

ATTACHMENT B

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

IN RE: HAROLD LEMAY ENTERPRISES, INC.	PENALTY ASSESSMENT TG-180253 DECLARATION OF DONALD KENNEY
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I, Donald Kenney, being over the age of 18 and having personal knowledge of the same, declare as follows:

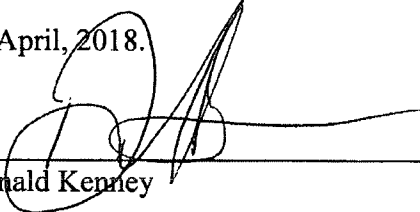
1. I make this Declaration of my own personal knowledge.
2. I am currently employed as a Maintenance Manager at LeMay Pierce County Refuse (“LeMay”). I have been employed by LeMay and its related companies since 2010. I am responsible for developing and implementing maintenance procedures and ensuring their implementation. One of my duties is to assist LeMay in responding to audits and inspections by the Washington State Utilities and Transportation Commission (“UTC”).
3. On March 20, 2018 I was present when five UTC inspectors conducted an on-site inspection of 12 LeMay garbage trucks.
4. The inspection took place before drivers conducted their post-trip safety inspection. While LeMay’s trucks were parked in the yard, special investigator Sandi Yeomans inspected trucks driven by, among others, Ian Marsh and Nathan Molinek. Mr. Marsh’s truck was a rear-loader garbage truck (vehicle 1044). Mr. Molinek’s truck was an automated side-loader garbage truck (vehicle 3571).

5. Investigator Yeomans claimed that she saw paint worn off of the Pitman arm of Mr. Marsh's truck. She said that the paint was rubbing off of the Pitman arm due to the Pitman arm coming into contact with the front tire. However, I did not witness investigator Yeomans observe the Pitman arm come into contact with the front tire. In fact, I did not observe her testing the turning radius at the time to determine whether the tire came into contact with the Pitman arm. Investigator Yeomans placed Mr. Marsh's truck out-of-service.

6. Investigator Yeomans also inspected Mr. Molinek's truck. As part of the driver's pre-trip inspection, he is required to check to ensure the brake lights are operational. The brake lights on Mr. Molinek's truck were briefly not operational, but this was remedied immediately. Despite this fact, Investigator Yeomans placed Mr. Molinek's truck out-of-service after the brake lights were operational.

I have read the foregoing 2 pages and declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated at Tacoma, Washington, this 25th day of April, 2018.



Donald Kenney