

STAFF INVESTIGATION

OF

David Gellatly and Ronald Calder

Doing business as:

Light Weight Recyclers
J-Man Trucking
Triple K Trucking

Prepared by:

**Betty Young
Compliance Specialist
Transportation Safety and Enforcement
December 2008**

BACKGROUND

On August 4, 2008, Arthur Wilkowski, owner and operator of Point Recycling and Refuse, the certificated solid waste carrier in Point Roberts, contacted the commission about possible illegal solid waste hauling in the area.¹ Mr. Wilkowski requested an investigation into the activities of Light Weight Recyclers², reportedly operated by Ronald Calder and David Gellatly. Mr. Wilkowski alleged that Light Weight Recyclers was hauling construction waste and dumping it into a local gravel pit on Point Roberts. Mr. Wilkowski stated that Charles Sullivan of the Whatcom County Health Department classified the activity as illegal dumping and was pursuing enforcement action.

Commission records reveal that Motor Carrier Safety staff first contacted Ronald Calder in June 2007 about the operations of Light Weight Recyclers. David Gellatly responded on behalf of Mr. Calder stating that Light Weight Recyclers did not exist. However, Mr. Gellatly indicated that he and Mr. Calder planned to work with a Canadian company to supply bins to Point Roberts' contractors and home owners for the purpose of "removing items such as metal, dry wall, wood waste and other recyclable materials that would come from house demolition." Mr. Gellatly stated that Mr. Calder would most likely be driving the vehicle, picking up the bins, and taking them to a recycling site in Vancouver, B.C. Commission staff informed Mr. Gellatly that in order to provide this service, he would not need a common carrier permit from the commission, but would need to obtain the appropriate authority from the Federal Motor Carrier Safety Administration (FMCSA).³

Based on Mr. Wilkowski's August 2008 complaint, commission staff initiated a second investigation of the activities of Ronald Calder and David Gellatly, assumedly operating Light Weight Recyclers. Further research revealed Mr. Calder and/or Mr. Gellatly also operated two other transportation companies, J-Man Trucking and Triple K Trucking. Staff added these two companies to the investigation.

¹ See e-mail from Mr. Wilkowski at Appendix A.

² Light Weight Recyclers was sometimes referred to as "Lightweight Recycling" and "Lite" Weight Recyclers by other parties during the investigation.

³ See June 2007 letter from Mr. Gellatly and excerpt from July 2007 e-mail from David Pratt at Appendix B.

STAFF INVESTIGATION

Contact with Whatcom County Health Department

David Pratt, Assistant Director for Transportation Safety, followed up with Mr. Sullivan at the Whatcom County Health Department on August 13 regarding the complaint by Mr. Wilkowski. Mr. Sullivan determined that Light Weight Recyclers had hauled at least one load of construction debris to a gravel pit in Point Roberts.

Mr. Sullivan summarized the results of his investigation in a memo dated October 1, 2008, to commission staff.⁴ Mr. Sullivan reported that he met with Mr. Calder at the gravel pit on August 19, 2008. At that time, all of the solid waste Mr. Sullivan had requested be removed was gone. Mr. Calder reportedly hauled the construction waste to Urban Woodwaste Recyclers and metal waste to Amex, both located in Vancouver, British Columbia.

Mr. Sullivan told Mr. Calder that if he wanted to continue hauling and processing solid waste/recyclables, he must register with the Washington State Department of Ecology (DOE) and the commission. Mr. Sullivan felt Mr. Calder “clearly understood” that all activity in the pit was to cease, and that before he or Light Weight Recyclers continued operations, Mr. Calder must assure compliance with commission, DOE, and Whatcom County Health Department regulations.

Compliance Letter

On September 18, 2008, the commission sent a letter to Mr. Gellatly and Mr. Calder regarding the information received from the Whatcom County Health Department.⁵

The letter informed Mr. Gellatly and Mr. Calder of the following points:

- If a company transports property for hire between points within Washington State, it must obtain a common carrier permit from the commission.
- If a company transports property for hire between countries (i.e., between the United States and Canada), it must be registered with the FMCSA.
- If a company offers recycling pick up services in Washington, it must be registered with the Washington Department of Ecology.
- If a company hauls solid waste, it must obtain authority from the commission to do so.
- Even if a company operates out of Canada, it must obtain the required licenses and permits to operate in Washington State.

⁴ See memo from Charles Sullivan at Appendix C.

⁵ See Sept. 18 commission compliance letter at Appendix D.

According to commission staff's research, Light Weight Recyclers has no common carrier permit from the commission and is not registered with the FMCSA. In addition, staff found no record of a business license for Light Weight Recyclers through Washington's Department of Licensing (DOL). Staff did find business license information for J-Man Trucking, listing Mr. Calder and Mr. Gellatly as governing people. J-Man Trucking does not have a common carrier permit from the commission and is not registered with the FMCSA.

Mr. Gellatly and Mr. Calder were asked to respond in writing by October 2, 2008, with the following information:

1. A description of the services being provided in Point Roberts.
2. The name(s) of the company (or companies) under which services are being provided.
3. A list of locations/facilities where the company (or companies) currently hauls material for disposal and/or recycling, including the name and address of each location/facility.
4. A description of whether or not the company (or companies) have the appropriate licenses and permits to provide service as described above, including all current license and permit numbers.
5. The date by which Mr. Gellatly and Mr. Calder would apply to the appropriate federal and/or state agencies.

David Gellatly Response

Mr. Gellatly requested an extension to respond the commission's letter until October 16 and sent his response on October 13.⁶ In the response, Mr. Gellatly stated that the allegations that Mr. Calder was doing business as Light Weight Recyclers and had admitted hauling construction materials and recycling were incorrect. According to Mr. Gellatly, Mr. Calder admitted he was responsible for the gravel pit, which belongs to a person named Jason McDougall. Mr. Calder and Mr. McDougall had an agreement that Mr. Calder would clean up the pit, which Mr. Gellatly claimed has long been used by residents of Point Roberts as a dumping ground.

