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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 WASTE
MANAGEMENT DISPOSAL
SERVICES OF OREGON, INC.

I. RESPONDENTS' INFORMATION

1.1 COMES NOW Waste Management Disposal Services of Oregon, Inc. ("WM"),
18177 Cedar Springs Lane, Arlington OR 97812, a Delaware 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 WM 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 WM 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 WM
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 WM specifically denies that the Commission has jurisdiction over WCI’s Complaint
19 or over Respondents’ activities at the Evergreen Aluminum facility.

20 3.4 In answer to Paragraph 4 of WCI’s Complaint, Respondent WM 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 WM specifically denies that it has been engaged in any activity that violates RCW
26 81.77.040; and Respondent WM lacks sufficient knowledge or information on which to base a
27 conclusion regarding other respondents and therefore denies those allegations also.

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 & 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 3rd day of July, 2007.



Leslie D. Teves