

From: [Ingram, Penny \(UTC\)](#)
To: [Smith, Pam \(UTC\)](#)
Subject: FW: Possible UTC violation in Kitsap
Date: Thursday, January 08, 2015 4:00:59 PM
Attachments: [image003.jpg](#)
[IMG.JPG](#)

Pam, can you take a look at this and get back to Chris?

From: Christopher Piercy [cpiercy@co.kitsap.wa.us]
Sent: Thursday, January 08, 2015 3:16 PM
To: Ingram, Penny (UTC)
Cc: dboening@wm.com; jan.brower@kitsappublichealth.org; Pat Campbell
Subject: Possible UTC violation in Kitsap

Penny,

Please see the attached image. Apparently, this postcard was sent out in the Seabeck area in the last couple days. I'm not sure of the reach of this advertisement, but it does appear to be focused only on Seabeck (Southwestern Kitsap shoreline area). I doubt this company has any authority to provide the service they are advertising, so I thought I should probably bring it to your attention.

Christopher M. Piercy, LEED-AP
Recycling Coordinator
Kitsap County Public Works, Solid Waste Division
614 Division Street, MS-27
Port Orchard, WA 98366
p. 360.337.4898 f.360.337.5678

emaillogo



S.W.R.

THERES A BETTER WAY TO TAKE OUT THE TRASH!

FEBRUARY SPECIAL OFFER!!
Sign-up by January 31 and For the month of February **YOU RECEIVE 25% OFF!!!**

HOW SWEET CAN IT GET!
You get 25% off your bill for the month of February **AND**

DRIVEWAY TRASH PICK-UP!

25% OFF!

STEP 1. Discontinue your current service
STEP 2. CALL (360) 328-6787

SEABECK WASTE & RECYCLE

Trash and recycle pick-up dates For your road will be starting on Monday February 2 and will continue bi weekly! Please be sure to discontinue your current service at the end of this month

Call by!
Expiration date: 01/31/15

1/9/2015 called Seabeck Waste & Recycle 360-328-6787

The person that answered telephone would not provide his name or address. He just started this business. He has not had anyone sign up for the service. He was not aware that the service was not allowed without a SW certificate. I explained the rules and the commission jurisdiction. He was upset that a monopoly was allowed. He told me he would not pursue the business idea any further. He did not want my contact information or the website of the UTC .

2/10/2015 called Seabeck Waste & Recycling using the cell phone.

Explained that I had seen a post card a few weeks ago regarding garbage service. He told me he still provided the service. He said it was a separate service and I needed to cancel my service with WM first. He picked up residential garbage biweekly and took it to the landfill. He picks up garbage on Monday. The rate depended on my location. He asked me what road I lived on, I told him I was not comfortable telling him, I still was a customer of the SW carrier in the area. I told him I would think about it and call him back if I wanted the service.

2/12 called Chris at Kitsap County. left msg. Asked if he had any contact information for Seabeck Waste & Recycling. The person would not provide his name and address to me.

2/12 Chris Kitsap County called. He does not know the name and address. He has not received any complaints from WM that customers are canceling service. He will call me back if he gets more information about the company.

2/12 per Chris Seabeck Trash is Daniel Stein 6070 Minnig NW. Seabeck WA 98380.



STATE OF 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

February 17, 2015

Daniel Stein
Seabeck Waste & Recycle
6070 Minnig N.W.
Seabeck, WA 98380

Dear Mr. Stein:

Staff of the Washington Utilities and Transportation Commission (commission) received information that you were distributing flyers advertising solid waste collection. The flyer shows that your company offers "Driveway Trash Pick-Up".

On January 9, 2015, Compliance Investigator Pam Smith called the telephone number on the Seabeck Waste & Recycle (Seabeck) flyer, 360-328-6787. She informed you providing solid waste collection service was not allowed without a solid waste certificate issued by the commission. You told Ms. Smith that you were not aware of the rules and would stop offering the service. Ms. Smith offered to provide a letter outlining the solid waste collection rules but you refused to provide contact information.