In response to question 2, Mr. Gellatly provided the following information:

Light Weight Recyclers: Mr. Gellatly stated that Light Weight Recyclers is the DBA for a Canadian company called R&D Tidy Bins. Mr. Calder has been driving truck for Light Weight Recyclers and removing recyclable construction debris from locations in Point Roberts, then delivering it to Urban Woodwaste Recyclers located in Vancouver, BC. Mr. Gellatly claimed that several months ago when Mr. Calder was ill, another person took over truck driving duties. During that time, according to Mr. Gellatly, the substitute driver unloaded a large shipment of recyclable debris at the gravel pit rather than taking it for recycling. This was the material that the Whatcom County Health Department took issue with. Mr. Gellatly stated that this was not the way operations are usually conducted and that, upon his return, Mr. Calder admitted

⁶ See October 13 letter from Mr. Gellatly at Appendix E.

responsibility for the pit and ensured the materials were removed and “disposed of” at Urban Woodwaste Recyclers.

J-Man Trucking: Mr. Gellatly stated that J-Man Trucking is also a Canadian company which operates in British Columbia and Point Roberts. J-Man Trucking operates a dump truck which delivers aggregate and soil to Point Roberts from Delta, Surrey, Vancouver and Richmond BC. Mr. Gellatly stated that J-Man is registered in Washington State and the Ministry of Transport in Canada, and maintains good standing with the National Safety Code. Mr. Gellatly stated that it was his understanding that deliveries to an area considered a “Port of Entry” do not require federal authority, and he believed Point Roberts to be within a Port of Entry. Mr. Gellatly stated that if he had misunderstood the matter of federal authority, they would reinstate Mr. Calder’s US Department of Transportation (DOT) number 826699.

Licenses and Registrations

Commission staff found the following information regarding several business licenses and registrations for Mr. Calder and Mr. Gellatly.

Business Name	Owners	UBI #	USDOT #	CC Permit #
Ronald Calder d/b/a Triple K Trucking	Ronald Calder	601930677	826699 Inactive	CC-59528 Cancelled for lack of insurance on 1/28/05
J-Man Trucking	David Gellatly Ronald Calder	602378777	No	No
R&D Tidy Bins d/b/a Light Weight Recyclers	Unknown	No	No	No
Freedom 2000, LLC	David Gellatly	602856625	No	No

The US DOT number referred to by Mr. Gellatly actually belongs to a company called Triple K Trucking, a sole proprietorship owned by Mr. Calder. The FMCSA reports that there is a DOT number for the company, but the operating authority has been inactivated for lack of insurance. The common carrier permit for Triple K Trucking was cancelled by the commission in 2005, also for lack of insurance coverage.

Commission staff could find no record of a company called R&D Tidy Bins or Light Weight Recyclers registered with either DOL or the state Department of Revenue. When asked for the company’s ownership and contact information, Mr. Gellatly did not provide it. Instead, he responded as follows:

“Please be advised that in the letter which was sent to your attention regarding the subject matter, it was clearly outlined that R & D Tidy Bins was a Canadian company and was not registered in

the State of Washington. Furthermore, It was also outlined that we were in the process of negotiating the purchase of this company.

As of this past weekend we have completed our negotiations, and will be acquiring this company's operations, which are in Canada. Once we have finalized the transaction, we will be registering the new LLC in British Columbia and will also file a Foreign Limited Liability Company Registration with the Secretary of State of Washington. It is anticipated that all matters should be complete for the beginning of 2009.

At that time we will provide your offices with all of the pertinent details if you so wish.”⁷

Port of Entry

Mr. Gellatly stated that it was his understanding that deliveries to an area considered the Port of Entry do not require federal authority, and he believed Point Roberts to be within the Port of Entry.

Commission staff contacted Roger Kraft with the FMCSA for clarification and received this response:

“All motor carriers operating in interstate commerce (crossing state lines or international borders into or out of the U.S. or transporting interstate freight) are required to register with FMCSA for a US DOT number, this number signifies that the motor carrier is subject to the Federal Motor Carrier Safety Regulations. This is not operating authority it is simply a registration for a number through which the FMCSA can monitor safe operations.

All motor carriers with DOT numbers operating in interstate commerce are subject to the UCR requirements.

Operating authority is required for motor carriers hauling commodities “for hire”, transporting property in interstate commerce for others. There are some commercial zone exceptions for this authority which are often misunderstood and which I believe the Calder/Galley (sic) letter you attached makes reference.”⁸

The “UCR requirements” referred to by Mr. Kraft relate to the Unified Carrier Registration program (UCR). Created by federal legislation, UCR requires individuals and companies that operate commercial motor vehicles in interstate or international commerce, or individuals or companies that make the arrangements for the transportation of cargo and goods, to register their businesses and pay an annual fee based on the size of their fleet. The commission administers the UCR program for Washington State.

⁷ See an excerpt from an e-mail from Mr. Gellatly dated December 1, 2008 at Appendix F.

⁸ See e-mail from Roger Kraft at Appendix G.

Communication with the Department of Ecology

Staff from the DOE contacted commission staff in September 2008 and provided a copy of a letter from Diana Wadley to Mr. Calder and Mr. Gellatly regarding Light Weight Recyclers collecting recyclables in Point Roberts.⁹ The letter explained the 2005 legislation requiring all commercial transporters of recyclable materials to register with DOE and included a registration form for transporters of recyclable materials. The registration form was due to DOE within 30 days.

Mr. Gellatly responded on October 13, stating that he wanted to ensure the company was operating in a manner consistent with the law. The transporter of recyclables registration form, however, was not returned or completed. Mr. Gellatly referred to Freedom 2000, LLC's application to the commission for solid waste authority in Point Roberts, stating that if the commission approved the application, the company would institute curbside and commercial recycling.¹⁰

Ms. Wadley responded on October 24, stating that regardless of any past or pending decisions by the commission, if the company's activities designate the company as a transporter of recyclables, DOE requires the company to register.¹¹ Mr. Gellatly was given 14 days to respond. As of November 19, 2008, DOE had received no response.

