



621 Woodland Square Loop SE
 Lacey, WA 98503
 P.O. Box 47250
 Olympia, WA 98504-7250
 Phone: 360-664-1222
 Email: transportation@utc.wa.gov

SOLID WASTE COLLECTION COMPANY CERTIFICATE APPLICATION

| FOR OFFICIAL USE ONLY | | | |
|------------------------------|---|---------------------------|----------------------------|
| Date Filed: 8/28/2020 | Company: International Resource Management d/b/a WasteXpress | | Docket #: TG-200764 |
| Receipt ID: | Payment ID: 14884 | Amount Paid: \$200 | |
| 111-0268 | 111-0268-227-02 | 111-0268-032-20 | |

| Type of Solid Waste Authority Requested - only one type per application is allowed | Fee |
|--|--------------|
| <p>Permanent Authority – check the appropriate box below and complete entire application and submit a proposed tariff as outlined in the standard tariff form (WAC 480-70-091).</p> <p>New certificate Extension of certificate: Certificate G- Transfer of authority: Certificate G- Complete <i>Attachment B</i> Lease of authority: Certificate G- Complete <i>Attachment B</i> Reinstatement of canceled authority: Certificate G- (must be filed within 30 days of cancellation). Include a statement justifying the reinstatement and complete sections 1, 2, and 8.</p> | \$200 |
| <p>Temporary Authority – Complete this application and check appropriate type (WAC 480-70-131).</p> <p>New temporary authority – complete <i>Attachment A</i>. Temporary authority to operate pending a commission decision on a concurrently filed certificate application. Expedited temporary authority – to meet an immediate or urgent need for a period of not more than 30 days – complete <i>Attachment A</i>.</p> | \$25 |
| <p>Name Change (There can be no change in ownership) – Check the appropriate box(s) below (WAC 480-70-121) and complete section one of this application and <i>Attachment C</i>.</p> <p>Change of corporate name Change of trade name Addition or new trade name Change of surname of an individual owner or partner</p> | \$35 |
| <p>Mortgage including requests for permission to mortgage or otherwise encumber a certificate (WAC 480-70-116).</p> <p>Complete Attachment D</p> | \$35 |



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Section 1 – Business Information

Legal Name:

Trade Name(s), if applicable:

Physical Address:

Mailing Address:

Telephone Number(s):

Email Address:

USDOT#: If you do not have a USDOT number, go on-line at www.fmcsca.dot.gov/online-registration to apply or call 360-596-3812 for assistance.

Is your business registered with the **Department of Revenue**? No Yes

Business License/UBI#:

Type of Business

Individual Partnership Corporation Other (LP, LLP, LLC) State of Incorporation

List the name, title and percentage of all partner’s share or stock distribution for major stockholders:

Name Title Stock Distribution/% of Shares

**SUBMIT AS ATTACHMENT IF MORE SPACE IS REQUIRED*

Section 2 – Industry Questionnaire

1. Do you currently hold, or have you ever held a solid waste certificate? No Yes

If yes, please indicate your certificate number: G-

2. Have you ever applied for and been denied a certificate to transport solid waste? No Yes

If yes, please explain:

Section 2 – Industry Questionnaire Continued

3. Please describe the territory in which you wish to operate, include the name, address, and county for disposal of waste and the name, address and county where residential recycling materials will be delivered (NOTE: territory must be described using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries or other geographic description).

Attach a map that meets the requirements of [WAC 480-70-056](#) and clearly shows the territory described above.

4. State below the conditions that justify granting your application. If you are applying for temporary certificate authority, be sure your statement addresses and support the question of “immediate and urgent need.”
5. Please tell us about your experience and knowledge of transportation or solid waste, including knowledge of motor carrier driver and equipment safety requirements:
6. Have you or your company ever been cited for business-related violations of state laws or commission rules by the commission or any other federal or state agency? **No Yes If yes, please explain:**

7. Will you be employing CDL drivers? Yes No If "yes" you must attach evidence of enrollment in a drug and alcohol testing program.

