

THE COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S. 1985, c. C-34; as amended;

AND IN THE MATTER OF an Application by the Commissioner of Competition under section 92 of the *Competition Act*;

AND IN THE MATTER OF the acquisition by Canadian Waste Services Inc. of certain assets of Browning-Ferris Industries Ltd., a company engaged in the solid waste business.

COMMISSIONER OF COMPETITION

Applicant

-and-

CANADIAN WASTE SERVICES HOLDINGS INC., CANADIAN WASTE SERVICES INC. AND WASTE MANAGEMENT, INC.

Respondents

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE		
F I L E D	MAY MAI 31 2000	P R O D U I T
REGISTRAR - REGISTRAIRE		
OTTAWA, ONT.	# 7	

RESPONSE

I. INTRODUCTION

A. OVERVIEW

1. The retention of the Ridge by CWS will not result in a likely substantial lessening or prevention of competition either presently or in 2002.

GTA

2. As pleaded in more detail below, the relevant geographic market in which solid non-hazardous waste collected in the Greater Toronto Area (the City of Toronto and the Regional Municipalities of Durham, York, Peel and Halton, all referred to herein as the “GTA”) is disposed, is considerably broader than southern Ontario. The geographic market includes parts of Ontario, Michigan and New York State. This geographic market is referred to in this Response as the “Lower Great Lakes Area“. Further, parts of Ohio and Pennsylvania, if not in the geographic market at present, are immediately adjacent to it and provide additional competitive discipline on prices in the geographic market.
3. The Respondents agree with the product market definition of solid non-hazardous waste disposal proposed by the Applicant, except that the Respondents deny that the above product market includes special waste, if that is alleged by the Applicant.
4. Included in the Applicant’s definition of solid non-hazardous waste is residential waste and ICI waste. However, the Ridge is not permitted to receive residential waste from outside of its local area. The retention of the Ridge by CWS can therefore have no impact on the disposal of residential waste collected in the GTA.
5. Many of the disposal facilities located in the Lower Great Lakes Area receive waste from various locations in the Lower Great Lakes Area including the GTA. However, the Respondents will for analytical purposes focus the part of this Response that answers the Applicant’s allegations concerning the broader geographic market on the disposal of

solid non-hazardous waste (not including special waste) collected in the GTA, as proposed by the Applicant.

6. Barriers to entry for new disposal facilities in the Lower Great Lakes Area are low except for regulatory requirements in Ontario. The Ontario regulatory process for a new or expanded disposal facility requires time and resources. However, provided that regulatory concerns can be addressed, disposal facilities in Ontario can be built or expanded.
7. The retention of the Ridge in 2000 will not likely substantially lessen or prevent competition. The Applicant's allegations focus on a likely substantial lessening or prevention of competition that the Applicant alleges will occur in 2002. The allegations of the Applicant are based on a series of speculative future events including anticipated legislative acts of the Canadian government, the United States Federal government and state governments as well as permitting decisions of the Ontario government. Apart from these speculative facts, this application (the "Application") assumes that the market structure in 2002 will not otherwise change.

Chatham-Kent

8. The Respondents deny that there will be a likely substantial lessening or prevention of competition with respect to the disposal of solid non-hazardous waste collected in the Municipality of Chatham-Kent ("Chatham-Kent"). Chatham-Kent has a long-term contract (the "Chatham-Kent Host Community Agreement") with BFIL for the disposal of residential waste collected by Chatham-Kent in the Chatham-Kent area. Further, there are competing disposal facilities for both residential and ICI waste collected in Chatham-Kent.

9. Further, if the retention of the Ridge by CWS resulted in a likely lessening or prevention of competition with respect to the disposal of solid non-hazardous waste collected in Chatham-Kent, which is not admitted but is expressly denied, such lessening or prevention of competition would not be substantial.

B. RESPONSE TO INTRODUCTION IN STATEMENT OF GROUNDS AND MATERIAL FACTS

10. In this Response, the Respondents deny some of the facts alleged by the Applicant, pending verification of those facts by the Respondents. The Respondents expect to co-operate with the Applicant to develop an Agreed Statement of Facts to be filed with the Tribunal in order to facilitate proof of many of the facts that are materially relevant to the disposition of the Application.
11. In response to paragraphs 1, 6, 7, 9, 32, 100, 112, 113 and 128 of the Statement of Grounds and Materials Facts filed by the Applicant (the “SGMF”) the Respondents deny that the retention of the Ridge by CWS would result in a likely substantial lessening or prevention of competition in any relevant market. Consequentially, no remedial order is necessary.
12. The Respondents deny paragraph 2 of the SGMF. The Respondents own 8 landfills in Ontario. However, only four of these landfills are currently permitted to receive waste from the GTA: CWS-Blackwell (Sarnia), CWS-LaSalle (Sarnia), CWS-Richmond (Napanee) and the Ridge. None of these landfills receive residential waste from the GTA. In addition to the Respondents’ disposal facilities, at least eight other disposal facilities in Ontario and numerous disposal facilities in Michigan and New York State presently receive non-hazardous solid waste from the GTA. Attached as Annex “A” is a map showing many of the locations of the principal

disposal facilities in the Lower Great Lakes Area that currently receive, or could receive solid non-hazardous waste collected in the GTA. If CWS retains the Ridge, it will not control a sufficient portion of the non-hazardous solid waste disposal capacity in the relevant geographic market to be able to exercise market power, either now, or in 2002, as pleaded by the Applicant.

13. The Respondents admit that the Ridge has recently undergone an expansion of available capacity but deny the remainder of paragraph 3 of the SGMF. Compared to other competing facilities in the Lower Great Lakes Area, the Ridge has not been a vigorous competitor to the Respondents' disposal facilities.
14. The Respondents admit the first two sentences of paragraph 4 of the SGMF, in that the Ridge will not be a competitor of CWS if retained by CWS. The Respondents deny the remainder of paragraph 4 of the SGMF.
15. In further response to paragraph 4 of the SGMF, there are other competing disposal facilities for ICI waste collected in Chatham-Kent. Further, access to the Ridge for residential waste collected in Chatham-Kent is secured by the Chatham-Kent Host Community Agreement. The retention of the Ridge by CWS will not have any impact on the structure of the market for the disposal of residential waste from Chatham-Kent at the end of the term of the Chatham-Kent Host Community Agreement, as the capacity of the CWS-Gore Road (Blenheim) landfill will be exhausted prior to that time.
16. The Respondents deny paragraph 5 of the SGMF. There are numerous disposal facilities in the Lower Great Lakes Area, with extensive capacity and low costs, that have in the past, presently do, and could in the future compete for waste collected in the GTA.