On November 25, Ms. Wadley sent another letter, advising Mr. Gellatly and Mr. Calder that DOE made a determination that Light Weight Recyclers was collecting recyclables in Point Roberts. Ms. Wadley advised Mr. Gellatly and Mr. Calder that DOE would pursue enforcement action, including possible monetary penalties, if Light Weight Recyclers did not either register as a transporter of recyclables or show evidence that the company does not meet the criteria in the law. Mr. Gellatly and Mr. Calder have until December 8 to respond.

Advertising

Ms. Wadley provided commission staff with copy of an advertisement by Light Weight Recyclers in the October issue of the All Point Bulletin, a community newspaper in Point Roberts.¹² The advertisement states, "Demolition, wood waste, cars, scrap metal, appliances. Bins available in various sizes from 6-30 yards. Larger bins available upon request. (No green waste or garbage at this time.)" Ron Calder is listed as the contact in the advertisement.

⁹ See September 24 letter from Diana Wadley to Mr. Gellatly and Mr. Calder at Appendix H.

¹⁰ See October 13 response from Mr. Gellatly to Diana Wadley at Appendix I.

¹¹ See October 24 response from Diana Wadley to Mr. Gellatly and Mr. Calder at Appendix J.

¹² See advertisement for Light Weight Recyclers at Appendix K.

SUMMARY

The commission's Transportation Safety Enforcement staff investigated information that David Gellatly and Ronald Calder, doing business as Light Weight Recyclers, transported construction waste materials to a gravel pit in Point Roberts and subsequently to a recycling facility in Canada.

Commission staff determined it does not have enough independent evidence to demonstrate which company actually transported the construction waste material to the gravel pit. Because staff was unable to obtain any sort of contact or business information for Light Weight Recyclers, staff could not verify the company's operations.

According to Mr. Gellatly, Light Weight Recyclers and J-Man Trucking currently transport goods for hire between Washington and Canada. It appears that neither company is required to have a common carrier permit issued by the commission since their transportation business is international and not intrastate. Both companies, however, must immediately obtain a US DOT number and register with the UCR program. Commission staff was unable to determine if Triple K Trucking is currently operating. If the company is operating in a manner similar to Light Weight Recyclers and J-Man Trucking, it must activate its US DOT number and register with the UCR program. Commission staff will provide FMCSA staff with a copy of this report for their reference and appropriate action.

Light Weight Recyclers is not currently licensed to do business in Washington and is not registered with the Department of Ecology as a transporter of recyclable materials. Commission staff will advise the state departments of Licensing and Revenue that Light Weight Recyclers appears to be operating without a business license (UBI number). The DOE is currently considering enforcement action if Light Weight Recyclers does not register as a transporter of recyclable materials by mid-December.

APPENDICES

Appendix A

From: arthur.wilkowski [mailto:arthur@pointroberts.net]
Sent: Monday, August 04, 2008 2:22 PM
To: Danner, Dave (UTC)
Cc: brad@wrra.org; Council Council; Charles Sullivan
Subject: Illegal hauling by Light Weight Recyclers

Dear Mr. Danner,

I am requesting that the WUTC conduct an investigation into the activities of Light Weight Recyclers which is operated by Ron Calder and David Gellately. This Company is hauling construction waste and dumping in the local gravel pit. Gravel Pit is misleading, this is zoned residential property that hasn't operated as a gravel pit for decades. There is currently no zoned or legally permitted activity other than residential housing. Charles Sullivan of the Whatcom County Health Department has classified this activity as the illegal dumping of garbage and is pursuing enforcement action against the property owner and against the contractor who hired Light Weight Recyclers to haul for them. Your enforcement staff should contact Charles at 360-676-7624 so that they can pursue the matter from the hauling end.

The issue of whether Light Weight Recyclers is hauling garbage or recycling materials for Alternative Daily Cover will be dealt with at a future date; however, this dumping is clearly the illegal hauling of garbage and subject to enforcement action.

My research indicates that Light Weight Recyclers is lacking even the fundamental permits and licenses to operate as a business. There appears to be no State Business License, no Federal or State Trucking Permits or Licenses, the vehicles are not licensed in this state. They are not registered with the Department of Ecology as a recycling transporter, even though Ecology does not consider Alternative Daily Cover to be recycling. I do not believe that they are even registered with the WUTC as a common carrier.

The WUTC not only needs to investigate the dumping activity but also needs to verify all permit and license requirements of Light Weight Recyclers so that the information may be Whatcom County in their investigation.

Sincerely,

Arthur Wilkowski

Point Recycling and Refuse

Appendix B

June 20, 2007

**Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive
PO Box 47250
Olympia, WA 98504-7250**

RECEIVED
JUN 22 2007
WASH. UT. & TP. COMM

Attention: Carolyn A. Caruso, Compliance Specialist

Re: Light Weight Recyclers

Dear Carolyn:

Thank you for speaking with me today with respect to your June 15th, 2007 letter addressed to Ron Calder. Pursuant to that conversation, I am formalizing our discussion by explaining why there is no requirement for a common carrier permit. While we are extremely appreciative of your sending us the very informative literature which accompanied your letter, we find that none of it will apply.

In view of the fact that the complainant (Arthur Wilkowski) has had the WUTC, Whatcom County Council, Canadian Border Services and the Department of Homeland Security on a wild goose chase for quite some time now, and further to his threatening and misleading advertisements in the local newspaper (The All Point Bulletin), a small group of experienced business people decided to attempt to determine if there was a reasonable market for recycled materials to leave Point Roberts and be introduced to the very large and prosperous recycling market in the Greater Vancouver Regional District.

In order to feel out the market, and at the same time burrow under the skin of the pompous individual who referred to us as "Light Weights" we decided to put an advertisement into the local newspaper. I believe that the ad had its desired affect.