On February 10, 2015 Ms. Smith called again, posing as a potential solid waste customer. You told Ms. Smith you could provide the service, but first she had to cancel her service with the local solid waste collection company. As a result of these two interactions we offer the following information as technical assistance to ensure compliance with commission laws and rules.

The commission regulates "solid waste collection companies."¹ That term means a "person² ... [that uses] vehicles ... in the business of transporting solid waste for collection and/or disposal, or both, for compensation ... over any public highway in this state ..."³ Every solid waste collection company must have a commission-issued certificate before operating,⁴ and they must comply with local solid waste management plans and related ordinances.⁵ For commission purposes, "solid waste" includes what one

¹ RCW 81.77 is the primary source of the UTC's regulatory authority. Other statutes clarify or restrict that authority.

² "'Person' includes individuals, firms, or copartnerships." RCW 81.04.010(6).

³ RCW 81.77.010(7) (definition of "solid waste collection company"). The two types of UTC-regulated solid waste collection companies are "common carriers" and "contract carriers". These terms are defined in RCW 81.77.010(3) and (4), respectively.

⁴ RCW 81.77.040.

⁵ RCW 81.77.030(5)

Seabeck Waste & Recycle
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would normally consider “trash,” as well as “source separated recyclables collected from residences.”⁶ A recycling company may drop off a container at a homeowner’s residence for the homeowner to fill with recyclable materials only if that company has a solid waste certificate from the commission.

State law makes it illegal to advertise, solicit, offer, or enter into an agreement to haul solid waste for compensation without a solid waste certificate from the commission. (RCW 81.77.040) The commission can take enforcement action against suspected non-certificated solid waste collection companies based on advertisements or offers alone. It is important that you understand the following distinctions:

- Advertising, soliciting, offering, or entering into an agreement to haul solid waste for compensation requires a solid waste certificate from the commission.
- Solid waste collection includes residential and commercial garbage, residential recycling, yard waste and drop box service as described above.

Until and unless the commission grants a solid waste certificate, Seabeck must **immediately** cease advertising and providing all forms of solid waste collection services. A solid waste certificate application is enclosed. The commission will only grant new solid waste authority if the existing certificated company is determined to be unfit, unwilling, or unable to provide the service. Your services may fall under the definition of “specialized solid waste collection company,” as defined by WAC 480-70-041:

“Specialized solid waste collection company” means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

Your application would be subject to a public protest period and you would have to demonstrate that the existing solid waste company is not currently providing the services you propose to offer.

By March 4, 2015, please respond in writing and advise how you plan to proceed. Please direct your written response to Pam Smith, Compliance Investigator, Washington State Utilities and Transportation Commission, by email to psmith@utc.wa.gov or by regular mail to PO Box 47250, Olympia, WA 98504. If you have questions, Ms. Smith can be reached at (360) 664-1320.

Sincerely,



David Pratt
Assistant Director, Transportation Safety

Enclosure

⁶ RCW 81.77.010(9) defines “solid waste” by referring to the definition of “solid waste” in RCW 70.95.030. We commonly use the term “trash” to cover the types of items described in RCW 70.95.030(22), which states: “solid waste ... means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.” The UTC’s definition of “solid waste” in RCW 81.77.010(9) also includes “source separated recyclables collected from residences.”



STATE OF 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

March 16, 2015

Daniel Stein
Seabeck Waste & Recycle
6070 Minnig N.W.
Seabeck, WA 98380

Re: **Solid Waste Collection**

Dear Mr. Stein:

On February 17, 2015, I sent a letter to you at the above address. The letter provided technical assistance regarding the solid waste laws in Washington and informed you that until a solid waste certificate was granted you cannot haul solid waste for compensation. A written response advising the commission how you plan to proceed was due by March 2, 2015. To date, no response has been received. Please provide a written response **no later than March 26, 2015**.