17. In further response to paragraph 5 of the SGMF, shippers of substantial volumes of waste (“Waste Shippers”) are generally independent transfer stations, municipally owned transfer stations, waste brokers (who consolidate waste shipped by transfer stations for the purpose of seeking out and negotiating volume based discounts with disposal facilities), waste collectors that have transfer stations, and waste collectors that have tolling arrangements with transfer stations whereby the waste collector delivers the waste to the facility and arranges for transport and final disposal. GTA Waste Shippers do not incur additional transportation costs by transporting waste to disposal facilities in the United States, that are not offset by reductions in tipping fees. Waste Shippers consider both transportation costs to the disposal facilities and tipping fees at the disposal facility. More distant disposal facilities that offer tipping fees that are lower than tipping fees offered by closer facilities are equally acceptable to Waste Shippers to the extent that the difference in tipping fees is equivalent to the difference in transportation costs. The combination of the transportation cost and the disposal fee is referred to as the T&D price or rate. The ability of a closer disposal facility to charge a higher tipping fee than a distant disposal site does not constitute market power.
18. In further response to paragraph 5 of the SGMF, there is no increased uncertainty for Waste Shippers who transport waste to more distant disposal facilities, whether located in Ontario or the United States. Third party transportation of waste to a variety of disposal facilities in both Ontario and the United States is readily available for and often used by Waste Shippers.
19. In further response to paragraph 5 of the SGMF, waste collectors who are not Waste Shippers (i.e. who do not have a transfer station or a tolling

arrangement with a transfer station, and who are referred to herein as “Independent Waste Collectors”) have ready access to publicly or privately operated transfer stations. In these circumstances, transfer stations accept waste from Independent Waste Collectors on a price per tonne basis. The Waste Shipper arranges for transportation and disposal of that waste. Transfer stations in the GTA compete for waste from Independent Waste Collectors.

20. In further response to paragraph 5 of the SGMF, barriers to entry for new or expanded landfills are generally low except that regulatory approvals in Ontario usually involve time and expense in order to secure a permit for a new landfill or an expansion of an existing landfill.
21. In further response to paragraph 5 of the SGMF, the regulatory approval process in Michigan is more streamlined with the result that disposal facilities in Michigan can be permitted, constructed and expanded in considerably less time than in Ontario.
22. The Respondents deny paragraphs 8, 33, 113 and 120 of the SGMF. The Applicant consented to the acquisition by CWS of the Toronto commercial collection business of Browning-Ferris Industries Limited (“BFIL”), as part of the same transaction by which the Ridge was acquired. Further, the Applicant’s theory with respect to commercial collection markets as pleaded in the SGMF does not rest on an alleged likely substantial lessening or prevention of competition in those markets. Rather, the alleged anti-competitive effects in collection markets depend upon the proof of an alleged likely substantial lessening or prevention of competition in a disposal market. Circular reasoning using alleged effects in one market can not be relied upon as proof of an alleged likely substantial lessening or prevention of competition in another market. The

allegations in the SGMF with respect to the effects in collection markets are irrelevant to the Application.

23. The Respondents admit paragraphs 10 and 11 of the SGMF.

II. THE PARTIES

24. The Respondents admit paragraph 12 of the SGMF, except that CWSH is incorporated pursuant to the laws of Ontario.

25. The Respondents admit paragraphs 13, 14 and 15 of the SGMF.

26. The Respondents admit the first sentence of paragraph 16 of the SGMF. The Respondents deny that Allied Waste Industries, Inc. (“Allied”) entered into an agreement with CWS in March, 1997 that precluded Allied from competing in the waste management business in Canada for a period of 5 years. Although an agreement (the “1997 Agreement”) was entered among CWS, Allied and others on March 12, 1997, it does not prohibit Allied from using its Michigan landfills to compete for the disposal of waste originating in Canada. The 1997 Agreement prohibits Allied from having an interest in a solid non-hazardous waste landfill in Canada. The 1997 Agreement can not be relied upon as contributing to the alleged likely substantial lessening or prevention of competition by the Applicant for the following reasons:

- (a) the 1997 Agreement has been waived by the Respondents with respect to the BFIL business in Canada until Allied sells that business or until January 31, 2001, whichever is earlier; and
- (b) the 1997 Agreement will expire on March 12, 2002, which is the time the Applicant alleges that a substantial lessening or prevention of competition is likely to arise.

III. CONSOLIDATION IN THE WASTE INDUSTRY

27. The Respondents admit paragraph 17 of the SGMF, except that some of the details of the acquisitions pleaded are substantially, but not completely, accurate and except that the 1997 Consent Order addressed a substantial lessening of competition that the Applicant alleged would occur. Further, consolidation has also occurred in the United States. Consolidation has facilitated the opening or expansion of disposal facilities that tend to be much larger and have much lower per ton costs. This has resulted in the inter-state and international transport of large volumes of waste over much longer distances from collection areas to disposal facilities.

IV. THE MERGER

28. The Respondents admit paragraphs 18, 19, 20 and 21 of the SGMF, except that the acquisition of BFIL's interest in the Halifax disposal business is also subject to the consent of a third party.

29. In response to paragraph 22 of the SGMF, the Respondents deny that there will be any anti-competitive effects arising from the retention of the Ridge by CWS.

V. MARKET DEFINITION

30. The Respondents admit paragraphs 23, 24, 25 and 26 of the SGMF, except that:

- (a) in some cases residential waste is collected by municipalities;
- (b) industrial waste collection is in some circumstances a substitute for commercial waste collection; and

- (c) recycling and other waste diversion initiatives are a substitute for commercial waste disposal to the extent that these initiatives divert materials away from disposal facilities.
31. The Respondents admit the first sentence of paragraph 27 of the SGMF, but deny the remainder of that paragraph. Further, the definition of solid non-hazardous waste in paragraph 23 of the SGMF does not include special waste consisting primarily of soils and construction and demolition waste, as special waste capacity information is not included in the Ridge capacity information in Tables 1 and 2 of the SGMF. Special waste is therefore irrelevant to the Application. If the Applicant later alleges that special waste is in the relevant product market, the Respondents reserve their right to seek leave to amend this Response.
32. The Respondents deny paragraph 28 of the SGMF. The size of each collection market is dependent on local circumstances.
33. The Respondents deny paragraph 29 of the SGMF. The geographic boundaries to disposal markets are determined based on T&D pricing as well as actual waste flows. Disposal markets are usually much larger than collection markets. The Lower Great Lakes Area is the geographic market in which solid non-hazardous waste collected in the GTA is disposed.
34. In further response to paragraph 29 of the SGMF, the Respondents admit that disposal costs are a significant component of the total cost of providing solid waste collection and disposal services to customers, but deny that this typically accounts for a specified portion of revenues.
35. In further response to paragraph 29, the Respondents deny that Waste Shippers or Independent Waste Collectors are limited to disposal facilities located in close proximity to their collection operations.