In fact, Light Weight Recyclers does not exist. It is not a company, has no bank account, owns no vehicles and has no employees. All leads that were received from telephone calls were referred to a Canadian Company which has undergone the scrutiny of the WUTC and who were also victims of Arthur's misguided activities, including doctored photographs which were obtained by trespass on private property and submitted to your offices for action!!!!!!

Based on the overwhelming response from this very small market, it would appear as though the current licensee; who has the monopoly on household garbage curbside pick up and also by County mandate must collect curbside recycling; hasn't done much around here but sniffle, whine and complain!

Light Weight Recyclers Staff Investigation

For future reference, it seems to me, after reviewing some of your materials, that a company of Canadian origin who dropped a bin in Point Roberts, which was filled with demolition material, then picked that bin up and returned to Canada with it, would not be required to have a common carrier permit. In fact, no intrastate transport occurs. Furthermore, your "Overview" literature states that:

"Solid waste collection is defined as those carriers collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle for, collection and/or disposal over the highways of the state of Washington for compensation. Solid Waste includes residential source-separated recyclable materials."

There are no state of Washington highways in Point Roberts, and the State Patrol don't even know how to get here!

I appreciate your time regarding this matter. Would you be so kind as to send a copy of the complaint against us, so that we have it for our records?

Thank you,



David Gellatly
On behalf of Ron Calder

Light Weight Recyclers Staff Investigation

Pratt, David (UTC)

From: Pratt, David (UTC)
Sent: Thursday, July 26, 2007 10:46 AM
To: 'david@kordlyn.com'
Cc: Ingram, Penny (UTC)
Subject: FW: Point Roberts
Attachments: Light Weight Add.pdf

Mr. Gellatly. I am the Assistant Director for Transportation Safety and have been asked to respond to the email you sent to Carolyn Caruso. You have asked if Light Weight Recyclers needs any authority from the UTC for your business.

Based on the information you provided, you do not need any authority from the UTC. However, there are a couple of requirements that Light Weight needs to meet.

You will need to obtain MC and DOT numbers from the Federal Motor Carrier Safety Administration. The MC number is for interstate operating authority and the DOT number is a unique identifier specific to each company and is used for tracking all activities, including safety information, compliance reviews, crash investigations and inspections. Both of these can be obtained via the FMCSA web site. www.fmcsa.dot.gov

You'll also need to ensure that you are following any other statutes or rules for operating a business in WA State.

Please let me know if I can be of further assistance.

-----Original Message-----

From: David Gellatly [mailto:david@kordlyn.com]
Sent: Monday, July 09, 2007 9:42 PM
To: 'ccaruso@wutc.wa.gov'
Subject: Point Roberts Bin Service

Hi Carolyn:

As indicate during our phone conversation today, we are preparing to work with a Canadian company to supply bins to Point Roberts Contractors and home owners for the purpose of removing items such as metal, dry wall, wood waste and other recyclable materials that would come from house demolition. In doing so, my partner Ron Calder will more than likely be driving the vehicle and picking up these bins so that they can be taken to the recycling site in the Greater Vancouver Regional District. As you are no doubt aware, garbage cannot be hauled into Canada. Canada Customs does not allow this and are very strict at inspecting all bins removing anything from Point Roberts. We are not interested in hauling garbage at this time for that reason.

I just wanted to confirm that the WUTC has NO regulations regarding this type of work, and no authorities issued by the WUTC are required.

Please confirm by return email so that I have something in writing (electronically) for our files.

Sincerely,

David Gellatly

Appendix C

WHATCOM COUNTY
Health Department
509 Girard Street
Bellingham, WA 98225



Regina A. Delahunt
Director
Environmental Health
Phone 676-6724

MEMORANDUM

TO: Betty Young

FROM: Charles Sullivan Whatcom County Health Department

RE: Hauling and Dumping of Solid Waste by Ron Calder

DATE: 10/1/08

I received your request for information regarding any illegal dumping or hauling of solid waste by Ron Calder. I recently did have an investigation of illegal dumping by him or his company, lightweight recycling in Point Roberts, Washington.

I received a complaint on July 1, 2008 that Mr. Calder had dumped construction and demolition waste as well as recyclables in a gravel pit located on Roosevelt Way in Point Roberts. Jason McDougal owns the gravel pit.

In early August I started to investigate the complaint. On August 7th I called Jason McDougal who gave me permission to inspect the pit. He said that he allowed Mr. Calder to use the pit and that he would be responsible to clean it up. We agreed that it would be cleaned and that he would call Mr. Calder for a bin for the metal.

I visited the pit and saw a large pile of metal scrap including appliances, scrap steel and a few empty oil tanks. There was also a large pile of a concrete / styrofoam mixture and some demolition debris in another area of the pit.

I was able to track the Styrofoam / concrete mixture to a building being constructed on Kendor Road in Point Roberts. The builder listed in the building permit was H.B. Hanson. I called Mr. Hanson who said that Ron Calder had hauled it for him. I told Mr. Hanson that I would let him know if I needed anything else from him.

I spoke with Ron Calder. He told me that he would haul the material out. All of the construction waste was going to be hauled to Urban Woodwaste Recyclers in British Columbia for recycling and that the metal waste was to be hauled to Amex in BC.

Light Weight Recyclers Staff Investigation

On August 19th I met with Ron Calder on site at the gravel pit. All of the solid waste that I had asked him to remove was removed. We discussed the requirements for hauling and processing solid waste/recyclables. At that time I told him that if he wanted to continue hauling materials that he must register with the Department of Ecology (DOE). I also informed him that if the recyclables were sorted at any location in the United States that the Whatcom County Health Department (WCHD) would have jurisdiction and that he would have to comply with WAC 173-350, including the performance standards. I informed him that hauling of recyclables required the proper licensing from The Washington State Utilities and Trade Commission (WUTC) and registering with DOE.

Before I left it was clearly understood that all activity in the pit was to cease and that before he or Lightweight Recycling continued operation that Mr. Calder would assure that he was in Compliance with WUTC, DOE and WCHD regulations.

