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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of
JAMMIE’S ENVIRONMENTAL, INC.,
For Authority to Operate as a Solid Waste
collection company in Washington

DOCKET TG-220243

BASIN DISPOSAL, INC.

DOCKET TG-220215

Complainant,

v.

JAMMIE’S ENVIRONMENTAL, INC.

Respondent

PROTESTANT BASIN DISPOSAL, INC.’S

RESPONSE TESTIMONY OF ANDY FOXX

OCTOBER 14, 2022

PROTESTANT’S RESPONSE TESTIMONY OF ANDY
FOXX - i

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1
2 **I. IDENTIFICATION OF WITNESS**

3 **Q. Please state your name, business address and role at Basin Disposal, Inc.**

4 A. My name is Andy Foxx and I am a Route Manager for Basin Disposal, Inc. (“BDI” or
5 Basin Disposal”). My business address is 2021 N. Commercial Ave, Pasco, Washington
6 99031.

7 **II. INTRODUCTION**

8 **Q. Please provide a brief description of your background and experience working with
9 Basin Disposal and in the solid waste industry?**

10 A. I have been working in the solid waste industry for over 25 years, getting my start as a
11 driver for Waste Management. Since I was promoted to Route Manager for Waste
12 Management’s affiliate in Washington state in 2001, I have worked for a number of solid
13 waste collection companies in management position. My experience includes working as
14 an Operations Supervisor for Waste Connections in South Carolina and Virginia, and I
15 have now been working as the Route Manager for BDI since 2020. Throughout my
16 career I have worked with commercial and industrial solid waste generators to help
17 determine their solid waste collection needs and to provide the equipment, scheduled
18 routes, and drivers needed to provide timely and efficient service based upon the
19 customer’s service needs.

20 **III. PURPOSE OF TESTIMONY**

21 **Q. What is the purpose of your testimony in these consolidated proceedings?**

22 A. I am testifying in response to Jammie Scott and Owen Scott and in support of Basin
23 Disposal to demonstrate to the Commission that Basin Disposal provided satisfactory
24 solid waste collection service to Packaging Corporation of America (“PCA”) at its paper
25 mill near Wallula, Washington.

IV. SOLID WASTE COLLECTION SERVICES AT PCA

1
2 **Q. I would like to ask you some questions regarding Basin’s service for the collection**
3 **and transportation of OCC Rejects for disposal from PCA’s paper mill. First,**
4 **Jammie Scott described Basin’s service in her pre-filed testimony on p. 10, lines 13**
5 **through 18. Do you agree with her description of Basin’s service?**

6 A. Generally, yes, but I take issue with her suggestion that Basin was the party who
7 determined the approach to use for disposing of PCA’s OCC Rejects.

8 **Q. Which party determined how Basin would provide service?**

9 A. PCA did. As Charlie Dietrich discussed in his initial testimony, PCA reached out to
10 Basin Disposal in 2020 to inquire about obtaining solid waste collection service for its
11 OCC Rejects. Based on PCA’s plans, BDI then provided the drop boxes that PCA
12 requested. PCA requested BDI’s input for alternatives on February 19, 2021, just days
13 before service was to commence, but it decided to stick with drop boxes initially.

14 **Q. Ms. Scott also testified regarding the reasons she believes that BDI could not “keep**
15 **up with the OCC Rejects waste stream.” Exh. JDS-1T, p. 11: 1 – p. 12: 4. Do you**
16 **take issue with any of her assessments?**

17 A. Yes. Ms. Scott appears to have a fundamental misunderstanding of what occurred.
18 Starting with the very first day that PCA started generating OCC Rejects, it loaded them
19 wet into the drop boxes it requested from BDI. Those containers could not be hauled due
20 to the high liquid content. Ms. Scott blames BDI for using drop boxes, but that is the
21 service that PCA requested. The water content of the containers meant that BDI could
22 not haul them until they were dry. She later acknowledged the water content in her
23 testimony, but blames BDI for actions that were actually attributable to PCA.

