

Staff Investigation
of
Bobby Wolford Trucking & Salvage, Inc.
d/b/a:
Bobby Wolford Trucking & Demolition, Inc.

Docket TG-143802

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine if Bobby Wolford Trucking & Salvage, Inc., d/b/a Bobby Wolford Trucking and Demolition, Inc., (Bobby Wolford Trucking) 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 Bobby Wolford Trucking'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

On January 24, 2012, commission staff sent Bobby Wolford Trucking a letter providing technical assistance regarding the company's website advertisement of residential drop box service. 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. 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.¹

¹ Jan. 24, 2012, technical assistance letter from David Pratt to Bobby Wolford at Appendix B.

On January 30, 2012, staff of Bobby Wolford Trucking informed commission staff by email that the company would discontinue the residential drop box service. The company also informed staff that they would continue to haul containers filled by their company as part of their site preparation contracting business.² On January 30, 2012, staff responded to Bobby Wolford Trucking by email explaining that as long as the company loaded the container, not the customer, as part of its clean-up or site restoration service, it is considered private carriage and not regulated by the commission as solid waste collection.³ Staff closed its investigation at that time.

Current Investigation

Compliance Investigator Pam Smith began an investigation into Bobby Wolford Trucking in September 2014 due to a complaint from a certificated solid waste collection company. This report documents Ms. Smith's findings during her investigation.

Bobby Wolford Trucking & Salvage, Inc. (d/b/a Bobby Wolford Trucking & Demolition).

Bobby Wolford Trucking is registered with the Washington Business Licensing Service (BLS) under UBI #600620859. The registered trade name is Bobby Wolford Trucking & Demolition, Inc. The company's location address and mailing address is shown as 22014 W. Bostian Rd., Woodinville, WA 98072-8000. Robert Wolford is listed as the governing person.⁴ The company has an active account with the Department of Revenue.⁵

Bobby Wolford Trucking 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 (CC-26715).⁶ Commission staff verified that Bobby Wolford Trucking is currently registered with the Department of Ecology (ECY) as a Transporter of Recyclable Materials under RCW 70.95.400 and WAC 173-345.⁷

² Jan. 30, 2012, company email to staff at Appendix C.

³ Jan. 30, 2012, staff email to company at Appendix C.

⁴ Copy of BLS information at Appendix D.

⁵ Copy of Dept. of Revenue information at Appendix E.

⁶ Copy of common carrier permit at Appendix F.

⁷ Excerpt of ECY transporter list at Appendix G.

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 – Operations

On September 12, 2014, staff received a complaint from a certificated solid waste collection company regarding Bobby Wolford Trucking. Specifically, the complaint alleged that Bobby Wolford Trucking was hauling demolition debris for compensation from the Everett Boeing plant to the Snohomish County Airport Road Transfer Station (ARTS). The

complainant claimed that Bobby Wolford Trucking was hired by PCI Democon to pick up the demolition debris and transport it to the ARTS for disposal.

Staff Contact with Bobby Wolford Trucking

Commission staff sent an email to Bobby Wolford Trucking on September 17, 2014, outlining the complaint and requesting information about the company's operations at the Boeing site in Everett.⁸ Mr. Wolford responded informally to staff via a telephone call and email. Commission staff sent a letter October 3, 2014 in response to those contacts.⁹ The letter provided a summary of the investigation and further technical assistance. Ms. Alvord, In-House Counsel for Bobby Wolford Trucking, responded on October 16, 2014. In her letter, Ms. Alvord explained that Bobby Wolford Trucking received direct orders from PCI Democon to haul demolition waste materials for disposal. Bobby Wolford Trucking's dispatcher was new and inexperienced, and presumed that PCI Democon had the authority to order the company to do so. Ms. Alvord further explained that Bobby Wolford Trucking had immediately stopped all hauling from the Everett site to the ARTS. Ms. Alvord stated that Bobby Wolford Trucking had registered with the Department of Ecology, removed "residential" customers from its website, and begun the process of applying for a solid waste collection certificate.¹⁰ As of December 10, 2014, Bobby Wolford Trucking has not submitted a solid waste certificate application to the commission.

Staff Contact with Snohomish County Public Works

Commission staff submitted a Request to Inspect Public Records to the Snohomish County Department of Public Works on October 15, 2014. Staff specifically requested the charges posted from the ARTS to the PCI Democon account by Bobby Wolford Trucking, and tonnage information from the ARTS for Bobby Wolford Trucking vehicles used for the PCI Democon account from June 1, 2014, through Sept. 30, 2014.¹¹

Snohomish County staff provided the requested information by email on October 28, 2014. The information showed 191 charges posted for hauls to the ARTS from September 2, 2014, through September 30, 2014. For September 2 and 3, 10 charges were listed under the business name Bobby Wolford Trucking & Salvage and the remaining charges from September 4 through 30 are listed under PCI Democon.¹² The report also included vehicle identification (ID) for some, but not all, of the vehicles used to haul loads to the ARTS.

Because staff was unclear about some of the information provided on the report, including different business names and vehicle IDs, staff requested a further explanation of the

⁸ September 17, 2014, email from Betty Young to Bobby Wolford Trucking at Appendix H.

⁹ October 3, 2014, letter from David Pratt to Bobby Wolford Trucking at Appendix I.

¹⁰ October 16, 2014, letter from Ms. Alvord at Appendix J.

¹¹ October 15, 2014, Request to Inspect Public Records at Appendix K.

¹² Snohomish County relevant public records request response at Appendix L.

records. Snohomish County staff Mary Nichols explained that PCI Democon did not set up an account at the ARTS until September 4, 2014. According to Ms. Nichols, the hauls Bobby Wolford Trucking made on September 2 and 3 were also for PCI Democon.¹³

Ms. Nichols also clarified for staff that the vehicle ID number on the report is tied to the truck license plate number. The license plate acts as a PIN number or specific identifier for the vehicle ID. Bobby Wolford Trucking was authorized by PCI Democon to access the PCI Democon account.

All of the hauls were logged to five vehicles identified to the PCI Democon account or belonging to Bobby Wolford hauling for PCI Democon.¹⁴ According to Ms. Nichols, PCI Democon informed ARTS that Bobby Wolford Trucking was doing all of the trucking for PCI Democon. One truck shown in the list with the license plate number B56929C was not registered with ARTS but used the PCI Democon authorization number to access the company's account. Another truck with license plate number A92165S was coded 14 times under the vehicle ID column as either Wolfor14 or Ascend1. Staff verified through the Washington State Department of Licensing (DOL) that Bobby Wolford Trucking is the registered owner of both of these license plate numbers (B56929C and A92165S).¹⁵

Based on the information provided by Snohomish County, it appears that Bobby Wolford Trucking transported waste for disposal at the ARTS for PCI Democon on 191 occasions between September 2 and 30, 2014.

