



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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Staff Investigation  
of  
Topsoils Inc.  
d/b/a:  
United Recycling & Container  
TG-150233

Pam Smith  
Compliance Investigator  
February 2015

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## **PURPOSE, SCOPE, AND AUTHORITY**

### **Purpose**

The purpose of this investigation is to determine if Topsoils Inc., d/b/a United Recycling & Container (United Recycling) is advertising, soliciting, offering or entering into agreements to provide solid waste collection services on the public highways of the state of Washington without the necessary certificate required for such operations by RCW 81.77.040.

### **Scope**

The scope of the investigation focuses on information obtained by staff of the Washington Utilities and Transportation Commission (commission) relating to United Recycling's operations.

### **Authority**

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 81.01.010, which adopts RCW 80.01, which directs the Commission to regulate solid waste collection companies in the public interest, and to adopt such rules and regulations as may be necessary to do so. In addition, RCW 81.04.510 makes it clear that the Commission is authorized to conduct such an investigation. Appendix A includes copies of the appropriate laws and rules.

## BACKGROUND

### Previous Investigation

In a previous investigation in January 2012, commission staff reviewed the website of United Recycling. The “What We Do” tab on the website stated, in part:

- \* “We drop off a recycle container at your house or job site.
- \* We pick up whatever you put in the dumpster, with no sorting required on your end.
- \* We haul it all away in one trip and begin processing the materials for recycling.”<sup>1</sup>

As a result of this advertising, David Pratt, Assistant Director of Transportation Safety, mailed United Recycling a letter on January 30, 2012, providing technical assistance regarding the company’s advertisement of residential drop box and container service. The letter asked for additional information from United Recycling by February 13, 2012, in order for staff to determine whether or not the services the company offered were regulated as solid waste collection. The letter provided the following specific guidance:

- Advertising, soliciting, offering, or entering into an agreement to haul solid waste for compensation requires a solid waste certificate from the commission.
- For residential service:
  - Delivering containers to a residential customer’s location for the customer to fill with solid waste or recyclable materials requires a solid waste certificate from the commission regardless of the destination of the materials.
- For commercial service:
  - Delivering containers to a commercial customer’s location for the customer to fill with solid waste, and then hauling the containers to a disposal site, requires a solid waste certificate from the commission.
  - Delivering containers to a commercial customer’s location for the customer to fill with recyclable materials, and then hauling the containers to an authorized materials recovery facility, recycling center or charitable organization requires a common carrier permit from the commission and registration with the Department of Ecology as a Transporter of Recyclable Materials. United Recycling currently has a common carrier permit but does not appear to be registered with the Department of Ecology.
- For residential or commercial service:
  - Hauling containers filled by your company as an incidental part of a clean-up or site restoration service is considered private carriage and is not regulated by the commission.

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<sup>1</sup> Copy of Jan. 27, 2012, website page “What We Do” at Appendix B.

Solid waste collection includes residential and commercial garbage, residential recycling, yard waste and drop box service as described above. Staff informed United Recycling that it may not provide these services without a solid waste certificate from the commission.<sup>2</sup>

On March 6, 2012, Bruce Clark of United Recycling requested specific information from commission staff regarding the laws and rules referenced in the technical assistance letter.<sup>3</sup>

On March 7, 2012, staff sent a letter to Mr. Clark clarifying and outlining the laws and rules that pertain to solid waste regulation. The letter defined the term “solid waste,” and stated again that a recycling company, such as United Recycling, may drop off a container at a homeowner’s residence for the homeowner to fill with recyclable materials only if that company has a solid waste certificate with the commission. The letter also instructed United Recycling to cease advertising and providing all forms of solid waste collection services until the commission granted the proper authority. Staff gave United Recycling until March 12, 2012, to provide a written response.<sup>4</sup>

When staff received no response from United Recycling, Mr. Pratt sent Mr. Clark a letter on April 17, 2012, summarizing the correspondence between staff and United Recycling from March 12 to April 9, 2012, as follows:

- On March 12, 2012, Mr. Clark spoke to staff via telephone. During that conversation Mr. Clark indicated that United Recycling had changed its advertising and requested an application for a solid waste certificate.
- On March 14, 2012, Mr. Clark contacted commission Licensing Services staff regarding the solid waste application process.
- On April 9, 2012, staff made an additional email request for a response from United Recycling because the company had not submitted a solid waste application. Mr. Clark responded by email that same day stating in part, “Since we are a licensed contractor if we choose to go to a homeowners residence we will supply labor.”<sup>5</sup>

Mr. Pratt’s April 17 letter closed with the warning that if United Recycling advertised, offered or provided solid waste collection service without a certificate, commission staff would pursue enforcement action including asking the commission to schedule a hearing and possibly assess financial penalties against United Recycling for violations of commission laws and rules.<sup>6</sup>

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<sup>2</sup> Copy of Jan. 30, 2012, technical assistance letter from David Pratt to United Recycling at Appendix C.

<sup>3</sup> Copy of Mar. 6, 2012, letter from Mr. Clark at Appendix D.

<sup>4</sup> Copy of Mar. 7, 2012, letter to Mr. Clark at Appendix E.

<sup>5</sup> Copy of April 9, 2012, email from Bruce, United Recycling at Appendix F.

<sup>6</sup> Copy of Apr. 17, 2012, letter to Mr. Clark at Appendix G.

A staff review of the United Recycling website on August 2, 2013, showed that the website was updated and the reference to delivering a recycling container to a customer's house was dropped. At that time the website stated, "We drop off a recycle container at your site."<sup>7</sup> Staff closed its investigation at that time.

### **Current Investigation**

Compliance Investigator Pam Smith began an investigation into United Recycling in January 2015 based on a complaint received about the company's advertising. This report documents Ms. Smith's findings during her investigation.

### **United Recycling & Container**

United Recycling is registered with the Washington Business Licensing Service (BLS) under UBI #601642009. The business name is Topsoils, Inc. United Recycling & Container is one of 21 trade names listed under the license. The company's location address and mailing address are shown as 18827 Yew Way, Snohomish, WA, 98296. Daniel McAuliffe and Nicole McAuliffe are listed as the governing people.<sup>8</sup> The company has an active account with the Department of Revenue.<sup>9</sup>

United Recycling does not hold a solid waste certificate from the commission, nor has the company ever held such a certificate. The company has a common carrier permit from the commission, issued in 2010 (CC 063847).<sup>10</sup> Commission staff verified that United Recycling is currently registered with the Department of Ecology (ECY) as a Transporter of Recyclable Materials under RCW 70.95.400 and WAC 173.345.<sup>11</sup>

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<sup>7</sup> Copy of Aug. 2, 2013, website at Appendix H.

<sup>8</sup> Copy of BLS information at Appendix I.

<sup>9</sup> Copy of DOR information at Appendix J.

<sup>10</sup> Copy of common carrier permit at Appendix K.

<sup>11</sup> Excerpt of ECY transporter list at Appendix L.

## INVESTIGATION

By law, a solid waste collection company may not operate for the hauling of solid waste for compensation without first obtaining a solid waste certificate from the commission. Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service. (RCW 81.77.040) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation of the law. (RCW 81.77.090)

RCW 81.77.010(7) defines a solid waste collection company as “...every person...owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, over any public highway in this state...”

A traditional solid waste collection company collects and removes solid waste and recyclable materials from private homes, and/or removes solid waste from commercial establishments, industrial facilities, and other sites. A specialized solid waste collection company provides other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies. Unless the company’s certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service. (WAC 480-70-041)

RCW 79.95.030(22) defines “solid waste” to mean “all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.” Under RCW 81.77.010(9), “‘solid waste’ means the same as defined under RCW 79.95.030, except for the purposes of this chapter [RCW 81.77] solid waste does not include recyclable materials except for source separated recyclable materials collected from residences.” Under WAC 480-70-041, which the commission adopted to implement RCW 81.77.010(9), solid waste is defined as, but not limited to, all putrescible and non-putrescible solid and semisolid wastes including, but not limited to: garbage, rubbish, refuse, swill, ashes, industrial wastes, sewage sludge, demolition and construction wastes, and source-separated recyclable materials collected from single and multi-family residences.

“Source separation” means the separation of different kinds of solid waste at the place where the waste originates. (RCW 79.95.030(24); WAC 480-70-041) “Recyclable materials” means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose. (WAC 480-70-041; see RCW 79.95.030(17))

As described in WAC 480-70-011, collection and hauling operations considered exempt from commission regulation include:

- The operations of a company conducted under a contract for solid waste collection service with a city or town (refer to RCW [81.77.020](#)).
- The operations of a city or town that itself provides solid waste collection service (refer to RCW [81.77.020](#)).
- The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (refer to RCW [81.77.130](#)).
- The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (refer to RCW [81.77.130](#)).
- The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (refer to RCW [81.77.140](#)).
- The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (refer to RCW [81.77.140](#)).
- The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste (refer to RCW [81.77.010](#)).
- The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service.
- The operations of carriers transporting loads either from a transfer station to a disposal site or between disposal sites (refer to RCW [36.58.050](#)).

