

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

BASIN DISPOSAL, INC.

Complainant,

v.

JAMMIE’S ENVIRONMENTAL, INC.

Respondent.

NO.

COMPLAINT

I PRELIMINARY STATEMENT

1 Basin Disposal, Inc., 2021 N. Commercial Ave., Pasco, WA, (hereinafter “Basin” or “Complainant”), a Washington corporation, and holder of Certificate of Public Convenience and Necessity (“Certificate”) No. G-118, pursuant to RCW 81.04.110 and 81.77.030, brings this Complaint against Jammie’s Environmental, Inc., (“Jammie’s” or “Respondent”). Complaint asks the Washington Utilities and Transportation Commission (“Commission” or “WUTC”), to find the Respondent in violation of RCW 81.77.040 issue an order directing Respondent to cease and desist from engaging in the collection and transportation of solid waste in Walla Walla County for disposal without certificated authority.

II JURISDICTION / STATUTE AND RULES AT ISSUE

2 The Commission has jurisdiction over this Complaint and the Respondent’s activities described herein under RCW 81.04.110, 81.77.040, RCW 34.05.413, WAC 480-70-006, 041 and various other laws and rules cited herein.

III STATEMENT OF FACTS

- 3 Complainant is the holder of WUTC Certificate G-118, attached hereto as Exhibit A, which authorizes Complainant to collect solid waste in, among other places, Walla Walla County.
- 4 Respondent is a public service company subject to the Commission's jurisdiction with an address of 128 Industrial Way, Longview, WA 98632. Jammie's is authorized by the Commission to serve as a common carrier under common carrier permit CC-70115, as well as an authorized motor carrier with authority issued by the United States Department of Transportation under MC-390939 and USDOT Number 892456. Respondent has not been authorized by the Commission to provide solid waste collection service in any portion of Walla Walla County, Washington.
- 5 Respondent has repeatedly engaged in the collection and transportation of solid waste over the public highways of the state by motor vehicle, as defined by WAC 480-70-041, from a paper mill operated by Packaging Corporation of America ("PCA") in an unincorporated area of Walla Walla County, Washington near Wallula, Washington.
- 6 Respondent collects and transports solid waste in the form of old corrugated cardboard rejects ("OCC Rejects") from PCA solely for disposal. On information and belief, Respondent collects and transports multiple loads of solid waste from PCA each weekday for disposal.

IV BASIS FOR COMPLAINT

- 7 RCW 81.77.040 requires a solid waste collection company to obtain a certificate of public convenience and necessity from the Commission to operate for the collection and hauling of solid waste for compensation authorizing service in a particular area. By statute, operating for the collection and transportation of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service.
- 8 Under RCW 81.77.090, every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of RCW 81.77, *et seq.*, or who fails to obey, or

comply with any rule, regulation, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

- 9 On information and belief, Jammie's held itself out as a solid waste collection company and/or contracted with PCA to provide solid waste collection service in Walla Walla County, Washington in violation of RCW 81.77.040.
- 10 By collecting and transporting solid waste from PCA, Respondent unlawfully provides solid waste collection service in violation of RCW 81.77 *et seq.*

V REQUEST FOR RELIEF

- 11 WHEREFORE, Complainant requests the Commission permit the full range of discovery as authorized by WAC 480-07-400(2) and for an order finding, on the facts to be adduced on this record, that the collection and transportation of solid waste for disposal from PCA industrial paper mill in unincorporated Walla Walla County is subject to the provisions of RCW 81.77.040, and directing Respondent to cease and desist from engaging in the collection and transportation of solid waste from the PCA industrial paper mill located in Walla Walla County.

RESPECTFULLY SUBMITTED this 29th day of March, 2022.

WILLIAMS, KASTNER & GIBBS PLLC

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WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

This certificate authorizes the following operations under the provisions of RCW Title 81:

BASIN DISPOSAL INC
PO BOX 3850
PASCO, WA 99302-3850

Cert No.
G-118

(PID179) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Franklin County described as follows: Starting at the point where Adams County meets with Whitman County (centerline of the Palouse River); thence south along the Palouse River to the junction of the centerline of the Snake River; thence westerly and southerly along the Snake River to the point where it intersects the centerline of the Columbia River (Wallula Lake); thence following said centerline in a westerly and northerly direction to the point of intersection with the north line of Section 29, T. 14 N., R. 27 E.; thence east along the north line of said Section 29 extended to the S.W. corner of Section 19, T. 14 N., R. 28 E.; thence north along the west line of said Section 19 extended to the N.W. corner of Section 6, T. 14 N., R. 28 E., (the Adams-Franklin County line); thence east along the north line of said Section 6 extended to the Whitman County line, the place of beginning.

(PID180) GARBAGE AND REFUSE COLLECTION SERVICE in Clark County along secondary State Highway 8-B, from the City limits of Washougal to its intersection with the Skye Road and along Skye Road from Secondary State Highway 8-B to the center of Section 24, T. 2 N., R. 4 E.; also, along County Road #30 from its intersection with Secondary State Highway 8-B, west to the point where it intersects with Secondary State Highway 8-A, Section 23, T. 2. N., R. 3 E.

(PID182) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Benton County described as follows: Starting at the point where the south line of Section 7, T. 6 N., R. 31 E. intersects with the bank of the Columbia River (Wallula Lake); thence west on the south line of said section projected to the southwest corner of Section 12, T. 6 N., R. 28 E.; thence north on the west line of said section projected to the northwest corner of Section 25, T. 9 N., R. 28 E.; thence east on the north line of said section projected to the bank of the Columbia River (Wallula Lake); thence easterly and southerly following the bank of said river to the south line of Section 7, T. 6 N., R. 31 E.; the place of beginning; ALSO, service is authorized in the City of Richland.

EXCLUSION: Service is not authorized in the City of Kennewick.

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(PID184) GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Walla Walla County described as follows: Starting at the point where the east line of Section 15, T. 6 N., R. 34 E. meets the Oregon-Washington State Line; thence west along the State Line to the bank of the Columbia River (Wallula Lake); thence northerly along the bank of the Columbia River and Wallula Lake to the Snake River; thence northeasterly along the bank of the Snake River to the point where it intersects with the north line of Section 25, T. 11 N., R. 33 E.; thence easterly on the north line of said section projected to the northeast corner of Section 27, T. 11 N., R. 34 E.; thence south on the east line of said section projected (the east line of Section 15, T. 6 N., R. 34 E.) to the Oregon-Washington State Line, the place of beginning.

(PID186) GARBAGE AND REFUSE COLLECTION SERVICE from the U.S. Department of Energy Hanford site located in Benton County.

NOTE: PID reference numbers are for Washington Utilities and Transportation Commission internal GIS mapping purposes only.

TG-060821

05-03-06