Section 3 - Financial Information

Complete the following or attach a balance sheet, profit and loss statement, or business plan.

| Assets | | Liabilities | |
|----------------------|--|--|--|
| Cash in Bank | | Salaries/Wages Payable | |
| Notes Received | | Accounts Payable | |
| Investments | | Notes Payable | |
| Other Current Assets | | Mortgages Payable | |
| Prepaid Expenses | | Total Liabilities | |
| Land and Buildings | | Net Worth | |
| Trucks and Trailers | | Preferred Stock | |
| Office Furniture | | Common Stock | |
| Other Equipment | | Retained Earnings | |
| Other Assets | | Capital | |
| TOTAL ASSETS | | TOTAL LIABILITIES AND NET WORTH | |

Section 4 – Rates and Tariffs

7. Is this application to operate under a contract? No Yes If yes, submit a copy of each contact under which service will be performed. The contract must contain all the elements stated in [WAC 480-70-146](#).
Is the contract with a (check one): City County Municipality Other
8. If this application is for temporary authority, a new certificate, or extension of existing certificated authority, you must attach a copy of your proposed tariff using either the standard tariff format included in this package, or an approved alternate format. All tariffs must comply with the provisions of [WAC 480-70-226](#) through [WAC 480-70-351](#). Have you attached a proposed tariff? Yes No
9. If this application is for a transfer or lease of authority from an existing certificate, you must either file a new tariff at the same rate levels as on file, or you must adopt the current certificate holder’s tariff. To file a new tariff, use the [standard tariff format](#) or you must seek approval to use an alternate format.
Indicate which option you will use: Adopt File New Tariff
- Have you attached a proposed tariff? Yes No

Section 5 - Equipment List

solid waste collection services.

| Lease/Own/ Plan to Purchase | Year | Make | License Number | Vehicle ID (VIN) | GVW | Type of Vehicle |
|--------------------------------|------|------|----------------|------------------|-----|-----------------|
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attach additional pages if necessary

Section 6 – Safety

list the person and position responsible

@ U # o k , CFR's, † o o RCW 81.77 and WAC 480.70 h † #

Controlled Substance and Alcohol Use and Testing Title 49, Code of Federal Regulations Part 382 and Part 40

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Please attach evidence of your enrollment in a drug and alcohol testing program if your company has commercial vehicles and employs CDL drivers

Commercial Drivers License (CDL) Requirements (Title 49, CFR Part 383)

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Driver Qualification Requirements (Title 49, CFR Part 391)

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Drivers Hours of Service (Title 49, CFR Part 395)

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Controlled Substances and Alcohol Testing (Part 382)

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Inspection, Repair and Maintenance (Title 49, CFR Part 396)

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| Section 7 - Operational Responsibilities | |
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| Tariff Rates and Charges (WAC 480-70-226 through WAC 480-70-351) # c | |
| V | h |
| Annual Reports and Regulatory Fees (WAC 480-70-071 & 076) # | |
| V | h |
| Biomedical Waste (WAC 480-70-426 through 476) # #7k h | |
| V | h |
| Customer Service (WAC 480-70-386 and 391) h | |
| V | h |
| State of Washington – general laws, rules and regulations: @ † h †) O @ y " @ y"@) O o o k @ k o) o u) k @ k o o | |
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| Section 8 – Hearing Information | |
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Section 9 - Declaration of Applicant

AWM Initial I understand that filing this application **does not** in itself constitute authority to operate as a solid waste collection company.

AWM As the applicant for a solid waste collections company certificate, I understand the responsibilities of a solid waste collection company, and I am in compliance with all local, state, and federal regulations governing business in the state of Washington.

AWM I certify under penalty of perjury under the laws of the State of Washington that the information contained in this application is true and correct.

