



FOR IMMEDIATE RELEASE...

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Tealinc, Ltd. President Darell Luther Featured as Rail Waste Expert

Excerpt From Magazine Published in Educational Book

Forsyth, MT – Tealinc, Ltd. President Darell Luther was quoted in a 2012-2013 supplemental issued in October 2012 to the educational book published by James O’ Reilly, College of Law, University of Cincinnati, *State & Local Government Solid Waste Management Second Edition* which features extensive discussion of waste “flow control” options. Mr. Luther was quoted within Section 10:8 as follows:

Standards for train shipments of waste are not simple; planners for waste hauling and recyclable materials rail movement must follow best practice standards.

You will see below a copy of this text as published within the book.

Darell Luther is president of Forsyth, MT-based Tealinc Ltd., a rail transportation solutions and railcar leasing company. Darell’s career includes positions as president of DTE Rail and DTE Transportation Services Inc., Fieldston Transportation Services LLC, managing director of coal and unit trains for Southern Pacific Railroad and director’s positions in marketing, fleet management and integrated network management at Burlington Northern Railroad. Darell has more than 24 years of rail, truck, barge and vessel transportation experience concentrated in bulk commodity and containerized shipments. He can be reached at (406) 347-5237, via e-mail at darell@tealinc.com or visit www.tealinc.com.

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complex contract disputes, so careful drafting of bills of lading will be essential.¹²

The Federal Motor Carrier Safety Administration has adopted an enforcement system called CSA, tracking the driver problems of waste trucking companies.¹³

Standards for train shipments of waste are not simple; planners for waste hauling and recyclable materials rail movement must follow best practice standards.¹⁴

⁹McCarthy, *Interstate Shipment of Municipal Solid Waste: 2004 Update*, Congressional Research Service (September 2004). See Angel, *Transferring Loads*, 35 *Waste Age* 22 (November 2004).

¹⁰See Tom, *Pennsylvania Sweeps Nab Trash Trucks*, 35 *Waste Age* 6 (June 2004).

¹¹Richard Peluso, *Transfer Stations*, 38 *Waste Age* No. 2 at 38 (Feb. 2007).

¹²*CSX Transp., Inc. v. Meserole Street Recycling*, 618 F. Supp. 2d 753 (W.D. Mich. 2009).

¹³Bruce Hooker, *BASIC Instinct*, *Waste Age* 34 (April 2012).

¹⁴Darrell Luther, *Rail Yard Operations Best Practices*, *Waste Advantage Magazine* 25 (May 2012).

§ 10:8 Intrastate movement controls

Add to the end of the section:

Where state law granted the power to license waste haulers' vehicles to the counties, not to the municipalities, a township does not have the authority to inspect and license the waste hauling trucks operating within its borders. However, it can impose fees on the container owners under applicable laws.²⁹

The certificate requirement of a state law was found to be a substantial barrier to entry of the trash collection and disposal market. It is difficult, if not impossible, for new haulers to enter the West Virginia solid waste hauling market if a certificate is in place.

Almost every area in West Virginia has a certified hauler or haulers and, as a result, with rare exception, firms enter the market only through acquisition of companies who hold existing certificates, as opposed to de novo application pursuant to W. Va. Code § 24A-2-5. The issuance of certificates is a government function; nonetheless the public received no monetary benefit from the sale of the certificates by GRS to BFI. In fact, any certificate holder can enjoy a substantial windfall by applying for and receiving a significant rate increase and then promptly selling the certificate, just as GRS did in Mason County. The statutory scheme effectively