

Fassburg, Blair

From: Fassburg, Blair
Sent: Monday, February 7, 2022 4:59 PM
To: McPherson, Kathryn (UTC)
Subject: RE: Illegal hauling of OCC Rejects

Hi Kathryn,

I hope you had a nice weekend and was happy to hear for your sake that you didn't have to rush over to Wallula. I was just following up to find out if you were able to connect with Mr. Thorne to coordinate a visit to the PCA site. If not, I was advised that I may be able to forward some photos of the area where OCC rejects are stored and the loading process that may help.

Thanks,

Blair I. Fassburg

Williams Kastner | Attorney at Law
601 Union Street, Suite 4100
Seattle, WA 98101-2380
P: 206-628-2772 | F: 206-628-6611
www.williamskastner.com | [Bio](#) | [V-Card](#)

WASHINGTON OREGON

CONFIDENTIAL ATTORNEY WORK PRODUCT/ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

This e-mail message and its attachments are confidential, attorney work product and subject to the attorney-client communication privilege. It is intended solely for the use of the individual named above. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you are hereby advised that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and delete and/or destroy the original and all copies of the e-mail message.

From: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>
Sent: Wednesday, February 2, 2022 3:31 PM
To: Fassburg, Blair <BFassburg@williamskastner.com>
Subject: RE: Illegal hauling of OCC Rejects

I just followed up with facilities. The manager is out of town. I have requested his schedule and a day to coordinate a site visit. Your patience on this is appreciated. I hope to get out there next week.

Sincerely,

Kathryn McPherson
Investigator, Solid Waste Enforcement
(360) 522-6121

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

From: Fassburg, Blair <BFassburg@williamskastner.com>
Sent: Wednesday, February 2, 2022 2:32 PM
To: McPherson, Kathryn (UTC) <kathryn.mcperson@utc.wa.gov>
Subject: RE: Illegal hauling of OCC Rejects

External Email

Thank you for forwarding this to me. The facility manager whose name I was provided is Kurt Thorne. His email address is: KurtThorne@packagingcorp.com

Blair I. Fassburg

Williams Kastner | Attorney at Law
 601 Union Street, Suite 4100
 Seattle, WA 98101-2380
 P: 206-628-2772 | F: 206-628-6611
www.williamskastner.com | [Bio](#) | [V-Card](#)

WASHINGTON OREGON

From: McPherson, Kathryn (UTC) <kathryn.mcperson@utc.wa.gov>
Sent: Wednesday, February 2, 2022 2:16 PM
To: Fassburg, Blair <BFassburg@williamskastner.com>
Subject: RE: Illegal hauling of OCC Rejects

Based on information discussed by phone, I provided the following information:

Thank you for speaking with me in detail about your business. I am including the link to apply for your common carrier permit. Based on our discussion, your company is exempt from requiring a solid waste certificate. The service of transporting waste is incidental to the cleanup and collection onsite of the industrial waste.

[WAC 480-70-011](#) (1) (g) The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith.

By definition of [WAC 480.70.041](#), your company does transport waste: Solid waste or solid wastes means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- **Industrial wastes;**
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles; and
- Source-separated recyclable materials collected from single and multifamily residences.

Your company would be classified as a common carrier.

[RCW 81.77.010](#) (1) "Common carrier" means any person who collects and transports solid waste for disposal by motor vehicle for compensation, whether over regular or irregular routes, or by regular or irregular schedules;

Common carriers are required to have a permit based on [RCW 81.80.075](#) (1) (1) A common carrier, contract carrier, or temporary carrier shall not operate for the transportation of property for compensation in this state without first obtaining from the commission a permit for such operation.

Link for [Common Carrier Application](#). The application can be filed online at <https://efiling.utc.wa.gov/Form>.

Sincerely,

Kathryn McPherson
Investigator, Solid Waste Enforcement
(360) 522-6121

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

From: Fassburg, Blair <BFassburg@williamskastner.com>
Sent: Wednesday, February 2, 2022 11:46 AM
To: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>
Subject: RE: Illegal hauling of OCC Rejects

External Email

Great. I will plan to call today at 2:00. What is the best number at which to reach you?

Blair I. Fassburg

Williams Kastner | Attorney at Law
601 Union Street, Suite 4100
Seattle, WA 98101-2380
P: 206-628-2772 | F: 206-628-6611
www.williamskastner.com | [Bio](#) | [V-Card](#)

WASHINGTON OREGON

From: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>
Sent: Wednesday, February 2, 2022 11:25 AM
To: Fassburg, Blair <BFassburg@williamskastner.com>
Subject: RE: Illegal hauling of OCC Rejects

Good day Mr. Fassburg.

I am available all afternoon today after 1 p.m. Just let me know what is convenient for you. If not today, I am available late morning Thursday 9 a.m. – noon.

Sincerely,

Kathryn McPherson
Investigator, Solid Waste Enforcement
(360) 522-6121

This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

From: Fassburg, Blair <BFassburg@williamskastner.com>
Sent: Wednesday, February 2, 2022 11:15 AM
To: McPherson, Kathryn (UTC) <kathryn.mcpherson@utc.wa.gov>
Subject: Illegal hauling of OCC Rejects

External Email

Ms. McPherson,

I don't recall if we've had a chance to visit before, but I work with Dave Wiley at Williams Kastner and we represent Basin Disposal, Inc. There is an ongoing situation in Walla Walla involving an unlicensed hauler collecting and transporting OCC Rejects. I was hoping to visit with you about the situation today or at your earliest convenience. Is there a time today or tomorrow when you would be available to discuss?

Blair I. Fassburg

Williams Kastner | Attorney at Law
601 Union Street, Suite 4100
Seattle, WA 98101-2380
P: 206-628-2772 | F: 206-628-6611
www.williamskastner.com | [Bio](#) | [V-Card](#)

WASHINGTON OREGON