AWM I certify that I am the applicant, or I am authorized to execute and file this document on behalf of the applicant.

| | |
|------------------------|-------|
| Name: <i>Arth Maxx</i> | Date: |
|------------------------|-------|

Section 10 – Additional Required Attachments

- Attachment A – Temporary Certificate or Expedited Temporary Authority Support Statement**
- Attachment B – Joint Application for Transfer or Lease of Certificated Authority**
- Attachment C – Change of Corporate/Individual Name**
- Attachment D – Permission to Mortgage a Certificate**

RESPONSE TO QUESTIONS
WasteXpress Application for Certificate to Operate
As a Solid Waste Collection Company

- 4. State below the conditions that justify granting your application. If you are applying for temporary certificate authority, be sure your statement addresses and support the question of “immediate and urgent need.”**

Washington generators (both industrial and commercial) benefit from competition in the market for hazardous / dangerous waste collection services for reasons similar to those advanced by the Washington Utilities and Transportation Commission in the matter of Stericycle of Washington, Inc. v. Washington UTC and Waste Management of Washington, Inc., 190 Wn App 74 (Wash. Ct. App. 2015) (relating to collection of biomedical waste). If collection of biomedical waste is “highly specialized”, collection of hazardous / dangerous waste is even more so in that the regulatory environment (state and federal) is perhaps the most complicated of any environmental concern and the very broad range of hazards implicated (among them toxicity, ignitability, corrosivity, and reactivity) require that equipment be maintained well and that operators be highly trained and continually qualified.

Beyond the benefits of competition there is the imperative of redundancy in the marketplace. Unlike common refuse, hazardous / dangerous waste is subject to strict limits on amounts and time in storage at generators’ (customers’) facilities. WasteXpress provides quality waste management services to small and medium size businesses that typically get poor service from large, vertically integrated disposal companies. WasteXpress focuses its services on businesses that don’t have the time, storage space, or environmental expertise to appropriately manage their waste. These smaller businesses need a comprehensive waste collection company that can provide the specialized service they require, who is immediately responsive to their particular needs and does not treat them as less valuable or less important than larger customers.

WasteXpress generally hauls specific waste products for specific customers. The initial task in all proper industrial and special waste disposal, as required by U.S.E.P.A. and Washington Department of Ecology rules, is to make a hazardous and/or dangerous waste determination. WasteXpress confirms, and in most cases assists generators in making, a determination for every waste shipment. This is an important service for WasteXpress’ customers but it is also critically important to WasteXpress because of the “strict liability” imposed on transporters who transport hazardous waste without the required Uniform Hazardous Waste Manifest. Hazardous / Dangerous waste determinations may involve review of a facility’s Material Safety Data Sheets and/or obtaining a sample of the waste for analysis (to determine whether it is “characteristic”, “listed” or otherwise “designates as dangerous waste”). WasteXpress must also determine the regulatory status of the generator (e.g., large quantity generator, small quantity generator, conditionally exempt or very small quantity generator) each time it

picks up waste. Each determination is highly specific to each customer – even involving review of the manufacturing process from which the waste derives – and may change for each customer based on timing and amount of waste generation. Finally, WasteXpress is required to comply with all U.S. Department of Transportation rules including determining for each individual shipment DOT hazard class, packaging requirements, shipping document requirements, placarding requirements and that all lids and caps have been tightened to specification.

WasteXpress provides only on-call or nonscheduled service. WasteXpress does not pick up solid waste on a daily, weekly or other regular basis (although some customers may be “due” a pickup periodically depending on their manufacturing schedules and regulatory time-limits for onsite waste storage). Generally, WasteXpress’ customers will call WasteXpress to arrange for service as needed, or WasteXpress sales staff will periodically call the customer to ask if service is required. WasteXpress does not provide “curbside” service.

WasteXpress provides the following accessorial services not normally provided by traditional solid waste collection companies:

- Onsite cleanup of leaks, spills or other operational releases of hazardous substances;
- Cleaning of industrial equipment and manufacturing areas;
- Waste sampling and analysis;
- Preparation of Uniform Hazardous Waste Manifests, Bills of Lading or other required transportation documentation;
- Lab packing or other onsite bulking;
- Site audits for compliance with storage and handling regulations;
- Regulatory training required by DOT and DOE;
- Compliance assistance with safety and health regulations;
- Identification and provision of waste-specific containers and labeling; and
- General environmental consulting.

