

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of
JAMMIE'S ENVIRONMENTAL, INC.,
For Authority to Operate as a Solid Waste
collection company in Washington
BASIN DISPOSAL, INC.

DOCKET TG-220243

DOCKET TG-220215

Complainant,

v.

JAMMIE'S ENVIRONMENTAL, INC.
Respondent

COMPLAINANT BASIN DISPOSAL, INC.'S

PREFILED DIRECT TESTIMONY

OF CHARLIE DIETRICH

SEPTEMBER 16, 2022

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EXHIBIT LIST

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CD-02	Compiled emails between BDI and PCA	5, 10, 13
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1 **I. IDENTIFICATION OF WITNESS**

2 **Q. Please state your name, business address and role at Basin Disposal, Inc.**

3 A. My name is Charlie Dietrich and I am a Business Operations Analyst for Basin Disposal,
4 Inc. (“Basin Disposal” or “BDI”) My business address is 2021 N. Commercial Ave,
5 Pasco, Washington 99031.

6 **II. INTRODUCTION**

7 **Q. Please provide a brief description of your background and experience working with**
8 **Basin Disposal?**

9 A. I have been working for Basin Disposal for over four years and am involved in a wide
10 variety of operational projects including establishing and maintaining solid waste
11 collection from industrial facilities and oversee day-to-day operations, and I also serve as
12 a liaison between Basin Disposal and its customers with respect to specific projects,
13 including the OCC Rejects haul from Packaging Corporation of America’s paper mill
14 near Wallula, Washington.

15 **III. SUMMARY OF TESTIMONY**

16 **Q. What is the purpose of your testimony in these consolidated proceedings?**

17 A. My initial testimony is offered in support of Basin Disposal’s formal complaint against
18 Jammie’s Environmental, Inc. (“Jammie’s”) to supply facts to the Washington Utilities
19 and Transportation Commission (“UTC” or “Commission”) that will demonstrate that
20 Jammie’s is providing solid waste collection service that is subject to the Commission’s
21 jurisdiction under state law without a Commission-issued certificate of public
22 convenience and necessity. or “G-certificate.” My testimony is also offered to
23 demonstrate the harm to Basin Disposal of Jammie’s continued service from the facility
24 near Wallula, Washington operated by Packaging Corporation of America.

1 **Q. Are you offering exhibits in addition to your testimony?**

2 A. Yes, I am offering the exhibits below:

- 3 1) Exhibit CD-02 is a compilation of emails between representatives of Basin
4 Disposal and PCA, and emails among BDI employees regarding PCA.
5 2) Exhibit CD-03 is a compilation of photographs taken by Basin employees at
6 PCA's Wallula paper mill
7 3) Exhibit CD-04 is Jammie's response to Basin Disposal's Data Request No. 5.
8 4) Exhibit CD-05 is an invoice from Tribeca Transport, LLC to Jammie's that
9 Jammie's produced to BDI in discovery.
10 5) Exhibit CD-06 is a compilation of purchase orders issued to Jammie's by PCA
11 produced by Jammie's in discovery.
12 6) Exhibit CD-07 is Jammie's Response to BDI's Data Request No. 2 and invoices
13 from Jammie's to PCA produced in response to that data request. I am submitting
14 both a confidential and redacted copy of these records pursuant to Order 02.
15 7) Exhibit CD-08 is a compilation of landfill disposal tickets produced by Jammie's
16 in discovery.
17 8) Exhibit CD-09 is a compilation of emails produced by Jammie's to BDI in
18 discovery.
19 9) Exhibit CD-10 is a copy of Jammie's response to BDI's Data Request No. 23.
20 10) Exhibit CD-11 is a copy of Jammie's response to BDI's Data Request No. 39.

21 **IV. SOLID WASTE COLLECTION SERVICES AT PCA**

22 **Q. Will you please describe generally the basis of Basin Disposal's formal complaint**
23 **against Jammie's?**

24 A. Basin Disposal filed its formal complaint against Jammie's asking the Commission to
order Jammie's to cease and desist from operating as a solid waste collection company in

1 Washington because Jammie's has not been issued a G-Certificate by the Commission,
2 but is providing solid waste collection services in the state in BDI's certificated
3 geographic territory.

4 **Q. What specific solid waste collection activities is it that Jammie's is performing?**

5 A. Jammie's is collecting OCC Rejects from the paper mill operated by PCA in an
6 unincorporated area of Walla Walla County, near Wallula, Washington and transporting
7 it by commercial vehicles to landfills for disposal.

8 **Q. Is that a facility that uses Basin Disposal for solid waste collection?**

9 A. Yes. Basin Disposal has collected solid waste generated at the paper mill near Wallula
10 for a number of years and continues to service drop boxes and frontload containers
11 onsite. We have also hauled OCC Rejects since they first started a new-to-them process
12 of recycling OCC in March of 2021.

13 **Q. What exactly are OCC Rejects?**

14 A. OCC is "old corrugated cardboard," and OCC Rejects are a waste material that is
15 generated from the recycling of OCC. My basic understanding is that when a paper mill
16 recycles OCC, that process turns OCC into usable pulp that can be used to make new
17 products, but also results in a large volume of non-recyclable fiber, and other non-
18 recyclable materials, including items like box staples and plastic tape that must be
19 disposed of in a landfill.

20 **Q. How are OCC Rejects different than solid waste generated at a typical commercial
21 or industrial facility from Basin Disposal collects solid waste?**

22 A. The only real difference is the volume of OCC Rejects that PCA generates. OCC Rejects
23 that have been properly dried by the mill can be collected, transported and disposed of
24 exactly like other commercially or industrially-generated municipal solid waste.

Q. Are the OCC Rejects that Basin hauls for PCA treated as special waste?

1 A. No. The material is an ordinary municipal solid waste collected in 20-yard drop boxes
2 and hauled to the landfill or transfer station without any special handling or processing
3 prior to disposal.

4 **Q. Did Basin establish a regular schedule for collection from PCA?**

5 A. Yes, although the number of hauls varied from day-to-day, and we modified the schedule
6 to add routes as PCA's volume increased, we originally operated a regular daily
7 collection Monday through Saturday. That frequency has diminished now that Jammie's
8 has been hauling from PCA.

