Amended motion carried.

Other Business

Penni announced that Becky Phillips won the WSRA Recycler of the Year award for the kindergarten through 12th grade recycling programs.

Open Session

- Action Items:**
- Penni: Contact UTC
 - Rodd: Write letter to Council requesting meeting in Pt. Roberts.
Write letter to SWEC regarding Local Grant program.

Next Meeting Agenda

1. Comp Plan Public Comment
2. ARD

Next Meeting Schedule

The next meeting will be held from 5:30 to 7:00 on Thursday, June 28th, 2007 in the Public Works meeting room.

Adjournment

Meeting was adjourned at 7:52 p.m.

CERTIFICATION

I hereby certify this to be a true and correct copy of the minutes of the Whatcom County Solid Waste Advisory Committee meeting held May 24, 2007.

Attest:

Debbie Bailey, Secretary
WCPW Solid Waste

Rodd Pemble, Chair
Whatcom County Solid Waste Advisory Committee

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Pg 12

All Point Bulletin

THE COMMUNITY NEWS

March 2007

Barbara Brenner 1/08
Whatcom County Council
311 Grand Ave.
Bellingham, WA 98225

HASLER
\$0.875
02/26/2007
Mailed From 982230

more in taxes in 2007 than in 2006. Summer homes in the Maple Beach were some of the hardest hit and are looking at a 98 percent tax hike this year.

"We got an increase of 77 percent," said Fred DeHaan, whose family owns 20 acres along the southern bluff that was home-steaded by his wife Pauline's family in 1896. The land, two family homes and cabins along the beach will cost the DeHaans an additional \$12,000 per year in taxes. "We'll have to raise our rents but I don't know if some of these people will be able to afford it for summer homes," he said.

The flip side is that some properties will pay less taxes in 2007 than they did in 2006, while some will barely see them change. A three-bedroom home on Uscardia Lane will see an eight percent increase in their property taxes. Owners of a mobile home on a rented pad in Sunny Point park saw a welcome 46 percent drop in the taxes they owe for 2007.

Along Tree Drive almost all the developed commercial properties will see a decrease in their taxes; in the last valuation the assessed value of the land on which the parcel service, the liquor store, the water (See **Property taxes**, page 10)



▲ Point Roberts primary school students played Ring Around The Valentine on February 14.

Photo by Meg Olson

Letter from garbage company sparks concern

By MEG OLSON

"Now I have their attention."

Local garbage company owner Arthur Wilkowski is acknowledging he can't do a lot of what he said he would do in a late January mailing and newspaper advertisement, but he's satisfied with the outcome.

"This was the only option left to me by the government agencies and by this community," he said. "People don't want to pay attention unless there's a crisis."

Whatcom County's solid waste division and the Washington Utilities and Transportation Commission (WUTC) both snapped to attention when Point Recycling and Refuse sent out the announcements

stating that any property owner who buried, burned or exported waste products from Point Roberts, or hired a contractor who did so, would be "permanently excluded from all services" provided by the local garbage hauler.

"He's not allowed to deny service," said WUTC spokesman Tim Sweeney. "He has an obligation to provide that service unless they fail to pay for it." Sweeney said the company is required to provide any service that is part of the tariff schedule for Point Recycling and Refuse approved by the WUTC. Limited conditions under which service can be suspended, and not permanently, include non-payment, hazardous conditions and violations of state and coun-

ty solid waste law. "There are a lot of things in that public notice he just cannot do," said county solid waste specialist Penni Lemperes after an early February meeting with Wilkowski, county legal staff and the WUTC. "He cannot bar anyone from coming to the transfer station," Lemperes said. "It's on county property and it's open to the public."

Lemperes also said Wilkowski's assertion in an advertisement in the *All Point Bulletin* that "all past exemptions are void" was in error, as was his inclusion in his recent mailing of his own exemption form with his own (See **Garbage**, page 13)

Lights!

Boobs rescue

Antiques?

Contents

Garbage...

(continued from page 1)

version of what is a prohibited method of waste disposal.

"He had no right to send out his own exemption form," Lemperes said. "He has no legal right and nobody should sign it." The form available through the county solid waste department is the only legal form and the only one property owners seeking an exemption from mandatory household garbage service should sign and file with the county.

The exemption forms are required in Whatcom County for those who don't pay for household garbage pickup but choose alternative methods of garbage disposal. "You have to sign an affidavit that you will responsibly deal with your garbage and recycling," Lemperes said.

According to the county exemption forms, responsible ways to dispose of trash include composting, self-hauling to an approved disposal site, commercial waste collection, and recycling. Prohibited methods are illegal dumping, burning or burying waste.

On his form Wilkowski added an additional prohibited method: "exportation of any waste outside of Point Roberts."

Lemperes said county solid waste regulations did not prohibit material leaving the Point. "We can't prohibit export out of Point Roberts. We just don't do that," she said. "We export our waste from here down to Oregon. We don't have landfills in Whatcom County."

Paula Shore from the Canada Border Services Agency confirmed that household garbage is prohibited from crossing the border but recyclable materials are permitted. "We don't control Canadian law and if people want to take stuff across into Canada we can't stop them," Lemperes said.

WUTC regulatory analyst Penny Ingram confirmed that Point Recycling and Refuse was the only certificated hauler who can dispose of and collect solid waste in Point Roberts. Recyclable materials can leave the waste stream, as long as they are taken either personally or through a licensed carrier to an appropriate facility. "If it goes to a commercial recycler they would need a common carrier and that is different from a regulated hauler." The WUTC issues certificates to common carriers as well as solid waste companies.

"It comes down to semantics," Wilkowski said. He thinks to call construction debris a recyclable is a misnomer. "Crunching up an entire house and hauling it out of here is a clear effort to dispose."

Wilkowski said the volume of material leaving the local garbage system threatens to make to local garbage company nonviable. "If tonnage leaves the system rates go up. If Timbers hauls 400-500 tons out of the system how do you think that affects our system?" he said, referring to the Canadian company that has been taking construction debris from the Point to Urban Woodwaste Recyclers in B.C.

The recycler runs through 180,000 tonnes of construction debris per year and recycles 80 percent of that as hog fuel for pulp mills, wood for paneling, metals and capping material for landfills.

Wilkowski said he takes in approximately 1,200 tons a year and it isn't enough to make the business profitable. The company reported gross revenue of \$375,000 and a net loss of \$15,000, which Wilkowski absorbed by taking it out of his \$60,000 annual salary. "I've taken a loss every year," he said. "The company is surviving on the depreciation of the infrastructure. This is a serious economic crisis and enough to break the system."

Local builder Ken Calder, who has used Timbers to haul recyclable construction debris to Canada, said he has based his decision on the economics: a large project in 2004 generated 260,000 pounds of debris. At the current dump fees that would have cost him \$28,000 to dispose of at the local transfer station. He paid \$5,400 for hauling costs and disposal fees at Urban Woodwaste Recyclers.

Today the per-pound fee at the local transfer station is 12.5 cents per pound. Urban Woodwaste Recyclers charges three cents to take recyclable construction waste. "And it's not all going straight into a landfill," Calder said, adding Urban Woodwaste Recyclers also provided an incentive to send them clean recyclables by charging lower fees for cleaner loads of a single material.

"Those contractors who are the first to scream when a Canadian company comes down here to work seem to think this is OK," Wilkowski said. "Yes, I need to provide lower cost options for construction and I'm working on it but it takes infrastructure. If I don't get the support of the community I don't have the volume to make it work."

Backing down on most of the ultimatums he issued at the beginning of the month, Wilkowski said he will work with the county on the clearly illegal ways waste leaves the system: burning, dumping and burying garbage.

BB:14
Pg. 13

"If we know it's happening there is something in the code where our health department can investigate and take action," Lemperes said. "It's one of those things that doesn't really have any teeth. I wish we had a litter cop. I'm sure all the fines he would collect could pay for his position for a year."

Wilkowski said he will work with the county on changes to the exemption program to improve its efficiency.

On February 8 Wilkowski also took action the WUTC is willing to consider, issuing notices of suspension of service to two local individuals for "exporting waste out of the solid waste system." The WUTC will now make an official decision as to whether or not it is legal to do so.

"That is involved in an investigation now," Ingram said. The garbage hauler can refuse service if he can demonstrate the customer is currently not complying with state, county or municipal regulations. "The company makes the notification first and then the customer contacts our commission," which determines if there is sufficient legal grounds to terminate service. Ingram said any terminations would not attach to a property but to an individual.

**WHATCOM COUNTY PROSECUTING ATTORNEY
DAVID S. McEACHRAN**

CHIEF CRIMINAL DEPUTY

Mac D. Setter

ASST. CHIEF CRIMINAL DEPUTY

Warren J. Page

CRIMINAL DEPUTIES

Craig D. Chambers
Elizabeth L. Gallery
David A. Graham
Eric J. Richey
James T. Hulbert
Rosemary H. Kaholokula
Ann L. Stodola
Jeffrey D. Sawyer
Anna Gigliotti
Shane P. Brady
Shannon Connor
Christopher D. Quinn
Sharon L. Fields
David E. Freeman

Whatcom County Courthouse
311 Grand Avenue, Second Floor
Bellingham, Washington 98225-4079
(360) 676-6784 FAX (360) 738-2532
COUNTY (360) 398-1310

CHIEF CIVIL DEPUTY

Randall J. Watts

CIVIL DEPUTIES

Karen L. Frakes
Daniel L. Gibson
Royce Buckingham

**CIVIL SUPPORT
ENFORCEMENT DEPUTIES**

Angela A. Cuevas
Dionne M. Clasen

APPELLATE DEPUTIES

Kimberly Thulin
Hillary A. Thomas

SENIOR ADMINISTRATOR

Kathy Walker

February 26, 2007

Mr. Ron Calder
575 Calder Drive
Point Roberts, WA 98281

Re: Garbage Pickup


Dear Mr. Calder:

Mr. McEachran has forwarded your letter concerning the situation up at Point Roberts to my attention. I have consulted both the Health Department and the Public Work Department in an effort to find out what is happening. While I agree that the advertisement in the *All Point Bulletin* is disturbing, I do not find it criminal.

The County has been in conversation with the franchise hauler in the area. The County has made it clear that he cannot bar anyone from dropping garbage at the transfer station. It is open to the public. Concerning the curb side, that is controlled by the State. Consequently if you feel you are being discriminated against at the transfer station you have civil remedies. However, I do not view it as criminal.

If you have any questions, please do not hesitate to contact me.

Sincerely,


RANDALL J. WATTS
Chief Civil Deputy
Prosecuting Attorney

RJW:tz

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WHATCOM COUNTY COUNCIL
Regular County Council

June 5, 2007

Council Chair Carl Weimer called the meeting to order at 7:01 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

<u>Present:</u>	<u>Absent:</u>
Barbara Brenner	L. Ward Nelson
Dan McShane	
Sam Crawford	
Seth Fleetwood	
Laurie Caskey-Schreiber	

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced there was an **update on open and soon to be open collective bargaining agreements (AB2007-018)** in executive session during the Committee of the Whole meeting.

Weimer also announced there was **consideration of an appeal filed by Jonathan Sitkin, Attorney for Whatcom County Fire District No. 21, regarding an application for a zoning conditional use permit to construct a three-story condominium building in the Resort Commercial Zone for Ocean Pointe Condominiums (AB2007-179)** in executive session during the Committee of the Whole meeting.

Brenner moved to uphold the Hearing Examiner's decision.

Motion carried 5-1 with McShane opposed.

SPECIAL PRESENTATIONS

1. EXECUTIVE KREMEN TO PROCLAIM HUNGER AWARENESS DAY (AB2007-017)

Pete Kremen, County Executive, read the proclamation in to the record. He introduced members of the Whatcom Anti-Hunger Coalition and presented the members with the proclamation.

Unidentified speaker, Whatcom Anti-Hunger Coalition, explained the activities and purpose of the coalition.

Brenner asked if the County can contribute to the Small Potatoes Gleaning Project. Kremen stated the administration has looked at how it can justify providing funds to that

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1 effort. At this time, the administration isn't able to find an acceptable method of providing
2 funds that the State Auditor would approve. The administration will still continue to try and
3 find a way to work with that organization. They need to be creative and resourceful. He will
4 support the project in any way he legally can.
5

6 **2. EXECUTIVE KREMEN TO PRESENT A CERTIFICATE OF GOOD PRACTICE TO**
7 **COUNTY ENGINEER (AB2007-017)**

8
9 Pete Kremen, County Executive, read a letter into the record from the County Road
10 Administration Board (CRAB) Director Jay Weber. He presented a certificate of good practice
11 to County Road Engineer Joe Rutan for the Engineering Division.
12

13
14 **MINUTES CONSENT**

15
16 **1. REGULAR COUNTY COUNCIL FOR MAY 8, 2007**

17
18 *Caskey-Schreiber moved* to approve the minutes.

19
20 *Motion carried unanimously.*
21

22
23 **OPEN SESSION**

24
25 The following people spoke:
26

27
28 Arthur Wilkowski, 218 Elizabeth Drive, Point Roberts, stated he owns and operates
29 Point Recycling and Refuse Company, the State regulated utility for garbage collection in
30 Point Roberts. In the past eight years with Point Recycling, he has taken a bankrupt and
31 broken down garbage company and transformed it into a modern company. He committed
32 to providing a personal level of service that exceeds all expectations, to know each of his
33 customers, and to treat his customers as friends and neighbors. As the lease operator of
34 the County transfer station, he transformed an under-serviced, poorly built site into a
35 modern station by installing all utilities, a scale house, and scale. He has rebuilt virtually
36 every part of the site. In the past two months, he's spent over \$20,000 on required
37 improvements, bringing his total investment in the site to over \$200,000. He has exceeded
38 his contract operating hours by over 200 percent and all County expectations of investment
39 in order to build a station that his community needs now and into the future. His site is
40 very popular with the community. He's been on the local garden tour and have, at times,
41 been considered Point Roberts' number one tourist attraction.

42
43 At the last Solid Waste Advisory Committee (SWAC) meeting, when he tried to
44 address certain long-term problems with design of the Point Roberts solid waste system,
45 Councilmember Brenner implied that he has lied, committed fraud, stolen from his
46 customers, and failed to fulfill his responsibilities to the community. Councilmember
47 Brenner has asked for his removal as operator of the County transfer station, and even as a
48 State regulated utility. She has done so in a very McCarthian manner, citing certain letters
49 and communications that only she has. She has denied his rights to due process and to
50 explain, defend, or counter her charges against him. In doing so, she has crossed the line
51 from being stubborn and opinionated politician, and has become a callous and abusive
tyrant, intent on the destruction of his company. Her personal hostility toward him stems

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1 from the numerous times he's argued against her on the SWAC when she has failed to
2 understand the County's proper solid waste authority, responsibilities, and obligations, or
3 when she has attempted to deny her opponents their right to due process and fair
4 representation.
5

6 If it is indeed the County Council's goal to remove him as the operator in Point
7 Roberts, he would hope that the County Council would actually talk to some people about
8 his company and his service. The County Council should talk to its own staff in the Solid
9 Waste Division, the Health Department, the roads department, and the Disposal of Toxics
10 about his commitment to the program. Talk to his customers about the reliable and fair
11 service he has provided. They will find that the vast majority of people in his community
12 consider him to be a hard-working, honest person, and they value his contributions and
13 efforts to serve them. Barbara Brenner has clearly allied herself with a small handful of
14 community troublemakers and bullies that have personal agendas against the local solid
15 waste utility. He is officially requesting, under the Freedom of Information Act, copies of all
16 emails, letters, and notes that Barbara Brenner has received or sent in the past six months
17 concerning his company and solid waste issues in Point Roberts. He requests the
18 opportunity to respond to any allegations made against him, and have everything submitted
19 to the SWAC and Council. He requests that the County attorney review all information to
20 determine if County Council person Barbara Brenner has exceeded her authority or
21 demonstrated unwarranted hostility toward him or his company.
22

23 If the County Council wants to actually deal with solid waste issues in Point Roberts,
24 the service level ordinance and the station lease are the jurisdiction of the County
25 Executive's Office. This issue should be addressed by that office at this time. He requests
26 that County Council person Barbara Brenner, due to demonstrated hostility toward him, be
27 removed from the process until the issue comes before the Council as a whole. He requests
28 that a substitute councilmember be appointed to liaison with the Executive's Office,
29 probably Carl Weimer, because of his significant solid waste expertise.
30

31 Weimer stated he received a letter today from the Solid Waste Advisory Committee
32 asking the Council to go to Point Roberts and hold a semi-official public hearing on some of
33 the same issues.
34

35 McShane asked Mr. Wilkowski when this occurred. Wilkowski stated it was at the
36 last meeting, last month.
37

38 McShane asked if Mr. Wilkowski has seen the minutes of that meeting. Wilkowski
39 stated he has.
40

41 McShane asked if the minutes reflect those statements regarding Ms. Brenner.
42 Wilkowski stated they do.
43

44 Caskey-Schreiber stated this is the first she has heard about this issue. She asked
45 what the problem is. Wilkowski stated Councilmember Brenner doesn't listen. She's a
46 bulldog. He's trying to get a rational discussion about the design of the solid waste system
47 that the County binds him to operate and serve. He operates under intense regulation and
48 constraint by both the County and the State. There are some problems that need to be
49 addressed. He's trying to have a rational dialog about it. Councilmember Brenner's
50 response, every time he's tried to come to the County with issues over the years, is to
51 attack.

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Caskey-Schreiber stated they all make decisions for the Council. Mr. Wilkowski is more than welcome to contact any one of them, and they will try to help him. Wilkowski stated that is why he's here.

Brenner stated that she never accused Mr. Wilkowski of anything. She said that it shouldn't be their position to take one side's word for anything. She said that repeatedly. If Mr. Wilkowski wants to take that as implying that, that's his problem, not hers. She also received a lot of letters, which she did pass on, and he actually saw them at the meeting because she passed them around to everybody. Somehow, the Solid Waste Division doesn't seem to have them now. She has been trying to locate most of them. She's found, she thinks, most of them.

She asked if the Solid Waste Division audiotapes the meetings. It's too bad. It doesn't reflect in the minutes. Mr. Wilkowski can accuse her of anything he wants. It goes with the territory. Just because she doesn't agree with his position doesn't mean he is necessarily rational, and she's not. It means they are having a disagreement. She stands by it. The Council has a fiduciary responsibility to the taxpayers everywhere to not just take any provider's word for anything when it's a utility and a monopoly. They are supposed to be there to ensure that the rights of the utility payers are being respected, too. It's not her job to take his word for anything.

Weimer stated the Council will discuss a SWAC request to have a meeting in Point Roberts. It sounds like some system issues need to be worked through, beside the personality issues.

Karen Frakes, Prosecutor's Office, stated a verbal public disclosure request isn't sufficient. If Mr. Wilkowski does want documents from the County, County policy requires that he file a written request. All that information is on the County website.

Johnnie Grames, 1506 E. Maplewood Avenue, Bellingham, stated that when a cow drinks water, it turns to milk. When a snakes drinks water, it turns to poison. He feels the opposite of the previous speaker about Councilmember Brenner. He is glad Councilmember Brenner is his representative.

In his neighborhood, there are quite a few McShane signs in the right-of-way. When people were voting on the new jail, which is law enforcement and big business, there were quite a few signs in the right-of-way. That sets a bad example. He doesn't want to make a big deal out of it in case he ends up in jail or having to approach the administration.

A person named Evan Knappenberger is doing a vigil downtown about doing a continuous tour of duty and a Pentagon program where they trap soldiers in the military. He hopes that the Council talks to Mr. Knappenberger. He is very articulate and a dedicated soldier. He comes from a military family. His father and grandfather were war heroes. He did tours of duty in Iraq. He will be downtown until Friday. There will be an op-ed piece in the Bellingham Herald tomorrow. Because of all the resources used for this war, people are affected on all levels. He submitted information on Mr. Knappenberger (*on file*).

Betsy Putterman, 3694 Birch Terrace Drive, Custer, stated she is a member of the Citizens Commission on Human Rights. She thanked the Council for the work it does.

DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

2. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, SIXTH REQUEST, IN THE AMOUNT OF \$1,841,651 (AB2007-254)

OTHER BUSINESS

Brenner stated she would like to have a public meeting in Point Roberts, which was the actual request she made to the Solid Waste Advisory Committee. If people have concerns, they should go up there.

Weimer asked if there was Council consent to have a meeting in Point Roberts.

Caskey-Schreiber stated the Clerk of the Council should email the councilmembers with suggested dates.

Weimer stated put off the meeting until at least the middle of July.

Crawford asked if they should get a recommendation from the Public Works Committee, since this is a public works issue.

Brenner stated she wanted the SWAC to go up there or contact the Utilities and Transportation Commission first. The Utilities and Transportation Commission is set up to analyze or audit someone's utility business. When asked, Mr. Wilkowski said the Utilities and Transportation Commission refused. She talked to the spokesman from the Utilities and Transportation Commission (UTC), who said the UTC refused because Mr. Wilkowski did not want an audit or an analysis, but wanted them to advocate for him to the Council. That's not what the UTC does. She feels strongly that they should have some kind of financial analysis before they do much of anything. Mr. Wilkowski is the one who has to ask for it. Mr. Wilkowski can get an audit if he applies for a tariff increase. He can also just request the UTC to do an analysis of his business. It's an important element to have before they make a decision.

Caskey-Schreiber stated ask the SWAC for a recommendation, and then go from there.

Brenner stated the SWAC decided to not make a recommendation because they hadn't gone to Point Roberts and didn't have all the information. The Council can't force them to go up there. She recommended that they do that.

Fleetwood asked if it's necessary to go up there to get the sufficient information to make the decision.

Brenner stated it's only fair if they are going to do any significant change in garbage service for an area. They should get some input from the people who live there.

Fleetwood stated he agrees with that. He asked if it's necessary to go to Point Roberts in order to hear from Point Roberts residents.

Brenner stated not everyone has email. She's gotten phone calls, email, and letters, but it's common courtesy to go up there if they are going to make significant changes. Before that, they still need some kind of an economic analysis, which the UTC does.

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Weimer asked if Mr. Wilkowski is asking for these changes because he says he can't make a go of it economically.

Brenner stated he is.

Crawford stated the service provider is requesting a change based on what he thinks is economically practical. If the SWAC did have a recommendation, then the Public Works Department would probably go ahead and write an ordinance for the Council to consider after a public hearing. In this case, the SWAC isn't making a recommendation and isn't interested in going to Point Roberts. All that can come out of a hearing in Point Roberts is that the Council would ask the Public Works Department to write an ordinance.

Because of Point Roberts' unique location, it's a tough situation. The Council should strongly encourage the SWAC to have a hearing in Point Roberts and then make a recommendation to the Council if changes need to be made.

McShane stated the SWAC outlined three options in a letter from Rod Pemble, and recommended that the Council have a hearing in Point Roberts on those three options. The Council needs to have an ordinance, or multiple ordinances, to reflect those options. This came up once before when he was on the SWAC. Consider whether this is consistent with the goals of the Solid Waste Plan. The SWAC was silent on that. It's worth hearing from the citizens, which is the advice from the SWAC.

Brenner stated she suggests that the Council go to Point Roberts to hear from the residents. At the same time, ask Mr. Wilkowski to request a financial analysis of his business from the UTC. She's not comfortable making the decision without someone looking over his shoulder and deciding that this is necessary.

Caskey-Schreiber stated that if the County contacts with this provider, then it should be the contractor's decision if he needs to do a change of business practice to make it work. The question is whether the County tries to work with the contractor to keep him viable.

Weimer stated it's complicated because the provider has a G permit, which means he's a State-regulated monopoly.

Brenner stated that's why it's up to the State to make a determination on financial analysis of whether he's within his bounds to make this request.

McShane stated SWAC did not make a formal recommendation about UTC analysis. This should be sent to the Public Works Committee, which may have potential appearance of fairness issues. It should go to committee to work on potential language for a hearing. Send the language to the Solid Waste Advisory Committee for a recommendation. The SWAC should say on what it wants the Council to have a hearing. The SWAC is not going to make a recommendation other than the Council should have a hearing. Then have a hearing in Point Roberts about the desires of the residents. After they decide the option, it's up to the UTC to determine the correct rates.

Caskey-Schreiber stated they should get all the information possible. She is clueless on this process, issue, and situation. She is concerned about the public saying that the service should be left as it is, but the provider not being able to make it work financially.

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Crawford stated that if they do all this in good faith, then the provider has an excellent case with the UTC to raise his rates.

McShane stated the Public Works Committee and Council should come up with an ordinance, and then run it by the SWAC.

Brenner stated that the letter from Rod Pemble didn't represent the SWAC, just his own questions. All the letters she received weren't included because staff couldn't find all the letters. It's up to her to locate them. She made copies of the letters and distributed them at the meeting.

McShane stated a SWAC action item was that Rod Pemble was to write a letter to the Council to request a meeting in Point Roberts.

Brenner stated this would be scheduled in the Public Works Committee on July 10.

Weimer stated the Council will host a special Council meeting as the Health Board on June 7. A quorum of councilmembers will be present.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

Brenner stated the Women in Timber are having a timber tour on Friday. It's an incredible tour. She encouraged everyone to attend.

ADJOURN

The meeting adjourned at 8:31 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on _____, 2007.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

BB-16
Pg 1

From: <BBGUN1010@aol.com>
To: <bbshutterbug@verizon.net>, <BBrenner@co.whatcom.wa.us>, <council@co.whatcom.wa.us>
Date: 8/3/07 5:47PM
Subject: Re: Pt Roberts recycling and garbage situation

RECEIVED

AUG 08 2007

WHATCOM COUNTY
COUNCIL

Brenner

Hi Karl,

thank you for your comments. I am still advocating that we do not simply take a monopoly's word for it that everything is being done in an efficient manner.

Barbara Brenner

In a message dated 8/2/2007 5:19:55 P.M. Pacific Daylight Time, bbshutterbug@verizon.net writes:

Barbara,

In the current issue of the All Point Bulletin, there is a letter from Knick Pyles (employee or supporter/friend of Arthur's?) who claims that all recyclable materials are NOT "co-mingled with our garbage and disposed of in contiguous Whatcom County".

Well, I have visited the dump several times, have seen numerous containers that have been filled with all sorts of mixed materials, and have discussed this with Arthur. I have found him to be quite unfriendly, if not arrogant and unwilling to change his attitude on how he handles the items entering his area.

I have seen large amounts of cardboard in the same container as yard waste, metal scrap and the usual refuse cast off by households (just two weeks ago). There has been no effort, that I have seen, to separate these materials into separate containers which could then be recycled much easier.

He does have a container for metal - but he does not ensure that users actually put materials into the proper bins. Just several weeks ago I saw cases of beer bottles in the regular trash container along with many other recyclable items. So, it is not all his fault - but he could certainly be more responsible about getting people to be smart about disposing of their items into the correct bins.

I seriously doubt that anyone is going through these containers and pulling out the recyclable items.

I even suggested to Arthur that he start putting all the yard waste - leaves, brush, limbs, grass, etc., - into one container which he could easily turn regularly with his backhoe and he would have a thriving compost business, which despite his refusal to believe it, would be a welcomed activity at the point.

He currently charges as much for yard waste as for anything. If he were composting the natural stuff, he could charge less and make money on reselling the compost. And by charging less those who currently burn their yard waste

BB-16
Pg 2

(and creating damage to the air) might be convinced to take it to the composter.

The operation there could be run much more efficiently and certainly much more environmentally smart - but I think a new person would have to take it over.

Anyway, I would enjoy being involved with any discussion of this situation, which is getting to be a hot issue with Pt. Roberts residents and visitors.

Karl King

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.476 / Virus Database: 269.11.2/933 - Release Date: 8/2/2007
2:22 PM

***** Get a sneak peek of the all-new AOL at
<http://discover.aol.com/memed/aolcom30tour>

BB-16
Pg 3

From: <BBGUN1010@aol.com>
To: <bbshutterbug@verizon.net>, <BBrenner@co.whatcom.wa.us>, <BBGUN1010@aol.com>, <cweimer@co.whatcom.wa.us>
Date: 9/3/07 5:42PM
Subject: Re: Pt Roberts - Glass recycling

Hi Karl,

Because of its location it is impossible to treat Pt. Roberts exactly like the rest of the county. In fact it costs the county a lot to have full time deputies there. We don't do that in most of the rest of Whatcom County. So we already make special provisions for the Point. But it would be prohibitively expensive to provide the same level of services to the Point as we provide on the mainland. That said I do believe glass and plastic should be recycled from the Point.

However, recycling is a private business. Hopefully we will be able to find someone who is interested in doing glass and plastic recycling. Perhaps a Canadian company. It is legal to take recyclables into Canada. I had assumed the recycling and refuse company at the point was doing it already. I will do some checking.

Barbara

In a message dated 9/3/2007 1:51:23 P.M. Pacific Daylight Time, bbshutterbug@verizon.net writes:

Barbara,

I was at Pt. Roberts this past weekend and saw a huge pile of glass bottles sitting by the dumpster in Lighthouse Park. Before I could discuss this with someone one of the workers put them into the dumpster - as there is no plastic or glass recycling services available at the Pt. However, I backed up to the dumpster and loaded the back end with all the six-pack containers of glass bottles and various plastic bottles. They have been recycled this morning.

Pt. Roberts is part of Whatcom County. The driving laws apply here, home owners pay taxes to Whatcom County and it is patrolled by Whatcom County Sheriff's Department. Why then is the trash and recycling not handled as it is in the lower part?

I keep asking this and have yet to receive an acceptable answer. We are talking about a large volume of items that are going needlessly into landfill simply because no one is driving this situation to a resolution.

So, I will ask again: What has to be done to get recycling of glass and plastic items instituted? With the new law passed requiring special events, even in Pt. Roberts, to set up recycling this seems like the right time to bring this matter to a definite conclusion.

Regards,

Karl

RECEIVED

SEP 04 2007

WHATCOM COUNTY
COUNCIL

Brenner

BB-17
Pg 1

From: <BBGUN1010@aol.com>
To: <mdowe@dowemarketing.com>
CC: <fabart@co.whatcom.wa.us>
Date: 7/14/2008 7:09 PM
Subject: Pt Roberts garbage service

Below I have copied you a response I recently sent to a person in Point Roberts who made similar comments. I believe they will answer your concerns. I understand the operator is now taking out ads in which he makes claims. I will copy you another e-mail answering those claims.

Barbara Brenner, Whatcom County Council Member

Perhaps you are privy to some verifiable auditing by a Washington State Utilities and Transportation Commission (UTC) representative who has told you that the existing Pt Roberts requirements are "not economically feasible" at the Point. I do not believe Whatcom County has been presented such information by the UTC. I have never seen any documentation that shows the current requirements are not economically feasible.

The current operator is a licensed monopoly. The only agency that can audit this company's books is the UTC. A hearing has been requested before the UTC to make a number of economic and other determinations. There is no way for Whatcom County to make these determinations. But the Whatcom County Council has the responsibility to ensure the ratepayers in Pt Roberts get garbage and recycling collection services without paying more than a fair cost. We are also responsible for determining what services will be provided.

The current operator has indicated he will close his operation in October. If that occurs, Whatcom County will ensure services are provided in the interim until there is a request from the UTC for a bid on the license.

Since the existing business is a state licensed monopoly, no bids on the services can be obtained until or unless the current operation ceases or the operator sends a letter to the UTC stating his intent to close operations.

Unlike the licensee, Whatcom County Government is limited in what we can say or do because the licensee is a monopoly.

Thank you for your interest in environmentally sound garbage and recycling collection services.

Barbara Brenner, Whatcom County Council Member

*****Get the scoop on last night's hottest shows and the live music scene in your area - Check out TourTracker.com!
(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

BB-17
Pg 2

From: <BBGUN1010@aol.com>
To: <mdowe@dowemarketing.com>
CC: <fabart@co.whatcom.wa.us>
Date: 7/14/2008 7:16 PM
Subject: Pt Roberts garbage #2

Below is another recent reply that might give you more insight as to the process.

Barbara Brenner, Whatcom County Council Member

Whatcom County is not forcing the current operator out of business. Unfortunately because of the provider's monopoly status, we do not audit his finances nor get any competitive bids if we make changes because recycling is not feasible without garbage collection and the garbage collection is done by a monopolistic license from the state. We must be very careful about making any changes and we are limited in our information. It is the duty of the Washington State Utility and Transportation Commission to make many of the determinations on which we must base our decisions. That takes time but the process for that to happen has begun.

I am running most of these related e-mails past our attorney and I know what he says I can share. That is the county's predicament. Unlike the contractor, the county is limited in what we can say. Although the county would not sue the contractor no matter what he says, we can be sued whether the suit is frivolous or not. I also have a responsibility to taxpayers to prevent lawsuits where I can. I will say our attorney does not limit our comments lightly. It is very difficult for me to keep my mouth shut. Everyone who knows me knows I believe in the most open of government. I don't take this limit lightly.

I will keep you informed as much as I am able.

Barbara Brenner, Whatcom County Council Member

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(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

BB-17
pg 3

From: <BBGUN1010@aol.com>
To: <mdowe@dowemarketing.com>
CC: <fabart@co.whatcom.wa.us>
Date: 7/14/2008 7:53 PM
Subject: Pt Roberts garbage

Hopefully the e-mail excerpt I have included below will also help correct some inaccurate statements.

I do believe PRR had other options instead of purchasing a brand new recycling truck with all its bells and whistles and paid for by the ratepayers.

I know for a fact the county is not "requiring" PRR to charge for drop-off recycling. I know for a fact the county does not "require" PRR to only be open two days a week. I know for a fact if his business closes down you will not be without garbage service. The county does require PRR be open AT LEAST two days a week. The county also allows PRR to collect for drop-off recycling. I believe he can charge UP TO a nickel a pound, but I am not sure about the nickel part. PRR is choosing these costs and inconveniences.

But most of all, I am truly sorry for the stress this is causing the residents of Pt Roberts. Unlike the contractor, we are required to protect the ratepayers and the public purse. The contractor knows very well he can make claims any time he wants. The county is protecting you all from frivolous lawsuits. That is our job. It is also the reason we are limited in our comments.

Barbara Brenner, Whatcom County Council Member

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(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

BB-17
Pg 4

From: Frank Abart
To: Jon Hutchings; Penni Lemperes
Date: 7/15/2008 10:51 AM
Subject: Fwd: Pt Roberts garbage service

>>> <BBGUN1010@aol.com> 7/14/2008 7:09 PM >>>

Below I have copied you a response I recently sent to a person in Point Roberts who made similar comments. I believe they will answer your concerns. I understand the operator is now taking out ads in which he makes claims. I will copy you another e-mail answering those claims.

Barbara Brenner, Whatcom County Council Member

Perhaps you are privy to some verifiable auditing by a Washington State Utilities and Transportation Commission (UTC) representative who has told you that the existing Pt Roberts requirements are "not economically feasible" at the Point. I do not believe Whatcom County has been presented such information by the UTC. I have never seen any documentation that shows the current requirements are not economically feasible.

The current operator is a licensed monopoly. The only agency that can audit this company's books is the UTC. A hearing has been requested before the UTC to make a number of economic and other determinations. There is no way for Whatcom County to make these determinations. But the Whatcom County Council has the responsibility to ensure the ratepayers in Pt Roberts get garbage and recycling collection services without paying more than a fair cost. We are also responsible for determining what services will be provided.

The current operator has indicated he will close his operation in October. If that occurs, Whatcom County will ensure services are provided in the interim until there is a request from the UTC for a bid on the license.

Since the existing business is a state licensed monopoly, no bids on the services can be obtained until or unless the current operation ceases or the operator sends a letter to the UTC stating his intent to close operations.

Unlike the licensee, Whatcom County Government is limited in what we can say or do because the licensee is a monopoly.

Thank you for your interest in environmentally sound garbage and recycling collection services.

Barbara Brenner, Whatcom County Council Member

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(<http://www.tourtracker.com?NCID=aolmus0005000000112>)

BB-17
Pg 5

From: Frank Abart
To: Jon Hutchings; Penni Lemperes
Date: 7/15/2008 10:52 AM
Subject: Fwd: Pt Roberts garbage #2

>>> <BBGUN1010@aol.com> 7/14/2008 7:15 PM >>>

Below is another recent reply that might give you more insight as to the process.

Barbara Brenner, Whatcom County Council Member

Whatcom County is not forcing the current operator out of business. Unfortunately because of the provider's monopoly status, we do not audit his finances nor get any competitive bids if we make changes because recycling is not feasible without garbage collection and the garbage collection is done by a monopolistic license from the state. We must be very careful about making any changes and we are limited in our information. It is the duty of the Washington State Utility and Transportation Commission to make many of the determinations on which we must base our decisions. That takes time but the process for that to happen has begun.

I am running most of these related e-mails past our attorney and I know what he says I can share. That is the county's predicament. Unlike the contractor, the county is limited in what we can say. Although the county would not sue the contractor no matter what he says, we can be sued whether the suit is frivolous or not. I also have a responsibility to taxpayers to prevent lawsuits where I can. I will say our attorney does not limit our comments lightly. It is very difficult for me to keep my mouth shut. Everyone who knows me knows I believe in the most open of government. I don't take this limit lightly.

I will keep you informed as much as I am able.

Barbara Brenner, Whatcom County Council Member

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(<http://www.tourtracker.com?NCID=aolmus0005000000112>)

BB-17
Pg 6

From: <BBGUN1010@aol.com>
To: <dgibson@co.whatcom.wa.us>, <fabart@co.whatcom.wa.us>
Date: 7/16/2008 8:49 AM
Subject: Brenner response to garbage flyer
Attachments: 7-15-08 Pt Roberts garbage flyer.doc

Dan, I wanted to run this response by you. I believe it should be answered. From the comments I keep getting from Pt. Roberts residents, it appears Whatcom County has not been adequately responding to residents' concerns. I will send you the flyer in case you haven't seen it.

Barbara Brenner

*****Get the scoop on last night's hottest shows and the live music scene in your area - Check out TourTracker.com!
(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

A Point Roberts resident sent me a copy of a flyer she said was inserted in either a bill or something she was given at the transfer station.

Although she said it was from PRR I have a very hard time believing anyone would write such ridiculous crap and claim it as true so I am not going to assume it came from the company. Wherever it came from, the flyer is horribly inaccurate.

Here are accurate corrections to the flyer. But I do have to wonder how anyone could write some of this baloney. I am interested in knowing if anyone else received it and if so, from where?

Whatcom County would never "insist(ed the company) cancel the free self-haul recycling". I am not even sure that would be legal but the bottom line is it never happened.

Our only insistence has been that any contractor live up to a contract that was voluntarily entered into with the county. I believe it would be discriminatory and probably illegal to allow any contractor to unilaterally stop providing services that he/she contracted to provide, especially without Whatcom County having any way to substantiate a financial need except the contractor's claim. This contract is not about who we like and who we don't. It is about a violated, voluntarily entered into contract.

The hearing mentioned in the flyer would be before the Washington State Utilities and Transportation Commission, the agency that can audit finances and make economic determinations needed by Whatcom County to be able to consider any possible changes. It was the contractor, not Whatcom County that violated the contract before we have any actual provable financial information. I find it strange that anyone might just take someone's word when dealing with the public's money. Again, I do not believe that is a legal option for the county because we have a financial responsibility to all Whatcom County taxpayers. If we gave discriminatory preferred treatment to any contractor who never showed financial objective third party proof of a need, there would be nothing stopping all contractors from unilaterally cutting services and demanding more money any time they want. That is why we have a careful public process. How would we be able to assess the merits of a contractor's claims without proof? What if a contractor is just a poor financial manager who either can't or won't be the most effective he/she could be? There are certainly other ways in Point Roberts to collect curbside recycling than buying a brand new recycling truck with all the bells and whistles at ratepayers' expense. I would be really quite surprised if someone might think government can operate simply on claims by anyone who stands to financially benefit from our decision.