Appendix D



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203*

September 18, 2008

David Gellatly
Ron Calder
PO Box 1314
Point Roberts, WA 98281-1313

Re: Hauling materials in Point Roberts

Dear Mr. Gellatly and Mr. Calder:

Staff from the Washington Utilities and Transportation Commission (commission) received reports that you may be operating a business that requires state and/or federal authority.

In June 2007, our staff contacted Mr. Calder regarding the operations of Light Weight Recyclers. Mr. Gellatly responded on behalf of Mr. Calder stating that Light Weight Recyclers did not exist. However, Mr. Gellatly indicated that he and Mr. Calder planned to work with a Canadian company to supply bins to Point Roberts contractors and home owners for the purpose of "removing items such as metal, dry wall, wood waste and other recyclable materials that would come from house demolition." Mr. Gellatly stated that Mr. Calder would most likely be driving the vehicle, picking up the bins, and taking them to a recycling site in Vancouver, B.C. Our staff informed Mr. Gellatly that in order to provide this service, he would not need a common carrier permit from the commission, but would need to obtain the appropriate authority from the Federal Motor Carrier Safety Administration (FMCSA).

Last month, staff from the Whatcom County Health Department (Whatcom County) informed us that they spoke with Mr. Calder about the alleged dumping of construction materials in a gravel pit in Point Roberts. According to Whatcom County staff, Mr. Calder, doing business as Light Weight Recyclers, was hired by a contractor to transport waste materials from a new home construction site. Whatcom County staff stated that Mr. Calder admitted hauling these construction materials, as well as metals for recycling, to the gravel pit.

Based on our research, Light Weight Recyclers has no common carrier permit from the commission and is not registered with the FMCSA. In fact, we found no record of a business license for Light Weight Recyclers through Washington's Department of Licensing. We did find business license information for J-Man Trucking, listing Mr. Calder and Mr. Gellatly as



Light Weight Recyclers Staff Investigation

David Gellatly and Ron Calder
September 18, 2008
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governing people. J-Man Trucking also does not have a common carrier permit from the commission and is not registered with the FMCSA.

As our staff informed Mr. Gellatly in 2007, if a company transports property for hire between points within Washington State, it must obtain a common carrier permit from the commission. If a company transports property for hire between countries (i.e., between the US and Canada), it must be registered with the FMCSA. If a company offers recycling pick up services in Washington, it must be registered with the Washington Department of Ecology. If a company hauls solid waste, it must obtain authority from the commission to do so. Even if a company operates out of Canada, it must obtain the required licenses and permits to operate in Washington State.

We are aware that on August 26, 2008, Mr. Gellatly filed for a certificate to operate as a solid waste collection company in Point Roberts. The commission will consider that filing in due course.

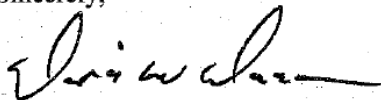
Please respond in writing by October 2, 2008, with the following information:

1. Describe the services you are providing in Point Roberts.
2. Provide the name(s) of the company under which you are providing these services.
3. Provide a list of locations/facilities where your company (or companies) currently hauls material for disposal and/or recycling, including the name and address of each location/facility.
4. Describe whether or not you believe you have the appropriate licenses and permits to provide service as described above. Please include all current license and permit numbers.
5. If you do not currently have the correct licenses and permits, please advise of the date by which you will apply to the appropriate federal and/or state agencies.

If you fail to respond to this request, the commission will consider appropriate regulatory action.

Please direct the response to Betty Young, Compliance Specialist, Transportation Safety, at the address listed above. Ms. Young can be reached at 360-664-1202, or by e-mail at byoung@utc.wa.gov.

Sincerely,



David W. Danner
Executive Director

Appendix E

October 13, 2008

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S.W.,
PO Box 47250
Olympia, WA 98504-7250

Attention: Ms. Betty Young, Compliance Specialist, Transportation Safety

Dear Ms. Young:

We are in receipt of David W. Danner's letter of September 18th, 2008 and confirm and thank you for granting us an extension to respond prior to October 16th, 2008.

While some of the content of that letter is factual, some of the information contained therein is hearsay, and as such is not accurate. We are prepared to provide information regarding these matters but we will outline the inaccuracies of the information and respond in kind.

In reference to the allegations that Mr. Calder was doing business as Light Weight Recyclers, that is incorrect. In reference to the allegation that Mr. Calder admitted to hauling construction materials as well as recycling is also incorrect. Mr. Calder admitted that he was responsible for the pit and that those materials would be removed. Mr. Calder also made it clear that in order for anyone to lodge a complaint regarding these matters, would themselves be guilty of trespass. Additionally, Mr. Calder owns a trailer that was parked on the property. That trailer had been broken into, and Mr. Sullivan of the health department had taken information from items stored in that trailer. Mr. Sullivan indicated that he had not broken into that trailer. That can only mean that the complainant, Mr. Arthur Wilkowski must have been the trespasser that broke into Mr. Calder's trailer. Further to this, Mr. Sullivan did contact Mr. Wilkowski who admitted to having dumped in the gravel pit. The only way he could have accessed the gravel pit would have been by using the county's key which had been entrusted to the county roads department by Jason McDougall, the owner. The only other key was in Mr. Calder's possession.

For the commission's interest and information, Mr. Calder's agreement with Jason McDougall was to insure that the pit was cleaned up. The pit has long been used by residents of Point Roberts as their dumping ground. Last year, Mr. Calder, who is a long time operator of heavy equipment arranged for a large crawler so that he could clean up the pit and move various different types of debris in to locations where it could be easily removed and disposed of. Much of the material included old vehicle parts trailer parts and other metal such as appliances. While doing this Mr. Calder thought that he might be able to assist the Food Bank by accepting recyclable metal based on donations to the Food Bank.

Light Weight Recyclers Staff Investigation

He spread the word and soon we had many people asking where they could take the old washers and dryers stoves and dishwashers. For a donation to the Food Bank he allowed them to take these items into the pit and dump them on the pile of scrap metal. The result was that the Food Bank has benefitted in cash donations to help supply needy families in Point Roberts.