9 **Q. How did Basin Disposal first come to serve PCA for its OCC Rejects disposal needs?**

10 A. Our work with PCA regarding its OCC Rejects first started in 2020, when PCA called
11 Basin Disposal's customer service seeking assistance in storing compactors it had
12 ordered. In December 2020, PCA then inquired with Basin Disposal regarding dumpster
13 service, and how UTC pricing worked. Basin Disposal's Route Manager Andy Foxx, our
14 then-Customer Service Manager Kris May and I joined a call with PCA to discuss the
15 process PCA envisioned, and PCA ultimately requested 14 drop boxes from Basin
16 Disposal to be spotted at certain locations at PCA's facility.

17 **Q. Did Basin deliver all 14 of the drop boxes requested in February 2021?**

18 A. Yes we did and, we were also invited to a meeting at PCA to discuss the process we
19 would use to collect the containers for disposal.

20 **Q. Please describe that meeting?**

21 A. On February 19, 2021, Andy Foxx, Yoyo Saucillo, and I, representing Basin, met with
22 representatives of PCA at their Wallula mill to tour it, observe the OCC recycling
23 process, and discuss the process for collecting and transporting their OCC Rejects. At the
24 time, PCA was still in the planning stages for recycling OCC products and wasn't
generating any solid waste from the process. PCA expressed some doubt about their

1 process and was hoping we could contribute to finding a solution. That gave us an
2 opportunity to consider the most efficient ways to remove their OCC Rejects from the
3 plant, collect them in containers, and haul them for disposal.

4 **Q. What alternatives were discussed at the meeting?**

5 A. One alternative we suggested was to remove the OCC Rejects from the facility and
6 building a bunker to hold the materials outside, then using a conveyer system to load the
7 materials onto a tractor-trailer.

8 **Q. Did PCA agree to that solution at the time?**

9 A. No. PCA decided it needed to see how the process flowed and what volume of OCC
10 Rejects was being generated before changing any plans, so it moved forward with its
11 alternative plan to load its materials into 20-yard drop boxes.

12 **Q. When did Basin Disposal begin collecting loaded drop boxes?**

13 A. We first started hauling containers with PCA's OCC Rejects at the start of March, 2021.

14 **Q. Did those hauls occur regularly?**

15 A. Yes. Initially PCA advised that it would need about six to eight 20-yard roll-off boxes
16 hauled every weekday, and although the frequency varied at times, Basin scheduled and
17 performed multiple hauls from PCA each weekday without complaint.

18 **Q. BDI encounter any issues with PCA's plan?**

19 A. Yes. There were some problems right away, but we always tried to work with PCA to
20 resolve them. For example, PCA originally advised that it would start production on
21 March 1, 2021. Then, on the morning of March 1, BDI reached out to PCA to confirm
22 that PCA would start production that day, but was advised by Skyler Rachford at PCA
23 that production had been delayed a day or two and that he would let us know when PCA
24 would start.¹ But Mr. Rachford failed to follow up. Instead, the next we heard from

¹ Exh. CD-02, pp. 30-31.

1 PCA, on March 4, 2021, Samuel Holm, a PCA representative, emailed to notify BDI that
2 all of the containers at PCA were full and that PCA “need[s] your service to start pulling
3 and replacing immediately.”²

4 **Q. How did Basin Disposal respond to PCA’s request?**

5 A. Our route manager, Andy Foxx, scrambled to pull three drivers off other routes and
6 dispatched multiple drivers to PCA’s mill. But when they arrived, they found that only
7 four of the 14 containers were full.

8 **Q. Do you know why PCA told you the containers were full even though they weren’t?**

9 A. No. Mr. Holm simply emailed to apologize and promised to correct the information flow
10 at PCA moving forward.³

11 **Q. Did the issues with information flow at PCA get fixed after that?**

12 A. Not exactly. Although Basin wasn’t dispatched to haul empty containers again to my
13 knowledge, a different issue arose nearly immediately after that because PCA was
14 loading the drop boxes with wet OCC Rejects that BDI could not haul.

15 **Q. How did wet materials create an issue?**

16 A. As Jammie’s has acknowledged itself in emails it sent in spring of 2021 to PCA, the
17 problem with wet OCC Rejects is that roll-off boxes are not watertight and when our
18 drivers haul a container with wet materials that leak, it violates DOT rules. We refused to
19 haul wet OCC Rejects to ensure we remained in compliance with safety rules.

20 **Q. How did Basin Disposal notify PCA of the issue?**

21 A. Andy Foxx notified Kasey Markland at PCA by phone on March 5, 2021 and again on
22 March 10, 2021.⁴

23 **Q. Did the issue with wet OCC Rejects continue after those phone calls?**
24

² *Id.* pp. 35-36.

³ *Id.*, p. 37.

⁴ *Id.*, p. 41.

1 A. Yes, and BDI did what we could to help manage the issue for PCA. When PCA
2 requested additional drop boxes, bringing the total requested to 17, we delivered two
3 extra containers to provide PCA additional capacity. We also requested an on-site
4 meeting to discuss the issue.⁵ I understand that meeting took place on March 16, 2021
5 between Andy Foxx and PCA's representatives, but I wasn't present.

6 **Q. Do you know if that meeting then resolved the problem with wet materials in your**
7 **containers?**

8 A. The issue was not resolved after that meeting, and the wet OCC reject conditions
9 continued to create problems when PCA increased its production.

10 **Q. When did PCA increase production?**

11 A. In April 2021, Mr. Holm reached out again to let me know that PCA had already
12 increased production and that it was requesting additional 20-yard drop boxes and for
13 service to increase to 7-8 hauls per day, with at least 10 empty drop boxes on site going
14 into Sunday.⁶ His email included a message from Skyler Rachford complaining that
15 OCC Rejects had to be piled on the ground due to a lack of dumpsters, and pointing out
16 that Basin was scheduled to haul just 5-6 containers per day, and asking that it be
17 increased to 7-8.

18 **Q. Did PCA advised Basin that it was going to need additional drop-boxes prior to**
19 **increasing its production?**

20 A. No. We only found out that it was going to increase production after the fact, and the
21 need for additional containers wasn't relayed until they PCA was already piling materials
22 on the ground.

23 **Q. How did wet materials factor into the issue that Mr. Rachford described?**
24

⁵ *Id.*, p. 42.

