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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In re the Application of,

DTG Enterprises Inc. d/b/a DTG Recycle
22745 29th Dr SE
Bothell, WA 98021

TG-240584

PROTEST OF THE WASTE
CONNECTIONS' COMPANIES TO
SOLID WASTE CERTIFICATE
APPLICATION

COMES NOW, THE WASTE CONNECTIONS' WASHINGTON REGULATED COMPANIES (Collectively), ("Waste Connections" or "Protestant"), holder of Certificate Nos. G-9, G-11, G-48, G-51, G-75, G-87, G-88, G-89, G-98, G-101, G-154, G-173, and G-253, and through its counsel, David W. Wiley and Michael S. Howard of Williams, Kastner & Gibbs PLLC, 601 Union Street, Suite 4100, Seattle, Washington, 98101, (206) 628-6652, and pursuant to WAC 480-70-106(2) protests the above-entitled solid waste certificate application. Waste Connections submits this protest on behalf of its regulated solid waste collection companies subsidiaries as well, which include Murrey's Disposal Company, Inc. d/b/a Olympic Disposal; Mason County Garbage Co., Inc. d/b/a Mason County Garbage; Island Disposal, Inc.; Peninsula Sanitation Service, Inc.; Columbia River Disposal, Inc.; Empire Disposal, Inc.; Waste Connections of Oregon, Inc. d/b/a Sanitary Disposal; Waste Connections of Washington, Inc. d/b/a Waste Connections; Waste Control, Inc.; Yakima Waste Systems, Inc.; and Harold LeMay Enterprises, Inc. d/b/a City Sanitary Co., Joe's Refuse Service, Harbor

PROTEST OF THE WASTE CONNECTIONS' COMPANIES TO
SOLID WASTE CERTIFICATE APPLICATION - 1

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

1 Disposal/EGH, Lakewood Refuse Service; Pacific Disposal, Butlers Cove Refuse Service &
2 Rural Garbage, and Pierce County Refuse.

3 On August 5, 2024, DTG Enterprises Inc. d/b/a DTG Recycle (DTG) filed an
4 application for a solid waste carrier certificate with the Washington Utilities and Transportation
5 Commission (Commission).

6 On August 8, 2024, DTG filed an replacement application (Application) with the
7 Commission. In its Application, DTG notes that it “wishes to operate throughout the state using
8 various regional landfills for disposal of residual wastes” originating from its material recovery
9 facilities (MRF) “after sorting and processing recyclable materials.” DTG submits that it “only
10 seeks a solid waste license for hauling residual materials from our sorting process.”

11 DTG notes that “[c]urrent operations are concentrated in the greater Puget Sound
12 region, Tri-Cities region, and Yakima County region.” Yet DTG accepts construction and
13 demolition waste “from commercial and industrial generators throughout the State.”

14 Despite the fact that the Application represents a replacement filing, DTG does not
15 provide a proposed tariff or a map of its service area.

16 This protest is submitted on the following grounds:

17 I.

18 Waste Connections, through its various regulated subsidiaries is the holder and operator
19 of Solid Waste Certificate Nos. G-9, G-11, G-48, G-51, G-75, G-87, G-88, G-89, G-98, G-101,
20 G-154, G-173, and G-253. Due to the volume of certificates, as representative examples of the
21 various G Certificates, attached as Exhibit A are the certificates of Murrey’s Disposal, Inc. dba
22 Olympic Disposal G-9, and Waste Control, Inc. G-101. All other certificates of the Waste
23 Connections Companies referenced above will be produced as exhibits at hearing. As said
24 exhibit indicates, Waste Connections currently holds authority in conflict with and which
25 overlaps the applied-for solid waste authority as noted above. By way of example, Waste

1 Connections holds Certificate No. 9, which allows its subsidiary Murrey's Disposal Company,
2 Inc., d/b/a Olympic Disposal to collect garbage and refuse in portions of Pierce County and
3 Waste Control, Inc., Inc holds a solid waste certificate to serve most of Cowlitz County and
4 other territory.

