



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/10/97)

Do NOT use for expedited adoption

Agency: WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Preproposal Statement of Inquiry was filed as WSR 99-08-012; or
 Expedited Adoption--Proposed Rule Making notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

(a) Title of rule: (Describe Subject) Chapter 480-70 WAC Solid Waste Collection Companies, Commission Docket TG-990161.

Purpose:

- (a) To review rules relating to the regulation of for-hire solid waste collections companies for clarity, intent and statutory authority, need, effectiveness and efficiency, coordination, cost, and fairness.**
- (b) To provide clear, objective standards and guidance to the regulated solid waste collection industry, the consumers they serve, and other entities that interact with the companies by ensuring that the rules relating to regulation of the for-hire solid waste collection industry:**

Other Identifying Information:

(b) Statutory authority for adoption:

RCW 81.04.160 - Transportation
 RCW 81.77.030 - Solid Waste

Statute being implemented:

(c) Summary:

See section (j) below:

Reasons supporting proposal:

(d) Name of Agency Personnel Responsible for:

Office Location

Telephone

- | | | |
|---|--|--------------|
| 1. Drafting Cathie Anderson | 1300 S. Evergreen Park Drive SW, Olympia, WA 98504 | 360-664-1254 |
| 2. Implementation Carole J. Washburn, Secretary, | 1300 S. Evergreen Park Drive SW, Olympia, WA 98504 | 360-664-1174 |
| 3. Enforcement Carole J. Washburn, Secretary, | 1300 S. Evergreen Park Drive SW, Olympia, WA 98504 | 360-664-1174 |

(e) Name of proponent (person or organization)

Washington Utilities and Transportation Commission

- Private
- Public
- Governmental**

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: NONE

(g) Is rule necessary because of:

- Federal Law?** Yes No **If yes, ATTACH COPY OF TEXT**
- Federal Court Decision?** Yes No **Citation:**
- State Court Decision?** Yes No

(h) HEARING LOCATION:

Commission Hearing Room 206
 2nd Floor, Chandler Plaza Building
 1300 So. Evergreen Park Dr. SW
 Olympia, WA 98504-7250

Date: December 27, 2000 **Time:** 9:30 a.m.

Assistance for persons with disabilities: Contact
 Pat Valentine by December 22, 2000
TDD (360) 586-8203 or (360) 664-1133

NAME (TYPE OR PRINT)
 Carole J. Washburn

SIGNATURE

TITLE
 Secretary

DATE
 11/22/00

Submit written comments to: Carole J. Washburn,
 Secretary, P.O. Box 47250, Olympia, WA 98504-7250
 or

E-mail to <records@wutc.wa.gov>. Please include Docket No. TG-990161 in your communication.

FAX (360) 586-1150 By (date) December 11, 2000

DATE OF INTENDED ADOPTION:

CODE REVISER USE ONLY

Filed with the Code Reviser's Office
 November 22, 2000
 Time: 11:58 a.m.
 WSR #00-23-132

(j) Short explanation of rule, its purpose, and anticipated effects:

Does proposal change existing rules? X YES NO If yes, describe changes:

The proposal recommends repealing all existing rules in order to allow the chapter to be more effectively organized. The proposal also recommends elimination of rules that have no present day application. In addition, new rules have been added to ensure clear communication of policies, processes, and procedures or to provide complete information important to regulated companies and the customers they serve. The proposal also recommends adoption of new rules in the chapter that incorporate information formerly contained in various other sources.

Administrative or General Rules New to Chapter 480-70 WAC.

(WAC 480-70-001, -006, -011, -021, -126, -031, -036, and 051). The objective of these rules is to make the chapter more informative for users. The rules contain information referred to in other sources such as, but not limited to: statutes, Commission policies, Commission orders, and Interpretive statements. These sources are not always easily available to the public. Adopting rules in this Chapter makes the information readily available. Cross-references to the other sources makes it easier for users to research issues further should they wish to do so.

Operational Rules New to Chapter 480-70 WAC.

The objective of rules WAC 480-70-046, -061, -056, -096, -101, -121, and 156 is to clearly define for regulated companies what their responsibilities are on specific issues. These issues include: notifying the Commission when the company changes its address or telephone number, acquires control of a regulated company through acquisition of stock, changes its company name or trade name, makes application for new authority, or enters into service agreements with third-party waste brokers.

Existing rules amended for reasons in addition to clarity.

- The definitional sections were greatly expanded from the current rule, with many more terms and phrases added. The objective is to ensure that terms and phrases used in the chapter are clearly defined.
- Various rules were updated to include information regarding administrative sanctions, technical assistance, and other measures that may result from failure to voluntarily comply with laws, rules, and policies.
- Rules dealing with tariffs and leases were updated to provide sample forms, thus facilitating compliance.

New Rules added WAC 480-70 WAC include:

- Establishment of process and procedures for expedited processing of applications for short-term temporary authority in specific circumstances.
- Implementation of recent legislation related to city annexation or incorporation.
- A clear description of the Commission's compliance policy.
- A clear description of the Commission's policy when dealing with companies transporting solid waste without having first obtained required certificates.

Tariff and filing rules added WAC 480-70 WAC.

The proposals in part seven (Tariffs, rates, and rate filings) contain provisions which:

- Incorporate provisions currently published in Chapter 480-149 WAC, the standard tariff format, and a brochure containing filing policies into chapter 480-70 WAC.
- Define notice periods for various types of filings.
- Define an expanded customer notice rule, including specific information on the required content of those notices.
- Make less restrictive the process under which companies may request expedited handling of filings, allowing flexibility in filing format.
- Clarify processes for filing tariffs containing reduced rates allowed under RCW 81.28.080.
- Define requirements related to fuel expenses during rate filings.
- Define requirements related to tracking recycling commodity credits and debits.

Consumer rules.

Most of the consumer rules contained in this proposal are amendments of current rules recommended for the sake of clarity. In addition, proposals:

- Define timelines for responding to customer inquiries.
- Define educational and program information that must be provided to consumers facilitating the consumer in making fully informed choices relating to solid waste service options.
- Reduce burden on companies by reducing the number of contacts that must be made before service may be discontinued.
- Establish provisions allowing companies to offer credits as compensation in consumer complaints or problems.
- Allow companies to accept payment via debit cards and credit cards in addition to payment methods previously authorized.
- Establish processes for requiring prepayment by certain customers, under specific circumstances.
- Define fair use of customer information.

Medical waste rules.

The proposed rules in this section are, for the most part, clarifications or redrafts of existing rules. Other objectives of the rules in this section include:

- Defining the chapters of Federal Regulations adopted by the Commission relating to the transportation of medical waste.
- Communication of a policy regarding entering into cooperative agreements with other agencies if doing so will enhance compliance, avoid duplication of efforts, or make better use of expertise and resources.

Hazardous Waste Rules.

The rules proposed in this section define the purpose behind adopting rules relating to the transportation of hazardous waste and identify the chapters of federal regulations adopted by the Commission related to the transportation of hazardous waste.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

No. Explain why no statement was prepared.

Commission Staff contacted companies seeking data regarding whether the proposed rules would impose increased costs. The responses indicate that affected companies have not identified such increased costs. The Commission analyzed the rules to identify those that impose requirements that are new or differ from current requirements. The Commission analysis identified only minor costs.

(l) Does RCW 34.05.328 apply to this rule adoption?

YES **NO**

Please explain:

The Commission is not an agency to which RCW 34.05.328 applies.