



MEMORANDUM

October 20, 2005

10/20/05
I agree.


TO: Gene Eckhardt, Regulatory Services
Assistant Director, Transportation and Water Section

FROM: Bonnie L. Allen, Regulatory Analyst 

SUBJECT: Application No. GA-79406 for Temporary Certificate to transport Leachate under contract with Skagit County and Port of Bellingham in Docket TG-051542

Russell VanderVeen Certificate No. G-262
d/b/a VanderVeen Family Transport
5446 Allison Road
Bellingham, WA 98226

Discussion

On October 7, 2005, Russell VanderVeen, d/b/a VanderVeen Family Transport, (VanderVeen) filed Application No. GA-79406 in Docket No. TG-051542 for temporary certificate. In Application No. GA-79406 VanderVeen is requesting temporary authority to provide the following solid waste collection services: Solid Waste Collection Services consisting of leachate/condensate from the Inman Landfill, Bow, Washington under contract with Skagit County and Solid Waste Collection Services consisting of leachate from the Airport Woodwaste Landfill, Bellingham, Washington under contract with the Port of Bellingham.

VanderVeen also filed on October 7, 2005, Application No. GA-79407 for permanent authority (extension of existing certificate authority) in Docket No. TG-051543. Under the provisions of WAC 480-70-131, temporary authority, if granted, would allow the applicant to operate until the Commission issues its decision on the applicant's concurrently filed application for permanent certificate authority.

The Port of Bellingham recently acquired property as part of an environmental clean-up project that includes the Airport Woodwaste Landfill, Bellingham, Washington. The landfill was previously operated and maintained by Georgia Pacific. According to Mr. Fred Seeger, Director of Facilities, Port of Bellingham, the port needs the transportation

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service beginning November 1, 2005, 365 days a year for an estimated 630 loads. Ludtke-Pacific currently transports the leachate for Georgia Pacific. The port received bids from four potential haulers: Callen Construction, Frasier Sand and Gravel, Ludtke Pacific, and Russell VanderVeen. There currently is no certificated carrier with authority to transport leachate from the Woodwaste Landfill in Bellingham. Sanitary Service Company, Inc., the local solid waste collection company serving Whatcom County under Certificate No. G-14, did not submit a bid to the Port of Bellingham for the contract to haul leachate nor does it hold itself out to provide the type of contract service the Port of Bellingham requires.

Skagit County, Department of Public Works, contracts for the transportation of leachate from the Inman Landfill in Bow, Washington. Sumas Transport, Inc., G-243, previously hauled the leachate from the Inman Landfill under the Skagit County contract. According to Gary Stoyka, Hydrogeologist /Environmental Scientist, Skagit County, Sumas Transport, Inc., is no longer in business and the Skagit County needs an immediate replacement. There is currently no WUTC certificated carrier with authority to transport leachate from the Inman Landfill in Bow. The Commission cancelled Certificate No. G-243, held by Sumas Transport, Inc., effective August 12, 2005, for failure to maintain proof of insurance. Waste Management of Washington, Inc., the local solid waste collection company serving Skagit County under Certificate No. G-237, does not hold the contract to haul leachate nor does it hold itself out to provide the type of contract service Skagit County requires.

Granting this application for temporary authority would have no affect on the Commission's determination of the appropriateness of granting, or denying, the concurrently filed application for continuing permanent authority. It would however, enable the Port of Bellingham and Skagit County to receive the level of service each requires pending full consideration of the facts in Mr. VanderVeen's parallel application for continuing permanent authority in Docket No. TG-051543.

Conclusion

Under the provisions of RCW 81.77.110 and WAC 480-70-131, the Commission may, with or without hearing, issue temporary certificates for authority to provide solid waste collection services, but only after finding that there is an immediate and urgent need for service and that issuance of the temporary certificate is consistent with the public interest.

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When an application for temporary certificate authority is filed in conjunction with a parallel application for permanent authority, the temporary authority remains valid through the last day for seeking judicial review of the order resolving the application for continuing or permanent authority.

The applicant currently holds Certificate No. G-262, in good standing. Staff has no information that would suggest the applicant, Mr. Russell VanderVeen, d/b/a VanderVeen Family Transport, is not fit, willing, and able to provide the proposed service.

The applicant holds contracts with the Port of Bellingham and with Skagit County. The shippers have identified an urgent and immediate need for service. It is in the public interest to grant this application for temporary certificate to allow Mr. VanderVeen to provide Port of Bellingham and Skagit County the contract services they require pending a decision on the concurrently filed application for permanent authority.

Recommendation

Staff recommends the application be granted and a temporary certificate be issued to Russell VanderVeen, d/b/a VanderVeen Family Transport, authorizing the following:

Solid Waste Collection Service consisting of leachate/condensate from the Inman Landfill, Bow, Washington under contract with Skagit County.

Solid Waste Collection Service consisting of leachate from the Airport Woodwaste Landfill, Bellingham, Washington under contract with the Port of Bellingham.

This temporary certificate will end automatically, by operation of law and without further Commission action, when (1) the Commission enters an order approving withdrawal of Application No. GA-79407, or (2) the Commission enters an order granting Application No. GA-79407. If the Commission denies, dismisses, or grants less than all of Application No. GA-79407, this temporary permit will terminate on the last day for seeking judicial review of the Commission decision or, in the event of judicial review, on any later date that the reviewing court may order.