5 II.

6 Waste Connections therefore alleges it has a direct, cognizable interest in this proceeding
7 adverse to this application. Waste Connections holds G-certificates for solid waste collection
8 services in much of DTG's proposed service territory.

9 III.

10 Waste Connections is ready, willing and able to provide all of the solid waste collection
11 and transportation services sought by DTG within the scope of its authorized operations in its
12 Amended Application. Waste Connections has invested and continues to invest substantially in
13 serving its solid waste collection customers in its service territory

14 IV.

15 Waste Connections alleges that DTG cannot establish its fitness to conduct operations or
16 its past compliance with Washington law and rule. DTG and its predecessors in interest have a
17 history of violating Commission rules, as DTG admits in its Application. DTG fails to even
18 provide supporting documents with its application as required by both RCW 81.77.040 and WAC
19 480-70-091.

20 V.

21 Waste Connections further alleges that DTG cannot establish that the public convenience
22 and necessity require its proposed service or that its proposed service is consistent with the public
23 interest. DTG is seeking to cut costs by providing "in house" hauling from its MRFs rather than
24 paying tariff rates for regulated solid waste collection companies. There is no discernable public
25 benefit.

1 Waste Connections will appear at any hearing on this matter and will present evidence
2 through approximately four witnesses. Waste Connections estimates a hearing time of two hours.

3 WHEREFORE, Waste Connections, Inc., Protestant herein, requests that its right to
4 participate in the entirety of Application TG-240584 be fully affirmed, is currently unaware of any
5 restrictive amendment which would or could satisfy its interest herein, and therefore asks that
6 Application No. TG-240584 of DTG Enterprises Inc. d/b/a DTG Recycle be denied in its entirety.

7 DATED this 24th day of September, 2024.
8
9

10 /s/ Michael S. Howard
11 Michael S. Howard, WSBA #41034
12 David W. Wiley, WSBA #8614
13 Attorneys for Protestant
14 WILLIAMS, KASTNER & GIBBS PLLC
15 601 Union Street, Suite 4100
16 Seattle, WA 98101-2380
17 Telephone: (206) 628-6652
18 Fax: (206) 628-6611
19 Email: mhoward@williamskastner.com
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1 CERTIFICATE OF SERVICE

2 I hereby certify that I have this day filed the PROTEST OF THE WASTE
3 CONNECTIONS' COMPANIES TO SOLID WASTE CERTIFICATE APPLICATION with the
4 WUTC via their web portal and served the same upon the below parties of record by electronic
5 transmission:
6

7 _____ Donna Barnett
8 Perkins Coie LLP
9 10885 NE Fourth Street, Suite 700
10 Bellevue, WA 98004-5579
11 425-635-1633
12 dbarnett@perkinscoie.com
13 *Attorneys for DTG Enterprises, Inc. d/b/a DTG Recycle*

14 DTG Enterprises, Inc. d/b/a DTG Recycle
15 22745 29th Dr. SE
16 Bothell, WA 98021-4402
17 info@dtgrecycling.com

18 DATED at Seattle, Washington this 24th day of September, 2024.

19 s/ Maggi Gruber
20 Maggi Gruber
21 Legal Assistant
22 WILLIAMS KASTNER & GIBBS PLLC
23 601 Union Street, Suite 4100
24 Seattle, WA 98101
25 206-233-2972
mgruber@williamskastner.com