36. The Respondents admit paragraph 30 of the SGMF except that transfer stations and disposal facilities located outside of the collection market in some circumstances compete with transfer stations and disposal facilities located inside the collection market for waste collected therein.
37. The Respondents deny paragraph 31 of the SGMF. Waste disposal is subject to commodity pricing. As a result, T&D pricing determines the geographic boundary of the area that receives waste for disposal from a particular collection area. Disposal facility operators determine the prevailing T&D rate in a particular waste collection area and calculate the tipping fee at which they can compete for waste, given the transportation costs from the waste collection area to the disposal facility. The disposal facility operator then determines whether it can realize a satisfactory return at that price and, if so, markets its disposal facility in the waste collection area.
38. In further response to paragraph 31 of the SGMF, the Lower Great Lakes Area is the geographic market in which waste collected in the GTA is disposed. Disposal facilities in Michigan set the T&D price for the disposal of waste collected in the GTA and elsewhere in southern Ontario, in that other disposal facilities in the Lower Great Lakes Area determine their tipping fees in order to remain competitive with the Michigan facilities. Disposal facilities in the United States would discipline a significant and non-transitory price increase by a hypothetical monopolist in hypothetical southern Ontario market. Further, in the event of an increase in the prevailing T&D price in the GTA, even greater volumes of waste would be shipped for disposal in Michigan and New York State, as well as to other states in the U.S.

39. In further response to paragraph 31 of the SGMF, the Applicant admits, in paragraph 86 and Table 3 of the SGMF, that 11 landfills in Michigan recently received waste from the GTA. This clearly demonstrates that Michigan is in the relevant geographic market.
40. In further response to paragraph 31 of the SGMF, in the event that the costs of disposal in Ontario facilities increase because of anticipated exhaustion of existing landfill capacity, the relevant disposal facilities in Michigan and New York will receive even greater shares of waste from the GTA. The Michigan and New York State disposal facilities will provide even stronger discipline against any potential exercise of alleged market power in the future than the assumptions of the Applicant, including extrapolation of the current market structure into 2002, would indicate. If the geographic market is to be defined prospectively, it must take into account the increasing competitiveness of the disposal facilities in Michigan and New York State. These facilities, which are clearly in the geographic market in 2000, will be even more firmly established as suppliers in the market in the medium and longer term.
41. In further response to paragraph 31 of the SGMF, the geographic market in which ICI waste collected in the Chatham-Kent area is disposed, is broader than the municipal boundaries of Chatham-Kent. The geographic market includes the disposal facilities pleaded in paragraph 117 below in the area bounded by Sarnia, Windsor and London.

VI. COMPETITIVE EFFECTS OF THE MERGER

A. SOLID WASTE DISPOSAL IN SOUTHERN ONTARIO

42. The Respondents admit paragraph 34 of the SGMF, but add that CWS also owns CWS-West Carleton (Carp) (which cannot receive waste from the GTA) and the Ridge.

43. The Respondents admit paragraph 35 of the SGMF, but add that although CWS is part of the Rail Cycle North Consortium (“RCN”), RCN has not commenced development of the Adams Mine disposal facility. RCN will only develop the Adams Mine facility if RCN successfully negotiates a long-term contract on acceptable terms by the City of Toronto.
44. The Respondents admit paragraphs 36, 37, and 38 of the SGMF, except that:
- (a) the Certificate of Approval for the Ridge expansion was received in April, 1999;
 - (b) the maximum disposal rate of bio-remediated soil is 219,000 tonnes per year; and
 - (c) the alleged unused total capacity is denied, pending verification.
45. The Respondents deny paragraph 39 of the SGMF. In addition to the Green Lane (St. Thomas) and Walker Brothers (Thorold) landfills, the Lafleche (Moose Creek) landfill, the KMS Peel Incinerator and numerous other privately owned disposal facilities in Michigan and New York State receive waste from the GTA.
46. The Respondents admit paragraph 40 of the SGMF and add that the municipal disposal facilities at Keele Valley, Britannia Road, Caledon, and Halton all receive residential waste collected in parts of the GTA, and all are permitted to receive ICI waste.
47. In further response to paragraph 40 of the SGMF, municipalities including the City of Toronto and the other regional municipalities in the GTA are capable of developing or expanding their own disposal facilities and using them to compete for both residential and ICI waste, as does Keele Valley

to a large extent at the present. Municipalities in Ontario have a lengthy history of developing and operating their own landfills. Further, while some municipal disposal facilities are only permitted to receive waste from local service areas, these restrictions are often included in the permit at the request of the municipality. Municipalities that wish to expand the service areas of their disposal facilities beyond the municipal boundaries or construct disposal facilities with non-local service areas are free to apply to do so.

48. The Respondents deny paragraph 41 of the SGMF except as is expressly admitted below:

- (a) In response to paragraph 41(a) of the SGMF, the Respondents admit that Keele Valley is scheduled to close on December 31, 2002, but also plead that extensions of the closing of Keele Valley have occurred in the past and it is therefore possible that the closing will be extended until 2003 or later;
- (b) In response to paragraph 41(b) of the SGMF, the Respondents admit that the CWS-LaSalle (Sarnia) and CWS-Blackwell (Sarnia) landfills will close in the near future. However, based on current fill rates, the CWS-Blackwell (Sarnia) landfill will close in February 2001, and CWS-LaSalle (Sarnia) landfill will close in 2002;
- (c) In response to paragraph 41(c) of the SGMF, the Respondents admit that CWS has applied to expand its CWS-Richmond (Napanee) and CWS-Warwick (Watford) landfills. Neither of these expansions has been approved by the Ontario government. If they are approved, the annual approved capacity may be less than 750,000 at each landfill. In any event, the CWS-Richmond (Napanee) and CWS-Warwick (Watford) expansions, if approved, will likely not be

operational until the summer of 2002 or early 2003, in the case of CWS-Richmond (Napane), and early to mid-2003 in the case of CWS-Warwick (Watford); and

- (d) The Respondents admit paragraph 41(d) of the SGMF, and add that Adams Mine is located approximately 620 km from the GTA.

B. GREATER TORONTO AREA

49. The Respondents deny paragraph 42 of the SGMF. Waste Shippers and Independent Waste Collectors in the GTA, including the City of Toronto, will not face substantially less choice or higher prices as a result of the retention of the Ridge by CWS. There will be numerous competing disposal options in the Lower Great Lakes Area. Price will continue to be determined on a T&D price basis with various large capacity low-cost U.S. landfills setting the price for the disposal of solid non-hazardous waste collected in the GTA and elsewhere in southern Ontario. Further, the retention of the Ridge by CWS will have no direct effect on residential waste collected in the GTA, as the Ridge is not permitted to receive such waste.
50. The Respondents admit the first sentence of paragraph 43 of the SGMF, but deny the remainder of that paragraph pending verification. The City of Toronto is the largest collector of solid non-hazardous waste in the GTA. The constituent members of the GTA have considerable countervailing power with respect to negotiations with third parties for the disposal of waste collected by them, should they decide not to develop additional disposal capacity, separately or together.
51. The Respondents admit paragraph 44 of the SGMF. The distant sites referred to by the Applicant include disposal facilities in the United States.

