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VIA FACSIMILE AND REGULAR MAIL

October 25, 1994

*Also Admitted to Oregon Bar

Mr. Steve McLellan, Secretary
Washington Utilities and
Transportation Commission
1300 Evergreen Park Drive South
P. O. Box 9022
Olympia, WA 98504-9022

Re: The Disposal Group, Inc. v. Waste Management Disposal Services of Oregon
Cause No. TG-941154
Our File No. 144-3 (146)

Dear Mr. McLellan:

I am enclosing a copy of Patricia Vernon's signed Declaration.

Sincerely,


CYNTHIA A. HORENSTEIN

CAH:lk

Enclosure

cc: Mark Leichner, The Disposal Group
00144003.L54

STATE OF WASH.
UTIL. & TRANSP.
COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by facsimile and first class mail, postage prepaid, to:

John Prusia
Administrative Law Judge
Utilities and Transportation
Subdivision of the Office of
Administrative Hearings
2420 Bristol Court S.W.
P.O. Box 42489
Olympia, WA 98504-2489

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1400 South Evergreen Park Drive S.W.
Olympia, WA 98504-0128

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1200 Fifth Avenue, Suite 1900
Seattle, WA 98101
Attorney for T&G

Jim Sells
510 Washington Avenue, Suite 300
Bremerton, WA 98337
Attorney for WRRRA/Intervenor

DATED this 25th day of October, 1994.

Cynthia A. Horenstein, WSB #17830
Of attorneys for The Disposal Group,
Inc.

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BEFORE THE UTILITIES AND TRANSPORTATION COMMISSION
OF THE STATE OF WASHINGTON

THE DISPOSAL GROUP, INC., dba)	
Vancouver Sanitary Service and)	CAUSE NO. TG-941154
Twin City Sanitary Service, a)	
Washington corporation (G-65);)	
)	DECLARATION OF
Complainant,)	PATRICIA VERNON
)	
vs.)	
)	
WASTE MANAGEMENT DISPOSAL)	
SERVICES OF OREGON, INC., dba)	
Oregon Waste Systems,)	
a Delaware corporation; and T&G)	
TRUCKING & FREIGHT, CO., an)	
Oregon corporation;)	
)	
Respondents.)	

I, PATRICIA VERNON, declare as follows:

1. I am employed by the Oregon Department of Environmental Quality ("DEQ"). I make this Declaration based on personal knowledge.

2. My position with DEQ is Solid Waste Policy Manager. My responsibilities as Solid Waste Policy Manager include oversight of policies and interpretations adopted and implemented by DEQ.

3. Based on Oregon Administrative Rules, DEQ assesses landfill operators solid waste permit compliance fees, per ton solid

1 waste disposal fees and 1991 Recycling Act permit fees ("disposal
2 fees").

3 4. Because there has been inconsistent calculation of
4 materials received at landfills, upon which the disposal fees are
5 assessed, DEQ adopted "RULE INTERPRETATION FOR OAR CHAPTER 340
6 DIVISION 97: Relating to the Calculation of Disposal Tonnage for
7 Purpose of Fee Payment by Permitted Municipal and Industrial Solid
8 Waste Landfills."

9 5. The Rule Interpretation became effective October 1, 1994.

10 6. Attached as Exhibit "A" to this Affidavit is a true and
11 accurate copy of the Rule Interpretation.

12 7. A typographical error appears in the Rule Interpretation
13 at paragraph B, line 7, as noted by DEQ's interlineation on the
14 attached copy.

15 8. This typographical error is being corrected by DEQ but is
16 not yet complete.

17 9. Until such time as this typographical error is corrected,
18 DEQ is using the Rule Interpretation as if the typographical error
19 had been corrected (i.e., that clean fill is not subject to a
20 disposal fee).

21 10. Upon completion of this correction, the Rule
22 Interpretation will have the same effect as Exhibit "A" currently
23 provides: that clean fill is not subject to disposal fees.

24 I swear under penalty of perjury under the laws of the State of
25 Washington that the foregoing is true and correct.

26 Executed at Portland, Oregon, this 25th day of October,
27 1994.

28
29 
30 PATRICIA VERNON