⁶ *Id.*, p. 44.

1 A. As I noted earlier, BDI can't haul containers when liquid is leaking from them, and
2 because we continued to find wet materials in the containers, this meant that containers
3 could not be transported, emptied and returned to PCA. Instead those containers sat idled
4 at PCA's facility until the materials were dry enough for the container to be hauled
5 without leaking liquids onto the roadway. This meant that there were fewer empty
6 containers to be loaded and at times PCA had nowhere to put its OCC rejects other than
7 on the ground.

8 **Q. Did Basin do anything to document the issue of wet OCC Rejects placed in Basin's**
9 **containers?**

10 A. We took a photo of wet OCC Rejects in one of our drop boxes. This is being provided on
11 page 1 of Exhibit CD-03.

12 **Q. Did Basin also notify PCA of the continuing issue with wet materials?**

13 A. Yes. Our drivers verbally relayed the issues every time they were unable to haul a loaded
14 container, but we also discussed it in writing. For example, when responding to Mr.
15 Holm by email on April 27, 2021, I advised him of the continuing problem.⁷

16 **Q. Did BDI do anything to help PCA manage the wet OCC Rejects?**

17 A. Yes, as noted, we proposed that PCA should build a bunker to hold the OCC Rejects.
18 The bunker would have helped with efficiency, but it also would have allowed the
19 materials to dry while waiting to be loaded into containers for transportation. We also
20 made attempts to drain water from the loaded containers before hauling so that they could
21 be hauled sooner.

22 **Q. What specifically did Basin do to attempt to dry out the containers?**

23 A. Our drivers would load the containers onto our trucks to allow the liquids to drain out.
24 Unfortunately, we found that it wasn't an effective solution.

⁷ *Id.*

1 **Q. If the loaded drop boxes couldn't be hauled, how long did it take for them to dry out**
2 **sufficiently to be legally hauled over public roads?**

3 A. I don't have a precise answer, but our experience was that it took a little more than a day
4 most of the time.

5 **Q. What actions did PCA take to dry their OCC Rejects so that they could be moved**
6 **more quickly?**

7 A. In my observation, they just left the materials in our containers until they were dry
8 enough to be hauled. They didn't immediately do anything else beyond pile materials
9 that couldn't be loaded in to containers directly on the ground outside of their building.

10 **Q. In Jammie's Answer to Basin's Complaint, it alleges that "PCA requested on**
11 **multiple occasions that BDI take actions to reduce or remove the stockpile of OCC**
12 **Rejects or provide an alternative method for disposing of the OCC Rejects. BDI,**
13 **however, did neither and indicated that the services were all it could provide –**
14 **effectively a take it or leave it proposition."⁸ Did Basin refuse to take action in**
15 **response to Mr. Holm's April email?**

16 A. No. Despite the fact that PCA consistently failed to notify us of its plans to increase
17 production, we absolutely did take action to respond production increases by PCA. As
18 my email response to Mr. Holm on April 27, 2021, reflects, BDI hired additional labor,
19 assigned a driver to haul exclusively from PCA's mill, and added additional labor on
20 Saturdays.⁹ BDI also quickly responded to increased demands from PCA associated with
21 increased production, despite the fact that we were infrequently given any advanced
22 notice that PCA would be increasing production.

23 **Q. Did anyone else at BDI communicate its plans to respond to the increase in**
24 **production to PCA?**

⁸ See Jammie's Answer, ¶ 21.

⁹ See *Id.*

1 A. Yes. On April 28, 2021, Andy Foxx also emailed Kurt Thorne, PCA’s facility manager,
2 to provide him information regarding the number of hauls we had been performing and
3 our plans to increase that number to keep up with their production, including by hiring an
4 additional driver to be dedicated to hauling from PCA’s mill, and adding additional
5 weekend routes on Saturdays.¹⁰

6 **Q. Did PCA express any concerns with those plans?**

7 A. No. In fact, Mr. Thorne responded to say that PCA was “still working out the kinks as
8 well” and that it “sounds like you are on your way to being able to handle the added
9 volume.”¹¹

10 **Q. Was BDI then satisfied that it had resolved all of PCA’s potential concerns?**

11 A. I believe we were able to keep up with PCA’s production, but we never stopped trying to
12 improve the process and make it more efficient. In fact, the following month, May 2021,
13 Andy Foxx spoke with representatives at PCA to propose that it switch its process to
14 using a bunker to store materials, with use of belt-loaded 54-foot trailers to haul the
15 materials.

16 **Q. How would that have been more efficient than using 20-yard drop boxes?**

17 A. Well, for one, the bunker would permit the OCC Rejects to dry while waiting to be
18 loaded, which would mean there would be fewer instances in which a driver is dispatched
19 to collect a drop box that could not be hauled. But the greater gain in efficiency would
20 have come from using trailers with a larger volume than a 20-yard drop box.

21 **Q. Would creating a bunker have been a costly solution?**

22 A. Not in my view. The bunker we were proposing would have been nothing more than two
23 vertical barriers on the ground to limit how much of the material might spread across
24 their facility during storms or wind.

¹⁰ See Exh. CD-02, p. 47.

¹¹ *Id.*

1 **Q. How did PCA respond to your suggestion of building a bunker and loading into**
2 **larger trailers?**

3 A. PCA rejected it outright.

4 **Q. Do you know why?**

5 A. Initially it expressed concern with wanting to see how the process it had planned to use
6 would work, but PCA also expressed some vague concerns about creating a fire hazard
7 and about the mess that would be created by piling OCC Rejects on the ground outside of
8 the building.

9 **Q. Did you do anything else to propose improvements to the process?**

10 A. Yes. In May 2021, I reached out by email to Mr. Thorne to propose a meeting to discuss
11 the overall process to ensure that it was working smoothly both then and in the future.¹²

12 **Q. How did Mr. Thorne or PCA respond to your meeting request?**

13 A. Initially, I didn't receive a response.

14 **Q. Did you reach out again to follow up?**

15 A. Yes. In June 2021, By email I contacted again Sam Holm, Brian Wilhelm and Kurt
16 Thorne to follow up. My email was returned as undeliverable (as to Sam Holm), and I
17 did not receive a response from either Mr. Thorne or Mr. Wilhelm so I also reached out
18 to Skyler Rachford and Kasey Marchland at PCA and again requested a meeting.¹³

19 **Q. Were you finally able to meet with of PCA's representatives after your follow-up**
20 **emails?**

21 A. Yes. I travelled to the PCA mill in June to meet with Mr. Rachford to discuss their
22 increased production and potential options on how to handle the material more efficiently
23 and at a lower overall price. Specifically, I reiterated the possibility of using a bunker
24 and 54-foot trailers, but PCA again rejected that idea.