### **Complaint – Advertising**

In January 2015, staff received a complaint from a recycling company about United Recycling’s website advertisement. Specifically, the complaint alleged that United Recycling appeared to be offering services that required a solid waste certificate.



### **Current Internet Advertising**

Commission staff reviewed United Recycling’s advertising at its website (<http://unitedrecyclingco.com/>) on January 29, 2015. Page two of the website states, in part:

“We provide recycling container service for homeowners, construction projects, manufacturing and industrial uses...”<sup>12</sup>

The website also features a “Frequently Asked Questions” tab. Under the heading of “Container Service,” one question posed is:

“Can you help load the container at my home/job site?”

The answer provided states:

“All containers have doors that open at one end, making loading much simpler. We provide drop off and pick up of the container, however all loading must be handled by you.”

Another question posed is:

“How high can I load my container?”

The answer states:

“Please only load to the top edge of your container. Also, the weight of the material you load into the container should not exceed 10 tons or 20,000 lbs. (no matter the size of the container)...”<sup>13</sup>

### **Offer to Provide Residential Container Delivery**

On January 29, 2015, Ms. Smith filled out the contact form on the United Recycling website, posing as a customer named Rachel. She explained that she was cleaning out a garage and would like a container delivered on a Thursday. She indicated that she would load the container herself and would like it removed the following Monday.<sup>14</sup> On February 12, 2015, Morgan Aggers of United Recycling responded via email, stating in part:

“I’m sure we can help. Just for simplicities sake we can happily take the contents of your garage.”

The email also provided pricing information for container delivery and debris removal per ton.<sup>15</sup>

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<sup>12</sup> Copy of Jan. 29, 2015, United Recycling website page two at Appendix M.

<sup>13</sup> Copy of Jan. 29, 2015, United Recycling website FAQ page at Appendix N.

<sup>14</sup> Copy of Jan. 29, 2015, customer request for container service at Appendix O.

<sup>15</sup> Copy of Feb. 12, 2015, company reply at Appendix P.

## STAFF FINDINGS & RECOMMENDATION

Commission staff has determined that United Recycling is operating for the hauling of solid waste for compensation without first obtaining a solid waste certificate from the Washington Utilities and Transportation Commission (commission).

According to RCW 81.77.040, no company may operate for the hauling of solid waste for compensation without first obtaining a solid waste certificate from the commission. Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service.

Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation of the law. (RCW 81.77.090)(2).

RCW 81.04.510 Engaging in business or operating without approval or authority — Procedure, states, in part:

“Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter.”

RCW 81.04.010(11) states that a common carrier “... includes ... solid waste collection companies...”

RCW 81.04.010(16) states that a public service company “... includes every common carrier.”

RCW 81.04.380 Penalties – Violations by public service companies states, in part:

“Every public service company ... shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title .... Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense ...”

The commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110.

Commission staff finds that United Recycling violated RCW 81.77.040 by advertising and offering to provide solid waste collection services subject to regulation without first obtaining a solid waste certificate from the commission on two occasions.

After receiving technical assistance from staff on Jan. 30, 2012, March 7, 2012, and April 17, 2012, United Recycling adjusted its website advertising and removed references to residential container service. However, United Recycling has since resumed advertising residential container service on its website. In addition, when staff posed as a customer and inquired about residential container service, United Recycling offered to deliver a container to a residential location for the customer to fill with recyclable and non-recyclable materials.

United Recycling knew or should have known that advertising and offering to provide residential container services violates commission laws and rules. Staff believes United Recycling is unwilling to comply despite ample technical assistance.

### **Recommendation**

Commission staff recommends the commission initiate a proceeding against Topsoils Inc., doing business as United Recycling & Container, as provided by RCW 81.04.510. Staff also recommends the commission file a complaint on its own motion setting forth any act or omission by United Recycling & Container which violates any law, or any order or rule of the commission, as provided by RCW 81.04.110. Finally, staff recommends that the commission impose penalties of up to \$1,000.00 each, for two violations of RCW 81.77.040, as provided by RCW 81.04.380.

Appendix A

**RCW 36.58.050 Solid waste disposal — Transfer stations.**

When a comprehensive solid waste plan, as provided in RCW 70.95.080, incorporates the use of transfer stations, such stations shall be considered part of the disposal site and as such, along with the transportation of solid wastes between disposal sites, shall be exempt from regulation by the Washington utilities and transportation commission as provided in chapter 81.77 RCW.

Each county may enter into contracts for the hauling of trailers of solid wastes from these transfer stations to disposal sites and return either by (1) the normal bidding process, or (2) negotiation with the qualified collection company servicing the area under authority of chapter 81.77 RCW.

[1975-'76 2nd ex.s. c 58 § 3.]

**RCW 70.95.030 Definitions.**

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
- (4) "Department" means the department of ecology.
- (5) "Director" means the director of the department of ecology.
- (6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- (7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- (8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- (9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
- (10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill.
- (11) "Jurisdictional health department" means city, county, city-county, or district public health department.
- (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- (13) "Local government" means a city, town, or county.

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(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

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[2010 1st sp.s. c 7 § 86; 2004 c 101 § 1; 2002 c 299 § 4; 1998 c 36 § 17; 1997 c 213 § 1; 1992 c 174 § 16; 1991 c 298 § 2; 1989 c 431 § 2; 1985 c 345 § 3; 1984 c 123 § 2; 1975-'76 2nd ex.s. c 41 § 3; 1970 ex.s. c 62 § 60; 1969 ex.s. c 134 § 3.]

### Notes:

Effective date -- 2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

Intent -- 1998 c 36: See RCW 15.54.265.

Short title -- 1998 c 36: See note following RCW 15.54.265.

Finding -- 1991 c 298: "The legislature finds that curbside recycling services should be provided in multiple-family residences. The county and city comprehensive solid waste management plans should include provisions for such service." [1991 c 298 § 1.]

### **RCW 81.01.010 Adoption of provisions of chapter 80.01 RCW.**

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein.

[1961 c 14 § 81.01.010.]

RCW 81.04.010 Definitions.

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

- (1) "Commission" means the utilities and transportation commission.
- (2) "Commissioner" means one of the members of such commission.
- (3) "Corporation" includes a corporation, company, association, or joint stock association.
- (4) "Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.
- (5) "Low-level radioactive waste" means low-level waste as defined by RCW [43.145.010](#).
- (6) "Person" includes an individual, a firm, or copartnership.
- (7) "Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.
- (8) "Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.
- (9) "Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all facilities and equipment, used, operated, controlled, or owned by or in connection with any such railroad.

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(10) "Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

(11) "Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, commercial ferries, motor freight carriers, auto transportation companies, charter party carriers and excursion service carriers, private nonprofit transportation providers, solid waste collection companies, household goods carriers, hazardous liquid pipeline companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

(12) "Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(13) "Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

(14) "Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

(15) "Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of persons transported and their baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of persons transported.

(16) "Public service company" includes every common carrier.

(17) The term "service" is used in this title in its broadest and most inclusive sense.

[2007 c 234 § 4; 1993 c 427 § 9; 1991 c 272 § 3; 1981 c 13 § 2; 1961 c 14 § [81.04.010](#). Prior: 1955 c 316 § 3; prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.]

### **RCW 81.04.380 Penalties — Violations by public service companies.**

Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

[1961 c 14 § [81.04.380](#). Prior: 1911 c 117 § 94; RRS § 10443.]

### **RCW 81.04.510 Engaging in business or operating without approval or authority — Procedure.**

Whether or not any person or corporation is conducting business requiring operating authority, or has performed or is performing any act requiring approval of the commission without securing such approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in operations

without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After having made the investigation herein described, the commission is authorized and directed to issue the necessary order or orders declaring the operations or acts to be subject to, or not subject to, the provisions of this title. In the event the operations or acts are found to be subject to the provisions of this title, the commission is authorized and directed to issue cease and desist orders to all parties involved in the operations or acts.

In proceedings under this section no person or corporation shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person or corporation shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

[1973 c 115 § 15.]

**RCW 81.77.010 Definitions.**

As used in this chapter:

(1) "Motor vehicle" means any truck, trailer, semitrailer, tractor, or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting solid waste, for the collection or disposal, or both, of solid waste;

(2) "Public highway" means every street, road, or highway in this state;

(3) "Common carrier" means any person who collects and transports solid waste for disposal by motor vehicle for compensation, whether over regular or irregular routes, or by regular or irregular schedules;

(4) "Contract carrier" means all solid waste transporters not included under the terms "common carrier" and "private carrier," as defined in this section, and further, includes any person who under special and individual contracts or agreements transports solid waste by motor vehicle for compensation;

(5) "Private carrier" means a person who, in his or her own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by the person in good faith. A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier;

(6) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any solid waste is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rail or tracks;

(7) "Solid waste collection company" means every person or his or her lessees, receivers, or trustees, owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, except septic tank pumpers, over any public highway in this state as a "common carrier" or as a "contract carrier";

(8) "Solid waste collection" does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80



RCW;

(9) "Solid waste" means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences; and

(10) When the phrase "garbage and refuse" is used as a qualifying phrase or otherwise, it means "solid waste."