¹³ November 17, 2014, email from Snohomish County staff at Appendix M.

¹⁴ See Appendix M for emails from Snohomish County. Snohomish County staff explained that a company called Ascendant opened an account and should have used an authorization number to post charges for loads by Bobby Wolford Trucking to the PCI Democon account. Instead, Ascendant requested to register a vehicle belonging to Bobby Wolford as an Ascendant truck. This was not discovered by Snohomish County until the truck returned in September 2014 to haul loads for PCI Democon account.

¹⁵ Copy of DOL information at Appendix N.

STAFF FINDINGS & RECOMMENDATION

Commission staff has determined that Bobby Wolford Trucking & Demolition Inc., operated 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. (RCW 81.77.040)

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 Bobby Wolford Trucking violated RCW 81.77.040 by transporting solid waste for disposal without first having obtained a certificate from the commission to do so. Specifically, Bobby Wolford Trucking transported solid waste for compensation to the ARTS for disposal on 191 occasions between September 1 and 30, 2014.

Staff provided technical assistance to Bobby Wolford Trucking on two previous occasions in 2012, and explained specifically that delivering containers to a commercial customer’s location for the customer to fill with solid waste, and then hauling the container to a disposal site, requires a solid waste certificate from the commission. Bobby Wolford Trucking knew or should have known that the services it provided to PCI Democon required a certificate from the commission.

Recommendation

Commission staff recommends the commission initiate a proceeding against Bobby Wolford Trucking & Demolition Inc., doing business as Bobby Wolford Trucking provided by RCW 81.04.510. In addition, staff recommends the commission file a complaint on its own motion setting forth any act or omission by Bobby Wolford Trucking & Demolition Inc., doing business as Bobby Wolford Trucking 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 each for 191 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.
- (14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a

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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.

[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;

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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

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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

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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.

"**Agricultural wastes**" means wastes on farms resulting from the raising or growing of plants and animals

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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.

"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.

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"**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.

"**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

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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.

"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.

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"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.

"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.

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"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:

- 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

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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.

"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.

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"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.

"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 [70.95](#) 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.

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"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.

"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

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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.

"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

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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.

(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.]

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WAC 480-70-041

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.

"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

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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 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.

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"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.

"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

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requirements of chapter [70.95](#) 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.

"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

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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

January 24, 2012

Bobby Wolford
Bobby Wolford Trucking and Salvage, Inc.
22014 West Bostian Road
Woodinville, WA 98072

RE: Drop-Box and Container Services

Dear Mr. Wolford:

Staff of the Washington Utilities and Transportation Commission (commission) recently reviewed your website at www.wolfordtrucking.com. We offer following information as technical assistance to Bobby Wolford Trucking and Salvage, Inc. (Bobby Wolford Trucking) 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.

Bobby Wolford Trucking advertises drop box and container services on its website. It is unclear if these services are for commercial sites only or if they include residential customers.

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. Bobby Wolford Trucking may not provide these services without a solid waste certificate from the commission.

By February 7, 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 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 C

Young, Betty (UTC)

From: Young, Betty (UTC)
Sent: Monday, January 30, 2012 12:42 PM
To: 'Nelle Jacobson'
Subject: RE: response from Bobby Wolford Trucking

Hi Nelle. Thanks for your call and for the email. To answer your question, as long as your commercial drop box service only includes commercial recycling, not garbage, you wouldn't need a solid waste certificate. Collection of recyclable materials from commercial sites is not regulated under RCW 81.77, but does require a common carrier permit, which you currently have.

For your site prep contracting business, if your company loads loose materials into a container or directly onto a company truck, this is considered private carriage and not subject to UTC regulation. The materials may be recycled, reused, sold or otherwise disposed of. The key is that YOU, not the customer, must load the materials into the container or truck as a part of the service you are providing.

I got a call from Jack today too, letting me know that he'd updated the company website to reflect commercial drop box service only. Please let him know that I said it looks great.

Please let me know if either of you have any other questions. Once you have your response in final form, you can just email it to me. You don't have to send it by mail.

Thanks.

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

From: Nelle Jacobson [mailto:nelle@wolfordtrucking.com]
Sent: Monday, January 30, 2012 10:41 AM
To: Young, Betty (UTC)
Subject: response from Bobby Wolford Trucking

Dear Ms. Young

The draft below is in response to a letter from David Pratt dated January 24 in which he said we are required to have a solid waste certificate for residential drop box customers. We plan to eliminate our residential drop-box service.

Please let me know if I understand the regulations. Can we continue commercial drop-box service for our recycling yard and for our site preparation contracting business without a solid waste certificate?

Thanks for your help in helping a very small business navigate the regulatory maze

Nelle Jacobson
Bobby Wolford Trucking & Demolition, Inc.
425-481-1800 Monday 1/30/12

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DRAFT LETTER TO DAVID PRATT.

RE: Drop-Box and Container Services letter dated January 24, 2012

You said we must have a solid waste certificate from the WUTC to provide residential drop-box service. We have reviewed that part of our business and have determined that we have only a few residential drop-box customers each month. Unlike our commercial drop-box customers, residential customers are lax at self-sorting recyclables, more time consuming to bill and slow to pay.

We will discontinue our residential drop-box service.

We will revise all advertising by adding commercial to any mention of our drop-box service.

We will continue to provide drop-boxes to commercial accounts when those boxes are taken to our recycling yard operations in Maltby. We understand this requires that our common carrier permit be registered with the Department of Ecology.

We will continue to haul containers that are filled by our company with respect to our site preparation construction business.

Appendix D

Business Licensing Service:License Query Search

- [Contact us](#)
- [Forms](#)
- [About us](#)

- [Home](#)
- [Start your business](#)
- [Change or update your business information](#)
- [How to renew your license](#)



License Information:

Entity Name: BOBBY WOLFORD TRUCKING AND SALVAGE, INC.
Business Name: BOBBY WOLFORD TRUCKING & DEMOLITION, INC.
License Type: Washington State Business
Entity Type: Profit Corporation
UBI: 600620859 Business ID:001 Location ID:0001
Status: To check the status of this company, go to [Secretary of State](#) and [Department of Revenue](#).

