

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

<b>In the Matter of the Complaint of:</b>	)	
Renee Coe, Shelley Damewood, and	)	
Shannon Tomsen,	)	
 	)	
Complainants	)	
	)	
	)	
	)	
POINTS RECYCLING AND REFUSE, LLC	)	
	)	
and	)	
	)	
WHATCOM COUNTY.	)	
Respondents.	)	

NO. TG-082129

**ANSWER TO COMPLAINT SEEKING  
CANCELLATION OF THE G155  
CERTIFICATE OF POINTS  
RECYCLING AND REFUSE**

**I. PARTIES**

- 1.1 Whatcom County admits that complainants' names and addresses are as set forth in their complaint.
- 1.2 Whatcom County admits that complainants are residents of Point Roberts, Whatcom County, Washington.
- 1.3 Whatcom County admits that it is one of several governmental entities that provides oversight of matters pertaining to garbage collection and recycling, along with the Washington State Department of Ecology and the Washington State Utilities and Transportation Commission, which has jurisdiction to regulate the activities of solid waste collection companies pursuant to RCW 81.77.

## II. RULES AND STATUTES AT ISSUE

2.1 – 2.12 Whatcom County notes that the rules and statutes cited by complainants generally pertain to solid waste collection and recycling, and notes further that in addition to those cited, Whatcom County Code 8.10.050. K and L specifically address procedures to be followed by the County in instances where a hauler fails to provide curbside collection of recyclables.

## III. STATEMENT OF FACTS<sup>1</sup>

- 3.1 Whatcom County admits that its comprehensive solid waste plan calls for curbside collection of recyclables within most unincorporated areas of Whatcom County, including Point Roberts.
- 3.2 Whatcom County admits that complainants' interpretation of WCC 8.10.050 as stated in this allegation is generally accurate, but notes that the code provisions speak for themselves.
- 3.3 Whatcom County admits that Councilmember Crawford initiated an attempt within the County Council to consider changes to the requirement of curbside collection of recyclables on Point Roberts, and denies the remainder of this allegation for lack of information.
- 3.4 Whatcom County admits that Councilmember Crawford exchanged e-mails as illustrated in the exhibits referred to in complainants' allegation, notes that the e-mails' content speaks for itself, and specifically denies the conclusions that complainants' argue within their "statement of facts".
- 3.5 Whatcom County denies the allegation.
- 3.6 Whatcom County denies the allegation as stated for lack of information.
- 3.7 Whatcom County denies the allegation as stated for lack of information.
- 3.8 Whatcom County denies the allegation as stated for lack of information.
- 3.9 Whatcom County denies the allegation as stated for lack of information.

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<sup>1</sup> The content of complainants' "Statement of Facts" is a mixture of factual allegations and argumentative characterizations of the circumstances as complainants interpret them. Most of the allegations of fact pertain to the other respondent, Points Recycling and Refuse, and do not pertain directly to the allegations against Whatcom County.

- 3.10 Whatcom County denies the allegation as stated for lack of information.
- 3.11 Whatcom County denies the allegation as stated for lack of information.
- 3.12 Whatcom County denies the allegation as stated for lack of information.
- 3.13 Whatcom County admits that it placed the information contained in Exhibit 23 in a publication known as the All Points Bulletin in order to provide factually accurate information to the public and denies the remainder of the allegation.
- 3.14 Whatcom County denies the allegation for lack of information.
- 3.15 Whatcom County denies the allegation for lack of information.
- 3.16 Whatcom County denies the allegation for lack of information.
- 3.17 Whatcom County denies the allegation for lack of information.
- 3.18 Whatcom County denies the allegation for lack of information.
- 3.19 Whatcom County denies the allegation for lack of information.
- 3.20 Whatcom County denies the allegation for lack of information.
- 3.21 Whatcom County denies the allegation for lack of information.
- 3.22 Whatcom County denies the allegation.

#### **IV. RELIEF SOUGHT**

- 4.1 Whatcom County requests the Commission to deny complainants' relief that they seek in regard to Whatcom County inasmuch as the Commission has no jurisdiction to prohibit the County from enacting any law or ordinance that exempts the unincorporated area of Whatcom County known as Point Roberts from mandatory curbside collection of recyclables.<sup>2</sup>

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<sup>2</sup>Most of Complainants' allegations against the County are based on their interpretation of the requirements of RCW 70.95, the administration of which is the jurisdiction and responsibility of the Department of Ecology.

Dated this 22<sup>nd</sup> day of December, 2008.

Daniel L. Gibson #11036 (WSBA #)

Daniel L. Gibson  
Whatcom County Assistant Chief Civil Deputy  
Prosecuting Attorney