[2007 c 234 § 65; 1989 c 431 § 17; 1961 c 295 § 2.]

**RCW 81.77.020 Compliance with chapter required — Exemption for cities.**

No person, his lessees, receivers, or trustees, shall engage in the business of operating as a solid waste collection company in this state, except in accordance with the provisions of this chapter: PROVIDED, That the provisions of this chapter shall not apply to the operations of any solid waste collection company under a contract of solid waste disposal with any city or town, nor to any city or town which itself undertakes the disposal of solid waste.

[1989 c 431 § 18; 1961 c 295 § 3.]

**RCW 81.77.040 Certificate of convenience and necessity required — Issuance — Transferability — Solid waste categories.**

A solid waste collection company shall not operate for the hauling of solid waste for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service. To operate a solid waste collection company in the unincorporated areas of a county, the company must comply with the solid waste management plan prepared under chapter 70.95 RCW in the company's franchise area.

Issuance of the certificate of necessity must be determined on, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for solid waste collection and disposal, set out in an affidavit or declaration; a statement of the assets on hand of the person, firm, association, or corporation that will be expended on the purported plant for solid waste collection and disposal, set out in an affidavit or declaration; a statement of prior experience, if any, in such field by the petitioner, set out in an affidavit or declaration; and sentiment in the community contemplated to be served as to the necessity for such a service.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after notice and an opportunity for a hearing, issue the certificate only if the existing solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission or if the existing solid waste collection company does not object.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a solid waste collection company may be sold, assigned, leased, transferred, or inherited as other property, only if authorized by the commission.

For purposes of issuing certificates under this chapter, the commission may adopt categories of solid wastes as follows: Garbage, refuse, recyclable materials, and demolition debris. A certificate may be issued for one or more categories of solid waste. Certificates issued on or before July 23, 1989, shall not be expanded or restricted by operation of this chapter.

[2010 c 24 § 1; 2007 c 234 § 66; 2005 c 121 § 6; 1989 c 431 § 21; 1987 c 239 § 2; 1961 c 295 § 5.]

Notes:

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Effective date -- 2010 c 24: "This act takes effect July 1, 2010." [2010 c 24 § 3.]

### **RCW 81.77.090 Penalty.**

(1) Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

(2) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

[2010 c 24 § 2; 1961 c 295 § 10.]

Notes:

Effective date -- 2010 c 24: See note following RCW 81.77.040.

### **RCW 81.77.130 Application of chapter to collection or transportation of source separated recyclable materials.**

The provisions of chapter 81.77 RCW shall not apply to the collection or transportation of source separated recyclable materials from residences under a contract with any county, city, or town, nor to any city or town which itself undertakes the collection and transportation of source separated recyclable materials from residences.

[1989 c 431 § 19.]

### **RCW 81.77.140 Application of chapter — Collection and transportation of recyclable materials by recycling companies or nonprofit entities — Reuse or reclamation.**

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

[1989 c 431 § 31.]

### **WAC 173-350-100 - Definitions**

When used in this chapter, the following terms have the meanings given below.

**"Active area"** means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks must not be considered part of the active area of a facility.

**"Aerobic decomposition"** means decomposition of organic materials primarily by aerobic microbes under controlled conditions.

**"Agricultural composting"** means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

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**"Agricultural wastes"** means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure from herbivores and nonherbivores, animal bedding, and carcasses of dead animals.

**"Agronomic rates"** means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter [90.48](#) RCW, Water pollution control and related rules including chapter [173-200](#) WAC, Water quality standards for groundwaters of the state of Washington, and chapter [173-201A](#) WAC, Water quality standards for surface waters of the state of Washington.

**"Air quality standard"** means a standard set for maximum allowable contamination in ambient air as set forth in chapter [173-400](#) WAC, General regulations for air pollution sources.

**"Anaerobic digester"** means a vessel that processes organic material into biogas and digestate through microbial decomposition under anaerobic (low oxygen) conditions.

**"Below ground tank"** means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

**"Beneficial use"** means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

**"Biofilter"** means a bed or layer of material that supports beneficial microorganisms, typically a mixture of compost and wood chips, designed to filter and treat air emissions. A biofilter adsorbs and then biologically degrades odorous compounds.

**"Biosolids"** means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter [173-308](#) WAC, Biosolids management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter [173-308](#) WAC, Biosolids management.

**"Buffer"** means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

**"Bulking agent"** means an ingredient used to improve structure and porosity, or to lower moisture content, primarily in composting. Bulking agents improve convective air flow and reduce settling and compaction. Bulking agents may include, but are not limited to, wood waste, straw, and other high-carbon materials.

**"Cab cards"** means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

**"Capacity"** means the maximum amount of material that can be contained on-site at any one time. Capacity is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department. All material includes, but is not limited to, incoming waste, feedstocks, bulking agents, stockpiled wastes, active composting, curing piles, composted materials, and sorted recyclable materials on-site.

**"Captive insurance companies"** means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

**"Channel migration zone"** means the lateral extent of likely movement of a stream or river channel along a stream reach.

**"Clean soils and clean dredged material"** means soils and dredged material which are not dangerous wastes, contaminated soils, or contaminated dredged material as defined in this section.

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**"Closure"** means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

**"Closure plan"** means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

**"Composted material"** means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Composting is a form of organic material recycling. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

**"Composting"** means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

**"Conditionally exempt small quantity generator (CESQG)"** means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter [70.105 RCW](#), Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC [173-303-070](#) (8)(b).

**"Conditionally exempt small quantity generator (CESQG) waste"** means dangerous waste generated by a conditionally exempt small quantity generator.

**"Container"** means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

**"Contaminant"** means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

**"Contaminate"** means the release of solid waste, leachate, or gases emitted by solid waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

**"Contaminated dredged material"** means dredged material resulting from the dredging of surface waters of the state where contaminants are present in the dredged material at concentrations not suitable for open water disposal and the dredged material is not dangerous waste and is not regulated by section 404 of the Federal Clean Water Act (P.L. 95-217).

**"Contaminated soils"** means soils removed during the cleanup of a hazardous waste site, or a dangerous waste facility closure, corrective actions or other clean-up activities and which contain harmful substances but are not designated dangerous wastes.

**"Controlled conditions"** means the conditions in which facilities must be operated to meet the performance standards of WAC [173-350-040](#) and the applicable handling standards of this chapter. Controlled conditions at compost facilities may include, but are not limited to, controlling odors, run-on and runoff, moisture levels, pH levels, carbon to nitrogen ratios, temperatures, oxygen levels, particle sizes, and free air space.

**"Corrosion expert"** means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

**"Crop residues"** means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food processing waste.

**"Dangerous wastes"** means any solid waste designated as dangerous waste by the department under chapter [173-303](#) WAC, Dangerous waste regulations.

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**"Department"** means the Washington state department of ecology.

**"Detachable containers"** means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

**"Digestate"** means both solid and liquid substances that remain following anaerobic digestion of organic material in an anaerobic digester.

**"Disposable containers"** means containers that are used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

**"Disposal"** or **"deposition"** means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

**"Domestic septage"** means Class I, II or III domestic septage as defined in chapter [173-308](#) WAC, Biosolids management.

**"Domestic wastewater facility"** means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

**"Drop box facility"** means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

**"Energy recovery"** means the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

**"Existing facility"** means a facility which is owned or leased, and in operation, or for which facility construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

**"Facility"** means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

**"Facility construction"** means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

**"Facility structures"** means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

**"Feedstock"** means a source separated waste material used as a component of composting, manufacturing, or as part of an industrial process.

**"Food processing waste"** means a source-separated organic material that is generated by a food processing facility licensed to process food by the United States Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency. Food processing wastes may include, but are not limited to, sludge from food processing water treatment plants, culls, DAF (dissolved air flotation from a food processing facility), pomace, and paunch manure, not intended for animal or human consumption.

**"Garbage"** means putrescible solid wastes.

**"Groundwater"** means that part of the subsurface water that is in the zone of saturation.

**"Holocene fault"** means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

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**"Home composting"** means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

**"Household hazardous wastes"** means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under chapter [70.105](#) RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter [70.105](#) RCW, Hazardous waste management.

**"Hydrostratigraphic unit"** means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

**"Incineration"** means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

**"Incompatible waste"** means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

**"Industrial solid wastes"** means solid waste generated from manufacturing operations, food processing, or other industrial processes.

**"Industrial wastewater facility"** means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

**"Inert waste"** means solid wastes that meet the criteria for inert waste in WAC [173-350-990](#).

**"Inert waste landfill"** means a landfill that receives only inert wastes.

**"Intermediate solid waste handling facility"** means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes material recovery facilities, transfer stations, drop boxes, baling and compaction sites.

