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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 BASIN DISPOSAL, INC.
TO SOLID WASTE CERTIFICATE
APPLICATION

COMES NOW, BASIN DISPOSAL, INC., (“BDI” or “Protestant”), holder of Certificate No. G-118, 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. BDI submits this protest on behalf of its corporate affiliates Basin Disposal of Yakima, LLC; Basin Disposal of Washington, LLC d/b/a Basin Disposal of Walla Walla; and Ed’s Disposal, Inc.

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

On August 8, 2024, DTG filed an replacement application (Application) with the Commission. In its Application, DTG notes that it “wishes to operate throughout the state using various regional landfills for disposal of residual wastes” originating from its material recovery

1 facilities (MRF) “after sorting and processing recyclable materials.” DTG submits that it “only
2 seeks a solid waste license for hauling residual materials from our sorting process.”

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

6 Despite the fact that the Application represents a replacement filing, DTG does not
7 provide any proposed tariff or a map of its intended service area.

8 This protest is submitted on the following grounds:

9 I.

10 BDI and its affiliates are the holders and operators of Solid Waste Certificate Nos. G-
11 45, G-110, G-118, and G-165, attached as Exhibit A. As said exhibit indicates, BDI currently
12 holds authority in conflict with and which overlaps the applied-for solid waste authority as
13 noted above. DTG notes that its operations are located, at least in part, in the Tri-Cities and
14 Yakima County areas. This conflicts with BDI’s certificates, including Certificate No. G-118.
15 DTG contends that it accepts construction and demolition waste from throughout the state and
16 now seeks to expand its services further, including regulated collection and transportation
17 services.

18 II.

19 BDI alleges it has a direct, cognizable interest in this proceeding adverse to this
20 application. DTG again admits that its operations are concentrated in the Tri-Cities and Yakima
21 County, where BDI currently holds G-certificate authority.

22 III.

23 BDI is ready, willing and able to provide all of the solid waste collection and
24 transportation services sought by DTG in its Application. BDI has made significant investments in
25 serving its solid waste collection customers in its service territory.

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IV.

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

V.

BDI further alleges that DTG cannot establish that the public convenience and necessity require its proposed service or that its proposed service is consistent with the public interest. DTG is ostensibly seeking to cut costs by providing “in house” hauling from its MRFs rather than paying tariff rates for regulated solid waste collection companies’ services. There are no benefits to the public from DTG’s internal cost mitigation.

BDI will appear at any hearing on this matter and will present evidence through approximately two witnesses requiring an estimated total hearing time of approximately 90 minutes.

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

DATED this 25th day of September, 2024.

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/s/ Michael S. Howard
Michael S. Howard, WSBA #41034
David W. Wiley, WSBA #8614
Attorneys for Protestant
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
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Fax: (206) 628-6611
Email: mhoward@williamskastner.com

1 CERTIFICATE OF SERVICE

2 I hereby certify that I have this day filed the PROTEST OF BASIN DISPOSAL, INC. TO
3 SOLID WASTE CERTIFICATE APPLICATION with the WUTC via their web portal and
4 served the same upon the below parties of record by electronic transmission:
5

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

10 DTG Enterprises, Inc. d/b/a DTG Recycle
11 22745 29th Dr. SE
Bothell, WA 98021-4402
12 info@dtgrecycle.com

13 DATED at Seattle, Washington this 25th day of September, 2024.
14

15 s/ Maggi Gruber
16 Maggi Gruber
Legal Assistant
17 WILLIAMS KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
18 Seattle, WA 98101
206-233-2972
19 mgruber@williamskastner.com
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EXHIBIT A

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:

BASIN DISPOSAL OF YAKIMA, LLC
PO BOX 3850
PASCO, WA 99302-3850

Cert No.
G-45

SOLID WASTE COLLECTION SERVICE in that portion of Yakima County described and bounded as follows: Commencing at the northeast corner of Section 25, T. 11 N., R. 23 E.; thence south along the east line of said Section 25 extended to the Yakima River centerline; thence northwesterly along the Yakima River centerline to the west line of Section 36, T. 10 N., R. 21 E.; thence north along the west line of said Section 36 extended to the northwest corner of Section 24, T. 10 N., R. 21 E.; thence east along the north line of said Section 24 to the northwest corner of Section 19, T. 10 N., R. 22 E.; thence north along the west line of said Section 19 extended to the northwest corner of Section 30, T. 11 N., R. 22 E.; thence east along the north line of said Section 30 extended to the east line of Section 25, T. 11 N., R. 23 E., the point of beginning; (EXCLUDING those portions lying within the limits of the city of Sunnyside and the city of Grandview, Washington).

TG-061259

10-20-06

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

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

ED'S DISPOSAL, INC.
PO BOX 3850
PASCO, WA 99302-3850

Cert No.
G-110

SOLID WASTE COLLECTION SERVICE in that portion of Benton County described as follows:
Starting at the southeast corner of Section 13, T8N, R28E; thence west along the south line of said Section 13 extended to the northeast corner of Section 19, T8N, R27E; thence south along the east line of said Section 19 extended to the southeast corner of Section 30, T7N, R27E; thence west along the south line of said Section 30 extended to the southwest corner of Section 30, T7N, R24E; thence north along the west line of said Section 30 extended to the northwest corner of Section 18, T8N, R24E; thence east along the north line of said Section 18 extended to the southeast corner of Section 9, T8N, R26E; thence north along the east line of said Section 9 to the southeast corner of Section 21, T9N, R26E; thence west along the south line of said section 21 extended to the southwest corner of Section 19, T9N, R26E; thence north along the west line of said section 19 extended to the southeast corner of Section 36, T10N, R25E; thence west along the south line of said section 36 extended to the southwest corner of Section 31, T10N, R24E; thence north along the west line of said section 31 extended to the northwest corner of Section 30, T11N, R24E; thence east along the north line of said section 30 extended to the south boundary of U.S. DOE Hanford Site (in Section 19, T11N, R25E); thence easterly and southerly along the southern boundary of said Hanford Site to its intersection with the city limits of Richland (in Section 11, T10N, R27E); thence southeasterly along the west city limits of Richland to its intersection with the centerline of the Yakima River (in Section 32, T10N, R28E); thence southeasterly along the centerline of the Yakima River to the east line of Section 24, T9N, 28E; thence south along the east line of said section 24 extended to the southeast corner of Section 13, T8N, R28E, the place of beginning.

TO THE EXTENT THAT THE AUTHORITY GRANTED IN THIS ORDER DUPLICATES ANY AUTHORITY PREVIOUSLY GRANTED OR NOW HELD SHALL NOT BE CONSTRUED AS CONFERRING MORE THAN ONE OPERATING RIGHT NOR SHALL ANY DUPLICATING RIGHTS BE AVAILABLE FOR PURPOSES OF TRANSFER.

TG-030812

12-30-03

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

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

BASIN DISPOSAL INC
PO BOX 3850
PASCO, WA 99302-3850

Cert No.
G-118

(PID179) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Franklin County described as follows: Starting at the point where Adams County meets with Whitman County (centerline of the Palouse River); thence south along the Palouse River to the junction of the centerline of the Snake River; thence westerly and southerly along the Snake River to the point where it intersects the centerline of the Columbia River (Wallula Lake); thence following said centerline in a westerly and northerly direction to the point of intersection with the north line of Section 29, T. 14 N., R. 27 E.; thence east along the north line of said Section 29 extended to the S.W. corner of Section 19, T. 14 N., R. 28 E.; thence north along the west line of said Section 19 extended to the N.W. corner of Section 6, T. 14 N., R. 28 E., (the Adams-Franklin County line); thence east along the north line of said Section 6 extended to the Whitman County line, the place of beginning.