Landfills located in the GTA

52. The Respondents admit paragraphs 45, 46, and 47 of the SGMF, except that:
- (a) the Britannia Road landfill is unlikely to close until approximately 2007; and
 - (b) the Respondents deny the facts regarding prices and sources of waste for various disposal facilities pending verification.
53. In further response to paragraph 47, in addition to the Britannia Road landfill, the KMS Peel Incinerator and the Caledon Municipal landfill are also located the Region of Peel.

Transfer Stations located in the GTA

54. The Respondents admit paragraph 48 of the SGMF. There are approximately 30 transfer stations in the GTA, 7 of which are owned by the City of Toronto and 6 of which are owned by CWS. The remaining transfer stations are owned by independent third parties.

GTA Disposal Needs

55. The Respondents admit paragraphs 49, 50, 51, 52, 53, 54, and 55 of the SGMF, except that CWS owns 6 transfer stations in the GTA and except that price and volume information is denied pending verification.
56. The Respondents admit paragraph 56 of the SGMF, except that the agreement with the City of Toronto was entered into in 1996 and will expire on January 1, 2003. The Arbor Hills (MI) landfill was sold to Arbor Superior Hills Landfill Inc. ("Superior") on or about March 31, 2000. Superior is a wholly owned subsidiary of Vivendi, a large multi-national

conglomerate corporation. The City of Toronto consented to a new arrangement with respect to the contract for the disposal of its waste (the “Toronto Arbor Hills Waste”) at Arbor Hills (MI). In particular, it consented to CWS acquiring the transportation obligations under that contract, and it has been asked to consent to Superior acquiring the Arbor Hills (MI) landfill and assuming the disposal obligations. CWS now transports the Toronto Arbor Hills Waste to the Arbor Hills (MI) disposal facility.

57. The Respondents deny paragraphs 57 and 58 of the SGMF pending verification.
58. The Respondents deny the first sentence of paragraph 59 of the SGMF pending verification but admit that the City of Toronto manages a portion of the waste collected in the GTA. Even if the City of Toronto is not legally obligated to receive ICI at its transfer stations, a large volume of ICI waste is received at City of Toronto transfer stations. The City of Toronto derives considerable revenue from ICI waste collection and disposal. The City of Toronto has stated in the context of the tendering process to address the disposal needs of the City of Toronto’s waste collection business (the “Toronto Management Process”), that it intends to continue to participate in the ICI business. The Respondents deny the hypothetical propositions in the second sentence of paragraph 59 of the SGMF, but agree that a significant and non-transitory price increase by the City of Toronto would cause Independent Waste Collectors or Waste Shippers who currently dispose of waste at City of Toronto facilities, to divert waste to other transfer stations or disposal facilities. A significant amount of this diverted volume would be sent to Michigan and New York State disposal facilities.

59. The Respondents deny paragraph 60 of the SGMF, pending verification.
60. The Respondents admit paragraph 61 of the SGMF, except that, as pleaded above, Keele Valley may not close until 2003 or later.
61. The Respondents admit paragraph 62 of the SGMF.

Market Shares

62. The Respondents deny paragraph 63 of the SGMF as it is incomplete. Annex "B" attached hereto lists many of the principal disposal facilities in the Lower Great Lakes Area that currently take, or currently could take, waste from the GTA and the best information currently available regarding estimated capacity and annual volumes received. Further investigations are being made to determine other such disposal facilities. Preliminary estimated market shares are calculated on the basis of annual permitted capacities for disposal facilities in Ontario and estimated annual input into the listed U.S. disposal facilities. This method understates the market shares of U.S. facilities as most of those facilities do not have annual limits on the volume of waste they may receive. The Respondents will prepare a further chart with updated market share information prior to the hearing of the Application.
63. The Respondents deny paragraph 64 of the SGMF. Further, market shares in southern Ontario are irrelevant as the correct geographic market is the Lower Great Lakes Area.
64. The Respondents deny paragraphs 65 and 66 of the SGMF, as they are incomplete and based on speculation. The retention of the Ridge landfill replaces the disposal capacity that CWS will lose when the CWS-Blackwell (Sarnia) and CWS-LaSalle (Sarnia) disposal facilities close. Any projection of a subsequent increase in CWS' market share based on the expansions

applied for by CWS of its CWS-Warwick (Watford) and CWS-Richmond (Napane) disposal facilities is speculative, and in any event, is unrelated to the retention of the Ridge. An increase in CWS' disposal capacity resulting from the expansions of CWS-Warwick (Watford) and CWS-Richmond (Napane) would result from a permitting decision by the government of Ontario and would not be subject to challenge by the Applicant under section 92 of the *Competition Act* or otherwise.

65. In further response to paragraph 66 of the SGMF, the Applicant alleges that there will be, two years in the future, a likely substantial lessening or prevention of competition based on an artificially small geographic market and numerous speculative events that are alleged to be likely to occur in the future. In summary:

- (a) the Applicant's case rests on alleged future events at specific times regarding Keele Valley, CWS-Richmond (Napane) and CWS-Warwick (Watford) which are by their nature speculative and incapable of proof. The Applicant admits that obtaining necessary approvals for disposal facility expansions is "uncertain" in paragraph 69 of the SGMF;
- (b) the alleged future events regarding CWS-Richmond (Napane) and CWS-Warwick (Watford), should they materialize, would not be subject to challenge under the *Competition Act*;
- (c) the alleged future event regarding Keele Valley closing is not subject to challenge under the *Competition Act*, and is also a voluntary withdrawal from vertical integration by an incumbent who is able to re-enter the market;

- (d) the alleged future events regarding Keele Valley, CWS-Richmond (Napanee) and CWS-Warwick (Watford) are unlikely to occur at all until at least mid-2002 to mid-2003, or 2 to 3 years after the acquisition of the Ridge by CWS; and
- (e) the alleged future events regarding legislative developments in Canada and the United States are not only speculative and incapable of proof, but presuppose the legislative acts of democratically elected governments.

Acceptable Substitutes – Solid Waste Disposal -- GTA

- 66. The Respondents deny paragraphs 67 and 124 of the SGMF, except that they agree that waste that is not diverted must be disposed of at approved landfills or incinerators. As pleaded above, recycling and other diversion initiatives are a substitute for disposal. Diversion of waste originating in the GTA is likely to be a more substantial substitute for disposal in the future. In particular, the City of Toronto plans to divert a total of 50% of its waste by the year 2006, and to use best efforts to achieve a 50% diversion rate before that time. In 1996, the City of Toronto had already achieved a diversion rate of 23%, amounting to approximately 250,000 tonnes. Currently, the City of Toronto's waste diversion program consists of a range of initiatives including Blue Box recycling for containers, Gray Box recycling for paper, Green Pail recycling for food, composting of yard waste and Christmas trees, home composting, grass-cycling, used goods charitable donations, white goods collection and household hazardous waste management.
- 67. In further response to paragraphs 67 and 124, technology to facilitate diversion is likely to improve and result in increased diversion. In 1999, several firms submitted proposals for solid waste resource management

services using new, emerging and innovative technologies in response to the City of Toronto's Request for Expressions of Interest.