Operating as a solid waste collection company, which includes advertising, soliciting, offering, or entering into an agreement to haul solid waste for compensation, without a certificate from the commission is illegal. (RCW 81.77.040). Failure to respond can result in enforcement action. For your reference, I have enclosed a copy of the original letter.

If you have further questions, please contact Pam Smith, Compliance Investigator, by email to psmith@utc.wa.gov or by telephone 360-664-1320.

Sincerely,

David Pratt,
Assistant Director, Transportation Safety

Enclosure

From: [Pellecchia, Joseph](#)
To: [Hoxit, Jason \(UTC\)](#)
Cc: [Pellecchia, Joseph](#)
Subject: Seabeck waste and recycling
Date: Friday, December 22, 2017 10:10:51 AM
Attachments: [IMG_0065.jpg](#)

Hello Jason –

Mike Weinstein is on vacation so he asked me to reach out to you directly about the attachment (company). Our customers in the Seabeck area of Kitsap County brought this flyer to our attention. It appears to be a waste hauler trying to provide service outside of their jurisdiction. I am not sure if they are trying to provide full service but I wanted to let you know of the possible infraction.

Please let me know if you have any questions or comments.

Thanks and Happy Holidays!

Joey Pellecchia
District Manager
Brem-Air Disposal - WM
jpellecc@wm.com

Waste Management
9300 SW Barney White Rd
Bremerton, WA 98312
Office 360 415 2751
Cell 425 471 1096

Recycling is a good thing. Please recycle any printed emails.

SEABECK WASTE & RECYCLE

THERE IS A BETTER WAY TO TAKE OUT THE TRASH!



HOME PICK-UP

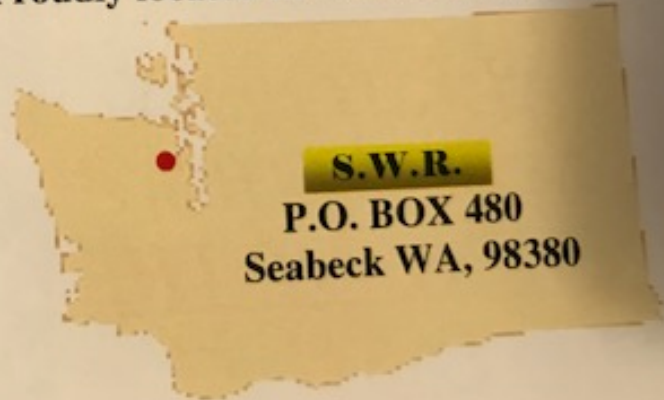
NEVER TOUCH YOUR GARBAGE CANS AGAIN! When you have garbage & recycling home pick up service with **S.W.R.**, you never forget to take out the trash! ITS ALREADY OUT!

*Bi-weekly ***HOME PICK-UP!***

*Cans provided at ***NO CHARGE!***

*Monthly invoice with ***PAID POSTAGE!***

Proudly located in Seabeck Washington



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Driver and Plate Search

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[Back](#)

Selected Driver

PIC:	[REDACTED]				
Last:	STEIN	Suffix:			
First:	DANIEL				
Middle:	JOHN				
SSN:	[REDACTED]	Date of birth:	[REDACTED]	Gender:	M
Height:	[REDACTED]	Weight:	[REDACTED]	Eye color:	[REDACTED]
Street:	6070 MINNIG LN NW	City:	SEABECK	State:	WA
Zip code:	98380 -9769	County:	Kitsap	Country:	USA
Out of state:		Return to WA:			
CDL class:	[REDACTED]	License info:	[REDACTED]		
Last trans:	[REDACTED]				
Expires:	[REDACTED]	Last update:	10/14/2016 12:00:00 AM		

Driver Endorsements

Code Info	Code Desc	Code Detail
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	