**"Intermodal facility"** means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

**"Jurisdictional health department"** means city, county, city-county or district public health department.

**"Land application site"** means a contiguous area of land under the same ownership or operational control on which solid wastes are beneficially utilized for their agronomic or soil-amending capability.

**"Land reclamation"** means using solid waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines. Using solid waste as a component of fill is not land reclamation.

**"Landfill"** means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

**"Leachate"** means water or other liquid within a solid waste handling unit that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

**"Limited moderate risk waste"** means waste batteries, waste oil, and waste antifreeze generated from households.

**"Limited moderate risk waste facility"** means a facility that collects, stores, and consolidates only limited moderate risk waste.

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**"Limited purpose landfill"** means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter [173-351](#) WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter [173-306](#) WAC, Special incinerator ash management standards, landfills regulated under chapter [173-303](#) WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R. Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

**"Liquid"** means a substance that flows readily and assumes the form of its container but retains its independent volume.

**"Liquid waste"** means any solid waste which is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in *"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"* EPA Publication SW-846.

**"Lithified earth material"** means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

**"Local fire control agency"** means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

**"Lower explosive limits"** means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

**"Manufactured organics"** means source separated solid wastes, such as nonplastic coated paper plates, cups, compostable bags, and other items designed to decompose through composting, anaerobic digestion, or through other organic materials recycling processes. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical composting conditions, or wood derived fuel or wood waste as defined in this section.

**"Manure and bedding"** means manure (feces) and bedding from herbivorous animals such as horses, cows, sheep, and goats.

**"Material recovery facility"** means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

**"Mobile systems and collection events"** means activities conducted at a temporary location to collect moderate risk waste.

**"Moderate risk waste (MRW)"** means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

**"MRW facility"** means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC [173-350-360](#) (2) or (3).

**"Municipal solid waste (MSW)"** means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

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- Dangerous wastes other than wastes excluded from the requirements of chapter [173-303](#) WAC, Dangerous waste regulations, in WAC [173-303-071](#) such as household hazardous wastes;

- Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter [70.105D](#) RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter [173-340](#) WAC, the Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor

- Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

**"Natural background"** means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

**"New solid waste handling unit"** means a solid waste handling unit that begins operation or facility construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

**"Nuisance odor"** means any odor which is found offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

**"On-farm"** means activities taking place on any agricultural land under the control of the same entity including parcels that are not geographically contiguous but managed by the same entity for agricultural production.

**"One hundred-year flood plain"** means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

**"Open burning"** means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

**"Organic feedstocks"** means source separated organic materials including bulking agents suitable for vermicomposting, composting, anaerobic digestion, and other processes that transform organic materials into usable or marketable materials.

**"Organic materials"** means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, wood waste, and garden wastes.

**"Other conversion technologies"** means processes that transform organic feedstocks into useable or marketable materials, but does not include composting, vermicomposting, or anaerobic digestion.

**"Overburden"** means the earth, rock, soil, and topsoil that lie above mineral deposits.

**"Permeability"** means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

**"Permit"** means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

**"Person"** means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatever.

**"Physical contaminants"** as they relate to incoming feedstocks and compost quality means inorganic and organic constituents that are not readily decomposed during the composting process including, but not limited to, plastics, glass, textiles, rubber, leather, metal, ceramics, polystyrene, and wood pieces containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.



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**"Pile"** means any noncontainerized accumulation of solid waste that is used for treatment or storage.

**"Plan of operation"** means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

**"Point of compliance"** means a point established in the groundwater by the jurisdictional health department as near a possible source of release as technically, hydrogeologically and geographically feasible.

**"Post-closure"** means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

**"Post-closure plan"** means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

**"Post-consumer food waste"** means source separated organic materials originally intended for human consumption including, but not limited to, vegetables, fruits, grains, meats and dairy products resulting from serving food. Post-consumer food waste is typically collected from cafeterias, homes, and restaurants.

**"Preconsumer animal-based wastes"** means source separated organic materials from animals such as meat, fat, dairy, or eggs that are a result of food preparation for human consumption or are products that did not reach the intended consumer. Preconsumer animal-based wastes are typically collected from food processing facilities and grocery stores.

**"Preconsumer vegetative waste"** means source separated organic materials from vegetables, such as pits, peels, and pomace from human food preparation, or vegetable products that did not reach the consumer. Preconsumer vegetative wastes are typically collected from food processing facilities and grocery stores.

**"Premises"** means a tract or parcel of land with or without habitable buildings.

**"Private facility"** means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

**"Processing"** means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

**"Product take-back center"** means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

**"Public facility"** means a publicly or privately owned facility that accepts solid waste generated by other persons;

**"Putrescible waste"** means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

**"Pyrolysis"** means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

**"Recyclable materials"** means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

**"Recycling"** means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

**"Representative sample"** means a sample that can be expected to exhibit the average properties of the sample source.

**"Reserved"** means a section having no requirements and which is set aside for future possible rule making as a note to the regulated community.

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**"Reusable containers"** means containers that are used more than once to handle solid waste, such as garbage cans.

**"Runoff"** means any rainwater, leachate or other liquid that drains over land from any part of the facility.

**"Run-on"** means any rainwater or other liquid that drains over land onto any part of a facility.

**"Scavenging"** means the removal of materials at a disposal facility, or intermediate solid waste-handling facility, without the approval of the owner or operator and the jurisdictional health department.

**"Seismic impact zone"** means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

**"Setback"** means that part of a facility that lies between the active area and the property boundary.

**"Sewage sludge"** means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated.

**"Soil amendment"** means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter [70.95J](#) RCW, Municipal sewage sludge—Biosolids and wastewater, as regulated in chapter [90.48](#) RCW, Water pollution control.

**"Solid waste" or "wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

**"Solid waste handling"** means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

**"Solid waste handling unit"** means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

**"Source separation"** means the separation of different kinds of solid waste at the place where the waste originates.

**"Specified risk material"** means the skull, brain, trigeminal ganglia (nerves attached to brain and close to the skull exterior), eyes, spinal cord, distal ileum (a part of the small intestine), and the dorsal root ganglia (nerves attached to the spinal cord and close to the vertebral column) of cattle aged thirty months or older.

**"Storage"** means the holding of solid waste materials for a temporary period.

**"Surface impoundment"** means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

**"Surface water"** means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

**"Tank"** means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of nonearthen materials to provide structural support.

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**"Throughput"** means the amount of incoming feedstocks in tons or cubic yards that a solid waste facility processes in a given amount of time, such as a calendar year. Throughput is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department.

**"Transfer station"** means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

**"Treatment"** means the physical, chemical, or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

**"Twenty-five-year storm"** means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

**"Universal wastes"** means universal wastes as defined in chapter [173-303](#) WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

**"Unstable area"** means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

**"Vadose zone"** means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

**"Vector"** means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

**"Vermicomposting"** means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

**"Waste tires"** means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW [46.37.425](#), are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW [46.37.425](#).

**"Wetlands"** means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**"Wood derived fuel"** means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.

**"Wood waste"** means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

**"Yard debris"** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

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**"Zone of saturation"** means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

[Statutory Authority: RCW [70.95.020](#)(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-100, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter [70.95](#) RCW. WSR 05-11-033 (Order 04-12), § 173-350-100, filed 5/10/05, effective 6/10/05; WSR 03-03-043 (Order 99-24), § 173-350-100, filed 1/10/03, effective 2/10/03.]

### **WAC 480-70-011 - Exempt operations.**

(1) The following collection and hauling operations are not regulated by the commission:

(a) The operations of a company conducted under a contract for solid waste collection service with a city or town (refer to RCW 81.77.020);

(b) The operations of a city or town that itself provides solid waste collection service (refer to RCW 81.77.020);

(c) The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(d) The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(e) The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (refer to RCW 81.77.140);

(f) The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (refer to RCW 81.77.140);

(g) The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste;

(h) The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service; or

(i) The operations of carriers transporting loads either from a transfer station to a disposal site or between disposal sites (refer to RCW 36.58.050).

(2) The following collection and hauling operations are not regulated by the commission as solid waste:

(a) The operations of a carrier operating under a permit issued by the commission under chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste. This exemption does not apply if the carrier holds itself out to the public as a transporter of solid waste. Examples of this type of operation include, but are not limited to:

(i) A dump truck operator, who as a part of performing dump truck operations in conjunction with building or construction projects, hauls an occasional load to a disposal site; or

(ii) A household goods carrier who transports to a disposal site the used packing materials from a shipment of household goods that the carrier transported.

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(b) A carrier collecting or transporting recyclable materials from a drop box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. This type of operation is regulated under chapter 81.80 RCW as transportation of general commodities.

(3) A carrier transporting commercially salable earth that is used as fill, road ballast, or aggregate is regulated under chapter 81.80 RCW as a transporter of general commodities.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-011, filed 3/23/01, effective 4/23/01.]