Location Address:
22014 W BOSTIAN RD
WOODINVILLE, WA, 98072-8000

Mailing Address:
22014 W BOSTIAN RD
WOODINVILLE, WA, 98072-8000

	Status	Expires	First Issued
Licenses Held at this location			
Clyde Hill General Business	Active	02/28/2015	04/16/2014
Minor Work Permit	Active	09/30/2015	10/03/2014
Shoreline General Business	Active	02/28/2015	04/15/2014
Registered Trade Names:			
BOBBY WOLFORD TRUCKING & DEMOLITION, INC.	Active	N/A	04/10/2014

Governing People:
ROBERT WOLFORD

Information Current as of 10/30/2014 6:39AM Pacific Time

Appendix E

My Account

Department of Revenue Washington State "Working together to fund Washington's future"

ABOUT US | CONTACT US Español

My Account [login](#) [register](#) [eFile](#)

- Home
- File & pay taxes
- Doing business
 - Business types
 - Register my business
 - My account
 - Audits
- Find taxes & rates
- Workshops & education
- Get a form or publication
- Find a law or rule

DOING BUSINESS > REGISTER MY BUSINESS > LOOKUP BUSINESS INFORMATION

[Back to search results](#)

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.

Washington State Department of Revenue State Business Records Database Detail

TAX REGISTRATION NO :	600620859	ACCOUNT OPENED :	04/01/1986 12:00:00 AM
UBI :	600620859	ACCOUNT CLOSED :	OPEN
ENTITY NAME :	BOBBY WOLFORD TRUCKING & SALVAGE INC		
BUSINESS NAME :	BOBBY WOLFORD TRUCKING & DEMOLITION		
MAILING ADDRESS :	BUSINESS LOCATION :		
22014 W BOSTIAN RD	22014 W BOSTIAN RD		
WOODINVILLE, WA 98072-8000	WOODINVILLE, WA 98072-0000		
ENTITY TYPE :	CORPORATION	RESELLER PERMIT NO :	A02 1861 15
NAICS CODE :	238910	PERMIT EFFECTIVE :	01/01/2014
NAICS DEFINITION :	SITE PREPARATION CONTRACTORS (PT)		
		PERMIT EXPIRES :	12/31/2015

FOR NON-COMMERCIAL USE ONLY

10/30/2014 12:09 PM

We need your help.
[Take a 30 sec survey](#)

Help us improve!

Appendix F

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

This permit authorizes the following operations under the provisions of RCW Title 81:
BOBBY WOLFORD TRUCKING & SALVAGE INC Permit No.
22014 WEST BOSTIAN ROAD CC-26715
WOODINVILLE, WA 98072

General commodities in the state of Washington excluding household goods, hazardous materials and armored car service.

06-28-95

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

*NOTE: A copy of this permit **MUST** be carried in each vehicle being operated under this authority.*

Investigation Report - Bobby Wolford Trucking TG 143802

Appendix G

Transporters of Recyclable Materials	Mailing Address	Phone Number
1 Green Planet	1780 NW Maple Street, Issaquah, WA 98027	425-996-3513
1-800-RID-OF-IT	4000 Aurora Ave N, #2 Seattle, WA 98103	604-659-6684
3R Technology, LLC	1920 Occidental Ave South, Suite G, Seattle, WA 98134	206-957-2682
A Plus Removal and Recycling	116 Clay Street NW, Suite B-1, Auburn, WA 98001	253-737-4441
ABCO Wood Recycling	PO Box 1329 Post Falls, ID 83877	208-777-4371
Ace Metal Company	11110 Mukilteo Speedway #202 Mukilteo, WA 98275	425-493-6802
Ada-Lin Waste System Inc	11320 W McFarlane Rd., Airway Heights, WA 99001	509-252-9060
AGG Enterprises, Inc.	PO Box 17163 Portland, OR 97217	503-283-2015
Allied Waste Industries Inc	1600 127th Ave NE Bellevue, WA 98005	425-646-2496
Allied Waste of Portland	10239 NE Marx Street Portland, OR 97220	503-253-5656
Allied Waste Services of Bellevue	1600 127th Ave NE Bellevue, WA 98005	425-646-2440
Allied Waste Services of Kent	22010 76th Ave S Kent, WA 98032	253-239-8859
Allied Waste Services of Klickitat	925 Fairgrounds Road Goldendale, WA 98620	509-384-5641
Allied Waste Services of Lynnwood	21309 66th Ave W Lynnwood, WA 98037	425-646-2423
Allied Waste Services of Seattle	54 S. Dawson St Seattle, WA 98134	206-332-7744
American Disposal, Vashon Disposal, D.M. Disposal Co., and Murray's Disposal	4622 70th Avenue E Fife, Wa 98424	253-922-6682
American Freight	2399 Merry Ln White City, OR 97503	888-344-6646
Andrist Enterprises	PO Box 7121 Kennewick, WA 99336	509-586-1086
Bainbridge Disposal	PO Box 10699 Bainbridge Island, WA 98110	206-842-4882
Basin Disposal of Washington LLC	PO Box 3850 Pasco, WA 99302-3850	509-547-2476
Basin Disposal of Yakima LLC	PO Box 3850 Pasco, WA 99302-3850	509-547-2476

Investigation Report - Bobby Wolford Trucking TG 143802

Basin Disposal, Inc.	PO Box 3850 Pasco, WA 99302-3850	509-547-2476
Benchmark Recycling Inc.	3024 S. Mullen Suite E Tacoma, WA 98409	253-565-1565
Blaine Bay Refuse, Inc.	1001 Roeder Ave Bellingham, WA 98225	360-734-3490
Bobby Wolford Trucking and Demolition, Inc.	22014 W. Bostian Rd., Woodinville, Wa 98072	425-481-1800
Brem Air Disposal	9300 SW Barney White Road Port Orchard, WA 98367	360-415-2751

Appendix H

Young, Betty (UTC)

From: Young, Betty (UTC)
Sent: Wednesday, September 17, 2014 1:25 PM
To: info@wolfordtrucking.com
Cc: Smith, Pam (UTC)
Subject: Complaint re solid waste hauling - please respond by September 30

Importance: High

The UTC received a complaint about Bobby Wolford Trucking hauling waste materials from a demolition/remodel project being conducted by Democon at the Boeing plant in early September. Specifically, the complaint alleges that Bobby Wolford Trucking hauled loads of waste directly from the Boeing site to the Airport Way transfer station.