Light Weight Recyclers is the DBA for a Canadian company known as R & D Tidy Bins. Mr. Calder has been driving their truck and removing recyclable construction debris from locations in Point Roberts and delivering them to Urban Woodwaste Recyclers which is located in Vancouver, British Columbia. A few months ago, Mr. Calder underwent hernia surgery which precluded him from driving for a few weeks. During that period of time another gentleman was engaged to drive the truck. This fellow was provided with the key to the pit in order to receive some scrap metal from an individual who was making a donation to the Food Bank. Apparently we have since found that this gentleman took it upon himself to unload a large shipment of recyclable debris at the pit rather than taking it in to Vancouver. This error in judgment is the reason that the material outlined by the health department ended up at the pit. This is not the way in which operations have been conducted in past nor is it an indication of future operations. Mr. Calder admitted responsibility for the pit and undertook to have the materials removed and disposed of the same materials at Urban Woodwaste Recyclers, which is where they should have gone in the first place.

All of the scrap metal was also removed from the site and trucked by Galbraith Trucking of Vancouver. All of this scrap was delivered to either AMIX or Scott Road Trading Ltd of Surrey BC.

The pit has been dumped in illegally now for some time. The county is guilty of dumping ditch scrapings and road side debris, all of which can be considered solid waste, there for untold number of years, and the local garbage hauler has also admitted to dumping concrete and driftwood and who knows what else. The only people who have been accountable so far would be us, and we have actually cleaned the pit up! When are the others going to step up and help Mr. McDougall? We anticipate silence on this matter.

Mr. Danner's letter references J Man Trucking. J Man Trucking is also a Canadian company which operates in British Columbia and Point Roberts, and is registered in Washington State as well. J Man operates a dump truck which delivers aggregate and soil to Point Roberts from Delta, Surrey, Vancouver and Richmond British Columbia. It is registered with the Ministry of Transport and maintains a good standing with the National Safety Code. It has long been our understanding that deliveries in to the area considered the Port of Entry do not require Federal Authority. In Blaine, the Port of Entry includes the city limits of Blaine. Given that there is no point in Point Roberts that exceeds 1.5 miles from the border station, we are of the understanding that those authorities are not required.

If we are misunderstanding the matter of Federal Authority, then we can and will reinstate Mr. Calder's **US Dot number 826699** and his **MC 366752**.

Light Weight Recyclers Staff Investigation

Given that we are going to be negotiating with the principals of R & D Tidy Bins with a view to either partnership or outright acquisition, then the above numbers would also be assigned to those operations.

It is not currently our desire to transport property for hire between points in Washington State, but that may change in the future, in which case, we will apply for the appropriate permits to conduct our business as regulations allow.

Should you require further information or if we have been in any way unclear, please do not hesitate to contact us at your earliest convenience so that we may address your concerns.

In closing, we wish to express our appreciation to the Executive Director of the WUTC for taking such a personal interest in Point Roberts matters.

Sincerely,

On behalf of Mr. Calder and Mr. Gellatly,

Appendix F

From: David Gellatly [david@kordlyn.com]
Sent: Monday, December 01, 2008 8:42 AM
To: Young, Betty (UTC)
Subject: RE: Please Read and Respond ASAP

Dear Ms. Young

Please be advised that in the letter which was sent to your attention regarding the subject matter, it was clearly outlined that R & D Tidy Bins was a Canadian company and was not registered in the State of Washington. Furthermore, It was also outlined that we were in the process of negotiating the purchase of this company.

As of this past weekend we have completed our negotiations, and will be acquiring this company's operations, which are in Canada. Once we have finalized the transaction, we will be registering the new LLC in British Columbia and will also file a Foreign Limited Liability Company Registration with the Secretary of State of Washington. It is anticipated that all matters should be complete for the beginning of 2009.

At that time we will provide your offices with all of the pertinent details if you so wish.

Thank you,

David Gellatly

From: Young, Betty (UTC) [mailto:BYoung@utc.wa.gov]
Sent: Monday, December 01, 2008 8:07 AM
To: David Gellatly
Subject: FW: Please Read and Respond ASAP
Importance: High

Mr. Gellatly – Please provide the information requested below by Wednesday, December 3.

Betty Young
Compliance Specialist
Transportation Safety
Washington Utilities and Transportation Commission
Phone: 360-664-1202
Fax: 360-586-1172

From: Young, Betty (UTC)
Sent: Monday, November 24, 2008 9:19 AM
To: 'David Gellatly'
Subject: RE: Letter from David Danner
Importance: High

Mr. Gellatly –

Light Weight Recyclers Staff Investigation

I'm still in the process of looking into this matter and need some additional information. I have been unable to locate any sort of company information or business license registration in Washington for Light Weight Recyclers which you stated is a DBA for R&D Tidy Bins.

Please provide the following as soon as possible:

- Contact information for R&D Tidy Bins d/b/a Light Weight Recyclers including company owner's name, address, phone number, and website address, if any.
- UBI # for R&D Tidy Bins d/b/a Light Weight Recyclers

Thank you.

Betty Young
Compliance Specialist
Transportation Safety
Washington Utilities and Transportation Commission
Phone: 360-664-1202
Fax: 360-586-1172

Appendix G

From: roger.kraft@dot.gov
Sent: Friday, October 17, 2008 10:15 AM
To: Young, Betty (UTC)
Subject: RE: Our phone conversation

All motor carriers operating in interstate commerce (crossing state lines or international borders into or out of the U.S. or transporting interstate freight) are required to register with FMCSA for a US DOT number, this number signifies that the motor carrier is subject to the Federal Motor Carrier Safety Regulations. This is not operating authority it is simply a registration for a number through which the FMCSA can monitor safe operations.

All motor carriers with DOT numbers operating in interstate commerce are subject to the UCR requirements.

Operating authority is required for motor carriers hauling commodities "for hire", transporting property in interstate commerce for others. There are some commercial zone exceptions for this authority which are often misunderstood and which I believe the Calder/Gallaty letter you attached makes reference

Mr. Calder has a valid DOT number under Triple K Trucking however his operating authority has been inactivated for lack of insurance.

