

**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

NOTICE OF INTENT TO CANCEL
PERMIT AS A SOLID WASTE
COLLECTION COMPANY

AND

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING
(Set for June 19, 2019, at 9:30 a.m.)

- 1 Pursuant to RCW 81.77.030, the Washington Utilities and Transportation Commission (Commission) has authority to regulate solid waste collection companies within the state. Washington Administrative Code (WAC) 480-70-161 provides that the Commission may cancel a solid waste collection company's permit and operating authority for good cause, including when the carrier fails to comply with safety requirements. Commission staff (Staff) recommends that the Commission cancel Zippy Disposal Service, Inc.'s (Zippy Disposal or Company) solid waste collection permit for good cause due to Zippy Disposal's ongoing failure to comply with applicable laws and Commission rules pertaining to the operation of solid waste collection companies, including safety requirements set in law or rule.
- 2 WAC 480-70-999 adopts by reference Title 49 of the Code of Federal Regulations (C.F.R.), pertaining to safety requirements for solid waste collection companies. WAC 480-70-201 specifically requires solid waste collection companies to comply with 49 C.F.R. Part 385. Under 49 C.F.R. § 385.13, on the 61st day after the carrier receives notice of the proposed unsatisfactory rating, the rating becomes final. Once an unsatisfactory rating is final, federal law prohibits a motor carrier from operating. Pursuant to 49 C.F.R. § 385.17, a carrier that receives a proposed unsatisfactory or conditional safety rating may request a change in its safety rating based on evidence that the company has taken corrective actions to address the identified violations and that the company's operations currently meet the safety fitness standards.
- 3 On October 21, 1992, Zippy Disposal filed with the Commission an application to extend permanent solid waste collection authority in the state of Washington. On May 5, 1993, the

Commission granted the application and issued a solid waste collection permit to Zippy Disposal.

- 4 In March 2019, Staff conducted an investigation into Zippy Disposal's compliance with the safety requirements in WAC 480-70. As a result of the compliance investigation, Staff documented 115 safety violations, resulting in a proposed unsatisfactory safety rating for the Company.¹ Staff notified the Company of this proposed rating on April 30, 2019.
- 5 Zippy Disposal must come into compliance with applicable laws by filing a safety management plan by June 12, 2019, and obtaining Commission approval of the plan no later than June 28, 2019. The Company may contact Staff to discuss the contents of the safety management plan. If the Company fails to come into compliance by that date, the Commission will cancel its solid waste collection permit effective June 29, 2019. Thereafter, as an unregistered company, Zippy Disposal would be prohibited from providing solid waste collection company services in the state of Washington.
- 6 **THE COMMISSION GIVES NOTICE: That it intends to cancel the permit and authority of Zippy Disposal to provide services as a solid waste collection company effective June 29, 2019, for cause, following a hearing on the factual allegations set out above, unless the Company obtains Commission approval of a safety management plan prior to that date.**
- 7 The Company has the right to request a hearing in this matter. Due to the short time-frame determined by the upcoming deadline, and pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Zippy Disposal's solid waste collection permit.
- 8 **THE COMMISSION GIVES FURTHER NOTICE: That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m. on Wednesday, June 19, 2019, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 9 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 10 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The

¹ These included critical violations of 49 C.F.R. §§ 391.45(a), 391.51(a), and 395.8(a)(1). Further information is provided in the April 30, 2019, compliance review.

Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

- 11* **Zippy Disposal must submit its proposed safety management plan no later than 5 p.m. on June 12, 2019.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m., June 12, 2019** and bring four (4) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140.
- 12* **THE COMMISSION GIVES NOTICE: That any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 13* The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Nash Callaghan
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187
nash.callaghan@utc.wa.gov

Respondent: Zippy Disposal Service Inc.
60 Chelan Falls Road
Chelan, WA 98816
(509) 682-5464
zippydisposal@hotmail.com

Representative: Unknown

14 Administrative Law Judge Andrew J. O’Connell, from the Commission’s Administrative Law Division, will preside during this proceeding.²

DATED at Olympia, Washington and effective May 22, 2019

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

² Judge O’Connell may be reached at (360) 664-1285 or andrew.j.oconnell@utc.wa.gov.

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____ Address: _____

Phone No.: (____) _____