The county has attempted "discussion,... and (or) debate" with the contractor for months before asking the WUTC to make a determination. That is all we can do because we cannot prove a financial need without objective third party proof and the WUTC is the only agency that can do that. The contractor should be delighted if his assessment is accurate. The county has had an ongoing dialog with the company. What we haven't had is objective third party auditing of the company's finances. Only the WUTC can do that.

The county merely sets a minimum amount of transfer station hours to prevent recipients of the service from not getting any service. The county has a requirement that the transfer station be open AT LEAST two days a week for four hours a day I believe. I know the county would be absolutely fine if the contractor wants to be open 24/7. Services and rates were voluntarily negotiated with the contractor. Instead of being set by the county as the flyer states, the county government portion of service and rate settings are set by the county and the contractor together as is evidenced by the fact that the contractor's voluntarily agreed to the rates and services.

There is absolutely no possibility for there to be "no garbage collection company" in Point Roberts. It would be illegal. If the company chooses to stop service, the state and the county must ensure you have garbage service.

The county isn't destroying anything. We are obeying the law, which we cannot choose to violate. We are not talking about a wink and a nod here. We are talking about the law. When we were sworn in, we swore to uphold the laws of the state and the county. We could be thrown out of office for intentionally violating the law as a council and maybe that would be fine with some. Maybe that is what the flyer writer has in mind.

We have done our jobs. We have negotiated a "sustainable and practical system design" according to the contractor who voluntary signed the contract. We cannot support anyone with public money without proof of a necessary financial need. If we were going to change any other contract, we would generally be required to go back out for a bid. In this case, because the contractor is a state licensed monopoly, there is little we can do.

The county cares about Pt. Roberts. I am part of the county and I care about Pt. Roberts or I wouldn't be spending this much time correcting such garbage. How we got to this point is not "county apathy". It is a violated voluntarily entered into contract.

For those of you who did not receive such a flyer, I apologize if any of my responses are not understandable to you. For those of you who did, please let me know from where you received it.

Please forward this on to any Pt. Roberts residents you can.

Barbara Brenner, Whatcom County Council Member

BB-17
Pg 9

From: Daniel Gibson
To: Frank Abart; Jon Hutchings
Date: 7/16/2008 9:35 AM
Subject: Fwd: Brenner response to garbage flyer
Attachments: Brenner response to garbage flyer

Gentlemen:

I am forwarding (attached) the latest communication that I have received from Barbara Brenner on Pt. Roberts garbage issues. The previous contacts were by phone, but the pattern is similar in that she wants me to review her written material prior to sending it out. I'm glad that Barbara is asking someone to take a look at it, but being a copy editor for her on this is not a good use of my time. To a certain extent, Barbara is moving to fill a vacuum in terms of response to Arthur's communiques to Pt. Roberts residents. We would be better served by a Public Works/Solid Waste response to this stuff from Arthur rather than have the County's response defined by one Council member with her unique perspective on this matter. I await your response.

Daniel L. Gibson
Asst. Chief Civil Deputy Prosecutor
Whatcom County
dgibson@co.whatcom.wa.us
360.676.6692 (Public Works) or 360.676.6784 (Prosecutor's Ofc.)

Ab2008-210v
B13-18
pg 1

From: <BBGUN1010@aol.com>
To: Council@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us;
FAbart@co.whatcom.wa.us; PKremen@co.whatcom.wa.us
Date: Thu, Aug 14, 2008 3:23 PM
Subject: Re: Pt. Roberts Solid Waste/Recycling Issues

Memo to Pete Kremen, Whatcom County Executive
Frank Abart, Public Works Director
Jon Hutchings, Water Resources Manager
Council Members

There were points raised at last night's meeting that convinced me we know very little about what is going on there.

If, as a number of residents stated, curbside recycling is sometimes being co-mingled with garbage when it is picked up, it is very possible that there is not more recycling being done using drop off recycling at the transfer station. It is very possible residents are doing the same amount of recycling and prevention of co-mingling is being accomplished by residents dropping off their recyclables. The residents should not be penalized for that, especially since curbside is necessary for some residents because of health reasons.

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WHATCOM COUNTY CLERK

It was very clear, even by the contractor's comments that he has very few curbside recycling customers. That should translate into being able to use a very small vehicle and spend very little time doing curbside recycling since Pt. Roberts is such a small area. Of course I am not allowed to tell him how to run his business. But I can say it doesn't appear to be a financial hardship for a contractor as long as he keeps his services in scale with his clients.

I was just told the contractor's attorney wrote the UTC claiming that we have a tentative agreement that certainly could be and is being translated by residents that we have tentatively agreed to changes. I never saw the letter until today. Pt. Roberts residents saw the letter AFTER the meeting. If the contractor believed that was correct, why didn't he say it at the meeting? I certainly would have stated that is not my understanding. The only agreement we MIGHT have is that we want to work to update solid waste services for the Point and would postpone the hearing to determine if we can do that. Unfortunately a council member unilaterally drafted an ordinance that made unsubstantiated claims about why changes to curbside recycling were necessary and that draft seems to be on a fast track with SWAC.

There was a video of the meeting. I hope Pt. Roberts residents will summarize statements into written minutes and send to the county council and the executive's office. I said at last night's meeting that I would support a short, time-specific interim contract so we have the time to update our exemption process. We definitely haven't decided what would be in that interim contract. I do believe there are circular discussions floating around between the contractor and some council members and/or SWAC members. I believe there are circular discussions between the UTC and the contractor and between the UTC and the county. I don't believe I am getting adequate information to make the best decision.

According to Council Member Weimer, he met with UTC attorneys who he says told him the county could have problems because we haven't enforced our exemption and he said they told him Council Member Brenner was fanning the flames of

dissent in Pt. Roberts. I was advised to zip my lip, which I did for a couple of weeks. I am starting to think there are lots of political games being played and the real losers are the Pt. Roberts residents.

I also have a problem with anything going to SWAC without first getting an objective third party survey done of the point, maybe using a genuine solid waste specialist, Jeff Brown (if he will agree to do it), Christina, the environmental researcher from the Exec's office, and some residents from the Point who are obviously very well informed about what is possible in recycling. Before last night I had no idea styrafoam could be recycled. Apparently there is a company doing just that in Canada. Recyclables can be taken across the border.

When we forwarded a general issue of Pt. Roberts services to the SWAC it was my understanding it would take a while to wind its way through the process. Then I was notified that a SWAC meeting regarding a council member's draft ordinance to eliminate curbside might be scheduled for the day before we were going to Pt. Roberts. I called Dr. Hutchings at public works to ask if he could postpone. I called the SWAC secretary and told her it was my understanding the issue for SWAC was much broader than that ordinance. It was supposed to be many related issues. I have been having the feeling that many just want this over. I understand the frustration. But it is not the fault of the Pt. Roberts residents and they should not be punished with a quick and sloppy decision based on unsubstantiated claims. The Pt. Roberts residents were not responsible for all the inaccurate information and rumors that were spread. They were not responsible for the discontinuation of services. They were not responsible for threats and intimidation. They responded out of fear.

After last night I believe we can come up with a formula for the Point that will satisfy most residents, create better recycling opportunities, and be cost-effective. Last night the contractor said he can not charge more than his costs but we aren't allowed by law to question his efficiency or advise him on how to reduce costs without reducing services. Once we set up service levels it appears to me to be a blank check. I think we need to have a recycling contract that gives the county the ability to do efficiency audits. For example, how do we know curbside recycling is not cost effective at the point? How do we know drop off creates more recycling than a combination of both? How do we know we can't have both at low rates? How do we know everything is being done as efficiently as possible? Are the rate payers being charged for anything the contractor decides to print as advertisement, whether accurate or not?

At this point from what I heard last night, there appears to be no financial hardship for a contractor to provide curbside recycling and perhaps other types of recycling too. Who knows, maybe the point residents will show us a thing or two about better recycling if we give them a real chance. I think we lost our focus about recycling because we haven't done the research needed. We have been simply accepting unsubstantiated claims.

Barbara Brenner, Whatcom County Council Member

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AB2008-20 ✓
BB-19
Pg 1

From: <BBGUN1010@aol.com>
To: mkaech@utc.wa.gov
Date: Fri, Aug 15, 2008 11:25 AM
Subject: Whatcom County Council Member Brenner letter re: Point Roberts recycling

August 15, 2008

Margret L Käech
UTC- Administrative Law Division
PO Box 47250
Olympia, WA 98504-7250
(360) 664-1140
mkaech@utc.wa.gov (mailto:mkaech@utc.wa.gov)

Dear Ms. Kaech,

Please consider this correspondence my formal complaint as an individual Whatcom County Council member regarding the Washington State Utilities and Transportation Commission's (UTC) misleading and intimidating tactics related to ongoing problems with the Pt. Roberts solid waste stream. A hard copy will follow.

I was told by the chair of our council, Carl Weimer, that UTC attorneys informed him I helped create the problems at Pt. Roberts by fanning the flames of dissent regarding the current G certificated contractor. My actions as a council member representing the residents of Pt. Roberts are my duty and I stand behind them. I was told that the UTC attorneys claimed that I may have liability for my comments. If those are indeed comments from UTC attorneys to our council chair they constitute clear attempted intimidation of an elected official by a government agency and are completely lacking in merit as to their substance. I admit I was initially intimidated. Now I am angry.

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ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

On top of that, according to a Whatcom County Public Works staff person, the UTC has just issued a statement claiming all parties are agreeing to postpone a hearing because we are "in negotiations" with the contractor. I know of no negotiations we are in with the contractor. The county council passed a motion to open up broad recycling issues for discussion regarding Pt. Roberts. We are discussing these issues with all concerned parties, including many Pt. Roberts residents. It has always been my clear understanding that we postponed the hearing because we wanted to open up these discussions and because, according to Council Member Weimer, UTC attorneys said the county is not in compliance with our contract in that we have not updated our exemption process. We are also in the process of doing that.

Beyond these specific complaints I believe the UTC has repeatedly tried to rid itself of its legal responsibilities by blaming them on the county and on me in particular. Your agency is paid by the taxpayers as is Whatcom County government and I find it repugnant that the UTC continues to absolve itself of its responsibility by pointing fingers in other directions. Unlike the UTC, Whatcom County Government is moving to address its responsibilities.

The UTC has made other inaccurate claims that have very likely influenced county government. One such inaccurate claim was that the UTC asked if there were any "companies" interested in taking over the Pt. Roberts solid waste business if the current contractor discontinues. According to the UTC, there were

none. While the use of the word "companies" might be technically accurate, it is definitely misleading to state that no one else was interested. I believe the UTC has intentionally used misleading language to imply inaccurate conclusions. This inaccurate claim has been repeated by our council chair and by county administrative staff.

I do not know what is available for the Pt. Roberts residents regarding their solid waste stream. I do know the UTC is failing the Pt. Roberts residents and the Washington state taxpayers by pointing fingers at this elected official instead of doing its job. If there ever comes an opportunity for me to add my voice to others who have been unfairly targeted by the UTC I will not hesitate.

Barbara Brenner, Whatcom County Council Member

- cc. Christine Gregoire, Washington State Governor
- Rob McKenna, Washington State Attorney General
- Pete Kremen, Whatcom County Executive
- Whatcom County Council Members

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(<http://autos.aol.com/cars-Volkswagen-Jetta-2009/expert-review?ncid=aolaut00030000000007>)

CC: Council@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us;
FAbart@co.whatcom.wa.us; PKremen@co.whatcom.wa.us; ellen.landino@gov.wa.gov; ...

AB2008-20 ✓
BB-29

From: <BBGUN1010@aol.com>
To: PKremen@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us;
FAbart@co.whatcom.wa.us
Date: Fri, Aug 15, 2008 9:17 AM
Subject: Re: Dockets TG-080913/TG-080914/TG-081089 (Consolidated) Points Recycling - N...

As an individual council member I am writing to the WUTC to make it very clear that I believe they are using the same type of distorted language to put Whatcom County in a legal position where it looks like we promised something that we didn't. I believe the contractor's attorney and the UTC have crossed the line.

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WHATCOM COUNTY COUNCIL

You can only clarify so much before it merely looks like political doublespeak from everyone. I hope the county administration will send a strong letter to the UTC that we do not appreciate their underhanded tactics. They will only get away with this if the county lets them.

We are not engaged in negotiations with the contractor. We are upgrading our exemption process so that we are not liable for not upgrading it. We are "talking about solutions" with everyone interested regarding the Pt. Roberts waste stream, including the residents of Pt. Roberts who want to be included. I would not call that "engaged in negotiations". I would call it, determining how to handle Pt. Roberts recycling. It was the contractor who inaccurately claimed we weren't communicating with him. We bit. Now we are accused of being in negotiations with him and having a tentative agreement with him that just needs legislative approval. Maybe if we keep our mouths shut long enough, we will have signed a lifetime contract to do nothing.

Enough.

Barbara Brenner, Whatcom County Council Member

Barbara Brenner, Whatcom County Council Member
In a message dated 8/15/2008 8:36:03 A.M. Pacific Daylight Time, Council@co.whatcom.wa.us writes:

>>> Jon Hutchings 08/14/08 5:45 PM >>>
Pete and Frank,

Please be aware that the UTC notice rescheduling the pre-hearing conference came out today. I am sure that the notice will generate a new wave of concerns from the community. It is important to communicate that "...engaged in negotiations" means that the parties are talking about solutions (in this case with SWAC and community involvement) as opposed to meaning closed-door discussions between the County and PRR.

The next meeting of the SWAC will be its regularly scheduled September date.

Respectfully,

Jon

HB2008-20 ✓

BB-21
Pg 1

From: Carl Weimer <carlweimer@comcast.net>
To: campfam@comcast.net; SFleetwo@co.whatcom.wa.us; SCrawfor@co.whatcom.wa.us; RKelly@co.whatcom.wa.us; LCaskeyS@co.whatcom.wa.us; LordWard@aol.com; ...
Date: Fri, Aug 15, 2008 1:22 PM
Subject: Re: Whatcom County Council Member Brenner letter re: Point Roberts recycling

Barbara,

There are so many inaccurate things in your note to the WUTC that I don't have the time to try to correct them all right now. I suspect that this letter to them will make finding a good solution for Point Roberts more difficult, and waste a good deal of the County's staff time trying to correct this.

The one thing that I do want to correct is your ongoing repeated statement that I spoke with WUTC attorneys. I did not. I spoke with the WUTC executive director and the head of their division that oversees garbage. What they told me was that it is very unclear how an administrative law judge would rule on the County's request regarding Mr Wilkowski. They said this is complicated because while Mr Wilkowski is obviously not complying with the County's solid waste rules regarding curbside collection of recyclables, it also seems clear that the County is not enforcing its requirements that everyone be on garbage/recycling service or have an exemption to that service. Mr Wilkowski has done a very good job of building a record over the past years that paints the picture of him requesting the County over and over again to enforce its rules so he can run a viable business to meet the County's collection requirements, and the County has failed to respond and do that. Part of that record against the County includes all the correspondence from you to him and others in Pt Roberts, along with your comments at SWAC meetings, where it appears you have targeted just his business with no equal concerns about the County's handling of the system up there.

I never said UTC attorneys say you have liability for your comments. As stated above I have not talked to any UTC attorneys. What I tried to convey was that the County's case about Mr Wilkowski's failure to follow the County's curbside recycling requirements may be undermined, in part, because of the record you are unwittingly helping Mr Wilkowski paint. My request that you refrain from more correspondence on the Point Roberts issue was an attempt to protect the County's interest with a legal hearing on the issue looming.

Finally your claim that you know nothing about negotiations seems either to be semantic gymnastics or disingenuous. Our vote to send this all to SWAC for a wholistic examination, along with the direction we gave our lawyers regarding the pending hearing, all seem to indicate the willingness of the County to try to find a negotiated solution for the betterment of garbage and recycling issues in Point Roberts. I suggest you read Jon Hutchings note from yesterday again. I thought he summed up very well the various miscommunications that have lead some, including you I guess, to misinterpret a few short sentences into something that they are not. To the best of my knowledge the only thing the County and the WUTC are up to is trying to find a path forward that will include the best interests and involvement of everyone. The WUTC has very little involvement other

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WHATCOM COUNTY COUNCIL
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Brown-DAVIS

than to delay the hearing to allow us to try to come up with a local solution to this problem that will include all those involved. We are just starting down that path with no real discussions yet about what the possible solution might be. Hopefully you haven't derailed that possible positive process by your failure to get the facts, inaccurate allegations, and generally nasty tone.

Carl

At 11:40 AM -0700 8/15/08, Council Council wrote:

> >>> <BBGUN1010@aol.com> 08/15/08 11:25 AM >>>

>August 15, 2008

>

>Margret L Kaech

>UTC- Administrative Law Division

>PO Box 47250

>Olympia, WA 98504-7250

>(360) 664-1140

>_mkaech@utc.wa.gov_ (mailto:mkaech@utc.wa.gov)

>

>

>Dear Ms. Kaech,

>

>Please consider this correspondence my formal complaint as an individual

>Whatcom County Council member regarding the Washington State Utilities and

>Transportation Commission's (UTC) misleading and intimidating

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>I was told by the chair of our council, Carl Weimer, that UTC attorneys

>informed him I helped create the problems at Pt. Roberts by fanning

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>We are discussing these issues with all concerned parties, including many Pt.

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>cc. Christine Gregoire, Washington State Governor

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>(http://autos.aol.com/cars-Volkswagen-Jetta-2009/expert-review?ncid=aolaut00030000000007

>)

--
Carl Weimer, Executive Director
Pipeline Safety Trust

BB-21
pg 4

1155 N. State St., Suite 609
Bellingham, WA 98225
360-543-5686
<http://www.pstrust.org>

CC: PKremen@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us;
FAbart@co.whatcom.wa.us

BB2008-210

BB 21

pg 5

From: <BBGUN1010@aol.com>
To: campfam@comcast.net; SFleetwo@co.whatcom.wa.us; SCrawfor@co.whatcom.wa.us; RKelly@co.whatcom.wa.us; LCaskeyS@co.whatcom.wa.us; LordWard@aol.com; ...
Date: Fri, Aug 15, 2008 2:29 PM
Subject: Re: Whatcom County Council Member Brenner letter re: Point Roberts recycling

Carl,

You did say those comments to me. I even said to you I was shocked you would just take the UTC attorneys' word since they have a vested interest in seeing this be put on our shoulders. I also said I was disappointed you would give any credibility to their claims about my possibly having liability.

Forget trying to guilt trip me regarding making the solution for Point Roberts more difficult. Great political strategy but a bit overused. And don't change what I wrote. I stated you told me they said I may have liability, not that I did for sure. Your comments about what they said definitely made me uncomfortable. And I was disappointed that you let them say those statements without defending me.

You did say those statements to me. I agree that you also made some of the other statements you have included. But you have changed some just enough to imply a different conclusion. You did not say they told you it was very unclear how a judge would rule. You said although it was unclear they were fairly confident a judge would find fault with the county.

There was nothing nasty in my letter to the UTC. It was a legitimate complaint. I had no reason to say you made the comments if you didn't. I was in the process of writing a letter and you told me not to write it-which I didn't. I shut right up which was not easy for me. I just believed what you said and I am not going to be your scapegoat for that.

Barbara

In a message dated 8/15/2008 1:22:08 P.M. Pacific Daylight Time, carlweimer@comcast.net writes:

Barbara,

There are so many inaccurate things in your note to the WUTC that I don't have the time to try to correct them all right now. I suspect that this letter to them will make finding a good solution for Point Roberts more difficult, and waste a good deal of the County's staff time trying to correct this.

The one thing that I do want to correct is your ongoing repeated statement that I spoke with WUTC attorneys. I did not. I spoke with the WUTC executive director and the head of their division that oversees garbage. What they told me was that it is very unclear how an administrative law judge would rule on the County's request regarding Mr Wilkowski. They said this is complicated because while Mr Wilkowski is obviously not complying with the County's solid waste rules regarding curbside collection of recyclables, it also seems clear that the County is not enforcing its requirements that everyone

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WUTC STAFF
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I never said UTC attorneys say you have liability for your comments. As stated above I have not talked to any UTC attorneys. What I tried to convey was that the County's case about Mr Wilkowski's failure to follow the County's curbside recycling requirements may be undermined, in part, because of the record you are unwittingly helping Mr Wilkowski paint. My request that you refrain from more correspondence on the Point Roberts issue was an attempt to protect the County's interest with a legal hearing on the issue looming.

Finally your claim that you know nothing about negotiations seems either to be semantic gymnastics or disingenuous. Our vote to send this all to SWAC for a wholistic examination, along with the direction we gave our lawyers regarding the pending hearing, all seem to indicate the willingness of the County to try to find a negotiated solution for the betterment of garbage and recycling issues in Point Roberts. I suggest you read Jon Hutchings note from yesterday again. I thought he summed up very well the various miscommunications that have lead some, including you I guess, to misinterpret a few short sentences into something that they are not. To the best of my knowledge the only thing the County and the WUTC are up to is trying to find a path forward that will include the best interests and involvement of everyone. The WUTC has very little involvement other than to delay the hearing to allow us to try to come up with a local solution to this problem that will include all those involved. We are just starting down that path with no real discussions yet about what the possible solution might be. Hopefully you haven't derailed that possible positive process by your failure to get the facts, inaccurate allegations, and generally nasty tone.

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>(360) 664-1140
>_mkaech@utc.wa.gov_ (mailto:mkaech@utc.wa.gov)
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>)

--
Carl Weimer, Executive Director
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CC: PKremen@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us;
FAbart@co.whatcom.wa.us

Abrook - 210 ✓
BB 21
pg 9

From: <BBGUN1010@aol.com>
To: campfam@comcast.net; SFleetwo@co.whatcom.wa.us; SCrawfor@co.whatcom.wa.us; RKelly@co.whatcom.wa.us; LCaskeyS@co.whatcom.wa.us; LordWard@aol.com; ...
Date: Fri, Aug 15, 2008 3:20 PM
Subject: Re: Whatcom County Council Member Brenner letter re: Point Roberts recycling

Carl,

The more I read of your comments, the more I have to correct. I asked Ward if he thought we were in any negotiations by our actions and he said no. Instead of trying to marginalize me as dishonest for coming away from our committee meeting with a very different understanding than what you say you have, you might want to reflect on why you seem to have a different opinion. I believe semantic gymnastics and disingenuousness are pretty much the same thing so I don't think it would be one or the other unless your purpose is to try to doubly marginalize me.

And all your phrases like, "To the best of my knowledge", "I suspect", "seems clear", "it appears", "hopefully", and "nasty" are subjective, just allowing you to make implications.

So I won't bore anyone any further with more statements with which I disagree, I will just say I don't agree with many of your statements and subjective conclusions. Unless you continue to attack me this will be the end of it.

Barbara

In a message dated 8/15/2008 1:22:08 P.M. Pacific Daylight Time, carlweimer@comcast.net writes:

Barbara,

There are so many inaccurate things in your note to the WUTC that I don't have the time to try to correct them all right now. I suspect that this letter to them will make finding a good solution for Point Roberts more difficult, and waste a good deal of the County's staff time trying to correct this.

The one thing that I do want to correct is your ongoing repeated statement that I spoke with WUTC attorneys. I did not. I spoke with the WUTC executive director and the head of their division that oversees garbage. What they told me was that it is very unclear how an administrative law judge would rule on the County's request regarding Mr Wilkowski. They said this is complicated because while Mr Wilkowski is obviously not complying with the County's solid waste rules regarding curbside collection of recyclables, it also seems clear that the County is not enforcing its requirements that everyone be on garbage/recycling service or have an exemption to that service. Mr Wilkowski has done a very good job of building a record over the past years that paints the picture of him requesting the County over and over again to enforce its rules so he can run a viable business to meet the County's collection requirements, and the County has failed to respond and do that. Part of that record against the County

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VIA E-MAIL TO
AUG 15 2008
ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL
Council staff

includes all the correspondence from you to him and others in Pt Roberts, along with your comments at SWAC meetings, where it appears you have targeted just his business with no equal concerns about the County's handling of the system up there.

I never said UTC attorneys say you have liability for your comments. As stated above I have not talked to any UTC attorneys. What I tried to convey was that the County's case about Mr Wilkowski's failure to follow the County's curbside recycling requirements may be undermined, in part, because of the record you are unwittingly helping Mr Wilkowski paint. My request that you refrain from more correspondence on the Point Roberts issue was an attempt to protect the County's interest with a legal hearing on the issue looming.

Finally your claim that you know nothing about negotiations seems either to be semantic gymnastics or disingenuous. Our vote to send this all to SWAC for a wholistic examination, along with the direction we gave our lawyers regarding the pending hearing, all seem to indicate the willingness of the County to try to find a negotiated solution for the betterment of garbage and recycling issues in Point Roberts. I suggest you read Jon Hutchings note from yesterday again. I thought he summed up very well the various miscommunications that have lead some, including you I guess, to misinterpret a few short sentences into something that they are not. To the best of my knowledge the only thing the County and the WUTC are up to is trying to find a path forward that will include the best interests and involvement of everyone. The WUTC has very little involvement other than to delay the hearing to allow us to try to come up with a local solution to this problem that will include all those involved. We are just starting down that path with no real discussions yet about what the possible solution might be. Hopefully you haven't derailed that possible positive process by your failure to get the facts, inaccurate allegations, and generally nasty tone.

Carl

At 11:40 AM -0700 8/15/08, Council Council wrote:
> >>> <BBGUN1010@aol.com> 08/15/08 11:25 AM >>>
> August 15, 2008
>
>Margret L Kaech
>UTC- Administrative Law Division
>PO Box 47250
>Olympia, WA 98504-7250
>(360) 664-1140
>_mkaech@utc.wa.gov_ (mailto:mkaech@utc.wa.gov)
>
>
>Dear Ms. Kaech,
>
>Please consider this correspondence my formal complaint as an individual
>Whatcom County Council member regarding the Washington State Utilities and
>Transportation Commission's (UTC) misleading and intimidating
>tactics related to
>ongoing problems with the Pt. Roberts solid waste stream. A hard copy will



AB2008-210 ✓

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Pg 1

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

August 22, 2008

DISTRIBUTED TO

AUG 25 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

The Honorable Barbara Brenner
Whatcom County Council
County Courthouse
311 Grand Avenue
Bellingham, WA 98225

Dear Ms. Brenner:

We are in receipt of your e-mail to Margret Kaech of our office in which you allege “misleading and intimidating tactics” by the Utilities and Transportation Commission (UTC or commission) with regard to the matter of solid waste and recycling collection in Point Roberts. Let me set the record straight.

On July 16, 2008, Whatcom County Council President Carl Weimer was at the UTC office in Olympia for a meeting of the Citizens Committee on Pipeline Safety. On that occasion, he and I met briefly and discussed, among other things, the County’s complaint against Point Recycling and Refuse (PRR). Eugene Eckhardt, UTC’s assistant director for solid waste regulation, joined us for part of the meeting.

In its complaint, the County asked the commission to revoke PRR’s certificate to haul solid waste on the grounds that the company is in violation of the County’s Solid Waste Management Plan and implementing service level ordinance by failing to provide mandatory pay residential curbside recycling service. While I noted that I could not speak for the commissioners or predict their decision in the pending case, I observed that the case involved several issues that, in my opinion, the County may not have analyzed fully.

First, in both ordinance and the solid waste plan, the County has created a “collection district,” within which solid waste and recycling collection is mandatory for owners of all developed property. We understand there are some 2,151 residential properties receiving water and an additional 3,043 properties with some type of improvements located within Point Roberts. The ordinance and plan allow for exemptions, and the County has granted 588 exemptions in Point Roberts so far. For the remaining residences that are not subscribing to solid waste or recycling collection, we understand that the County has taken no steps to enforce the ordinance.



The County's decision not to enforce its collection district at the same time it insists that PRR provide residential recycling appears to be causing a "perfect storm" of a shrinking customer base, increasing average operating costs, and decreasing revenue for PRR. According to its latest annual report, PRR provides garbage collection service to only 531 residences, curbside recycling service to 335 residences and commercial garbage collection service to 33 commercial customers. As you are aware, PRR's predecessor went bankrupt operating with a small customer base, and PRR's own operation struggles to earn a profit.

To make up the revenue shortfall from its higher costs and shrinking customer base, the company must seek authority from the UTC to raise rates. However, the inevitable result of each rate hike is that more customers cancel garbage service for the cheaper options of self-hauling (sometimes across the border to Canada) or illegal burning or dumping. As the company's subscriber base shrinks further, rates continue to rise, and the situation worsens for the company as revenues decline.

Second, we understand that PRR, having determined that the cost of recycling was unreasonable, petitioned the County to eliminate the mandatory recycling program, and that the County denied the petition. Yet there is a question whether the economics of curbside recycling pan out for a company with such a small customer base. If the commissioners were to examine the equities of the County's complaint, they might determine that curbside recycling is economically impractical and deny the County's request to cancel PRR's certificate, finding that the company's failure to provide the service was due in large part to the County's own policies that may have denied the company sufficient revenue to provide the service the County demands.

Third, in deciding what action to take on the County's request to cancel PRR's certificate, the commissioners would certainly consider the impact on public health and safety. Someone has to pick up the garbage. At this point, our staff is not aware of any regulated solid waste collection company interested in providing service on Point Roberts, especially if forced to do so at or near a loss. If another company were to step in, I expect that it would make the same demands that PRR has consistently made: that the County enforce its ordinance establishing a collection district. If the incoming company conducts operations in other parts of Whatcom county, I expect it would ask the commission to set uniform rates throughout its entire service territory -- in essence, require other Whatcom county residents and businesses to pay higher rates to subsidize solid waste and residential recycling collection in Point Roberts.

You suggest that others besides regulated solid waste companies may be interested in providing solid waste collection service on Point Roberts. Several individuals, all with no experience operating a solid waste collection company, have asked UTC staff about the process to apply for a solid waste certificate, but no one has filed an application to date. If a person or entity were to apply for a solid waste collection certificate, the commission could grant the application only after it finds that PRR will not provide service to the satisfaction of the commission. The commission would inquire whether the applicant is fit, willing, and able to operate a solid waste company. Our process would require a review of the applicant's background, bona fides, finances, expertise in solid waste collection and proposed safety programs for vehicles and employees (e.g., background checks and drug and alcohol testing). The commission would also

The Honorable Barbara Brenner
August 22, 2008
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pg 3

review the applicant's proposed tariffs for service and rates related to the company's proposed operating expenses.

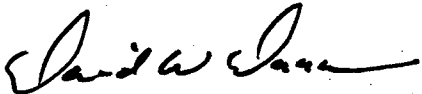
If no qualified applicant applies for a certificate to serve Point Roberts, the County itself can provide garbage collection service. Also, the County can at any time choose to contract with any private party to provide residential recycling services. Those are policy decisions outside the UTC's jurisdiction.

Your email clearly indicates that you took offense to my sharing these observations with Mr. Weimer. Rest assured that my conversation with Mr. Weimer dealt with matters related to the UTC's authority over solid waste companies and likely to be considered by the commissioners when this proceeding comes before them. These views are my own, and not necessarily those of the commissioners. Due to *ex parte* considerations, I cannot discuss with the commissioners any matters related to this case outside of the formal hearing process.

As a final matter, I agree that the record in this case is clear that no agreement has been reached or is imminent among the parties. On August 15, Administrative Law Judge Marguerite Russell issued an order postponing the hearing 90 days based on a statement by James Sells, attorney for PRR, that "it appears that the parties have reached at least a tentative agreement, which must be confirmed by county legislation." Subsequently, County Executive Pete Kremen submitted a letter clarifying that while the County does not object to a 90-day continuance, there is "no agreement tentative or otherwise." Mr. Kremen's letter is docketed in the case record.

I hope this information is helpful. In the future, please call me at (360) 664-1208 if you would like to discuss this matter.

Sincerely,



David W. Danner
Executive Director

cc: Governor Christine Gregoire
Attorney General Rob McKenna
Whatcom County Executive Pete Kremen
Whatcom County Council Members

AB2009-74

BB-73

From: <BBGUN1010@aol.com>
To: 2calder1@gmail.com
Date: 1/29/2009 9:25:53 PM
Subject: Re: Wilkowski Letter

Hi Brian,

You should probably send your comments to Jon Hutchings at public works. His e-mail address is _jhutchin@co.whatcom.wa.us (<mailto:jhutchin@co.whatcom.wa.us>) . Since Arthur has threatened me in the past and did a freedom of information request on all my correspondence I will just pass this on to Jon.

Barbara Brenner

In a message dated 1/29/2009 9:05:22 P.M. Pacific Standard Time, 2calder1@gmail.com writes:

RECEIVED
JAN 30 2009
WHATCOM COUNTY
COUNCIL

Barb,

Thank you for the forward of this letter from Arthur Wilkowski. The mind boggles with this mans absurdities.

The countys own staff has had the Wilkowski letter dated Jan 07 on file since march 07 and done nothing about it.

Check your own county files with Penny Lempere and Mr. Wilkowskis letter to me is there.

If they need another copy of it I will gladly send it to them. I have sent 3 over the past 2 years.

Mr. Wilkowskis signature and letterhead are on this letter and the county took no action to have me reinstated.

To have him say I was not denied access by him is absurd in the extreme, and another lie.

regards
brian calder.

On Thu, Jan 29, 2009 at 7:54 PM, <_BBGUN1010@aol.com> (<mailto:BBGUN1010@aol.com>) > wrote:

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
(<http://pr.atwola.com/promoclk/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpgID=62&bcd=DecemailfooterNO62>)

----- Forwarded message -----

From: "Martha Blakely" <_MBlakely@co.whatcom.wa.us> (<mailto:MBlakely@co.whatcom.wa.us>) >
To: <_bbgun1010@aol.com> (<mailto:bbgun1010@aol.com>) >
Date: Thu, 29 Jan 2009 16:43:42 -0800
Subject: Wilkowski Letter

Hi Barbara: Please see scanned letter attached.

Martha

*****A Good Credit Score is 700 or Above. See yours in just 2 easy

steps!

(<http://pr.atwola.com/promoclk/10000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072%26hmpgID=62%26bcd=DecemailfooterNO62>)

CC: NHanson@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us

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From: <BBGUN1010@aol.com>
To: <fabart@co.whatcom.wa.us>, <jhutchin@co.whatcom.wa.us>
CC: <hkpyles@dccnet.com>, <nhanson@co.whatcom.wa.us>
Date: 2/5/2009 10:06 AM
Subject: Re: Documentation and the text supporting the Depot model

RECEIVED

Frank and Jon,

This is all I could find. Perhaps someone could speak to the solid waste/recycling provider who chaired the meeting. My thought is it might have been given to him as chair of the meeting. I don't remember personally taking any paperwork but I might be wrong. I hope I wasn't the one who lost it. I did look through my file and it wasn't there.

FEB 05 2009

WHATCOM COUNTY COUNCIL

Brenner

Barbara Brenner, Whatcom County Council Member

In a message dated 8/15/2008 7:56:40 A.M. Pacific Daylight Time, BBGUN1010 writes:

Knick,

You are one of the few people I know who have the same concern regarding our economic outlook. Most people with whom I come in contact think I am just gloom and doom. I see very difficult economic times ahead and worse than that, I see most people completely unprepared and believing their overbloated, wasteful government will save the day. Unfortunately I also see government as completely unprepared.

I thought I had your phone number but apparently I either didn't or I didn't put it in my address book. If you send it to me I am interested in discussing your model with you.

Barbara

In a message dated 8/14/2008 10:39:56 P.M. Pacific Daylight Time, hkpyles@dccnet.com writes:

Dear Barbara, Glad you have interest in the model-- if the County would like a more "smooth" one--Lyn and I could make one. I was kind of ashamed to send the one I did, but since Shelley was kind enough to pick it up, I did.

Thank you!

We are both getting better, but still weak as kittens--don't let anyone hand it to you!! Dr Pedersen called it the "California crud"--informally at least!! Main thing is to get some rest so that the dumb germs can't get a foot hold!

I have attached a bit updated and modified copy of the E mail I sent to Solid Waste on the 22nd. Mary Miller brought some copies to the meeting but don't know exactly where they ended up. Kindly forward all or parts of it to whomever you wish.

As to hard numbers on the cost of the DEPOT and what form of ownership it

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should take is a development beyond the scope of a private person such as I.

I can only devote a part of my time to "pro bono" work in these troubled times! The rest of the time I have to at least hope for revenue.

Perhaps the consultant you mentioned in your report earlier could be hired to come up with a professional estimate,

As to anecdotal information—I agree with you completely—decisions should not be made on it!

However, one set of anecdotal information (recycles got mixed with the garbage before the elimination of curbside recycling) can be refuted, with some justification, by another set of anecdotal information (mine).

As to getting facts on the burning of recyclables (plus other unmentionables!!) in fire places and stoves— Fire Chief Bill Skinner and, perhaps our Clinic (Virginia Lester) might have some data on it. If I were to provide names and locations and estimated quantities on paper I would be labeled RATFINK NUMBER ONE by some people who I admire for other reasons!!!

As to the tonnage of recyclables carried into Canada by private vehicles before and after the institution of free acceptance of delivered recyclables at the dump, Canada Customs might just have a "feel" for it, if not actual numbers. It is tricky to get information from them, however, I have found.

When you ask at the Port of Entry level for some statistics you are given the brush off and told it is confidential information or not enumerated, etc. However, if you are lucky enough to get to the right desk in downtown Vancouver you can find out all kinds of things—including where to find the information on some obscure GofC webpage!!

I hope you and others agree in part at least with my suggestions in my E mail to Solid Waste.

A lot of good folks (actual statistics I don't have!) on Point Roberts are stuck on feeling that getting tax base funding for the total refuse and recycling program on the Point, as it is in the Lower Mainland, is the first thing to address. I keep telling these people that this is a totally separate issue from the serious health, legal, sanitation, and quality of life problems that we face now and will face until a workable program is developed that solves these big four parts of the problem.

Thanks very much for your good help in getting these things done.

Please let me know if the attachment opens or not and if you have any questions or comments about it.

Best regards,
Knick Pyles

From: BBGUN1010@aol.com [mailto:BBGUN1010@aol.com]
Sent: Thursday, August 14, 2008 9:41 PM
To: hkpyles@dccnet.com
Subject: Re: Last night's meeting and your review

Hi Knick,

I hope you are feeling better. Yes, Shelley gave us the model. I am very interested in it.

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Pg 3

I am not supposed to take anyone's word for anything, not even your anecdotal information. We should be provided with real numbers that can be substantiated. This is not about Arthur or anyone else. My job is to be a check and balance to the administration on issues that cost our residents. I am really tired of just being told information over and over as if saying it enough times substitutes for documentation.

It is late and I am tired so I apologize in advance if I am ranting. Seems like it should be pretty easy for any business to provide documented information. As for whether it goes to Canada or PRR, as long as it is recycled I don't care. About the burning, I don't know but I do know the county isn't supposed to do business based on claims. It is supposed to be based on provable facts inside written agreements.

Hopefully we will all get beyond this.

Barbara Brenner

In a message dated 8/14/2008 4:41:21 P.M. Pacific Daylight Time, Council@co.whatcom.wa.us writes:

>>> "Hamilton K Pyles" <hkpyles@dccnet.com> 08/14/08 4:23 PM >>>
Dear Barbara,

Thank you, and the rest of the team, for coming to Point Roberts last night. I wasn't there, but have heard it was a well run, productive meeting with much less than the normal amount of obstreperous nonsense and name calling.

On the matter of tonnage of recycling before and after the dropping of curbside pick up and co mingling.

I have been hearing about the co-mingling of garbage and re-cycling materials for years and years-- like the belief that Point Roberts was unknown until after the border was drawn-it seems to be unstoppable in the minds of many.

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My "research" over the years tells me that the belief is mainly the result of Point R and R placing in the garbage truck any recyclables left out that were not in the three color-coded plastic containers. This was an issue between me and Point R and R from time to time over the years. The second part comes from the fact that there are three boxes: 1. Containers 2. Newsprint 3. Mixed paper.

