STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
621 Woodland Square Loop S.E. ● Lacey, Washington 98503
P.O. Box 47250 ● Olympia, Washington 98504-7250
(360) 664-1160 ● TTY (360) 586-8203

August 24, 2023

Annet Prieto and Rosalio Prieto
Prieto Landscaping LLC
3526 East A Street
Pasco, WA 99301

Re: Compliance investigation complaint

Dear Annet Prieto and Rosalio Prieto,

The Washington Utilities and Transportation Commission believes you may be engaged in solid waste transportation services that require a certificate from the commission. It is illegal to operate or advertise as a solid waste collection company in Washington without the required solid waste certificate from the commission. You can receive a penalty of $1,000 for each violation of this law.

What you need to do.
Review the compliance investigation section of this letter and respond in writing to the following questions by **September 7, 2023**:

1. What materials were intended for collection?
2. What items were collected?
3. Who loaded debris into the drop-box?
4. Who hired your company to transport the drop box?
5. What was the intended destination of the drop-box?
6. How many total loads did your company collect and transport to a waste disposal facility?
7. Was there a solid waste receptacle at the job site?

Solid waste collection regulations
Solid waste collection includes residential and commercial garbage, residential recycling, yard waste, and drop box service.

Compliance investigation
A compliance investigation revealed that your company may be in violation of RCW 81.77.040. Commission staff recently witnessed your company at the BDI Transfer Station located at 1721 Dietrich Rd, Pasco, Washington. Staff witnessed Prieto Landscaping LLC (Prieto) disposing of construction waste on multiple occasions on August 16, 2023. Further investigation in the Tri-Cities area revealed that Prieto has multiple drop-boxes located at Pahlisch Homes job sites. Inspection of the drop-boxes showed construction debris being loaded by construction contractors. Photos of your company disposing of waste and drop-boxes located at Pahlisch job sites are included in this letter.

What you need to do
To avoid enforcement action by the commission, your company must:

- Immediately stop providing solid waste services;
- If you choose to, submit a complete solid waste application (enclosed) or respond in writing by September 7, 2023, explaining your company's operations and why they do not require operating authority from the commission.

Solid Waste Certificate application
To provide solid waste collection services, your company must first submit a solid waste application. Your company cannot operate until the commission grants a solid waste certificate.

All applications are subject to public protest and your application must demonstrate that the current solid waste collection company in your proposed service area is not providing the service your company will offer. The commission only grants new certificates if the current company is unfit, unwilling, or unable to provide the service.

Common Carrier permit application
A certificate of convenience is not required for companies transporting waste derived from residential or commercial projects considered private carriage. Companies providing construction site cleanup, where the company's employees load and transport the waste using company-owned equipment is considered incidental to the job performed. Employees of the company must do all collection and clean up from job sites. Staff employed by other companies or contractors at the job sites may not load any debris into the drop-boxes. Drop-boxes may not be left onsite for the use by others.

A company transporting property, including general commodities, does require a common carrier permit per Revised Code of Washington (RCW) 81.80.070. Your company may need to apply for a common carrier permit with the commission. Information on how to apply for and obtain a common carrier permit is included in this letter.

Send your response to kathryn.mcpherson@utc.wa.gov or mail P.O. Box 47250, Olympia, WA 98504. Please call commission investigator, Kathryn McPherson at (360) 522-6121, if you have any questions.

Sincerely,

Digitally signed by
Perkinson, Mathew (UTC)
Date: 2023.08.23
06:13:53 -07'00'

MATHEW PERKINSON
Assistant Director, Transportation Safety

Enclosures