By September 30, please provide a written response to the allegations in the complaint and the details of the service being provided by Bobby Wolford Trucking at this location. Please answer the following questions in your response:

- Was Bobby Wolford Trucking hired as a contractor at this site? If so, what was the company hired to do? If not, who is the contractor?
- What type of materials did Bobby Wolford Trucking contract to collect?
- What was the specific intended destination(s) of the materials?
- Did the contractor hire Bobby Wolford Trucking to haul waste directly from this site to the transfer station?
- Did Bobby Wolford Trucking haul waste directly from the site to the transfer station for disposal?

Please provide your response by September 30.

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

Appendix I



STATE OF 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

October 3, 2014

Bobby Wolford Trucking
22014 W. Bostian Rd.
Woodinville, WA 98072

RE: Transporting of Solid Waste

Dear Mr. Wolford:

Staff of the Washington Utilities and Transportation Commission (commission) contacted you by email on Sept. 17, 2014, regarding a complaint we received about Bobby Wolford Trucking and Salvage, Inc. (Bobby Wolford Trucking). Specifically, the complaint alleged that Bobby Wolford Trucking was hauling waste materials from a demolition/remodel project being conducted by PCI Democon at the Boeing plant in Everett to the Airport Way transfer station in Snohomish County. Staff's email requested a response to the allegations in the complaint by Sept. 30; however, Bobby Wolford Trucking did not respond. Staff sent another email on Oct. 1 requesting a response by Oct. 9. Copies of both emails are enclosed for your reference.

I understand that you responded by email and then spoke with Compliance Investigators Betty Young and Pam Smith of my staff by telephone. According to the information you provided during the conversation, you were hired by PCI Democon, the demolition contractor on site, to haul construction and demolition waste from the Boeing site to the Snohomish County transfer station for disposal. Staff informed you that this type of hauling is regulated as solid waste collection and requires a certificate from the commission.

We previously provided technical assistance to Bobby Wolford Trucking about solid waste regulations in Jan. 2012 (copy enclosed). At that time, we advised you that 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. We informed you that 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)

Respect. Professionalism. Integrity. Accountability.

Investigation Report - Bobby Wolford Trucking TG 143802

Wolford Trucking
Oct. 3, 2014
Page 2

We also advised you that 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.

Because of the prior technical assistance we provided, Bobby Wolford Trucking knew or should have known that the type of hauling it provided for PCI Democon required a solid waste certificate from the commission. Staff intends to ask the commission to take enforcement action against Bobby Wolford Trucking for hauling solid waste for disposal without a certificate.

Please contact Pam Smith if you have any questions. Ms. Smith can be reached at (360) 664-1320 or by email at psmith@utc.wa.gov.

Sincerely,

David Pratt
Assistant Director, Transportation Safety

Enclosures

Appendix J

In-House Counsel
Bobby Wolford Trucking & Demolition, Inc.
22014 W. Bostian Rd.
Woodinville, WA 98072

October 16, 2014

State of Washington
Utilities and Transportation Commission
ATTN: David Pratt, Assistant Director, Transportation Safety
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, WA 98504-7250

RECEIVED
RECORDS MANAGEMENT
2014 OCT 17 AM 8:33
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Bobby Wolford Trucking – Complaint - Transporting of Solid Waste

Dear Mr. Pratt:

As legal representative for Bobby Wolford Trucking and Demolition, Inc. (Wolford Trucking) I am replying to your letter to my client, dated October 3, 2014. Specifically, I am writing to address your allegation that my client transported solid waste in violation of state statute.

Rest assured, when my client transported construction demolition materials from Boeing to the transfer station at Airport Way last month, it did so under the reasonable belief that it was following the law, because 1) it received direct orders from PCI Democon to haul the materials to the transfer station; 2) it presumed that PCI Democon had the authority to do so; and 3) its new dispatcher was, at the time, inexperienced and unfamiliar with the solid waste transportation laws and did not recognize there was a problem.

Clearly what happened here was a mistake and in no way an intentional or knowing act. This is further evidenced by the fact that my client stopped all hauling to the transfer station immediately upon discovery of the problem.

Moreover, it appears quite unreasonable to conclude knowledge on my client's part based upon a *single* letter, written *over two years ago* and which purpose was to provide "technical assistance" concerning my client's website. The letter did not concern a complaint or allegation of wrongdoing.

Wolford Trucking has now 1) registered with the Department of Ecology; 2) removed "residential" customers from its website; and 3) begun the process of applying for a solid waste collection certificate. While Wolford Trucking has no interest in becoming a traditional garbage collector, it is pursuing the certificate in order to improve the efficiency of local solid waste hauling with use of its "end dump" trailers, something the garbage haulers do not have. End dump trailers are particularly useful for debris hauling due to their unique size and convenience for filling and dumping.

Investigation Report - Bobby Wolford Trucking TG 143802

In closing, Wolford Trucking has enjoyed a long history of success due in part to its respect for the rules and regulations applicable to the trucking industry. My client has learned from this experience and has taken the necessary action to prevent an issue like this arising in the future. As such, we would appreciate your cooperation in resolving this matter informally. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me. Thank you.

Sincerely,


Elizabeth Alvord
Attorney

Cc: Bobby Wolford Trucking and Demolition, Inc.

This letter and its entire contents are subject to ER 408.

Appendix K

Snohomish County
Public Records Disclosure
Form 1



PUBLIC RECORD INSPECTION/COPY REQUEST AND RECEIPT

Request Received: Date 10/15/2014 Time 9:00 Department _____

In Person Phone Letter Fax eMail psmith@utc.wa.gov

Requester:

Name Pam Smith, Compliance Investigator Washington Utilities and Transportation Commission

Address PO BOX 47250 Olympia, WA 98504-7250

Phone 360-664-1320 Fax 360-586-1172 E-mail psmith@utc.wa.gov

Description Of Record(s) Requested: (Be as specific as possible; name, location, date, etc. Please attach additional sheet if necessary.) (Note: Disclosure/release of records related to road safety does not imply waiver by the County of rights provided by 23 USC 409, or 46.52.080 RCW, or other law.)

1. Charges posted from transfer station to PCI/Democon account by Bobby Wolford from June 1, 2014-Sept. 30, 2014

2. Tonnage from transfer station for Bobby Wolford vehicles used for PCI/Democon account from June 1, 2014-Sept. 30, 2014.

Does requested record contain a list of individuals? No Yes . If answer is "yes," Requester must complete and submit affidavit Form #2 before access to record requested can be allowed. (Attach completed Form 2 to request).