Some years ago- Point R and R comingled the Newsprint and the Mixed Papers saying that the amount of each did not justify keeping them separate. This annoyed people, such as I, who had been religiously separating the two types, unnecessarily. Yet all were going to the recycle depot in Surrey and separated there.

The doubling of the recycling tonnage since the drop of curbside recycling, per my observations, has come about mainly from the following reasons:

1. People are not taking their recycling to Canada. Before the drop, recyclables cost 3.5 cents a pound to drop off at the transfer station. It sure didn't cost that much to take the stuff to Ladner if you were going there anyway for whatever reason.
2. People are not burning their recyclables in their fireplaces or woodstoves. This has been a very common practice-illegal I think and dumb for sure, but still the practice. Now, of course, it is easier to take it, almost any day of the week, up to the transfer station - especially in the summer when the heat is a nuisance.
3. People are not throwing their bottles in the salt chuck, nor burying them, nor tossing in the woods as much-I have heard. Again, a for sure illegal and still for sure dumb practice, but the practice.

Hope this is of some value to you.

Did Shelley Damewood give you a written copy of what I was going to talk about at the meeting last night? If not, will E mail it to you.

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pg 5

Best regards,

Knick Pyles

hkpyles@dccnet.com

360 945 1540

From: BBGUN1010@aol.com [mailto:BBGUN1010@aol.com]
Sent: Thursday, August 14, 2008 3:23 PM
To: pkremen@co.whatcom.wa.us; fabart@co.whatcom.wa.us;
jhutchin@co.whatcom.wa.us; council@co.whatcom.wa.us
Subject: Re: Pt. Roberts Solid Waste/Recycling Issues

Memo to Pete Kremen, Whatcom County Executive

Frank Abart, Public Works Director

Jon Hutchings, Water Resources Manager

Council Members

There were points raised at last night's meeting that convinced me we know very little about what is going on there.

If, as a number of residents stated, curbside recycling is sometimes being co-mingled with garbage when it is picked up, it is very possible that there is not more recycling being done using drop off recycling at the transfer station. It is very possible residents are doing the same amount of recycling and prevention of co-mingling is being accomplished by residents dropping off their recyclables. The residents should not be penalized for that, especially since curbside is necessary for some residents because of health reasons.

It was very clear, even by the contractor's comments that he has very few curbside recycling customers. That should translate into being able to use a very small vehicle and spend very little time doing curbside recycling since Pt. Roberts is such a small area. Of course I am not allowed to tell him how

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pg 6

to run his business. But I can say it doesn't appear to be a financial hardship for a contractor as long as he keeps his services in scale with his clients.

I was just told the contractor's attorney wrote the UTC claiming that we have a tentative agreement that certainly could be and is being translated by residents that we have tentatively agreed to changes. I never saw the letter until today. Pt. Roberts residents saw the letter AFTER the meeting. If the contractor believed that was correct, why didn't he say it at the meeting? I certainly would have stated that is not my understanding. The only agreement we MIGHT have is that we want to work to update solid waste services for the Point and would postpone the hearing to determine if we can do that. Unfortunately a council member unilaterally drafted an ordinance that made unsubstantiated claims about why changes to curbside recycling were necessary and that draft seems to be on a fast track with SWAC.

There was a video of the meeting. I hope Pt. Roberts residents will summarize statements into written minutes and send to the county council and the executive's office. I said at last night's meeting that I would support a short, time-specific interim contract so we have the time to update our exemption process. We definitely haven't decided what would be in that interim contract. I do believe there are circular discussions floating around between the contractor and some council members and/or SWAC members. I believe there are circular discussions between the UTC and the contractor and between the UTC and the county. I don't believe I am getting adequate information to make the best decision.

According to Council Member Weimer, he met with UTC attorneys who he says told him the county could have problems because we haven't enforced our exemption and he said they told him Council Member Brenner was fanning the flames of dissent in Pt. Roberts. I was advised to zip my lip, which I did for a couple of weeks. I am starting to think there are lots of political games being played and the real losers are the Pt. Roberts residents.

I also have a problem with anything going to SWAC without first getting an objective third party survey done of the point, maybe using a genuine solid waste specialist, Jeff Brown (if he will agree to do it), Christina, the environmental researcher from the Exec's office, and some residents from the Point who are obviously very well informed about what is possible in recycling. Before last night I had no idea styrafoam could be recycled. Apparently there is a company doing just that in Canada. Recyclables can be taken across the border.

When we forwarded a general issue of Pt. Roberts services to the SWAC it was my understanding it would take a while to wind its way through the process. Then I was notified that a SWAC meeting regarding a council member's draft

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Pg 7

ordinance to eliminate curbside might be scheduled for the day before we were going to Pt. Roberts. I called Dr. Hutchings at public works to ask if he could postpone. I called the SWAC secretary and told her it was my understanding the issue for SWAC was much broader than that ordinance. It was supposed to be many related issues. I have been having the feeling that many just want this over. I understand the frustration. But it is not the fault of the Pt. Roberts residents and they should not be punished with a quick and sloppy decision based on unsubstantiated claims. The Pt. Roberts residents were not responsible for all the inaccurate information and rumors that were spread. They were not responsible for the discontinuation of services. They were not responsible for threats and intimidation. They responded out of fear.

After last night I believe we can come up with a formula for the Point that will satisfy most residents, create better recycling opportunities, and be cost-effective. Last night the contractor said he can not charge more than his costs but we aren't allowed by law to question his efficiency or advise him on how to reduce costs without reducing services. Once we set up service levels it appears to me to be a blank check. I think we need to have a recycling contract that gives the county the ability to do efficiency audits. For example, how do we know curbside recycling is not cost effective at the point? How do we know drop off creates more recycling than a combination of both? How do we know we can't have both at low rates? How do we know everything is being done as efficiently as possible? Are the rate payers being charged for anything the contractor decides to print as advertisement, whether accurate or not?

At this point from what I heard last night, there appears to be no financial hardship for a contractor to provide curbside recycling and perhaps other types of recycling too. Who knows, maybe the point residents will show us a thing or two about better recycling if we give them a real chance. I think we lost our focus about recycling because we haven't done the research needed. We have been simply accepting unsubstantiated claims.

Barbara Brenner, Whatcom County Council Member

Looking for a car that's sporty, fun and fits in your budget? Read <http://autos.aol.com/cars-Volkswagen-Jetta-2009/expert-review?ncid=aolaut0030000000007> reviews on AOL Autos.

Looking for a car that's sporty, fun and fits in your budget? _Read reviews on AOL Autos_ (<http://autos.aol.com/cars-Volkswagen-Jetta-2009/expert-review?ncid=aolaut00030000000007>) .

Looking for a car that's sporty, fun and fits in your budget? _Read reviews on AOL Autos_ (<http://autos.aol.com/cars-Volkswagen-Jetta-2009/expert-review?ncid=aolaut00030000000007>) .

*****Great Deals on Dell Laptops. Starting at \$499.
(<http://pr.atwola.com/promoclk/100000075x1217883258x1201191827/aol?redir=http://ad.doubleclick.net/clk;211531132;33070124;e>)

BC-1

Brian Calder

From: "Brian Calder" <2calder@telus.net>
To: <bbrenner@co.whatcom.wa.us>
Sent: April 29, 2007 6:38 PM
Subject: Garbage, the Point?

Barb,

Firstly, thank you for submitting some of our concerns to the Advisory Board.

I have heard that Artful Arthur (Wilkowski) said he has never denied anyone from Point Roberts access to the garbage dump.

If he did say that then he has uttered another lie.

He has also issued another All Point Bulletin Ad which appears to have been written by the County, which of course it wasn't.

Its full of misinformation, again.

Why doesn't the County simply re-tender the garbage contract. Arthur of course can re-bid, along with the rest of us.

As a general contractor I bid work all the time.

When you ask me for a price to work on your property, I give you a firm price and I live with it.

Similarly with contracts that the County awards. Bids are received and analysed and contracts awarded to a successful bidder.

He/She does the work at the agreed to price or else.

She/He does not get the opportunity 1/2 way through the contract to rewrite it at his/her pleasure and take it to the Council for ratification or approval.

Please show me one single County precedent for this Wilkowski manoeuvre. Its garbage.

I am very seriously considering filing suit against the Point Roberts transfer station operating company for discrimination and unlawful exclusion from the transfer station.

I will also name Whatcom County and the Washington State WUTC as enablers in the banning action.

I do not enter this action lightly.

It is a shame that taxpayers have to resort to this kind of action against those who claim to serve.

I believe the actions (and lack of same) to date, by both County and State to be shameful and un business like in the extreme.

The County inspectors and regulators are constantly threatening Enforcement and Fines to us contractors long before we ever do anything wrong.

Tell those same people that Arthur Wilkowski has a contract with them. Make him live up to it. Enforce it and/or Fine him.

Barb, please know the aforementioned is not directed to you.

In fact in my opinion, you are the only County person who has genuinely tried to made sense in this nonsense.

You have also tried to take positive action over the past 4 months.

thank you.

regards

Brian Calder.

FAX COVER PAGE

BC-2

DATE: MAY 06/07TOTAL NO. OF PAGES INCLUDING THIS ONE: 3TO: PENNI LEMPERES FAX#: 360-738-4561
WHATCOM COUNTY WASTE MANAGEMENTFROM: BRIAN CALDER FAX#: 360 945 1410SUBJECT: POINT ROBERTS TRASTER STATION

MESSAGE: I continue to be denied PR garbage dump access as per the accompanying letter from PR+R. I have forwarded a copy of an email I sent to Barbara Brenner for your files. I intend to pursue my legal options to gain access to the publicly owned land that accomodates the private operator who denies me access. regards.
Brian Calder

Ann Brenner ✓

*BC-3
Pg 1*

From: <BBGUN1010@aol.com>
To: <BBrenner@co.whatcom.wa.us>
Date: 6/6/07 10:00AM
Subject: swac

RECEIVED

JUN 11 2007

WHATCOM COUNTY
COUNCIL

Brenner

In a message dated 4/30/2007 12:59:16 A.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <2calder@telus.net>
Received: from mx2.co.whatcom.wa.us ([172.16.10.11])
by sheriff-gw.co.whatcom.wa.us with SMTP; Mon, 30 Apr 2007 00:57:50 -0700
Received: from mx2.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
by mx2.co.whatcom.wa.us (Postfix) with ESMTP id AE759800E8
for <bbrenner@co.whatcom.wa.us>; Mon, 30 Apr 2007 00:57:50 -0700 (PDT)
Received: from defout.telus.net (defout.telus.net [204.209.205.55])
by mx2.co.whatcom.wa.us (Postfix) with SMTP id 6F536800E7
for <bbrenner@co.whatcom.wa.us>; Mon, 30 Apr 2007 00:57:50 -0700 (PDT)
Received: from priv-edtnaa05.telusplanet.net ([66.183.122.152])
by priv-edtnes79.telusplanet.net
(InterMail vM.7.08.02.00 201-2186-121-20061213) with ESMTP
id
<20070430013606.BMZJ11067.priv-edtnes79.telusplanet.net@priv-edtnaa05.telusplanet.net>;
Sun, 29 Apr 2007 19:36:06 -0600
Received: from oemcomputer (d66-183-122-152.bchsia.telus.net
[66.183.122.152])
by priv-edtnaa05.telusplanet.net (BorderWare MXtreme Infinity Mail Firewall)
with SMTP
id A3TMAHQ5SU; Sun, 29 Apr 2007 19:36:05 -0600 (MDT)
Message-ID: <000601c78ac7\$ea565580\$6400a8c0@oemcomputer>
Reply-To: "Brian Calder" <2calder@telus.net>
From: "Brian Calder" <2calder@telus.net>
To: <bbrenner@co.whatcom.wa.us>
Subject: Garbage, the Point?
Date: Sun, 29 Apr 2007 18:36:03 -0700
Organization: National Land Consultants
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="====_NextPart_000_0003_01C78A8D.3D866C30"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.3028
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.3028
X-AV-Checked: ClamAV using ClamSMTP

Barb,
Firstly, thank you for submitting some of our concerns to the Advisory Board. I have heard that Artful Arthur (Wilkowski) said he has never denied anyone from Point Roberts access to the garbage dump. If he did say that then he has uttered another lie. He has also issued another All Point Bulletin Ad which appears to have been written by the County, which of course it wasn't. Its full of misinformation, again.

BC-3
pg 2

Why doesn't the County simply re-tender the garbage contract. Arthur of course can re-bid, along with the rest of us.

As a general contractor I bid work all the time.

When you ask me for a price to work on your property, I give you a firm price and I live with it.

Similarly with contracts that the County awards. Bids are received and analysed and contracts awarded to a successful bidder. He/She does the work at the agreed to price or else.

She/He does not get the opportunity 1/2 way through the contract to rewrite it at his/her pleasure and take it to the Council for ratification or approval.

Please show me one single County precedent for this Wilkowski manoeuvre. Its garbage.

I am very seriously considering filing suit against the Point Roberts transfer station operating company for discrimination and unlawful exclusion from the transfer station.

I will also name Whatcom County and the Washington State WUTC as enablers in the banning action.

I do not enter this action lightly.

It is a shame that taxpayers have to resort to this kind of action against those who claim to serve.

I believe the actions (and lack of same) to date, by both County and State to be shameful and un business like in the extreme.

The County inspectors and regulators are constantly threatening Enforcement and Fines to us contractors long before we ever do anything wrong.

Tell those same people that Arthur Wilkowski has a contract with them. Make him live up to it. Enforce it and/or Fine him.

Barb, please know the aforementioned is not directed to you.

In fact in my opinion, you are the only County person who has genuinely tried to made sense in this nonsense.

You have also tried to take positive action over the past 4 months.

thank you.

regards

Brian Calder.

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<META http-equiv=Content-Type content="text/html; charset=US-ASCII">
<META content="MSHTML 6.00.6000.16414" name=GENERATOR>
<STYLE></STYLE>
</HEAD>
```

```
<DIV>Barb,</DIV>
```

```
<DIV>Firstly, thank you for submitting some of our
concerns to the Advisory Board.</DIV>
```

```
<DIV>I have heard that Artful Arthur (Wilkowski) said he
has never denied anyone from Point Roberts access to the garbage
dump.</DIV>
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<DIV>If he did say that then he has uttered another lie.
</DIV>
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```
<DIV>He has also issued another All Point Bulletin Ad
which appears to have been written by the County, which of course it
wasn't.</DIV>
```

cm Brenner ✓

*BC-3
Pg 3*

From: <BBGUN1010@aol.com>
To: <BBrenner@co.whatcom.wa.us>
Date: 6/6/07 10:08AM
Subject: swac

RECEIVED

JUN 11 2007

WHATCOM COUNTY
COUNCIL

Brenner

In a message dated 4/22/2007 6:51:45 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <2calder@telus.net>
Received: from mx2.co.whatcom.wa.us ([172.16.10.11])
by sheriff-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 18:50:21 -0700
Received: from mx2.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
by mx2.co.whatcom.wa.us (Postfix) with ESMTP id 842F3800E8
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 18:50:21 -0700 (PDT)
Received: from defout.telus.net (defout.telus.net [199.185.220.240])
by mx2.co.whatcom.wa.us (Postfix) with SMTP id 467C6800E7
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 18:50:21 -0700 (PDT)
Received: from priv-edtnaa06.telusplanet.net ([66.183.122.152])
by priv-edtnes87.telusplanet.net
(InterMail vM.7.08.02.00 201-2186-121-20061213) with ESMTP
id
<20070423015020.CQX27869.priv-edtnes87.telusplanet.net@priv-edtnaa06.telusplanet.net>;
Sun, 22 Apr 2007 19:50:20 -0600
Received: from oemcomputer (d66-183-122-152.bchsia.telus.net
[66.183.122.152])
by priv-edtnaa06.telusplanet.net (BorderWare MXtreme Infinity Mail Firewall)
with SMTP
id C2A8LKUHDH; Sun, 22 Apr 2007 19:50:19 -0600 (MDT)
Message-ID: <007b01c78549\$d12be490\$6400a8c0@oemcomputer>
Reply-To: "Brian Calder" <2calder@telus.net>
From: "Brian Calder" <2calder@telus.net>
To: <bbrenner@co.whatcom.wa.us>
Subject: Point Roberts Garbage
Date: Sun, 22 Apr 2007 18:50:48 -0700
Organization: National Land Consultants
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="----=_NextPart_000_0078_01C7850F.247F3AB0"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.3028
X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2900.3028
X-AV-Checked: ClamAV using ClamSMTP

Barb Brenner,

I understand that my brother Ron and Jerry White have forwarded a copy of the letter I received from Arthur Wilkowski of the Point Roberts Refuse Company. I found this letter taped to the windshield of my excavator which was located on a construction site in Boundary Bay. Sometime in the night Mr. Wilkowski must have snuck into the site and trespassed my clients property and taped the letter to my excavator. Very professional.

BC-3
pg 4

The letter denies me corporate and PERSONAL access to the County owned property at the transfer station.

He further banned anyone I contract for, know, or have ever spoken to, (or possibly may meet in the future?).

I reported this action and sent a copy of the letter to a fellow named Dennis at Olympia WUTC and to Penni Lempere at the County.

Both said 'he cant do that'.

I responded, that's all well and good for you to say, but read the letter, he DID do that.

That was January 29, 2007 and nothing has been done to reinstate me to the transfer station.

What am I supposed to do?

Our family are original settlers to Point Roberts being granted 40 acre homestead in 1893.

Our great grandfather donated all of the lumber for the original Baptist Church from his Sawmill operation (and we aren't even Baptist).

We have been supportive members of Point Roberts Community and families for over 100 years.

Is our family's recognition of community service to be recorded as being denied garbage service?

Only in Point Roberts.

I have read David Gellatly's letter and support it completely.

Thank you for the efforts you advance on behalf of the Point Roberts Community.

regards

brian calder.

```
<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
<HEAD>
<META http-equiv=Content-Type content="text/html; charset=US-ASCII">
<META content="MSHTML 6.00.6000.16414" name=GENERATOR>
<STYLE></STYLE>
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***** See what's free at <http://www.aol.com>.

RECEIVED

BC-4

JUN 11 2007

WHATCOM COUNTY
COUNCIL

Brenner

From: "Brian Calder" <2calder@telus.net>
To: <BBGUN1010@aol.com>
Date: 6/10/07 9:23PM
Subject: Re: Point Roberts Garbage Issue-Clarification

Barb, Thank you for your email and update.

I have forwarded by separate fax the 3 letters I sent to Whatcom County Planning and Whatcom County Executive dated August 4, 2003 and August 5, 2003 and October 28, 2003.

Please note that none of my correspondence was ever responded to.

I was singled out on Point Roberts to remove my construction equipment from my 10 acre property.

I met with Marilyn Bentley, Suzanne Bosman and Amy Pederson at their offices on Northwest Avenue in July 2003.

We discussed the issue of:

1. being the only one singled out for this attention (there are 14 others in similar situations in Point Roberts).
2. there is no Industrial zoned land in point Roberts anymore, its now all residential or tourist commercial.
3. Where are any contractors supposed to keep their equipment
4. the County works yard and transfer station are located on land zoned residential.

I then offered to relocate to the County land and rent their vacant unimproved remaining 2 acres and was told that was not their department that Jeff Munson was in charge of the County Works Yard & Transfer Station at Point Roberts.

I then called Jeff Munson who was in charge of this land and spoke with him.

He had no objection to my proposal to rent the unused portion of the land in principal, however, referred me to Mr. Duey Duffler Deputy Administrator.

Mr. Munson gave me his name & address.

I wrote Mr. Duffler October 28, 2003 expecting that he may enter into a negotiation with me.

I never received the courtesy of a reply in any form.

These lands are still vacant and unimproved missing revenue to the County, had they accepted my offer.

As you will see from the letter I offered to accommodate the waste building materials and scrap metal for assembly and then transport to an appropriate recycling facility.

For some unknown (and I believe illegal) reason I have been banned from the County owned land by the Point Roberts Transfer Station operator.

I will be pursuing the legal avenues available to me naming the transfer station operator and the County in my action.

sincerely

brian calder.

----- Original Message -----

From: BBGUN1010@aol.com
To: BBGUN1010@aol.com
Sent: Thursday, June 07, 2007 1:28 PM
Subject: Point Roberts Garbage Issue-Clarification

I received a question about the information I sent out regarding the request from Pt Roberts Refuse and Recycling. One of the proposed changes being requested is to eliminate the exemption from mandatory garbage collection and to require all households to participate.

I hope that clarifies the question. Barbara Brenner

AB2008-210 ✓

BC-5

From: "Brian Calder" <2calder1@gmail.com>
To: knielson@nielsons-online.com; smackay@cobaltcompanies.com;
jwhite@pointroberts.com; joel.lantz@coastlandconsultantsinc.com; cgrossman@pointbob.net; ...
Date: Tue, Oct 7, 2008 11:37 AM
Subject: Point Roberts Refuse Collection

Dear Council,

I am in receipt of a letter to you from Point Recycling & Refuse dated October 6, 2008. In the second paragraph author Wilkowski states in part 'David Gellatly, Ron Calder and Brian Calder each adamantly proclaimed their joint affiliation as businessmen', etc.

This statement is an absolute and bald faced LIE.

I own and operate Calder Property Services inc and do business as Brian Calder, contractor.

I am a Whatcom County licensed and bonded general contractor. I have no interest, financial or otherwise, in the recycle companies mentioned in this erroneous, misinformed and misguided letter.

At the Wednesday meeting cited, all of the individuals mentioned spoke on completely and separate waste issues.

My issue was questioning Mr. Kremen on my being banned from the County waste facility for life, and building demolition being hauled to a Canadian recycler. I demolish building from time to time as part of my business and use Timbers Waste Haulers and Gaibraith Trucking from Canada as my waste hauler. I do not use Light Weight Recyclers for this purpose.

I wished to make Council aware of some of the gross inaccuracies in the letter.

I will seek legal advise and will take further appropriate action available to me regarding this matter.

sincerely

Brian Calder, contractor.

DISTRIBUTED
VIA E-MAIL TO

OCT 07 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

AB2009-74 -

Point Recycling and Refuse

BC-6

P.M.B. 1542, 145 Tye Drive, Point Roberts, WA 98281

Business Phone: (360) 945-1516

DISTRIBUTED TO

JAN 29 2009

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

January 28, 2009

Jon Hutchins
Whatcom County Public Works
Suite 220
322 N. Commercial St
Bellingham, WA 98225

RE: Denial of Service Complaint by Brian Calder

Dear Jon,

Brian Calder is claiming that he is being denied access to the Point Roberts Transfer Station. I assure you that this is not the case.

In July of 2006, I did take action to deny access to the facility to Mr. Calder. I did so under what I considered to be legal wording in the Lease at the time. This action was reasonable, justified and necessary to protect the interests of my customers from the adverse impacts of Mr. Calder's promotion and use of illegal Canadian sham recyclers.

At a meeting with County Staff, I was notified that the County was accepting responsibility for enforcement within the system. I was asked to continue to provide service to any person regardless of a person's violation of law, actions against the utility or against the other users of the system. I agreed to provide equal and impartial service to everyone. I understood that the County would be responsible for defending and supporting the system.

I assumed that County Staff notified Mr. Calder at the time that the Transfer Station was required to provide service to all people.

To my own and my staff's recollection, since that time, Mr. Calder has never entered or attempted to use the facility. He certainly has not been refused access, turned away or discouraged from using the site in any manner or action

Mr. Calder has also filed several complaints with the WUTC claiming that the Company is denying him garbage collection service. My response was that, since Mr. Calder has never been a customer of the garbage company, and has never actually requested service; then how can the Company deny service. The WUTC agreed and closed the complaints.

Brian Calder's assertion that he is being denied service is an effort to legitimize his own actions. I ask, how can Point Recycling deny service to a person who has not asked for it or tried to use the system?

Sincerely,



Arthur Wilkowski
Point Recycling and Refuse

Cc: County Executive
County Council

cm Brenner for
RC-1

575 Calder Drive
Point Roberts
WA 98281
February 9, 2007

Mr Pete Kremen
County Executive
311 Grand Avenue
Bellingham, WA
98225

RECEIVED

FEB 12 2007

WHATCOM COUNTY
COUNCIL
Brenner

Dear Mr Kremen

I represent a group of people with family ties to Point Roberts going back the mid 1890's. We are incensed at the treatment of the people by the local garbage company using our land leased from the county to coerce and extort monies out of the people. The land in question was acquired by the county when the township of Point Roberts ceased to exist. One of our members tried to lease some of this land approximately two years ago and one month ago and was turned down both times. He is also barred from the use of the garbage transfer station or pickup service forever and his properties in perpetuity. As a group we intend to offer the people an alternative. The reason this letter is directed to you is because some of our group have been misled and outright lied to by your county staff - so what we need is a commitment from you to lease us the same amount of land in the same area as the local transfer station at the same price, which we believe is about \$50 a month. We would commit another \$450 a month in donation to be split by the local Parks Department and the Food Bank. Depending on the success of business this amount could increase.

We are presently in negotiations with several companies that actually recycle garbage, demolition green waste and construction debris. We would like some yes or no answers. We don't care to deal in political spin and bovine scatology. We are not going away and we are going to solve these problems to the benefit of the people of Point Roberts and the environment first and our company second. If this county land is made unavailable to us we would expect county support in using any other property of our choosing and if this is the case the minimum donation to the Parks Department and the Food Bank will still happen.



Ron Calder

cc: Barb Brenner, County Council
Irene Waters, Point Roberts Parks Department
Ernie Loreen, Point Roberts Food Bank
All Point Bulletin

CW Brenner Com
RC-2 ✓

575 Calder Drive
Point Roberts
WA 98281

February 17th 2007

RECEIVED

FEB 20 2007

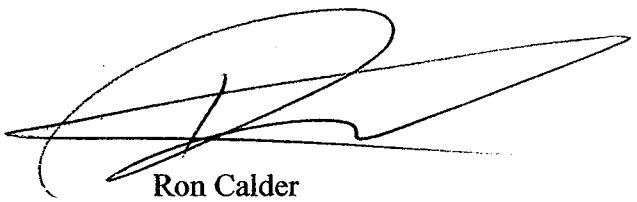
WHATCOM COUNTY
COUNCIL

Barbara Brenner
Whatcom County Council
311 Grand Avenue
Bellingham WA 98225-4038

Dear Barb

I received a copy of a memorandum dated 14th February which you sent to Pete Kremen. As you know Barb I usually don't ask my elected representative questions I don't already know the answers to. I did my homework. Can the county lease me land? Absolutely. They are doing it for others. Any and all State requirements I already have, so my request is very simple – just yes or no and I will take the appropriate steps depending on the answer. Mr Lesow's complaint, valid as it is, is not my issue. As I said, I did my homework. The local server is violating people's 14th Amendment rights and coercing and extorting people just to mention a few crimes. My intention is to serve people at a fair price and to do so legally, helping the community along the way. It is my belief that you should always prime the pump so to speak – leave something for the community.

Funny thing Barb, you and I started our friendship talking garbage; I believe your issue with Recomp? In any case, call and leave a time best to reach you and I will fill you in on all the details.



Ron Calder

[Faint, illegible text, likely bleed-through from the reverse side of the page]

RC-3

575 Calder Drive
Point Roberts
WA 98281

March 2, 2007

Solid Waste Division
Whatcom County Public Works
322 N. Commercial St
Suite 220
Bellingham, WA 98225

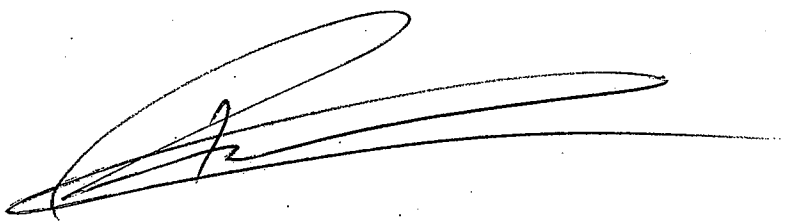
Attention: Penni Lemperes

Dear Ms Lemperes

According to the Open Public Records Act, I believe I am entitled to obtain a copy of the Point Roberts Transfer Station lease or Rental Agreement.

I would appreciate a copy – if there is a charge, could you please inform me as to how much and how I obtain this document. Thank you.

Yours truly

A handwritten signature in black ink, appearing to be 'Ron Calder', written over a horizontal line.

Ron Calder
(360)945 4425

Cm Brenner ✓

David Gellatly

RC-4
RECEIVED

APR 24 2007

575 Calder Drive
Point Roberts WHATCOM COUNTY
WA 98281 COUNCIL
April 23rd, 2007

Barbara Brenner
Whatcom County Council
311 Grand Avenue
Bellingham
WA

Dear Barb

I have talked to a lot of people who were outraged that some meeting was to take place in Bellingham that severely impacts Point Roberts without prior notice. I myself only found out through conversation with you. I feel that this meeting needs to be postponed and held in Point Roberts where the many affected by the outcome can have their say and not have any committee hear a one-sided report. You will see by my various correspondences the runaround answers I got. Also I got no response from Pete Kremen, which doesn't surprise me.

After three months of the garbage company's Public Notices in the paper, which the County and State regulators were fully aware of, and took no action on, I decided to do a tongue-in-cheek one for my trucking company. I ran it by the same genius Prosecutor that reviewed the garbage company's. I find it strange that mine is actionable, and theirs not. In any case Barb, giving this guy any more power is only going to be detrimental to this community and in my view a violation of free trade and fair competition - i.e. having another transfer station people can come to that may offer better prices. They are not State regulated but if you give this company what they want the people will have no choice of whom to deal with or what they are going to pay, which is totally unfair and un-American.

If you have any questions about any of the correspondence please call 360-945 4425. Also I am mailing their customer mailing documents. County staff has all this but has chosen not to inform our elected representatives obviously.

Yours truly



Ron Calder

RC-5

From: Penni Lempere
To: Frank Abart; Jon Hutchings
Date: 3/14/2008 11:14 AM
Subject: Fwd:
Attachments: Point Recycling March 10 08 code plan law .doc

I spoke at length with Penny Ingram of the wutc yesterday and as a result, she sent the attached information as to their take on the Pt Roberts situation. As of this date, Arthur has paid his back fees, but has not yet submitted his 2006 annual report. Now they're talking about again extending his hearing date into May.

* As far as hiring another company, the Canadian, Mr. Calder, who wants the recycling portion of the business, would not likely be allowed to pick up or haul the garbage. The process of becoming a garbage hauler is lengthy and expensive. So more than likely, only Sanitary Service and Blaine Bay Refuse would be able to do the job.

>>> "Ingram, Penny (UTC)" <PIngram@utc.wa.gov> 3/13/2008 4:20 PM >>>
Hi Penni, I thought I would share some laws/wac/codes that I put together as a snapshot. I'm sure you have all of this already but maybe it might be useful.

I added the expedited application WAC to the information so you would have a copy.

I'm looking forward to copies of your last year's report and the progress report to SWAC. Let me know if I can provide any further information.

Sincerely,

Penny Ingram

WUTC

ABW 210 ✓
RC-6 Pg 1

RECEIVED

AUG 19 2008

WHATCOM COUNTY
COUNCIL
*weimer
Brenner*

Mr. Carl Weimer, Chair
Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

August 18, 2008

Dear Sir:

I met you at the garbage meeting in Point Roberts on Wednesday, August 13th at the close of the meeting. You stated to me that you had learned a lot and it seemed to you that there were some crooked goings on. You don't know the half of it. I would be happy to discuss these matters at length with you at your convenience, but here is a brief recap.

Some of you stated the County may have some liability regarding exemption files. It was my understanding that a couple of years ago that process was being worked on, but with the massive changes of staff, this could have been side tracked—big deal, not a major issue. The issue the County should concern itself with is the behavior of Mr. Wilkowski and County culpability in these matters. County Council, staff and the Prosecutor's Office have been fully aware of the case of a person being barred from the garbage system in writing by Arthur, depriving him of his constitutional and civil rights. A federal crime I believe. Also, all of Arthur's threats and attempted extortion have been ignored by the Prosecutors Office. Using the US mail to convey threats also constitutes a crime. The list goes on.

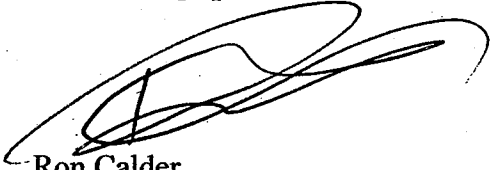
In any case, I'm sending the letters from Arthur's attorney to the Washington State Bar Association for review along with Pete's letter and other evidence. I believe a group on the Point has retained a lawyer to bring the Attorney General into this matter because the Whatcom County Prosecutor will not act to protect the people who elected him. No surprise to me. Its about time the County and its elected people looked at the public's interest and not a failed businessman whose only success has been to manipulate County and state officials to do his bidding and at the same time get them at odds with each other—masterful job. Barb Brenner, whom I have known for some 20 years, is going to be given on Tuesday, August 19, a complete file of Arthur's lies, threats and other actions which I am sure she would share with all council members.

In regards to Mr. Sam Crawford's motion, I would challenge his statement that it's documented that self-haul recycle works better. Where's the numbers? Mr. Honest Businessman won't show anybody his books. He has done nothing to improve his business since buying it; he has no more customers, has not worked with anybody to promote recycle, and has lost his biggest account, the Point Roberts Marina.

I believe his contract with the County required him to have recycle bins at the transfer station. He now does this at the eleventh hour. He also sent a threatening letter to the health department suggesting he will destroy infrastructure when he leaves. If the County even thinks of re-leasing the transfer site to this individual, it would be a slap in the face to the public—this is our land, not his.

If there is a separation of authorities, then there should be a total separation. The County should lease the transfer station to someone who will recycle and have household garbage delivered to Ferndale for disposal and let Arthur do his household pick-up route.

In closing, it is not the State's or the County's job to show someone how to run their business, or to rely so much on SWAC, which I believe is made up of industry people. How objective is that? There is no garbage problem on Point Roberts—just a Wilkowski problem.



Ron Calder
575 Calder Drive
Point Roberts, WA 98281
360-945-4425

RC-7

575 Calder Drive
Point Roberts
WA 98281

August 28th 2008

David W. Damer
Executive Director
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

RECEIVED

SEP 02 2008

WHATCOM COUNTY
COUNCIL

Brenner

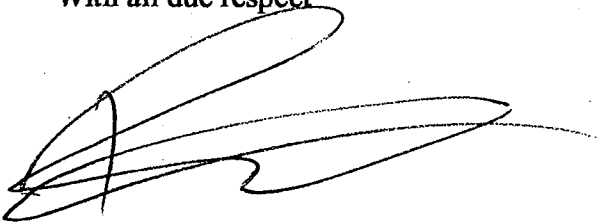
Dear Sir

Re: Your August 22nd 2008 letter to The Honorable Barbara Brenner

About the only factual statement is "The Honorable Barbara Brenner". I've known Barb for some 20 years and can vouch for her honesty and integrity. I don't know you, but judging from your misinformation and outright untruths I'm afraid I can't come to a positive conclusion. Someone in your position who has all the information at their "disposal" has no excuse for putting out false numbers and facts in an attempt to mislead another elected body. Your numbers on water connections and improved land are so far off it's ridiculous. The exemptions for service were declared to be invalid in 2007 by the present garbage company so if there is an issue it's his problem not the County's. Your numbers of residential customers and curbside recyclers are so far off it's ludicrous. Maybe you can pick some numbers out of the air to justify your statements about cross border garbage, illegal dumping and burning. You seem to be able to see in to the future as to what others will do while you protect a failed businessman.

I have been in the trucking industry for 48 years and I can tell you, you are not in charge of drug testing or safety – that comes under the Federal Government – and give me a break – a background check to haul garbage? I've hauled everything but humans without your background check and I have been customs bonded. It's garbage Pal, not National Security. You sound more like an advocate for Point Recycling and Refuse by slandering and libelling a person by falsely claiming they went bankrupt. Shame on you. If you have any honor you will recuse yourself from any further participation in this matter for the public good. Given your writings you might be better suited to be a tarot card reader in a granola bar café.

With all due respect



Ron Calder

cc: Whatcom County Executive Pete Kremen
The Honorable Barbara Brenner
Whatcom County Council Members
Washington Utilities & Transportation Commissioners

Ab2008-210v

RC-8

RECEIVED

AUG 21 2008

WHATCOM COUNTY COUNCIL Brenner

August 17, 2008

Dear Barb,

If you can find a more ardent supporter of Barb Brenner than Ron Calder, I would like to meet that person. When we were introduced by Glennis Christie some 18 or more years ago, you were fighting a garbage issue as a private citizen. I greatly admired your tenacity and the fact that you used your own monies and withstood the smear tactics when you chose to run for council for 1 term (inside joke). In any case you have my gratitude that you stuck it out and have worked tirelessly on behalf of Whatcom County, in general and Point Bob, in particular.

I knew in my heart, when shown the lawyer's letter after the public meeting in Point Bob, that the Barb I know and respect could not be a party to this, but I have to admit I was outraged and bewildered as most.

This whole issue on Point Roberts is a Wilkowski issue not a garbage issue. A couple of years ago Mr. Wilkowski was whining about wanting out. I approached him and told him to put a number on the business and I would look at it with the intention of buying him out; he never responded. He has been offered good advice on how to increase his income which he chose to ignore. Mr. Wilkowski seems to be full of himself and too smart to accept help. It's his way or the highway regardless of the law. He is affectionately known as the "Garbage Nazi".

In any case, we don't need to waste public monies on studies or consultants. "There is NO garbage problem in Point Roberts" I will happily step up and do the job with no changes to the agreement and guarantee no whining and sniveling. Curbside recycling would immediately be reinstated as required by law and all other conditions abided by. People in this community are sick and tired of his threats, misinformation and outright lies. If the county even thinks of releasing him the transfer station after his threat to destroy it would be the biggest slap in the face to the residents of Point Bob. He has had nine years of cheap rent to conduct his business on and he, and he alone is responsible for running into the ground. The only success he has had is manipulating the various public agencies to do some of his harassing.

In closing, let's all focus on the real problem, Mr. Wilkowski, and hopefully see the last of him.

Your biggest fan,

Ron Calder

RC-9
Pg 1

From: Jon Hutchings
To: Gibson, Daniel
CC: Abart, Frank
Date: 10/13/2008 3:33 PM
Subject: Fwd: Pt. Roberts
Attachments: Calder memo.doc

FYI

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

>>> Charles Sullivan 10/10/2008 10:32 AM >>>
Jon,

Good morning. I have attached the memo sent to UTC regarding our investigation. I only need disposal receipts to close the investigation fully. In short, my goal was to get the pit cleaned up and to stop the activity. Mr. Calder did that to my satisfaction. I hope this helps.

Charles D. Sullivan
Environmental Health Specialist
Whatcom County Health Department
509 Girard Street
Bellingham, WA 98227-0935
(360) 676-6724 ext. 50839
csulliva@co.whatcom.wa.us

RC-9
Pg 2

WHATCOM COUNTY
Health Department
509 Girard Street
Bellingham, WA 98225



Regina A. Delahunt
Director

Environmental Health
Phone 676-6724

MEMORANDUM

TO: Betty Young

FROM: Charles Sullivan Whatcom County Health Department

RE: Hauling and Dumping of Solid Waste by Ron Calder

DATE: 10/1/08

I received your request for information regarding any illegal dumping or hauling of solid waste by Ron Calder. I recently did have an investigation of illegal dumping by him or his company, lightweight recycling in Point Roberts, Washington.

I received a complaint on July 1, 2008 that Mr. Calder had dumped construction and demolition waste as well as recyclables in a gravel pit located on Roosevelt Way in Point Roberts. Jason McDougal owns the gravel pit.

In early August I started to investigate the complaint. On August 7th I called Jason McDougal who gave me permission to inspect the pit. He said that he allowed Mr. Calder to use the pit and that he would be responsible to clean it up. We agreed that it would be cleaned and that he would call Mr. Calder for a bin for the metal.

I visited the pit and saw a large pile of metal scrap including appliances, scrap steel and a few empty oil tanks. There was also a large pile of a concrete / styrofoam mixture and some demolition debris in another area of the pit.

