

February 25, 2010

Ron Curren, P.L.S.
Public Works Director
Pend Oreille County
625 4th Street
Newport, WA 99156

RE: Comments on the Preliminary Draft of Pend Oreille County's Comprehensive Solid Waste Management Plan, TG-100151.

Dear Mr. Curren:

The Utilities and Transportation Commission (commission/UTC) has completed its review of the preliminary draft of the Pend Oreille County Comprehensive Solid Waste Management Plan Update (Plan). In accordance with RCW 70.95.096, commission staff analyzed the Plan to determine the probable effect, if any, of the Plan's recommendations on the rates charged by solid waste companies.

The analysis of the Cost Assessment shows a financial impact to ratepayers served by regulated solid waste collection companies in Pend Oreille County. An average residential customer (one-can, weekly service) would see a rate increase of approximately \$0.48 per month in 2010 and an additional \$.31 per month increase in 2011. An average commercial customer (one yard, weekly service) would see a rate increase of \$2.42 per month in 2010 and an additional \$1.52 per month in 2011.

Please see staff's comments on the Plan (attached). Please direct questions or comments to Christian Ward, Regulatory Analyst, at (360) 664-1349 or by email at cward@utc.wa.gov.

Sincerely,

David W. Danner
Executive Director and Secretary

cc: James Wavada, Department of Ecology, Eastern Regional Office

Attachment

ATTACHMENT: Commission staff's comments on Pend Oreille County's draft comprehensive solid waste management plan

General comments:

1. Throughout the Plan, solid waste collection companies are referred to as "franchise haulers." The commission issues to regulated solid waste collection companies Certificates of Public Convenience and Necessity. The word "franchise" has a different meaning within the regulatory environment and can cause confusion when it is used to refer to a solid waste collection company regulated by the commission.

In the context of solid waste regulation in the State, the term "franchise" refers to municipal contracts for solid waste collection service within its jurisdiction which are exempt from commission regulation (see RCW 81.77.020), or when a city's authority for large trucks to drive on the roads. We suggest changing all references to solid waste collection companies regulated by the UTC from "franchise" to "certificate" or "certificated".

In the Plan, the Utilities and Transportation Commission (UTC) is referred to in lowercase letters. We suggest using uppercase letters, that is "UTC", consistent with general usage when a state agency is referred to by its acronym.

2. Hazardous Waste: Under RCW 81.80, any hazardous waste collection and transportation company for hire is required to have a common carrier permit to collect and transport hazardous waste material. All such haulers must conform with federal, state and municipal laws.

Specific comments:

1. Section 2.0 – Please note the correct name of the company is Nichols, Robert L (G-122) d/b/a B & N Sanitation.
2. Section 2.2.2, page 19 – Please note the correct certificate number for Excess Disposal is G-107 and for Nichols, Robert L is G-122.
3. Section 4.2, page 40 – Staff recommends that you add the following language to the existing first paragraph:

Letter to Ron Curren, P.L.S.
Public Works Director, Pend Oreille County
February 25, 2010 - TG-100151
Page 3

A hauler that collects commercial recycling for recycling purposes must first obtain a common carrier permit (RCW 81.80) from the UTC and register as a transporter of recycling material with the Department of Ecology. A hauler of “commercial recycling” collected and transported to a disposal facility requires a certificate of public convenience and necessity (RCW 81.77).