

July 2008

# Point Recycling and Refuse

Dear Customer,

This is an update on issues with the County about curbside recycling and some changes we are forced to make.

Whatcom County insists that we restart the curbside recycling collection and cancel the free self-haul recycling. The County has requested that the WUTC revoke our garbage certificate for not obeying them. The curbside recycling program has always been a failure with only 17% of the households using it. It didn't meet recycling goals and could not financially support itself.

On June 26<sup>th</sup>, the Commission had a hearing to determine if the Company could remove curbside recycling from our Tariff. The Commission decided that the County's complaint required the issue go to hearing before a law judge. Despite no significant desire from the citizens of Point Roberts for curbside recycling, the County insists that canceling the Company's certificate is the only option.

At some time, (the date isn't set yet), there will be a hearing before a judge. I see a strong possibility that the Judge will side with the County and revoke the Company's certificate. Now we are in a hostile legal situation; there is no more discussion, mediation or debate, just the strict interpretation of the law regardless of the impact on this community. Without the County suspending their complaint and opening a dialog with the Company and this community, the process will proceed to an inevitable negative conclusion.

## What would happen then?

The Company would be required to stop operations immediately after the hearing. No further residential pickup. We would be forced to dump and pull all commercial containers the next day. If we continued to operate we would face additional fines and legal actions.

We could still operate the transfer station for a few months. We lease the station from the County who sets the station hours, services and rates. This lease is scheduled to be automatically renewed in October. However, because of the County's obviously hostile attitude, I do not believe the lease would be renewed and we would be forced to vacate the site and remove all of our improvements.

Potentially, sometime in August or September there could be no garbage collection company and in November there could be no operating transfer station.

## Can the County do this?

Just as the County has the power to create and support a sustainable solid waste and recycling system that meets your needs, they also have the power to destroy it.

## Will there be another garbage company?

Point Roberts is too small, isolated and complicated to be served by a mainland company because the economics do not work, especially since the County will not provide any support to this system. There could possibly never be garbage collection here again.

## Why is the County doing this?

Honestly, I don't know why. My job is to serve this community and build the solid waste and recycling system you need, now and into the future. I have done so. All I have ever asked the County is for them to do their job; give me a sustainable and practical system design and support me in my service to you. Every garbage company in Point Roberts has failed because the County just refuses to participate. Since the curbside recycling program was cancelled in January, nobody from the County has called to discuss the issue. The County has refused to meet with me, denied putting the issue on their Advisory Committee agenda and declined to come to Point Roberts. There is no rational basis for their demands or actions. Free self-haul recycling works; more people are recycling now than ever before. The County simply does not care about Point Roberts. You all know that Point Roberts is too small to get County attention on anything. This County apathy is how we got to this point, and also why the process will continue until the system is destroyed.

Exhibit 11

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The Company is now in a position where our future is uncertain. In a few months, the Company could cease to exist, the end of nine years effort. Jay, Mike and I have worked hard to build this system and regret this course of events. However, we could soon be unemployed, and must look to our futures and how we will provide for our families.

We have always taken the view, that as a utility, we serve the community. The Company provides many charitable community services in order to fulfill environmental goals and community needs. We can not do this any longer. We must cut costs and prepare for the dismantling and end of this system. We must also strictly adhere to our Transfer Station Lease Agreement in the long-shot hope of a renewal.

Against our desires, we are forced to make the following changes effective July 21<sup>st</sup>.

Transfer Station Hours: We are required to operate the transfer station two days per week. The Station will be open only Saturday and Sunday from 12:00 to 4:00.

Free Recycling: We provide free recycling at our cost in violation of County rules. We are forced to charge 5 cents per pound for recycling. I encourage everyone to continue recycling.

Yard-waste Recycling: Yard-waste Recycling is based on stockpiling enough material to cover the cost of processing. Since we cannot guarantee we will be here past October, we must cancel this program. We will accept yard-waste as garbage at the garbage rate.

Used Oil and Batteries: We have taken these materials as a community service exceeding our Station Agreement. We cannot continue to accept these items. Please call 360-676-7695 for your disposal needs.

Litter Cleanup: We have facilitated litter collection and accepted disposal at our cost as a community service. Litter is the responsibility of the County. Please call 360-676-7695 with your litter problems.

We apologize for any inconvenience these actions may cause you, however the situation is beyond our control.

What can you do?

The problem is not just the curbside recycling. This system is dying; the commercial customer base shrinks every year, zero growth in residential customers for 8 years, ever growing illegal poaching by sham recyclers and the Marina has pulled out of the system because so many households were dumping garbage on them. The County withdrawing their complaint is not a solution to the actual problems. The County, the WUTC and everyone in this community needs to get on board and support this utility and maybe there is a chance of it surviving.

We need:

1. Self-haul recycling not curbside.
2. Full universal service; putting every household on service will stabilize rates and stop the dumping on commercial businesses, so then maybe the Marina will come back into the system.
3. Enforcement of litter, dumping and burning laws.
4. Enforcement against the illegal sham recyclers that are making everyone else pay more for garbage. This is a regulated utility, actually a co-op to benefit everyone. When people undermine the utility, all the other people in this community pay the price.
5. County understanding that the Transfer Station and the Garbage Company cannot survive without each other, and together they do more for the community as a combined regulated utility.
6. Above all, the full participation and commitment from the County and the WUTC to create a sustainable system that meets your needs.

Everyone needs to contact all the following people and continue contacting them until these issues are resolved.

Pete Kremen, County Executive Suite 108, 311 Grand Avenue, Bellingham, WA 98225 <a href="mailto:pkremen@co.whatcom.wa.us">pkremen@co.whatcom.wa.us</a> 360-676-6717	Carl Weimer, County Council Suite 105, 311 Grand Avenue, Bellingham, WA 98225 <a href="mailto:council@co.whatcom.wa.us">council@co.whatcom.wa.us</a> 360-676-6690	Peter Christiansen, Ecology 3190 160 <sup>th</sup> Ave. S.E. Bellevue, WA 98008-5452 <a href="mailto:Pchr461@ecy.wa.gov">Pchr461@ecy.wa.gov</a> 425-649-7000
Dave Danner, WUTC PO Box 47250 Olympia, WA 98504-7250 <a href="mailto:DDanner@wutc.wa.gov">DDanner@wutc.wa.gov</a> 360-664-1160	Rep. Doug Ericksen 360-786-7980 <a href="mailto:ericksen.doug@leg.wa.gov">ericksen.doug@leg.wa.gov</a>	Rep Kelli Linville 360-738-6177 <a href="mailto:Linville.kelli@leg.wa.gov">Linville.kelli@leg.wa.gov</a>