I was able to track the Styrofoam / concrete mixture to a building being constructed on Kendor Road in Point Roberts. The builder listed in the building permit was H.B. Hanson. I called Mr. Hanson who said that Ron Calder had hauled it for him. I told Mr. Hanson that I would let him know if I needed anything else from him.

I spoke with Ron Calder. He told me that he would haul the material out. All of the construction waste was going to be hauled to Urban Woodwaste Recyclers in British Columbia for recycling and that the metal waste was to be hauled to Amex in BC.

On August 19th I met with Ron Calder on site at the gravel pit. All of the solid waste that I had asked him to remove was removed. We discussed the requirements for hauling and processing solid waste/recyclables. At that time I told him that if he wanted to continue hauling materials that he must register with the Department of Ecology (DOE). I also informed him that if the recyclables were sorted at any location in the United States that the Whatcom County Health Department (WCHD) would have jurisdiction and that he would have to comply with WAC 173-350, including the performance standards. I informed him that hauling of recyclables required the proper licensing from The Washington State Utilities and Trade Commission (WUTC) and registering with DOE.

Before I left it was clearly understood that all activity in the pit was to cease and that before he or Lightweight Recycling continued operation that Mr. Calder would assure that he was in Compliance with WUTC, DOE and WCHD regulations.

Ab2009-741

RC-19

Mr. Ron Calder
575 Calder Drive
Point Roberts, WA 98281
360-945-4425

RECEIVED

FEB 04 2009

WHATCOM COUNTY
COUNCIL
Brenner

Ms. Barbara Brenner, Council Member
Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

February 2, 2009

Re: Before the WUTC, Docket # TG 082129 and Docket # TG 081089

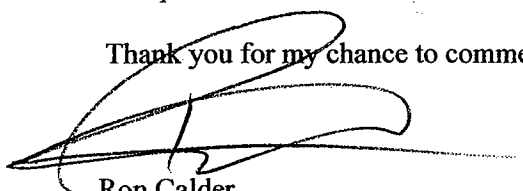
Dear Barbara,

I would like to comment in support of complainants, Renee Coe, Shelley Damewood and Shannon Tomsen and point out to the commission that if the WUTC and Whatcom County had done their mandated jobs, these ordinary citizens would not have had to invest so much time and effort to act on behalf of the general public to protect our rights—and, I would also like to point out that the WUTC makes it such an onerous task to file a simple complaint it appears that they want to deter people from complaining by burying them in paperwork.

The exhibits that got my attention were numbers 5 through 9. These exhibits deal with an obvious case of extortion (law enclosed). These actions were willfully and purposely carried out by Mr. Arthur Wilkowski with the full knowledge of the Whatcom County Prosecutor and the WUTC who took no action to protect the public. This resulted in Mr. Wilkowski barring at least one individual access to the county owned transfer station and household garbage pick-up in perpetuity. This was also known by the WUTC and Whatcom County and has never been corrected, nor has Mr. Wilkowski been charged. Mr. Wilkowski used the media which is internet accessible and the U.S. mail to carry out his threats and enforce his own laws, which I believe is a federal offence.

In any case, your own Mr. Danner, who has taken a personal interest in this case, has spread false information in regards to this matter in writing to various agencies. It appears, in my opinion, that he is totally biased toward the "G-Club", as the garbage boys like to call themselves, and should be excluded from any participation in these hearings so as to protect the public interest and not his own. Everything Mr. Danner and his staff have done to protect Mr. Wilkowski at the public's expense must be brought to light so the public can regain trust in their public servants. The Law must not only be done, it must be seen to be done.

Thank you for my chance to comment.



Ron Calder.

enc.
cc: Washington State Attorney General Rob McKenna, Commissioners, WUTC

Extortion

From Wikipedia, the free encyclopedia

Extortion, **outwresting**, or **exaction** is a criminal offense, which occurs, when a person unlawfully obtains either money, property or services from a person, entity, or institution, through coercion. Refraining from doing harm is sometimes euphemistically called *protection*. Extortion is commonly practiced by organized crime groups. The actual obtainment of money or property is not required to commit the offense. Making a threat of violence or a lawsuit which *refers* to a requirement of a payment of money or property to halt future violence or lawsuit is sufficient to commit the offense. Exaction refers not only to extortion or the unlawful demanding and obtaining of something through force,^[1] additionally, exact in its formal definition means the infliction of something such as pain and suffering or to make somebody endure something unpleasant.^[2]

In the United States, extortion may also be committed as a federal crime across a computer system, phone, by mail or in using any instrument of "interstate commerce." Extortion requires that the individual sent the message "willingly" and "knowingly" as elements of the crime. The message only has to be sent (but does not have to reach the intended recipient) to commit the crime of extortion.

Extortion is distinguished from blackmail. In blackmail, the blackmailer threatens to do something which would be legal or normally allowed.

Extortion is distinguished from robbery. In "strong arm" robbery, the offender takes goods from the victim with use of immediate force. In "robbery" goods are taken or an attempt is made to take the goods against the will of another—with or without force. A bank robbery or extortion of a bank can be committed by a letter handed by the criminal to the teller. In extortion, the victim is threatened to hand over goods, or else damage to their reputation or other harm or violence against them may occur. Under federal law extortion can be committed with or without the use of force and with or without the use of a weapon. A key difference is that extortion always involves a written or verbal threat whereas robbery can occur without any verbal or written threat (refer to U.S.C. 875 and U.S.C. 876).

The term *extortion* is often used metaphorically to refer to usury or to price-gouging, though neither is legally considered extortion. But extortion sometimes leads to more dangerous illicit activities which raises concerns with law enforcement agencies. It is also often used loosely to refer to everyday situations where one person feels indebted against their will, to another, in order to receive an essential service or avoid legal consequences. For example, certain lawsuits, fees for services such as banking, automobile insurance, gasoline prices, and even taxation, have all been labeled "legalized extortion" by people with various social or political beliefs.

See also

- Badger game
- Clip joint
- Coercion
- Cryptovirology: The use of public key cryptography to carry out cryptoviral extortion.
- Danegeld
- Tiger kidnapping: the taking of an innocent hostage to make a loved one or associate of the victim do something, e.g. a child is taken hostage to force the shopkeeper to open the safe; the term

06-1
Pg 1

From: <BBGUN1010@aol.com>
To: <david@kordlyn.com>, <BBrenner@co.whatcom.wa.us>, <pkremen@co.whatcom.wa.us>
Date: 4/22/07 7:29PM
Subject: Re: Point Roberts Garbage

Hi David, the solid waste advisory committee (SWAC) is just an advisory committee. I don't believe SWAC makes any final decisions. However there are some solid waste industry people on SWAC. I am on too and I will certainly share everybody's concerns. I also agree that if SWAC is going to seriously consider Arthur's request there should be a meeting at the Point but I can't force committee members to go. If they recommend an approval it will go to the solid waste executive committee of which the executive is a member. I don't know if they make the final decision or if the council does. I will let you know. But the meeting is on for here on Thursday. However I don't believe there will be any final decisions made. Arthur should have already asked for a meeting at the Point. He probably knows he wouldn't have much support there. Anyway I will let you all know when I know anything. Barbara Brenner.

In a message dated 4/22/2007 11:38:31 A.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

Return-path: <david@kordlyn.com>
Received: from mx2.co.whatcom.wa.us ([172.16.10.11])
by sheriff-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 11:37:03 -0700
Received: from mx2.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
by mx2.co.whatcom.wa.us (Postfix) with ESMTP id 4D609800E8
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 11:37:03 -0700 (PDT)
Received: from mailout.whidbey.net (mailout.whidbey.net [209.166.64.124])
by mx2.co.whatcom.wa.us (Postfix) with SMTP id 3BDCB800E7
for <bbrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 11:37:02 -0700 (PDT)
Received: from [209.166.86.3] (helo=S0027575007)
by mail2.whidbey.net with esmtp (Exim 4.61)
(envelope-from <david@kordlyn.com>)
id 1Hfgvl-0005Gu-M9; Sun, 22 Apr 2007 11:37:02 -0700
From: "David Gellatly" <david@kordlyn.com>
To: <bbrenner@co.whatcom.wa.us>
Subject: Point Roberts Garbage
Date: Sun, 22 Apr 2007 11:38:09 -0700
Message-ID: <01bc01c7850d\$6445bef0\$6501a8c0@S0027575007>
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="====_NextPart_000_01BD_01C784D2.B7E6E6F0"
X-Priority: 3 (Normal)
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook, Build 10.0.2627
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.3028
Importance: Normal
X-AV-Checked: ClamAV using ClamSMTP

Dear Barb,

DG-1
Pg 2

As you are aware, Point Roberts is being held hostage by Arthur Wilkowski and his business Point Recycling and Refuse. He is the self appointed Garbage Guru, who has created his own "System", which he expects everyone else in point Roberts to work within.

Essentially, this came about because some contractors in Point Roberts were not prepared to pay his outrageous prices. For a little insight into this please read the article at this URL:
http://www.allpointbulletin.com/archives/2007/apb_march07/front_page3.html

That article was printed after Arthur published a "PUBLIC NOTICE" in the All Point Bulletin. That same "PUBLIC NOTICE" has been published another two times, despite the fact that it contains misleading information and amounts to what I would consider extortion. Further more, it violates our constitutional rights.

It is my understanding from my business partner and father-in-law Ron Calder, that there is to be a meeting in Whatcom County next week regarding the garbage situation in Point Roberts. This is a matter which is of great importance to Point Roberts and all of its residents and property owners. To hold such a meeting, outside of Point Roberts with out appropriate notice to its residents and property owners is wrong. The impact resulting from decisions made at, or conclusions drawn from information provided at such a meeting could be financially draining to a large number of residents, property owners and businesses in Point Roberts. To allow one person, to dictate, as he has done in his "PUBLIC NOTICES" without the right for us to rebut his statements; question his illogical logic; and hold him accountable for his actions would be wrong.

He has thumbed his nose at the people and businesses of Point Roberts, County Solid Waste, WUTC, and the US Constitution, in order to line his pockets with more money because he made bad business decisions. Additionally, he has done it in writing, which just reinforces his lack of judgment and intelligence.

To grant him a meeting or hearing regarding this matter anywhere but in Point Roberts would be a clear signal to the people of Point Roberts, that Whatcom County has little interest in doing what is right, and every intention of allowing him to have a monopoly with respect to Solid Waste management in this community. It should be noted that first and foremost, the County has granted him a sweetheart lease (\$50.00 per month) on our own property by which he is making a significant amount of money. Furthermore, he has been in using other county property in the same vicinity to store his vehicles and bins. He further allowed another business to operate out of that property outlined in the lease (after the matter was reported he ceased to allow that business to operate there). If he is loosing money, it is through his own stupidity and lack of business sense.

The only aspect of his business which is regulated, as I understand it, is the curbside pickup of house hold garbage. Other than that, our country and constitution allow for free enterprise. There is no Canadian or US federal restrictions on where recyclable materials can go save and except that they must be hauled by a carrier who will deliver them to a

DG-1
Pg 3

designated and approved site.

PLEASE do not allow this meeting to be held in Bellingham. It needs to be held here in Point Roberts so that all of the people can be present to defend against the greedy and unconstitutional desires of Mr. Wilkowski.

Regards,

David Gellatly

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D6-2
Pg 1

From: <BBGUN1010@aol.com>
To: <BBrenner@co.whatcom.wa.us>
Date: 4/23/07 10:47AM
Subject: Re: Fw: Point Roberts Garbage

RECEIVED

APR 25 2007

WHATCOM COUNTY
COUNCIL

Brenner

I also answered this e-mail. I will go into my sent mail and resend but it didn't come back so it must have gotten to you. Barbara

In a message dated 4/22/2007 8:18:12 P.M. Pacific Daylight Time, BBrenner@co.whatcom.wa.us writes:

- To Brian Calder

Return-path: <2calder@telus.net>

Received: from mx1.co.whatcom.wa.us ([198.239.72.226])
by is-gw.co.whatcom.wa.us with SMTP; Sun, 22 Apr 2007 20:17:00 -0700
Received: from mx1.co.whatcom.wa.us (localhost.localdomain [127.0.0.1])
by mx1.co.whatcom.wa.us (Postfix) with ESMTP id 8EC2E104073
for <BBrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 20:16:59 -0700 (PDT)
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by priv-edtnes73.telusplanet.net
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for <BBrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 20:42:39 -0600
Received: from oemcomputer (d66-183-122-152.bchsia.telus.net
[66.183.122.152])
by priv-edtnaa05.telusplanet.net (BorderWare MXtreme Infinity Mail Firewall)
with SMTP id 98NMCXX2NU
for <BBrenner@co.whatcom.wa.us>; Sun, 22 Apr 2007 20:42:39 -0600 (MDT)
Message-ID: <009201c78551\$208d3a00\$6400a8c0@oemcomputer>
Reply-To: "Brian Calder" <2calder@telus.net>
From: "Brian Calder" <2calder@telus.net>
To: <BBrenner@co.whatcom.wa.us>
Subject: Fw: Point Roberts Garbage
Date: Sun, 22 Apr 2007 19:43:08 -0700
Organization: National Land Consultants
MIME-Version: 1.0
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X-MSMail-Priority: Normal
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X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2900.3028
X-AV-Checked: ClamAV using ClamSMTP

----- Original Message -----

From: David Gellatly
To: bbrenner@co.whatcom.wa.us
Sent: Sunday, April 22, 2007 11:38 AM

DG-2
pg 2

Subject: Point Roberts Garbage

Dear Barb,

As you are aware, Point Roberts is being held hostage by Arthur Wilkowski and his business Point Recycling and Refuse. He is the self appointed Garbage Guru, who has created his own "System", which he expects everyone else in point Roberts to work within.

Essentially, this came about because some contractors in Point Roberts were not prepared to pay his outrageous prices. For a little insight into this please read the article at this URL:
http://www.allpointbulletin.com/archives/2007/apb_march07/front_page3.html

That article was printed after Arthur published a "PUBLIC NOTICE" in the All Point Bulletin. That same "PUBLIC NOTICE" has been published another two times, despite the fact that it contains misleading information and amounts to what I would consider extortion. Further more, it violates our constitutional rights.

It is my understanding from my business partner and father-in-law Ron Calder, that there is to be a meeting in Whatcom County next week regarding the garbage situation in Point Roberts. This is a matter which is of great importance to Point Roberts and all of its residents and property owners. To hold such a meeting, outside of Point Roberts with out appropriate notice to its residents and property owners is wrong. The impact resulting from decisions made at, or conclusions drawn from information provided at such a meeting could be financially draining to a large number of residents, property owners and businesses in Point Roberts. To allow one person, to dictate, as he has done in his "PUBLIC NOTICES" without the right for us to rebut his statements; question his illogical logic; and hold him accountable for his actions would be wrong.

He has thumbed his nose at the people and businesses of Point Roberts, County Solid Waste, WUTC, and the US Constitution, in order to line his pockets with more money because he made bad business decisions. Additionally, he has done it in writing, which just reinforces his lack of judgment and intelligence.

To grant him a meeting or hearing regarding this matter anywhere but in Point Roberts would be a clear signal to the people of Point Roberts, that Whatcom County has little interest in doing what is right, and every intention of allowing him to have a monopoly with respect to Solid Waste management in this

DG-2
Pg 3

community. It should be noted that first and foremost, the County has granted him a sweetheart lease (\$50.00 per month) on our own property by which he is making a significant amount of money. Furthermore, he has been in using other county property in the same vicinity to store his vehicles and bins. He further allowed another business to operate out of that property outlined in the lease (after the matter was reported he ceased to allow that business to operate there). If he is losing money, it is through his own stupidity and lack of business sense.

The only aspect of his business which is regulated, as I understand it, is the curbside pickup of house hold garbage. Other than that, our country and constitution allow for free enterprise. There is no Canadian or US federal restrictions on where recyclable materials can go save and except that they must be hauled by a carrier who will deliver them to a designated and approved site.

PLEASE do not allow this meeting to be held in Bellingham. It needs to be held here in Point Roberts so that all of the people can be present to defend against the greedy and unconstitutional desires of Mr. Wilkowski.

Regards,

David Gellatly

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SmartTagType
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1151001-301 ✓

D6-3

From: <BBGUN1010@aol.com>
To: <david@kordlyn.com>, <BBGUN1010@aol.com>, <BBrenner@co.whatcom.wa.us>
Date: 8/31/07 12:51PM
Subject: Re: Point Roberts Garbage

Hi David,

I don't know if or when the meeting will take place. The way it was left from what I remember was that the garbage company was to get a financial analysis from the WUTC so that the council could better understand whether the charges requested were reasonable. I have not heard any more from the garbage company or the public works staff regarding this.

I will certainly let you know as soon as I know anything.

Barbara Brenner

RECEIVED

SEP 04 2007

In a message dated 8/31/2007 10:10:53 A.M. Pacific Daylight Time, david@kordlyn.com writes:

WHATCOM COUNTY COUNCIL

Brenner

Hi Barb,
Just a quick note to let you know that this problem still exists, and that we are well prepared for the upcoming meeting in Point Roberts regarding that problem.
Would like to get an idea of when that meeting will be held, as we would like a little advanced notice in order to rally the troops.
Thanks and regards,
David Gellatly

***** Get a sneak peek of the all-new AOL at <http://discover.aol.com/memed/aolcom30tour>

DG-4

From: Debbie Bailey
To: Abart, Frank
Date: 5/1/2008 11:42 AM
Subject: F.Y.I. Mr. Gallatly, Pt. Roberts

Penni called Mr. Gallatly and got his machine. She explained that a hearing was being scheduled with the UTC, and Pt. Roberts would be discussed by the County Council in late May. She gave him the UTC toll-free phone number and explained that they requested all complaints be fielded to them re: Pt. Roberts. She also left the Solid Waste phone number if more info is needed.

DG-5
Pg 1

June 16, 2008

Received

JUN 17 2008

Whatcom County Public Works
Solid Waste Division
322 N. Commercial Street, Suite 220
Bellingham, WA 98225

Whatcom County
Public Works

Re: Whatcom County Contract # 200310005

Attention: Penny Lampres

Dear Ms. Lampres:

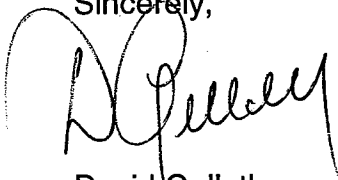
We are in possession of the above mentioned contract which is a lease agreement between Whatcom County and Points Recycling and Refuse, L.L.C.

We refer you to page 4 item F paragraph 1 wherein it states that *"Fees shall be mutually agreed upon, reviewed annually and listed in the Whatcom County Unified Fee Schedule."* Pursuant to the Public Records Act, we are requesting copies of correspondence between the County and Points Recycling and Refuse, L.L.C. regarding the annual reviews of fees as well as copies of the Whatcom County Unified Fee Schedule for the period covered by this contract.

We refer you to page 6 item N wherein it states that *"The Company shall, before making any improvements or alterations, submit plans and designs to the County for approval."* Pursuant to the Public Records Act, we are requesting copies of correspondence between the County and Points Recycling and Refuse, L.L.C. regarding submissions by the company to the County for any such improvements or alterations for the period covered by this contract.

We thank you in advance for your cooperation in providing these items which can be sent to 575 Calder Drive, Point Roberts, WA 98281.

Sincerely,



David Gellatly

Cc: Frank Abart, 322 N. Commercial Street, Suite 210, Bellingham, Washington 98225

Barbara Brenner, 311 Grand Avenue, Suite 105, Bellingham, Washington 98225

D6-5
Pg 2

**WHATCOM COUNTY
ADMINISTRATIVE SERVICES**

Whatcom County Courthouse
311 Grand Avenue, Suite 108
Bellingham, WA 98225-4038
ddesler@co.whatcom.wa.us

DEWEY G. DESLER
Director



SECURITY & TELECOMMUNICATIONS

Public Safety Building
311 Grand Avenue
Bellingham, WA 98225-4038
greid@co.whatcom.wa.us

GEORGE REID
Manager

June 18, 2008

David Gellatly
575 Calder Drive
Point Roberts, WA 98281

Post-It™ brand fax transmittal memo 7671		# of pages > 2
To D BAILEY	From G Reid	
Co.	Co.	
Dept. SOLID WASTE	Phone #	
Fax #	Fax #	

Re: Request for Disclosure of Public Records

Dear Mr. Gellatly:

Whatcom County is in receipt of your request for public records received in this office on 06/17/08. Your request has been assigned the following tracking number: 2008-143. I will forward your request to the appropriate County department(s) where the type of information you have requested may be contained.

We estimate that it may take up to two weeks to review your request and provide a complete response, however, we will provide a complete response sooner if possible. If you don't receive a complete response within two weeks, please contact my office at (360) 676-7694.

Sincerely yours,

George A. Reid, Jr.
Public Records Officer

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT

FRANK M. ABART
Director



WHATCOM COUNTY
PUBLIC WORKS
SOLID WASTE DIVISION
CIVIC CENTER ANNEX
322 N. Commercial St. Suite 220
Bellingham, WA 98225
Phone: (360) 676-7695
Fax: (360) 738-4561

DG-6

June 25, 2008

David Gellatly
575 Calder Drive
Point Roberts, WA 98281

Re: Request for Public Records, Number 2008 -143

Dear Mr. Gellatly:

Enclosed are the records requested for Whatcom County Contract #20031005 with Point Recycling and Refuse. We have only enclosed that portion of the Unified Fee Schedule that pertains to Solid Waste. The complete schedule may be viewed on the Whatcom County website (co.whatcom.wa.us) by accessing the Ordinance numbers. Please be advised that the enclosures reflect only the period covered by the above contract (November 1, 2003 through October 31, 2008) and not any changes that may have been applied for prior to these dates.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debbie Bailey".

Debbie Bailey
Whatcom County Solid Waste
Division Secretary

cc Frank Abart
George Reid

DG-7
Pg 1

July 6, 2008

Mr. Frank M. Abart, Director
Whatcom County Public Works
322 N. Commercial St. Ste. 210
Bellingham, WA 98225

Dear Sir:

I am writing in reference to the ongoing saga of Point Roberts, its garbage, its recycling and its transfer station.

At the risk of being long winded, I find it necessary to break this communication up into several parts and there for request you indulgence as I proceed through my questions and explanations.

First and foremost, I have been following the activities through the WUTC online and have reviewed the recent order dated June 27, 2008. I personally cannot understand Arthur Wilkowski's continued efforts at self destruction. I imagine that simply reinstating curb side recycling to bring him into compliance would have made all of these matters go away. He now faces increased scrutiny and cost with the distinct possibility of losing his authority to operate.

I have been studying the County's Solid Waste website and find that among the services provided by Whatcom County Solid Waste is *"Free twice monthly curbside recycling available through local solid waste (garbage) companies"*. I would like to ask why it is then that I receive (or at least used to receive) a bill from Points Recycling and Refuse for that service?

Point Roberts has the ability to be the Green Jewel of Whatcom County perhaps even Washington State! Perhaps you are familiar with the advanced state of recycling in states like California, and provinces like British Columbia and Quebec. Washington State is painfully behind in its quest for "going green". Because of our location and its proximity to Metro Vancouver we have significant opportunities which have as yet been unexplored except by a few. Metro Vancouver is on a quest for "Zero Waste", and I believe that here in Point Roberts we could work to achieve that goal and become a template for other small communities.

In a twisted turn of events, Arthur Wilkowski has gone from alienating the majority of the residents of Point Roberts to almost begging them for their support. He has done this for his own personal reasons and has not made any effort to work with the business community or the community at large to find solutions to problems which are growing and affecting all members of the community. At this point, he has only provided a tangled mess of lip service, and he is distrusted by many.

My interest is personal and selfish. I believe that there is a dollar to be made and I believe it can be done to the benefit of the entire community. Yes, I have an interest. I am involved in three businesses, and one of those businesses involves roll off bins and recycling of construction debris. This has become a large market in Metro Vancouver, and the spinoffs in commercial recycling are of great interest to me as

well. Point Roberts has 3 parcel services' here in Point Roberts; they generate a lot of corrugated cardboard as does the post office, which no longer has garbage cans in their lobby. Where do you suppose that cardboard ends up when the scores of people come to Point Roberts to pick up their items which were purchased on line at EBay or Lands End or Eddie Bauer or wherever and there are no receptacles to put their paper or Styrofoam chips or the cardboard box that the items were shipped in? It all ends up being disposed of in our ditches in the woods at the end of a private or dead end road, or it simply gets put in other businesses garbage cans such as gas stations, restaurants, taverns and the fire station. From there, those businesses end up paying for extra garbage pickup and perfectly recyclable items become solid waste.

Each day, one large truck brings the US mail and its litany of magazines, junk mail and parcels, sometimes it is necessary for a second daily trip from Blaine to insure that all of the mail arrives on the Point. Three times each week a full tractor trailer comes up with freight for businesses. Daily, a local courier company has three large cube vans that bring in freight to parcel services along with one UPS Truck with a trailer and a FedEx truck and a DHL truck. Of course this does not include the beer deliveries by Sound Beverage and the other three companies or the 3 to 5 time a week deliveries to the local grocery store by Associated Grocers or the tractor trailers that deliver to the local lumber yard on a weekly basis.

Most of our businesses try to be good corporate citizens, but there is no one here to help them, and all they get from the local solid waste company is put it in the garbage and we'll pick it up and charge you double for a heavy container!

In previous correspondence I have eluded to the fact that the Marina has a wonderful potential to recycle better than 90% of its waste because of the type of people that kept their boats there. As I have spent more time talking to the people in Point Roberts, I have found that there is a large percentage who would love to see our community become as close as possible to being zero waste. This is just the commercial side of things. Recycling is taught in our schools at an early age, and children at home want to put into practice what they have learned at school.

Recycling is such an easy concept to relay, and most of Point Roberts wants to recycle, they simply lack direction and the facility to make it happen. Commercial recycling bins are transportable and can easily be moved from place to place. Most recycling operations in Metro Vancouver are 24 hour operations because they have such a great demand. Such an operation would be complimentary to the existing services being provided as mandated by the County and regulated by the WUTC. Installation of a press and bailing machine at the transfer station would make short work of cardboard, paper, plastics and aluminum on a daily basis and once that particular bin were full, it could be transported that evening to a depot, off loaded and returned empty that evening in non-rush hour traffic with little border line up, thus, in a cost effective manner. Curb side recycling would dovetail into such an operation, as customers generally separate their own items in to three separate categories.

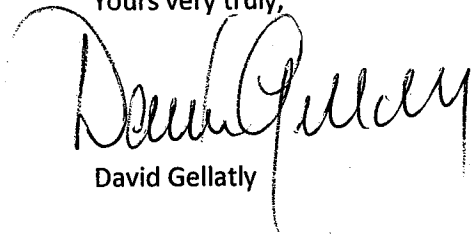
My biggest concern is that if, and there is sufficient rumor in Point Roberts that he intends to, Arthur packs up and goes off into the sunset or the WUTC withdraws his authority to operate, what is involved in preparing to provide service to our community to pick up where he has left off? I have spoken briefly with Penny Ingram at the WUTC and she indicates that there are provisions for emergency services in the application process for a G Certificate. She also pointed out that nothing can happen until a hearing of the WUTC takes place. I have down loaded all of the pertinent information and have begun preparing

all documents necessary in an effort to be prepared in the event that Arthur has his certification revoked.

I recognize that there is a requirement for support from Whatcom County in this regard, and I have previously expressed my desire to lease the transfer station when that lease comes due. I would appreciate the opportunity to meet with you, and discuss the opportunity which appears to be presenting itself, as well as my ideas and plans to make Point Roberts a greener place, working within the mandates outlined by Whatcom County and State laws.

I can be reached at 360-945-0653, or by cellular at 604-328-1410. Please feel free to contact me at your earliest convenience. Alternately, I can be reached via email at david@kordlyn.com.

Yours very truly,

A handwritten signature in black ink, appearing to read "David Gellatly". The signature is written in a cursive style with a large, looping initial "D".

David Gellatly

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT
FRANK ABART
ADMINISTRATOR



DG-8
ADMINISTRATION

CIVIC CENTER
322 N. Commercial Street, Suite 210
Bellingham, WA 98225-4042
Telephone: (360) 676-6692
FAX: (360) 738-4561
www.whatcomcounty.us

July 14, 2008

David Gellatly
PO Box 1314
Point Roberts, WA 98281

Dear Mr. Gellatly:

I am in receipt of your July 6th letter in reference to the current garbage and recycling situation in Point Roberts.

Briefly, here is a response to some of your issues and questions.

- The WUTC approves G-Certifications for the hauling of garbage.
- Garbage hauling is the basis for serving a franchise area's recycling needs.
- Contracting rules prevent Whatcom County Public Works from engaging in pre-bid negotiations for services.

Whatcom County Public Works will be participating in future hearings with the WUTC in regards to the garbage issues in Point Roberts and look forward to an equitable settlement of the issues at hand. Thank you for your interest in finding the best way to serve the needs of the citizens in Point Roberts.

Sincerely,

Frank M. Abart, Director
Whatcom County Public Works

06-9

Shelley Damewood

From: David Gellatly [david@kordlyn.com]
Sent: Monday, July 14, 2008 8:07 PM
To: cshelld@whidbey.com
Subject: My thoughts on Point Roberts Recycling and Refuse

Shelly,

First, you should know that the Reber's on Sunrise got a green bin because there was garbage to be removed that was not recyclable. Scott Hacker the contractor on the job used our bins and was very happy with the job. I went over and took photographs of the Bin when they were side by side, showing the difference in the contents. Ours was clearly recyclable and Arthurs was clearly garbage.

Also, last week I forwarded another letter to Frank Abart expressing my continued interest in both the Garbage business and the transfer station. I also spoke with Penny Ingram at the WUTC regarding applying for temporary operating authority. There is a provision for emergencies such as the one we might face. My documents are ready to go, but I cannot submit them until Arthur's authority has been revoked, otherwise he will be able to contest my application.

In reference to Arthur's letter which he included with his garbage bills:

Arthur was offered a brand new recycling truck from Blaine Bay Refuse, the company that services the Blaine and Birch Bay area. I have seen it and it is state of the art. His old recycling truck was an old city of Vancouver truck which was bought by Barb Mathews when she was involved in the business prior to Arthur arriving on the scene. Either way, Arthur clearly states that he only had 17% of his curbside customers doing recycling, and recycling is only offered twice a month. He has said that he only has 380 customers. 17 % equals roughly 65 customers. So why would you need a recycling truck worth 2 or 3 hundred thousand dollars to service such a small client base. A truck of the size he had and wanted to replace is for an urban centre like Vancouver where you are making 3 or 4 hundred pickups per day! The only reason that curbside recycling did not meet his financial support level was because he wanted a Rolls Royce to do a Volkswagen job!

He speaks of the citizens of Point Roberts having no significant desire for curbside recycling; he has made little effort to promote it. Had he expended half of the energy that he did to go after people for not operating within "his system", his curbside recycling numbers would be much higher...Oh, wait a minute whether you used curbside recycling or not, Arthur still billed you for it if you got curbside Garbage pickup. So, in fact, he was getting money from 380 customers and only having to pick up 65... That's why he did not care to promote recycling!

He speaks of a judge, it is an Administrative Law judge who works with the WUTC and evaluates the information before him based on the applicable laws. Arthur says there is no more discussion, mediation or debate... That is because Arthur has never responded to the county's requests to abide by the law and do what he is supposed to. He has engaged in civil disobedience and is suffering the consequences of his actions or inactions. He is resigned to the fact that he will lose, from which one can only draw one conclusion...he knows that he is in the wrong and that he has not been forthright with the people of this community, the county and the WUTC. Yet, he has his day in front of the judge, to speak his peace, an opportunity which we are all afforded under the constitution. He had no difficulty threatening all of us a year and a half ago with all sorts of illegal actions, did any of us have the opportunity to go before a judge then? No it was Arthur's way or the highway!

7/17/2008

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT
FRANK ABART
ADMINISTRATOR



D6-10
ADMINISTRATION

CIVIC CENTER
322 N. Commercial Street, Suite 210
Bellingham, WA 98225-4042
Telephone: (360) 676-6692
FAX: (360) 738-4561
www.whatcomcounty.us

July 15, 2008

David Gellatly
PO Box 1314
Point Roberts, WA 98281

Dear Mr. Gellatly:

I am in receipt of your July 6th letter in reference to the current garbage and recycling situation in Point Roberts.

Briefly, here is a response to some of your issues and questions.

- The WUTC approves G-Certifications for the hauling of garbage.
- Garbage hauling is the basis for serving a franchise area's recycling needs.
- Contracting rules prevent Whatcom County Public Works from engaging in pre-bid negotiations for services.

Whatcom County Public Works will be participating in future hearings with the WUTC in regards to the garbage issues in Point Roberts and we look forward to an equitable settlement of the issues at hand. Thank you for your interest in finding the best way to serve the needs of the citizens in Point Roberts. I encourage you to continue contact with the WUTC if you wish to participate in any future garbage/recycling opportunities that may arise.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank M. Abart", is written over a horizontal line.

Frank M. Abart, Director
Whatcom County Public Works

Ab2008-210v

DG-11

pg 1

From: "David Gellatly" <david@kordlyn.com>
To: cshelld@whidby.com; shannon@uird.com; cgrossman@pointbob.net; JHutchin@co.whatcom.wa.us
Date: Thu, Aug 14, 2008 5:58 PM
Subject: RE: Response to Ms. Thompson

Dear Dr. Hutchings,

Perhaps then, in view of the catastrophic fallout resulting from that letter you should correspond directly to the WUTC and be on the record as indicating that ". the parties have NOT reached at least a tentative agreement, which must be confirmed by county legislation." You should further properly express that the continuance is merely for the purpose of "allowing the broader issues of solid waste management at Point Roberts to be thoroughly discussed and potential solutions to be developed before any hearing is scheduled." Not that I agree with that sentiment, but that is what you would like us to believe.

DISTRIBUTED
VIA E-MAIL TO
AUG 15 2008
ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

At least, that would send us, in Point Roberts, a clear signal that there is no misinterpretation, and that you disagree with the submission of Mr. Wilkowski's attorney.

Please feel free to forward all of us a copy of that letter.

Regards,

David Gellatly

-----Original Message-----

From: Jon Hutchings [mailto:JHutchin@co.whatcom.wa.us]
Sent: Thursday, August 14, 2008 4:44 PM
To: david@kordlyn.com; cgrossman@pointbob.net; shannon@uird.com; cshelld@whidby.com
Cc: Council@co.whatcom.wa.us; Dewey Desler; Daniel Gibson; Frank Abart; Pete Kremen
Subject: Response to Ms. Thompson

Dear Ms. Thompson,

In response to your email of last night, I would like to strongly state that nothing is being kept from you. Behind-the-scenes settlement negotiations between Whatcom County, Mr. Wilkowski and the UTC are absolutely not the case. The letter you reference solely requests a continuance (delay) of the previously scheduled administrative hearing. That the wording of the letter led to misinterpretation is extremely unfortunate; however, be assured that no substantive agreements have been made, tentative or otherwise. Continuing the UTC hearing allows the broader issues of solid waste management at Point Roberts to be thoroughly discussed and potential solutions to be developed before any hearing is scheduled. The first step in that process is to know the needs of the community; hence, our presence last night.

Several weeks ago, in response to Mr. Crawford's legislative proposal, the Whatcom County Council asked me to review the County's portion of the solid waste program at Point Roberts. The Council's request specified that I identify policy changes that will advance sustainable and affordable garbage

DG-11
Pg 2

and recycling service for the community. The Solid Waste Advisory Committee (SWAC) is the appropriate public body for that task - in concert with participation of Point Roberts citizens. The SWAC will originate any framework that is offered towards settling the UTC complaint. I encourage you to participate.

Sincerely,

Jon Hutchings

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

CC: PKremen@co.whatcom.wa.us; FAbart@co.whatcom.wa.us;
DGibson@co.whatcom.wa.us; DDesler@co.whatcom.wa.us; Council@co.whatcom.wa.us

AB2008-210 ✓
DG-12
Pg 1

August 25, 2008

DISTRIBUTED TO

AUG 26 2008

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

~~Attention: Mr. Dave Danner, Executive Director and Secretary~~

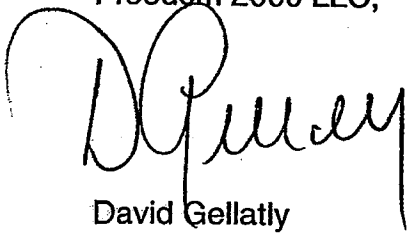
Dear Sir:

Please find attached an application for certificate to operate as a solid waste collection company under chapter 81.77 RCW. Please note that this application and associated documents reflect a desire to operate strictly as a curbside recycling Collection Company.

Thank you for your consideration of this application and we look forward to correspondence confirming receipt of same.

Yours very truly,

Freedom 2000 LLC,



David Gellatly

Cc: Pete Kremen, Whatcom County Executive
✓ Whatcom County Council
Frank Abart, Director, Whatcom County Public Works

D6-12
pg 2

Freedom 2000 LLC
550 Calder Drive
PO Box 1314
Point Roberts, WA 98281-1314

Secretary
Washington Utilities and Transportation Commission
P O Box 47250
Olympia, WA 98504-7250

Dear Sirs:

This filing is submitted by: Freedom 2000 LLC.

This filing proposes to provide the community of Point Roberts, which is considered an unincorporated part of Whatcom County, with source separated residential curbside recycling. The proposed tariff included with this application is consistent with the tariff outlined in Points Recycling and Refuse Company LLC's filing under certificate # G-155. It is important to note that Points Recycling and Refuse Company LLC does not and will not provide these services. Whatcom County Code section 8.10.050 Residential Recycling Collection clearly outlines requirements for this service. Furthermore, Points Recycling and Refuse Company LLC were given notice to cure their non-compliance by April 11, 2008 pursuant to section K of the aforementioned section of the Whatcom County Code. They have refused to comply.

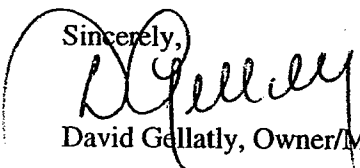
Point Roberts is home to a large number of senior citizens, and we have our share of handicapped people who are unable to continue to recycle without the benefit of curbside recycling. Furthermore, a significant number of residents in Point Roberts make their livings outside of Point Roberts and usually at a lengthy commute from their residences thereby making residential curbside recycling essential. Providing this vital service will alleviate the potential reduction of recycling in this community. It will also bring this area back into compliance with Whatcom County Code section 8.10.050.

The new application complete with tariff provides:

Item 100 -- Recycle only -- Every Other Week Recycling, to comply with county code.

As required by Commission rules, a copy of this transmittal letter will be mailed to the Whatcom County Executive, Whatcom County Council, and Whatcom County Public Works Director

If you have questions regarding this filing, please contact the undersigned. The telephone number is (360) 945-1410, the fax number is (360) 945-1410, and the e-mail address is david@kordlyn.com.

Sincerely,

David Gellatly, Owner/Manager

cc: ~~Whatcom County Executive~~
~~Whatcom County Council~~
Frank Abart, Director Public Works, Whatcom County

AB2008-210 ✓

DG-13

From: "David Gellatly" <david@kordlyn.com>
To: Council@co.whatcom.wa.us; PKremen@co.whatcom.wa.us;
FAbart@co.whatcom.wa.us
Date: Mon, Aug 25, 2008 1:05 PM
Subject: Point Roberts Residential Curbside recycling application

DISTRIB
VIA E-M

AUG 25 2008

ALL COUNTY
WHATCOM

Please see attached letters.

Originals have been sent to you all by mail today, and the WUTC will be receiving the application tomorrow by certified mail.

I believe that this application should be supported as it meets the requirements of the County Code Chapter 8.10. Approval of this application should eliminate any need for the county to make any changes to existing ordinances or to treat Point Roberts any differently than the rest of Whatcom County.

