

Service Date: October 4, 2021

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

GARY’S GARBAGE SERVICES,
LLC,

For Compliance with WAC 480-70-201

DOCKET TG-210719

NOTICE OF INTENT TO CANCEL
SOLID WASTE COLLECTION
COMPANY PERMIT

NOTICE OF *VIRTUAL* BRIEF
ADJUDICATIVE PROCEEDING;
SETTING TIME FOR ORAL
STATEMENTS
(Set for October 28, 2021, at 1:30 p.m.)

- 1 Pursuant to RCW 81.77.030, the Washington Utilities and Transportation Commission (Commission) regulates solid waste collection companies that operate within the state of Washington.
- 2 Gary’s Garbage Services, LLC, (Gary’s Garbage or Company) holds a solid waste collection certificate from the Commission, Certificate No. G-122.
- 3 Solid waste collection companies must comply with Chapter 480-70 Washington Administrative Code (WAC), including WAC 480-70-201 governing vehicle and driver safety. WAC 480-70-201 adopts motor carrier safety provisions set out in Title 49 of the Code of Federal Regulations (C.F.R.), including Parts 385 and Parts 391 through 396.
- 4 On September 15, 2021, Commission staff (Staff) completed a compliance review of Gary’s Garbage using the safety rating process in 49 C.F.R. Part 385. Staff documented violations of safety regulations related to vehicles and drivers, including 42 violations of “critical” regulations, and placed two of the three vehicles inspected out of service.
- 5 “Critical” regulations are listed in 49 C.F.R. Appendix B to Part 385. According to Appendix B to Part 385, these regulations are deemed “critical” because they relate to management and/or operations controls and noncompliance is indicative of breakdowns in a carrier’s management controls.
- 6 Staff’s compliance review resulted in a proposed safety rating of “unsatisfactory” for Gary’s Garbage, and the Commission notified the Company of the proposed rating on September 15, 2021.
- 7 Pursuant to 49 C.F.R. § 385.11(c)(2), a proposed safety rating of unsatisfactory becomes

final on the 61st day following the date of the notice to the carrier of the proposed rating. Once an unsatisfactory safety rating is final, 49 C.F.R. § 385.13 prohibits the motor carrier from operating.

- 8 A carrier that receives a proposed unsatisfactory safety rating may request a change in its safety rating under 49 C.F.R. § 385.17. To request a safety rating change, a carrier must file a safety management plan with the Commission demonstrating that the carrier has taken action to correct the deficiencies that resulted in the unsatisfactory safety rating and that the carrier's operations currently meet the federal safety fitness standard in 49 C.F.R. §§ 385.5 and 385.7.
- 9 To meet the timing requirements in 49 C.F.R. Part 385 for changing a proposed unsatisfactory safety rating before it becomes final, Gary's Garbage must file a safety management plan on or before October 15, 2021, and obtain Commission approval of the plan on or before Friday, November 12, 2021. Commission approval of the Company's safety management plan will result in a change in the safety rating.
- 10 If Gary's Garbage fails to timely file a safety management plan and obtain approval of its plan by Friday, November 12, 2021, the Commission will cancel the Company's certificate effective Monday November 15, 2021. If the Company's certificate is canceled, Gary's Garbage will be prohibited, beginning Monday, November 15, 2021, from operating as a solid waste collection company in the state of Washington.
- 11 **THE COMMISSION GIVES NOTICE That it intends to cancel the certificate and authority of Gary's Garbage to provide services as a solid waste collection company effective November 15, 2021, for cause, following a hearing on the factual allegations set out above, unless Gary's Garbage obtains Commission approval of a safety management plan on or before November 12, 2021.**
- 12 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 the certificate of Gary's Garbage.
- 13 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 1:30 p.m. on Thursday, October 28, 2021. To attend the hearing by telephone, please call (253) 372-2181 and enter the conference ID: 457 581 80#. To attend via Microsoft Teams, please use the following link: [Click here to join the meeting.](#)**
- 14 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.

- 15 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 Commission will provide on its website copies of documents in the current record for use by the parties or others who may want to review them.
- 16 **Gary's Garbage must file its proposed safety management plan no later than 5 p.m. on October 15, 2021.** 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. on October 21, 2021**, and provide any such documents to Staff counsel and the presiding officer by email **by 5 p.m. on October 21, 2021**.
- 17 **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.**
- 18 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1186
jennifer.cameron-rulkowski@utc.wa.gov

Respondent: Gary's Garbage Services, LLC
2731 Highway 31
Ione, WA 99139
(509) 442-3567
lujeanis@gmail.com

19 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective October 4, 2021

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle

SAMANTHA DOYLE

Administrative Law Judge

Inquiries may be addressed to:

Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
Olympia, WA 98504-7250
(360) 664-1160

¹ Judge Pearson can be reached by email at rayne.pearson@utc.wa.gov or by phone at (360) 664-1136.

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 and return this form to:

Washington Utilities and Transportation Commission
Attention: Amanda Maxwell
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 (_____) _____