

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION

WASTE CONNECTIONS OF  
WASHINGTON, INC.,

Complainant,

v.

ENVIRO/CON & TRUCKING, INC. a  
Washington corporation; ENVIROCON, INC., a  
corporation; and WASTE MANAGEMENT  
DISPOSAL SERVICES OF OREGON, INC.,

Respondents.

Case No. TG-071194

ANSWER OF ENVIRO/CON  
TRUCKING, INC.

**I. RESPONDENTS' INFORMATION**

1.1 COMES NOW Enviro/Con Trucking, Inc ("ECTI"), 26910 92nd Avenue N.W., Suite C-5, Stanwood, Washington 98292, a Washington corporation, by and through counsel Polly L. McNeill of Summit Law Group, and submits this Answer to the *Complaint and Alternatively, Petition for Declaratory Order, and Application for Brief Adjudicative Proceeding* ("Complaint") of Waste Connections of Washington, Inc. ("WCI").

**II. STATUTES AND RULES AT ISSUE**

2.1 The issues raised by WCI's Complaint implicate the following statutes, and the rules and regulations adopted under each of these statutory schemes:

- 42 U.S.C. §§ 6901, *et seq.* (Resource Conservation and Recovery Act)
- Ch. 70.105D RCW (Washington Model Toxics Control Act),

1 Ch. 70.95 RCW (Washington Solid Waste Management Act)

2 Ch. 81.04 RCW (WUTC – Transportation Regulations, General)

3 Ch. 81.77 RCW (WUTC – Solid Waste Collection Companies)

4 Ch. 34.05 RCW (Administrative Procedures Act)

5 **III. ANSWER TO THE COMPLAINT**

6 3.1 In answer to Paragraph 1 of WCI’s Complaint, Respondent ECTI admits that the  
7 Complaint asks the Washington Utilities and Transportation Commission (“Commission”) to  
8 issue a cease and desist order or declare that the activity alleged is subject to RCW 81.77.040,  
9 RCW 81.77.100 and WAC 480-70-006, *et seq.* Respondent ECTI lacks sufficient knowledge or  
10 information on which to base a conclusion and therefore denies the allegations identifying the  
11 Complainant. Except as so admitted, all remaining allegations are denied and Respondent ECTI  
12 specifically denies the inference that the activities being conducted at the Evergreen Aluminum  
13 remediation site require a certificate of public convenience and necessity from the Commission  
14 and therefore denies that the activity is subject to RCW 81.77.040, RCW 81.77.100 or WAC  
15 480-70-006 *et seq.*

16 3.2 There is no Paragraph 2 in WCI’s Complaint.

17 3.3 In answer to Paragraph 3 of WCI’s Complaint, all allegations are denied and  
18 Respondent ECTI specifically denies that the Commission has jurisdiction over WCI’s  
19 Complaint or over its activities at the Evergreen Aluminum facility.

20 3.4 In answer to Paragraph 4 of WCI’s Complaint, Respondent ECTI lacks sufficient  
21 knowledge or information on which to base a conclusion and therefore denies the allegations  
22 regarding certificate of public convenience and necessity No. G-253, although Exhibit A speaks  
23 for itself in terms of what it states.

24 3.5 In answer to Paragraph 5 of WCI’s Complaint, all allegations are denied and  
25 Respondent ECTI specifically denies that it has been engaged in any activity that violates RCW  
26 81.77.040; and Respondent ECTI lacks sufficient knowledge or information on which to base a  
27 conclusion regarding other respondents and therefore denies that allegation also.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

V. PRAYER FOR RELIEF

WHEREFORE, having answered WCI's Complaint, Respondent ECTI prays for judgment as follows:

- A. Dismissing each of the claims asserted against the respondent with prejudice;
- B. Denying the relief requested;
- C. Awarding to respondent its costs, expenses and reasonable attorneys' fees; and,
- D. For such other or further relief as the Commission may deem just or equitable.

DATED this 3rd day of July, 2007.



---


Polly L. McNeill, WSBA # 17437  
SUMMIT LAW GROUP PLLC  
315 Fifth Avenue South, Suite 1000  
Seattle, WA 98104  
T: (206) 676-7000  
F: (206) 676-7001  
Attorneys for Respondent Enviro/Con Trucking,  
Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

<p><i>Attorneys for Complainant Waste Connections of Washington, Inc.</i>  David W. Wiley  Jacob M. Downs  Williams Kastner  PO Box 21926  Two Union Square  601 Union Street  Seattle, WA 98111-3926  dwiley@williamskastner.com  jdowns@williamskastner.com</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p><i>Attorneys for Envirocon, Inc.</i>  John R. Herrig  Lacey A. Kenmore  Herrig, Vogt &amp; Stoll, LLP  1030 North Center Parkway, Suite 201  Kennewick, WA 99336  jrh@hvslaw.com  lak@hvslaw.com</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p><i>Attorneys for Intervenor Petitioner Clark County</i>  Bronson Potter  Deputy Prosecuting Attorney  Clark County Prosecuting Attorney's Office  Civil Division  PO Box 5000  Vancouver, WA 98666-5000  bronson.potter@clark.wa.gov</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p><i>Attorneys for Intervenor Petitioner Washington Refuse and Recycling Association</i>  James K. Sells  Ryan Sells Uptegraft, Inc. P.S.  9657 Levin Road N.W., Suite 240  Silverdale, WA 98383  jimsells@rsulaw.com</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 30 day of July, 2007.

  
Leslie D. Teves