(PID180) GARBAGE AND REFUSE COLLECTION SERVICE in Clark County along secondary State Highway 8-B, from the City limits of Washougal to its intersection with the Skye Road and along Skye Road from Secondary State Highway 8-B to the center of Section 24, T. 2 N., R. 4 E.; also, along County Road #30 from its intersection with Secondary State Highway 8-B, west to the point where it intersects with Secondary State Highway 8-A, Section 23, T. 2. N., R. 3 E.

(PID182) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Benton County described as follows: Starting at the point where the south line of Section 7, T. 6 N., R. 31 E. intersects with the bank of the Columbia River (Wallula Lake); thence west on the south line of said section projected to the southwest corner of Section 12, T. 6 N., R. 28 E.; thence north on the west line of said section projected to the northwest corner of Section 25, T. 9 N., R. 28 E.; thence east on the north line of said section projected to the bank of the Columbia River (Wallula Lake); thence easterly and southerly following the bank of said river to the south line of Section 7, T. 6 N., R. 31 E.; the place of beginning; ALSO, service is authorized in the City of Richland.

EXCLUSION: Service is not authorized in the City of Kennewick.

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

(PID184) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Starting at the point where the east line of Section 15, T. 6 N., R. 34 E. meets the Oregon-Washington State Line; thence west along the State Line to the bank of the Columbia River (Wallula Lake); thence northerly along the bank of the Columbia River and Wallula Lake to the Snake River; thence northeasterly along the bank of the Snake River to the point where it intersects with the north line of Section 25, T. 11 N., R. 33 E.; thence easterly on the north line of said section projected to the northeast corner of Section 27, T. 11 N., R. 34 E.; thence south on the east line of said section projected (the east line of Section 15, T. 6 N., R. 34 E.) to the Oregon-Washington State Line, the place of beginning.

(PID186) GARBAGE AND REFUSE COLLECTION SERVICE from the U.S. Department of Energy Hanford site located in Benton County.

NOTE: PID reference numbers are for Washington Utilities and Transportation Commission internal GIS mapping purposes only.

TG-060821

05-03-06

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:

Basin Disposal of Washington, LLC
d/b/a Basin Disposal of Walla Walla
P.O. Box 3850
Pasco., WA 99302-3850

Cert No.
G-165

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Beginning at a point of intersection of the Washington-Oregon State boundary and the west line of R. 33 E.; thence north along said boundary corner to the northwest corner of Section 31 T. 10 N., R. 33 E.; thence east along the north line of Section 31 projected to the northeast corner of Section 36 T. 10 N., R. 36 E.; thence south to the southeast corner of Section 36 T. 10 N., R. 36 E.; thence east to the northeast corner of Section 1 T. 9 N., R. 37 E.; thence south to the southeast corner of Section 36 T. 9 N., R. 37 E.; thence east to the northeast corner of Section 1 T. 8 N., R. 38 E.; thence south along the east line of said section extended to its intersection with the Washington-Oregon State line; thence west along said state line to the west line of R. 33 E., the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in Columbia County beginning at the northwest corner of Section 6, Range 37 E., Township 11 N. easterly along the north line to the Garfield County Line, south along the Columbia-Garfield County border to the Oregon State Line, westerly along the Oregon State Line to the Walla Walla County Line, north along the Walla Walla County Line to the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Beginning at the southwest corner of Section 26 T. 10 N., R. 34 E.; then north to the southwest corner of Section 23 T. 11 N., R. 34 E.; then west to the Walla Walla Franklin County line (center of the Snake River); then north and east along the Walla Walla Franklin County Line to its intersection with the east line of R. 36 E. (also Columbia Walla Walla County line); then south along the Columbia Walla Walla County line to the southeast corner of Section 25 T. 10 N., R. 36 E.; then west to the southwest corner of Section 26 T. 10 N., R. 34 E., the point of beginning.

TG-081074

06-19-08

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____