I welcome your thoughts,

David Gellatly

Freedom 2000 LLC

AB 2008-210

DG-14
pg 1

From: "David Gellatly" <david@kordlyn.com>
To: FAbart@co.whatcom.wa.us
Date: Sun, Oct 5, 2008 10:11 AM
Subject: Freedom 2000 LLC application for lease of Point Roberts Transfer Station

Please find attached a letter outlining our interest in the Transfer Station at Point Roberts for your consideration. Hard copy will arrive by mail.

Regards,

David Gellatly

CC: Council@co.whatcom.wa.us; PKremen@co.whatcom.wa.us

DISTRIBUTED
VIA E-MAIL TO
OCT 06 2008
ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL
Dana Brown-Davis

DG-14
Pg 2

October 6, 2008

Mr. Frank M. Abart, Director
Whatcom County Public Works
322 N. Commercial St. Ste. 210
Bellingham, WA 98225

BY EMAIL AND USPS

Dear Sir:

RE: WHATCOM COUNTY CONTRACT NO. 200310005

I am writing with respect to the Lease on the transfer station at Point Roberts which comes up for renewal on October 31, 2008.

As you are aware, my company, Freedom 2000 LLC has put an application into the Washington State Utilities and Transportation Commission for a G certificate so that we can provide Point Roberts with residential source separated curb side recycling. This is the same service that is mandate by Whatcom County's Code 8.10.050 and the same service that Point Roberts Recycling and Refuse has not performed since early in 2008 and has continually refused to reinstate..

In order to promote the zero waste concepts for our community and work towards that goal, an increase in recycling services is required. A mix of associated services must be made available to our community with a strong information and education campaign for our residents regarding recyclable materials. This can be accomplished by assisting self haulers of refuse to the transfer station and informing them of the benefits of recycling. To achieve that goal, the transfer station would be required in order to further sort materials so that they can be transported to the appropriate recycling locations.

On the issue of refuse which will inevitably end up at the transfer station, I would be prepared to contract those services out to an alternate carrier until the appropriate considerations by the WUTC were made.

Additionally, there is a strong desire from within the business community to have commercial recycling services made available. These are service which my company is prepared to offer, given the successfully negotiated lease agreement for the transfer station. Again, this is required so that recyclables can be further sorted and stored until a complete load is ready for shipment to the appropriate recycling locations.

DG-14
Pg 3

Based on this information, and a positive response for the WUTC regarding our G certificate application, I would request that you consider entering into negotiations with Freedom 2000 LLC for the lease of the transfer station at Point Roberts, currently considered Whatcom County Contract # 200310005.

I can be reached at 360-945-0653, or by cellular at 604-328-1410. Please feel free to contact me at your earliest convenience. Alternately, I can be reached via email at david@kordlyn.com.

Yours very truly,

David Gellatly

CC: Pete Kremen, Whatcom County Executive
Whatcom County Council

D6-15

From: Jon Hutchings
To: Bailey, Debbie
Date: 10/15/2008 11:29 AM
Subject: Fwd: Freedom 2000 LLC application for lease of Point Roberts Transfer Station
Attachments: Transfer Station Lease.doc

FYI

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

>>> Frank Abart 10/6/2008 7:55 AM >>>

I believe a response is required to this inquiry. If I understand our current position correctly, we will not be in a position to grant this person the entire transfer station area and, if or when we can proceed, it will only be for a designated portion of the transfer station. It is time we clarify those issues since he has finally decided to clarify his need for the transfer station. Let me know your thoughts.

Frank.

>>> "David Gellatly" <david@kordlyn.com> 10/5/2008 10:06 AM >>>
Please find attached a letter outlining our interest in the Transfer Station at Point Roberts for your consideration. Hard copy will arrive by mail.

Regards,

David Gellatly

ST-1
pg 1

From: Shannon Tomsen <shannon@uird.com>
To: Frank Abart <FAbart@co.whatcom.wa.us>, Jon Hutchings <JHutchin@co.whatco...>
Date: 5/29/2008 12:28 PM
Subject: Re: recycling in Point Roberts
Attachments: sc01224202.jpg; sc0122953d.jpg

Hi -

Attached is a letter we received yesterday from Arthur Wilkowski of Point Recycling and Refuse. The letter also included two additional double sided letters. I hope that the expenses for the several mailings he has sent like this one and the ads he runs are not considered as part of his business expenses that are taken into account when rate increases are sought.

His letter states that he has been trying to remove the curbside recycling program for eight years. Since that is either how long he has been running the business or close to it, maybe he should not have bought into the business.

Again, we disagree with his assessment that recycling is increasing and that a self haul program is best.

Thanks again,
Shannon Tomsen

On 5/28/08 4:43 PM, "Frank Abart" <FAbart@co.whatcom.wa.us> wrote:

- > Just fyi for the records. Please forward to the WUTC as well. Thanks.
- >
- > Frank.
- >
- >>>> Shannon Tomsen <shannon@uird.com> 5/27/2008 4:45 PM >>>
- > Hi Frank,
- >
- > Thanks for talking to me today about the recycling problem here on the
- > Point. I am writing to make sure that county and state government understand
- > that people here want curbside recycling service restored as soon as
- > possible.
- >
- > Going to the dump is no fun - there is a dirt road there and no matter how
- > hard they try to maintain it, you and your car get dirty. On top of that,
- > leaving the recycling sitting in our garage for a few weeks once resulted in
- > a mouse in our garage.
- >
- > Arthur has complained about the cost of recycling but he freely pays for
- > large ads in the local paper and several mailings where he complains about
- > costs. Within the last year or so he purchased a new, or nearly new, truck
- > to haul contractor garbage/containers. If he had purchased one a little
- > older vehicle perhaps he could have afforded a not so new recycling truck
- > too. Or, he could just pick up the recycling in his pickup, which he uses
- > for a fee, to pick up large or heavy pieces of trash that a customer cannot
- > haul.
- >
- > It seems that Arthur is comfortable burning bridges and he has antagonized
- > even his friends. He appears to be setting things up for whoever buys his

ST-1
pg 2

- > part of the business. Whatever comes to be, please remember that we want
- > curbside recycling here on the Point.
- >
- > Thank you,
- > Shannon Tomsen
- >
- >

ST-2
pg 1

From: <BBGUN1010@aol.com>
To: <shannon@uird.com>
CC: <pkremen@co.whatcom.wa.us>, <ddanner@wutc.wa.gov>, <council@co.whatcom.w...>
Date: 7/14/2008 6:55 PM
Subject: Re: Point Recycling and Refuse

Hi Shannon,

Thank you so much for your frankness. I know it is not easy. From your e-mail I know you understand I must be very careful as to what I say. But I will provide you with an opinion and a few facts.

I do believe PRR had other options instead of purchasing a brand new recycling truck with all its bells and whistles and paid for by the ratepayers.

I know for a fact the county is not "requiring" PRR to charge for drop-off recycling. I know for a fact the county does not "require" PRR to only be open two days a week. I know for a fact if his business closes down you will not be without garbage service. The county does require PRR be open AT LEAST two days a week. The county also allows PRR to collect for drop-off recycling. I believe he can charge UP TO a nickel a pound, but I am not sure about the nickel part. PRR is choosing these costs and inconveniences.

But most of all, I am truly sorry for the stress this is causing the residents of Pt Roberts. Unlike the contractor, we are required to protect the ratepayers and the public purse. The contractor knows very well he can make claims any time he wants. The county is protecting you all from frivolous lawsuits. That is our job. It is also the reason we are limited in our comments.

Barbara Brenner, Whatcom County Council Member

In a message dated 7/14/2008 4:18:15 P.M. Pacific Daylight Time, shannon@uird.com writes:

Hi Barbara -

I know you have received emails in support of Point Recycling and Refuse (PRR) so I want to make sure that you hear from at least one person who does not support the actions of PRR. I believe PRR's certificate should be immediately revoked because PRR is not abiding by all the laws it is required to follow. I apologize for the length of this email. We pay for weekly trash hauling and paid for curbside recycling until it was discontinued.

We first met Arthur when we visited the Point in February 2003. We found him quite personable and friendly. After moving here as full time residents in July 2003, we started to see some startling issues with recycling and trash hauling. One recycling day I set out a stack of flattened and twined cardboard boxes. I watched as the trash hauler took the stack and threw it into the garbage truck. I went out and asked why and was told that was how they did it with large quantities of recycling.

I immediately called Arthur. He said it was likely a mistake but made it

ST-2
pg 2

clear to me that he believed all recycling, with the exception of paper, was worthless because it cost more to process than any benefit derived from recycling. He told me about how far the materials have to go and said that if everyone worried less about recycling and got rid of their SUVs, we would be in better shape. I had to call him several other times when I witnessed similar problems but their practice of throwing some of our recyclables into the garbage truck continued until last year when I reported it to Whatcom County.

Last week, Arthur sent a letter with the billings that is absurdly ridiculous. The threats, the accusations, and the comments such as "The County simply does not care about Point Roberts" are nothing more than his effort to stir up trouble. This letter, the ones before it, and all the ads taken out deflect criticism from PRR's failure to follow the law. As a resident and taxpayer, I am tired of it.

I am tired of the threats: "There could possibly never be garbage collections here again." This may be true and it may not be true. I am more concerned with the fact that if the County and State allow PRR to drop curbside recycling, in the future it could drop recycling completely or other services deemed no longer viable.

I am tired of the 'poor me' stance: "Why is the County doing this? Honestly, I don't know why. My job is to serve this community...". The answer to the question is simple: Arthur bought the business knowing the requirements and laws and he has chosen to break the law and his agreement. Moreover, negotiation requires give and take on both sides and in my opinion, PRR is not interested in giving much of anything. Also, based on the conversations I have had with County staff over the last year or more, there has been more than enough negotiating and action has been delayed too long.

I am tired of hearing about the "ever growing illegal poaching by sham recyclers." What proof is there that this is happening? If Arthur is so confident of his assertions, he should be naming names and filing lawsuits. Arthur ignores the fact that what he is doing is a clearly illegal activity.

I am tired of hearing that the curbside recycling program "didn't meet recycling goals and could not financially support itself." What are the goals, who set them, and what proof is there that they have not been met? What are the reasons they are not being met? What is it exactly that makes self-haul recycling the answer? Is it the fact that he does not need to purchase a new truck? Why can't he do curbside recycling in the vehicles he currently uses - like his own pickup he uses to haul large items from homes at \$40+ per trip?

The issue that concerns me the most is the mailings and large ads taken out in our local paper are doing nothing but running up the cost of doing business. This means that when Arthur or a new owner seeks to raise rates, the UTC will look at all business expenses as one unit regardless of whether they are for hauling trash, curbside recycling, buying a new or nearly new commercial container truck, running ads in the paper, or sending out mailings. Ultimately, we the users of the system are paying to barrage ourselves with Arthur's letters and ads and trips and calls to Bellingham and Olympia. On top of that, we are likely paying him overtime wages for the time he spends doing all of this.

ST-2
Pg 3

It is remarkable that people believe that curbside recycling is going to bring this company to its knees. I believe Arthur has made poor decisions, one of which is to gamble on making the curbside recycling ultimatum. Another is purchasing the commercial container equipment instead of first meeting his legal obligation of curbside recycling. (It is like telling the IRS that paying your taxes interferes with your lifestyle choices so you cannot pay taxes any more and then getting mad when they throw you in jail!) Another is the way he has gone out of his way to alienate some residents and contractors so they refuse to do business with him. Finally, one must ask why it is more economically viable for a contractor to haul their own construction material than have PRR do it. (I know of two who cannot be claimed to be hauling illegally.) Could it be that PRR's rates are artificially high?

No one knows if Arthur has any intention of apply for a license past his current one that expires in the fall but the time for negotiation ended many months ago. Clearly, it is time to move on as a community. If the County or State back down at this point, you will send a signal to others (contractors and residents alike) here on the Point that they do not have to abide by County and State laws either. You will be rewarding bad behavior.

Sincerely,

Shannon Tomsen
2125 Whalen Drive
Point Roberts, WA 98281
360-945-0207

*****Get the scoop on last night's hottest shows and the live music scene in your area - Check out TourTracker.com!
(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

ST-3
pg 1

From: Frank Abart
To: Jon Hutchings; Penni Lemperes
Date: 7/15/2008 10:50 AM
Subject: Fwd: Re: Point Recycling and Refuse

>>> <BBGUN1010@aol.com> 7/14/2008 6:54 PM >>>

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ST-3
pg 2

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ST-3
Pg 3

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Sincerely,

Shannon Tomsen
2125 Whalen Drive
Point Roberts, WA 98281
360-945-0207

*****Get the scoop on last night's hottest shows and the live music scene in your area - Check out TourTracker.com!
(<http://www.tourtracker.com?NCID=aolmus00050000000112>)

5T-4

From: Frank Abart
To: Jon Hutchings; Penni Lemperes
Date: 8/13/2008 2:30 PM
Subject: Fwd: Point Recycling and Refuse

>>> Pete Kremen 8/13/2008 2:26 PM >>>
FYI

>>> Shannon Tomsen <shannon@uird.com> 8/13/2008 12:42 PM >>>
Hi -

My husband and I have been full time residents of Point Roberts since 2003. Today I read the August 11 article in the Bellingham Herald regarding the recycling issue in Point Roberts. I am surprised by your comments and, for the good of our community, hope you will reconsider your position.

First, please consider the message are you sending to other businesses here on the Point. Point Recycling and Refuse (PRR) signed a contract that requires curbside recycling pick up. Arthur should not be rewarded for willingly breaking that contract. He could have bought a recycling replacement truck instead of a commercial bin truck and avoided this problem. Or, since he claims there are so few users, perhaps he could use his company pickup truck to gather the recycling and again, fulfilled his contractual obligations. He has been unreasonable and has unilaterally chosen not to take action that would "save" his company.

Second, would you please send me the information you have that shows that recycling has doubled since free self-haul began? Please also explain what other evidence there is that centralizing pickup makes more sense. I have personally witnessed employees of PRR take recycling materials and throw them in the garbage truck. I would argue any increase in recycling amount is due to the fact that Arthur can no longer mask the quantity being processed.

Third, there is a statement attributed to Mr. Weimer where "he doubted the county's one-size-fits-all garbage policy would work in Point Roberts, which has few customers and is four border waits away from the rest of Whatcom County for one round trip." What does having curbside recycling or a centralized pick up have to do with border crossings? Are you suggesting that we completely end the recycling program?

Finally, if you allow PRR to flagrantly break the contract over recycling, what's next? No garbage pickup when that truck breaks down?

Sincerely,
Shannon Tomsen
360-945-0206

ST-5
pg 1

From: Shannon Tomsen <shannon@uird.com>
To: → David Gellatly <david@kordlyn.com>, 'Jon Hutchings' <JHutchin@co.whatcom...>
CC: <Council@co.whatcom.wa.us>, 'Dewey Desler' <DDesler@co.whatcom.wa.us>, '...>
Date: 8/14/2008 7:12 PM
Subject: Re: Response to Ms. Thompson

Dear Dr. Hutchings,

I appreciate your response to the email I sent to Mr. Kremen last night.

Many people individually read that letter last night and today and had the same response. Perhaps those who attended the meeting drew these conclusions not only due to the wording of the letter but because it was apparent last night that the tone between the Council and Mr. Wilkowski has changed. I agree with Mr. Gellatly that a clarification letter from the County to the WUTC is in order by the end of business on Friday, August 22. Unfortunately, I cannot otherwise be as generous as Mr. Gellatly.

Based on an email exchange with Mr. Weimer and a phone call from Ms. Brenner today, it is clear to me that they knew of the delay before the meeting. I do not believe they or Mr. Kremen knew of any agreement. Based on the email from Mr. Weimer it is clear to me that Public Works also knew about the delay. Since this a procedural issue, it is not part of the legal issues, so it should have been shared with the audience last night.

You state that "no substantive agreements have been made". That sounds like legalese and makes me wonder what non-substantive agreements have been made. Since that is a legal issue that cannot be discussed, Mr. Kremen could have better served us by being more clear in his disclaimer at the beginning of the meeting.

It is disappointing that County Council requested or agreed to any delay in this matter. The issues of exemptions and curbside recycling were brought to the table by Mr. Wilkowski almost two years ago. Moreover, he has been out of compliance for seven months.

To each of the Council members, I ask, why have you not attended to this issue before now? Doing so would have prevented months of antagonism here on the Point, saved money for everyone involved, and made the potential for the County's liability over exemptions less likely.

Thanks,
Shannon Tomsen
360-945-0206

On 8/14/08 5:58 PM, "David Gellatly" <david@kordlyn.com> wrote:

- > Dear Dr. Hutchings,
- >
- > Perhaps then, in view of the catastrophic fallout resulting from that letter
- > you should correspond directly to the WUTC and be on the record as
- > indicating that ". the parties have NOT reached at least a tentative

ST-5
pg 2

> agreement, which must be confirmed by county legislation." You should
 > further properly express that the continuance is merely for the purpose of
 > "allowing the broader issues of solid waste management at Point Roberts to
 > be thoroughly discussed and potential solutions to be developed before any
 > hearing is scheduled." Not that I agree with that sentiment, but that is
 > what you would like us to believe.
 >
 > At least, that would send us, in Point Roberts, a clear signal that there is
 > no misinterpretation, and that you disagree with the submission of Mr.
 > Wilkowski's attorney.
 >
 > Please feel free to forward all of us a copy of that letter.
 >
 > Regards,
 >
 > David Gellatly
 >
 > -----Original Message-----
 > From: Jon Hutchings [mailto:JHutchin@co.whatcom.wa.us]
 > Sent: Thursday, August 14, 2008 4:44 PM
 > To: david@kordlyn.com; cgrossman@pointbob.net; shannon@uird.com;
 > csheld@whidby.com
 > Cc: Council@co.whatcom.wa.us; Dewey Desler; Daniel Gibson; Frank Abart; Pete
 > Kremen
 > Subject: Response to Ms. Thompson
 >
 > Dear Ms. Thompson,
 >
 > In response to your email of last night, I would like to strongly state that
 > nothing is being kept from you. Behind-the-scenes settlement negotiations
 > between Whatcom County, Mr. Wilkowski and the UTC are absolutely not the
 > case. The letter you reference solely requests a continuance (delay) of the
 > previously scheduled administrative hearing. That the wording of the letter
 > led to misinterpretation is extremely unfortunate; however, be assured that
 > no substantive agreements have been made, tentative or otherwise.
 > Continuing the UTC hearing allows the broader issues of solid waste
 > management at Point Roberts to be thoroughly discussed and potential
 > solutions to be developed before any hearing is scheduled. The first step
 > in that process is to know the needs of the community; hence, our presence
 > last night.
 >
 > Several weeks ago, in response to Mr. Crawford's legislative proposal, the
 > Whatcom County Council asked me to review the County's portion of the solid
 > waste program at Point Roberts. The Council's request specified that I
 > identify policy changes that will advance sustainable and affordable garbage
 > and recycling service for the community. The Solid Waste Advisory Committee
 > (SWAC) is the appropriate public body for that task - in concert with
 > participation of Point Roberts citizens. The SWAC will originate any
 > framework that is offered towards settling the UTC complaint. I encourage
 > you to participate.
 >
 > Sincerely,
 >
 > Jon Hutchings
 >
 > -----

ST-6



From: Pete Kremen
To: shannon@uird.com
CC: cgrossman@pointbob.net, cshelld@whidby.com, david@kordlyn.com
Date: 8/14/2008 12:25 AM
Subject: Re: WUTC and Point Recycling and Refuse

Shannon,

I am forwarding your email and others expressing similar sentiments to both Mr. Abart and Dr. Hutchings with a request to provide a response to your justified and understandable concerns. Please be assured the response will developed with a high priority and rendered as expediciously as possible.

Regards,

Pete

>>> Shannon Tomsen <shannon@uird.com> 08/13/08 10:43 PM >>>
Hi Mr. Kremen -

Is this possible settlement a mistake? Why was this settlement and postponement not mentioned at the meeting here on the Point tonight?

<http://www.wutc.wa.gov/rms2.nsf/177d98baa5918c7388256a550064a61e/8a2bccd1bdbf7ad5882574a4007c357c!OpenDocument>

Thanks,
Shannon Tomsen
360-945-0206

Aug 2008 - Nov

ST-7

Pg 1

From: Shannon Tomsen <shannon@uird.com>
To: cshelld@whidby.com; cgrossman@pointbob.net; JHutchin@co.whatcom.wa.us; david@kordlyn.com
Date: Thu, Aug 14, 2008 7:12 PM
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DISTRIBUTED
VIA E-MAIL TO

AUG 15 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

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> Kremen
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>
> Sincerely,
>
> Jon Hutchings

>
> -----

ST-8

From: Jon Hutchings
To: cgrossman@pointbob.net; cshelld@whidby.com; david@kordlyn.com; shanno...
CC: Abart, Frank; Council; Desler, Dewey; Gibson, Daniel; Kremen, Pete
Date: 8/14/2008 4:43 PM
Subject: Response to Ms. Thompson

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Sincerely,

Jon Hutchings

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

ST-9

From: Jon Hutchings
To: Tomsen, Shannon
CC: Abart, Frank
Date: 8/19/2008 5:36 PM
Subject: Re: call follow up

Shannon,

I was pleased to talk with you. As for getting involved, I will not twist your arm, but would always appreciate your input.

Respectfully,

Jon

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

>>> Shannon Tomsen <shannon@uird.com> 8/19/2008 4:27 PM >>>
Hi Jon -

Thanks for talking about Point Roberts Recycling and Refuse with me for so long this morning. I've thought about your suggestion that I get involved. I am willing to consider the idea but I have a few questions for the UTC and left a message for Gene Eckhardt.

Thanks again,
Shannon Tomsen
360-945-0206

AB2008-287-

ST-10

Pg1

From: Sam Crawford <campfam@comcast.net>
To: shannon@uird.com
Date: Fri, Aug 22, 2008 12:40 PM
Subject: Re: 2008-287, Point Roberts curbside recycling exemption

Ms. Tomsen,

You can find information about making a Public Records request here:
<http://www.co.whatcom.wa.us/publicrecords/>
An email to me is NOT "an official request for public information".

I don't know what "records" you'd be wanting to find. I simply made a proposal to change how recycling is handled in Point Roberts. I have never discussed this issue personally with PRR. After proposing the ordinance at a Council meeting, I did leave a message one day with PRR to call me, and they returned the call by leaving a message to call back, but I never followed up on it. I was thinking they might have some questions about my proposal.

I'll try to answer your most recent questions here. I have been reluctant to respond, because your previous questions have been similarly conveying suspicion and implied mistrust, and I'm not here to try to convince you of anything. When people approach me with even subtle tones of implying something less than full integrity on my part, I tend not to be very responsive, just my nature I guess. From my point of view, the County will continue to try to work on behalf of all the citizens. Those who want to put those efforts consistently in a negative light will likely, quite frankly, receive less responsiveness. Just my "two cents" there.

Also, keep in mind that the Council has discussed some of these matters from a legal perspective in "executive session" with our attorneys. There are legal aspects to this matter that are inappropriate to discuss publicly at this time.

With all that, here's my responses to your specific questions:

-Point Roberts is in District 3, you represent District 2. Since council members no longer serve "at large" why did you draft this proposal on behalf of one Point Roberts business (Point Recycling and Refuse (PRR))?

Didn't. PRR is not the issue for me. Practicality of curbside-pickup recycling at Point Roberts struck me as odd as we received lots of input from folks up there. If PRR gave us any input on this, it was probably a long time ago, and I don't recall any specifics. And contrary to what you might think, neither I nor other Councilmembers fail to address issues in all parts of the County, not just the districts where we live.

-Did you consult with any other council members before or after making this proposal? If so, who and when?

Nope. One concern that did catch my attention is the "threat" by PRR (sent to us via email by concerned residents) that somehow garbage

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AUG 22 2008

*Crawford
Paulson
Engels
Brown-Davis*

service at Point Roberts could be discontinued. I inquired with our Public Works department, who told me that if PRR either quits or terminates, another hauler could be geared up immediately to provide service. So I think PRR's "threat" is inappropriate, inaccurate and unprofessional. But no, haven't discussed this with other Councilmembers.

-Which of your constituents asked you to draft this proposal?

None.

-What hard evidence do you have to support your position and proposal?

What I view as a common sense solution to recycling in a relatively small-scale recycling market. I realize that the term "common sense" is subjective, and we will all define that differently. Council review and debate, with community input, is not always in the black and white world of "hard evidence".

-Is it true that you asked that this proposal be fast-tracked? If so, why?

I have no idea what that means. I proposed an ordinance, what I see as a fix to an apparent problem. Perhaps you are implying that something underhanded is occurring. That is not the case.

-PRR has been out of compliance on this mandated service for over seven months. The County has asked the Washington Utilities and Transportation Commission to pull PRR's certificate. Why did you interfere with this process?

"Interfere"?

-Did you talk to residents of Point Roberts on both sides of this issue before agreeing to this proposal? If so, who and when?

Didn't talk to anyone.

-Why did you not attend the community meeting here on August 13?

1. Wasn't invited. 2. I think it was organized by PRR. I'm not that excited about engaging with them. I'm still not sure what the point of the meeting was. As I understand it, the WUTC is charged with administering utility provision around the state, and ensuring those utilities comply not only with state law, but with local laws. How that ends up becoming the topic of a "community meeting" in which I should play a role, is a connection I haven't made. My trash hauler, SSC, doesn't call "community meetings" to my knowledge. Not sure why they would. Far as I know, if PRR can't do the job, the WUTC will find someone who can.

-Why are you discriminating against Point Roberts residents by excluding only Point Roberts from this mandated service?

"Discriminating against"? I guess discrimination is in the eye of those who feel "discriminated against", at least in this case. I'm

sorry you feel that way. See my "common sense" answer above.

-How exactly are the residents of Point Roberts served by this proposal? (Please do not include any of the threats posed by PRR.)

As I see it, you (or at least your weekender neighbors) wouldn't have to worry about recycling bins sitting on the street for days, particularly weekenders who find that method of recycling impractical.

-Since the hauler has been non-complaint and your proposal rewards him for his bad behavior, what message does that send to other businesses in Point Roberts and their compliance with Whatcom County Code?

Whatever.

-If the County allows the hauler to disregard whatever laws he chooses, how do you counter the prevailing belief that residents of Point Roberts are at risk of losing additional mandatory services or a continued loosening of county regulations in general?

I wouldn't try to counter anyone's beliefs here. We're here to serve to the benefit of the public, not to make impractical regulations.

Ms. Tomsen, I guess I should close by saying again that I'm not trying to convince you of anything. If you feel continuation of mandatory curbside recycling is good for Point Roberts, then please continue to advocate for that. But please let me make it clear, I do not intend to engage in a big debate with you over this. I am responding here because you continue to request me to respond. Please simply provide the information, and your perspective, that you wish to provide, and I can assure you it will be considered as we continue to work as a community to resolve these and other issues.

Sincerely,

Sam Crawford
Whatcom County Councilmember

CC: DGibson@co.whatcom.wa.us; DDesler@co.whatcom.wa.us;
PKremen@co.whatcom.wa.us; FAbart@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us; ...

From: Sam Crawford <campfam@comcast.net>
To: shannon@uird.com
Date: Fri, Aug 22, 2008 1:21 PM
Subject: UTC Letter

Ms. Tomsen,

Here's a letter we JUST received from the UTC director. It clarifies some of the issues from their perspective. In reading it I am further enlightened as to their authority as to the potential that they may not revoke PRR's certificate even though PRR doesn't follow our curbside recycling pickup mandate!

They also say they don't necessarily have another provider waiting in the wings to provide service. They have not clearly stated whether the UTC is mandated to ensure continued service to Point Roberts. That's slightly different than my interpretation of my discussion I referred to in the previous e-mail with County Public Works, but nonetheless I was assured there'd be no gap in service, one way or another.

It appears to me my concerns I expressed to you how I question the practicality of curbside recycling at Point Roberts might be shared by the director of the regulating state agency. But please read and arrive at your own interpretation and conclusion. He is certainly also concerned about County enforcement, or lack thereof, of our waste and recycling regulations.

Sam Crawford

CC: DGibson@co.whatcom.wa.us; DDesler@co.whatcom.wa.us;
PKremen@co.whatcom.wa.us; FAbart@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us; . . .

US MAIL
VIA AIRMAIL

AUG 22 2008

Crawford
Brown-Davis
Engels
Paulson



ST-12
Pg 5

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

August 22, 2008

The Honorable Barbara Brenner
Whatcom County Council
County Courthouse
311 Grand Avenue
Bellingham, WA 98225

Dear Ms. Brenner:

We are in receipt of your e-mail to Margret Kaech of our office in which you allege "misleading and intimidating tactics" by the Utilities and Transportation Commission (UTC or commission) with regard to the matter of solid waste and recycling collection in Point Roberts. Let me set the record straight.

On July 16, 2008, Whatcom County Council President Carl Weimer was at the UTC office in Olympia for a meeting of the Citizens Committee on Pipeline Safety. On that occasion, he and I met briefly and discussed, among other things, the County's complaint against Point Recycling and Refuse (PRR). Eugene Eckhardt, UTC's assistant director for solid waste regulation, joined us for part of the meeting.

In its complaint, the County asked the commission to revoke PRR's certificate to haul solid waste on the grounds that the company is in violation of the County's Solid Waste Management Plan and implementing service level ordinance by failing to provide mandatory pay residential curbside recycling service. While I noted that I could not speak for the commissioners or predict their decision in the pending case, I observed that the case involved several issues that, in my opinion, the County may not have analyzed fully.

First, in both ordinance and the solid waste plan, the County has created a "collection district," within which solid waste and recycling collection is mandatory for owners of all developed property. We understand there are some 2,151 residential properties receiving water and an additional 3,043 properties with some type of improvements located within Point Roberts. The ordinance and plan allow for exemptions, and the County has granted 588 exemptions in Point Roberts so far. For the remaining residences that are not subscribing to solid waste or recycling collection, we understand that the County has taken no steps to enforce the ordinance.



The Honorable Barbara Brenner
August 22, 2008
Page 2

The County's decision not to enforce its collection district at the same time it insists that PRR provide residential recycling appears to be causing a "perfect storm" of a shrinking customer base, increasing average operating costs, and decreasing revenue for PRR. According to its latest annual report, PRR provides garbage collection service to only 531 residences, curbside recycling service to 335 residences and commercial garbage collection service to 33 commercial customers. As you are aware, PRR's predecessor went bankrupt operating with a small customer base, and PRR's own operation struggles to earn a profit.

To make up the revenue shortfall from its higher costs and shrinking customer base, the company must seek authority from the UTC to raise rates. However, the inevitable result of each rate hike is that more customers cancel garbage service for the cheaper options of self-hauling (sometimes across the border to Canada) or illegal burning or dumping. As the company's subscriber base shrinks further, rates continue to rise, and the situation worsens for the company as revenues decline.

Second, we understand that PRR, having determined that the cost of recycling was unreasonable, petitioned the County to eliminate the mandatory recycling program, and that the County denied the petition. Yet there is a question whether the economics of curbside recycling pan out for a company with such a small customer base. If the commissioners were to examine the equities of the County's complaint, they might determine that curbside recycling is economically impractical and deny the County's request to cancel PRR's certificate, finding that the company's failure to provide the service was due in large part to the County's own policies that may have denied the company sufficient revenue to provide the service the County demands.

Third, in deciding what action to take on the County's request to cancel PRR's certificate, the commissioners would certainly consider the impact on public health and safety. Someone has to pick up the garbage. At this point, our staff is not aware of any regulated solid waste collection company interested in providing service on Point Roberts, especially if forced to do so at or near a loss. If another company were to step in, I expect that it would make the same demands that PRR has consistently made: that the County enforce its ordinance establishing a collection district. If the incoming company conducts operations in other parts of Whatcom county, I expect it would ask the commission to set uniform rates throughout its entire service territory -- in essence, require other Whatcom county residents and businesses to pay higher rates to subsidize solid waste and residential recycling collection in Point Roberts.

You suggest that others besides regulated solid waste companies may be interested in providing solid waste collection service on Point Roberts. Several individuals, all with no experience operating a solid waste collection company, have asked UTC staff about the process to apply for a solid waste certificate, but no one has filed an application to date. If a person or entity were to apply for a solid waste collection certificate, the commission could grant the application only after it finds that PRR will not provide service to the satisfaction of the commission. The commission would inquire whether the applicant is fit, willing, and able to operate a solid waste company. Our process would require a review of the applicant's background, bona fides, finances, expertise in solid waste collection and proposed safety programs for vehicles and employees (e.g., background checks and drug and alcohol testing). The commission would also

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pg 7

The Honorable Barbara Brenner
August 22, 2008
Page 3

review the applicant's proposed tariffs for service and rates related to the company's proposed operating expenses.

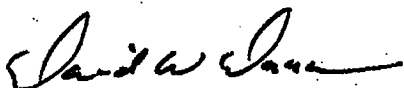
If no qualified applicant applies for a certificate to serve Point Roberts, the County itself can provide garbage collection service. Also, the County can at any time choose to contract with any private party to provide residential recycling services. Those are policy decisions outside the UTC's jurisdiction.

Your email clearly indicates that you took offense to my sharing these observations with Mr. Weimer. Rest assured that my conversation with Mr. Weimer dealt with matters related to the UTC's authority over solid waste companies and likely to be considered by the commissioners when this proceeding comes before them. These views are my own, and not necessarily those of the commissioners. Due to *ex parte* considerations, I cannot discuss with the commissioners any matters related to this case outside of the formal hearing process.

As a final matter, I agree that the record in this case is clear that no agreement has been reached or is imminent among the parties. On August 15, Administrative Law Judge Marguerite Russell issued an order postponing the hearing 90 days based on a statement by James Sells, attorney for PRR, that "it appears that the parties have reached at least a tentative agreement, which must be confirmed by county legislation." Subsequently, County Executive Pete Kremen submitted a letter clarifying that while the County does not object to a 90-day continuance, there is "no agreement tentative or otherwise." Mr. Kremen's letter is docketed in the case record.

I hope this information is helpful. In the future, please call me at (360) 664-1208 if you would like to discuss this matter.

Sincerely,



David W. Danner
Executive Director

cc: Governor Christine Gregoire
Attorney General Rob McKenna
Whatcom County Executive Pete Kremen
Whatcom County Council Members

Shannon Tomsen
2125 Whalen Drive
Point Roberts, WA 98281
360-945-0206

Sent via email

August 25, 2008

Mr. Sam Crawford
Whatcom County Councilmember, District 2
311 Grand Avenue, Suite 105
Bellingham, WA 98225

RE: AB2008-287, Exempting Point Roberts from Mandatory Curbside Recycling

Dear Mr. Crawford:

Thank you for your reply to my questions. I am sorry if you interpreted them as "conveying suspicion and implied mistrust". That certainly was not my intent. I was merely asking honest questions about why you are putting forth a proposal that rewards someone who, while leasing county property for a very favorable rate, is out of compliance with his contract, is refusing to provide services mandated by county code, and could sell his G certificate at any time to anyone. His refusal to abide by the code denies county citizens a basic service to which we are entitled. Also, for the second year in a row, he is one of possibly two haulers statewide that are out of compliance with WUTC annual report filing requirements.

It is surprising that Council and the WUTC seem willing to take what PRR says as if it is fact even though no proof is offered. For example, Arthur contends that the company that operated the hauling service before PRR declared bankruptcy. That company was Point Roberts Sanitation, owned by Linda Myrdal and then Barb Matthews. I cannot find anything showing that either individual or a company with that name ever entered into bankruptcy. PRR also claims they are receiving twice as much recycling under the self-haul system. Is this true or is it that they are getting more recycling because in the past they threw recycling into the garbage truck, as I have seen them do myself on several occasions?

I am also surprised that Council and WUTC believe that negotiations will result in an agreement that PRR will actually follow. PRR has signed two leases for the facility in which they agreed to abide by trash and recycling laws. PRR has now deemed curbside recycling untenable so it has unilaterally decided to stop providing service.

Your apparent indifference to the effect that rewarding of his bad behavior may have on other businesses or service providers and your reluctance to engage a county citizen in an open debate about the issue is disappointing. It seems to me that these are the most basic responsibilities of public service.

Like you, I do not want to be involved in a debate about this. In fact, I do not want to be involved in this issue at all. I want to live my life and know that the county is doing its job and enforcing its laws. Instead, based on Dave Danner's letter to Barbara Brenner, I am left wondering how and when the County Council will react.

As a result, I feel that there is no alternative except to take legal action to force the County to enforce its laws. Among other things, the proposed curbside recycling change must be withdrawn from consideration and the Council must commit to proceeding with its case against PRR at WUTC in December. If you believe there are any other alternatives that require PRR to both treat customers with respect and allow curbside recycling to continue, please let me know as soon as possible.

Sincerely,

Shannon Tomsen

Whatcom County Council meeting September 9, 2008

Open Session Presenter:

Shannon Tomsen, J.D.
2125 Whalen Drive
Point Roberts, WA 98281
360-945-0206

RE: AB2008-287 Ordinance to remove mandatory curbside recycling only in Point Roberts

TIMELINE of Proposal

- July 22: proposal introduced.
- August 5: proposal reviewed by Public Works and Safety Committee and submitted to SWAC.
- August 6: SWAC notice for August 20 special meeting to vote on proposed ordinance.
- August 13: meeting in Point Roberts held by hauler.
- August 13: County agrees to delay WUTC hearings.
- August 14: SWAC special meeting canceled based on August 13 meeting. Garbage and recycling issues in Point Roberts to be discussed at their regular meeting on September 25.

ISSUE

Hauler's claim that curbside recycling is not financially feasible.

Dave Danner: "We understand that PRR [Points Recycling and Refuse], having determined that the cost of recycling was unreasonable, petitioned the County to eliminate the mandatory recycling program, and that the County denied the petition. Yet there is a question whether the economics of curbside recycling pan out for a company with such a small customer base."

2007 PRR ANNUAL REPORT

- Assets, page 7 line 12: \$259,320
- Profit, page 8 line 11: \$6,454.18
- Revenues, page 9 line 3: \$422,331
- Expenses, page 9
 - o line 4, Driver wages *and* benefits: \$161,473 (benefits make up 39% of this amount)
 - o line 11, Office and administration: \$41,052
- Recycling Revenue, page 10: \$21,850
- Recycling Commodity Revenue, page 11: loss of \$1,992
- Salary and wages [only], page 15
 - o line 1, Drivers (2, see page 4) and helpers: \$98,232
 - o line 5, Officers (1, see page 4): \$78,489

MISC.

- WUTC Executive Director, and attorney, Dave Danner's salary in 2005: \$92,000
- Boeing machinist: average \$54,000; those hired since 2004, \$57,000-\$42,000

FILE UNDER AB 2008-210
 DATE RECEIVED: 9-9-2008
 SUBMITTED BY: Shannon
 COUNCIL MEETING
 COMMITTEE
 EXHIBIT: △

Ab2008-210 ✓
ST-13

From: Shannon Tomsen <shannon@uird.com>
To: Council@co.whatcom.wa.us
Date: Thu, Sep 11, 2008 4:57 PM
Subject: PRR annual reports

Hi -

At the Tuesday meeting I was not able to explain Points Recycling and Refuse financials sufficiently in 3 minutes. Attached is a recap of the pertinent lines in PRR's 2003-2007 annual reports. The red tabs are comments: either notations or directions where you can find the information within the reports*.

Gene Eckhardt, WUTC Assistant Director, told me that the annual reports submitted by the haulers are un-audited. WUTC conducts audits when a hauler requests a rate increase. When the audits are conducted, WUTC almost always finds discrepancies in the annual report where the hauler has listed lower numbers that are favorable to him or herself.

In addition to receiving his officer/director pay (line 16 on my spreadsheet), Arthur is also one of the two commercial vehicle drivers. That means he also receives part of those wages and benefits (line 7 on my spreadsheet). It is also highly likely that Arthur does some if not all his own bookkeeping and receives salary from the office/admin category (line 8 on my spreadsheet). Surprisingly, driver salaries and benefits almost doubled between 2006 and 2007 and more than quintupled between 2003 and 2007, even though only one additional commercial vehicle driver was added.