¹² *Id.*, p. 51.

¹³ *Id.*, pp. 52 – 54.

1 **Q. Did you observe any changes at PCA around that time?**

2 A. There were no changes in how they were collecting or loading OCC Rejects into our
3 containers, but starting in May 2021, we had noticed another company's truck at PCA's
4 facility being loaded with OCC Rejects.

5 **Q. Did that truck have any markings identifying whose auspices it was being operated
6 under?**

7 A. Yes, it had the name "Tribeca Transport" on the door with USDOT Number 2287723.
8 We actually took a photo of the truck while it was at PCA. That photo is being provided
9 on page 2 of Exhibit CD-03.

10 **Q. How frequently did you observe Tribeca Transportation at PCA?**

11 A. It was only a few times. But soon after that, probably in June, we started seeing trucks
12 with "Jammie's Environmental" on the door.

13 **Q. Did Tribeca have any connection to Jammies?**

14 A. Yes. We subsequently confirmed through discovery that Tribeca was a subcontractor to
15 Jammies. I am submitting Jammie's Response to Basin Disposal's Data Request No. 005
16 as Exhibit CD-04 There, Jammie's acknowledges that it hired Tribeca Transport LLC to
17 use its belt trailer for three days. Jammie's also produced an invoice from Tribeca
18 Transport LLC for transporting "cardboard waste to landfill." I am submitting that as
19 Exhibit CD-05.

20 **Q. What type of equipment did you observe being used by Tribeca or Jammie's at
21 PCA's facility?**

22 A. Although I don't recall the timing of when we saw what particular vehicles, we saw both
23 dump trucks and belt-loaded trailers being loaded with OCC Rejects at their facility. We
24 also saw that a loader was being used to load the dump truck and trailer.

1 **Q. Did anyone from Basin Disposal ever take a photo of one of Jammie's truck-trailer**
2 **combinations being loaded with OCC Rejects at PCA's facility during that time?**

3 A. Yes, they are included in Exhibit CD-03 on pages 3 – 5.

4 **Q. What was Basin's reaction to seeing Tribeca and Jammie's trucks being loaded with**
5 **OCC Rejects at PCA?**

6 A. Andy Foxx and I contacted them by phone to PCA to advise them about the G-certificate
7 system in Washington and to let them know that Basin Disposal was the only company in
8 Walla Walla County with authority to transport solid waste.

9 **Q. Do you recall PCA's reaction to the call?**

10 A. Only that they didn't stop using Jammie's to collect and transport OCC Rejects.

11 **Q. Do you know whether Jammie's was transporting them to a landfill?**

12 A. Yes they were. We wanted to confirm exactly what was happening, so on multiple
13 occasions we had one of our personnel follow a Jammie's truck and observed it taking
14 the OCC Rejects to the Finley Butte landfill.

15 **Q. Did you let the idea of using a bunker and trailers drop after the rejection by PCA**
16 **in May?**

17 A. No. In fact, I continued to have discussions with PCA's representatives regarding the
18 proposal to use a bunker from which a Basin employee would load OCC rejects into
19 tractor-trailers to haul their OCC Rejects for disposal in June.¹⁴

20 **Q. Did PCA agree to any of Basin's proposals to increase efficiency?**

21 A. No, and PCA was becoming less and less responsive to my attempts to bring them
22 solutions.

23 **Q. Do you have any idea why that was?**
24

¹⁴ Exh. CD-02, p. 55.

1 A. Not for certain. They didn't make any complaints about our service, but we did start
2 seeing Jammie's trucks at their facility more frequently.

3 **Q. Did you continue discussing your ideas for increasing efficiency despite the issues**
4 **with responsiveness from PCA in July 2021?**

5 A. Yes. I continued to follow up with Mr. Rachford.

6 **Q. How was your proposal received?**

7 A. Skyler Rachford seemed open to the idea and responded to an email in July to indicate
8 that the switch to a bunker could be approved quickly "if that [sic] the route we decide to
9 go." He also noted that to have a Basin employee perform loading would that require a
10 "liability agreement" be signed.¹⁵

11 **Q. Were you ultimately able to make any headway with Mr. Rachford or PCA after**
12 **those discussions?**

13 A. No not really. I asked Mr. Rachford for time to hold an on-site meeting to discuss the
14 proposal and we ultimately met on July 19 at PCA's facility. The meeting was attended
15 by Mr. Rachford, Paul Cova, Kasey Markland, and Brian Wilhelm for PCA and when we
16 attempted to discuss Basin's proposal, Mr. Cova very curtly dismissed the idea of using a
17 bunker. He advocated using a compactor instead to increase the density of the loads
18 hauled.

19 **Q. Did Basin then switch to hauling compacted materials rather than uncompact**
20 **materials?**

21 A. No. We first did some testing of compactors to determine their maximum capacity and
22 the loaded and empty weights of the compactor itself later in July 2021.

23 **Q. What did you conclude based on that testing?**
24

¹⁵ *Id.*, p. 56.

1 A. Basin concluded that using a compactor would be inefficient and therefore would not
2 afford any cost savings for PCA.

3 **Q. Did you relay your conclusions to PCA?**

4 A. I did. On August 3, 2021, I emailed Paul Cova and other PCA representatives to advise
5 that I was working on a proposal based upon our UTC tariff for hauls using a bunker and
6 trailers, and that I also hoped to speak with him regarding his ideas on using a
7 compactor.¹⁶ I then followed up on August 13, 2021, to let Paul know that the proposal
8 was complete and asked for some times we could meet to review it.¹⁷ We then met on
9 August 16, 2021 at PCA to review the proposal.