Barriers to Entry – Solid Waste Disposal -- GTA

68. The Respondents deny paragraphs 68 and 125 of the SGMF. The requirements for entry into the solid non-hazardous waste disposal business are a site, a permit, construction of the facility and the provision of equipment and personnel. The only costs that are sunk are those associated with the permitting process, as the site may be sold if all necessary permits are not obtained.
69. In further response to paragraphs 68 and 125 of the SGMF, any future decrease in available capacity of landfills in Ontario should not be attributed to barriers to entry in the relevant market. The price of solid non-hazardous waste disposal would not likely increase due to available capacity in the Lower Great Lakes Area. If prices in Ontario did increase, substantial alternative disposal facilities could be established within Ontario as well as in the rest of the Lower Great Lakes Area. Barriers to entry, aside from regulatory approval, are not high in the sense that a potential disposal facility that is viable at the applicable competitive price could enter with little investment in sunk costs. Further, as set out above, any higher future costs which result from market conditions unrelated to the acquisition, will elicit a higher share of the market being supplied by disposal facilities in the United States, including disposal facilities that do not currently supply the GTA. These latter disposal facilities represent entry into the market by facilities that have already met regulatory requirements. The potential for entry into the market of disposal facilities that have already met regulatory requirements is substantial.

70. The Respondents admit paragraph 69 of the SGMF, except that they deny the second to last sentence of that paragraph. Currently, obtaining a permit for a new or expanded landfill, and related approvals, takes approximately 3 to 4 years, although it could be shorter according to the decisions of the regulatory bodies involved. Further, as an example of the regulatory barriers to entry not being high (in addition to the expansion of the Ridge), the Lafleche (Moose Creek) landfill was recently permitted as a new landfill to receive solid non-hazardous waste from anywhere in Ontario.
71. The Respondents deny paragraph 70 of the SGMF. The Respondents admit that the costs associated with regulatory and environmental permitting are sunk costs in any event, but costs of building a disposal facility in compliance with environmental laws are not sunk as they are part of the construction costs that are only incurred after regulatory approvals are in place. A disposal facility with significant remaining capacity will have intrinsic value and could therefore be sold to another firm. The costs of construction could be recovered on sale.

Vigorous and Effective Competitor not Removed – Solid Waste Disposal -- GTA

72. The Respondents deny paragraph 71 of the SGMF, for the reasons pleaded above.
73. The Respondents admit paragraph 72 of the SGMF, except that CWS-Warwick (Watford) is closer to the GTA than is the Ridge, CWS-Blackwell (Sarnia) and CWS-LaSalle (Sarnia). In any event, due to T&D pricing, the distance to any of these disposal facilities is irrelevant.
74. The Respondents deny paragraph 73 of the SGMF. The Ridge and the CWS-Blackwell (Sarnia) and CWS-LaSalle (Sarnia) landfills have not been

each other's closest competitors for ICI waste collected in the GTA. As pleaded above, various Michigan landfills have been the price setters for the disposal of solid non-hazardous waste collected in the GTA.

75. The Respondents deny paragraph 74 of the SGMF. Waste Shippers can send waste to the disposal facility with the lowest price, on a T&D price basis, wherever located. Many disposal facilities in the Lower Great Lakes Area are well known to Waste Shippers in the GTA. As waste transportation and disposal costs are a substantial cost item for Waste Shippers, they are motivated to find the disposal facility that has the lowest price on a T&D price basis, and to exploit available opportunities. Waste Shippers also have considerable countervailing power.

Effective Remaining Competition – Solid Waste Disposal -- GTA

76. The Respondents deny paragraph 75 of the SGMF. In addition to the Green Lane (St. Thomas) and Walker Brothers (Thorold) landfills, the Lafleche (Moose Creek) landfill is permitted to receive GTA waste.
77. The Respondents admit the first two sentences of paragraph 76 of the SGMF, but deny the remainder pending verification. However, the amount of the community host fee at any disposal facility has no material impact provided that the fee is not so high as to prohibit the landfill operator from obtaining a satisfactory return. The ability of the Green Lane (St. Thomas) landfill to compete for waste collected in the GTA is demonstrated by its Expression of Interest submitted in the City of Toronto Management Process in which it sought to receive for disposal approximately 200,000 tonnes of waste from the GTA per year.
78. The Respondents admit the first two sentences of paragraph 77 of the SGMF, but deny the remainder of that paragraph. Until recently, CWS

disposed of approximately 360,000 tonnes per year in the Walker Brothers (Thorold) disposal facility. Walker Brothers (Thorold) sought an increase in the tipping fee paid by CWS. CWS was not prepared to pay a tipping fee that was above market given the location of the Walker Brothers (Thorold) landfill. Accordingly CWS has redirected most of that waste to WMI disposal facilities in Michigan.

79. The Respondents deny paragraph 78 of the SGMF. As pleaded above, some municipal landfills accept waste collected outside of the municipal boundaries.
80. The Respondents admit paragraph 79 of the SGMF.
81. The Respondents admit the first sentence of paragraph 80 of the SGMF, but deny the remainder of that paragraph. Disposal options available to independent transfer stations in the GTA will not be significantly reduced if CWS retains the Ridge.
82. The Respondents admit the first sentence of paragraph 81 of the SGMF, except that the extent to which the City of Toronto will continue to offer competitive disposal options will also be determined by whether the City of Toronto decides to not build its own disposal facility. The Respondents deny the remainder of paragraph 81 of the SGMF. The retention of the Ridge by CWS will not in any way reduce the choices available to the City of Toronto under the Toronto Management Process. Disposal at the Ridge was part of a proposal put forward by Browning Ferris Industries Inc. (“BFII”) that included disposal at other BFII facilities in the U.S. After the sale of the Ridge, the BFII proposal was amended to substitute Superior for BFII and to replace volumes proposed to be received by the Ridge with volumes to be received at the Arbor Hills (MI) landfill. These changes had no material effect on the City of Toronto.

83. The Respondents deny paragraph 82 of the SGMF. Disposal options for independent transfer stations in the GTA include numerous disposal facilities in Michigan and New York state besides the WMI controlled facilities in Michigan which the Applicant admits are available to such transfer stations. These disposal facilities have considerable excess capacity which would constrain the ability of CWS to raise prices whether or not it retains the Ridge. Further, Essex-Windsor (North Colchester) landfill is a competitive disposal option for waste collected in the GTA, as demonstrated by the Expression of Interest submitted by Essex-Windsor (North Colchester) in the Toronto Management Process by which it proposed to receive 100,000 tonnes of GTA waste per year. As pleaded above, community host fees are irrelevant provided that the fee is not so high as to not permit the landfill operator from competing vigorously.
84. The Respondents deny paragraph 83 of the SGMF. Further, the American Ref-Fuel (N.Y.) incinerator has received large volumes of waste collected in the GTA.