### **WAC 480-70-016**

#### **Determination of authority required to transport specific commodities or provide specific services.**

(1) Chapter [81.77](#) RCW is intended to cover operations of carriers whose primary business is transporting solid waste for collection and/or disposal. Persons holding permits issued by the commission under the provisions of chapter [81.80](#) RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they transport solid waste to a disposal site on more than an occasional basis, or if they hold themselves out to the public as providing solid waste collection service.

(2) In some instances carriers may be engaged extensively in both motor freight and solid waste collection operations. In cases where such operations are separable, carriers may be required to hold both a solid waste certificate under the provisions of chapter [81.77](#) RCW and a motor carrier permit under the provisions of chapter [81.80](#) RCW in order to provide both services. In each case it is within the discretion of the commission to determine whether a carrier is required to hold both a motor carrier permit and a solid waste certificate.

(3) In some instances, transportation of a specific commodity may be subject to commission regulation under the provisions of chapter [81.80](#) RCW, or as solid waste under the provisions of chapter [81.77](#) RCW, depending on the circumstances involved in the transportation of that commodity. For example, if soil is transported to a landfill to become part of the cover of the landfill, the transportation is subject to regulation as a motor carrier under the provisions of chapter [81.80](#) RCW. However, if the soil is being transported to a landfill merely for disposal, the transporter is subject to regulation as a solid waste collection company under the provisions of chapter [81.77](#) RCW.

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

- (a) The intent of the shipper;
- (b) The intended destination of the shipment;
- (c) The actual destination of the shipment;
- (d) Special handling or conditions placed on the shipment by the shipper and/or receiver;
- (e) The value of the commodity being transported;
- (f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and
- (g) Whether the carrier holds itself out to the public as a transporter of solid waste.

[Statutory Authority: RCW [81.04.160](#), 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-016, filed 3/23/01, effective 4/23/01.]

### **WAC 480-70-041**

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### Definitions, general.

(See WAC [480-70-226](#) (Tariffs, definitions used in) for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

"Affiliated interest" means a person or corporation as defined in RCW [81.16.010](#).

"Application docket" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

"Biomedical waste" means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

"Biohazardous or biomedical waste generator" means any person, by site, whose act or process produces infectious waste, or whose act first caused an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purposes of these rules.

"Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

"Business of transporting solid waste for collection and/or disposal for compensation" means those carriers who are primarily in the specialized business of solid waste for collection and/or disposal.

"Cancellation" means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

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"Certificate" means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter [81.77 RCW](#) for the operation of solid waste collection companies.

"Certificated authority" means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

"City regulation" means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

"Classes of companies":

"Class A company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

"Class B company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of less than five million dollars.

"Class C company" means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for specific customers or providing only on-call or nonscheduled service.

"Classes of service" means either commercial, specialized, drop box, or residential service.

"Company" means a solid waste collection company.

"Commercial authority" means authority to provide solid waste collection service to business, institutional, or industrial generators.

"Commercial recycling service" means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter [81.80 RCW](#).

"Commercial service" means solid waste collection service provided to a business, institutional, or industrial generator.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports solid waste by motor vehicle for compensation.

"Construction debris" or "construction waste" means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Demolition waste" or "demolition debris" means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

"Disinfect" means to cleanse by destroying harmful microorganisms.

"Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

"Dump truck operator" means a carrier holding a permit under chapter [81.80 RCW](#) engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid

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waste. Dump truck operations are usually conducted during the daytime; are local in character; are somewhat seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Garbage" means those materials of solid waste that are putrescible.

"Garbage and refuse." Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

"Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 C.F.R. Part 262.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

"Incinerator" means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

"Land-treatment facility" means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

"Multiple-family residence" or "multifamily residence" means any structure housing two or more dwelling units.

"Multifamily service" means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

"Nonputrescible" means not capable of being readily decomposed by microorganisms.

"Occasional" means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

"Packer" means a device or vehicle specially designed to compress loose materials.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Private carrier" means a person who transports solid waste in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

**EXCEPTION:** A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.



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"Private road" means a road not normally available for use by the public.

"Public highway" means every street, road, or highway in this state normally available for use by the public.

"Putrescible" means capable of being readily decomposed by microorganisms.

"Recyclable materials" means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

"Recycling" means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

"Refuse" means those materials of solid waste that are not putrescible.

"Residence" means the regular dwelling place of an individual or individuals.

"Residential authority" means authority to provide solid waste collection from residences.

"Residential recycling service" means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

"Residential service" means solid waste collection from residences.

"Sewer sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter [70.95J](#) RCW, and is transported to a site for disposal.

"Shipping paper" means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required in WAC [480-70-401](#) (Payment options).

"Small business" means any company that has fifty or fewer employees.

"Solid waste" or "solid wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles; and
- Source-separated recyclable materials collected from single and multifamily residences.

"Solid waste collection" means collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle, for collection and/or disposal over the highways of the state of Washington for compensation.

"Solid waste collection company" means every common carrier, including a contract carrier, who provides solid waste collection service.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

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"Specialized solid waste collection company" means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

"State" means the state of Washington.

"Subsidiary" means any company in which the solid waste company owns directly or indirectly five percent or more of the voting securities, unless the solid waste company demonstrates it does not have control.

"Suspension" means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

"Tariff" means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

"Tariff service territory" means a company-defined geographic division of its certificated authority in which a specific tariff applies.

"Third-party waste broker" means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

"Traditional solid waste collection company" means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

"Transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tipping fees that cover the cost of providing the containers and the use of the facility are charged, then such detachable containers constitute a transfer station. (Refer to RCW [36.58.030](#).)

"Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious. Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

"Vehicle" means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

"Yard waste" or "yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

[Statutory Authority: RCW [80.01.040](#), [80.04.160](#), [81.04.160](#) and [34.05.353](#). WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-041, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW [81.04.160](#), [81.77.030](#) and [80.01.040](#). WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-041, filed 3/23/01, effective 4/23/01.]

Appendix B

United Recycling & Container - What We Do

http://unitedrecyclingco.com/whatwedo.php

**UNITED RECYCLING & CONTAINER**

Home | What We Do | What We Take | Open An Account | Contact Us | Containers 101 | Photo Gallery

### What We Do

United Recycling is your one-stop shop for all your demolition, construction, and recycling material needs.

United Recycling is a full-service end-to-end construction and demolition recycler and has been servicing the Snohomish and King County, Washington areas for over 15 years.

You no longer have to sort your construction or yard waste or make multiple trips to the expensive dump. United Recycling takes care of everything.

- ★ We drop off a recycle container at your house or job site.
- ★ We pick up whatever you put in the dumpster, with no sorting required on your end.
- ★ We haul it all away in one trip and begin processing the materials for recycling.

United Recycling then sorts your leftover waste. We separate out the wood, metal, concrete, cardboard, plastic and other materials and process it for recycling. We then clean it, chip, grind and crush it, and ball it all up for use in new projects.

Recycling your construction material is not only environmentally responsible, but makes economic sense. Recycling materials reduces landfill waste, creates new jobs, and is *always cheaper than a public dump*. When you also consider the time saved from taking multiple truckloads to a disposal center, recycling your construction debris is just common sense.

United Recycling Company offers a wide range of services and expert advice. Here are just a few of the many services we offer:

<b>Demolition Services</b>	<b>Containers</b>	<b>Material Recycling</b>
<ul style="list-style-type: none"> <li>★ Demolishing Debris</li> <li>★ Clean Scrap Wood and Brush</li> </ul>	<ul style="list-style-type: none"> <li>★ Delivery Services</li> <li>★ Drop Off Services</li> </ul>	<ul style="list-style-type: none"> <li>★ Industrial Recycling</li> <li>★ Mixed Paper Recycling</li> <li>★ Non-Ferrous Metal Recycling</li> <li>★ Yard Waste Recycling</li> <li>★ Aluminum Recycling</li> <li>★ Glass Recycling</li> </ul>
<b>Consultations &amp; Estimates</b>		
<ul style="list-style-type: none"> <li>★ Consultations / Estimates</li> </ul>		

Additionally, we can customize any project to meet your specifications. We guarantee to get the job done right the first time and will work hard to make sure you are completely satisfied.

**Service Area**

United Recycling services the following areas in both King County and Snohomish County:

<ul style="list-style-type: none"> <li>★ East Seattle</li> <li>★ West Seattle</li> <li>★ Lynnwood</li> <li>★ Everett</li> <li>★ Kirkland</li> </ul>	<ul style="list-style-type: none"> <li>★ Tukwila</li> <li>★ Bothell</li> <li>★ Mill Creek</li> <li>★ Clyde Hill</li> <li>★ Hunts Point</li> </ul>	<ul style="list-style-type: none"> <li>★ Gold Bar</li> <li>★ Granite Falls</li> <li>★ Fall City</li> <li>★ Monroe</li> <li>★ Sultan</li> </ul>
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Appendix C



STATE OF WASHINGTON  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
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January 30, 2012

Bruce Clark  
United Recycling & Container  
18827 Yew Way  
Snohomish, Washington 98296

**RE: Drop-Box and Container Services**

Dear Mr. Clark:

Staff of the Washington Utilities and Transportation Commission (commission) recently reviewed your website at <http://unitedrecyclingco.com/index.php>. We offer following information as technical assistance to United Recycling & Container (United Recycling) to ensure compliance with commission laws and rules. We also need additional information from you to determine whether or not the services you offer are regulated as solid waste collection.