Clearly, there is big money to be made in hauling trash and recycling in Point Roberts and claims of financial collapse of this company are greatly exaggerated.

Thanks,
Shannon Tomsen
360-945-0206

*The 2007 annual report was included in the packet from Tuesday. We received the 2005 and 2006 annual reports just before we left for the meeting on Tuesday, the 2003 and 2004, on Wednesday. The 2003-06 reports are attached for your records.

CC: ddanner@wutc.wa.gov; DGibson@co.whatcom.wa.us; DDesler@co.whatcom.wa.us; PKremen@co.whatcom.wa.us; FAbart@co.whatcom.wa.us; JHutchin@co.whatcom.wa.us

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ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Annual report year	2003	2004	2005	2006	2007
Date submitted	30-Jun-04	2-May-05	29-Apr-08	29-Apr-08	3-Sep-08
Number of drivers	1	2	2	2	2
Miles operated	page missir	6260	6,577	30,105	22,340
Fixed assets	122,813.93	22,813.93	36,320.43	259,320.43	259,320.43
Proprietor's capital	39,991.72	30,343.67	28,677.39	47,419.81	6454.18
Driver wages and ben	31,665.78	40,085.26	61,712.00	87,634.07	161,473.32
Office & administrati	72,422.78	52,613.70	53,619.43	39,538.13	41,052.82
Revenues	299,407.73	29,695.25	82,259.05	429,366.14	422,331.37
Recycling revenues	23,038.61	21,153.31	21,610.76	21,870.79	21,850.79
Commodity revenue	0	-1051.77	-3,528.16	-3,146.62	-1,992.95
Driver wages	30,218.52	56,431.00	47,678.31	72,426.90	98,232.52
No. of employees	1	2	1	2	3
Disposal wages	8,443.25	none listed	7,358.25	3,270.00	none listed
No. of employees	1	none listed	3	1	none listed
Officer salary	47,132.92	54,000.00	59,325.00	70,400.00	78,489.00
No. of officers	1	1	2	1	1

ST-14
pg-1

From: Shannon Tomsen <shannon@uird.com>
To: Pete Kremen <pkremen@co.whatcom.wa.us>, Frank Abart <FAbart@co.whatcom.w...>
Date: 10/3/2008 5:57 AM
Subject: Point Roberts transfer station lease
Attachments: Trsfr stn lease chgs.doc

Hi Pete and Frank -

Thanks for meeting with us yesterday. Attached are the lease changes we discussed. Please let us know if you need any documentation to support them.

Shannon
360-945-0206

Shannon Tomsen
2125 Whalen Drive
Point Roberts, WA 98281

October 3, 2008

Mr. Frank Abart
Director, Whatcom County
Public Works Department
322 N. Commercial, Ste. 210
Bellingham, WA 98225

Dear Mr. Abart:

The transfer station lease holds all the power the local residents and County have over any leasee in Point Roberts. A measure of power over any leasee, and not just Arthur, is the only way to assure we do not end up in a mess similar to this one in the future.

1. Failure to abide by the lease or County Code must have ramifications built into the lease. The Code itself does not include any direct punishment for violations. It has been proven that relying on the WUTC to enforce County Code is more than cumbersome and contract laws are insufficient.
2. Protection of the infrastructure and making sure there is no waste is crucial. Arthur has stated that he will remove all his improvements and that it will take the county months to get the station in condition to use it again. (Sections H and N)
3. The ability for the leasee to sublease or assign rights should be removed. This would give local residents and the County some minor control over any company purchasing the G certificate. Removing "consent shall not be unreasonably withheld" is insufficient as it gives the County no real control. (Section M)
4. Rent should be increased by either a simple increase to something reasonable, for example \$1,000 per month, or based on a percentage of revenues. If it were based on revenues, the lease could require the leasee pay for an independent audit every 2-3 years to show the real revenues. This would readily substantiate, or not, any future claims of financial hardship while not creating any extra work for the County. It would also provide a reasonable income for the property that could be funneled back into the community or County. (Section D)
5. "The County" should replace "the Company" in Section E, 4. It is upon this section that PRR relied to send letters banning residents from using the transfer station.
6. Regular hours of operation need to be established and maintained. (Section E, 1)

Sincerely,

Shannon Tomsen

ST-14
Pg 3

From: Jon Hutchings
To: Abart, Frank; Gibson, Daniel
Date: 10/3/2008 8:19 AM
Subject: Re: Fwd: Point Roberts transfer station lease

I just scanned Shannon's recommendations. She is clearly unaware of the thread by which we convince SSC to continue operating transfer facilities at our landfill sites. Our goal is consistency among lease agreements. Perhaps though, given the very different situations at Pt Roberts we shouldn't worry about differences in lease terms.

Food for thought,

Jon

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

>>> Frank Abart 10/3/2008 7:51 AM >>>

Good morning. The notes below are suggestions from interested parties at Pt. Roberts. They would like us to consider these changes to our leases - all of the leases that we do for transfer sites - but specifically for Pt. Roberts. I have advised them that we may not incorporate all, or any, of the changes but that we would do a serious review and consider the suggestions. I think some are pretty good suggestions but they will not work for the temporary extension lease at Pt. Roberts - however, they may be incorporated for the more permanent lease. Let me know what you think. Thanks.

Frank.

>>> Shannon Tomsen <shannon@uird.com> 10/3/2008 5:57 AM >>>

Hi Pete and Frank -

Thanks for meeting with us yesterday. Attached are the lease changes we discussed. Please let us know if you need any documentation to support them.

Shannon
360-945-0206

ST-15

pg 1

From: Shannon Tomsen <shannon@uird.com>
To: Frank Abart <FAbart@co.whatcom.wa.us>
Date: 10/6/2008 5:54 PM
Subject: FW: Recycling on Point Roberts

Hi Frank -

This is an exchange between Carl and me. It occurred to me that you me that you might be interested in my experiences with Dave Gellatly.

Thanks!
Shannon

----- Forwarded Message

From: Shannon Tomsen <shannon@uird.com>
Date: Sat, 27 Sep 2008 12:31:34 -0700
To: Carl Weimer <CWeimer@co.whatcom.wa.us>, Carl Weimer <carlweimer@comcast.net>
Subject: Re: Recycling on Point Roberts

Hi -

Yes, I would like the attachments. It would be good to know what the next steps are.

Arthur has painted himself into a corner saying he will never resume curbside recycling. He's said it is economically unfeasible but we've proven that to be untrue. So, if someone else willing, they should be allowed to step in as long as proper safeguards are built into the transfer station lease.

Here's my two cents about Dave Gellatly. I know him through his business and his position as fire commissioner. I've found him to be reliable, level headed, and unassuming. He's good at solving problems and customer service. Those traits and the fact that he's seemly impervious to pettiness make it easy to work with him.

He has a currency exchange business where you can trade US and Canadian dollars and checks. Between 2005-07, we used him numerous times to trade dollars for Canadian checks when we were purchasing stone and other major components for our landscaping. We also buy Canadian dollars from him for everyday use as he saves us the 1-2% fee banks here charge.

Dave was always flexible in working with my schedule and often went above the call of duty. One example is that he drove a check to a Canadian company for me. The morning we were having eight double loads of soil delivered Dave came over with the check. When the first double load was delivered I gave the driver the check. While the landscapers got to work, I got a call that we had the wrong name on the check. It was my fault and even though it would not have been an issue for a US company, they refused to deliver the rest until it was corrected. I called Dave as he was crossing down into Blaine. He called the company for me and delivered them a new check that afternoon on his way back. The company relented and delivered the rest of the soil and although they were located far off his route home, he did deliver the check. He didn't have to do that and he could have charged me. It saved me several hours of down time pay for the guys working here who needed the soil and

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Pg 2

also save me a couple hours of drive time to the company.

He is also a fire department commissioner. When we moved here in 2003, the department was embroiled in scandals and in total shambles. Things settled down with a new batch of commissioners and a great new chief. I know Dave works with some difficult folks but he rises above that all. It is a huge relief to the residents here that they only have to concentrate on putting out fires now.

I hope things work out for him but we've seen the WUTC's long list of companies that make it this far only to be denied the G-certificate because there is someone already in the area with a G-certificate. Until it is a done deal, it is important that the current case before the WUTC not be derailed and that we all assume Arthur will be here for a long time to come.

Thanks,
Shannon

On 9/24/08 9:02 PM, "Carl Weimer" <carlweimer@comcast.net> wrote:

- > Hi Shannon,
- >
- > I asked that Public Works let you know whether the SWAC meeting is still on or
- > not. I have no knowledge of that, and am in Olympia. Hopefully they let you
- > know.
- >
- > Below and attached is information just received from the WUTC. I have not
- > reviewed this carefully, but it would appear that Mr Gellatly has qualified to
- > take over the curbside recycling on Point Roberts. If Arthur doesn't step up
- > to start recycling it would appear that the WUTC could award that service to
- > Mr Gellatly. I guess they could award it to him even if Arthur does at this
- > point. Any thoughts on this? I don't know anything about Mr Gellatly.
- >
- > I have the attachments if you want them
- >
- > Carl

----- End of Forwarded Message

ST-16

From: Shannon Tomsen <shannon@uird.com>
To: Council Council <Council@co.whatcom.wa.us>, <BBGUN1010@aol.com>, lordwar...
CC: Shelley Damewood <cshelld@whidbey.com>, Renee Coe <Renee@advsim.com>, Da...
Date: 10/7/2008 7:37 AM
Subject: Re: Comments to County Council RE Freedom 2000 application

Hi -

In response to Mr. Wilkowski's letter, please remember that Shelley Damewood, Renee Coe, and I are working for the public good. We want the County to enforce it's ordinances and we have made that point clear on numerous occasions.

I am not sure what a "personal political" reason is but we stand to gain nothing personally by digging up facts that contradict the false statements and claims made by Mr. Wilkowski.

He is a boy who has cried wolf too many times and now that he's in jeopardy of losing part of his lucrative business, he trying to bully you into doing what he wants rather than what is best for this community.

Sincerely,
Shannon Tomsen

On 10/6/08 3:48 PM, "Council Council" <Council@co.whatcom.wa.us> wrote:

>
>
>>>> "arthur wilkowski" <arthur@pointroberts.net> 10/06/08 3:01 PM >>>
> Please find attached my comments to the County Council regarding the Freedom
> 2000 application on the October 7th Council Meeting Agenda.
>
> Sincerely,
>
> Arthur Wilkowski
> Point Recycling and Refuse Company
>

ST-17
pg 1

From: Frank Abart
To: Debbie Bailey; Jon Hutchings; Penni Lempere
Date: 10/9/2008 8:00 AM
Subject: Fwd: FW: PRR annual reports
Attachments: PRR Annual Report comp.xls; 2003 - Points R efuse G[6].pdf; 2004 - Points R efuse G[6].pdf; 2005 Points Rec , LLC G[3].pdf; 2006 Points Rec , LLC G[3].pdf

Just fyi for the files.

>>> Shannon Tomsen <shannon@uird.com> 10/9/2008 7:15 AM >>>
Hi Frank -

Here is a copy of the email I sent last month regarding PRR's annual reports. The reports are public record and were obtained through the WUTC.

As mentioned the other day, we disagree on the issue of whether the County can or should look at these numbers. The hauler opened the door to looking at his finances by claiming curbside recycling was not economically feasible and seeking a change to county code.

The attached proves that claim to be false. In addition, all the information on comparison spreadsheet was taken directly from the annual reports and not altered in any way.

Thanks,
Shannon

----- Forwarded Message

From: Shannon Tomsen <shannon@uird.com>
Date: Thu, 11 Sep 2008 16:55:44 -0700
To: <council@co.whatcom.wa.us>
Cc: Jon Hutchings <JHutchin@co.whatcom.wa.us>, Frank Abart <FAbart@co.whatcom.wa.us>, Pete Kremen <pkremen@co.whatcom.wa.us>, Dewey Desler <d-desler@co.whatcom.wa.us>, 'Daniel Gibson' <d-gibson@co.whatcom.wa.us>, <ddanner@wutc.wa.gov>
Subject: PRR annual reports

Hi -

At the Tuesday meeting I was not able to explain Points Recycling and Refuse financials sufficiently in 3 minutes. Attached is a recap of the pertinent lines in PRR's 2003-2007 annual reports. The red tabs are comments: either notations or directions where you can find the information within the reports*.

Gene Eckhardt, WUTC Assistant Director, told me that the annual reports submitted by the haulers are un-audited. WUTC conducts audits when a hauler requests a rate increase. When the audits are conducted, WUTC almost always finds discrepancies in the annual report where the hauler has listed lower numbers that are favorable to him or herself.

In addition to receiving his officer/director pay (line 16 on my spreadsheet), Arthur is also one of the two commercial vehicle drivers. That means he also receives part of those wages and benefits (line 7 on my spreadsheet). It is also highly likely that Arthur does some if not all his own bookkeeping and receives salary from the office/admin category (line 8 on my spreadsheet). Surprisingly, driver salaries and benefits almost doubled between 2006 and 2007 and more than quintupled between 2003 and 2007, even though only one additional commercial vehicle driver was added.

Clearly, there is big money to be made in hauling trash and recycling in

Point Roberts and claims of financial collapse of this company are greatly exaggerated.

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Pg 2

Thanks,
Shannon Tomsen
360-945-0206

*The 2007 annual report was included in the packet from Tuesday. We received the 2005 and 2006 annual reports just before we left for the meeting on Tuesday, the 2003 and 2004, on Wednesday. The 2003-06 reports are attached for your records.

----- End of Forwarded Message

ST-18

From: Shannon Tomsen <shannon@uird.com>
To: Frank Abart <FAbart@co.whatcom.wa.us>
CC: Jon Hutchings <JHutchin@co.whatcom.wa.us>, Barbara Brenner <BBGUN1010@ao...>
Date: 10/23/2008 4:40 PM
Subject: FW: Lease Question

Hi Frank -

I know you were out last week. Can someone get back to me about the status of this contract?

Thanks,
Shannon

----- Forwarded Message

From: Shannon Tomsen <shannon@uird.com>
Date: Thu, 16 Oct 2008 11:47:46 -0700
To: Frank Abart <FAbart@co.whatcom.wa.us>
Cc: Jon Hutchings <JHutchin@co.whatcom.wa.us>, Barbara Brenner <BBGUN1010@aol.com>
Subject: Re: Lease Question

Hi Frank,

Has the extension been completed? If so, who do I contact to have a copy emailed to me?

Thanks,
Shannon

On 10/7/08 9:58 AM, "Frank Abart" <FAbart@co.whatcom.wa.us> wrote:

> Shannon, in response to your voice mail this morning, a lease extension option
> has not been forwarded on the Pt. Roberts transfer station. I expect it to be
> proposed before the end of this week.
>
> Frank.
>

----- End of Forwarded Message

ST-19

From: Shannon Tomsen <shannon@uird.com>
To: Frank Abart <FAbart@co.whatcom.wa.us>
CC: Jon Hutchings <JHutchin@co.whatcom.wa.us>, <BBGUN1010@aol.com>
Date: 10/24/2008 10:09 AM
Subject: Re: Lease Question

Ok, thanks! I wanted to make sure we were not forgotten :-)

On 10/24/08 7:45 AM, "Frank Abart" <FAbart@co.whatcom.wa.us> wrote:

> A contract has not be executed as of yet. When a contract is executed, I will
> assure that you are provided with a copy.

>
>>>> Shannon Tomsen <shannon@uird.com> 10/23/2008 4:40 PM >>>
> Hi Frank -

>
> I know you were out last week. Can someone get back to me about the status
> of this contract?

>
>
> Thanks,
> Shannon

>
> ----- Forwarded Message
> From: Shannon Tomsen <shannon@uird.com>
> Date: Thu, 16 Oct 2008 11:47:46 -0700
> To: Frank Abart <FAbart@co.whatcom.wa.us>
> Cc: Jon Hutchings <JHutchin@co.whatcom.wa.us>, Barbara Brenner
> <BBGUN1010@aol.com>
> Subject: Re: Lease Question

>
> Hi Frank,
>
> Has the extension been completed? If so, who do I contact to have a copy
> emailed to me?

>
> Thanks,
> Shannon

>
>
> On 10/7/08 9:58 AM, "Frank Abart" <FAbart@co.whatcom.wa.us> wrote:

>
>> Shannon, in response to your voice mail this morning, a lease extension
>> option
>> has not been forwarded on the Pt. Roberts transfer station. I expect it to
>> be
>> proposed before the end of this week.

>>
>> Frank.

>>
>
> ----- End of Forwarded Message

>
>

ST-20

From: Carl Weimer <carlweimer@comcast.net>
To: Shannon Tomsen <shannon@uird.com>, Pete Kremen <pkremen@co.whatcom.wa.us...>
CC: Renee Coe <Renee@advsim.com>, Shelley Damewood <csheld@whidbey.com>
Date: 11/16/2008 7:16 PM
Subject: Re: Points Recycling complaint

Hi Shannon,

This week is impossible for me. We have a full day budget work session on Tuesday, and I am leaving town for the rest of the week that evening.

I recommend that you put your efforts into meeting with Frank Abart and/or Jon Hutchings since they are the staff people who have taken the lead on this issue and know where the County is regarding it.

If the meeting gets put off till next week let me know

Thanks

Carl

At 7:07 PM -0800 11/16/08, Shannon Tomsen wrote:

>Hi -
>
>We have been working on a formal complaint to the UTC regarding Points
>Recycling. Our complaint, like yours, will go through a pre-hearing and
>hearing stage. Before we submit the complaint on or before Friday, November
>21, we would like to sit down and talk to you about some of our findings. We
>have reviewed state and county laws that will impact the complaint and that
>will reflect upon the County.
>
>Each of us has some limits on our time this week so if you are interested in
>meeting, please let us know at your earliest convenience.
>
>
>Thanks,
>Shannon Tomsen

ST-21

From: Shannon Tomsen <shannon@uird.com>
To: Carl Weimer <carlweimer@comcast.net>, Pete Kremen <pkremen@co.whatcom.wa...>
CC: Renee Coe <Renee@advsim.com>, Shelley Damewood <cshelld@whidbey.com>
Date: 11/17/2008 10:24 AM
Subject: Re: Points Recycling complaint

Hi Carl -

I wish we could hold off until next week but we're ready to send it now. We had planned to have it prepared by the end of October but I've been out sick. Also, with the holiday next week, things will be hectic and Shelley is out of town.

We want to give everyone a heads-up on what was being sent. The reason we included you on the email was we have included a few things that specifically refer to Council.

Sorry -
Shannon

On 11/16/08 7:15 PM, "Carl Weimer" <carlweimer@comcast.net> wrote:

> Hi Shannon,
>
> This week is impossible for me. We have a full day budget work
> session on Tuesday, and I am leaving town for the rest of the week
> that evening.
>
> I recommend that you put your efforts into meeting with Frank Abart
> and/or Jon Hutchings since they are the staff people who have taken
> the lead on this issue and know where the County is regarding it.
>
> If the meeting gets put off till next week let me know
>
> Thanks
>
> Carl
>
>
> At 7:07 PM -0800 11/16/08, Shannon Tomsen wrote:
>> Hi -
>>
>> We have been working on a formal complaint to the UTC regarding Points
>> Recycling. Our complaint, like yours, will go through a pre-hearing and
>> hearing stage. Before we submit the complaint on or before Friday, November
>> 21, we would like to sit down and talk to you about some of our findings. We
>> have reviewed state and county laws that will impact the complaint and that
>> will reflect upon the County.
>>
>> Each of us has some limits on our time this week so if you are interested in
>> meeting, please let us know at your earliest convenience.
>>
>>

From: <BBGUN1010@aol.com>
To: caroltan@whidbey.com
Date: 1/14/2009 9:56:27 PM
Subject: Re: 2nd try: question about solid waste/recycling tax district options

Carol,

I sent this e-mail out to some people in Pt. Roberts for information only. I took your name off it because I did not ask your permission to send. Unfortunately someone wants your name who lives in Pt. Roberts and is an attorney. She has been persistent although I told her I protect personal privacy. I am just sent me another e-mail saying I cannot protect personal privacy. I am sending a copy of this letter to the council office and the person can get it there if she wants it. I am not comfortable sending her your name, whether you care of not, because it was only for information. I am also not pleased with this kind of tactic and will not be copying this person anything again.

← Shannon Tomesen

I apologize for any inconvenience. There was nothing wrong with anything you wrote and I don't know why your name should even be an issue.

Barbara Brenner, Whatcom County Council

In a message dated 1/11/2009 6:40:05 P.M. Pacific Standard Time, caroltan@whidbey.com writes:

Sorry about the prematurely sending my earlier message before completing it.

CT.

----- Original Message -----

From: _Carol S. Tan_ (mailto:caroltan@whidbey.com)
To: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
Sent: Monday, January 12, 2009 11:32 AM
Subject: Re: question about solid waste/recycling tax district options

Hello and thanks for keeping me on your mailing list in regards to this issue. However, I'm a little confused about the specifics of what's been asked and anticipated results once the delays mentioned in the response are corrected. I suspect that other readers may be as well. Can you provide a bit more context please?

Regarding the garbage/recycling issue in Point Roberts in general, I'm aware that there has been a petition submitted to have the license of the current contractor removed and that another company is attempting to provide recycling service. However I am concerned that neither of these "band-aid" solutions address the underlying problem which is lack of enforcement of mandatory service policy. Until that problem is solved, no subsequent solid waste/recycling contractor will be able to sustain the operating costs any better than the current one.

Will look forward to any clarification you can provide and to reading of

AB2009-74-

From: Nadean Hanson
To: renee@advsim.com
Date: 1/16/2009 1:35:00 PM
Subject: E-mail

Per your request.

Please let me know if you need anything further.

NaDean Hanson
Whatcom County Council Staff

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pg 2

further developments as they occur.

Carol Tan
2121 Whalen Drive
Point Roberts, WA 98281

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
Sent: Monday, January 12, 2009 6:56 AM
Subject: Fwd: question about solid waste/recycling tax district options

FYI from Brenner

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
(<http://pr.atwola.com/promoclk/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpglD=62&bcd=DecemailfooterNO62>)

*****A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
(<http://pr.atwola.com/promoclk/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072%26hmpglD=62%26bcd=DecemailfooterNO62>)

CC: NHanson@co.whatcom.wa.us

AB2009-74

ST-23

pg 1

From: "hkpyles" <hkpyles@dccnet.com>
To: <shannon@uird.com>
Date: 1/14/2009 4:02:55 PM
Subject: Is Jonathan Winters still alive? Well?

Dear Shannon,

Thanks for the reply, but you leave me hanging on whether or not Jonathan Winters is still alive or not!! and if the former, is he well?

You and Vic, both being fully occupied, are probably one of the exceptions to the general rule that I mentioned: The first category would be those who simply are unable to take their recyclables to the transfer station or to Canada, the second group are made up of people who just find it a hassle, for one good reason or another, to take their recyclables to the transfer station.

For you and others, some method of individual curbside collection would make sense. Possibly, the fitting of a "bow box" on the regular garbage truck every couple of weeks, or so, would work. There may be other creative ways to do the job, such as making up a corps of volunteers to serve as recyclable materials collectors for people such as you.

At my last reading, recyclables are definitely permitted to go back to Canada, as are foodstuffs of many kinds.

As someone pointed out: What is garbage to one person is "retained food" to another. An example was an almost empty bag of Fritos. Some would call it garbage, but others would call it a snack to eat when home is reached and then a recyclable container!!

As long as recyclables can be carried by Canadian summer home owners and casual visitors from Canada, a universal curbside recyclables collection system just seems unworkable. I know our neighbors in Freeman Beach who are not full time, or even most time, residents find curbside collection of recyclables an unneeded luxury (some 48 out of 50 property owners).

You are right about DEPOTS not being anything new. All the more reason that flexible concept should be adapted on Point Roberts forthwith! If it works in Mason County it should work on Point Roberts.

Best regards,

Knick Pyles

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-----Original Message-----

From: Shannon Tomsen [mailto:shannon@uird.com]
Sent: Wednesday, January 14, 2009 8:40 PM
To: hkpyles
Subject: Re: Weekly garbage collection

Hi Knick -

I had to check to see if Jonathan Winters was still alive. He used to be so funny but I haven't seen him for years. He's right, garbage is a smelly thing!

I do have to disagree about the necessity of getting rid of recycling though. When curbside was stopped, neither Vic nor I of us wanted to take it in and after about three weeks, we had evidence of a freeloading mouse who moved in to our garage. He snuggled in the newspapers and found grass seed on a high shelf. It took us a few months to get rid of him.

When I finally did take the recycling in, I was on my way to meet someone in Vancouver. I was shocked at how wet and dirty the transfer station was even though it had not rained for days. My car was loaded with mud and I had to go home to change as my shoes were coated as were the hems of my pants. Also, there were several people there in pickups, at least one of which was diesel, and they did not turn off their trucks. The exhaust was overwhelming. I talked to the County about this but nothing happened. I assume they do not want to spend the money on fixing things up and they clearly did not care to hear about the mouse!

Do you ever take your recycling to Canada? We were told we cannot do that but someone told me they've been declaring it and doing it for years.

But, I must be missing something about the garbage. We have weekly pickup now. Why would this change? Is what you wrote last week in response to setting up our own collection and disposal districts?

We saw a version of your idea for the depot in Ingolstadt, Germany right before reunification (so, what, 19 years ago?). Every

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Pg 3

grocery store had something at least a small collection area and there were bigger drop offs near the larger train stations.

Yes, the moon was very nice to see. We've had so few hours without fog or clouds, even a tiny peak of anything celestial is cause for celebration.

Now, I am watching an immature eagle floating over the front yard. He must be sizing up our Corgi who is sitting on the deck for a dinner!

Thanks again,
S

CC: <bbgun1010@aol.com>

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ST-23
pg 4

From: Shannon Tomsen <shannon@uird.com>
To: hkpyles <hkpyles@dccnet.com>
Date: 1/15/2009 7:18:20 AM
Subject: Re: Monthly cost of recycling

Hi Knick -

I have those numbers! Those who subscribed to monthly garbage pick up were charged \$5.21 per month for recycling. It's too bad that you did not leave all your recyclables out and set the large ones next to the containers. There were many weeks we would have mounds of recycling for them to take. But, maybe that's why they would throw our cardboard into the garbage truck. Also, didn't he charge for recycling drop off then?

You know where we live on Whalen. We drive by the transfer station almost every time we go somewhere. If we had good aim, stronger arms, and fewer trees on Johnson, I think we could actually throw our recycling right into the bins from our backyard! But, as I mentioned before, I hate going there. In fact, I only took it there a couple times. Vic tries to take it once a month on a day he's working at home. It makes for a grumpy hubby but that's less worse than a grumpy wife.

There is clearly a difference between full-timers usage and part-timers. Most of the full-timers I know are recycling less, not more. They don't want the stuff piling up in their garages, they don't have containers to hold it in (so they steal paper bags from grocery stores), they don't want it in their cars, and they don't want to take it in. I know I am harping on this by they also don't want to get themselves or their cars dirty: dust in the summer, mud rest of the year.

Recycling is free right now because the County forced him to accept it for free. He initially was making non-monthly payers pay to recycle. But I would bet a large sum of cash... or maybe a 3 week vacation in Chile (yep, I saw pictures of it on Flickr!!), that it won't be free for long. First, the bottom has fallen out of the recycling commodity market. Even though Arthur claimed he was not making any money on his recyclable commodities (he's the only hauler in Whatcom County NOT to make money on any of them), where he dropped them off did. One of the companies he used went out of business in either November or December. Moreover most, if not all, of the the arguments Arthur used to get rid of curbside recycling could be used to get ride of curbside garbage pickup. Since that truck is about 200 years old, I believe it's only a matter of time.

Second, his records show that at the time he stopped collecting curbside he had 340 customers paying for the service. He claimed that only 17% of households paying for it used it (under 58 households). That meant that he was actually making money from people who were paying for a service they did not use. Now, with free self haul, even that money has dried up. 2008 was a terrible year for him. So, in case you are having trouble getting to sleep, here's the math: $\$5.21 * 12 = \62.52 per year, multiplied by 340 is \$21,256. It cost him between \$2-3k per year to dispose of the recycling because he did not separate it enough to make it into a commodity.

You are right about one thing, Arthur claimed that curbside recycling was not "economically feasible." I am not sure what that means exactly but many people assume that means it was not making money but based on the financial

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documents he submitted, that simply is not the truth. He does not need the type of recycling truck that he had (it came Vancouver). I like your idea of attaching something to the garbage truck.

When we first moved here Arthur told me he just does not believe in recycling... he said that if people really want to improve the environment they needed to stop driving their SUV. He's taken his position to a crazy place. I still cannot figure out why he's risk his whole business on this. I have learned way too much about garbage and recycling and Arthur's company. I also have loads of filings and documents. If you want to see where I am getting any of these numbers, let me know.

I've included Carl Weimer on this email. He, like Barbara, is a Councilperson for our area. Based on the roster on the Council's website, it looks like he is now also the head of the solid waste committee.

Take care and stay cool! Jonathan Winters is still alive. He's painting kind of unusual stuff.

S

On 1/15/09 2:18 AM, "hkpyles" <hkpyles@dccnet.com> wrote:

- > @Los Morros de Coliumo 15 1 09
- >
- > Dear Shannon,
- >
- > One last thing on the subject of curbside recyclables
- > collection versus self hauling to a DEPOT or the transfer
- > station.
- >
- > When we had curbside recycling we paid about Eight Bucks a
- > month or some One Hundred Bucks a year for of bi weekly pick
- > up of the little containers contents and free depositing at
- > the transfer station.
- >
- > Barbara, if you have the actual charges from 2007 at your
- > finger tips, kindly advise.
- >
- > We would go to the transfer station with recyclables that
- > were too big for the little containers every month or two.
- >
- > So, now we go every couple of weeks to the transfer station
- > with our recyclables of all sizes and types and we don't put
- > any in the garbage can just because the little containers
- > are full or whatever.
- >
- > So I suppose we go to the transfer station about 1 and 1/2
- > times a month more than we used to. As we almost always
- > go to the transfer station when en route to Tsawwassen,
- > Robin's for a haircut, Maple Beach for a low tide walk or
- > whatever, I submit we don't burn more than a pint of gas
- > more per month under the present system than we did under
- > the old.

- >
- > And we recycle more stuff!!!!
- >
- > So, maybe 50 cents more a month, all costs of personal
- > transport included, against \$8.00. Seems like a good trade.
- > Sure there is more time consumed, maybe, but we aren't
- > fussing with those silly containers either which were time
- > wasters.
- >
- > Arthur claimed to be losing money at the \$8.00 figure, at
- > 2007 diesel fuel prices. Maybe he was making a big profit,
- > but I doubt it.
- >
- > Hope this makes sense to you.
- >
- > Let me know if it doesn't.
- >
- > Best regards,
- >
- > Knick Pyles

CC: Barbara Brenner <BBGUN1010@aol.com>, Carl Weimer
<CWeimer@co.whatcom.wa.us>, Carl Weimer <carlweimer@comcast.net>

Ab2009-74 ✓

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Pg 7

From: Shannon Tomsen <shannon@uird.com>
To: hkpyles <hkpyles@dccnet.com>
Date: 1/15/2009 2:45:19 PM
Subject: Re: Monthly cost of recycling

Hi K -

Oh no, you are not a committee of one! There are a lot of people who like free recycling, a lot of people who think we should be self hauling garbage and recycling, some like Arthur and don't care what it takes to make sure he's happy, and then there is some overlap among them.

For me, there is an ordinance, the hauler violated it, and the County needs to make sure it is enforced. I don't care if Arthur stays or goes but I was surprised by a lot of the stuff he wrote and said. It seemed arrogant and reckless.

The worst part for me are the bags of garbage strewn in the ditches. I know it happens everywhere but I would like to think we are above that. I would like to ask them why they do that - the hours at the station, just not wanting to pay? If it's the latter, things could get worse because I heard that the minimum charge went up to \$5.

The only concern I have with a Depot is that people will shove their garbage in it. I hope your model is still around down there.

If we were to ask the Council to create a collection and a disposal district, from what I've read, there is very little taxing authority in one district and none in the other (I can't remember which is which off the top of my head but they are in RCW 36.58 and 36.58A). If people want to go down this avenue, I hope a lot of time is spent thinking things through before the decision is made.

Take care -
S

On 1/15/09 8:35 AM, "hkpyles" <hkpyles@dccnet.com> wrote:

- > Dear Shannon,
- >
- > Thanks for all the good scoops. I think I suggested that
- > perhaps the Blaine Senior High Civics Class could survey
- > people on Point Roberts to find out fairly accurately how
- > the population feels about how recycling should be carried
- > out.
- >
- > Sounds from your perspective that I am a committee of One on
- > liking the free self delivery as opposed to charged curbside
- > collection.
- >
- > However, I am sure, though the Civics Class could prove me
- > wrong, that there would be a real hue and cry from part
- > time residents if everyone was taxed to carry out a curbside
- > collection program.
- >
- > The solution to your main objection of mud and dust is a

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- > DEPOT. That would make both of us happy I believe.
- >
- > I sure hope someone at Solid Waste still has my model and
- > can compare it to the program carried out in Mason County.
- >
- > Perhaps Barbara Brenner or Carl Weimer could find out where
- > my model is and what the real story is from Mason County.
- >
- > Best regards,
- >
- > Knick Pyles
- >

CC: Barbara Brenner <BBGUN1010@aol.com>, Carl Weimer
<CWeimer@co.whatcom.wa.us>, Carl Weimer <carlweimer@comcast.net>

Ab2009-74
ST-83
pg 9

From: "Jon Hutchings" <JHutchin@co.whatcom.wa.us>
To: "Barbara Brenner" <bbgun1010@aol.com>
Date: 1/21/2009 5:03:54 PM
Subject: Fwd: Monthly cost of recycling

Barbara,

Per your request - happy to clarify...

Best regards,

Jon

Jon Hutchings, Ph.D.
Assistant Director
Whatcom County Public Works
322 N. Commercial St., Suite 210
Bellingham, WA 98225
Voice: 360.676.6692
FAX: 360.738.4561
jhutchin@co.whatcom.wa.us

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WHATCOM COUNTY
COUNCIL

>>> Debbie Bailey 1/20/2009 11:23 AM >>>

Jon, it appears that the question being asked is "what was the curbside recycling charge for 2007" in Pt. Roberts?

In 2007, curbside recycling was \$5.21 per month.
Recycling at the Transfer Station was \$.05 cents per pound, \$3.00 minimum.

In 2008, PRR stopped picking up recyclables curbside, and took them at the Transfer Station for free.

The recent Transfer Station charges increased from \$0.12 per pound to \$0.125 per pound, \$5.50 minimum for GARBAGE. Recycling is still free.

>>> Frank Abart 1/20/2009 8:33 AM >>>

Please summarize all the costs in Pt. Roberts, when they changed recently, and what they changed to in an email to Jon H. Jon can then forward your information as a response.

>>> <BBGUN1010@aol.com> 1/15/2009 9:41 AM >>>

Could someone please answer the question regarding charges for Pt. Roberts that was sent to me?

Thanks for your assistance.

Barbara Brenner, Whatcom County Council Member

*****A Good Credit Score is 700 or Above. See yours in just 2 easy

steps!

(<http://pr.atwola.com/promock/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072%26hmpgID=62%26bcd=DecemailfooterNO62>)

ST-23
Pg 19

From: "hkpyles" <hkpyles@dccnet.com>
To: <shannon@uird.com>
Date: 1/15/2009 2:18:42 AM
Subject: Monthly cost of recycling

@Los Morros de Coliumo 15 | 09

Dear Shannon,

One last thing on the subject of curbside recyclables collection versus self hauling to a DEPOT or the transfer station.

When we had curbside recycling we paid about Eight Bucks a month or some One Hundred Bucks a year for of bi weekly pick up of the little containers contents and free depositing at the transfer station.

Barbara, if you have the actual charges from 2007 at your finger tips, kindly advise.

We would go to the transfer station with recyclables that were too big for the little containers every month or two.

So, now we go every couple of weeks to the transfer station with our recyclables of all sizes and types and we don't put any in the garbage can just because the little containers are full or whatever.

So I suppose we go to the transfer station about 1 and 1/2 times a month more than we used to. As we almost always go to the transfer station when en route to Tsawwassen, Robin's for a haircut, Maple Beach for a low tide walk or whatever, I submit we don't burn more than a pint of gas more per month under the present system than we did under the old.

And we recycle more stuff!!!!

So, maybe 50 cents more a month, all costs of personal transport included, against \$8.00. Seems like a good trade.

Sure there is more time consumed, maybe, but we aren't fussing with those silly containers either which were time wasters.

Arthur claimed to be losing money at the \$8.00 figure, at 2007 diesel fuel prices. Maybe he was making a big profit, but I doubt it.

Hope this makes sense to you.

Let me know if it doesn't.

Best regards,

Knick Pyles

RE-1
CMBrenner

RECEIVED

APR 23 2007

WHATCOM COUNTY
COUNCIL

April 23, 2007

Whatcom County Council
Attn: **Barbara Brenner**
311 Grand Avenue, Suite 105
Bellingham, Washington 98225
Fax: 360-738-2550

Re: Point Recycling and Refuse

Dear Barbara,

Thank you for speaking to me today regarding my concerns with Point Recycling and Refuse.

Attached please find 14 pages of documents from Point Recycling and Refuse for your review. I recently received an exemption letter from Whatcom County Solid Waste for my garbage collection and would like to retain my exemption with the county.

Many members of the Point Roberts Community are against the tactics used by Arthur Wilkowski in his attempt to "scare" the community into garbage service. I'm sure you will find the handouts he provided to the community not only illegal, but well outside the regulations of Whatcom County Solid Waste.

I also understand that Mr. Wilkowski will be attending the Solid Waste advisory meeting this Thursday, April 26th. I would be most interested to know the details of his proposal. I'd also like to request that if additional meetings are necessary, that the county holds an open public meeting in Point Roberts to hear all sides before any decisions will be made.

Thank you for your time and you may direct any follow-up correspondence to my home address or email listed below.

Renee Coe



1986 Cedar Park Dr
Point Roberts, WA 98281
Daytime phone: 360-945-3090
Email: coc@pointroberts.net

cmw Brenner ✓

RC-2

From: <BBGUN1010@aol.com>
To: <BBrenner@co.whatcom.wa.us>
Date: 6/6/07 9:43AM
Subject: Re: April 2007 SWAC minutes

RECEIVED

JUN 11 2007

WHATCOM COUNTY
COUNCIL

Brenner

In a message dated 5/4/2007 10:21:46 P.M. Pacific Daylight Time, BBGUN1010 writes:

Thanks Renee. Would you believe a month ago I couldn't mass mail, open attachments, make folders, or group blind copy. I've come a long way. I guess it is true that necessity is the mother of learning-even at 60. Four big crisis happened at the same time and I was up to almost nine hundred new mails. I am fortunate to have a wonderful computer wizz for a husband who was able to drag me kicking and screaming into the 21st century. But I do feel really lucky to be able to help people-its very rewarding, like getting to know you. I look forward to more communication with you too. Barbara

In a message dated 5/4/2007 10:05:59 P.M. Pacific Daylight Time, coe@pointroberts.net writes:

Hi Barbara,

Thank you so much for your emails. I do appreciate your unwavering enthusiasm and candor. It is truly refreshing to have someone listen to the common everyday, working citizen and care enough to respond.

Most people today feel lost in the sea of typical government rhetoric. You are an inspiration to all of us who still care about people and communities. I look forward to speaking with you again soon.