Form 2 received: Date _____ Time _____

Approval For Release Of Record: (Public Records Officer or Public Records Specialist)

Signature: _____ Date _____

Public Records Officer / Public Records Specialist

Printed name: _____ Phone: _____ Dept: _____

Record Provided to Requester: Date _____ Time _____

Copy Order and Receipt:	Copy	Other
Total Number of pages copied:	_____	_____
Price per copy:	\$ _____	\$ _____
Copy Fee: (multiply lines 3 & 4)	\$ _____	\$ _____
Additional charges: (postage, container, etc.)	\$ _____	\$ _____
Total charges (Paid: date/time)	\$ _____	\$ _____

Investigation Report - Bobby Wolford Trucking TG 143802

Appendix L

Line	SITE	PFX	TRDATE	Business Type	Account	Business Name	Vehicle Id	License	TIMEIN	Loads	GROSSWT	TAREWT	Weight	Fee	Tax1
1	AP		2-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R14	A45144X	9:53	1	38.23	22.94	15.29	1605.21	57.79
2	AP		2-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R14	A45144X	10:56	1	43.53	22.91	20.62	2165.06	77.94
3	AP		2-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R14	A45144X	12:00	1	40.95	22.9	18.05	1884.79	68.21
4	AP		2-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R14	A45144X	13:04	1	38.17	22.85	15.32	1609.07	57.93
5	AP		3-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R6	A85396N	9:22	1	32.17	20.54	11.62	1220.08	43.92
6	AP		3-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R6	A85396N	10:35	1	34.49	20.54	13.95	1464.28	52.71
7	AP		3-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R6	A85396N	11:33	1	33.32	20.54	12.78	1341.7	46.3
8	AP		3-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R6	A85396N	12:54	1	33.3	20.55	12.75	1338.8	48.2
9	AP		3-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R6	A85396N	13:54	1	33.34	20.53	12.81	1344.58	48.41
10	AP		3-Sep-14	DEMOLITION	3264	BOBBY WOLFORD TRUCKING & SALVAGE	WOLF0R6	A85396N	15:03	1	38.24	20.51	15.73	1651.54	58.46
11	AP		4-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	11:25	1	33.62	20.49	13.13	1378.38	48.62
12	AP		4-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	12:56	1	32.96	20.5	12.46	1307.92	47.08
13	AP		4-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	14:06	1	30.11	20.49	9.82	1009.65	36.35
14	AP		4-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	15:56	1	31.53	20.48	11.05	1160.23	41.77
15	AP		5-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	9:00	1	34.52	20.57	13.95	1464.28	52.71
16	AP		5-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	10:09	1	33.5	20.55	12.95	1380.04	48.96
17	AP		5-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	11:15	1	33.89	20.56	13.33	1399.61	50.39
18	AP		5-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	12:17	1	37.87	20.52	17.35	1821.43	65.57
19	AP		5-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	13:22	1	37.46	20.4	17.06	1791.51	64.49
20	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	8:27	1	40.05	20.55	19.5	2047.3	73.7
21	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	9:34	1	36.55	20.55	16	1679.54	60.46
22	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	10:44	1	38.92	20.52	18.4	2098.66	73.32
23	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	12:00	1	38.4	20.5	17.9	1879.34	67.66
24	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	13:49	1	34.55	20.51	14.04	1473.94	53.05
25	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	15:23	1	31.85	20.5	11.35	1192.06	42.92
26	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	8:07	1	37.51	19.84	17.67	1855.21	68.79
27	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	9:08	1	38.35	19.81	18.54	1946.91	70.09
28	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	10:23	1	40.7	19.83	20.87	2191.12	78.88
29	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	11:44	1	37.29	19.82	17.47	1833.98	66.02
30	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	13:03	1	30.92	19.81	11.12	1167.95	42.05
31	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	14:21	1	37.37	19.8	17.56	1843.63	66.37
32	AP		9-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	15:43	1	29.58	19.81	9.77	1026.06	36.94
33	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	8:06	1	31.65	20.56	11.09	1164.09	41.91
34	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	9:04	1	32.49	20.54	11.95	1254.63	45.17
35	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	10:07	1	31.87	20.53	11.34	1191.42	42.89
36	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	11:15	1	31.72	20.53	11.19	1174.71	42.29
37	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	12:22	1	32.46	20.49	12.05	1285.44	45.56
38	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	13:23	1	32.59	20.49	12.1	1270.27	45.73
39	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	14:28	1	33.65	20.51	13.14	1379.34	49.66
40	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	15:43	1	32.06	20.5	11.56	1214.29	43.71
41	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	7:49	1	30.08	19.86	10.22	1073.36	38.64
42	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	8:50	1	32.05	19.85	12.2	1280.69	45.11
43	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	9:50	1	31.39	19.89	11.7	1228.75	44.24
44	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	10:59	1	28.39	19.83	9.56	1003.66	36.14
45	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	11:59	1	32.85	19.83	13.02	1366.8	49.2
46	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	13:04	1	29.5	19.82	9.68	1016.41	36.59
47	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	14:02	1	30.24	19.82	10.42	1093.63	39.37
48	AP		10-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	B56929C	15:14	1	31.82	19.83	11.99	1268.69	45.31
49	AP		11-Sep-14	DEMOLITION	3459	PCI DEMOCCON	WOLF0R6	A85396N	8:14	1	32.79	20.55	12.24	1284.75	46.25

