

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASTE CONNECTIONS OF	)	DOCKET TG-071194
WASHINGTON, INC.,	)	
	)	
Complainant,	)	ORDER 02
	)	
v.	)	
	)	INTERLOCUTORY ORDER
	)	DISMISSING RESPONDENT
ENVIRO/CON & TRUCKING, INC., a	)	ENVIROCON, INC.
Washington Corporation,	)	
ENVIROCON, INC., a Corporation,	)	
and WASTE MANAGEMENT	)	
DISPOSAL SERVICES OF OREGON,	)	
INC.,	)	
	)	
Respondents.	)	
	)	
.....	)	

1 **NATURE OF PROCEEDING.** This matter involves a complaint, or in the alternative, a petition for a declaratory order, filed by Waste Connections of Washington, Inc. (Waste Connections), against Enviro/Con & Trucking, Inc. (ECTI), Envirocon, Inc. (Envirocon), and Waste Management Disposal Services of Oregon, Inc. (Waste Management), (Respondents). The complaint alleges that Respondents are engaging in the collection and transportation of solid waste from the Evergreen Aluminum remediation site in unincorporated Clark County for disposal without certificated authority.

2 **APPEARANCES.** David W. Wiley, Williams, Kastner & Gibbs, PLLC, Seattle, Washington, represents Waste Connections. Polly L. McNeil, Summit Law Group, PLLC, Seattle, Washington, represents ECTI and Waste Management. John R. Herrig, Herrig, Vogt & Stoll, LLP, Kennewick, Washington, and Stephen A. Watson, attorney, Missoula, Montana, represent Envirocon. James K. Sells, Ryan Sells Uptegraft, Inc. P.S., Silverdale, Washington, represents Washington Refuse and

Recycling Association (WRRRA). E. Bronson Potter, Sr., Deputy Prosecuting Attorney for Clark County, Washington, represents Clark County.

3     **BACKGROUND.** The Commission convened a prehearing conference in this case on August 2, 2007, before Administrative Law Judge Theodora M. Mace. At the prehearing conference the parties entered their appearances as noted above in this order. Envirocon participated in the prehearing conference as a Respondent to the complaint.

4     **MOTION FOR VOLUNTARY DISMISSAL.** On September 7, 2007, Waste Connections filed a motion stating that after further information and review, it was requesting the voluntary dismissal of Envirocon as a party respondent.

5     The Commission provided the parties an opportunity to respond to Waste Connections' motion. Only WRRRA responded, stating that it had no objection to the dismissal of Envirocon from the proceeding.

6     **DISCUSSION.** The Commission addresses motions such as this one for voluntary dismissal of a party respondent under WAC 480-07-810, the Commission's rule governing interlocutory orders. An interlocutory order is one entered during the course of a proceeding, rather than at the conclusion of a proceeding. Such an order may address issues such as the termination of a party's participation in a proceeding.

7     The Commission notes that it serves judicial economy for the parties to refine both the issues and the proper parties to a proceeding prior to hearing so that the Commission is presented with a well-defined case for adjudication. In addition, the Commission notes that no party objected to the dismissal of Envirocon from the case. In light of these considerations, the Commission finds that there is good cause to grant Waste Connections' motion for voluntary dismissal of Envirocon as a party respondent.

**ORDER**

8 IT IS ORDERED That Envirocon, Inc. is dismissed as a party respondent to this proceeding.

Dated at Olympia, Washington, and effective October 2, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**