The commission regulates all solid waste collection companies that collect and transport solid waste (residential and commercial garbage, residential recycling, yard waste and drop box service) for compensation, over any public street, road, or highway in Washington State. A solid waste collection company must have a certificate issued by the commission to provide solid waste collection service. Cities have the option to both collect and transport solid waste themselves or contract with private companies to provide the service within the incorporated city limits. (RCW 81.77)

Solid waste is defined as, but not limited to, all putrescible and non-putrescible solid and semisolid wastes including, but not limited to garbage, rubbish, refuse, swill, ashes, industrial wastes, sewage sludge, demolition and construction wastes, and source-separated recyclable materials collected from single and multi-family residences. (WAC 480-70-041)

State law makes it illegal to advertise, solicit, offer, or enter into an agreement to haul solid waste for compensation without a solid waste certificate from the commission. (RCW 81.77.040) The commission can take enforcement action against suspected illegal solid waste collection companies based on advertisements or offers alone.

United Recycling advertises drop box and container services on its website. It appears these services are for commercial as well as residential customers.



United Recycling  
January 30, 2012  
Page 2

It is important that you understand the following distinctions:

- Advertising, soliciting, offering, or entering into an agreement to haul solid waste for compensation requires a solid waste certificate from the commission.
- For residential service:
  - Delivering containers to a residential customer's location for the customer to fill with solid waste or recyclable materials requires a solid waste certificate from the commission regardless of the destination of the materials.
- For commercial service:
  - Delivering containers to a commercial customer's location for the customer to fill with solid waste, and then hauling the containers to a disposal site, requires a solid waste certificate from the commission.
  - Delivering containers to a commercial customer's location for the customer to fill with recyclable materials, and then hauling the containers to an authorized materials recovery facility, recycling center or charitable organization requires a common carrier permit from the commission and registration with the Department of Ecology as a Transporter of Recyclable Materials. Bobby Wolford Trucking currently has a common carrier permit but does not appear to be registered with the Department of Ecology.
- For residential or commercial service:
  - Hauling containers filled by your company as an incidental part of a clean-up or site restoration service is considered private carriage and is not regulated by the commission.

Solid waste collection includes residential and commercial garbage, residential recycling, yard waste and drop box service as described above. United Recycling may not provide these services without a solid waste certificate from the commission.

**By February 13**, please respond in writing and advise how you plan to proceed. Please direct your written response to Betty Young, Compliance Investigator, Transportation Safety, Washington State Utilities and Transportation Commission, by email to [byoung@utc.wa.gov](mailto:byoung@utc.wa.gov) or by regular mail to P.O. Box 47250, Olympia, WA 98504. If you have questions, Ms. Young can be reached at 360-664-1202, or by e-mail at the address listed above.

Sincerely,



David Pratt  
Assistant Director, Transportation Safety

Appendix D

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# UNITED RECYCLING

18827 YEW WAY SNOHOMISH WA  
(425) 485-0355 (360) 668-4300 FAX (360)668-9252  
[unitedrecyclingco.com](http://unitedrecyclingco.com)

March 6, 2012

Ms. Betty Young  
Compliance Investigator  
Transportation Safety Enforcement  
Washington Utilities and Transportation Commission

Dear Ms. Young:

United Recycling & Container strives to be in compliance with every state, county, and city regulation. It is our understanding, from receipt of the letter dated January 30, 2012, that the WUTC is interpreting our advertising to be out of compliance with certain RCW and WAC regulations. While performing our diligence in preparing this response we are confused by interpretation, we think it might be because we are unable to determine exactly which sentences from the WAC/RCW the UTC is pulling from and applying to our activities. It would be helpful if you could provide us with the written rule and highlight the section that pertains to us. This will help us to determine exactly what we need to adjust in order to ensure compliance with commission laws and rules. As we have interpreted historical and current laws and rules, we are in compliance.

In order to respond directly to the "We also need additional information from you to determine whether or not the services you offer are regulated as solid waste collection", we really need to know what additional information you need. An open request like this could be interpreted to mean a multitude of things, interpretations can be that way. What specific information would you like to receive from us in regards to this request?

As part of our diligence it has occurred to us to request where this complaint regarding our advertising originated. Please advise regarding this complaint or any other complaints given to UTC pertaining to solid waste and recycling in the last twelve months.

Again, it is our goal to be in compliance with all pertinent regulations and we look forward to discussing this matter further.

Regards,

United Recycling

Bruce Clark

Appendix E



STATE OF WASHINGTON  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

March 7, 2012

Bruce Clark  
United Recycling & Container  
18827 Yew Way  
Snohomish, Washington 98296

**RE: Drop-Box and Container Services**

Dear Mr. Clark:

Thank you for your recent letter to the Washington Utilities and Transportation Commission (commission). Commission staff requested a response from United Recycling & Container (United Recycling) by March 6, detailing how the company planned to proceed in terms of its residential recycling operations. In your response, you asked for clarification on several points in our previous communications with you. Copies of these communications are enclosed for your reference.

First, you asked for guidance on the commission's solid waste laws and rules. The commission regulates "solid waste collection companies."<sup>1</sup> That term means a "person<sup>2</sup> ... [that uses] vehicles ... in the business of transporting solid waste for collection and/or disposal, or both, for compensation ... over any public highway in this state ..."<sup>3</sup> Every solid waste collection company must have a commission-issued certificate before operating,<sup>4</sup> and they must comply with local solid waste management plans and related ordinances.<sup>5</sup> For commission purposes, "solid waste" includes what one would normally consider "trash," as well as "source separated recyclables collected from residences."<sup>6</sup> A recycling company, such as United Recycling, may drop off a container at a homeowner's residence for the homeowner to fill with recyclable materials only if that company has a solid waste certificate from the commission.

<sup>1</sup> RCW 81.77 is the primary source of the UTC's regulatory authority. Other statutes clarify or restrict that authority.

<sup>2</sup> "Person" includes individuals, firms, or copartnerships." RCW 81.04.010(6).

<sup>3</sup> RCW 81.77.010(7) (definition of "solid waste collection company"). The two types of UTC-regulated solid waste collection companies are "common carriers" and "contract carriers". These terms are defined in RCW 81.77.010(3) and (4), respectively.

<sup>4</sup> RCW 81.77.040.

<sup>5</sup> RCW 81.77.030(5).

<sup>6</sup> RCW 81.77.010(9) defines "solid waste" by referring to the definition of "solid waste" in RCW 70.95.030. We commonly use the term "trash" to cover the types of items described in RCW 70.95.030(22), which states: "solid waste ... means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials." The UTC's definition of "solid waste" in RCW 81.77.010(9) also includes "source separated recyclables collected from residences".



Bruce Clark  
March 7, 2012  
Page 2

Regarding our request for additional information: we need to know how you plan to proceed in terms of the solid waste collection services (residential recycling/container) United Recycling offers. You may apply for a solid waste certificate to provide residential recycling services. However, as Ms. Young stated in her February 28 email, until and unless the commission grants the proper authority, United Recycling must cease advertising and providing all forms of solid waste collection services that require a certificate from the commission, including residential container service, whether the contents of the container are taken to a landfill or transfer station or are recycled.

Finally, this review of your advertising was not triggered by a complaint. In 2010, the Washington State Legislature passed a law making it illegal to advertise, solicit, offer, or enter into an agreement to haul solid waste for compensation without a solid waste certificate from the commission (RCW 81.77.040). In early 2011, commission staff began an enforcement program targeting carriers advertising solid waste collection services without the required certificate.

I hope this answers your questions. **By March 12**, please respond in writing and advise how you plan to proceed. If we do not receive your written response by March 12, commission staff will pursue enforcement action. If commission staff determines that United Recycling provides, or advertises to provide, solid waste collection services (which include residential recycling services) without a certificate after March 12, staff will pursue enforcement action.

Please direct your written response to Betty Young, Compliance Investigator, Transportation Safety, Washington State Utilities and Transportation Commission, by email to [byoung@utc.wa.gov](mailto:byoung@utc.wa.gov) or by regular mail to P.O. Box 47250, Olympia, WA 98504. If you have questions, Ms. Young can be reached at 360-664-1202, or by e-mail at the address listed above.

Sincerely,



David Pratt  
Assistant Director, Transportation Safety

Enclosures



Appendix F

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**Young, Betty (UTC)**

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**From:** Bruce Clark <Bruce@unitedrecyclingco.com>  
**Sent:** Monday, April 09, 2012 9:59 AM  
**To:** Young, Betty (UTC)  
**Subject:** RE: SOLID WASTE APPLICATION

Betty,

Since we are a licensed contractor if we choose to go to a homeowners residence we will supply labor.