EXHIBIT A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

MURREY'S DISPOSAL COMPANY, INC.
d/b/a OLYMPIC DISPOSAL
4622 70TH AVENUE EAST
Puyallup, WA 98371

Cert. No.
G-9

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Beginning in Section 30, Township 21 North, Range 4 E.W.M. at the point of intersection of the northeast Tacoma city limits and the Pierce County-King County line; thence south along the Tacoma city limits as they exist on April 1, 1974, to the intersection of the said Tacoma city limits with 72nd Street East; thence east on the centerline of 72nd Street East to Waller Road; thence south on the centerline of Waller Road to 112th Street; thence east along centerline on 112th Street to Meridian; thence south on the centerline of Meridian to the Kapowsin Highway; thence east on the centerline of the Kapowsin Highway to its intersection with Electron County Road; thence east along the centerline of Electron County Road to the southwest corner of Section 33 Township 18 North, Range 5 E.W.M.; thence continuing east along the centerline of the Section line between Township 17 North and 18 North, to its intersection with the East boundary line of Mt. Rainier National Park; thence south along said boundary to its intersection with the Pierce County-Yakima County boundary line; thence north along the Pierce County-Yakima County boundary to the intersection of the Pierce County-Yakima County-Kittitas County-King County line; thence west along said line to its intersection with the northeast boundary of the City of Tacoma, situated in Section 30, Township 21 North, Range 4 E.W.M. the point of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

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WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By *Carolyn Shallen*



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

Also that portion of Pierce County beginning with the intersection at the Pierce County-Kitsap County-Mason County line; thence south along the Pierce County-Mason County line to its point of intersection with the shoreline of Rocky Bay; thence generally south along the east shoreline of Rocky Bay and North Bay including Heron Island to the southwest point of Drayton Passage; thence northerly along the shoreline of Drayton Passage and Henderson Bay to the most northern point of Henderson Bay; thence southerly along the east shoreline of Henderson Bay including the islands of Henderson Bay, but excluding McNeil, Anderson and Ketron Islands to the northeast point of Hale Passage; thence easterly along the north shoreline of Hale Passage including Fox Island to the southwest point of the Narrows; thence northerly along the west shoreline of the Narrows to its point of intersection with the west shoreline of West Passage; thence northerly along the west shoreline of West Passage to its point of intersection with the Kitsap County-Pierce County line; thence westerly along the Kitsap County-Pierce County line to the intersection of the Pierce County-Mason County-Kitsap County line to the intersection of the Pierce County-Mason County-Kitsap County line, the point of beginning.

Also all areas within the boundaries of Pierce County occupied by United States Government installations.

The following authority was obtained by transfer of Certificate No. G-112, standing in the name of David James Murrey, d/b/a Points Garbage Service.

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Starting at the intersection of the east corporate limits of Tacoma as they exist on April 1, 1974, and the centerline of 72nd St. East; thence east on the centerline of 72nd St. East to Waller Road; thence on the centerline of Waller Road South to 96th St. East; thence east on E. 96th St. to its intersection with the west corporate limits of Puyallup to a line projected from south to north located 1/2 mile west of SSH-5B; thence north on said projected line to the south corporate limits of Milton; thence following the limits of Milton in a clockwise direction to the point of intersection with the north line of Section 6, T. 20 N., R. 4 E.; thence west on the north line of said section projected to the east corporate limits of Tacoma; thence following said corporate limits southerly and westerly to 72nd St. East, the place of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

GARBAGE COLLECTION SERVICE in Pierce County described as follows: Beginning at the point where Stewart Rd. in Pierce County projected west intersects SR-99 (PSH-1); thence north along the centerline of SR-99 to the intersection of the Pierce County line projected west; thence east along the King/Pierce County line to the N.E. corner of Section 3, T. 20 N., R. 5 E.; thence south along the east line of said line of said Section 3 extended to the N.E. corner of Section 8, T. 20 N., Section 3 to the S.E. corner of said Section 3; thence west along the south 1 R. 5 E.; thence south along the east line of said Section 8, to the S.E. corner of said Section 8; thence west along the south line of said Section 8 extended to SR-167 (PSH-5); thence north on SR-167 (PSH-5) to the intersection of Stewart Road extended east; thence west along Stewart Road extended to the intersection with SR-99 (PSH-1), the point of beginning.