24 **Q. Was Basin able to provide sufficient number of drivers and vehicles to haul PCA’s**
25 **containers as PCA requested them?**

1 A. Yes. In fact, PCA initially advised me that it planned need just four to six hauls per day,
2 but when the demand warranted it, BDI provided 8 hauls per day.

3 **Q. Had BDI provided service differently by using other equipment, would it have**
4 **mitigated or eliminated the issues with wet OCC Rejects?**

5 A. First, that assumes we would be permitted to simply override PCA's request for drop
6 boxes because we disagreed with it. As a regulated solid waste hauler and a common
7 carrier, we are bound by the UTC's rules, including those included in our tariff. PCA
8 requested drop box service, and that is what we provided pursuant to BDI's tariff. But in
9 in a hypothetical situation where BDI would be permitted to select the container or
10 equipment used to collect and haul PCA's OCC Rejects, it would only have made a
11 difference if PCA had first taken steps to dry its OCC Rejects.

12 **Q. As a service provider, is it Basin Disposal's obligation to ensure its customers**
13 **properly load your containers properly?**

14 A. If we are requested to provide a loading service, we would indeed take steps to ensure
15 that the materials are handled properly when they are loaded into our container or trailer.
16 But at that time, PCA had not requested that BDI load its OCC Rejects.

17 **Q. Did you undertake efforts to educate PCA regarding the reasons that BDI could not**
18 **haul wet OCC Rejects?**

19 A. Yes, starting on March 5, 2021, just after we commenced service at PCA, I called Kasey
20 Markland at PCA to discuss the issue and advised her that PCA would need to find a way
21 to reduce the water in our drop boxes. This was a repeated topic of conversation that I
22 addressed with Kasey and also Skyler Rachford after that, because PCA's waste stream
23 continued to have a high water content for quite some time.

24 **Q. What was PCA's response to you regarding the water content of its OCC Rejects?**
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1 A. I was advised that PCA was going to work on an internal process to remove water from
2 the material.

3 **Q. Did PCA request that Basin assist with removing water from its OCC Rejects?**

4 A. No. Although I understand we offered solutions to PCA, including the idea that a bunker
5 could be built to dry the waste and that it could then be loaded dry into drop boxes or
6 trailers, PCA never agreed to have Basin assist with resolving its moisture issues.

7 **Q. Were there any other factors that limited BDI's ability to move PCA's waste at the
8 same rate it was being generated?**

9 A. Yes. One additional problem was that once we provided additional drop boxes, bringing
10 the total to around 21, there was no additional room at PCA for more containers.

11 **Q. How did that limit the removal of OCC Rejects from PCA?**

12 A. As Charlie Dietrich addressed in his initial testimony, loaded drop boxes often took a day
13 and sometimes longer to dry out enough that we could haul them. This meant we could
14 often only haul containers that had been sitting since the day before. If PCA generated
15 waste at a rate faster than it could be dried by sitting in a drop box, inevitably the lack of
16 additional space for drop boxes created a bottleneck to the removal process.

17 **Q. Were there other issues that hampered BDI's ability to dispose of PCA's OCC
18 Rejects more rapidly?**

19 A. Yes. Another problem was that PCA would also only partially load multiple containers
20 instead of loading one at a time. When that happened it slowed the rate at which
21 individual containers could be efficiently hauled. On occasion, PCA would also load a
22 container above its top, which meant our driver would have to find a PCA employee to
23 come level off the materials before it could be hauled. This was a minor issue, but it
24 slowed down our collection.
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1 **Q. Ms. Scott claims that “BDI had the wrong equipment to do the work” because BDI’s**
2 **trucks were limited in the total weight that could be hauled. Is that an accurate**
3 **statement? Exh. JDS-1T, p. 11: 18.**

4 A. It is true that there are weight limits for our drop boxes, and that some containers could
5 not be hauled in part due to weight. But issues with weight were related to the water
6 content of the materials, not the capacity of the equipment. Put simply, wet OCC Rejects
7 could not be hauled both because it would violate safety regulations and because the
8 water content increased the weight of the containers significantly.