10 **Q. What did you relay to PCA at the meeting on August 16?**

11 A. We reviewed Basin's proposal, which included only Basin's recommendation that PCA
12 use a bunker to stage the OCC Rejects and 54-foot trailers to haul the material to the
13 landfill. But Mr. Cova wasn't interested in that proposal and insisted that we use a
14 compactor despite our recommendation that using a compactor would be inefficient and
15 more expensive. At that time, I also reminded him that Basin was the only company with
16 authority from the UTC to collect and transport solid waste in Walla Walla County.

17 **Q. Did you also provide Mr. Cova with a proposal for hauling the OCC Rejects via a
18 compactor at the August 16 meeting?**

19 A. We didn't bring a proposal for using the compactor to that meeting because our testing
20 and calculations showed it would be more expensive, but I did follow up by email on
21 August 24, 2021. My email set out how we would provide service using a compactor in
22 two different scenarios. One would include the compactor and continued use of 20-yard
23 drop boxes. The other would use the compactor and a semi and belt trailer, as Basin had
24

¹⁶ *Id.*, pp. 69 – 70.

¹⁷ *Id.*

1 been repeatedly proposing. I also showed Mr. Cova the estimated cost savings that
2 would be achieved by using the semi and trailers.¹⁸

3 **Q. What was Mr. Cova's response to the proposal?**

4 A. He never responded.

5 **Q. Did you follow up?**

6 A. Yes, I first followed up on September 15, 2021, but he did not respond to that email
7 either.¹⁹ I tried him again on October 13, 2021, but again he didn't respond to me.²⁰

8 **Q. Did Basin then give up on its efforts to increase efficiency at PCA?**

9 A. No. I followed up again on October 22, 2021, but emailed Skyler Rachford instead of
10 Paul Cova, and emailed him again a week later on October 29, 2021 when he had not
11 responded.²¹

12 **Q. Did you ever hear back from anyone at PCA at all?**

13 A. Yes. A couple of days later on November 1, 2021, Kurt Thorne, PCA's Mill Manager,
14 emailed a response to my attempts to reach Skyler Rachford. There he wrote that PCA
15 would not be using a compactor and that PCA's plan was to stick with "what [they] were
16 currently doing."²²

17 **Q. Did any of your emails to PCA express concerns with Jammie's continued
18 operations at PCA's facility?**

19 A. Yes. I had made repeated attempts to remind PCA that Jammie's was apparently
20 providing a service that was not authorized by the UTC, and did so again my email to
21 Skyler Rachford on October 22, 2021, but Mr. Thorne's response indicated that if
22
23

24 ¹⁸ *Id.*, p. 72.

¹⁹ *See Id.*

²⁰ *Id.*, p. 75.

²¹ *Id.*, p. 78.

²² *Id.*

1 Jammie's conduct was illegal, that was simply an issue between Basin Disposal and
2 Jammie's.²³

3 **Q. Did Mr. Thorne give you any justification as to why PCA would continue to use**
4 **Jammie's even if its conduct violated the law?**

5 A. His email stated that Jammie's brought PCA a plan that was less expensive, more
6 efficient and safer for its employees, while accusing Basin of failing to propose ideas and
7 failing to offer competitive pricing, but he added that PCA was happy with the "other
8 trash hauling BDI performs for the mill."²⁴

9 **Q. Do you have a response to his comment that he believed Basin failed to provide**
10 **ideas on how to provide a more efficient and cost-effective service?**

11 A. Yes. Mr. Thorne was not a part of many of the numerous conversations that Andy Foxx
12 and I had with Kasey Markland, Skyler Rachford and Paul Cova regarding ways to
13 collect, transport and dispose of PCA's OCC Rejects more efficiently than using 20-yard
14 drop boxes, so it is possible he simply was unaware of our numerous proposals. But he
15 was definitely involved in meetings at which we discussed using a bunker, loader and
16 belt-loaded trailers, so ultimately it is odd that he would make that statement.

17 **Q. Had PCA authorized Basin's proposal for using belt-loaded trailers, would Basin**
18 **have been able to provide service at a lower rate than what it costs to haul 20-yard**
19 **drop boxes?**

20 A. Yes. As I mentioned earlier, because of the volume of waste coming from PCA's OCC
21 recycling process, it would be more efficient for Basin Disposal to load the OCC Rejects
22 directly into trailers. This would have allowed for a lower price per ton hauled, since that
23 service would have relied upon the hourly charge in our Commission-approved tariff.
24

²³ *Id.*

²⁴ *Id.*

1 **Q. Speaking of your tariff, did Basin ever propose a tariff amendment to include hauls**
2 **like the one from PCA?**

3 A. That was something we planned to do if PCA had permitted us to haul via trailer, but I
4 understand we would have needed to collect data for some period of time before the
5 Commission staff would normally approve a new tariff item and PCA never gave us the
6 opportunity to do that.

7 **Q. Has PCA continued to use Basin to haul OCC Rejects from its mill near Wallula**
8 **since then?**

9 A. Yes, and it continues to have us collect OCC Rejects via 20-yard containers. But the
10 collection frequency has dropped from multiple loads a day to only an occasional load.

11 **Q. Has Jammie's also continued to haul OCC Rejects for disposal from PCA?**

12 A. Yes, it has. We have observed Jammie's at PCA on a regular basis and have understood
13 that it was hauling solid waste in the form of OCC Rejects from PCA nearly every
14 weekday.

15 **Q. Were you able to obtain records in discovery that provide details of Jammie's solid**
16 **waste collection services to PCA?**

17 A. Yes. In response to Basin Disposal's Data Request No. 1, Jammie's produced its
18 agreements with PCA and Purchase Orders made by PCA under the agreement. The
19 purchase orders reflect that the initial service ordered was "Cost Estimate for
20 Transportation of OCC Waste" and "landfill disposal."²⁵ Subsequent purchase orders
21 also included loading by PCA.²⁶

22 In response to Basin Disposal's Data Request No. 2, Jammie's also produced invoices to
23 PCA for its services, including transportation and disposal of OCC Rejects.²⁷
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²⁵ Exh. CD-06, p. 1.

²⁶ Exh. CD-06, pp. 4 – 12.

²⁷ Exh. CD-07.

