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ROBERT B. ALLISON
OF COUNSEL
STATE OF WASH.
UTIL. & TRANSP.
COMMISSION

October 25, 1994

Steve McLellan, Secretary
Washington Utilities and
Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

Attention: John Prusia, Hearing Examiner

Re: The Disposal Group, Inc. v. Waste Management Disposal
Services of Oregon, et al.
Cause No. TG-941154

Dear Secretary McLellan:

On behalf of T & G Trucking & Freight Co., one of the
defendants in the above matter, we are enclosing original and two
copies of Declaration of Douglas J. Walters.

A copy is being mailed simultaneously to all known parties of
record.

Very truly yours,


Jack R. Davis

JRD:sa
Encs.
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cc: Steve Smith, Assistant Attorney General (w/enc.)
Bill Rasmussen, Attorney (w/enc.)
Cindy Horenstein, Attorney (w/enc.)
Jim Sells, Attorney (w/enc.)
Douglas J. Walters, T & G Trucking & Freight Co.

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5 BEFORE THE
6 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

7 THE DISPOSAL GROUP, INC.,)
8 d/b/a VANCOUVER SANITARY SERVICE) CAUSE NO. TG-941154
9 AND TWIN CITY SANITARY SERVICE,)
10 a Washington corporation (G-65),)
11 Complainant,)

12 vs.)

13 DECLARATION OF DOUGLAS J.
14 WALTERS

15 WASTE MANAGEMENT DISPOSAL)
16 SERVICES OF OREGON, INC.,)
17 d/b/a OREGON WASTE SYSTEMS,)
18 a Delaware corporation; and)
19 T & G TRUCKING & FREIGHT CO.,)
20 an Oregon corporation,)
21 Defendants.)

22 My name is Douglas J. Walters and I am the President of T &
23 G Trucking & Freight Co., located at 2360 North Marine Drive, PO
24 Box 17322, Portland, Oregon 97212, Telephone (503) 283-9550. T &
25 G Trucking & Freight Co. (T & G) is in the business of providing
26 the transportation of cargo containers having a prior or
27 subsequent movement by water or rail. T & G operates under
28 authority issued by the Interstate Commerce Commission in
Certificate No. MC-241170 and under permit issued by the Oregon
Public Utility Commissioner in Permit No. 27642. T & G does not
hold operating authority from the Washington Utilities and
Transportation Commission.

T & G does not hold out its services to transport solid
waste.

In approximately March of 1994, I was approached by a
representative of Oregon Waste Systems (OWS) and asked to submit
to them information concerning the cost of providing tractors and

1 chassis for the movement of loaded containers of sludge from the
2 Alcoa Aluminum plant site near Vancouver, Washington, to the rail
3 siding of Peninsula Terminals Railroad next to our container
4 freight station at 2360 North Marine Drive in the City of
5 Portland. I prepared and presented to OWS the proposed price
6 based upon my company's costs to perform the service, plus a
7 profit margin, and not based upon any interstate or intrastate
8 tariff. I was advised by OWS that the material was to be moved
9 from the Alcoa facility in Washington to the railroad in Oregon
10 and from the railroad in Oregon on to the Columbia Ridge Landfill
11 and Recycling Center (CRLRC). It was at all times my belief and
12 understanding that this was a continuous motor-rail movement from
13 the origin in Washington to the ultimate destination at
14 Arlington, Oregon. It would not be possible for me to provide
15 any part of the service without the railroad providing their part
16 of the service. The whole procedure required that the material
17 be moved in a container to a railroad siding and then moved on to
18 Arlington, Oregon, for any part of the transportation to be
19 accomplished.

20 OWS pays me for the utilization of my motor vehicle tractors
21 and chassis. OWS contracts directly with the railroad on the
22 rail portion of the movement.

23 T & G is not involved in any manner with the loading of the
24 sludge into the containers in the State of Washington. We take
25 an empty container from the rail siding in Oregon to the Alcoa
26 plant site, where it is loaded with sludge by Rust while the
27 driver waits in the truck. Our driver is not allowed to get out
28 of the truck at the Alcoa site. We then immediately transport
the loaded container back to the rail siding in Portland and load
it on to the flatbed rail cars provided by Union Pacific
Railroad. There is no stoppage in transit for storage or
processing or transfer to a different container. The material,
when it arrives at the rail siding, is loaded onto a rail car and
moves on to Arlington, Oregon, each day. T & G loads containers
onto the flat car with the use of a container loader that we
operate at our facility.

1 T & G handles the material as freight moving an intermodal
2 container on flat car service. We do not consider the material
3 as solid waste but as freight in a container to be moved on a
4 flat car. We understand that OWS uses the material as cover at
the landfill rather than solid waste for disposal.

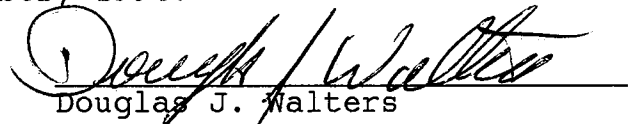
5 The entire business operation of T & G consists of the
6 movement of containers on chassis or trailers having a prior or
7 subsequent movement by rail or by water. Our average movement of
8 containers consists of approximately 120 per day, excluding those
9 moving from the Alcoa facility. We have averaged approximately
72 container loads per day from the Alcoa facility.

10 T & G has operated for approximately ten years in providing
11 integrated motor-rail service under the Container on Freight Car
12 (COFC) exemption from the Interstate Commerce Act. It is a part
13 of the regular business conducted by T & G. We have historically
14 performed the motor carrier portion of COFC service as being
exempt from either state or federal regulation, whether performed
inside the state or across a state line.

15 On the movements from the Alcoa facility, the containers are
16 moved initially over a private road owned by Tidewater Barge
17 Company, to Lower River Road, to Mill Plain Road, to Interstate
18 Highway 5 South, in Washington, across Interstate Highway 5
19 Bridge into Oregon to the North Marine Drive exit directly to the
20 rail siding where the material is taken from the trailer and
placed on the rail flat car for movement that same day onto
Arlington, Oregon.

21 I declare under penalty of perjury under the laws of the
22 State of Washington that the foregoing is a true and correct
statement.

23 DATED this 21 day of October, 1994.

24 
25 Douglas J. Walters

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing Declaration of Douglas J. Walters upon:

- (1) Steve Smith
Assistant Attorney General
Heritage-Plaza Building
1400 S. Evergreen Park Drive SW
Olympia, WA 98504
Mail Stop FY-11
- (2) Bill Rasmussen
Attorney at Law
2600 Century Square
1501 Fifth Avenue
Seattle, WA 98101-1688
- (3) Cindy Horenstein
Attorney at Law
First Interstate Tower
900 Washington Street Suite 900
PO Box 694
Vancouver WA 98666-0694
- (4) Jim Sells
Attorney at Law
510 Washington Avenue Suite 300
Bremerton, WA 98337

by mailing a copy thereof, properly addressed, with first class postage prepaid.

DATED this 25th day of October, 1994.



Jack R. Davis

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