5. Please tell us about your experience and knowledge of transportation or solid waste, including knowledge of motor carrier driver and equipment safety requirements.

International Resource Management, Inc. (Oregon business registration #178287-81) dba WasteXpress is a licensed hazardous materials transporter (USDOT #881002). WasteXpress’ USEPA Identification Number is ORQ000023150. The WasteXpress aggregation and transfer facility in Portland, Oregon operates as a Transfer Station in accordance with ODEQ Solid Waste Disposal Permit #1565, site number 78960.

WasteXpress has been in business since 1989. The company’s founder Arthur Marx continues to oversee WasteXpress operations with the assistance of long-time

employee (and minority owner) Jeremy Komp. WasteXpress currently has 17 employees working in Washington and Oregon as drivers with a total of eight trucks and three trailers, as operators at WasteXpress' aggregation and transfer facility in Portland, Oregon, and as management at its Portland, Oregon headquarters and its satellite office in Tacoma, Washington. (The Tacoma office does not operate as an aggregation or transfer facility.)

WasteXpress employees follow strict health and safety protocols when handling waste (unloading, loading, sorting, bulking, packing, shipping, etc.) per the facility's Health and Safety Plan. The following training is required of all employees who handle waste:

- OSHA Hazard Communication Standard (29 CFR 1910.1200(g));
- OSHA HazMat School (29 CFR 1910.134);
- OSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) (29 CFR 1910.120(a));
- USEPA Basic Resource Conservation and Recovery Act (40 CFR Parts 260 through 265);
- DOT Hazardous Materials Transportation (49 CFR Part 172, Subpart H);
- WasteXpress Operations Training (equipment operation, Oregon DEQ approved Operations Plan, general safety).

6. Have you or your company ever been cited for business-related violations of state laws or commission rules by the commission or any other federal or state agency?

The Washington Utilities and Transportation Commission filed a Complaint against WasteXpress on June 12, 2020 (docket # TG-200131) alleging that WasteXpress is required to operate subject to a certificate. WasteXpress denies that a certificate is required to collect solid waste from industrial customers. Nevertheless, by this application, WasteXpress requests authority to collect solid waste from commercial and industrial customers without compromise or waiver of defenses advanced in its Answer.

In 2014 the Oregon Department of Environmental Quality alleged that International Resource Management Inc. had or was "Establishing or operating a disposal site without first obtaining a registration or permit; Operating a hazardous waste treatment, storage or disposal facility (TSD) without first obtaining a permit or without having interim status". DEQ had determined that IRM's transfer facility in Portland, Oregon, which operates as transfer facility under state and federal rules, needed to operate in accordance with a state issued "Solid Waste Disposal Permit" to the extent that it aggregates Conditionally Exempt Small Quantity Generator ("CESQG") hazardous waste at the transfer facility. The penalty was mitigated when IRM entered into a Mutually Agreed Order authorizing IRM to aggregate CESQG hazardous waste pending issuance of a permit. Oregon DEQ SWDP #1565 was issued to IRM on Feb. 20, 2018.

In 2017 the Oregon Department of Environmental Quality alleged that International Resource Management Inc. had transported hazardous waste without a Uniform Hazardous Waste Manifest in two separate instances. In both instances ODEQ alleged that IRM was “strictly liable” (without fault) under the Resource Conservation and Recovery Act. IRM responds that in neither instance did transport of the material require a UHWM. In one instance, the material transported was a “used oil” exempt from the requirement of transport under a UHWM. In the other instance the material was not a solid waste because the material (used Isopropyl Alcohol) was not a “spent” material and had not been discarded. IRM disputes DEQ’s claims and has contested the penalty assessments. This matter has not yet been resolved.

