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BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

WASTE CONNECTIONS OF
WASHINGTON, INC.,

Complainant,

v.

ENVIRO/CON & TRUCKING, INC. a
Washington corporation; ENVIROCON, INC., a
corporation; and WASTE MANAGEMENT
DISPOSAL SERVICES OF OREGON, INC.,

Respondents.

Case No. TG-071194

RESPONSE OF WASTE
MANAGEMENT AND
ENVIRO/CON TRUCKING TO
CLARK COUNTY'S PETITION TO
INTERVENE

Respondents Waste Management Disposal Services of Oregon, Inc. and Enviro/Con
Trucking, Inc. object to Clark County's Petition to Intervene because no basis exists to grant the
Petition.

Clark County asserts it should be permitted to intervene in this matter because:

The conduct of the Respondents, as alleged in the complaint and
petition filed herein, violates Chapter 24.12 of the Clark County
Code and adversely affects the public health, safety and welfare of
the citizens of the [sic] Clark County.

(Clark County's Pet'n to Intervene ¶ 2.) The only allegation in the Complaint regarding the
Clark County Code is as follows:

the ongoing collection and transportation of C & D Waste violates
local law, specifically Chapter 24.12 of the Clark County Code, in
that those activities appear to circumvent the solid waste

1 management plan for Clark County by avoiding delivery of the
2 collected C & D Waste to county transfer stations.

3 (Complaint ¶ 10.)

4 However, Chapter 24.12 of the Clark County Code says nothing about delivering C & D
5 Waste to county transfer stations. Moreover, none of the other allegations in the Complaint
6 assert violation of any other provision of Clark County Code Chapter 24.12.

7 Consequently, even if the mere assertion of the violation of a county code were sufficient
8 basis to permit a county to intervene, no such basis exists here and Clark County's Petition to
9 Intervene should be dismissed.

10 DATED this 30th day of July, 2007.

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23 Trucking, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

<p><i>Attorneys for Complainant Waste Connections of Washington, Inc.</i> David W. Wiley Jacob M. Downs Williams Kastner PO Box 21926 Two Union Square 601 Union Street Seattle, WA 98111-3926 dwiley@williamskastner.com jdowns@williamskastner.com</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
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<p><i>Attorneys for Intervenor Petitioner Clark County</i> Bronson Potter Deputy Prosecuting Attorney Clark County Prosecuting Attorney's Office Civil Division PO Box 5000 Vancouver, WA 98666-5000 bronson.potter@clark.wa.gov</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p><i>Attorneys for Intervenor Petitioner Washington Refuse and Recycling Association</i> James K. Sells Ryan Sells Uptegraft, Inc. P.S. 9657 Levin Road N.W., Suite 240 Silverdale, WA 98383 jimsells@rsulaw.com</p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 30th day of July, 2007.


Nori Skretta