1 **Q. Were you also able to confirm through discovery whether Jammie’s actually**
2 **disposes of the OCC Rejects generated by PCA in a landfill?**

3 A. Yes. Jammie’s produced disposal receipts in discovery which I am supplying as Exhibit
4 CD-08. These show that Jammie’s was initially hauling all OCC Rejects to the Finley
5 Butte landfill, and then eventually to what we understand is the Columbia Ridge landfill
6 in Oregon.

7 **Q. Do you have an idea of whether Jammie’s performs a regular or scheduled haul**
8 **from PCA?**

9 A. Yes, Jammie’s hauls OCC Rejects from PCA every weekday by our observation. In my
10 estimation, Jammie’s hauls between 60 and 80 tons of OCC Rejects from PCA to the
11 landfill every week day.

12 **Q. Do you have information from Jammie’s that confirms your estimates?**

13 A. Jammie’s produced information in discovery that shows the days and volumes hauled
14 from PCA. Specifically, Jammie’s produced emails with PCA that reflect that it was
15 proposing a regular scheduled haul to the landfill, with two loads on Tuesday, three loads
16 on Wednesday and one load on Thursday, with about 80 tons per day total.²⁸
17 Jammie’s also produced hundreds of pages of landfill disposal receipts that show the
18 dates and volumes of solid waste disposed of for PCA. I am supplying those as a
19 consolidated exhibit, Exhibit CD-06.

20 **Q. What do those disposal tickets cumulatively show about Jammie’s hauls for PCA?**

21 A. They show that Jammie’s is and has been performing a regular scheduled haul of OCC
22 Rejects from PCA for landfill disposal. For example, if you review Jammie’s disposal
23 receipts for starting on page 30 of Exhibit CD-08 for August 2021, (when we know
24

²⁸ Exh. CD-09, p. 15.

1 Jammie's was hauling for PCA regularly), the disposal receipts show that Jammie's was
2 hauling somewhere between 20 and 70 tons per day, nearly every weekday.

3 **Q. Will you please elaborate on how these landfill disposal receipts show a pattern of**
4 **hauls?**

5 A. Yes. The following table summarizes the hauls Jammie's made to dispose of OCC
6 Rejects for PCA in August 2021:

Date	Net Weight (Tons)	Total Tons on Day
Monday, August 2, 2021	10.09	
Monday, August 2, 2021	11.05	
Monday, August 2, 2021	11.05	32.19
Tuesday, August 3, 2021	11.2	
Tuesday, August 3, 2021	11.05	22.25
Wednesday, August 4, 2021	11.63	
Wednesday, August 4, 2021	11.72	23.35
Thursday, August 5, 2021	10.57	
Thursday, August 5, 2021	11.69	22.26
Friday, August 6, 2021	9.74	
Friday, August 6, 2021	12.9	22.64
Tuesday, August 10, 2021	33.22	33.22
Wednesday, August 11, 2021	14.88	
Wednesday, August 11, 2021	18.29	33.17
Thursday, August 12, 2021	21.25	21.25
Monday, August 16, 2021	19.86	
Monday, August 16, 2021	22.11	41.97
Tuesday, August 17, 2021	24.32	
Tuesday, August 17, 2021	24.52	48.84
Wednesday, August 18, 2021	19.8	
Wednesday, August 18, 2021	24.88	44.68
Thursday, August 19, 2021	22.82	
Thursday, August 19, 2021	24.47	47.29
Friday, August 20, 2021	22.94	22.94
Monday, August 23, 2021	22.93	
Monday, August 23, 2021	23.1	46.03
Tuesday, August 24, 2021	23.46	

1	Tuesday, August 24, 2021	24.59	
2	Tuesday, August 24, 2021	22.19	70.24
3	Wednesday, August 25, 2021	18.78	
4	Wednesday, August 25, 2021	21.19	
5	Wednesday, August 25, 2021	23.57	63.54
6	Tuesday, August 24, 2021	22.04	22.04
7	Friday, August 27, 2021	29.25	29.25
8	Monday, August 30, 2021	25.8	
9	Monday, August 30, 2021	26.31	52.11
10	Tuesday, August 31, 2021	25.29	
11	Tuesday, August 31, 2021	22.56	47.85

12 **Q. Has Jammie’s hauling of solid waste for PCA remained steady over time?**

13 A. Based on the disposal tickets, it appears that Jammie’s is hauling even more volume now
 14 than it was then, and it is performing hauls every single weekday. Below is a similar
 15 summary showing haul information for June 2022, taken from Exhibit CD-08, page 785
 16 to 800. This shows that Jammie’s sometimes hauls nearly 160 tons of OCC Rejects in a
 17 single day for PCA.

	Date	Net Weight (tons)	Total Tons on Day
18	Wednesday, June 1, 2022	21.22	21.22
19	Thursday, June 2, 2022	22.26	
20	Thursday, June 2, 2022	20.25	
21	Thursday, June 2, 2022	23.14	
22	Thursday, June 2, 2022	19.31	84.96
23	Friday, June 3, 2022	25.05	
24	Friday, June 3, 2022	19.99	
	Friday, June 3, 2022	31.46	
	Friday, June 3, 2022	16.04	
	Friday, June 3, 2022	28.64	
	Friday, June 3, 2022	19.46	
	Friday, June 3, 2022	18.63	159.27
	Monday, June 6, 2022	19.58	
	Monday, June 6, 2022	22.88	
	Monday, June 6, 2022	25.11	
	Monday, June 6, 2022	27.66	95.23

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Tuesday, June 7, 2022	21.15	
Tuesday, June 7, 2022	21.38	
Tuesday, June 7, 2022	24.61	
Tuesday, June 7, 2022	23.65	90.79
Wednesday, June 8, 2022	28.28	
Wednesday, June 8, 2022	28.95	57.23
Thursday, June 9, 2022	20.36	20.36
Friday, June 10, 2022	21.09	21.09
Monday, June 13, 2022	26.01	
Monday, June 13, 2022	24.03	50.04
Tuesday, June 14, 2022	28.35	
Tuesday, June 14, 2022	27.18	55.53
Wednesday, June 15, 2022	22.22	
Wednesday, June 15, 2022	28.25	50.47
Thursday, June 16, 2022	27.15	27.15
Friday, June 17, 2022	9.41	9.41
Thursday, June 17, 2021	25.34	25.34
Friday, June 17, 2022	21.43	
Friday, June 17, 2022	26.25	
Friday, June 17, 2022	8.64	
Friday, June 17, 2022	22.93	79.25
Monday, June 20, 2022	22.14	
Monday, June 20, 2022	23.18	
Monday, June 20, 2022	6.59	
Monday, June 20, 2022	26.99	
Monday, June 20, 2022	22.51	
Monday, June 20, 2022	7.47	108.88
Tuesday, June 21, 2022	22.65	
Tuesday, June 21, 2022	7.46	
Tuesday, June 21, 2022	26.4	
Tuesday, June 21, 2022	8.17	
Tuesday, June 21, 2022	21.41	
Tuesday, June 21, 2022	24.63	
Tuesday, June 21, 2022	11.01	121.73
Wednesday, June 22, 2022	24.96	
Wednesday, June 22, 2022	21.93	
Wednesday, June 22, 2022	25.88	
Wednesday, June 22, 2022	25.67	98.44
Thursday, June 23, 2022	24.72	

