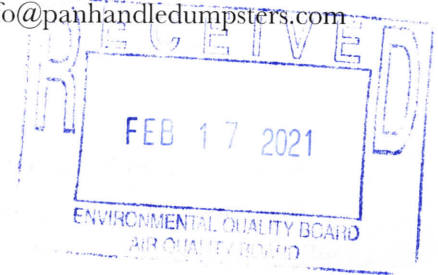




Panhandle Dumpsters llc

446 Eagle School Rd.
Martinsburg, WV 25404
833-DUMP-STR
info@panhandledumpsters.com



February 10, 2021

Name Environmental Quality Board

Specific Objections:

Panhandle Dumpsters LLC, continues to deny allegations made against them in Order SW-21-005 for the Reasons given below with the addition of showing the failures of our Divisions and State in Discrimination, Deprivation of "rights, privileges, or immunities secured by the Constitution or laws of the United States", unfair treatment and, unnecessary burden on Panhandle Dumpsters LLC as a Transportation company in Interstate Commerce:

Panhandle Dumpsters LLC has found that the PSC of WV, DEP of WV, and any other entities still in discovery; have rejected attempts at considering State and Federal law, the source of all their power, when promoted to them by Panhandle Dumpsters LLC but only advised progression of this stature in a "cease and desist" order. Further they choose to take away the rights of Panhandle Dumpsters LLC and chooses to unequally dispense laws upon Interstate and Intrastate Haulers even after the laws and cases that have recently came to light.

***see Pike v. Bruce Church, Inc and Harper v. Public Service Commission of WV

Panhandle Dumpsters LLC is a DOT "private Hauler", solely in transportation. In transportation the only times that we can reasonably present that the truck is unattended is when it cannot operate for the following reasons: repairs, extra/ backup trucks, Fueling at station, when truck is full and/or landfill is not accepting wastes due to operating hours like local landfill/ transfer stations in our area.

Panhandle Dumpsters LLC accepts no solid wastes at any facility.

Panhandle Dumpsters LLC generates waste by placing their bulky items into a dumpster when dimensions of item is not reasonable in traditional methods

Panhandle Dumpsters LLC recycles mainly Metal but is being advised they are NOT allowed to recycle metal.

Panhandle Dumpsters LLC operation and authority can be found in the Federal CFR and definition of transportation found therein showing "storage incidental..." but

because they are unable to mandate landfill hours they are since required to not be allowed to operate by the PSC and the DEP; thus forcing WV customers to have trash stockpile in their yards for a whole extra week. All this due to unfair treatment and an unnecessary burden placed on Panhandle Dumpsters LLC. It is an egregious misconduct to the state and our environment that a company that is only different from the permitted haulers in that they are an interstate hauler but given an indirect mandate to:

1. Allow and promote WV to break federal law by submitting interstate hauling to be regulated by the state
2. Offering only other alternatives such as not to operate the company if the landfill is closed and/or force WV residents to go against the WV SWM plan by leaving trash for an entire extra week because landfills were closed.
3. Advising that compliance can also be found in just never parking a truck but rather driving non stop causing an unfair burden and an injustice to our environment; when the darker truth is that this is the same thing the DEP states that they are protecting. It is shameful to even read this.

Panhandle Dumpsters LLC finds that DEP of WV laws are found as near identical copies from the Federal CFR-> EPA -> RCRA but are interpreted and enforced in opposite ways given even when the context is searchable (I have found it as a simple citizen); showing the resources are there but finding the negligence in disregard for the sacredness of law is not a priority but their own assumed authority over interpretation. Additionally we find in many cases in WV Case files search that involve the DEP and PSC, show that the intent or definitions “copied and pasted” by WV/ Divisions of the State, needs clarification as they are unsure of the meaning. We find simply it is available from the source it was copied from and the regulating authority over Panhandle Dumpsters LLC; and that is the Federal CFR which includes directly the EPA (RCRA) and DOT/FMSCA. Our Transportation in Interstate Commerce is not to be regulated or rejected to operate in WV unfairly to its intrastate counterpart.

Panhandle Dumpsters LLC finds that an Environmental Advocate is required by the state and this is found in WV Code. Yet there is no job listing available that is posted and its extremely unclear who can represent you. In this format, the people trying to help have been advised to make No communication with Panhandle Dumpsters LLC while they were working with them originally due to the DEP putting an “order” against them. Further, when they were advised to not reach out to answer a multitude of emails/ calls, No division would let Panhandle Dumpsters LLC even know this but after months of reaching out, Panhandle Dumpsters LLC, was only advised in passing statement From the DEP that they were told to not reach out but forward to Him instead; yet he never reached out for months. This is a violation of State law and rights given to Panhandle Dumpsters LLC; and should not stand nor be taken lightly by Public Officials that read this document.