Thanks  
Bruce

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**From:** Young, Betty (UTC) [mailto:BYoung@utc.wa.gov]  
**Sent:** Monday, April 09, 2012 9:39 AM  
**To:** Bruce Clark  
**Subject:** FW: SOLID WASTE APPLICATION

Mr. Clark:

I am following up to get a status update on United Recycling & Container's application for a solid waste certificate. Our Licensing Services staff informed me that no application has been received to date.

Until and unless the commission grants the proper authority, United Recycling must cease providing all forms of solid waste collection services that require a certificate from the commission, including residential container service, whether the contents of the container are taken to a landfill or transfer station or are recycled.

**Please respond in writing by April 13 and let me know how you plan to proceed.** If I do not receive your written response by April 13, commission staff will pursue enforcement action. If commission staff determines that United Recycling provides, or advertises to provide, solid waste collection services (which include residential recycling services) without a certificate after April 13, staff will pursue enforcement action.

Betty Young  
Compliance Investigator  
Transportation Safety Enforcement  
Washington Utilities and Transportation Commission  
Phone: 360-664-1202  
Fax: 360-586-1172

Appendix G



STATE OF WASHINGTON  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

April 17, 2012

Bruce Clark  
United Recycling & Container  
18827 Yew Way  
Snohomish, Washington 98296

**RE: Drop-Box and Container Services**

Dear Mr. Clark:

Staff of the Washington Utilities and Transportation Commission (commission) has communicated with you on several occasions regarding United Recycling & Container's (United Recycling) residential recycling operations. Copies of our previous letters are enclosed for your reference.

In our most recent letter, dated March 7, we requested a response describing how you planned to proceed in terms of the residential recycling and container services United Recycling offers. When you spoke with Ms. Young of my staff on March 12, you indicated that United Recycling had changed its advertising and you requested an application for a solid waste certificate. You also spoke with Tina Leipski of our Licensing Services staff on March 14 regarding the solid waste application.

By April 9, our staff had not received an application for a solid waste certificate from United Recycling. Ms. Young followed up with you by email asking how you planned to proceed. You responded by email the same day, stating, "Since we are a licensed contractor if we choose to go to a homeowners residence we will supply labor."

We take this to mean that United Recycling has changed its operations and will now load any drop-box or roll off containers that it delivers to residential customers. Hauling containers filled by your company as an incidental part of a clean-up, site restoration, or contractor service is considered private carriage and is not regulated by the commission.

Going forward, please be advised that if commission staff finds that United Recycling advertises, offers or provides solid waste collection services without a certificate, we will pursue



Staff Investigation Report - United Recycling TG –150233

United Recycling & Container  
April 17, 2012  
Page 2

enforcement action. This means that our staff will ask the commission to schedule a hearing and possibly assess financial penalties against United Recycling for violations of commission laws and rules.




If you have questions, please contact Betty Young, Compliance Investigator, Transportation Safety. Ms. Young can be reached at 360-664-1202, or by e-mail at the address listed above.

Sincerely,



David Pratt  
Assistant Director, Transportation Safety


Enclosures

Home   What We Do   What We Take   Open An Account   Contact Us   Containers 101   Photo Gallery

## Containers 101

**No matter what job you are doing, we have the right container to fit your needs.**



If you need a dumpster for cleanup, construction, or demolition work, then our roll-off containers are just the thing you need. We can schedule delivery of our clean roll-off containers at your site, and haul it away whenever you are done.

When planning a construction project, it is helpful to plan for cleanup. Reserving a large recycling container not only helps keep your job site looking clean, but also saves you time.

To determine what size container you need, you should take a look at a [Waste Management Plan Checklist](#). Depending on how much residual material you have, it may be more cost efficient to use multiple containers to separate each type of material. If you are working on a smaller project, then you may just need one container and throw all of your recyclables into that (referred to as "mixed"). We offer multiple container sizes to meet your needs, and they are measured in cubic yards.

container size	length	width	side height	capacity
20 cubic yards	22 ft.	8 ft.	4½ ft.	7 truck loads
30 cubic yards	22 ft.	8 ft.	6 ft.	11 truck loads
40 cubic yards	22 ft.	8 ft.	8 ft.	16 truck loads
50 cubic yards	24 ft.	8 ft.	8 ft.	20 truck loads

**20 Cubic Yard Container**


A 20 Yard dumpster holds 20 cubic yards of material. Common dimensions for this size container are 22 feet long by 8 feet wide by 4½ feet high. This is equivalent to about 7 full pickup truck loads.

*What it's good for:*  
A 20 Yard dumpster may be the right size for a large basement, attic, or garage cleanup, or even flooring and carpet removal for a large house. It is also about the right size for a large deck removal, or even 3000 square feet of single-layer roof shingles.

**30 Cubic Yard Container**

A 30 yard container holds 30 cubic yards of recyclables. Common dimensions for this size dumpster are 22 feet long by 8 feet wide by 6 feet high. This is equal to about 11 full pickup truck loads.

*What it's good for:*  
A 30 yard container may be the right size for contractors doing a home addition, new construction, garage demolition, or even house siding replacement for a medium-sized home.



**40 Cubic Yard Container**

### Search Business Licenses

**License Information:**

**Entity Name:** TOPSOILS INC.  
**Business Name:** TOPSOILS INC.  
**License Type:** Washington State Business  
**Entity Type:** Profit Corporation  
**UBI:** 601642009 Business ID:001 Location ID:0001  
**Status:** To check the status of this company, go to [Secretary of State](#) and [Department of Revenue](#).

View Results

**Location Address:**  
 18827 YEW WAY  
 SNOHOMISH, WA, 98296

**Mailing Address:**  
 18827 YEW WAY  
 SNOHOMISH, WA, 98296-8144

	Status	Expires	First Issued
<b>Licenses Held at this location</b>			
<a href="#">Minor Work Permit</a>	Active	07/31/2015	06/06/2001
<a href="#">Scale - Large</a>	Active	07/31/2015	06/08/2006
<b>Registered Trade Names:</b>			
BELLEVUE RECYCLING	Active	N/A	03/04/2013
EVERETT RECYCLING	Active	N/A	03/04/2013
KING COUNTY RECYCLING	Active	N/A	03/04/2013
KING RECYCLING	Active	N/A	03/04/2013
MALTBY RECYCLING	Active	N/A	03/04/2013
NORTH KING RECYCLING	Active	N/A	03/04/2013
PUGET SOUND RECYCLING	Active	N/A	03/04/2013
SEATTLE RECYCLING	Active	N/A	03/04/2013
SNOHOMISH COUNTY RECYCLING	Active	N/A	03/04/2013
SNOHOMISH RECYCLING	Active	N/A	03/04/2013
UNITED CONSTRUCTION	Active	N/A	12/31/2014
UNITED CONSTRUCTION CO.	Active	N/A	12/31/2014
UNITED CONTAINER	Active	N/A	12/29/2007
UNITED CONTAINER COMPANY	Active	N/A	12/29/2007
UNITED CONTAINER CORPORATION	Active	N/A	12/29/2007
UNITED CONTAINER INC.	Active	N/A	12/29/2007
UNITED RECYCLING & CONTAINER	Active	N/A	12/29/2007
UNITED RECYCLING & CONTAINER COMPANY	Active	N/A	12/29/2007
UNITED RECYCLING COMPANY	Active	N/A	08/15/2007
UNITED RECYCLING CORPORATION	Active	N/A	12/29/2007
UNITED RECYCLING INC.	Active	N/A	12/29/2007

**Governing People:**

DANIEL MCAULIFFE  
 NICOLE MCAULIFFE

Information Current as of 02/11/2015 6:41AM Pacific Time

View Results

This site is limited to searching for business licenses issued through the Washington State Business Licensing Service.

Appendix J

My Account

The screenshot shows the Washington State Department of Revenue website. At the top left is the logo and slogan: "Department of Revenue Washington State" and "Working together to fund Washington's future". On the top right, there are links for "ABOUT US | CONTACT US Español", "My Account", "login", "e-file", and "register". A search bar is located below these links.

A navigation menu on the left includes: Home, File & pay taxes, Doing business (with sub-links for Business types, Register my business, My account, Audits), Find taxes & rates, Workshops & education, Get a form or publication, and Find a law or rule.

The main content area shows a breadcrumb trail: "DOING BUSINESS > REGISTER MY BUSINESS > LOOKUP BUSINESS INFORMATION". Below this is a "Back to search results" link and a note: "If 'Non-revenue' appears after Tax Registration Number, the account is not registered with the Department of Revenue. However, it may be registered with other agencies in the state."

