

Point Recycling and Refuse

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May 23, 2008

Commission Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
POB 47250, Olympia WA 98504-7250

Dear Commission,

Point Recycling and Refuse Company (G-155) is submitting a filing to add a Company Specific Definition to our Tariff. This definition concerns “Alternative Daily Landfill Cover” ADLC which is defined by Whatcom County and the Washington State Department of Ecology as disposal and not recycling.

Commission Staff have refused to take enforcement action against illegal companies operating as Sham Recyclers within Point Roberts. Commission Staff has even created their own definition of recycling, claiming that ADLC is recycling, in order to justify their lack of enforcement. In doing so, Staff have exceeded their legislative authority and have failed in their legislative mandate to regulate all garbage collection for the benefit of the consumer. Staff has usurped Whatcom County’s and the Department of Ecology’s authority to define solid waste and recycling in order to meet State solid waste and recycling objectives. Staff has undermined Whatcom County’s and the Department of Revenue’s authority to tax solid waste to fund solid waste and recycling programs.

The intent of the Regulated Solid Waste System is to ensure that each community is able to have solid waste collection services at the most optimum rates. When Sham Recyclers haul garbage out of the system, then the consumers pay more for all solid waste services under the “cost of service” rate model. Staff refusal to take enforcement action is directly responsible for consumers paying more for future solid waste services in Point Roberts.

The purpose of this filing is to:

1. Bring Staff actions to the attention of the Commission.
2. Give consumers in Point Roberts the opportunity to comment on the Definition of Recycling.
3. Allow consumers in Point Roberts the opportunity to comment on how Staff refusal to take enforcement action will ensure that they will pay higher rates in the future.
4. Allow Whatcom County and the Department of Ecology to comment on Staff attempts to make their own definition of recycling in order to avoid enforcement actions.
5. Allow Whatcom County and the Department of Revenue to comment on Commission Policy of enforcement against illegal haulers and the impact on Solid Waste Tax revenue.

We have sent notice of our action to the Whatcom County Council and have mailed notice to our customers. The Point Roberts "All Point Bulletin" is a once-per-month paper which will have notice on May 30th. Effective Date for this Filing is July 7th 2008. Questions can be made to Arthur Wilkowski at 360-945-1516.

Sincerely,

Arthur Wilkowski
Owner/ Operator

Cc: Whatcom County Council, Executive, Health Department, Treasurer
Department of Ecology; Peter Christianson
Department of Revenue; Cindi L. Holmstrom, Director