Foreign Competition – Solid Waste Disposal -- GTA

85. The Respondents deny paragraph 84 of the SGMF. The retention of the Ridge by CWS will leave the Green Lane (St. Thomas), Walker Brothers (Thorold), Lafleche (Moose Creek) and Essex-Windsor (North Colchester) landfills in southern Ontario, each of which currently receives or is permitted to receive significant volumes of ICI waste from independent transfer stations in the GTA. Further, there is no additional risk or uncertainty in transporting waste to landfills in the United States. Transportation costs for waste transported from the GTA to Michigan are somewhat higher than for the Ridge, but the Michigan landfills are cost competitive on a T&D price basis due to their lower tipping fees.

Transportation costs from the GTA to the Modern (N.Y.) landfill and the American Ref-Fuel (N.Y.) incinerator are less than for transportation from the GTA to the Ridge landfill.

86. The Respondents deny paragraph 85 of the SGMF. Significant volumes of waste from the GTA are currently shipped to Michigan and New York State. As pleaded above, these facilities have lower per tonne costs than landfills in southern Ontario, are not constrained in any way in their ability to compete.
87. The Respondents deny paragraph 86 of the SGMF. Annex B provides a more accurate description of the disposal facilities in located in Michigan and New York State that currently receive or could currently receive waste from the GTA.
88. The Respondents deny paragraph 87 of the SGMF.
89. In further response to paragraph 87 of the SGMF, the alleged “non-compete” agreement between Allied and CWS does not prohibit Allied or its affiliates from receiving waste originating in Canada at their disposal facilities in Michigan or elsewhere, except to the extent that such business comes from customers of the BFIL business acquired by CWS, who were customers on March 31, 2000.
90. The Respondents deny paragraph 88 of the SGMF. A large amount of waste is transported from the GTA to disposal facilities in Michigan and New York State. While some of this waste is “internalized” by CWS or BFIL, in that some of the waste collected by those companies in the GTA is disposed of in landfills owned by affiliated corporations, a large volume, including the City of Toronto volume of approximately 496,000 tons per year that is shipped to the Arbor Hills (MI) landfill, is not internalized and

is accordingly delivered to disposal facilities that are not affiliated with the applicable Waste Shipper.

91. The Respondents deny paragraphs 89 and 90 of the SGMF. As pleaded above, T&D pricing addresses higher transportation costs for certain disposal facilities by establishing lower tipping fees at more distant facilities.
92. The Respondents deny paragraph 91 of the SGMF. There is no substantial risk or uncertainty in relying on U.S. landfills for the disposal of waste collected in southern Ontario. Legislative initiatives at the state level to control waste flows in the United States have been found by U.S. Courts to be unconstitutional to the extent that such legislation is an attempt to regulate interstate commerce. Further, efforts to institute waste flow legislation at the federal level have been unsuccessful. Accordingly, based upon past practice and the current legislative regime in the United States, there is no basis to find that imports of solid non-hazardous waste into the United States from Canada will be reduced or prohibited by State or Federal legislation.
93. The Respondents deny the allegations of speculative future events pleaded in paragraph 92 of the SGMF. There is no reasonable basis on which to find that there will be limitations in Canada on the export of solid non-hazardous waste from Ontario. Even if that were to occur and CWS as a consequence had market power, which is not admitted but is expressly denied, such market power would arise in an artificially small geographic market created as a result of governmental actions, and not the retention of the Ridge by CWS.
94. The Respondents deny paragraph 93 of the SGMF pending verification. In any event, the bills referred to by the Applicant have not been, and may

never be passed. The Applicant can not rely on speculation as to future acts by democratically elected bodies to prove its case. Further, as pleaded above, disposal facilities within the affected area would respond by lowering tipping fees to offset any increased transportation costs.

95. The Respondents deny paragraph 94 of the SGMF, for the reasons pleaded above concerning T&D pricing and shipments of GTA waste to Michigan.

96. The Respondents deny the first sentence of paragraph 95 of the SGMF and deny the remainder of that paragraph pending verification. The Respondents add that permits increasing the maximum allowable GVW are obtainable. Further, although GVW restrictions may increase transportation costs, this is irrelevant provided that the tipping fee is such that the disposal facility is competitive on a T&D price basis. The following factors demonstrate that the GVW in New York State does not act to exclude New York State from the relevant geographic market:

- (a) The transport of significant volumes of waste to the American Ref-Fuel (N.Y.) facility in recent years;
- (b) American Ref-Fuel's submitted bid in the Toronto Management Process to dispose of a significant volume of GTA waste per year at the American Ref-Fuel (N.Y.) incinerator;
- (c) American Ref-Fuel (N.Y.) being a secondary disposal facility for the Green Lane and Superior bids in the Toronto Management Process; and
- (d) The bid submitted by Seneca Meadows (N.Y.) in the Toronto Management Process.

97. The Respondents admit the first sentence of paragraph 96 of the SGMF, but deny the remainder that paragraph. The Modern (N.Y.) landfill is located in the Lower Great Lakes Area, in slightly closer proximity to the GTA than the American Ref-Fuel (N.Y.) facility, which has received significant volumes of waste originating in the GTA, and is clearly able to receive GTA waste.
98. The Respondents deny paragraph 97 of the SGMF pending verification. Further, in 1999, the American Ref-Fuel (N.Y.) incinerator received in excess of approximately 123,500 tonnes of waste from Ontario, most of which came from the GTA.
99. The Respondents deny paragraph 98 of the SGMF. As pleaded by the Applicant in paragraph 103 of the SGMF, the American Ref-Fuel (N.Y.) incinerator submitted a bid in the Toronto Management Process to dispose of 400,000 tonnes of waste per year at its New York disposal facility.

Conclusion-Private Transfer Stations and Waste Collectors in the GTA.

100. The Respondents deny paragraph 99 of the SGMF.

Impact on the City of Toronto Disposal Tender Process

101. The Respondents admit paragraph 101 of the SGMF, except that the process in question has five stages, Stage Five being the award of the contract.
102. The Respondents admit paragraphs 102, 103, 104, 105 and 106 of the SGMF, except that Stage Two commenced on April 26, 1999 and Stage 3 commenced on October 5, 1999.
103. The Respondents admit paragraph 107 of the SGMF, and add that the reason that the American Ref-Fuel (N.Y.) incinerator did not meet the

specified bid requirements of the Toronto Management Process was that it submitted a financial instrument drawn on an unapproved financial institution.