Renee Coe

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
Sent: Friday, May 04, 2007 7:47 PM
Subject: Fwd: April 2007 SWAC minutes

I thought you might like to read the minutes from the last solid waste advisory committee meeting. Barbara Brenner

See what's free at _AOL.com_ (<http://www.aol.com/?ncid=AOLAOF00020000000503>)

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.467 / Virus Database: 269.6.2/787 - Release Date: 5/3/2007 2:11

RC-3

RECEIVED

From: "Renee Coe" <coe@pointroberts.net>
To: <BBGUN1010@aol.com>
Date: 6/7/07 6:51PM
Subject: Re: Point Roberts Garbage Issue

JUN 11 2007

WHATCOM COUNTY
COUNCIL

Brenner

Barbara,

Thank you for the update. I won't be able to attend the July 10th meeting but welcome the opportunity to write to the committee. I will forward your email to others in the community so they may review the information below as well.

Renee

----- Original Message -----
From: BBGUN1010@aol.com
To: BBGUN1010@aol.com
Sent: Thursday, June 07, 2007 12:26 PM
Subject: Point Roberts Garbage Issue

At last Tuesday night's county council meeting Arthur Wilkowski from Pt Roberts Refuse and Recycling spoke to the council to request a change in his operation. He also made a request for all correspondence to and from me regarding his operation.

The solid waste department is unable to find the correspondence I distributed at the SWAC meeting to SWAC members from Pt. Roberts residents so I am compiling that and whatever else I have. Our attorney told Arthur that he must make his request in writing but that is not necessary since I think it is very important that the solid waste department, the SWAC, and councilmembers, as well as Mr. Wilkowski have the information.

The council discussed Mr. Wilkowski's concern and decided to put the matter into the council public works committee, scheduled for July 10 at 1:30 in the county council chambers. This meeting is intended to sort out some ideas for incorporating into documents to bring up to Point Roberts for a public meeting or a public hearing at a future date that will not be decided until after the meeting on July 10.

There have been two ideas brought forward so far. Mr. Wilkowski's proposed changes to require mandatory garbage collection throughout Point Roberts and eliminate curbside recycling in favor of free drop-off at the transfer station. The other idea is to leave the system as it is. However, the council is open to other options as well. That is one of the reasons the council will be coming up to the Point to listen to Point Roberts residents comments.

You are welcome to attend the July 10 meeting and/or e-mail councilmembers at council@co.whatcom.wa.us , write the council at Whatcom County Council, 311 Grand Ave, Bellingham, WA 98225, or call the council office at (360) 676-6690 if you have any comments regarding the meeting or anything else.

Please forward this e-mail to anyone who may be interested. You are also welcome to contact me at bbrenner@co.whatcom.wa.us or call me at (360)-384-2762 if you have any questions.

Thank you for your continued interest in Point Roberts issues.
Barbara Brenner, Whatcom County Councilmember

AG2007-381 ✓

RC-4

From: <BBGUN1010@aol.com>
To: <coe@pointroberts.net>, <BBrenner@co.whatcom.wa.us>, <BBGUN1010@aol.com>
Date: 10/11/07 2:06PM
Subject: Re: Computer test from Barbara Brenner

Hi Renee,

The issue was left with questions that haven't been answered. Also necessary is an assessment from the Washington State Utilities and Transportation Commission regarding the state of the Pt. Roberts business. Only the business owner can request the assessment. We have not received the assessment as yet. So there will be nothing to my knowledge happening until or unless we receive the information that was requested.

I hope that answers your question satisfactorily. I will definitely let you know of any updates as soon as I know them.

Barbara Brenner

In a message dated 10/9/2007 4:52:53 P.M. Pacific Daylight Time, coe@pointroberts.net writes:

Hi Barbara,

There have been some rumblings about the garbage issue again. Can you give me an update on the SWAC meetings and anything else that we (Point Roberts residents) would need to know?

Thanks, Renee Coe

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
Sent: Friday, October 05, 2007 8:22 PM
Subject: Computer test from Barbara Brenner

I am testing my computer. No reply necessary. bb

See what's new at _AOL.com_ (<http://www.aol.com/?NCID=AOLCMP00300000001170>) and _Make AOL Your Homepage_ (<http://www.aol.com/mksplash.adp?NCID=AOLCMP00300000001169>).

No virus found in this incoming message.
Checked by AVG Free Edition.

Version: 7.5.488 / Virus Database: 269.14.1/1051 - Release Date: 10/5/2007 12:27 PM

RECEIVED

OCT 15 2007

WHATCOM COUNTY
COUNCIL

Brenner

RC-5
pg 1

From: "Renee Coe" <Renee@advsim.com>
To: <BBGUN1010@aol.com>
Date: Mon, Jul 14, 2008 12:45 PM
Subject: Point Roberts Recycling and Refuse Notice

Hi Barbara,

Attached please find the notice that I received at the dump yesterday and that has been inserted into the recent garbage bills. It is fear mongering at it's worst and I've just left a message with Solid Waste because *they* need to put an ad in our local paper dispelling the misinformation that Aurthur is circulating in his notice.

I'll keep you posted if I hear anything else.

Thanks, Renee Coe

AB2008-210✓

RC-5

pg 2

From: <BBGUN1010@aol.com>
To: carlweimer@comcast.net; CWeimer@co.whatcom.wa.us; Council@co.whatcom.wa.us
Date: Mon, Jul 14, 2008 2:22 PM
Subject: Fwd: Point Roberts Recycling and Refuse Notice

FYI from Brenner

*****Get the scoop on last night's hottest shows and the live music scene in your area - Check out TourTracker.com!
(<http://www.tourtracker.com?NCID=aolmus0005000000112>)

DISTRIBUTED
VIA E-MAIL TO

JUL 14 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Craven

Point Roberts Transfer Station Customer Notice

RC-5
pg 3

Whatcom County has taken legal action which could result in the elimination of this Company and our operations at this facility,

Therefore, we are required to make the following changes effective July 21st 2008.

Station Hours: Noon to 4:00 Saturday and Sunday only as required by the County.

Recycling: We are required by the County to charge 5 cents per pound.
No more free recycling.

Yard-waste Recycling: We can no longer accept yard-waste for recycling.
Yard-waste will be accepted as garbage.

Used Oil, Batteries, Fluorescent light bulbs, No longer accepted.
Tires, Refrigerators and Propane Tanks:

We apologize for the inconvenience but the situation is beyond our control.

If you have questions or comments please call
Whatcom County Solid Waste at 360-676-7695

Everyone needs to contact all the following people and continue contacting them until these issues are resolved.

Pete Kremen, County Executive Suite 108, 311 Grand Avenue, Bellingham, WA 98225 pkremen@co.whatcom.wa.us 360-676-6717	Carl Weimer, County Council Suite 105, 311 Grand Avenue, Bellingham, WA 98225 council@co.whatcom.wa.us 360-676-6690	Peter Christiansen, Ecology 3190 160 th Ave. S.E. Bellevue, WA 98008-5452 Pchr461@ecy.wa.gov 425-649-7000
Dave Danner, WUTC PO Box 47250 Olympia, WA 98504-7250 DDanner@wutc.wa.gov 360-664-1160	Rep. Doug Erickson 360-786-7980 ericksen.doug@leg.wa.gov	Rep Kelli Linville 360-738-6177 Linville.kelli@leg.wa.gov

Point Recycling and Refuse

This is an update on issues with the County about curbside recycling and some changes we are forced to make.

Whatcom County insists that we restart the curbside recycling collection and cancel the free self-haul recycling. Despite no significant desire from the citizens of Point Roberts for curbside recycling, the County insists that canceling the Company's Certificate is the only option.

At some time, (the date isn't set yet), there will be a hearing before a judge. I see a strong possibility that the Judge will side with the County and revoke the Company's certificate. Now we are in a hostile legal situation; there is no more discussion, mediation or debate, just the strict interpretation of the law regardless of the impact on this community. Without the County suspending their complaint and opening a dialog with the Company and this community, the process will proceed to an inevitable negative conclusion.

What would happen then?

The Company would be required to stop operations immediately after the hearing. No further residential pickup. We would be forced to dump and pull all commercial containers the next day. If we continued to operate we would face additional fines and legal actions.

We could still operate the transfer station for a few months. We lease the station from the County who sets the station hours, services and rates. This lease is scheduled to be automatically renewed in October. However, because of the County's obviously hostile attitude, I do not believe the lease would be renewed and we would be forced to vacate the site and remove all of our improvements.

Potentially, sometime in August or September there could be no garbage collection company and in November there could be no operating transfer station.

Can the County do this?

Just as the County has the power to create and support a sustainable solid waste and recycling system that meets your needs, they also have the power to destroy it.

Why is the County doing this?

Honestly, I don't know why. My job is to serve this community and build the solid waste and recycling system you need, now and into the future. I have done so. All I have ever asked the County is for them to do their job; give me a sustainable and practical system design and support me in my service to you. Every garbage company in Point Roberts has failed because the County just refuses to participate. Free self-haul recycling works; more people are recycling now than ever before. The County simply does not care about Point Roberts. You all know that Point Roberts is too small to get County attention on anything. This County apathy is how we got to this point, and also why the process will continue until the system is destroyed.

What can you do?

The problem is not just the curbside recycling. The County withdrawing their complaint is not a solution to the actual problems. The County, the WUTC and everyone in this community needs to get on board and support this utility and maybe there is a chance of it surviving.

RC-6

From: "Renee Coe" <Renee@advsim.com>
To: "Frank Abart" <FAbart@co.whatcom.wa.us>
Date: 7/18/2008 9:58 AM
Subject: Re: (Rescued) Re: Point Roberts Newspaper Advertising Info

Frank,

Thanks for anything you can do regarding an Ad in the next All Point. The only thing that matters is that the correct information gets published and reaches the masses sooner rather than later.

If you need anything else, please let me know. Renee

----- Original Message -----

From: "Frank Abart" <FAbart@co.whatcom.wa.us>
To: "Renee Coe" <Renee@advsim.com>
Cc: "Jon Hutchings" <JHutchin@co.whatcom.wa.us>; "Penni Lempere" <PLempere@co.whatcom.wa.us>
Sent: Friday, July 18, 2008 9:52 AM
Subject: (Rescued) Re: Point Roberts Newspaper Advertising Info

Thanks for your assistance. We are planning to include some factual information in the next edition. It probably won't be pretty on this short notice but it will be factual.

Frank.

>>> "Renee Coe" <Renee@advsim.com> 7/17/2008 3:26 PM >>>
Frank,

Thank you for speaking to me today.

As I stated, the All Point Bulletin in our only local *monthly* newspaper publication and placing an Ad for the next edition would be critical in trying to mitigate all of the recent misinformation being mailed and handed out by Point Roberts Recycling and Refuse. The Ad deadline is tomorrow (July 18th) or Monday at the latest but I would call and speak to Louise Mugar and let her know if you are going to place the Ad as soon as possible.

Let me know if I can be of any further assistance. Thanks, Renee

Their website is: <http://www.allpointbulletin.com/>

Mailing Address
P.O. Box 1451
Point Roberts, WA 98281
Business/Editorial Office Tel. (360) 945-0413

Fax (360) 945-1613

E-mail: editor@allpointbulletin.com

Associate Publisher &
Advertising Manager
Louise H. Mugar - louisemugar@allpointbulletin.com

MB2008-210
RC-7

RECEIVED

AUG 07 2008

WHATCOM COUNTY
COUNCIL
Crawford

August 6, 2008

Whatcom County Council
Attn: Sam Crawford
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Re: Point Roberts Recycling & Refuse

Dear Sam,

Thanks for speaking to me yesterday regarding your proposal to the Solid Waste Advisory committee exempting curbside recycling from Point Roberts.

Arbitrarily eliminating curbside recycling is not necessarily the answer to Point Roberts Recycling & Refuses' broken truck problem. My neighbor has polio and a service dog and she would be one example of someone who depends on this service. There would be no way for her to recycle without curbside. There are other examples of people on the Point who may not be able to go to the transfer station as well. I believe there is room for both. The masses that can take their recycling to the transfer station and a small truck to haul for the few who can't.

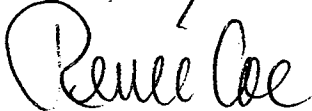
It would seem reasonable in such a small place to be able to reach everyone's goal of recycling without losing money and I do believe it could be accomplished without hardship to anyone. Providing misleading information and spreading fear in the community in not a way to built trust and honesty in any business.

I have provided you the paperwork that was sent to customers in their July 2008 bills, as well as the paperwork handed to me at the transfer station when I did **not** sign the petition. You also have a copy of the Ad for the meeting Aug. 13' 2008 here in Point Roberts and the Point Transfer Station's Aug. Ad in the current All Point Bulletin. It seems the paperwork I was given and the advertising information greatly contradicts each other. How is anyone suppose to know what is going on when you are constantly providing people different information?

I have also included the paperwork that was sent to customers in February 2007 and the Ad that was placed in the local paper at that time. Considering the history of Point Roberts Recycling & Refuse, I don't know how anyone can reasonably assume that people wouldn't be upset by the tactics initiated by Arthur Wilkowski. You may provide this information with your other council members as well.

I hope you will take the time to read the information provided and plan on being at the meeting on Aug. 13th. I look forward to seeing you and please feel free to call if you need any additional information.

Regards,



Renee Coe
1986 Cedar Park Dr.
Point Roberts, WA 98281
360-945-3090

RC-8

From: "Renee Coe" <Renee@advsim.com>
To: <scrawfor@co.whatcom.wa.us>, <lordward@aol.com>, <sfleetwo@co.whatcom.wa...>
CC: "Frank Abart" <FAbart@co.whatcom.wa.us>, <JHutchin@co.whatcom.wa.us>
Date: 8/14/2008 5:21 PM
Subject: Point Roberts Aug. 13, 2008 Community Meeting

To all,

There are no words to describe the level of mistrust and utter disappoint I feel with regards to the WUTC information (link below) that I have since found everyone on the panel last night had prior knowledge of but decided not to share with the audience.

What a complete waste of my time and energy to discuss garbage with a group of people whom I feel have absolutely no respect for the residents of Point Roberts as evident with your lack of communication regarding the struggles many of us have with our garbage provider. It is amazing that Mr. Wilkowski has been allowed to manipulate this community, county solid waste, the council and the WUTC with absolutely no recourse including initiating a community meeting that was meaningless considering this new information.

No one at the county or state agencies seem to care that many Point Roberts residents have had to face the wrath of Arthur Wilkowsky with fear, intimidation, threats, lies, harassment, trespass, cheating and blatant disregard for the rules and regulations set forth in his own signed contract. If I acted this way in my business, I would not have a job.

To Sam,

Please throw away the envelope of information that I sent to you last week as it is totally irrelevant considering *the parties* (Whatcom County and Mr. Wilkowski) have already worked out a tentative agreement.

To Barbara and Frank,

Please remove my name from your recycling task force. Arthur Wilkowski should be the person who provides this community with information on recycling and not the other way around. It should be his job and not mine or the two people you want to hire to do it. I have had to recycle my business waste for 20 years and will continue to do so on my own.

Lastly, you had a room full of people that told you want they want in a Solid Waste and Recycling service provider. Time will prove whether you heard any of us or keep it status quo. From the link below, status quo may ultimately prove to be the order of the day for Point Roberts.

<http://www.wutc.wa.gov/rms2.nsf/177d98baa5918c7388256a550064a61e/8a2bccd1bdbf7ad5882574a4007c357c!OpenDocument>

Renee Coe

Renee Coe, Office Manager
Advanced Simulation Corp.
1385 Gulf Rd., #201
PO Box #1010
Point Roberts, WA 98281
Phone: 360-945-3090
Fax: 360-945-3091
Email: Renee@advsim.com

Ab2008-210 ✓
RC-9
Pg 1

From: Sam Crawford <campfam@comcast.net>
To: Renee@advsim.com
Date: Fri, Aug 15, 2008 11:06 AM
Subject: Fwd: Point Roberts Aug. 13, 2008 Community Meeting

Renee,

I'm not throwing away any of the materials you submitted yet. This issue still has very far to go.

I don't know if I told you on the phone, but I have received assurances from our Public Works staff that if Point Recycling & Refuse (PRR) terminates service at any point, there are other haulers that will immediately fill the gap. So PRR is definitely "blowing smoke" when they threaten in their letter "Potentially, sometime in August or September there could be no garbage collection company and in November there could be no operating transfer station." or also where they say "There could possibly never be garbage collection here again." I don't know what was said last night, but again, I have been assured there is no merit to these statements made by PRR.

As much heat is being generated by this issue, I hope you understand my perspective from "down South" here. The essential public service will have continuity. The intent of the County is to ensure not only continued garbage hauling (working with and through the regulatory agency WUTC), but practical and mandated recycling opportunities. That's how I proposed the changes to the rules, and I have not heard any Councilmembers or County Staff disagree with that intent, even if there are differences of opinion as to how to accomplish that.

If as a consumer you'd like to see PRR be replaced, that is your choice to advocate for that, and I respect it. I don't have a strong feeling about that one way or another, other than it is disappointing and upsetting to see a garbage hauler making the above-referenced statements to his customers, statements that are not apparently based in fact while causing distress to the consumers.

My job is to decide wisely on behalf of all County residents to ensure provision of these essential services. I will continue to do my best in that regard.

Sam Crawford
Whatcom County Councilmember

DISTRIBUTED
VIA E-MAIL TO

AUG 15 2008

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

Begin forwarded message:

From: "Renee Coe" <Renee@advsim.com>
Date: August 14, 2008 5:21:34 PM PDT
To: <scrawfor@co.whatcom.wa.us>, <lordward@aol.com>, <sfleetwo@co.whatcom.wa.us>, <bbrenner@co.whatcom.wa.us>, <pkremen@co.whatcom.wa.us>, <cweimer@co.whatcom.wa.us>
>
Cc: "Frank Abart" <FAbart@co.whatcom.wa.us>, <JHutchin@co.whatcom.wa.us>
Subject: Point Roberts Aug. 13, 2008 Community Meeting

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<http://www.wutc.wa.gov/rms2.nsf/177d98baa5918c7388256a550064a61e/8a2bccd1bdf7ad5882574a4007c357c!OpenDocument>

Renee Coe

Renee Coe, Office Manager
Advanced Simulation Corp.
1385 Gulf Rd., #201
PO Box #1010
Point Roberts, WA 98281
Phone: 360-945-3090

**WHATCOM COUNTY
ADMINISTRATIVE SERVICES**

Whatcom County Courthouse
311 Grand Avenue, Suite 108
Bellingham, WA 98225-4038
ddesler@co.whatcom.wa.us

DEWEY G. DESLER
Director

**SECURITY & TELECOMMUNICATIONS**

Public Safety Building
311 Grand Avenue
Bellingham, WA 98225-4038
greid@co.whatcom.wa.us

GEORGE REID
Manager

RC-19 Pg 1

September 12, 2008

Renee Coe
1986 Cedar Park Dr.
Point Roberts, WA 98281

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 3
To <i>Nanny Kemptes</i>	From <i>G Reid</i>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Re: Request for Disclosure of Public Records

Dear Ms. Coe:

Whatcom County is in receipt of your request for public records received in this office on 09/12/08. Your request has been assigned the following tracking number: 2008-208. I will forward your request to the appropriate County department(s) where the type of information you have requested may be contained.

We estimate that it may take up to two weeks to review your request and provide a complete response, however, we will provide a complete response sooner if possible. If you don't receive a complete response within two weeks, please contact my office at (360) 676-7694.

Sincerely yours,

George A. Reid, Jr.
Public Records Officer

Sep 12 08 10:47a Renee Coe

360-945-3081

p.1



Whatcom County

Public Records Officer • 311 Grand Avenue, Suite 108 • Bellingham, WA 98225
Phone (360) 676-7694 • Fax (360) 715-7466 • web site: www.co.whatcom.wa.us

REQUEST FOR DISCLOSURE OF PUBLIC RECORDS

INSTRUCTIONS:

Requestor completes Section B and returns to the Public Records Officer at address listed above.

Public Records Officer completes Section A and routes to appropriate department.

Public Records Officer or designee completes Section C and D.

SECTION A: FOR COUNTY USE ONLY
Date: 9/12/08
Request Number: 2008-208
Department: PW - SOLID WASTE
Request Received By: P. Lopez

This completed form is an open public document and may be released to any requestor.

Section B - Requestor/Records Request Information

Requestor Name: Renee Coe
Phone Number: 360-945-3090
Email Address: Renee@advsim.com
Address: 1986 Cedar Park Dr.
City: Point Roberts
State: WA
Zip: 98281
I wish to [] inspect [x] receive a copy of the following specific record(s):
PLEASE SEE THE ATTACHED LETTER REQUESTING DOCUMENTS FROM SOLID WASTE.
Request made: [] in person [] by phone [x] by fax [] by mail [] by email
Attach request if applicable
If record(s) concern individual(s) other than requestor, please state name(s):
If this request is for a list of individuals, is the list to be used for commercial purposes? [] Yes [] No
Signature of Requestor: Renee Coe
Date of Request: 9-12-08

Section C - Whatcom County Response

- [] ALLOW ACCESS Charge is \$.15 for each black and white photocopy.
[] WE DO NOT HAVE THE RECORD(S)
[] DENY ACCESS The records you have requested are legally exempt from public disclosure by the following authority:

Section D - Requestor Notification

Person contacted: Date: Time:
[] by mail [] by phone I made the County's final response as stated.
[] in person [] by email
Signature:

RC-10 Pg 3

September 12, 2008

Whatcom County Public Works
Solid Waste Division
322 North Commercial #220
Bellingham, WA 98225

Re: Points Recycling and Refuse - WUTC No. G-155

I would like to request copies of Points Recycling and Refuses' quarterly reports from the years 2004, 2005, 2006, 2007 and 2008 as outlined under Whatcom County Code section 8.10.070 section B. 1. and reports from section B. sub-section a,b,c,d,e as well as, Section 2 sub-section a, b (see below).

Please be sure to include the name and address of the Canadian companies used by Points Recycling and Refuse for recycling of the following materials: a. Newspaper; b. Mixed waste paper; c. Aluminum; d. Tin-plated steel; e. Glass; f. All plastic bottles and all remaining plastic containers; g. Yard Waste.

8.10.070 Submittal of documents and notices.

- B. 1. All certificated haulers, recycling collectors and processors, transfer facilities, and disposal facilities shall provide the county with the following quarterly information on April 20th, July 20th, October 20th, and January 20th for each of the previous three months and, where appropriate and practical, separately listed for each city and unincorporated area of the county:
- a. Daily disposal tonnage's to and from municipal disposal facilities for each primary disposal or processing method, transfer stations, and convenience centers;
 - b. Monthly disposal tonnage's from industrial and other private landfills;
 - c. Monthly recycling tonnage's per material from all recycling collectors and processors;
 - d. ~~Solid waste collection, disposal, and recycling collection and processing service contracts and amendments within incorporated and unincorporated areas of the county; and~~
 - e. A log of all customer complaints about recycling, specifying the date, nature of complaint and resolution for each complaint.
2. In addition, all certificated haulers shall provide the county with the following information regarding residential recycling and, where appropriate and practical, separately listed for single-family and multifamily residences broken out by city/county:
- a. Monthly tonnage's and, if available, volumes of materials collected by type of material collected, and revenues/costs by type of material;
 - b. Number of eligible customers and number of set-outs per month. (Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

Whatcom County Code 8.10.020 Findings

C. The state and the county have set waste reduction and recycling as the highest priorities in managing solid waste. In order to make programs for waste reduction, curbside recycling and other *source separation feasible*, rate structures must make it cost-effective for residents and businesses who generate small amounts of waste to participate in such programs, and *all nonresidential accounts must be offered the option of subscribing to recycling service.*

The information detailed on the attached spreadsheet is from the 2005-2006-2007 Annual Reports submitted to the WUTC for Points Recycling & Refuse, Blaine Bay Refuse, Nooksack Valley Disposal and Sanitary Services Company. The sheet is comparing the income generated by residential/multi-family recycling per tonnage versus the profit or loss against that income per commodity.

After reviewing the four companies recycling summary, I have noted the following points:

- Newspaper, mixed paper, cardboard and aluminum provide revenue income as a recyclable commodity.
- There is no commodity revenue income for glass, cans, plastic or scrap metal.
- Of the four companies, only Nooksack Valley Disposal shows a profit with recycling commodities three years in a row.
- Points Recycling and Refuse has listed only two classes of recyclables on their report. Mixed paper and mixed container.
- Points Recycling and Refuse shows a negative amount for mixed container and no revenue for mixed paper. According to Whatcom County Code section 8.10.050 Section C1, haulers shall collect, and recycling containers shall be designed to hold separated recyclable materials.

QUESTIONS (for Council consideration and SWAC review):

- What recyclables are included in the *Mixed Container* category for Points Recycling and Refuse and are they being recycled and where?
- Why does Points Recycling and Refuse show no income being generated for mixed paper while the other three companies have been paid anywhere from \$10.00 to \$14.52 per ton.
- Why would Points Recycling and Refuse eliminate curbside recycling when it has generated a net income for the company in the amount of \$19,858 in 2007?
- Why would Points Recycling and Refuse offer FREE recycling with the potential of collecting more than twice the amount of recyclables and potentially paying twice as much or more to dispose of it?
- Why would any business absorb this expense without income revenue to offset it?
- Will Points Recycling and Refuse try to eliminate **all** recycling in Point Roberts as a non-profitable commodity in the future?

Solid Waste Advisory Committee meeting September 25, 2008

Shannon Tomsen, 2125 Whalen Drive Point Roberts, WA, 98281
Renee Coe, 1986 Cedar Park Drive, Point Roberts, WA 98281
Shelley Damewood, 119 Kilarney Place, Point Roberts, WA 98281

RE: AB2008-287 Ordinance to remove mandatory curbside recycling only in Point Roberts
This proposed change should be withdrawn. The issue should not be before SWAC unless the Council is willing to change the code for the entire county.

TIMELINE

January 2008 – Points Recycling and Refuse stops curbside recycling
February 2008 – County sends notice to comply within 60 days
June 2008 – Noncompliance letter sent by County to WUTC, action commenced by WUTC
August 2008 – Community meeting, action at WUTC delayed until Dec. 2008

ISSUES & RESPONSES

Legal

Whatcom County Code 8.10.020(C) The state and the county have set waste reduction and recycling as the highest priorities in managing solid waste. In order to make programs for waste reduction, curbside recycling and other source separation feasible, rate structures must make it cost-effective for residents and businesses who generate small amounts of waste to participate in such programs, and all nonresidential accounts must be offered the option of subscribing to recycling service.

Non-permanent residents

Sam Crawford: “Compelled to write ordinance because of Point Roberts residents who are not permanent residents.” Mr. Crawford represents District 2. Point Roberts is District 3 so we cannot vote for him. (See August 5, 2008, Public Works subcommittee minutes and Whatcom County Code 8.10.050(A&K).)

Financial

Points Recycling And Refuse (PRR) claims that curbside recycling is not financially feasible and will never resume the service again. (See All Point Bulletin (APB): Nov. 2007, March 2008, June 2008, Aug. 2008.)

Dave Danner, Executive Director WUTC: “We understand that PRR [Points Recycling and Refuse], having determined that the cost of recycling was unreasonable, petitioned the County to eliminate the mandatory recycling program, and that the County denied the petition. Yet there is a question whether the economics of curbside recycling pan out for a company with such a small customer base.” (See August 22, 2008, letter. Mr. Danner relies exclusively on claims made by PRR.)

PRR 2003-2007 annual report comparison spreadsheet
Recycling comparison spreadsheet of all Whatcom County haulers
If curbside recycling was not economically feasible, how will free self-haul be feasible?

Intimidation

February 2007 letter
Ad ran in APB February, March, and April 2007
People barred from transfer station
APB article March 2007
May 26, 2008 letter
APB June 2008
July 2008 letter
July 13, 2008, notice

Desired to move from curbside to self-haul

APB November 2007
APB March 2008

Out of compliance

APB March 2007 – Ad and letters
APB March 2008 – Notice of order to comply
APB May 2008 – County asked for rate case study to look at cost of providing service

Misc. issues

APB Aug. 2008 – Self-haul has doubled
APB Sept. 2008 – Community wants more, not less, recycling

RC-13
pg 1

Debbie Bailey - Re: Public Disclosure Request No. 2008-208

From: Debbie Bailey
To: Coe, Renee
Subject: Re: Public Disclosure Request No. 2008-208

Renee,

The WUTC has asked us to tell those with complaints to contact the WUTC directly, so that agency may have some of the information you are requesting. I have attached the complaints/comments received in this office. I also re-attached my original response to you concerning your request. The hauler is not required to provide to the County invoices or statements for the recycling, just the daily **disposal** tonnage which I provided to you earlier. As he does not receive goods from recycling processors nor does he have contracts, there is nothing to send to us. The mixed containers are the same as the mixed container boxes down here which have glass, tin, aluminum and plastic containers together.

>>> "Renee Coe" <Renee@advsim.com> 10/1/2008 1:38 PM >>>
Debbie,

I have been gone for a few days and am just now reviewing the info you sent. It will take a couple of days to review completely.

At first glance, I don't see the invoices/statements or processors listed for recyclables in 2004, 2005, 2006, 2007, 2008, as well as any processing service contract for recyclables.

I also find it hard to believe that there are have been no complaints filed considering PRR's elimination of curbside recycling as mandate by the county. Can you forward any complaints made to Solid Waste and/or Public Works regarding the elimination of PRR's curbside recycling in 2007/2008?

Again, please provide copies of the processors invoices for all recyclable material. I also want to know specifically what recyclables were included in the "mixed container" catagory.

Thanks, Renee

|

RC-13
Pg 2

Debbie Bailey - Case #2008208

From: "Renee Coe" <Renee@advsim.com>
To: <dbailey@co.whatcom.wa.us>
Date: 9/24/2008 10:28 AM
Subject: Case #2008208

Debbie,

Can you give me the status of my request for public records case #2008208 that was submitted on September 12, 2008? George Reed told me that is usually takes a week but I have not received any information as of today.

Your prompt attention will be greatly appreciated.

Thanks, Renee

Renee Coe, Office Manager
Advanced Simulation Corp.
1385 Gulf Rd., #201
PO Box #1010
Point Roberts, WA 98281
Phone: 360-945-3090
Fax: 360-945-3091
Email: Renee@advsim.com

Public Disclosure Request No. 2008-208

9/22/08

Renee Coe
1986 Cedar Park Dr.
Point Roberts, WA 98281
FAX 360-945-3091

Requested: Copies of Points Recycling and Refuses' quarterly

> reports from the years 2004, 2005, 2006, 2007 and 2008 as outlined under Whatcom County Code section 8.10.070 section B. 1. and reports from section B. sub-section a,b,c,d,e as well as, Section 2 sub-section a, b (see below).

>

> Please be sure to include the name and address of the Canadian companies used by Points Recycling and Refuse for recycling of the following materials:

> a. Newspaper; b. Mixed waste paper; c. Aluminum; d. Tin-plated steel; e. > Glass; f. All plastic bottles and all remaining plastic containers; g. Yard > Waste.

1. Names and addresses of Canadian companies used by Point Recycling and Refuse for recycling.

Not Available. Provider (Point Recycling and Refuse) not required to provide this information to the county. It is proprietary information.

> 8.10.070 Submittal of documents and notices.

> B. 1. All certificated haulers, recycling collectors and processors, transfer facilities, and disposal facilities shall provide the county with the following quarterly information on April 20th, July 20th, October 20th, and January 20th for each of the previous three months and, where appropriate and practical, separately listed for each city and unincorporated area of the county:

>

> a. Daily disposal tonnages to and from municipal disposal facilities for each primary disposal or processing method, transfer stations, and convenience centers;

Copies attached.

>

> b. Monthly disposal tonnages from industrial and other private landfills;

N/A. No industrial or private landfills in area.

>

> c. Monthly recycling tonnages per material from all recycling collectors and processors;

N/A. Provider does not receive materials from collectors and processors.

>

> d. Solid waste collection, disposal, and recycling collection and processing service contracts and amendments within incorporated and unincorporated areas of the county; and

N/A. Provider has no contracts

>

> e. A log of all customer complaints about recycling, specifying the date, nature of complaint and resolution for each complaint.

N/A. Provider has no log. Receives questions about service which are answered and/or rectified as they occur.

>

> 2. In addition, all certificated haulers shall provide the county with the following information regarding residential recycling and, where appropriate and practical, separately listed for single-family and multifamily residences broken out by city/county:

>

> a. Monthly tonnages and, if available, volumes of materials collected by type of material collected, and revenues/costs by type of material;

>

Copies attached.

> b. Number of eligible customers and number of set-outs per month. (Ord. > 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

>

Copies attached.

RC-15
Pg 1

From: "Renee Coe" <Renee@advsim.com>
To: "Shannon Tomsen" <shannon@uird.com>, "Council Council" <Council@co.whatc...>
CC: "Shelley Damewood" <cshelld@whidbey.com>, "David Gellatly" <david@kordly...>
Date: 10/7/2008 2:28 PM
Subject: Comments to County Council RE Freedom 2000 application

To all,

It is yet again that Mr. Wilkowski sends a letter with misleading information. I would like to clarify a few items from his letter dated October 6, 2008.

1. At the August 13th community meeting held in Point Roberts, David Gellately, Ron Calder and Brian Calder *did not* adamantly proclaim their joint affiliation as businessmen and the legality and integrity of their activities. In fact just the opposite. All three made valid points as to the legality and integrity of Mr. Wilkowski's activities as they related to them personally, especially Brian Calder whom Mr. Wilkowski denied both him and his agents, corporate or personal access to the county owned transfer station by illegally trespassing on private property and leaving his threatening letter on Mr. Calder's truck windshield.

2. Freedom 2000 is not a couple of guys who have an old truck that want to start a business. If given the opportunity to lease the transfer station, Mr. Gellately intends to begin curbside recycling, purchase equipment for source separated recyclables (something Mr. Wilkowski does not do) and make sure that the source separated recyclables are recycled properly. When I asked solid waste for a list of companies used by Mr. Wilkowski in Canada for his recyclable material, I was told that the information is not available to me because it is *proprietary*. Why is Mr. Wilkowski asking where the new applicant will take his recyclables when I can not be given that same information from his company when asking the same question from county solid waste department?

3. Under Whatcom County Code 8.10.050 Residential recycling collection, section K. it states clearly the following:

K. If the county executive determines that a certificated hauler has materially failed to comply with the requirements or policies of this chapter, the county executive shall provide the hauler with a written notice specifying the noncompliance and affording the hauler 60 days to cure the noncompliance; provided, however, that the hauler shall not be required to cure any noncompliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the hauler's control. At the discretion of the county executive, the period for cure may be extended. If the hauler fails to cure, the county may contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the hauler. All single-family residences located in Point Roberts, meeting the definition of seasonal vacation or weekend homes as defined under WCC 8.10.030(H), are exempt from curbside recycling collection.

If the county contracts for curbside recycling with another hauler, contractually I would assume that the county would deem that hauler responsible for his own accounting and billing services separately from garbage. The solid waste hauler would not be responsible for any paperwork

RL-15
Pg 2

related to recycling. I would gladly pay \$7.00 per month for curbside recycling if I knew that my source separated recyclables were being handled and recycled properly rather than spending \$5.21 per month and having my recyclables put into a "mixed container" category and dumped together at a place where I can't even verify the recycling center (since that information is proprietary).

4. Mr. Wilkowski admits to picking up recycling from 17% of his 340 paying households. He is being paid \$5.21 from 340 customers but only picking up from 58, so as a business practice, why would you give up FREE MONEY from 282 non-recycling but paying customers when you only have to pick up recycling from 58 houses? Why would you need a \$250,000 recycling truck for 58 customers? His free self-haul argument doesn't support itself financially because why would any business that pays to get rid of recycling (as outlined on the spreadsheet of collection companies provided at the Sept.23rd council meeting) now accept free self-haul and then turn around and potentially have to pay two to three times as much to dispose of it without any revenue to offset the cost?

5. In Mr. Wilkowski's first question to council, he asks, "Do you have complete confidence and trust in the applicants as competent and honest businessmen?"

It is ironic that he asks this questions since it has become quite evident from all of the information that has been provided to council from both Mr. Wilkowski and others, that there are many citizens in Point Roberts who do not have complete confidence and trust in Mr. Wilkowski and do not think he is a competent and honest businessman.

Please take the time to read the information that has been provided to you. It is only in providing factual information that we have all learned what is true and what has been egregiously misleading from Mr. Wilkowski with his flippant and often dishonest business tactics.

Thanks, Renee Coe

RC 16
Pg 1**Debbie Bailey - Re: Request for information**

From: Debbie Bailey
To: Coe, Renee
Subject: Re: Request for information
CC: Reid, George

I don't have any exemption forms that may have been received by Points Recycling because we only honor our official Whatcom County exemption form. We told him and anyone that called that he did not have authority to issue exemptions and that only our office did. When this office issues an exemption, an authorization letter is provided to that citizen. It is up to them to give a copy to the hauler. We did not participate in receiving or authorizing any illegal forms. A couple of people did send us copies of his forms (blank) just as an F.Y.I.

>>> "Renee Coe" <Renee@advsim.com> 11/20/2008 10:52 AM >>>
Debbie,

Can I get copies of the Points Recycling and Refuse exemption forms that were received at his location after his January 2007 letter to customers?

I also want to know if your department responded directly to the customers who signed the illegal forms and returned them to PRR and if I can get copies of those as well.

Thanks, Renee

----- Original Message -----

From: Debbie Bailey
To: Renee Coe
Sent: Tuesday, November 18, 2008 2:58 PM
Subject: Re: Request for information

Renee,

The "Universal Service Ordinance" is Whatcom County Code 8.10.050. You can access all the county codes from the County Home page. On the left hand side, scroll down to Legislation, County Code.

I will be looking through our file for complaints. I don't think there are that many, because the UTC has always requested that all complaint phone calls, etc. be referred directly to them. I'll scan whatever ones I have and e-mail them to you. I may not get to it til early next week, but hopefully it will be before Thanksgiving.

>>> "Renee Coe" <Renee@advsim.com> 11/18/2008 11:45 AM >>>
Debbie,

Can you send me copies of complaints filed with your office from Point Roberts residents either via mail, email or phone calls from January, 2007 through December 2007?

Also, can you send me solid waste's or Whatcom County's Universal Service

Ordinance codes or where I can find them on the website?

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Let me know. Thanks, Renee

Renee Coe, Office Manager
Advanced Simulation Corp.
1385 Gulf Rd., #201
PO Box #1010
Point Roberts, WA 98281
Phone: 360-945-3090
Fax: 360-945-3091
Email: Renee@advsim.com

RC-16

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Debbie Bailey - Re: Request for information

From: "Renee Coe" <Renee@advsim.com>
To: "Debbie Bailey" <DBailey@co.whatcom.wa.us>
Date: 11/19/2008 1:52 PM
Subject: Re: Request for information

Debbie,

Thanks for the explanation. I appreciate it.

Renee

----- Original Message -----

From: Debbie Bailey
To: Renee Coe
Sent: Wednesday, November 19, 2008 1:23 PM
Subject: Re: Request for information

Renee,

Universal Service Ordinance: Originally it was Ordinance 90-95, I believe, and has been amended several times since, but the gist of the ordinance was *mandatory*, or *universal*, garbage and recycling collection service. An Ordinance is passed and becomes part of the County Code, which actually should be taken together with 8.11. 8.11.020 specifically states mandatory garbage and recycling service. 8.10 has always been referenced as the Service Level Ordinance as long as I have been in Solid Waste. >>> "Renee Coe"

<Renee@advsim.com> 11/19/2008 12:24 PM >>>
 Debbie,

I have reviewed Whatcom County Code 8.10.050 which is titled "Residential recycling collection" and I don't see the language *Universal Service Ordinance* used anywhere in this section or anywhere in section 8.10. Am I missing something?

Can you tell me why section 8.10.050 is being called Universal Service Ordinance when I can't find it used to describe residential recycling collection anywhere in Whatcom County Code 8.10?