Thursday, June 23, 2022	17.88	
Thursday, June 23, 2022	26.03	68.63
Friday, June 24, 2022	24.99	
Friday, June 24, 2022	27.54	
Friday, June 24, 2022	25.27	77.8
Monday, June 27, 2022	27.12	
Monday, June 27, 2022	24.5	
Monday, June 27, 2022	27.12	
Monday, June 27, 2022	24.5	
Monday, June 27, 2022	24.36	
Monday, June 27, 2022	23.39	150.99
Tuesday, June 28, 2022	24.45	24.45
Wednesday, June 29, 2022	24.13	
Wednesday, June 29, 2022	24.2	48.33
Thursday, June 30, 2022	24.64	
Thursday, June 30, 2022	24.09	48.73

V. JAMMIE'S CONTENTIONS

Q. I would now like to ask you some questions regarding some of the claims Jammie's has made in defense of Basin Disposal's formal complaint in this case.

First, in paragraph 9 of its Answer, Jammie's alleged that "as an incidental part of the services it provides to [PCA], including assisting PCA in managing its old corrugated cardboard ("OCC") rejects waste ("OCC Rejects"), Jammie's collects and transports loads of OCC Rejects each weekday for disposal." Do you know what other services Jammie's provides to PCA in connection with OCC Rejects?

A. Not exactly. Jammie's appears to be claiming that its daily transportation of as much as 159 tons of OCC Rejects from PCA is "incidental" to a service "managing" those OCC Rejects.

Q. Does PCA engage in any activities that produces those OCC Rejects as a byproduct of its service, like a landscaper who hauls plant trimmings after performing landscaping services?

1 A. No. From my understanding and experience, PCA runs its own mill and all of the
2 operations that generate OCC Rejects. In fact, Basin asked Jammie's in discovery to
3 admit that it does not operate the equipment by which OCC Rejects are generated, and it
4 admitted that it doesn't take any part in generating OCC Rejects.²⁹

5 **Q. Is the collection, transportation and disposal of OCC Rejects merely a small part of**
6 **the service that Jammie's is providing to PCA?**

7 A. No. It appears that hauling OCC Rejects for disposal is the primary service Jammie's is
8 providing.

9 **Q. What makes you say that?**

10 A. Jammie's produced documents in discovery, including emails to PCA that included its
11 initial proposal for service to PCA. Starting on page 1 of Exhibit CD-09, Owen Scott of
12 Jammie's emailed Kasey Markland on May 19, 2021 a proposal from Jammie's. Mr.
13 Scott's email states its subject is "OCC Waste Trans" and states in the body:

14 Here is the cost estimate for the T&D of the OCC material. Let me
15 know ASAP if you want me to start tomorrow. Also let me know if
you want us to get the loader.

16 The email includes an attached proposal from Jammie's to PCA with a description
17 stating:

18 Cost Estimate for Transportation of OCC Waste \$1,720.00 based
19 on a 12-hour day for 5 days includes mob demob

20 Landfill Disposal Cost Per Ton

21 It also includes prices for those services.

22 **Q. Does the proposal include a price for any other services?**

23 A. No.
24

²⁹ Exh. CD-11.

1 **Q. Do you know whether Jammie’s ultimately provided PCA with other services**
2 **related to OCC Rejects?**

3 A. Jammie’s produced invoices in response to Basin’s data requests, which show that
4 Jammie’s charges PCA for loading, labor, transportation and disposal fees, and those
5 make up the overwhelming majority of charges. Jammie’s also included some occasional
6 cleaning services like using a pressure washer to clean the loader, but those are very
7 small charges in comparison to the total. In fact, Jammie’s invoices describe the service
8 as “Blanket PO to Haul OCC waste” but there is nothing in their invoices that would
9 support the claim that Jammie’s provides some other service to which hauling hundreds
10 of tons of OCC Rejects for disposal every single week is merely incidental.

11 **Q. Have you supplied those invoices as Exhibits for the Commission?**

12 A. Yes. I am providing a consolidated version of those invoices with Exhibit CD-07.
13 Because they include pricing information, I am supplying both confidential and redacted
14 versions of the exhibit.

15 **Q. Do OCC Rejects require any special handling or treatment prior to disposal?**

16 A. No. As I mentioned earlier, they do need to be dry before being placed in a drop box, but
17 they dry sufficiently if left out in the open. In other words, there is no special process for
18 drying them. And sufficiently dried OCC Rejects can be transported for disposal in a
19 drop box just like any other municipal solid waste.

20 **Q. To be clear, do they need to be processed at any kind of facility like medical waste**
21 **before they are disposed of in a landfill?**

22 A. Not at all. OCC Rejects are non-hazardous and go straight to the transfer station or
23 landfill without any further processing or treatment.

24 **Q. Do you know the waste profile for PCA’s OCC Rejects has changed at all since**
Jammie’s began hauling it?

1 A. Jammie’s produced in discovery a waste profile used when they began hauling PCA’s
2 OCC Rejects to Waste Management’s Columbia Ridge Landfill that suggests that it
3 remained ordinary municipal solid waste. I am supplying the email and completed form
4 that PCA provided to Jammie’s in Exhibit CD-09, on pages 121 to 124. The form also
5 states that the materials for disposal consist of “unusable damp cardboard and plastics
6 from mill cardboard recycling.”