Investigation Report - Bobby Wolford Trucking TG 143802

Line	SITE_PFX	TRDATE	Business Type	Account	Business Name	Vehicle Id	License	TIMEIN	Loads	GROSSWT	TAREWT	Weight	Fees	Tax1
50	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	9:22	1	32.53	20.56	12.02	1262.55	45.45
51	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	10:21	1	31.89	20.54	11.35	1192.08	42.92
52	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	11:24	1	33.4	20.57	12.83	1347.49	48.51
53	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	12:32	1	33.46	20.54	12.92	1356.18	48.82
54	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	13:34	1	32.56	20.53	12.03	1263.51	45.48
55	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	14:35	1	35.21	20.52	14.69	1542.47	55.53
56	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	8:00	1	33.76	19.88	13.88	1457.53	52.47
57	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	9:01	1	28.47	19.89	8.58	900.58	32.42
58	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	10:07	1	32.62	19.88	12.74	1337.84	48.18
59	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	11:00	1	32.81	19.86	12.95	1350.04	48.96
60	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	12:08	1	31.54	19.86	11.68	1226.83	44.17
61	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	13:08	1	34.13	19.85	14.28	1489.03	53.97
62	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	14:16	1	33.51	19.85	13.66	1434.36	51.64
63	AP	11-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	15:16	1	33.43	19.86	13.57	1424.71	51.29
64	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	7:54	1	32.26	19.89	12.37	1299.23	46.77
65	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	8:55	1	32.08	19.89	12.19	1279.82	46.06
66	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	9:46	1	33.96	19.75	14.21	1492.28	53.72
67	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	10:47	1	33.42	19.89	13.53	1420.85	51.15
68	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	11:43	1	31.21	19.86	11.35	1192.08	42.92
69	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	B56929C	12:34	1	32.13	19.87	12.26	1287.64	46.36
70	AP	12-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R203	B56929C	13:36	1	34	19.86	14.14	1484.56	53.44
71	AP	13-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R203	A13016J	12:11	1	29.94	18.78	11.16	1171.81	42.19
72	AP	13-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R203	A13016J	13:23	1	37.52	18.8	18.72	1965.25	70.75
73	AP	13-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	12:19	1	35.58	20.52	15.06	1581.06	56.92
74	AP	13-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	13:49	1	40.23	20.5	19.73	2071.43	74.57
75	AP	15-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	8:10	1	36.92	20.55	16.37	1719.11	61.88
76	AP	15-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	9:40	1	30.18	20.5	9.68	1016.41	36.59
77	AP	15-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	10:46	1	38.56	20.51	18.05	1894.79	68.21
78	AP	15-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	11:53	1	39.2	20.51	18.69	1982.36	70.64
79	AP	15-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	12:52	1	30.6	20.51	10.09	1039.85	38.15
80	AP	15-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	13:58	1	35.63	20.52	15.11	1598.87	57.13
81	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	14:59	1	34.4	20.5	13.9	1459.46	52.54
82	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	8:22	1	34.06	19.38	14.68	1541.51	55.48
83	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	9:32	1	29.42	19.33	10.09	1059.85	38.15
84	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	10:29	1	30.13	19.35	10.78	1132.24	40.78
85	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	11:45	1	33.27	19.3	13.97	1487.18	52.82
86	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	13:00	1	31.85	19.31	12.54	1316.6	47.4
87	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	14:13	1	31.48	19.32	12.16	1277.03	45.97
88	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	15:30	1	34.88	19.29	15.39	1616.83	58.17
89	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	7:44	1	32.19	20.55	13.03	1222.01	43.99
90	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	8:44	1	32.19	20.55	13.03	1222.01	43.99
91	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	9:44	1	36.37	20.56	15.81	1660.23	59.77
92	AP	16-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R6	A85366N	10:48	1	33.48	20.55	12.93	1356.11	48.89
93	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	8:28	1	29.88	19.23	15.55	1633.2	58.8
94	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	9:40	1	29.88	19.25	10.63	1115.83	40.17
95	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	10:42	1	30.84	19.24	11.6	1218.15	43.85
96	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	11:40	1	35.1	19.22	15.89	1666.99	60.01
97	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	12:52	1	30.54	19.2	11.34	1191.12	42.88
98	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	14:05	1	30.79	19.17	11.62	1220.06	43.92

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Line	SITE_PFX	TRDATE	Business Type	Account#	Business Name	Vehicle Id	License	TIMEIN	Loads	GROSSWT	TAREWT	Weight	Fees	Tax1
99	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	15:20	1	32.4	19.18	13.22	1368.03	49.97
100	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	7:58	1	35.41	19.92	15.49	1628.45	58.55
101	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	9:01	1	28.69	19.09	8.8	923.74	33.26
102	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	10:07	1	33.24	19.9	13.34	1400.58	50.42
103	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	11:19	1	34.08	19.89	14.2	1491.31	53.69
104	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	12:34	1	35.19	19.88	15.31	1607.14	57.86
105	AP	17-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	13:46	1	31.89	19.88	12.03	1263.51	45.49
106	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	8:20	1	30.96	19.21	11.75	1233.59	44.41
107	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	9:28	1	28.36	18.17	9.19	965.25	34.75
108	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	10:39	1	32.93	18.15	13.78	1448.91	52.09
109	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	12:00	1	31.58	19.03	12.55	1317.57	47.43
110	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	13:13	1	29.32	19.03	10.32	1083.88	39.02
111	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	14:24	1	31.22	19.12	12.1	1270.27	45.73
112	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	15:55	1	27.25	19.08	8.17	858.11	30.89
113	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	8:39	1	28.12	18.09	10.03	1053.09	37.91
114	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	9:50	1	34.49	19.12	15.37	1613.9	58.1
115	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	11:00	1	30.43	19.1	11.33	1189.19	42.81
116	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	12:12	1	32.15	19.07	13.08	1373.55	49.45
117	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	13:32	1	29.82	19.05	10.77	1131.27	40.73
118	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	14:33	1	31.71	19.05	12.66	1329.15	47.85
119	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	15:33	1	31.17	19.05	12.12	1272.2	45.8
120	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	15:33	1	31.17	19.05	12.12	1272.2	45.8
121	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	7:59	1	32.4	19.92	12.48	1310.81	47.19
122	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	9:24	1	33.54	19.92	13.62	1430.5	51.5
123	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	10:26	1	34.32	19.91	14.41	1513.51	54.49
124	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	11:47	1	31.4	19.89	11.51	1208.48	43.51
125	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	12:55	1	30.81	19.89	10.93	1147.68	41.32
126	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	14:04	1	30.23	19.74	10.49	1101.35	39.65
127	AP	18-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	15:18	1	32.26	19.87	12.39	1301.16	46.84
128	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	8:18	1	30.2	19.05	11.15	1170.85	42.15
129	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	9:25	1	35.62	19.04	16.58	1741.31	62.69
130	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	10:48	1	32	19.04	12.98	1361	49
131	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	11:56	1	30.45	19.01	11.44	1200.77	43.23
132	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	13:02	1	30.69	19.02	11.67	1224.9	44.1
133	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	10:21	1	33.53	19.07	14.48	1518.34	54.66
134	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	11:28	1	29.61	19.04	10.57	1110.04	39.96
135	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	12:34	1	27.17	19.03	8.14	854.25	30.75
136	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	13:41	1	30.4	19.03	11.37	1194.02	42.88
137	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	8:02	1	33.48	19.92	13.56	1423.74	51.26
138	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	9:06	1	33.52	19.94	13.58	1425.68	51.32
139	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	10:06	1	34.51	19.94	14.57	1529.92	55.08
140	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	11:07	1	31.86	19.89	11.97	1266.76	45.24
141	AP	19-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	B56929C	12:12	1	31	19.89	11.11	1169.99	42.01
142	AP	20-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	13:23	1	30.94	19.87	11.07	1162.16	41.84
143	AP	20-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	11:30	1	34.48	19.01	15.47	1624.52	58.48
144	AP	20-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A92165S	12:40	1	41.66	19.01	22.65	2376.38	85.62
145	AP	22-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	13:37	1	42.11	18.99	23.12	2427.61	87.39
146	AP	22-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	8:09	1	29.45	19.27	10.18	1068.53	38.47
147	AP	22-Sep-14	DEMOLITION	3459	PCI DEMOCCN	WOLF0R14	A45144X	9:09	1	31.78	19.29	12.49	1311.78	47.22
						WOLF0R14	A45144X	10:19	1	37.04	19.29	17.75	1963.91	67.1