Let me know. Thanks, Renee

----- Original Message -----

From: Debbie Bailey
To: Renee Coe
Sent: Tuesday, November 18, 2008 2:58 PM
Subject: Re: Request for information

Renee,

The "Universal Service Ordinance" is Whatcom County Code 8.10.050. You can access all the county codes from the County Home page. On the left hand side, scroll down to Legislation, County Code.

I will be looking through our file for complaints. I don't think there are that many, because the UTC has always requested that all complaint phone calls, etc. be referred directly to them. I'll scan whatever ones I

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Pg 4

have and e-mail them to you. I may not get to it til early next week, but hopefully it will be before Thanksgiving.

>>> "Renee Coe" <Renee@advsim.com> 11/18/2008 11:45 AM >>>

Debbie,

Can you send me copies of complaints filed with your office from Point Roberts residents either via mail, email or phone calls from January, 2007 through December 2007?

Also, can you send me solid waste's or Whatcom County's Universal Service Ordinance codes or where I can find them on the website?

Let me know. Thanks, Renee

Renee Coe, Office Manager
Advanced Simulation Corp.
1385 Gulf Rd., #201
PO Box #1010
Point Roberts, WA 98281
Phone: 360-945-3090
Fax: 360-945-3091
Email: Renee@advsim.com

AB2009-74

RC-17

pg 1

From: <BBGUN1010@aol.com>
To: Renee@advsim.com
Date: 1/14/2009 9:59:12 PM
Subject: Re: question about solid waste/recycling tax district options

As I told you before, you can get a copy at the council office. I am under no obligation to send it from my home. It is good to know how suspicious you are about my correspondence.

Barbara Brenner, Whatcom County Council Member

In a message dated 1/14/2009 4:48:41 P.M. Pacific Standard Time, Renee@advsim.com writes:

Barbara,

This had nothing to do with trust.

You know as well as I do that as an elected official, anyone who sends you a letter, fax or email, that information becomes a matter of public record. I wanted to know who wrote the comments since it was sent by someone in another time zone and was curious especially since they were talking about the solid waste situation in Point Roberts.

It seems suspicious when you remove peoples names and/or email addresses in your reponse or when you forward your email to others. Emails that you receive from your constituents are not private and you do not require permission to forward or respond.

Again, can you please provide the person's name and email address who sent the emails below?

Thanks, Renee

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _Renee@advsim.com_ (mailto:Renee@advsim.com)
Cc: _nhanson@co.whatcom.wa.us_ (mailto:nhanson@co.whatcom.wa.us)
Sent: Wednesday, January 14, 2009 2:55 PM
Subject: Re: question about solid waste/recycling tax district options

Yes, and I think I remembered to copy the office so you can check with them since you obviously do not trust what I have already sent you.

Barbara Brenner, Whatcom County Council Member

In a message dated 1/14/2009 12:56:50 P.M. Pacific Standard Time, _Renee@advsim.com_ (mailto:Renee@advsim.com) writes:

Barbara,

RECEIVED
JAN 15 2009
WHATCOM COUNTY
COUNCIL

Aren't your emails a matter of public record?

Renee

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _coe@pointroberts.net_ (mailto:coe@pointroberts.net)
Cc: _nhanson@co.whatcom.wa.us_ (mailto:nhanson@co.whatcom.wa.us)
Sent: Monday, January 12, 2009 4:53 PM
Subject: Re: question about solid waste/recycling tax district options

Renee,

Although my e-mails are public, I try to keep people's addresses private. I am not comfortable sending you an individual's name without permission. Why do you need the person's name? If necessary I will e-mail the person to see if it is okay but I expect to be asked the same thing. All I did was send the e-mail about which you asked and took out the name. The person sent me the same letter a second time because the first one left out the last part so it was resent to me after I already responded to the first one. I am very low tech and I try to copy and send to people but maybe I didn't copy in order.

Barbara Brenner

In a message dated 1/11/2009 10:43:34 P.M. Pacific Standard Time, coe@pointroberts.net writes:

Barbara,

Can you tell me who you are responding to in your email below? The date and time below are Monday January 12, 2009 at 11:32am and 6:56am respectfully, yet it is Sunday night (January 11, 2009) at 10:45pm that I'm typing my email to you so I am totally confused but this. Can you explain....

Thanks, Renee

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
Sent: Sunday, January 11, 2009 7:31 PM
Subject: Re: question about solid waste/recycling tax district options

When some of us came up to a meeting in Pt. Roberts regarding solid waste and recycling last August we were asked if Pt. Roberts could set up its own recycling/solid waste district. It was a very interesting question and one I thought was important to explore. Several of us requested there be an expert (whether legal or recycling expert) answer to that question.

We were told the administration would follow up with the research and answer. The county council is a separate branch of government from the administration. As such the administration does not work for us. They work for the executive. The Whatcom County administration has its own solid waste expert who is paid a generous salary and benefits. It seems to me this would be something a solid waste specialist should be able to answer.

That is what the e-mail was about.

Barbara Brenner

Sent: Monday, January 12, 2009 11:32 AM
Subject: Re: question about solid waste/recycling tax district options

Hello and thanks for keeping me on your mailing list in regards to this issue. However, I'm a little confused about the specifics of what's been asked and anticipated results once the delays mentioned in the response are corrected. I suspect that other readers may be as well. Can you provide a bit more context please?

Regarding the garbage/recycling issue in Point Roberts in general, I'm aware that there has been a petition submitted to have the license of the current contractor removed and that another company is attempting to provide recycling service. However I am concerned that neither of these "band-aid" solutions address the underlying problem which is lack of enforcement of mandatory service policy. Until that problem is solved, no subsequent solid waste/recycling contractor will be able to sustain the operating costs any better than the current one.

Will look forward to any clarification you can provide and to reading of further developments as they occur.

----- Original Message -----

From: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
To: _BBGUN1010@aol.com_ (mailto:BBGUN1010@aol.com)
Sent: Monday, January 12, 2009 6:56 AM
Subject: Fwd: question about solid waste/recycling tax district options

FYI from Brenner

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!
(<http://pr.atwola.com/promoclk/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpgID=62&bcd=DecemailfooterNO62>)

A Good Credit Score is 700 or Above. _See yours in just 2 easy steps!_
(<http://pr.atwola.com/promoclk/100000075x1215855013x1201028747/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpglD=62&bcd=DecemailfooterNO62>)

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CC: NHanson@co.whatcom.wa.us

Shelley Damewood

From: Shelley Damewood [cshelld@whidbey.com]
Sent: Saturday, July 12, 2008 11:02 AM
To: 'judy ross'; 'valjunechristie@dccnet.com'; 'coe@pointroberts.net'; 'croisdale@telus.net'; 'handyhol@dccnet.com'; 'weaver@pointroberts.net'; 'wensley@dccnet.com'; 'natalieromyn@hotmail.com'; 'geonrose@pointroberts.net'; 'jmbarrington@dccnet.com'; 'lucywilliams@dccnet.com'; 'breezydee@whidbey.com'; 'cshelld@whidbey.net'; 'Heidi Baxter'; 'sallyhr@whidbey.com'
Subject: RE: two things

Hi Judy,

Although I have not actively participated in the groups activities for some time, I appreciate reading about your current projects via e-mail. It was such a wonderful experience for me to belong to this group of amazingly talented women--and to contribute to the Point Roberts quilt. Who knew rearranging little strips of fabric could be so creative?

One would have thought that the quilting group would be the Point Roberts group least likely to engage in the small town political agendas--and it is political in that Point Recycle and Refuse and the actions taken by the owner, Arthur Wilkowski, are now subject to a full hearing before the WUTC. As you are participating in the newly formed group, the Point Roberts Community Association as a representative from the Quilters Group, the implication is that you present the collective opinion of a large number of individuals within the group that could be identified by your mailing list. Although it is not clear from your wording, if the attached letter submitted by Ms. Allen and Mr. Reber reflect their own personal views, or a position taken by your group, I have to request that my name be removed from the quilter's list as your correspondence may become part of the public record should hearings be held in this matter.

I regret to say that the information contained in the correspondence conveyed to County Council does not reflect my views on the issue of Point Roberts Recycle and Refuse. In fact, the letter supports and legitimizes the arbitrary actions by the owner of a private company who, in good faith, entered into a contractual agreement to provide a service that met the Whatcom County standard for solid waste management.

Upon making the decision to deny the residents of Point Roberts curbside recycling service, the contract between Point Recycle and Refuse and Whatcom County should have been severed; Arthur was notified that he had 60 days in which to reinstate the service, instead he petitioned for a tariff revision to the WUTC for removing curbside recycling from the area of Point Roberts placing him directly outside of the Whatcom County mandate. So in effect, our tax dollars are now subsidizing a service that we no longer enjoy.

Although mandated by law, Whatcom County encourages broader participation by making recycling convenient--it is easy to move the materials to the road. Point Recycle and Refuse customers are being denied participation.

Fifty per cent of the recycle customers will do the right thing and haul recycle to the transfer station. The other percentage of participants may find it difficult for a variety of reasons to transport recyclables. If recycling is inconvenient and becomes an added expense to the homeowner, i.e. having to hire someone to haul the materials, appropriate recycle materials will soon be commingled in the curbside refuse; happily for Arthur as it will substantially add weight to the can, and sadly for the committed recycler.

In my opinion, Arthur, by his own actions, has created his problems--unfortunately for the community, Whatcom County's well-established recycle program is in jeopardy because of his personal agenda. I am sorry that he cannot make a go of his business, but a contract is a contract, either you can or cannot do it--if Arthur's actions are supported by your group, the community may find that garbage pick-up is the next to go--Have you seen the truck?--it is only a matter of time before it also becomes inoperable. Mr. Reber's and Ms. Allen's fears, and yours as well, are unfounded in that Whatcom County has an obligation to comply to their own statute to provide waste management services to unincorporated areas of Whatcom County.

SD-2
pg 1

From: "Shelley Damewood" <cshelld@whidbey.com>
To: <BBGUN1010@aol.com>, <dshutler@wutc.wa.gov>
Date: 7/14/2008 3:37 PM
Subject: Point Roberts Recycle and Refuse
Attachments: scan0001.tif; scan0002.tif

Attached is a scan of Arthur Wilkowski's latest information sheet that was included in his billing statement and handed out at the transfer station as well. It would be appropriate for the county and the WUTC to submit information to the community through our local paper, the All Point Bulletin, to clarify your respective positions regarding this company.

Thank you,

Shelley Damewood

119 Kilarney Place

Point Roberts, WA 98281

360-945-6966

cshelld@whidbey.com

Point Recycling and Refuse

SD-2
pg 2

This is an update on issues with the County about curbside recycling and some changes we are forced to make.

Whatcom County insists that we restart the curbside recycling collection and cancel the free self-haul recycling. Despite no significant desire from the citizens of Point Roberts for curbside recycling, the County insists that canceling the Company's Certificate is the only option.

At some time, (the date isn't set yet), there will be a hearing before a judge. I see a strong possibility that the Judge will side with the County and revoke the Company's certificate. Now we are in a hostile legal situation; there is no more discussion, mediation or debate, just the strict interpretation of the law regardless of the impact on this community. Without the County suspending their complaint and opening a dialog with the Company and this community, the process will proceed to an inevitable negative conclusion.

What would happen then?

The Company would be required to stop operations immediately after the hearing. No further residential pickup. We would be forced to dump and pull all commercial containers the next day. If we continued to operate we would face additional fines and legal actions.

We could still operate the transfer station for a few months. We lease the station from the County who sets the station hours, services and rates. This lease is scheduled to be automatically renewed in October. However, because of the County's obviously hostile attitude, I do not believe the lease would be renewed and we would be forced to vacate the site and remove all of our improvements.

Potentially, sometime in August or September there could be no garbage collection company and in November there could be no operating transfer station.

Can the County do this?

Just as the County has the power to create and support a sustainable solid waste and recycling system that meets your needs, they also have the power to destroy it.

Why is the County doing this?

Honestly, I don't know why. My job is to serve this community and build the solid waste and recycling system you need, now and into the future. I have done so. All I have ever asked the County is for them to do their job; give me a sustainable and practical system design and support me in my service to you. Every garbage company in Point Roberts has failed because the County just refuses to participate. Free self-haul recycling works; more people are recycling now than ever before. The County simply does not care about Point Roberts. You all know that Point Roberts is too small to get County attention on anything. This County apathy is how we got to this point, and also why the process will continue until the system is destroyed.

What can you do?

The problem is not just the curbside recycling. The County withdrawing their complaint is not a solution to the actual problems. The County, the WUTC and everyone in this community needs to get on board and support this utility and maybe there is a chance of it surviving.

The Company is now in a position where our future is uncertain. In a few months, the Company could cease to exist, the end of nine years effort. Jay, Mike and I have worked hard to build this system and regret this course of events. However, we could soon be unemployed, and must look to our futures and how we will provide for our families.

We have always taken the view, that as a utility, we serve the community. The Company provides many charitable community services in order to fulfill environmental goals and community needs. We can not do this any longer. We must cut costs and prepare for the dismantling and end of this system. We must also strictly adhere to our Transfer Station Lease Agreement in the long-shot hope of a renewal.

Against our desires, we are forced to make the following changes effective July 21st.

Transfer Station Hours: We are required to operate the transfer station two days per week. The Station will be open only Saturday and Sunday from 12:00 to 4:00.

Free Recycling: We provide free recycling at our cost in violation of County rules. We are forced to charge 5 cents per pound for recycling. I encourage everyone to continue recycling.

Yard-waste Recycling: Yard-waste Recycling is based on stockpiling enough material to cover the cost of processing. Since we cannot guarantee we will be here past October, we must cancel this program. We will accept yard-waste as garbage at the garbage rate.

Used Oil and Batteries: We have taken these materials as a community service exceeding our Station Agreement. We cannot continue to accept these items. Please call 360-676-7695 for your disposal needs.

Litter Cleanup: We have facilitated litter collection and accepted disposal at our cost as a community service. Litter is the responsibility of the County. Please call 360-676-7695 with your litter problems.

We apologize for any inconvenience these actions may cause you, however the situation is beyond our control.

What can you do?

The problem is not just the curbside recycling. This system is dying; the commercial customer base shrinks every year, zero growth in residential customers for 8 years, ever growing illegal poaching by sham recyclers and the Marina has pulled out of the system because so many households were dumping garbage on them. The County withdrawing their complaint is not a solution to the actual problems. The County, the WUTC and everyone in this community needs to get on board and support this utility and maybe there is a chance of it surviving.

We need:

1. Self-haul recycling not curbside.
2. Full universal service; putting every household on service will stabilize rates and stop the dumping on commercial businesses, so then maybe the Marina will come back into the system.
3. Enforcement of litter, dumping and burning laws.
4. Enforcement against the illegal sham recyclers that are making everyone else pay more for garbage. This is a regulated utility, actually a co-op to benefit everyone. When people undermine the utility, all the other people in this community pay the price.
5. County understanding that the Transfer Station and the Garbage Company cannot survive without each other, and together they do more for the community as a combined regulated utility.
6. Above all, the full participation and commitment from the County and the WUTC to create a sustainable system that meets your needs.

Everyone needs to contact all the following people and continue contacting them until these issues are resolved.

Pete Kremen, County Executive Suite 108, 311 Grand Avenue, Bellingham, WA 98225 pkremen@co.whatcom.wa.us 360-676-6717	Carl Weimer, County Council Suite 105, 311 Grand Avenue, Bellingham, WA 98225 council@co.whatcom.wa.us 360-676-6690	Peter Christiansen, Ecology 3190 160 th Ave. S.E. Bellevue, WA 98008-5452 Pchr461@ecy.wa.gov 425-649-7000
Dave Danner, WUTC PO Box 47250 Olympia, WA 98504-7250 DDanner@wutc.wa.gov 360-664-1160	Rep. Doug Ericksen 360-786-7980 ericksen.doug@leg.wa.gov	Rep Kelli Linville 360-738-6177 Linville.kelli@leg.wa.gov

AB2008-210 ✓

FILE UNDER AB: 2008
 DATE RECEIVED: 9-23-08
 SUBMITTED BY: Shelley Darnewood
 COUNCIL MEETING
 COMMITTEE
 EXHIBIT: C

SD-3
Pg 1

Whatcom County Council Members
 Whatcom County Council
 311 Grand Ave.
 Bellingham, WA 98281

RE: Proposed amendment to WCC 8.10.050 Curbside Recycling, Points Recycle and Refuse

Whatcom County Council, September 23, 2008

What began with a temporary interruption of curbside recycling service because of a purported mechanical breakdown of equipment in January of this year has, as of July, escalated into a campaign to change section 8.10.050 of the Whatcom County Code regarding residential recycling collection. The proposed amendment placed before the Whatcom County Solid Waste Advisory Committee for review and comment, AB2008-210, introduced at council on July 22, 2008 by Sam Crawford, and eliminates the provision for curbside recycling only in Point Roberts, while the ordinance would remain applicable elsewhere in Whatcom County.

I am intrigued by the introduction to the amendment and the reasons given for proposing this ordinance as it appears that the only verifiable **"WHEREAS"** statement is the first one that identifies Whatcom County as a leader in recycling programs in the State of Washington. I believe that to be true and I believe that Whatcom County by adopting WCC Section 8.10.050 supports the second **"WHEREAS"** as encouraging a system that is easy to use and convenient for its citizens.

I had a real problem identifying the meaning of the language used to defend the remaining five **"WHEREAS"** statements. Upon reading this document, I wanted to know how the author knew that seasonal residents are "not prone" to utilize curbside recycling. I wanted to know how "marginally used" is a measurement. I wanted to know why the geographic location of Point Roberts inhibits the certified hauler to make the recycling program cost effective—and is it the mandate of the county to ensure that this business succeed? I want to be able to understand how "significant support" is measured. What are the numbers? Where are they?— as lawmakers, you should want to know these numbers too. Certainly a statement that is prefaced with **"WHEREAS"** must be supported by documentation.

The adoption of this ordinance would relieve Whatcom County of the necessity to enforce item K. of Whatcom County Code 8.10.050, the section that identifies procedure for addressing non-compliance issues by the certificated hauler in Point Roberts. This would mean that the only item left in the solid waste ordinance relative to our community in this proposed ordinance would be the provision under item M. Enforcement of the provisions set forth in item M would seem unworkable

in that it would require actual documentation from Points Recycle verifying disposal of recyclables pursuant to WCC 8.10.050.C.1. While free recycling mandated under this proposed ordinance for Point Roberts residents is very attractive, the transfer station is not handicapped accessible, is it not a comfortable environment for the elderly or infirm; nor is it safe; it is an industrial site with open bins, moving vehicles and equipment—a safety issue for small children, dogs or anyone who is susceptible to dust.

According to Penny Lemperes, only the WUTC can conduct an audit of financial records of certified G certificate holders. All Certified haulers are required to submit an annual report by May of the following year. Since all of this is public record, it was not difficult to obtain information from the WUTC website regarding G certificate holders; I was surprised to learn that Points Recycle and Refuse had not submitted Annual Reports to the Commission as required by law for the past two years. The 2007 Annual Report was submitted to the commission on September 2nd of this year. It would seem that as of July 22nd, there would have been no governing body with any verifiable facts to build a case for moving forward with this proposed amendment to WCC Section 8.10.050. I am urging you to withdraw this proposed ordinance.

The actual figures included in the public documents filed with the WUTC, and presented to you for review this evening evidence a profitable enterprise, rather than a company in financial collapse. A fact that leads to the second point I would like you to consider and is what I believe to be the core point as to why the recycling issue in Point Roberts keeps being brought before this body. I need to address the issue of hostility, misleading statements and acts and actions demonstrated by Points Recycle that threaten our relationship to our friends and neighbors and now, after the August 13th meeting in Point Roberts, the relationship we have enjoyed with Whatcom County Council and the Executive Branch throughout the years.

In 2007, Points Recycle and Refuse distributed information to each solid waste customer on changes regarding enforcement of Solid Waste Rules and Conditions. In this, Points Recycle required all householders to have collection service or to obtain an exemption to haul solid waste to the transfer station. If we did not comply, “we will pursue all enforcement actions necessary to achieve full compliance, up to and including absolute denial of any service.” The full text is available in your packets. Please read carefully the request to submit affidavits threatening permanent suspension of service to an individual’s property if there is a perception of unlawful disposal. By signing the affidavit, the customer is granting access to private property at any time and commits to keeping records of waste disposal. My initial response to this was to question whether or not the county could do this and why is the language so hostile? However, the implied threats for not complying with these changes was all too clear—no service. This document quickly became known as the *garbage manifesto*, as it clearly did not originate on county stationary. This was the beginning of a barrage of paperwork distributed by

Points Recycle and Refuse to customers, the local newspaper and the WUTC.— again, included in my paperwork.

Why is this important? Because Points Recycle and Refuse and Whatcom County entered into a contractual agreement, Contract No. 200310005. By entering into this contract, Mr. Wilkowski, the holder of the G certificate issued by the WUTC is obliged to comply with the Whatcom County Solid Waste Ordinance. The WUTC in turn is obliged to hold all G certificate holders accountable to the solid waste ordinances of cities and counties within Washington State.

Mr. Frank Abart, Whatcom County Public Works Director, did the right thing by initially issuing a complaint to the WUTC regarding Points Recycle and Refuse. Upon the refusal of Points Recycle to reinstate curbside recycling, the company was out of compliance under the terms of the agreement. Mr. Abart followed the procedures of the previously mentioned item K of the WCC 8.10.050 and took the appropriate measures. The WUTC upon formal complaint from Executive Pete Kremen and Council Chair, Carl Weimer, in turn scheduled a full hearing on this matter, Docket TG-081089, along with the consolidation of previous docket numbers TG-080913 and TG-081089.

Points Recycling response to this action was to appeal to the community and gave notice to his customers on July 13th, 2008, that because the County had taken legal action and the outcome may be that he would have to suspend operations at the transfer station he was required to make the following changes, effective July 21st, 2008:

Station hours: Saturday and Sunday noon to four as required by the county. *The county allows the company to operate at least 2 days per week to total 8 hours.*

Recycling: We are required by the county to charge 5 cents per pound—no more free recycling. *The county allows recyclables to be charged up to 5 cents per pound.*

Yard-Waste Recycling: We can no longer accept yard-waste for recycling, yard waste will be accepted as garbage.

Used oil, batteries, fluorescent light bulbs, tires, refrigerators and propane tanks—no longer accepted. *Unless the company has mutually agreed that these items can no longer be accepted (refer to Whatcom County Contract 200310005, sec. f, no.2). Without mutual agreement, the company is arbitrarily taking these actions. But implies that the county has required him to do so, as he goes on to apologize for the inconvenience but the situation is beyond our control.*

Attached to the customer notice is a two-page letter predicting that if the company's G certificate is revoked, there will be no garbage pick-up. "Potentially, sometime in

August or September there could be no garbage collection company and in November there could be no operating transfer station." *All of this will happen "without the county suspending their complaint and open a dialog with the company and this community, the process will precede to an inevitable negative conclusion."* *"There could possibly never be garbage collection here again."*

This was not true and Whatcom County Department of Solid Waste responded with an ad in the local paper stating that garbage collection will continue in Point Roberts whatever the outcome of the WUTC hearing.

Arthur Wilkowski, the owner of Points Transfer, goes on to ask the question *"Why is the County doing this?"* His answer? *Honestly, I don't know why. My job is to serve the community and build the solid waste and recycling system you need now, and into the future. I have done so. All I have ever asked (of) the County is for them to do their job, give me a sustainable and practical system design and support me in my service to you. Every garbage company in Point Roberts has failed because the County just refuses to participate.* The failure of previous companies because of non-participation by the Whatcom County can only be his opinion. Companies fail because of poor business practices or operators. He implies that all previous companies failed in Point Roberts—that is a broad statement, unsupported by the facts. The WUTC has records that indicate G certificates changed hands and were transferred by sale as was the case with Points Recycle. The important point is that he claims *"Since the cancellation of curbside recycling in January, nobody from the County has called to discuss this issue."*

From my telephone conversations with Penni Lemperes, solid waste had attempted to contact Arthur on many occasions, as a result of the many telephone calls their office received from Points Recycle customers, and Arthur did not attempt to communicate with the County or to engage them in discussions.

Arthur goes on to claim that *"free-haul recycling works; more people are recycling now than ever before."* *Is that true? How would we know? Perhaps the recycle is finally making it into the proper bins—I have watched while my carefully cut up cardboard is chucked in with the regular solid waste on three occasions.*


"The County simply does not care about Point Roberts. You all know that Point Roberts is too small to get County attention on anything. This County apathy is how we got to this point, and also why the process will continue until the system is destroyed."

As of July 13, 2008, Arthur knew very well that the county had taken proper procedures to bring his company back into compliance. Had he reinstated curbside recycling when requested to do so within the 60 day period, he would have demonstrated a willingness to work with the County and, perhaps then, Points Recycle and the County would have had an excellent opportunity to open dialogue

on the issues that were relevant to his operation. Curbside recycling could have continued with a pick-up truck if the numbers reflect actual participation in the program.

That easy solution did not happen and because of his contempt for the restrictions of his contract, and at the expense of our recycling program, we have experienced a series of what can only be labeled unfortunate events that have left this matter unresolved. Again, I urge this body to withdraw the proposed amendment to the WCC 8.10.050—that document no longer applies to the situation as there are now facts in evidence that contradict the premise of that proposal. Let this process before the WUTC move forward to its conclusion, let there be a complete audit performed—then we can discuss with real numbers what is in the best interest of the Point Roberts community. In trying to negotiate a settlement or amend the WCC to accommodate the perceived needs of the company, you are not protecting the public interest. I am confident that you in your capacity as Council Members and users of the system will agree with me upon reading the submitted material. I can assure you that if allowances are made for Points Recycle and Refuse, that there will be another issue with this company and we will be on your doorstep again.

Respectfully submitted,



Shelley Damewood
119 Kilarney Place
Point Roberts, WA 98281
360-945-6966

AB2008 210 ✓

SD-4
Pg 1

From: "Shelley Damewood" <cshelld@whidbey.com>
To: carlweimer@comcast.net; campfam@comcast.net; SFleetwo@co.whatcom.wa.us; SCrawfor@co.whatcom.wa.us; RKelly@co.whatcom.wa.us; LCaskeyS@co.whatcom.wa.us; ...
Date: Tue, Oct 7, 2008 1:10 AM
Subject: comments on the application of Freedom 2000 for recycling at Point Roberts, WA

Whatcom County Council Members

Mr. Pete Kremen, Whatcom County Executive

311 Grand Avenue

Bellingham, WA 98281

October 6, 2008

RE: Point Roberts recycling issues: Point Recycle and Refuse brief review, Support for new application

I was dismayed when the present contract holder, Point Recycle and Refuse, eliminated recycling on Point Roberts as a result of equipment failure. Soon after, it was apparent that there was no intention of reinstating this service to Point Recycle customers--indeed the owner had, for years, been actively applying to the WUTC to remove his company from its obligation to provide this service.

1. Whatcom County and Point Recycle and Refuse entered into a contractual agreement to provide solid waste and recycling on Point Roberts and, in signing this document, Point Recycle agreed to uphold the provisions of the Whatcom County Solid Waste Ordinance. The owner's decision to eliminate curbside recycling placed the company in non-compliance with his contract and county code. This situation should have been dealt with in the prescribed procedure when it became clear that Arthur Wilkowski had no intention of bringing his company practices back into compliance. Curbside recycling became the flash point for focusing attention on his own perceived grievances with Whatcom County and the WUTC. The arbitrary action of the current provider of solid waste collection and recyclables has created a firestorm of controversy for many of us in this community as well as a deep concern over PRR's commitment to responsible recycling. Arthur, by his actions, displayed contempt for the wishes of his customers (no one asked me if I would like to self-haul to the transfer station), Whatcom County, and the contract that was, presumably, entered into in good faith.

2. Community advocacy issues: To present, we have participated in one

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community meeting (August 13, 2008) arranged by the company with representatives from County Council, Barbara Brenner and Carl Weimer; County Executive, Pete Kremen, and Frank Abart and Jon Hutchings from the Whatcom County Department of Solid Waste. The outcome of this meeting does not need to be restated in this submission, but the events directly following the meeting deeply divided the Point Roberts community and did nothing to enhance the belief that the county was an advocate for better recycling opportunities on Point Roberts. This issue has been resolved for me personally, due to the fact that I began to actively research information to verify the claims made by Point Recycle as to the viability of the company—all available as public record documents from the WUTC and other sources.

3. County response to the issue of curbside recycling: In response to the perceived difficulties of collecting recyclables curbside, an amendment to the Whatcom County Solid Waste Ordinance was proposed to eliminate curbside recycling only in Point Roberts. This proposed document contained language that was not precise and statements of fact that could not be verified. I see this as only another way to marginalize the importance of the wishes of the Point Roberts community—why should we not get to participate in this program? Instead of considering this situation as an opportunity for enhanced recycling, we were in danger of limiting participation in the program.

Initially, my involvement with this issue was related to the loss of curbside recycling; I operate several businesses from my home that require documents to be printed and edited. I also subscribe to innumerable publications, which in turn, increase the amount of "junk mail" arriving daily. Consistent curbside pickup allowed me to easily dispose of these materials in a responsible manner. My only wish was for the County and the WUTC to enforce the contract to reinstate curbside recycling and deal with this in the appropriate manner.

The Solid Waste Ordinance for Whatcom County environmental practices. I believe that in supporting the application of Freedom 2000, LLC, Whatcom County will be taking a position that will benefit this community. I like the fact that there will again be a local company providing this service as it facilitates community involvement in setting recycling goals relevant to our population; a local company will provide employment opportunities for the community. Although we do not have local jurisdiction over these issues, it is obvious that some residents are prepared to ensure that a community based company comply with the goals of the Whatcom County Solid Waste Ordinance and, in supporting this application, the performance goals stated in the business plan presented by the owner, David Gellatly of Freedom 2000.

Respectfully submitted,

SD4
Pg3

Shelley Damewood

119 Kilarney Place

Point Roberts, WA 98281

360-945-6966

cshelld@whidbey.com

- 1.3) Respondents are:
Points Recycling and Refuse, LLC is a public service company holding solid waste certificate G155 who serves all of Point Roberts, WA.

Whatcom County is the government entity overseeing solid waste and recycling within Point Roberts, WA.

2. RULES AND STATUTES AT ISSUE

- 2.1) RCW 81.77.030(4) requires the commission to supervise and regulate all matters affecting the relationship between solid waste companies and the public they serve.
- 2.2) The commission, by law, must require compliance of the local solid waste plans and related implementation ordinances. RCW 81.77.030(5).
- 2.3) RCW 81.77.040 adopts the categories of garbage, refuse, recyclable materials as solid wastes.
- 2.4) RWC 81.77.090 states that a person is guilty of a gross misdemeanor if he or she violates any provision of chapter 81.77 or "fails to obey or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof".
- 2.5) WAC 480-70-071 requires that all haulers submit annual reports to the WUTC by May 1 of the following year.
- 2.6) RCW 70.95.010(6)(d) requires state government to ensure local governments are providing adequate source reduction and separation opportunities and incentives to all – including persons in urban and rural areas.
- 2.7) RCW 70.95.020(1) requires that each county and city establish a comprehensive solid waste handling and recycling plan while the state reserves functions necessary to assure effective programs throughout the state.
- 2.8) RWC 70.95.090(7)(iv) requires recycling strategies and promote concepts of waste reduction and recycling.
- 2.9) The state and the county, by law, have set waste reduction and recycling, including curbside recycling, as the highest priority in managing solid waste. RCW 36.58.040 and WCC 8.10.020(C).
- 2.10) WCC 8.10.050(A) requires that all certificate haulers shall collect source-separated recyclables from all residences in unincorporated portions of Whatcom County.

- 2.11) WCC 8.10.050(A) also allows for residents who have completed the garbage exemption process to subscribe to recycling-only collection service.
- 2.12) WCC 8.11.010 mandates recycling collection as an objective of the county's solid waste plan and states that the collection district is necessary so that unincorporated areas of the county can meet their solid waste management objectives, including recycling.

3. STATEMENT OF FACTS

- 3.1) Whatcom County Solid Waste Management Plan mandates curbside recycling in all unincorporated areas of the county including Point Roberts. PRR discontinued service beginning January 2008 in direct violation of Whatcom County code. Prior to cancellation, curbside recycling was working and was the most efficient way for residents to source separate all of their recycling for curbside collection and gives everyone an opportunity to participate.
- 3.2) Under Whatcom County Code 8.10.050, certified haulers shall collect source separated recycling from all residences in unincorporated portions of Whatcom County that receive regularly scheduled garbage collection except section K that exempts seasonal and part time residents of Point Roberts.
- 3.3) In July 2008, Whatcom County Council member Sam Crawford proposed a change to WCC 8.10.050 (agenda bill 2008-287) (Exhibit 1) in which he proposed to remove curbside recycling in Point Roberts and allow self haul because self haul had been allegedly documented to receive more materials, although no documentation supports this assertion (Exhibit 1). He states significant support among the residents of Point Roberts without the benefit of a county sanctioned community meeting or any correspondence from any member of the community or the hauler in Point Roberts (Exhibit 1).
- 3.4) On August 22, Councilmember Crawford was asked for clarification on the purpose of his proposed change (Exhibit 2). When specifically asked if he had talked to residents of Point Roberts on both sides of the proposal, Councilmember Crawford stated "didn't talk to anyone" (Exhibit 3). He also states many homes that are seasonal are not prone to use curbside recycling and that their recycling bins sit on the street for days, which is a fundamental misunderstanding of current Whatcom County Code as noted above. (Exhibit 4 is a response to the email found in Exhibit 3.)
- 3.5) The hauler and Council member Crawford neglect to address the issues of public safety as the transfer station is not handicapped accessible, a comfortable environment for the elderly or infirm, nor is it safe. It is an industrial area with open garbage bins, moving vehicles and equipment, and dirt roads which are prone to dust and mud, posing a direct safety issue for children, dogs, or anyone with air quality-related breathing issues.

- 3.6) PRR's systematic manipulation of facts and laws has played on the emotion of its customers and is directly reflected in its behavior towards the community it serves. This has been exhibited by the threats and fear mongering tactics PRR's owner has written in his newspaper advertisements (Exhibits 5, 6, 7, 8), mailings to customers (Exhibits 9, 10, 11), handouts at the transfer station (Exhibits 12 and 13), and signed petitions for violating state and county laws. The result has lead many in the community to believe there was no alternative but to support PRR.
- 3.7) PRR's contempt for authority is demonstrated by: breaking its lease contract (Exhibit 14) with Whatcom County; its refusal to comply with the County's 60 day request to reinstate curbside recycling (Exhibits 15 and 16); its outright refusal to file its annual reports (Exhibit 17); and its refusal to pay its regulatory fees and penalty fees when due. Its contempt for authority is also demonstrated by its inflammatory language used in letters to customers, ads, handouts, and letters to the county and to the WUTC.
- 3.8) WUTC Docket No. TG-061052 is another example of PRR's belief it is above the law by challenging the WUTC with condescending comments, refusal to comply, and knowingly misrepresenting the law. (Exhibit 18)
- 3.9) PRR does not have the best interests of the community at heart, as demonstrated by its continued antagonizing of the county, its condescending attitude toward County Council, and in particular its personal vendetta against Council member Barbara Brenner. (Exhibits 15 and 19)
- 3.10) PRR regularly uses threats to achieve its objectives. This was manifested in a July 14th letter to Whatcom County Health Dept. when it stated that it will remove all improvements to the leased transfer station, making it inoperable and unable to meet the minimal functional standards required for a solid waste operation (Exhibit 20). This threat was made even though improvements to the station were made with rate increases approved by Whatcom County and/or the WUTC.
- 3.11) PRR filed Docket No. 061079 and No. 061193 with the WUTC and requested to update the descriptive wording on its Tariff Title Page for the Service Area to exclude five Point Roberts properties further abusing its authority under county and state laws. (Exhibit 21)
- 3.12) PRR published an advertisement in the local community newspaper, the All Point Bulletin (APB), in February/March/April/May 2007 (Exhibits 5, 6, 7, 8) in which it stated information that was illegal, misleading and misrepresented the facts as outlined under Whatcom County Code 8.10.050. These ads were intentionally designed to appear as though they were official public notices, further misleading the public.
- 3.13) Whatcom County Public Works department was forced to respond by placing an advertisement in the August 2008 edition of the APB to counter the misleading statements created by PRR in its mailings, handouts, ads and letters and to provide the public with the correct information and facts as they apply to county code. (Exhibit 23)

- 3.14) PRR's lack of duty to the community and proof of its own self-interest is shown by its protest against the application of Freedom 2000 (Docket No. TG-081576). Freedom 2000 is proposing to take over the recycling operation of Point Roberts and comply with state and county laws regarding curbside recycling. PRR has repeatedly stated "I will be very clear, that [resumption of curbside recycling] is not going to happen." (See Exhibit 15 and 24)
- 3.15) PRR has shown a pattern of disingenuous and untrustworthy behavior. It purchased its G-155 certificate in 1999. At that time the owner stated his intent to expand recycling and enhance opportunities for both residential and business customers to become the leader in community programs (Exhibit 25). Subsequently, in 2001 the owner changed course and filed Docket No. 010202 wanting to eliminate curbside recycling although it knew its obligation by county and state law and signed the lease contract to provide this service with the county. (Exhibit 26)
- 3.16) PRR has repeatedly claimed that curbside recycling is not economically feasible (Exhibit 27). This is contradicted by the annual reports filed with the WUTC in which PRR has had driver wages and benefit salary increases of 410% from 2003 through 2007 and increased its drivers from 1 to 2 (including the owner/operator). In the same period owner salary has increased 67% with one owner/officer listed. (Exhibit 28)
- 3.17) PRR's claims regarding the cost of a new recycling vehicle were stated to mislead the public. In these statements, PRR has grossly over estimated the appropriate size and relative cost of a replacement vehicle. (Exhibit 29)
- 3.18) Whatcom County Code (as noted above) stated that Point Roberts solid waste customers pay for curbside recycling whether they use it or not. This resulted in a yearly income of over \$21,000 from 2005 – 2007. The revenue stream is now gone since PRR instituted free self haul recycling. (Exhibit 30)
- 3.19) PRR has not taken the initiative in source separating its recycling and has not generated the income that source separating provides other haulers in the county. (Exhibit 30)
- 3.20) In the past, PRR has paid to dispose of its minimally source separated recyclables and now must pay more with self haul with no residential income to offset the cost. PRR's illogical decision to offer free self haul instead of curbside recycling does not stand up as a sound business practice. (Exhibit 30)
- 3.21) Given the increases in salaries and benefits at PRR, PRR's contention about the economic feasibility of curbside recycling, and its dire claims about the overall viability of the company, we fully support the WUTC's investigation of its accounts and practices.
- 3.22) This community lacks the support of Whatcom County in this matter. The county has an apparent willingness to adopt new laws without having a fundamental understanding of the current laws or verifying the facts presented by the hauler. This matter, combined with the continuing hauler's battles with the WUTC and Whatcom County, leaves the

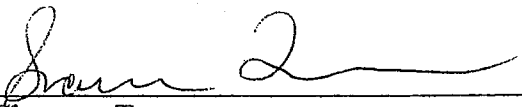
Point Roberts community facing a slippery slope toward the potential degradation or elimination of other essential services the community deserve. We should be able to enjoy the same level of service as other citizens of Whatcom County, be equally able to fulfill our duties toward environmental protection and effective waste management, and not be discriminated against because of our location. (Exhibit 31)

4. RELIEF SOUGHT

- 4.1) Cancellation of G155 certificate held by Points Recycling and Refuse.
- 4.2) Prohibiting respondent Whatcom County from enacting any law or ordinance exempting Point Roberts from curbside recycling.
- 4.3) Impose maximum penalties allowed under all applicable RCWs.

I swear under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct and to the best of my belief.

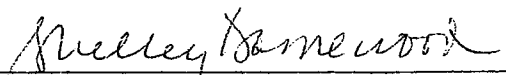
DATED the 25th day of November 2008.



Shannon Tomsen



Renee Coe



Shelley Damewood