Panhandle Dumpsters LLC finds that the Environmental Equity Policy is being broken. Reprimand upon the parties involved should be required:

”fair treatment and meaningful involvement of all people... with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences as a result of their ... socioeconomic background when permitting industrial, municipal, and commercial operations or in the execution of federal, state, local, and tribal programs and policies.”

Panhandle Dumpsters LLC finds that regulation over Transportation of Interstate Commerce is still being/attempting to be regulated in unique ways by the PSC and DEP and can be shown clearly through evidence of documented conversations.

Panhandle Dumpsters LLC finds that advisement for compliance to drive nonstop goes completely against the National Energy Conservation Policy, Clean Air Act, and detailed in 42 US Code 6902. Still defeating the purpose of the DEP and Federal laws!

Panhandle Dumpsters LLC has found that DEP Enforcement has maintained gross misconduct by:

1. Enforcing laws in their interpretation without considering the questions of laws and rights by Panhandle Dumpsters LLC through the Federal and State Laws; and rejecting Federal and State Laws and questions given to them. Additionally, not even knowing the law they are enforcing
2. Advising breaking the very law they are mandating on us (enforcement advised hiding vehicles in a shop)
3. Not knowing regulation and advising that we are not allowed to recycle metals at all

Panhandle Dumpsters LLC through heavy documentation has found gross misconduct in the PSC and DEP communications by both stating that each division cannot answer my questions but must talk to the other division because they determine things, yet there is no answer because both force a revolving circle causing avoidance to any answers for my questions. In summation, this equals a complete refusal to citizens trying to abide by law and ask their public officials regulating questions for clarity.

Closing:

With backing evidence, Panhandle Dumpsters LLC, will show great effort to avoid litigation and lawyers as a good faith to its enforcement officers and WV Divisions but has been met with disregard to law of the State of WV and the Federal CFR.

Evidence when needed to be go further will show this court and higher courts violations of rights and potential Antitrust Violations.

Panhandle Dumpsters LLC has been given the option solely to cease and desist all operations or never stop driving a truck to avoid issues (advised by the DEP); this is unfair and a major burden on interstate commerce. Alternatively, Panhandle Dumpsters LLC is advised to file for a permit they are not allowed to receive by the DEP unless they submit

themselves to the regulation of the PSC as an intrastate hauler. These options guarantee that our business will not operate for more than a year at the best but nearly guarantee that we will never receive either as the PSC does not give out CON for new haulers as evidenced in near all court documentation in this area and in WV.

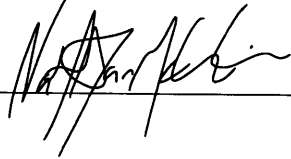
Panhandle Dumpsters LLC is a proponent of the WV SWM Plan and wants to follow guidelines above when they are required. However as seen in the case of Harper v. Public Service Commission of WV, we now have exponential amounts of cases of Intrastate/ Permitted haulers claiming they are now Interstate Haulers nearly every time they get in trouble with PSC regulations; all of this is going against the WV SWM Plan.

Further this case has the evidence more than Harper had and it will further open the door for everyone to operate, causing a complete collapse of the PSC regulations over waste hauling. Panhandle Dumpsters LLC, as a citizen and entity of WV, is simply asking for fair treatment. Please allow careful consideration and see the true intentions rather than what Panhandle Dumpsters LLC has experienced so far, and that is an unnecessary burden placed on it by unfair/ unequal treatment from the State and now those that read this and are made aware.

Panhandle Dumpsters LLC

Owner and Operator - Nathaniel McClain

Signature: _____



The Appeal Process
CERTIFICATE OF SERVICE:

I, **Nathaniel McClain**, do hereby certify that I, on this **11th day of February 2021**, served the attached **Order# SW-21-005** to all parties in Appeal no. **TBD I suppose**, as follows:

by United States Mail, postage prepaid:

Jackie Shultz, Clerk
Environmental Quality Board
601 57th Street, SE
Charleston, WV 25304

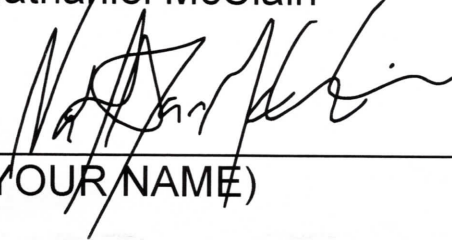
(WVDEP - OFFICE OF LEGAL SERVICES)

601 57th Street, SE
Charleston, WV 25304

(DIRECTOR, DIVISION OF WATER AND WASTE MANAGEMENT)

601 57th Street, SE
Charleston, WV 25304

Panhandle Dumpsters LLC
Nathaniel McClain



(YOUR NAME)