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Line	SITE	PRX	TRDATE	Business Type	Account#	Business Name	Vehicle Id	License	TMIN	TMAX	Loads	GROSSWT	TAREWT	Weight	Fees	Tax#
148	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	11:33		1	38.69	19.28	19.43	2040.54	73.46
149	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	12:57		1	37.31	19.25	18.06	1896.72	68.28
150	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	14:20		1	29.99	19.24	10.75	1128.38	40.52
151	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	15:44		1	29.34	19.22	10.12	1062.74	38.25
152	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	10:02		1	37.23	19.1	18.13	1903.47	68.53
153	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	10:58		1	39.59	19.1	20.49	2151.54	77.46
154	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	11:52		1	39.89	19.07	20.92	2198.91	79.09
155	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	13:18		1	38.06	19.08	18.98	1993.24	71.76
156	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	14:27		1	37.13	19.07	18.06	1896.72	68.28
157	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	15:28		1	41	19.06	21.94	2304.05	82.95
158	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	11:40		1	31.34	19.82	11.52	1208.46	43.54
159	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	12:48		1	28.59	19.82	8.77	920.95	33.15
160	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	13:54		1	28.99	19.81	9.18	954.29	34.71
161	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	14:56		1	40.35	19.83	20.52	2154.44	77.56
162	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	16:00		1	35.01	19.82	15.19	1594.59	57.41
163	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	8:33		1	33.9	19.19	14.71	1544.4	55.6
164	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	9:57		1	36.2	19.16	17.04	1798.58	64.42
165	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	11:07		1	34.64	19.15	15.49	1628.45	58.55
166	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	12:41		1	41.44	19.15	22.29	2340.73	84.27
167	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	13:57		1	36.66	19.16	17.5	1837.84	66.16
168	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	7:48		1	33.28	19.1	14.18	1489.38	53.62
169	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	9:13		1	37.86	18.98	18.88	1982.63	71.37
170	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	10:01		1	33.9	19.07	14.83	1555.95	56.05
171	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	11:35		1	35.13	19.04	16.09	1698.19	60.81
172	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	13:03		1	38.04	19.06	18.88	1993.24	71.76
173	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	8:12		1	37.71	19.93	17.78	1866.8	67.2
174	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	8:17		1	35.8	14.02	22.78	2391.89	86.11
175	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	9:37		1	35.8	19.79	17.01	1785.71	64.29
176	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	10:24		1	35.08	19.92	15.16	1691.7	57.3
177	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	11:57		1	37.26	19.9	17.36	1822.39	65.61
178	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	B56929C	13:22		1	34.45	19.9	14.55	1527.98	55.01
179	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	9:25		1	31.07	19.37	11.7	1228.76	44.24
180	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	8:25		1	50.35	19.19	31.16	3272.2	117.8
181	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A45144X	16:17		1	39.24	19.15	20.09	2109.07	75.93
182	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	8:00		1	33.59	20.48	19.11	1378.45	49.55
183	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	14:05		1	31.36	18.96	12.38	1300.19	46.81
184	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	13:37		1	35.59	18.96	13.00	1300.31	4.69
185	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	9:39		1	34.35	20.51	13.94	1453.67	52.33
186	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	10:37		1	39.34	20.52	18.82	1975.87	71.13
187	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	11:49		1	36.11	20.49	15.62	1639.96	59.04
188	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	12:50		1	37.78	20.49	17.29	1815.64	65.36
189	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	13:50		1	38.67	20.46	18.19	1910.23	66.77
190	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	14:51		1	38.45	20.46	17.99	1899	66
191	AP		22-Sep-14	DEMOLITION	3459	PCI DEMOCON	WOLF0R14	A92165S	15:53		1	37.73	20.45	17.28	1814.67	65.33

Appendix M

To: Smith, Pam (UTC)
Subject: RE: Mary Nichols

Please see red below.
Let me know if you have any questions.

Mary Nichols, Cashiering Specialist
Solid Waste Division

 **Snohomish County**
Department of Public Works
3000 Rockefeller Ave M/S 607
Everett, WA 98201

From:
Sent:
To:
Subject:

Mary, thank you for the clarification today. Please review my interpretation and change anything I may have misunderstood. Thank you.
To summarize:

PCI Democon did not set up an acct. with Snohomish County (Airport Rd. Transfer Station) until Sept. 4, 2014. Hauls made Sept. 2 and 3 by Bobby Wolford Trucking was for PCI Democon.

The vehicle ID is tied to the truck license plate number. The license plate acts as a pin # for the vehicle ID. **The plate number relates to the vehicle ID which intern relates to an account? Bobby Wolford Trucking was provided an authorization number by PCI to access the PCI account.**
Lines 27-33, 42-49, 57-71, 101-106, 121-127, 138-142, 159-163, 174-179; there is no vehicle ID. It was a Bobby Wolford truck but this particular truck was not registered to **any account with Snohomish County Solid Waste, but used the authorization number to access** the PCI Democon acct. PCI Democon told the transfer station that Bobby Wolford was doing all the trucking for PCI Democon. The license plate number is B56929C.

Ascend 1 requested that County register the Bobby Wolford truck. The license plate number A92165S was originally billed as Wolford starting on Sept. 18 (see line 114). There were 14 occasions, Sept. 19, 20, 23, 24, 27 (see line 133) that this Bobby Wolford truck registered as Ascend1.

Pam Smith
Compliance Investigator
Transportation Safety Enforcement
Utilities and Transportation Commission
(360) 664-1320
psmith@utc.wa.gov

From:
Sent:
To:
Subject:

Hi Mary, could you further clarify the Ascend1 coding? I am confused and want to make sure I interpret the information correctly.