I could find no DOT numbers for any of the other motor carriers referenced in you email or attached letters.

Roger Kraft, State Programs Mgr.
FMCSA
Washington Division
360-753-9429
Fax 360-753-9024

From: Young, Betty (UTC) [mailto:BYoung@utc.wa.gov]
Sent: Friday, October 17, 2008 8:19 AM
To: Kraft, Roger <FMCSA>
Subject: Our phone conversation

Hi Roger – thanks for taking a look at this. Attached are the following documents:

1. A copy of a Sept. 18 letter from the UTC to Mr. Gellatly and Mr. Calder regarding the hauling of materials in Pt. Roberts.
2. A copy of the Oct. 13 response from Mr. Gellatly.

Our stated position in our letter is that if a company transports property for hire between points within Washington, it must obtain a common carrier permit from the UTC. Also, if a company transports property for hire between countries, it must be registered with the FMCSA. As I mentioned to you on the phone, we are trying to verify what Mr. Gellatly says in this portion of his response:

Light Weight Recyclers Staff Investigation

Mr. Danner's letter references J Man Trucking. J Man Trucking is also a Canadian company which operates in British Columbia and Point Roberts, and is registered in Washington State as well. J Man operates a dump truck which delivers aggregate and soil to Point Roberts from Delta, Surrey, Vancouver and Richmond British Columbia. It is registered with the Ministry of Transport and maintains a good standing with the National Safety Code. It has long been our understanding that deliveries in to the area considered the Port of Entry do not require Federal Authority. In Blaine, the Port of Entry includes the city limits of Blaine. Given that there is no point in Point Roberts that exceeds 1.5 miles from the border station, we are of the understanding that those authorities are not required.

To clarify, J Man Trucking has a UBI number in Washington, but no common carrier permit or UCR registration. The other company referenced in the letter (Light Weight Recyclers d/b/a R&D Tidy Bins) has no UBI number in Washington, no common carrier permit and no UCR registration.

I look forward to talking with you about this.

Betty Young
Compliance Specialist
Transportation Safety
Washington Utilities and Transportation Commission
Phone: 360-664-1202
Fax: 360-586-1172

Appendix H



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

September 24, 2008

Ron Calder and David Gellatly
Lite Weight Recyclers
PO Box 1314
Point Roberts, WA 98281-1314

CERTIFIED MAIL 7005 1820 0000 6707 8100

RE: Recyclable Materials Transporter Registration

Dear Mr. Calder and Mr. Gellatly,

The Washington Department of Ecology (Ecology) has received information that your company, Lite Weight Recyclers, is collecting recyclables in the Point Roberts area of Whatcom County.

In 2005, the legislature passed into law the requirement that all commercial transporters of recyclable material must register with Ecology. A "transporter" means anyone who is paid to transport recyclable material from commercial or industrial sources over the public highways of this state, and who is required to have a common carrier's permit from the Washington Utilities and Transportation Commission to operate.

Transporters do not include:

- 1) Carriers of recyclable materials that they own or are buying or selling, and carrying in their own vehicle, as long as this activity is only incidental to their primary business.
- 2) Entities or persons hauling their own recyclables, or recyclables they purchased, in their own vehicles.
- 3) Nonprofit or charitable organizations collecting and transporting recyclable materials from a buyback center, a drop box, or a commercial or industrial source of recyclable materials.
- 4) City municipal solid waste departments or city solid waste contractors.
- 5) Common carriers whose primary business is not the transport of recyclable materials.

If you are defined as a transporter under the law, please fill out and return the enclosed registration form within 30 calendar days of the receipt of this letter, or complete it online at <http://www.ecy.wa.gov/programs/swfa/transporter>. If you do not believe this registration requirement applies to you, please send a letter within 30 calendar days of the receipt of this letter to the department explaining why this requirement does not apply.



Light Weight Recyclers Staff Investigation

Ron Calder
David Gellatly
September 24, 2008
Page 2

If you have not registered as a transporter of recyclable material or we have not received correspondence from you explaining why this requirement does not apply, Ecology will begin enforcement action to bring you into compliance.

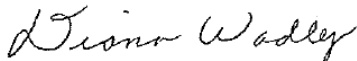
The goal of this compliance effort is to ensure that those who transport recyclable material are registered and operating in a manner consistent with the law.

Thank you for your cooperation in this matter.

If you have any questions regarding transporter registration, please contact Randy Martin, Environmental Planner, at (360) 407-6136 or rama461@ecy.wa.gov.

Any questions about this letter should be directed to me at (425) 649-7056 or dwad461@ecy.wa.gov.

Sincerely,



Diana Wadley

Regional Planner and Grant Officer
Washington State Department of Ecology
Northwest Regional Office
Solid Waste and Financial Assistance Program
(425) 649-7056, dwad461@ecy.wa.gov

cc: Peter Christiansen, Section Supervisor, Ecology
Randy Martin, Environmental Planner, Ecology
Charles Sullivan, Environmental Health Specialist, Whatcom County Health Department
Dave Pratt, Washington Utilities and Transportation Commission
Ken Chapman, Washington Utilities and Transportation Commission

Enclosure: Transporter of Recyclable Materials Registration form

Appendix I

October 13, 2008

Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Attention: Diana Wadley, Regional Planner and Grant Officer

Re: Recyclable Materials Transporter Registration

Dear Ms. Wadley:

We are in receipt of your correspondence dated September 24, 2008. We are also in receipt of the Washington State Utilities and Transportation's Executive Directors letter of September 18, 2008. I believe that the response which we have sent to the Executive Director's letter will be of interest to you. Although we have not indicated a cc to your offices, I will inform them of my doing so by email, as we believe that the content of that letter will clarify our position and assist you in making any determination regarding what further information we will be required to supply you.

It is not our intention to be out of compliance with your department or any other for that matter. It is our desire to insure that we are operating in a manner consistent with the law, and we would hope that all operations maintain the same level of compliance in all aspects of their businesses.