104. The Respondents admit paragraph 108 of the SGMF, and add that although the Green Lane (St. Thomas) and Essex-Windsor (North Colchester) disposal facilities can not individually meet all or almost all of the City of Toronto's disposal needs, these facilities are still being considered in the Toronto Management Process.
105. The Respondents deny paragraph 109 of the SGMF. As pleaded by the Applicant at paragraph 106, when the Ridge was acquired by CWS, BFIL's proposal was amended to only involve disposal at the Arbor Hills (MI) disposal facility. While the Ridge was removed from the Toronto Management Process, there was essentially no impact on the competitiveness of BFII's (now Superior's) proposal. In any event, the Ridge is not permitted to receive residential waste from outside of its local service area and therefore could not have been used for most of the waste from the City of Toronto.
106. The Respondents deny paragraphs 110 and 111 of the SGMF. As pleaded by the Applicant in paragraph 109, the possibility of bundling service providers means that each of the remaining five proposals could provide a viable competitive option to the City of Toronto for a significant portion of the waste collected. In addition to the RCN proposal, the Superior and Republic bids could individually dispose of most of the waste managed by the City of Toronto. As pleaded above there are no additional risks or uncertainties associated with transporting waste to the United States, as demonstrated by the GTA having entered into a multi-year contract with

BFII which currently provides for the disposal of approximately 496,000 tons of waste per year in Michigan.

107. In further response to paragraphs 110 and 111 of the SGMF, the City of Toronto will not be able to charge prices to Independent Waste Collectors and Waste Shippers above competitive levels, regardless of whether it enters into an agreement with RCN with respect to the Adams Mine, without losing substantial volumes of waste to competitors. Independent Waste Collectors and Waste Shippers will not pay higher prices as alleged by the Applicant.
108. In further response to paragraphs 110 and 111 of the SGMF, the focus of the allegations in the SGMF is that a likely substantial lessening or prevention of competition will occur in 2002. The City of Toronto will have contracted for long-term waste disposal before that time, and accordingly, the alleged likely substantial lessening or prevention of competition can not have the alleged effect on the City of Toronto.

Impact on Commercial Collection Market - GTA

109. The Respondents admit paragraph 114 of the SGMF.
110. The Respondents deny paragraph 115 of the SGMF. In particular the withdrawal of the Ridge from the BFII bid will have no effect on disposal options offered by the City of Toronto.
111. The Respondents deny paragraph 116 of the SGMF.
112. The Respondents deny paragraph 117 of the SGMF. Vertically integrated collection firms do not have a competitive cost advantage over non-integrated collection firms. Although they could in theory give up currently obtainable profit generated at a landfill in order to subsidize

collection operations, there is no rational economic reason for them to do so.

113. The Respondents admit the first sentence of paragraph 118 of the SGMF, but deny the remainder of paragraph 118 and deny paragraph 119. Internalization of waste allows the waste internalizing firm to derive profit from disposal in addition to collection, as opposed to giving that profit to a competitor by using a competitor's landfill. Non-vertically integrated collection firms can not be subject to a cost-price squeeze in a competitive disposal market.

C. CHATHAM-KENT

114. The Respondents admit paragraph 121 of the SGMF.
115. The Respondents deny paragraph 122 and 126 of the SGMF. There are waste transfer facilities within Chatham-Kent. With respect to residential waste collected within Chatham-Kent, there are several municipally owned landfills as well as CWS-Gore Road (Blenheim) and the Ridge.
116. In further response to paragraph 122 of the SGMF, residential waste collected by Chatham-Kent is disposed of at the Ridge pursuant to the Chatham-Kent Host Community Agreement with BFIL, that extends until 2017 or the closure of the Ridge. Further, the CWS-Gore Road (Blenheim) disposal facility will be closed well before the expiration of the Chatham-Kent Host Community Agreement. Accordingly, the retention of the Ridge by CWS will not change the market structure for residential waste collected by Chatham-Kent, and can therefore not result in a likely substantial lessening or prevention of competition with respect thereto.
117. In further response to paragraph 122 of the SGMF, Independent Waste Collectors have several competitive disposal options for waste collected in

the Chatham-Kent area including the Ridge, CWS-Gore Road (Blenheim), Green Lane (St. Thomas), Essex-Windsor (North Colchester) and the Windsor Disposal transfer station.

118. In further response to paragraph 122 of the SGMF, there are few waste collectors operating in Chatham-Kent:

- (a) Green Lane Environmental Group of St. Thomas collects ICI waste in the Chatham-Kent area, but its collection vehicles haul that waste to the Green Lane (St. Thomas) landfill;
- (b) BFIL disposes of any ICI waste it collects in the area at the Ridge. However, as BFIL sold the Ridge to CWS, a divestiture should not be ordered to benefit BFIL; and
- (c) Any volumes of waste disposed of in the Ridge landfill by Capital Environmental Resources (“CER”) or Erie Environmental (“Erie”) are small. In the last 2 years Erie has disposed of approximately 250 tonnes of waste per year in CWS-Gore Road (Blenheim). In the last 2 years CER has not used CWS-Gore Road (Blenheim).

The retention of the Ridge by CWS can not satisfy the substantial requirement of the test of a likely substantial lessening or prevention of competition based on the minimal volumes of waste disposed of by CER and Erie in Chatham-Kent.

Market Shares

119. The Respondents deny paragraph 123 of the SGMF. The remaining competing disposal facilities for waste collected in the Chatham-Kent area will ensure that there will not be a likely substantial lessening or prevention of competition should CWS retain the Ridge.

Conclusion – Chatham-Kent

120. The Respondents deny paragraph 127 of the SGMF for the reasons pleaded above. In particular response to the last two sentences of paragraph 127, the Respondents repeat that alleged effects in one market cannot be relied upon as proof of an alleged likely substantial lessening or prevention of competition in another market.

VII. CONCLUSION AND SUBMISSION RE RELIEF SOUGHT

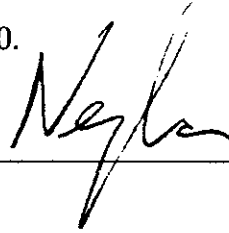
121. The Respondents submit that no relief is necessary as the retention of the Ridge by CWS will not likely result in a substantial lessening or prevention of competition.

VIII. PROCEDURE

122. In response to paragraph 130 of the SGMF, the Respondents concur with the Applicant's request that the Application be heard in Ottawa, Ontario and that the proceeding be conducted in the English language.

DATED at Toronto, this 29th day of May, 2000.

