

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC.

Respondent.

DOCKET TG-210689

KITSAP COUNTY'S PETITION TO
INTERVENE

1. Pursuant to WAC 480-07-355, Kitsap County submits this timely Petition to Intervene in the above proceeding against Waste Management of Washington, Inc. in Docket TG-210689. As shown below, Kitsap County has a direct and substantial public interest in the proceeding and will be affected by any Commission decision therein. Thus, Kitsap County respectfully requests permission to intervene and participate with all the procedural and substantive rights associated with full party status, as described in WAC 480-07-340, including in any settlement discussions.

2. **Petitioner.** Kitsap County is a municipal corporation, having its principal offices at 614 Division Street, Port Orchard, Washington, 98366.

3. **Petitioner's Interest.** Kitsap County has an interest in the subject proceeding for

1 several reasons.

2 a. Waste Management operates in unincorporated Kitsap County through
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Tariff No. 20. Tariff No. 20 has been violated by Waste Management’s repeated failure
to collect yard waste and recycling as required in Item 100 of Tariff 20.

b. Kitsap County has regulatory jurisdiction over unincorporated areas of the
county and Kitsap County’s citizens have been negatively impacted. They not only have
to find a way to store the recycling and yard waste and set it out in acceptable containers
for later collection when bins are already full, but, with few exceptions, they also
continue to pay for the collections not received.

c. The local ordinance that sets forth the every-other-week collection
schedule is found in Kitsap County Code chapter 9.48, specifically at KCC 9.48.040.¹
Item 100 in Tariff No. 20 references Ord. 453-2010, but this has been codified into
chapter 9.48 KCC and updated by Ord. 589-2020 and Ord. 597-2021. The every-other-
week collection schedule, however, has remained the same for over a decade. For
recycling, the schedule is set forth in KCC 9.48.040(1)(D) and (2)(C), which states in
part: “The recyclable material specified in the current Kitsap County Solid and
Hazardous Waste Management Plan must be collected at least every other week.” For
yard waste, the schedule is set forth in KCC 9.48.040(3)(D), which states in part:
“Compostable organics will be collected at least every other week on the same day as
garbage collection service...”

d. Kitsap County has received and continues to receive numerous complaints

¹ Chapter 9.48 of Kitsap County Code can be found at
<https://www.codepublishing.com/WA/KitsapCounty/#!/Kitsap09/Kitsap0948.html#9.48.050> (last accessed 12/6/21).

1 about Waste Management's ongoing missed collections and violations of Kitsap County
2 Code and Tariff No. 20 over and above the three weeks mentioned in the Complaint.
3 Kitsap County can bring additional evidence to the proceeding that may be unavailable to
4 the current parties.
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6 e. A settlement of this matter could impact the terms of Tariff No. 20 which,
7 in turn, will impact service within Kitsap County. Kitsap County has been impacted by
8 past settlements and can bring valuable input to creating a settlement that satisfies the
9 interests of all parties as well as furthers the health, safety, and welfare of Kitsap County
10 citizens.
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12 4. **Petitioner's Position.** Kitsap County agrees with the Complaint that Waste
13 Management has missed numerous collections for both recycling and yard waste in violation of
14 KCC 9.48.040 and Tariff 20. In addition to the three weeks in July and August identified in the
15 Complaint, Kitsap County can provide evidence of additional missed collections at least one or
16 more times for each week in September, October, and November, and now into December. This
17 comes from direct customer complaints² as well as communication with Waste Management and
18 the local Waste Management website. While the County is sympathetic to the difficulty of
19 retaining or obtaining drivers, Waste Management has missed collections for almost six months
20 now. This is unacceptable. The burden of having waste accumulate for lack of service should not
21 be on the backs of Kitsap County citizens who faithfully pay for this service.
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23 5. Based on this evidence, additional penalties or conditions are warranted. Such
24 must be set to ensure that Waste Management recognizes that its violations have serious impacts
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28 ² Between August 26 and December 3, the County received 146 entries into an online tracking form regarding the missed collections. The form is available at <https://www.cognitofrms.com/KitsapCounty1/MissedWasteCollectionsServiceInterruptions>. (last accessed 12/6/21).

