

# EISENHOWER

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December 24, 2009

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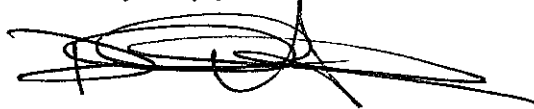
Mr. David W. Danner  
Executive Director  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. S.W.  
Post Office Box 47250  
Olympia, Washington 98504-7250

Re: Docket No. TG-072226

Dear Sir:

Enclosed please find the Status Report / Position of Respondents Glacier Recycle, LLC, Hungry Buzzard Recovery, LLC and T&T Recovery, Inc., the original that is being forwarded by U.S. First-Class Mail.

Very truly yours,



Donald L. Anderson

DLA/dlg  
Enclosure  
00433749.DOC

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6  
7 BEFORE THE WASHINGTON STATE  
8 UTILITIES AND TRANSPORTATION COMMISSION

9 In the Matter of Determining the Classification  
10 of:

DOCKET TG-072226

11 GLACIER RECYCLE, LLC; HUNGRY  
12 BUZZARD RECOVERY, LLC; AND T&T  
13 RECOVERY, INC.,

STATUS REPORT / POSITION OF  
GLACIER RECYCLE, LLC; HUNGRY  
BUZZARD RECOVERY, LLC; AND T&T  
RECOVERY, INC.

14 Glacier Recycle, LLC ("**Glacier Recycle**"), Hungry Buzzard Recovery, LLC ("**Hungry**  
15 **Buzzard**"), and T&T Recovery, Inc. ("**T&T**") hereby submit their individual status reports as  
16 required by Judge Torem's Notice of Requirement to File Final Status Report Prior to Issuance  
17 of New Procedural Schedule dated September 10, 2009.

18  
19 Glacier Recycle, Hungry Buzzard and T&T concur with the staff's summation of the  
20 issues submitted for determination in this case. First, that the staff sought a finding that  
21 collecting construction, demolition and land clearing ("**CDL**") waste for transportation to the  
22 Weyerhaeuser facility in Longview for use as an "Industrial Waste Stabilizer" is engaging in a  
23 solid waste collection activity regulated under RCW 81.77. Second, the staff sought a  
24 determination concerning the circumstances in which a carrier collecting CDL material,  
25 transporting that material to a sorting yard for removal of recyclable materials and its disposal of  
26

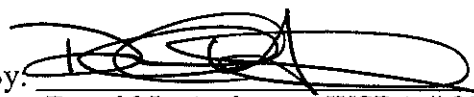
1 residuals would require a solid waste certificate under RCW 81.77 due to an excessive  
2 proportion of those materials being residual non-recyclable waste.

3 Respondents either no longer transport materials to Weyerhaeuser or they only transport a  
4 relatively small portion of residual collected material to Weyerhaeuser after sorting the bulk of  
5 the CDL waste they collect for bona fide recycling purposes. Since they do not transport CDL  
6 waste to the Weyerhaeuser landfill "for disposal" that issue is moot. With respect to the second  
7 issue, the important public policy concerns being addressed by the rule-making process (Docket  
8 TG-080591) are best left to that process, which should resolve any remaining issues in this  
9 proceeding.  
10

11 While totally out of the control of the Respondents, the rule-making proceeding has taken  
12 much longer than anticipated. After months of delay, activity has resumed with the Commission  
13 publishing a draft Rule on November 16, 2009, with request for comments from stakeholders by  
14 January 8, 2010. As a result of this action, Respondents believe it is appropriate for the  
15 scheduling of a status conference between late January and mid-February in order to allow a  
16 review of the rule-making process and the likelihood of it resolving any remaining issues in this  
17 matter, at which time this proceeding should be ripe for dismissal.  
18

19 DATED this 24th day of December, 2009.

20 EISENHOWER & CARLSON, PLLC

21  
22 By:   
23 Donald L. Anderson, WSBA # 8373  
24 Attorneys for Glacier Recycle, LLC,  
25 Hungry Buzzard Recovery, LLC, and  
26 T&T Recovery, Inc.