Driver Restrictions

Code Info	Code Desc	Code Detail
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	

Ignition Interlock (IIL) Information

Effective date	Expiration date	Reason for license

CDL Certification Information

CDL self-certification	Self-certification date	Medical certification
[REDACTED]	[REDACTED]	

Driver CDL Waiver Information

Waiver type	Issue date	Effective date	Status

Driver History

Related PIC	Name	City	Birth date	Relation	Last update

Driver Comments

Code Info	Sequence ID	Last update	Effective	Comment info

Driver Address History

Street	City	County	State	Address type	Request date	Last update
PO BOX 480	SEABECK	County-00	WA	Current Mailing	05/19/2015	10/14/2016 12:00:00 AM

Driver Transactions

PIC	Transaction code	Previous transaction code	Transaction date
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Related Vehicles

License plate	Model year	Make	Series body	Primary color	Secondary color	VIN	Old plate	New plate
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The information contained in this system is confidential.
Inappropriate access or use of this information may result in civil and or criminal actions.

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Title: Called and spoke with Seabeck Waste & Recycle

Activity Date: 2018-01-04

Time: 9:50 A.M.

Contact: Daniel Stein

Contact Phone: (360) 328-6787

Description: Called from the UTC cell phone number of (360) 810-1281 and spoke with David Stein of Seabeck Waste & Recycle at (360) 328-6787. When Mr. Stein answered the phone call, I asked if the phone number I called was for Seabeck Waste & Recycle, and he stated yes.

I explained that I received one of the company's flyers regarding garbage and recycling services for my address in Seabeck, and that I wanted to know what the pricing was since the prices weren't provided. Mr. Stein asked which road I lived on and I replied NW Eagles View Dr. Mr. Stein hesitated and asked me to explain how I received one of his company's flyers (I assume because flyers weren't distributed to the NW Eagles View Dr. area). I explained that my mother who also lives in Seabeck, WA, was the one who actually received the flyer; and explained that she provided me with a copy of the flyer to see if I could save some money on my garbage service. Mr. Stein asked me if by chance my mom's name was Linda and I replied yes. Mr. Stein then went on to talk about how Linda was a really nice lady.

Mr. Stein stated that his garbage and recycling services for my location would be \$32 per month for two cans, and that pick-up would be every other week. I asked Mr. Stein if one bin is designated for garbage and the other bin is designated for recycle. Mr. Stein stated that it didn't matter and that I could use both for recycle, both for garbage, or use both for mixed recycle/garbage.

I asked Mr. Stein how big the cans are since the flyer advertised that it provides the cans at no charge. Mr. Stein stated that he provides 45 gallon cans. I stated that I didn't know how big a 45 gallon can was, and Mr. Stein stated that a 32 gallon can is the common size cans that are sold at Home Depot. Mr. Stein then asked me how many people live in the home, and I replied that there are four of us: myself, wife, and two small children. Mr. Stein stated that with four people in the house, he would recommend that I have three collection cans. I asked what the charge for three cans was, and Mr. Stein stated that it would be \$40 per month for three cans with pick-up being every other week.

I explained to Mr. Stein that I would need to look over my current Waste Management invoice to see which dates I've already been billed for. I explained that I will cancel my service with WM and then sign up for his garbage services once I can confirm that I won't be paying for two garbage companies during the same time period.

Mr. Stein stated that when I call WM to cancel my garbage and recycling services, that I shouldn't tell WM that it's due to me finding another company. Mr. Stein stated that I should just tell WM that I will be hauling all of my own garbage and recycling to the dump. Mr. Stein's tone changed when he explained to not inform WM of going with another company, and Mr. Stein sounded uncomfortable providing that information.

I thanked Mr. Stein for the information and the call, and apologized that I hadn't gotten his name. When I asked him for his name, Mr. Stein stated that his name is Daniel. The phone conversation was then mutually ended.

Document Count: 0