7 **Q. Jammie’s also alleged in paragraph 20 of its Answer that “BDI failed to promptly**
8 **remove the [loaded drop boxes] when full, and provided an insufficient number of**
9 **bins, leading to a large stockpile of OCC Rejects piled up against a PCA building,**
10 **which created a significant fire and safety hazard for PCA.” Is that allegation**
11 **accurate?**

12 A. Not at all. As I described above, Basin Disposal supplied more containers than PCA
13 requested, and worked diligently to ensure that OCC Rejects were disposed of as
14 efficiently and quickly as possible. It was PCA that rejected our proposals that would
15 create even greater efficiencies, and increased production without coordinating a way to
16 move the waste without having to pile it on the ground. But nothing that Basin did
17 caused PCA to stockpile OCC Rejects against a building.

18 **Q. Did PCA in fact actually stockpile OCC Rejects against its building?**

19 A. Yes. Initially, the stockpile began because PCA increased production without
20 coordinating with Basin to ensure it had sufficient containers to hold wet OCC Rejects
21 while they dried. But according to an email that Jammie’s produced in discovery,
22 Jammie’s also requested a stockpile be created so that it could test its proposed use of
23 belt-loaded trailers, which again, is the same alternative we had been proposing to PCA
24 for months. Specifically, when discussing the trial project with Jammie’s for OCC Reject

1 hauling, Brian Wilhelm at PCA sent an email on June 17, 2021 stating “we will need to
2 build up material to accommodate as best we can within reason.”³⁰

3 **Q. Did PCA make any statements about Basin’s services in that context?**

4 A. Yes. Kasey Markland responded to Mr. Wilhelm that same morning stating “Skyler and I
5 are thinking the week of the 28th will be the best time for this. BDI actually did a decent
6 job of keeping up this last week so we would have to build a pile to do this.”³¹

7 **Q. What was Jammie’s response to that?**

8 A. After Mr. Rachford responded on June 22, 2021 to follow up and confirm Jammie’s was
9 ready to start the trial, Mark Lowary responded that same day, stating:

10 We are good to go. I see BDI still hauling product, please have as
11 much product as possible stocked [sic] piled so we can verify we
can handle the volume you create.³²

12 **Q. Did PCA in fact create a stockpile of OCC Rejects against its building for Jammie’s
13 to collect?**

14 A. Yes, that is actually the ongoing practice PCA has been using to prepare its materials for
15 loading by Jammie’s. The pile is readily observable in several of the photos I am
16 supplying on pages 6 to 9 of Exhibit CD-03, taken in February of 2022. They continue to
17 similarly pile OCC Rejects in a bunker there for loading into Jammie’s trailers to this
18 day.

19 **Q. Jammie’s also alleges in paragraph 23 of its Answer that, through its service, it
20 “quickly eliminated the stockpile of OCC Rejects and the associated fire and safety
21 dangers.” Do you know whether Jammie’s has in fact prevented any stockpile of
22 OCC Rejects from accumulating and whether there is any difference in fire or
23 safety hazards now that Jammie’s is hauling PCA’s OCC Rejects waste?**

24

³⁰ Exh. CD-09. p. 15.

³¹ *Id.*, p. 19.

³² *Id.*, p. 18.

1 A. I don't know anything about a fire hazard or safety hazard, but apparently neither does
2 Jammie's. We asked for any information that Jammie's possesses regarding the fire
3 hazard in discovery, and it disclaimed having any records supporting the existence of a
4 fire hazard.³³ But, as I just noted, the stockpile was created to facilitate Jammie's to
5 loading its trucks. On those days when Jammie's loads 150 plus tons of OCC Rejects for
6 disposal, there is actually an enormous pile outside of PCA waiting to be loaded by
7 Jammie's far larger than the ones shown in Exhibit CD-03. So, if there is a fire or safety
8 hazard created by stockpiling OCC Rejects, it seems that Jammie's has only made it
9 worse.

10 **Q. Do you know whether Jammie's has ever had issues keeping up with the amount of**
11 **OCC Rejects that PCA produces?**

12 A. Based on the emails it produced, it seems that it has and that PCA has even asked
13 Jammie's to fill BDI's drop boxes to reduce the size of the pile. Specifically, Mark
14 Lowary of Jammie's emailed Kasey Markland on September 3, 2021, stating:

15 I will have my driver fill the BDI boxes in the area as you
16 requested. As information, we will be working on Monday with at
17 least 2 truck and trailers and possibly 3 truck and trailers. We plan
to keep all 3 trucks on the job until we catch completely up next
week.³⁴

18 **Q. Do you have any other records showing that Jammie's had trouble eliminating the**
19 **pile due to PCA's production levels?**

20 A. Yes. On October 11, 2011, Mr. Lowary emailed again to let Mr. Markland and Mr.
21 Rachford know that Jammie's was training multiple additional drivers to haul OCC
22 Rejects, and that due to the lone driver calling in sick, Jammie's wouldn't be able to haul
23 for PCA that day.³⁵

24

³³ Exh. CD-10.

³⁴ Exh. CD-09, p. 41.

³⁵ *Id.*, p. 46.

1 **Q. Did you find anything else of note related to Jammie's service to PCA**
2 **in the emails it produced in discovery?**

3 A. Yes. I found that, like BDI, Jammie's has also had times that it was unable to haul from
4 PCA due to the water content of the OCC Rejects. Jammie's produced an email from
5 May 9, 2022, from Mark Lowary to Kasey Markland relaying some of those concerns,
6 stating:

7 These charges are for us using the vac truck(s) to suck standing
8 water off your lot out front. State law won't allow us or BDI to
9 have water dripping out of the loads we haul. We have already
10 gotten a ticket trying to haul rejects that were too wet. We tried
11 pushing the water off the lot with a wheel loader but Paul Gibson
12 stopped that fast. So we held a vac hose over the pond out front
13 and took out 7 or 8 vac trucks of water off your lot and dumped
14 around back at the de-watering bunker.
15 What may be in error is... you may want this charge to be re-billed
16 to the PO we use to haul the rejects as that might make sense.
17 I'm traveling to Nampa, ID today but I have cell service so give
18 me a ring if we need to talk about this more.³⁶

19 **Q. Does this conclude your testimony at the present time?**

20 A. Yes it does.
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22
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³⁶ *Id.*, p. 127.