As you are no doubt aware, Mr. Gellatly has made application to the WUTC to be certified for the purpose of supplying source separated curbside recycling in Point Roberts. This application has been made by Freedom 2000 LLC which is wholly owned by Mr. Gellatly and is duly registered with the State. Should that application be approved it is anticipated that his company will also enter into commercial recycling in Point Roberts. Neither of these services is currently available to the community of Point Roberts.

Please do not hesitate to contact us should you have any further questions or require additional information.

Sincerely,

On behalf of Mr. Calder and Mr. Gellatly

Light Weight Recyclers Staff Investigation

Appendix J

From: Wadley, Diana (ECY)
Sent: Friday, October 24, 2008 4:35 PM
To: 'David Gellatly'
Cc: Christiansen, Peter (ECY); Martin, Randy (ECY); 'plempere@co.whatcom.wa.us'; 'Charles Sullivan'; Pratt, David (UTC)
Subject: RE: Recyclable Materials Transporter Registration, second notice

October 24, 2008

Ron Calder and David Gellatly
Light Weight Recyclers
PO Box 1314
Point Roberts, WA 98281-1314

RE: Recyclable Materials Transporter Registration

Dear Mr. Calder and Mr. Gellatly,

We are in receipt of your letter dated October 13 in response to our letter dated September 24 regarding recyclable materials transporter registration. Thank you for also supplying your letter dated October 13 to the Washington Utilities and Transportation Commission (WUTC). Please note that submittal of these letters does not preclude the need to register with the Department of Ecology as a transporter of recyclables, if that term applies to you.

Light Weight Recyclers Staff Investigation

“transporter of recyclables” is anyone who is paid to transport recyclable material from commercial or industrial sources over the public highways of this state, and who is required to have a common carrier’s permit from the WUTC to operate. The Department of Ecology has reason to believe that this term applies to you and/or your business(es).

Our understanding of WUTC requirements is that if an entity as described above is transporting items from one point in Washington State to another within Washington State, the transporter would need to get a common carrier permit (and any other applicable licenses). In fact, a common carrier, contract carrier, or temporary carrier is not allowed to transport property for compensation without first obtaining a permit from the WUTC for such operation (per RCW 81.80.070).

If, however, a transporter ONLY transports from a point in Washington to a point outside of Washington and never makes any stops in Washington, that transporter does not need a common carrier permit. However, all motor carriers operating in interstate commerce (crossing state lines or international borders into or out of the U.S. or transporting interstate freight) are required to register with Federal Motor Carrier Safety Administration for a US DOT number and are subject to the Federal Motor Carrier Safety Regulations. The Department of Ecology urges you to contact the WUTC to ensure you have obtained the proper permits, licenses, etc. for conducting your business(es). The Licensing department of the WUTC may be reached via transinfo@utc.wa.gov or 360-664-1222.

Regardless of past or pending decisions by the WUTC, if your activities designate you as a “transporter of recyclables” per the Department of Ecology’s definition, you need to fill out the attached registration form and submit it to Margo Thompson. Alternatively, you may complete this registration form online at <http://www.ecy.wa.gov/programs/swfa/transporter/instructions.html>.

Please complete the form within 14 calendar days, or submit an explanation of how the recycling activities of yourselves or the entities for which you work would not require registration.

If you have any questions regarding transporter registration, please contact Randy Martin, Environmental Planner, at (360) 407-6136 or rama461@ecy.wa.gov.

Any questions about this letter should be directed to me at (425) 649-7056 or dwad461@ecy.wa.gov, or my supervisor, Peter Christiansen at (425) 649-7076 or pchr461@ecy.wa.gov.

We appreciate your attention to this matter.

Sincerely,

Diana Wadley

Regional Planner and Grant Officer
Washington State Department of Ecology
Northwest Regional Office
Solid Waste and Financial Assistance Program
3190 160th Ave SE
Bellevue, WA 98008
(425) 649-7056, dwad461@ecy.wa.gov

cc: Peter Christiansen, Section Supervisor, Ecology
Randy Martin, Environmental Planner, Ecology
Penni Lempere, Solid Waste Specialist, Whatcom County Solid Waste Division
Charles Sullivan, Environmental Health Specialist, Whatcom County Health Department
Dave Pratt, Washington Utilities and Transportation Commission

Appendix K

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WESTERN

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THE S

Burn After Reading ***
(Rated R)

It's obvious that the directing team of *The Cohen Brothers* (Fargo, *The Big Lebowski*) needed a well-earned comedy respite after their Oscar fare *No Country For Old Men*, because they delivered one heck of a knee-slapper in their latest cautionary tale *Burn After Reading*. One can only suspect that the inspiration for this mother of a comedies was Abbott and Costello's convoluted storyline (don't try to follow it too closely, just enjoy the ride) resembles the classic duo's *Who's On First* routine.

The hilarious saga revolves around a disc found in a locker-room by a rat Chad Feldheimer (Brad Pitt) who wouldn't be surprising if Pitt were nominated for his side-splitting portrayal of Chad - a loveable toad who squeezes water from his mouth.

The disc turns out to be a tape of a disgruntled CIA agent Osbourne, painstakingly portrayed by Jovovich. Chad and fellow employee Litzke (Frances McDormand) make some coin by selling the tape to the Russians - mainly so Litzke can have her numerous plastic surgeries to have. "This body has taken a lot of it can go," she states to her doctor.

Add to this mix a convoluted plot involving internet dating and a meddling bureaucrat named Harry (sounds like a sneeze). Harry is played to perfection by Cohen darling George Clooney who has a penchant for making each mindless sexual encounter in this, plus the fact that every movie is an idiot, into a blender you get the point.

The exchange at the end of the movie between the CIA boss and his assistant certainly sums up the whole shebang and ties it in a bow. It goes like this: "What did we learned here? Not to do it again, can you figure out what we just did?"

Fall Movie Preview
Now that the summer blockbuster season has waned - think *The Dar*

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