REFUSE AND DEBRIS COLLECTION SERVICE In those portions of King and Pierce Counties described as follows: Starting at the S.E. corner of Sec. 20, T. 20 N., R. 6 E.; thence west on the south line of said section projected to the east limits of the City of Tacoma (as of Sept. 6, 1960); thence north on a line projected from this point to the shoreline of Puget Sound; thence following said shoreline easterly and northerly to the point of intersection with the north line of Sec. 6, T. 22 N., R. 4 E.; thence east on the north line of said section projected to the N.E. corner of Sec. 5, T. 22 N., R. 6 E.; thence south on the east line of said section projected to the S.E. corner of Sec. 20, T. 20 N., R. 6 E., the place of beginning: EXCLUDING the City of Tacoma as the point of origin and destination of the same shipment, and EXCLUDING the City of Puyallup as the point of origin and destination for the same shipment, and excluding the King County portion.

The following authority was obtained by transfer of Certificate No. G-28, standing in the name of Olympic Disposal, Inc.

GARBAGE COLLECTION SERVICE in that portion of Clallam and Jefferson Counties described as follows: Starting at the intersection of the west shoreline of the Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); thence west on the south line of said Section 31, and the Jefferson-Mason County line to the Olympic National Park boundary (as of September 6, 1960) approximately the S.E. corner of Section 32, T. 25 N., R. 4 W.; thence following the Olympic National Park boundary in a northerly and westerly direction to the north-south centerline of Section 17, T. 29 N., R. 5 W.; thence south on said centerline projected to the Clallam-Jefferson County line; thence west on said county line to the S.W. corner of Section 31, T. 28 N., R. 9 W.; thence north along the west line of said Section 31 extended to the S.E. corner of Section 36, T. 31 N., R. 10 W.; thence west along the south line of said Section 36, extended to the N.E. corner of Section 1, T. 30 N., R. 15 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 30 N., R. 15 W.; thence west along the south line of said Section 36, extended to the Pacific Ocean; thence north along the shoreline of the Pacific Ocean, around the point of Cape Flattery, easterly along the shoreline of the Strait of Juan De Fuca, along the shorelines of Sequim Bay, Port Discovery Bay, Port Townsend Bay and including Indian and Marrowstone Islands; thence southerly along the west shoreline of Hood Canal, around Oak Head,

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

along the shorelines of Dabob Bay and Quilcene Bay; thence southerly again along the shoreline of Hood Canal to the intersection of the west shoreline of Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Jefferson and Grays Harbor Counties described as follows: Starting at the point where the Clallam-Jefferson County line intersects the shoreline of the Pacific Ocean; thence following said county line east to the point of intersection with the Olympic National Park boundary; thence following said boundary south to the intersection with the east boundary of R. 12 W., in T. 24 N.; thence south on said boundary line to the point of intersection with State Route 101; thence northwesterly along said highway 101 to the intersection with the Jefferson-Grays Harbor County line; thence following the said county line westerly to its intersection again with State Route 101; thence southerly, westerly, then northerly along said State Route 101 to the intersection once again with the Jefferson-Grays Harbor County line; thence west along said county line to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the Clallam-Jefferson County line; the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE at the Makah Air Force Base, Neah Bay, under contract with THE U.S. GOVERNMENT and in the Olympic National Park, Port Angeles under contract with THE U.S. NATIONAL PARK SERVICE.

GARBAGE, REFUSE AND RUBBISH COLLECTION SERVICE in that portion of Clallam County described as follows: Beginning at the S.E. corner of Section 36, T. 28 N., R. 10 W., (Clallam-Jefferson County line); thence west along the south line of said Section 36 (and county line) extended to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the north line of Section 6, T. 29 N., R. 15 W.; thence east along said north line of Section 6 extended to the S.W. corner of Section 31, T. 30 N., R. 14 W.; thence north along the west line of said Section 31 extended to the N.W. corner of Section 6, T. 30 N., R. 14 W.; thence east along the north line of said Section 6 extended to the N.E. corner of Section 1, T. 30 N., R. 10 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 28 N., R. 10 W.; the point of beginning.

TG-030688

05-16-03



WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

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

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

Cert No.
G-101

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

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

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By

[Handwritten signature]

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

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

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

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

TG-020291

08-01-02