The central focus is a box titled "Washington State Department of Revenue State Business Records Database Detail" containing the following information:


TAX REGISTRATION NO:	601642009	ACCOUNT OPENED:	06/19/1995 12:00:00 AM
UBI:	601642009	ACCOUNT CLOSED:	OPEN
ENTITY NAME:	TOPSOILS INC		
BUSINESS NAME:	UNITED RECYCLING COMPANY		
MAILING ADDRESS:	18827 YEW WAY SNOHOMISH, WA 98296-8144	BUSINESS LOCATION:	19000 1/2 YEW WAY SNOHOMISH, WA 98296-0000
ENTITY TYPE:	CORPORATION	RESELLER PERMIT NO:	A31 7072 18
NAICS CODE:	562920	PERMIT EFFECTIVE:	09/19/2014
NAICS DEFINITION:	MATERIALS RECOVERY FACILITIES	PERMIT EXPIRES:	09/18/2018

Below the details is the text "FOR NON-COMMERCIAL USE ONLY" and a timestamp "02/11/2015 11:36 AM".

At the bottom left, there is a survey prompt: "We need your help. Take a 30 sec survey." and "Help us improve! Take our Survey".

The footer contains navigation links: "CONTACT US | ABOUT US | QUESTIONS & ANSWERS | PRINTER FRIENDLY | CAREERS", social media icons for Twitter, RSS, and YouTube, and a footer with the text: "Español | ??????? | ?? | Tagalog | Titing Viki | ??", "Access Washington", "Your Privacy | ©2010 WASHINGTON STATE DEPARTMENT OF REVENUE AND ITS LICENSORS. ALL RIGHTS RESERVED.", and "Voter registration assistance (SECRETARY OF STATE)".

Appendix K

<b>WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION</b> 1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250 OLYMPIA, WA 98504-7250 (360) 664-1222	
<p><b>This certificate authorizes the following operations under the provisions of RCW Title 81:</b></p>	
Topsoils, Inc. d/b/a United Recycling & Container 18903 109th Ave SE Snohomish, WA 98296	Permit No. CC-63847
General commodities in the state of Washington excluding household goods, hazardous materials and armored car service.	
TV-100369	03-03-10
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	
	By _____
<i>NOTE: A copy of this permit MUST be carried in each vehicle being operated under this authority.</i>	

Staff Investigation Report - United Recycling TG –150233

Appendix L

Shred-it	19670 SW 118th Ave Tualatin, OR 97062	503-443-3830
Skagit River Steel & Recycling, Inc.	PO Box 376, Burlington, WA 98233	360-757-6096
Sound Disposal Inc	PO Box 487 Edmonds, WA 98020	425-778-2404
St. Vincent de Paul	PO Box 2269, Everett, WA 98213-0269	425-513-6052
Stanley's Sanitary Service, LLC	20 Hedlund Rd. Cathlamet, Wa. 98612	360-795-3369
Strand Recycling and Junk Removal	2104 NE William E Sutton Rd., Bremerton, WA 98311	360-620-4647
Sunshine Disposal Inc	11320 W McFarlane Road Spokane, WA 99001	509-924-5678
Sunshine Recyclers Inc	11320 W McFarlane Road Airway Heights, WA 99001	509-252-9060
T & T Recovery	4731 Lost Creek Road Bellingham, WA 98229	360-757-4000
Torre Refuse & Recycling LLC	11320 W McFarlane Road Airway Heights, WA 99001	509-924-5678
Total Reclaim	2200 6th Ave S Seattle, WA 98134	206-343-7443
Truck On Call	17433 79th Dr NE Arlington, WA 98271	425-750-0751
United Recycling	18903 109th Ave. SE, Snohomish, WA. 98296	425-485-0355
University Place Refuse Service, Inc.	2815 Rochester St. W. University Place, Wa 98466	253-564-3212
USF Reddaway	10990 Roe Avenue Overland Park, KS 66211	913-344-3615
Veneer Chip Transport, Inc.	2205 Pacific HWY E. Tacoma, WA 98424	253-922-1911
Waste Connections DBA Olympic Disposal	2548 W 19th street Port Angeles, WA 98363	360-452-7278
Waste Connections of Washington	12115 NE 99TH ST SUIT 1830 Vancouver, WA 98682	360-892-9594
Waste Control Recycling	1150 3rd Ave Longview, WA 98632	360-425-4302
Waste Management of Washington Inc	13225 NE 126th Place Kirkland, WA 98034	425-825-0010
Waste Paper Services, Inc.	3407 E Main Ave. Spokane, WA 99202	509 534-9315
Woodfeathers, inc.	P.O. box 17566, Portland, OR, 97217	503-416-1615
Woodland Truck Line	PO Box 1808 Woodland, WA 98674	360-225-9433
Yakima Waste Systems Inc	PO Box 2830 Yakima, WA 98907	509-248-4213 Ext 4
Z Recyclers, Inc.	PO Box 648 Lynden, WA 98264	360-398-2161

updated 10-10-2014 by Isaac Standen



Appendix M



United Recycling & Container has the right size container for any size job, large or small. We provide **recycling container service** for homeowners, construction projects, manufacturing and industrial uses, both for job specific and weekly/monthly service. Our execution and dedication to on-time performance and quick response is what separates United Recycling & Container from our competitors.

Did you know a majority of the materials normally thrown away at a construction project, can be recycled? Let United Recycling & Container help! With our full-service recycling container service and our recycling facility, we have a solution to fit nearly every need, and our services are always cheaper than the city or county dump. [Click here for a list of the materials we process.](#)

In order for us to serve you best, we encourage you to establish your account prior to requesting service. Our new customer paperwork is only required once, so when you need service, we are just a phone call or email away – no additional paperwork required. If you have any questions about how to start service, payment options or billing, please ask!

## WHY CHOOSE UNITED RECYCLING & CONTAINER?

United Recycling & Container is a great partner for hauling and recycling construction and demolition (C&D) debris, as well as materials from a variety of other sources including **manufacturing, retail and industrial facilities**. We offer straightforward pricing, recycling of a wide variety of materials, as well as efficient and reliable service. When we haul your materials, you can be certain we are processing your materials at our permitted, state of the art recycling center. Our recycling rate consistently exceeds 90%, meaning we are diverting as many materials as possible from the waste stream and significantly decreasing the amount of materials that end up in the landfills. **United Recycling & Container is also Certified by Seattle Public Utilities (SPU) as a Mixed-Waste Recycling Facility and in compliance with SPU's new recycling requirements.**



## ACCEPTED MATERIALS

Do we need to sort our construction debris (wood, cardboard, metal, drywall, plastics) prior to hauling it (or having you haul it) to your facility?

Do you recycle metal?

Do you accept dirt?

Do you pay cash for cardboard?

Do you recycle railroad ties?

Do you recycle tires?

Do you accept composition roofing?

Do you accept carpet and insulation?

Do you accept wood that has already been chipped?

My home was built pre-1950's and I am concerned about asbestos and lead paint from my kitchen remodel. Will you accept demolition debris from my renovation project?

What if there are hazardous materials mixed in with my demolition debris?

## CONTAINER SERVICE

How much notice is required to have a container delivered?

How will I know when the container will be delivered?

Can you provide dumpsters for garbage for our jobsite, as well as the containers for recyclable materials?

Can you help load the container at my home/job site?

All containers have doors that open at one end, making loading much simpler. We provide drop off and pick up of the container, however all loading must be handled by you.

How high can I load my container?

How long can I keep the container at my site?

Appendix O

Navigation



(360) 668-4300      

Home > Contact Us

## Contact Us



Whether you need a container or have questions about the materials we accept, **we look forward to hearing from you!**

Recycling Facility Address / Mailing Address  
18827 Yew Way  
Snohomish, WA 98296

Name \*  
   
First Last

Contact United Recycling & Container

**Phone**  
(360) 668-4300

**FAX**  
(360) 668-9252

**Hours of Operation (Fall/Winter)**  
Monday through Friday: 7:00 AM – 5:00 PM

Connect with us!



**Phone \***  
360-668-3712

**Email**  
rachelR@yshoo.com

**My inquiry is related to \***

- Container Service
- Accepted Materials
- Purchasing Materials
- Scrap Metal Recycling
- Other

**Please tell us how can we help \***

I am cleaning out the garage soon at my dads house. Can you drop off a container on a Thurs? I will load it and can you remove it on the next Monday? How much will it cost? Probably just a small dumpster? It is mostly garbage, some carpet.

SUBMIT

Appendix P

Home (2 unread) - rachkell8 - Yahoo Mail Page 1 of 1 ickr Mo

Search Mail Search Web

---

Compose Delete Move Spam More

**United Recycling...**

**Morgan Aggers**  
To me

---

Thank you for your inquiry.  
I'm sure we can help.  
Just for simplicities sake we can happily take the contents of your garage.

**Pricing...**  
Container delivery, \$225.00 round trip  
Debris, \$105.00 per ton for anything and everything you discard, we do not take hazardous or food was

I will follow up tomorrow via telephone if you have any additional questions.


Thank you

Morgan Aggers  
United Recycling  
425-367-2853

---

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

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The Art Institutes  
Official Site. Start  
Your Education at  
The Art Institutes Today  
visit.artinstitutes.edu

<https://us-mg6.mail.yahoo.com/neo/launch?.rand=8sdf96jk7794c> 2/12/2015