SECTION 3 – FINANCIAL INFORMATION

**WasteXpress Application for
Certificate to Operate as a Solid Waste Collection Company**

| ASSETS | | LIABILITIES | |
|--------------------------|-----------------------|--|-----------------------|
| Cash in Bank | \$496,500.49 | Salaries/Wages Payable | \$198,818.35 |
| Notes Receivable | \$6,990.77 | Accounts Payable | \$188,617.47 |
| Accounts Receivable | \$542,728.73 | Notes Payable | \$706.95 |
| Investments | \$0.00 | Other Liabilities | \$106,499.39 |
| Other Current Assets | \$0.00 | Long Term Liabilities | \$117,915.72 |
| Prepaid Expenses | \$31,271.05 | TOTAL LIABILITIES | \$612,557.88 |
| Land and Buildings | \$128,485.04 | NET WORTH | |
| Trucks and Trailers | \$442,466.58 | Preferred Stock | \$0 |
| Accumulated Depreciation | (\$464,278.54) | Common Stock | \$8,085.19 |
| Other Equipment | \$91,560.10 | Retained Earnings | \$628,547.57 |
| Other Assets | \$91,789.93 | Net Income | \$118,523.51 |
| TOTAL ASSETS | \$1,367,714.15 | TOTAL LIABILITIES AND NET WORTH | \$1,367,714.15 |

EQUIPMENT LIST
WasteXpress Application for Certificate to Operate
As a Solid Waste Collection Company

| Ownership: Lease, own, or plan to purchase? | Year | Make | License Number | Vehicle ID number | Gross Vehicle Weight | Type of Vehicle |
|---|------|----------------|-------------------|-------------------|----------------------------|--------------------|
| Own | 2008 | FORD | 659GTN | 1FTWW31R28ED47416 | Consumer | Truck |
| Own | 2009 | FORD | T555969 | 1FDAF56R29EA72609 | 20,000 | Truck |
| Own | 2015 | FORD | WASTEX | 1FTEW1EG4FFB24469 | Consumer | Truck |
| Own | 2013 | FORD | T586599 | 1FDUF5GT8DEA18893 | 20,000 | Truck |
| Own | 2015 | FORD | T592686 | 1FDUF5GT2FEC02570 | 20,000 | Truck |
| Own | 2017 | FORD | T600239 | 1FDUF5GT9HEC02567 | 20,000 | Truck |
| Own | 2017 | FORD | T586600 | 1FDUF5GT7HEC02566 | 20,000 | Truck |
| Own | 2017 | FORD | T603647 | 1FDUF5GT0HED93571 | 20,000 | Truck |
| Own | 2000 | TrailerMobile | 37475 | 1PT01JAH9Y6011207 | | Trailer |
| Own | 2001 | Wabash | 42603 | 1JJV534WX1L744624 | | Trailer |
| Own | 1988 | PUP TRAILER | 61275 | 43ZDJ22F9X0006156 | | Trailer |



NORTHWEST DRUG-SAFE

1049 SW Baseline St Ste C325
Hillsboro, OR 97123-3848
TEL 503-297-4113 • FAX 503-297-4748

August 26, 2020

RE: Compliance with DOT/FMCSA Drug/Alcohol Random Testing Regulations

To Whom It May Concern:

This letter will certify that Northwest Drug-Safe manages the Federal Motor Carrier Safety Administration (FMCSA), US Dept. of Transportation (DOT) random testing program for **WasteXpress**, PO BOX 31100, PORTLAND, OR 97231-0100.

With regard to random selections and client guidance, Northwest Drug-Safe is familiar with and follows the requirements of 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" and 49 CFR Part 382, "Controlled Substances and Alcohol Use and Testing."

WasteXpress employees who fall under FMCSA requirements are currently subject to quarterly random selections through Northwest Drug-Safe's DOT Consortium, using a commercially available computer program specifically designed for use by DOT program managers. The annualized random selection rate for the DOT Consortium pool is 50% for drug testing and 10% for alcohol testing for calendar year 2020.

Please do not hesitate to call us at 503-297-4113 or toll-free at 866-538-4788 with any questions or if you need additional documentation.

Very truly yours,

Jana W. Wolfgang, CSAPA
For Northwest Drug-Safe
Tel 503-297-4113
Email jana@nwdrugsafe.com