

Point Recycling and Refuse

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May 27, 2008

Frank Abart, Director
Whatcom County Public Works
Suite 210
322 N. Commercial St
Bellingham, WA 98225

Dear Mr. Abart,

In response to your letter dated February 11, 2008, ordering me to resume curbside recycling collection in Point Roberts. I will be very clear, that is not going to happen. As I have been telling you for years, the program is not economically viable or necessary. I cannot subsidize the program and no bank would finance equipment on the program given the current participation and lack of support from the County.

I am providing free self-haul recycling to every household, the needs of the community are being met and more households are recycling now than were before. The recycling center is open six days per week. This is the direction that the system needs to go and I am going to implement it.

I find it incredibly amusing that nobody from the County or the WUTC has even bothered to call me about the situation. It is a monumental absurdity of blind bureaucracy. There is a profound refusal to participate and realize that I am not a slave to be ordered to a task by the County and the WUTC but that all three of us are equally bound to serve the community. It was never my task to prove this program was not possible but it was the mandated task of the County and the WUTC to design, assess, and support a viable and sustainable system.

I believe that the County does not know what to do; how to evaluate the situation; or make decisions. The County's Solid Waste Department and planning process is non-functional and has been for years. One may want to blame staff but the fault rests completely on the County Council. Sixteen years ago, when I was an intern with Solid Waste, we had a Solid Waste Manager, a Recycling Manager, a secretary and two interns. We were cutting edge and won National and State awards for our programs. The Department has since been gutted of staff and resources consisting now of two secretaries (both are capable of their jobs as assigned) with the occasional oversight of the Public Works Director. Staff are forbidden to make decisions contrary to the political whims of the Council or else their jobs are at stake. The County put the whole solid waste and recycling system on autopilot a long time ago. The County no longer has the ability to understand its jurisdictional role or fulfill its responsibilities. Solid waste and recycling systems are engineered economic models that have predictable outcomes based on design, support, participation and enforcement. You cannot design and maintain systems successfully when decisions are made by part-time committees consisting of mostly ignorant (in solid waste and recycling) citizens and politicians where the most strident voices eliminate practical discussion. You know what they say a camel is? A horse designed by committee. When the County builds a road or a bridge you hire

experts and you listen to them about what can be done and what cannot. Solid waste and recycling systems are no different in purpose and process but the County refuses to listen.

The County has reached this point for two reasons: money and politics. Solid Waste staff and authority started being cut with the huge cost over-runs of the new Courthouse. A general fund budget crunch was increased by the anti-tax initiatives of the mid 1990's. The County was able to transfer funds from Solid Waste by making the division into a department of Public Works and charging administrative overhead fees. Perhaps legal, maybe not; but when you fire all the staff then who would question it, especially when Public Works is now in charge of the budget. And then we have politics; for the most part Councilperson Barbara Benner who has consistently tried to use solid waste in her personal vendettas against the former Recomp regarding MSW composting, flow control, mushroom composting and medical waste. She has repeatedly tried to exceed the County's jurisdictional authority, bypass legal procedures or avoid mandated solid waste responsibilities. Professional, trained, and strong solid waste staff would have been a check against these political abuses, so they were removed.

The creation of the Planned and Regulated solid waste and recycling system was intended to address numerous problems in solid waste such as illegal dumping, burning and litter; maximize recycling; provide funding for County programs; and to ensure affordable and effective collection systems. In that process, a partnership was created between the County, the Cities and the Haulers to be bound in service to the community and to fulfill responsibilities. The County was required in the Plan to address service needs for both urban and rural areas which it has never done for Point Roberts. The Plan is implemented through the Service Level Ordinance and the Universal Service Ordinance. The County made promises that it has not kept. When you asked the Haulers to build your recycling system, you promised to help us achieve maximum recycling at the lowest rates through Universal Service. When the Cities joined the Plan you promised to treat "county" and "city" households equally. When you put your Excise Tax on the Haulers, (which I first proposed and helped to design), you effectively increased Haulers rates compared to self-haulers who do not pay the tax, so you promised to implement Universal Service. You promised the Cities who have Universal Service that you would tax county residents equally through Universal Service. However, the County refuses to implement its own ordinances. Over and over the Haulers or others have stepped up to implement programs in recycling, yardwaste, or electronics collection and the programs have failed to achieve their full potential in volumes and rates, or even collapsed completely, because the County will not take the rational steps necessary for the community benefit. Why? Because of politics like where Barbara Brenner who does not subscribe to collection service, self-hauls her recycling for free to RDS, and does not pay County Excise Tax but uses her position on SWAC to block any actions she does not agree with. So, the fundamental solid waste problems still are not addressed and recycling objectives are not met because the County fails to understand its role and responsibilities as a partner in the system.

I find it to be the utmost in hypocrisy that the County would demand that I comply with the Service Level Ordinance but then refuse to implement the Universal Service Ordinance. Over the years, you should have listened to me when I tried to bring problems to your attention and helped me when I asked for it because we are partners. When I suspended curbside recycling, somebody should have called me but nobody did. What should have happened? We should have set down with the WUTC, Ecology, the County lawyers, some of the knowledgeable people in the county such as Carl Weimer, Ed Nikula, Rodd Pemple, Bob Colbo, and Calvin Den Hartog in order to create a feasible plan for Point Roberts where we all understood the task at hand, our individual obligations, and the possible or impossible. But nothing happens. The County has put me in an unbearable situation where absent a game plan, I can not move forward with this system. I do not

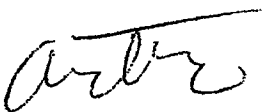
know what equipment to buy or what to tell my customers. No business can continue for long in that situation.

Your Solid Waste Plan is not valid for Point Roberts because you have never done an Urban/Rural designation or assessment of program feasibility. Your curbside recycling program was a failure from the beginning; only 17% of households participating. You don't understand that 83% of the households voted against curbside recycling in the most important way, they chose not to participate in the system. You talk of public meetings which are pointless until there is a game plan to discuss. Public meetings and committees are for getting input not making decisions. Who in the County actually makes any decisions?

I must comply with my WUTC Tariff so I am filing to remove Curbside Recycling. This will allow my customers to formally comment on the program and on the County's failure to adequately plan their solid waste and recycling system. It will put a 45 day clock on the process to force some action and participation from the County. I anticipate that WUTC staff will deny my application as they did in 2000, because I must comply with your Solid Waste Plan. Therefore, I must request that the Department of Ecology invalidate your Plan until you comply with the required guidelines including rural programs, feasibility and cost assessments.

This isn't the way this should have gone. We are partners in service and should cooperate. However, I have a job to do, to serve this community and create a viable, sustainable system. It requires that both the County and the WUTC participate and understand their obligations to support and protect this system. So far, both agencies have refused to participate in the success and survival of this system.

Sincerely,



Arthur Wilkowski
Owner/ Operator

Cc: Whatcom County Council, Executive,
Peter Christianson, Dept of Ecology
WUTC