Per: _____



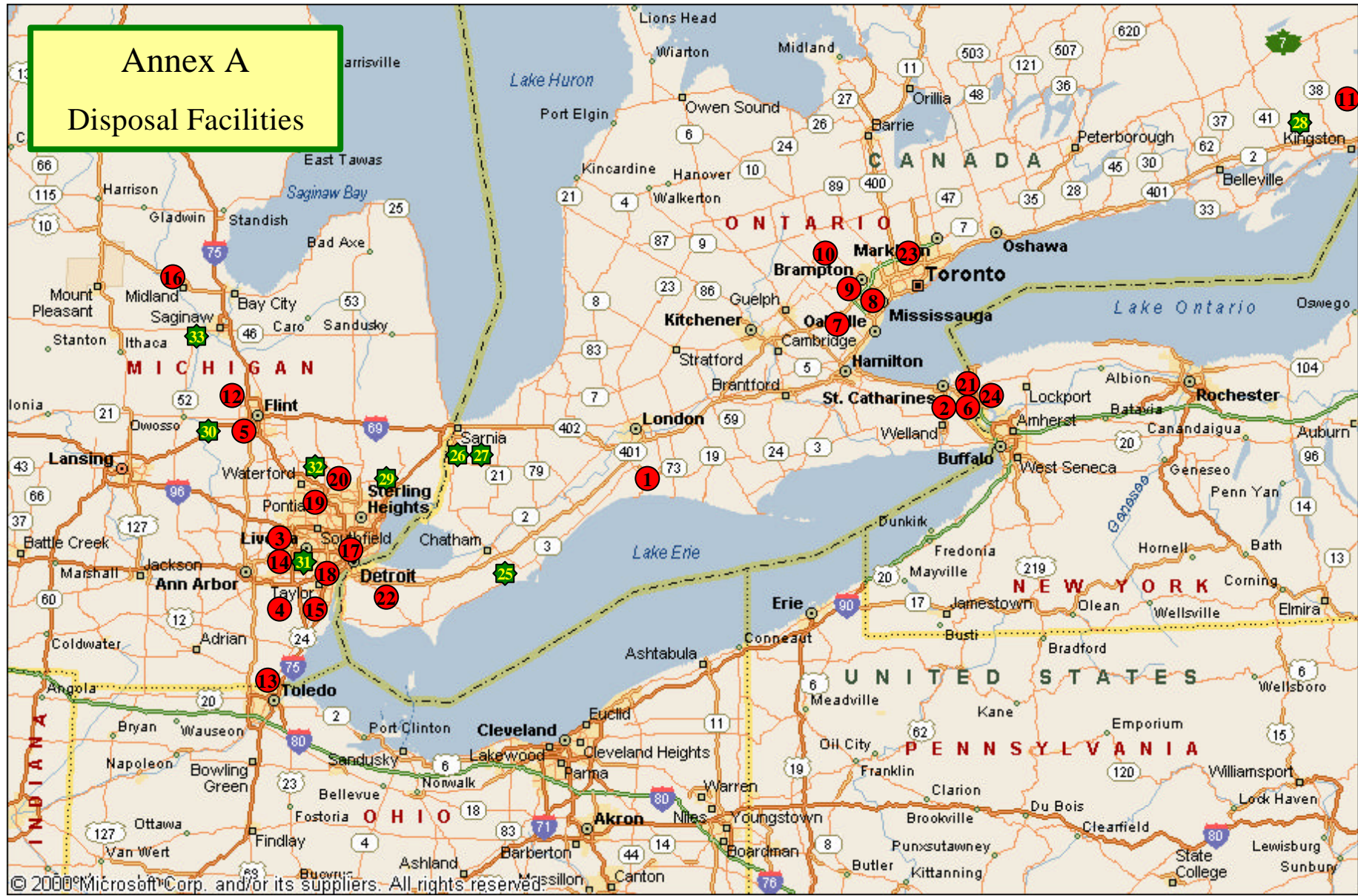
Lawson A.W. Hunter, Q.C.
Shawn C.D. Neylan
Danielle K. Royal

Stikeman Elliott
5300 Commerce Court West
199 Bay Street
Toronto, Ontario
M5L 1B9

Telephone: (416) 869-5545
Facsimile: (416) 947-0866

Counsel for Canadian Waste Services Holdings Inc.,
Canadian Waste Services Inc. and Waste Management, Inc.

Annex A
Disposal Facilities



● Third Party Disposal Facilities

★ CWS/WMI Disposal Facilities

Disposal Facility Legend

THIRD PARTY ● DISPOSAL FACILITIES		CWS/WMI ★ DISPOSAL FACILITIES
1. Green Lane Landfill	14. Sauk Trails Landfill	25. Ridge Landfill
2. Walkers Landfill	15. Riverview Landfill	26. Blackwell Landfill
3. Arbour Hills Landfill	16. Midland Landfill	27. LaSalle Landfill
4. Carleton Farms Landfill	17. Detroit Incinerator	28. Richmond-Napanee Landfill
5. Citizens Landfill	18. Allan Park Landfill	29. Pine Tree Landfill
6. Ref-Fuel Incinerator	19. Pontiac Landfill	30. Venice Park Landfill
7. Halton Landfill	20. Oakland Heights Landfill	31. Woodland Meadows Landfill
8. Britannia Road Landfill	21. Modern Landfill	32. Eagle Valley Landfill
9. KMS –Peel Incinerator	22. Essex- Windsor Landfill	33. Saginaw Landfill
10. Caledon Landfill	23. Keele Valley Landfill	
11. Lafleche Landfill	24. Pine Avenue Landfill	
12. Brent Run Landfill		
13. Vienna Junction Landfill		

ANNEX B

Disposal Facility	Estimated 1999 Inputs for U.S. Facilities (cubic yards)	Annual Limits for Canadian Facilities and Estimated 1999 Inputs for U.S. Facilities (tonnes)	%
Green Lane		280,000	1.79%
Walkers		617,000	3.94%
Arbor Hills	4,071,959	1,169,763	7.48%
Carleton Farms	1,048,726	301,270	1.93%
Citizens	895,696	257,309	1.65%
Ref-Fuel		800,000	5.11%
Halton		134,375	0.86%
Brittania Road		200,000	1.28%
KMS - Peel		182,000	1.16%
Caledon		1,428	0.01%
Lafleche		200,000	1.28%
Brent Run	265,514	76,275	0.49%
Vienna Junction	1,556,673	447,190	2.86%
Sauk Trail	3,533,476	1,015,071	6.49%
Riverview	1,224,927	351,888	2.25%
Midland	125,925	36,175	0.23%
Detroit Incinerator		837,500	5.35%
Allen Park	224,561	64,510	0.41%
Pontiac	276,750	79,503	0.51%
Oakland Heights	1,743,342	500,815	3.20%
Modern		800,000	5.11%
Essex-Windsor		320,000	2.05%
Keele Valley		1,625,000	10.39%
Pine Avenue		497,000	3.18%
Seneca Meadows		575,000	3.68%
TOTAL THIRD PARTY		10,794,072	69.01%
Ridge		680,000	4.35%
Blackwell		312,000	1.99%
LaSalle		365,000	2.33%
Richmond - Napanee		125,000	0.80%
Pine Tree	2,785,140	800,095	5.12%
Venice Park	1,517,619	435,971	2.79%
Woodland Meadows	4,974,733	1,429,105	9.14%
Eagle Valley	1,826,470	524,695	3.35%
Saginaw	609,168	174,997	1.12%
TOTAL CWS/WMI		4,846,863	30.99%
TOTAL		15,640,934	100.00%
0.287272727	factor for conversion of yards to metric tonnes - 632/2200		
0.1	factor for adding 10% of remaining capacity at US disposal facilities		