9 **Q. Had BDI used different trucks and trailers to haul wet OCC Rejects, would that**
10 **have solved the problems with wet OCC Rejects?**

11 A. No. Again, neither Basin nor anyone else could legally haul a container dripping liquids
12 onto the roadway. Disposal of wet material is also prohibited at the transfer station and
13 landfill, thus until a solution for the high water content of the waste was found, there was
14 no way for Basin to address the problem solely through use of alternative containers or
15 trucks.

16 **Q. Ms. Scott also claims that Basin simply collected containers on a routine garbage**
17 **route and that it had no real-time information regarding when containers should be**
18 **collected. Exh. JDS-1T, p. 11: 21 – 14. What is your response to that statement?**

19 A. Ms. Scott lacks personal knowledge of the communications between Basin Disposal and
20 PCA. I routinely reached out to Kasey Markland and Skyler Rachford to coordinate
21 service. Although BDI provided routine service Monday through Saturday, the number
22 of drop boxes that PCA needed collected varied, and I tried to call either Skyler or Kasey
23 three times a week to confirm PCA’s current needs.

24 **Q. Did you ever have difficulty communicating with Skyler or Kasey?**
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1 A. Yes, I did. Although neither Skyler nor Kasey provided details regarding their work
2 schedules, I often found it difficult to reach them when I called to coordinate scheduled
3 hauls for the week. When that happened I would call one of them, and if I couldn't get
4 through, I would remain diligent call the other because to ensure timely and efficient
5 service whenever possible.

6 **Q. Did either Skyler or Kasey ever call you to notify you that PCA would be changing**
7 **its production levels and seek to adjust the service levels Basin provided?**

8 A. Not that I can recall. I tried to stay on top of adjustments to service levels by reaching
9 out to them proactively, yet PCA's increased needs would often take us by surprise
10 because they weren't communicated to us.

11 **Q. Can you provide an example of what would happen when PCA failed to notify you**
12 **of a change in production levels?**

13 A. Of course. We routinely dispatched drivers to PCA on Saturdays in order to ensure they
14 had empty containers on Sundays, which were days that PCA operated but our drivers
15 had the day off. But because PCA never proactively notified me of changes in
16 production, we would sometimes dispatch two to three drivers on a Saturday only to find
17 that all of PCA's containers were empty and there was nothing to haul.

18 **Q. Did you ever ask anyone at PCA to notify you if they would have no containers on a**
19 **given day?**

20 A. Yes. I had asked by Kasey and Skyler to let me know when things would be ramping up
21 or down, but they didn't do that. I usually had to call them.

22 **Q. Were there any issues with the accuracy of their service requests?**

23 A. Yes, there were. In fact, on the first day they begin generating OCC Rejects, PCA
24 reached out and claimed that every container was full. We quickly dispatched multiple
25 drivers to PCA to start pulling containers only to find just a few containers were actually
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1 full, and that some of the drop boxes were full of water and could not be hauled. There
2 were other similar instances when Kasey or Skyler would call to request additional
3 drivers because their containers were all full and when our drivers arrived they would
4 find that only a couple containers out of 21 could be collected.

5 **Q. Did you or Basin do anything other than call to monitor the number of containers**
6 **that were ready to be hauled?**

7 A. Yes we did. BDI's drivers were on site at PCA Monday through Saturday. Of course
8 this only informed us of whether containers could be hauled, and not whether there would
9 be an increase in waste that exceeded the capacity of the 21 drop boxes we had supplied
10 to PCA.