Thank you-

Pam Smith
Compliance Investigator
Transportation Safety Enforcement
Utilities and Transportation Commission
(360) 664-1320
psmith@utc.wa.gov

Smith, Pam (UTC)

From: Nichols, Mary <Mary.Nichols@co.snohomish.wa.us>
Sent: Friday, October 31, 2014 3:10 PM
To: Smith, Pam (UTC)
Subject: RE: Mary Nichols

In 2012 Ascendant opened an account with us and should have used an authorization number to post charges for loads by Bobby Wolford to their account. But rather they requested to register a vehicle belonging to Bobby Wolford as their own truck. This was not identified as an issue because the vehicle did not return to our facilities, until just last month. So the vehicle was registered to Ascendant account, at the request of Ascendant, but did not belong to Ascendant.

Let me know if you have any questions, I can reply on Monday.

Mary Nichols, Cashiering Specialist
Solid Waste Division

From: Smith, Pam (UTC) [mailto:psmith@utc.wa.gov]
Sent: Wednesday, November 12, 2014 12:03 PM
To: Nichols, Mary
Subject: RE: Mary Nichols

Hi Mary. I am going over my final investigation and just need further clarification. As you stated PCI Democon did not set up an acct. until Sept. 4. You stated below that the drivers for Bobby Wolford used an acct. for PCI Democon that was set up previously. Can I say that PCI Democon gave the driver the acct. ID for Democon that had been set up for a previous job? Or PCI Democon uses the same account ID for different job.

I just don't quite understand how the acct. ID works.

Thanks-
Pam Smith
Compliance Investigator
Transportation Safety Enforcement
Utilities and Transportation Commission
(360) 664-1320
psmith@utc.wa.gov


Smith, Pam (UTC)

From: Nichols, Mary <Mary.Nichols@co.snohomish.wa.us>
Sent: Wednesday, November 12, 2014 12:47 PM
To: Smith, Pam (UTC)
Subject: RE: Mary Nichols

September 2nd and 3rd transactions are related to PCI Democon only by a telephone conversation I had with Wily from PCI Democon.

PCI (Wily) wanted the charges from the 2nd and 3rd to post to the PCI Democon account but Solid Waste could not move the charges because the PCI Democon account was not available until September 4th, so the charges remain posting to Bobby Wolford account. (lines 2-11)

Mary Nichols, Cashiering Specialist
Solid Waste Division

 **Snohomish County**
Department of Public Works
3000 Rockefeller Ave M/S 607
Everett, WA 98201

Appendix N

Smith, Pam (UTC)

From: Smith, Pam (UTC)
Sent: Monday, November 17, 2014 3:09 PM
To: Gleason, Virginia (DOL)
Subject: License plate numbers

Hi Ginnie:

Betty Young forwarded your email address to me. She thought you might be able to help me confirm if a couple of trucks are licensed to a certain company.
The license plate numbers are: B56929C and A 92165S.
Is it possible to get that information?

Thank you for your time.

Pam Smith
Compliance Investigator
Transportation Safety Enforcement
Utilities and Transportation Commission
(360) 664-1320
psmith@utc.wa.gov

Smith, Pam (UTC)

From: Gleason, Virginia (DOL)
Sent: Tuesday, November 18, 2014 9:00 AM
To: Smith, Pam (UTC)
Subject: RE: License plate numbers

Registration from IVIP's for the first Plate#

OWNER INFORMATION

Mailing address of registered owner

No mailing address on file

Address on record for registered owner

Bobby Wolford Trucking
And Salvage Inc
22014 W Bostian Rd
Woodinville, WA 98072-8000

Legal owner

Vfs Us Llc
PO Box 26131
Greensboro, NC 27402

PLATE INFORMATION

Plate B56929C
Expires 8/30/2015
Issued 08-2007
Tab # M651376-15
Previous tab # B484534-14
Old license #

PLATE / VIN FLAGS

<u>Plate flags</u>	<u>VIN flags</u>
Lien holder	CVSEF fee paid
Centennial plate	CVSEF - eligible

TITLE / RENEWAL INFORMATION

Last transaction Tonnage license with filing,
permit and special fees
Last tran date 11/14/2014
Total fees paid \$1,150.00
Previous transaction Manual renewal
Previous tran date 8/26/2014

Months of reg 12
Title # 0816402549
Title transferred 8/30/2007

TITLE REMITTANCE

County 40
Office/workstation 01-02
Title remit date 6/12/2008

RENEWAL REMITTANCE

County 17
Office/workstation 39-01
Renewal remit date 11/14/2014
Renewal remit group 02

REMARKS

Use class exempts RTA
TBD = 4200
Verified address

BRANDS

VEHICLE INFORMATION

Model year 2008
Make VOLVO
Series body TRACTOR
Model VHD
Body type DS
VIN 4V4K99EJ98N494155
Use class Combination truck or trailer w/
special tonnage and excise tax
regulations
Color Yellow
Current odometer G 00000000
Previous odometer 00000000
Power Diesel
Value code \$114,000
Value year 2007

Second Plate#

The vehicle information displayed below is from the current vehicle record as of 11/18/2014 at 8:59:04 AM

To request copies of records, reports of sale, or a fee history, please call 360-359-4002.
For titling questions, please call Customer Service at 360-902-3770, option 5.

OWNER INFORMATION

Mailing address of registered owner

No mailing address on file

Address on record for registered owner

Bobby Wolford Trucking
And Salvage
22014 W Bostian Rd
Woodinville, WA 98072-8000

Legal owner

PLATE INFORMATION

Plate A92165S
Expires 9/22/2015
Issued 09-2003
Tab # S562785-15
Previous tab # B487001-14
Old license #

PLATE / VIN FLAGS

<u>Plate flags</u>	<u>VIN flags</u>
Centennial plate	CVSEF fee paid CVSEF - eligible

TITLE / RENEWAL INFORMATION

Last transaction Manual renewal
Last tran date 9/19/2014
Total fees paid \$880.50
Previous transaction Tonnage license with filing,
permit and special fees
Previous tran date 6/3/2014
Months of reg 12
Title # 0326533109
Title transferred 9/22/2003

TITLE REMITTANCE

County 31
Office/workstation 10-02
Title remit date 9/22/2003

RENEWAL REMITTANCE

County 31
Office/workstation 10-01

Renewal remit date 9/19/2014
Renewal remit group 02

REMARKS

Use class exempts RTA
TBD = 4200
Verified address

BRANDS

VEHICLE INFORMATION

Model year 2004
Make KENW
Series body TRACTOR
Model
Body type
VIN 1XKDPU0X84R060681
Use class Combination truck or trailer w/
special tonnage and excise tax
regulations
Color Yellow
Current odometer G 00000000
Previous odometer 00000000
Power Diesel
Value code \$103,765
Value year 2003

ADDITIONA