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WUTC and trash hauler at loggerheads

By *Meg Olson*

State and county regulators are saying the local garbage company isn't playing by the rules and are threatening cancellation of Point Recycling and Refuse's permit.

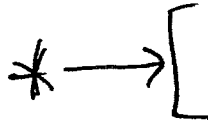
Company owner Arthur Wilkowski says he's just trying to get them to support system changes that make a garbage and recycling collection system feasible in Point Roberts.

* → [The Washington Utilities and Transportation Commission had a hearing scheduled for March 4 to determine whether the company should lose its waste collection permit for failing to pay regulatory fees and file annual reports. WUTC staff and Wilkowski informed the judge on March 3 they were "seeking to resolve this matter without canceling Point Recycling's solid waste collection certificate." The hearing was continued until April 29 and Wilkowski was given until April 15 to pay overdue regulatory fees and penalties for not filing timely reports with the commission. He has until May 1 to get the reports in.

"I paid the fees, the reports they'll get in a couple of days," said Wilkowski. WUTC representative Marilyn Meehan said that to date they had not received fees or reports from Wilkowski and the April 29 hearing was scheduled to proceed.

* → [Wilkowski said he was withholding fees and reports to induce the WUTC to help him solve problems he says make the local waste system unfeasible, such as independent haulers taking a share of the construction waste and a county mandate to provide curbside recycling.

* → ["I'm still trying to get them to address enforcement issues and analysis of system design," he said. "I'm trying to get their attention."



Wilkowski and WUTC staff have been wrangling over the issue since 2006, when the company was issued a penalty of \$100 for not filing 2005 reports and paying fees. Wilkowski appealed the penalty, according to an order filed in February 2008, claiming that the company "had several issues before commission staff that were not being addressed to its satisfaction. Points (sic) said it would comply with the commission (in filing the annual report) when the commission found the time to address the company's problems." The appeal was denied.



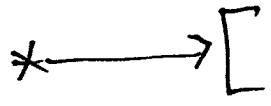
Point Recycling and Refuse again did not file reports for 2006 in 2007 or pay fees, and was fined \$200. After the company did not respond to several letters requesting the reports be filed and fees paid, the order states, the commission began proceedings on its own behalf to suspend or cancel the company's permit.

WUTC representative Marilyn Meehan said a mandatory curbside recycling program was part of the county's solid waste plan and it was not the WUTC's role to override local waste management. "It's our job to analyze what customers pay for services they receive," she said. "It's not our job to determine what services they receive. That's the county."



Whatcom County gave Wilkowski 60 days, until April 11, to restart curbside recycling pickup, which he discontinued at the end of January, claiming that it was not economically feasible with only 17 percent of local households on the system. He put in place a free self-haul system for customers he says is working well, and he does not intend to restart a curbside program at this time.

"The 60 days have come and gone and we haven't heard a word," said Penny Lempere from the county's solid waste division. "Everybody's dug in with their feet in the sand, waiting for what the other guy's going to do."



Lempere said county public works director Frank Abart had officially requested another WUTC hearing on the Point Recycling and Refuse waste collection certificate. "He's violating county code," she said. "If people have complaints they should call the WUTC and file a formal complaint."

The county was not willing to look at changes to the system in Point Roberts until Wilkowski completes a rate case study, looking at the cost of providing services, which Lempere said they had requested last year but were still waiting for. "With that we can present the findings to county council and present options. There are all kind of options."

Some changes may need to be made to county code to accommodate the Point's unique geography and demographics, Lempere

acknowledged. "I believe Point Roberts should not be lumped in with the rest of the county. It's just not the same," she said. "I ultimately want a town hall meeting with the county council and the executive and the community and the hauler to look at solutions."

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