11 **Q. Jammie Scott also claims that "BDI never changed its approach to disposing of the**
12 **OCC," apparently opining that Basin Disposal was unwilling to consider alternative**
13 **approaches to disposing of PCA's OCC Rejects. Exh. JDS-1T. p. 17: 6. Is that**
14 **statement accurate?**

15 A. No, Ms. Scott is once again mistaken. BDI suggested on multiple occasions that PCA
16 build a bunker so that the OCC Rejects could be dried, and we suggested using tractor-
17 trailers to haul the materials direct to the landfill in fewer loads at an overall lower price
18 per ton. I also suggested at one point that the material be bunkered inside the building
19 and removed by conveyor belt to containers or trailers outside the building. That was
20 also rejected.

21 **Q. Do you know why PCA didn't accept BDI's suggestions?**

22 A. What I was told repeatedly was that using bunkers wasn't possible because it would be a
23 fire risk. In fact, when I spoke with PCA's safety manager in May 2021, he was adamant
24 that PCA could not use a bunker and that the pile PCA had built needed to be removed
25 immediately.

1 **Q. Did PCA ever develop a plan for removing the water content?**

2 A. They never really had one. Kurt, Skyler and Kasey mentioned on several occasions that
3 they never anticipated that there would be as much water in the material as there was and
4 that they were working on a solution. Yet I never heard any ideas or solutions from PCA
5 beyond using a forklift hopper with holes in it to allow water to drain. That particular
6 piece of equipment broke and PCA started using a solid hopper again.

7 **Q. Did PCA ever consider any of Basin's proposed alternatives for hauling its OCC
8 Rejects before it started using Jammie's?**

9 A. No. And keep in mind that when I first met with PCA on February 19, 2021, we
10 suggested using a bunker and trailer, but PCA wanted to try out its own plan first and see
11 how it went. When there were issues with water content in March 2021, I held a meeting
12 on the 16th with Kurt Thone, Skyler Rachford, and a third representative of PCA whose
13 name I can't recall. I again made the suggestion of using a bunker, loader and trailer to
14 haul their materials at the meeting, but that idea was rejected and PCA expressed their
15 continued plan to "wait and see" how things worked. We then continued to haul loaded
16 drop boxes as soon as they were dry enough to be transported, which we hoped would
17 resolve the problem. But by May, I understand that PCA was already using another
18 carrier to collect and transport the material that turned out to be Jammie's Environmental.

19 **Q. Jammie Scott stated in her pre-filed testimony that by May 2021 there were
20 "mountains of uncollected OCC Rejects" at PCA. Exh. JDS-1T. 18: 3-4. Do you
21 know what caused the pile of OCC Rejects in May 2021?**

22 A. Yes, I do. Despite PCA's assurances that it was going to work internally on processes to
23 remove the water content of its materials, BDI's drivers consistently found that the drop
24 boxes were too wet to haul. In fact, there were instances in May that we found every
25 single one of the 21 of the drop boxes we had provided contained too much water to be
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1 hauled. Rather than address the issue in the containers, PCA simply piled its OCC
2 Rejects on the ground and simultaneously demanded that BDI find a solution to its
3 problem while continuing to reject the proposals we made.

4 **Q. Ms. Scott testified in Exhibit JDS-1T at page 18, lines 14 – 20 that Jammie’s role**
5 **was to help PCA and BDI. Did BDI willingly work with Jammie’s to haul PCA’s**
6 **OCC Rejects?**

7 A. Not at all. I have no idea where she would get the idea that Jammie’s was working to
8 help BDI. In fact, during my March 16 meeting with PCA, I was asked if it would be
9 legal for another company to haul OCC Rejects. I advised Kurt Thorne and Skyler
10 Rachford at the time that BDI was the only company with authority to haul solid waste in
11 Walla Walla County. When we found out PCA was using an unlicensed hauler, we tried
12 to educate PCA once again, but that message apparently fell on deaf ears.

13 **Q. Did BDI work “alongside” Jammie’s as she testifies in Exh. JDS-1T on page 20,**
14 **lines 8-9?**

15 A. No. Again, Jammie’s was hauling without a certificate to do so, and we objected to PCA
16 that this conduct was prohibited by state law.

17 **Q. Does this conclude your testimony at the present time?**

18 A. Yes it does.
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