

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

ZIPPY DISPOSAL SERVICE, INC.

For Compliance with WAC 480-70-201

DOCKET TG-190396

ORDER 01

APPROVING SAFETY  
MANAGEMENT PLAN;  
UPGRADING SAFETY RATING TO  
CONDITIONAL

**BACKGROUND**

- 1 On May 22, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Permit as a Solid Waste Collection Company and Notice of Brief Adjudicative Proceeding in the Matter of the Investigation of Zippy Disposal Service, Inc. (Zippy Disposal or Company) for Compliance with Washington Administrative Code (WAC) 480-70-201 (Notice). The Notice set a brief adjudicative proceeding (BAP) for June 19, 2019, at 9:30 a.m.
- 2 In March 2019, Commission staff (Staff) conducted an investigation into Zippy Disposal's compliance with Commission safety rules. Staff documented 115 violations of WAC 480-70-201, which resulted in a proposed unsatisfactory safety rating. The Notice explained that Zippy Disposal must come into compliance with applicable laws by filing with the Commission a proposed safety management plan and obtaining Commission approval of that plan no later than June 28, 2019. The Notice advised the Company that failure to come into compliance would result in the Commission canceling its solid waste certificate effective June 29, 2019. The Commission directed the Company to submit a proposed safety management plan by June 12, 2019.
- 3 On May 29, 2019, the Company submitted a safety management plan that addressed each of the violations cited in Staff's investigation.

**Pursuant to RCW 80.01.060(3)  
This packet is the final  
Order in this docket.**

- 4 On May 31, 2019, Staff submitted its evaluation of the Company's safety management plan. Staff believes the Company's safety management plan is acceptable and meets the requirements of Title 49 Code of Federal Regulations (C.F.R.) § 385. Accordingly, Staff recommends the Commission upgrade the Company's safety rating to conditional. That same day, Staff also filed a letter explaining that the Company agreed to accept the conditional safety rating and waived its right to a hearing. Staff, therefore, recommended that the Commission cancel the brief adjudicative proceeding (BAP) set for June 19, 2019.
- 5 On June 12, 2019, the Commission issued a notice cancelling the BAP.

### **DISCUSSION AND DECISION**

- 6 Washington Law requires solid waste collection companies to comply with federal safety requirements and undergo routine safety inspections. Staff's March 2019 compliance review of Zippy Disposal found 115 violations of Commission safety rules, which resulted in a proposed unsatisfactory safety rating.
- 7 On May 29, 2019, the Company submitted its proposed safety management plan and requested the Commission upgrade its safety rating. In its evaluation, Staff explains that Zippy Disposal's safety management plan addresses each violation, explains why the violations occurred, describes the steps taken to correct each violation, and describes the controls put in place to ensure compliance going forward. Staff concludes that Zippy Disposal's safety management plan is acceptable and satisfies the legal requirements of 49 C.F.R. § 385. We agree.
- 8 Based on Staff's evaluation, the Commission finds that the Company has achieved compliance with WAC 480-70-201 by correcting the violations that led to the proposed unsatisfactory safety rating. Accordingly, the Commission agrees with Staff's recommendation, approves the Company's safety management plan, and upgrades the Company's safety rating to conditional.

### **FINDINGS AND CONCLUSIONS**

- 9 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public

service companies, including solid waste collection companies, and has jurisdiction over the parties and subject matter of this proceeding.

- 10 (2) Zippy Disposal is a solid waste collection company subject to Commission regulation.
- 11 (3) Zippy Disposal committed 115 violations of WAC 480-07-201, which led to a proposed unsatisfactory safety rating.
- 12 (4) Zippy Disposal cured the deficiencies that led to the proposed unsatisfactory safety rating. Accordingly, Zippy Disposal's safety rating should be upgraded to conditional and the Company should be allowed to maintain its authority to operate as a solid waste collection company.

**ORDER**

THE COMMISSION ORDERS:

- 13 (1) Zippy Disposal Service, Inc.'s safety management plan is approved.
- 14 (2) Zippy Disposal Service, Inc.'s safety rating is upgraded to conditional.

DATED at Olympia, Washington, and effective June 19, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*

ANDREW J. O'CONNELL  
Administrative Law Judge

**NOTICE TO PARTIES**

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-825(2)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what must be included in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal, as required by WAC 480-07-140(5).