



Environmental Services

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June 17, 2008

Executive Secretary
Washington Utilities and Transportation Commission
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Via electronic mail: records@utc.wa.gov

RE: TG-080591

To Whom It May Concern:

On behalf of the Pierce County Department of Public Works and Utilities, I am writing to comment on the Washington Utilities and Transportation Commission's Preproposal Statement of Inquiry issued in proceeding TG-080591 for Chapter 480-70 WAC.

I understand that the Commission is primarily interested in receiving comments in two areas: (1) definitions; and (2) regulatory distinctions (solid waste v. common carrier). While I provide comment in those areas, I am also commenting on *how definitions are used* in certain areas of the chapter.

480-70-006 (3)

This provision could be interpreted as one huge "exception" statement, undercutting most everything that follows. A clearer link to the meaning and practice of "proper showing" may help add some transparency to the Commission's solid efforts to be a fair regulator.

480-70-016

The example in subsection 3 is confusing. I suggest the rule be rewritten without subsection 3, placing more emphasis on the review and decision-making process contained in subsection 4. This section of the rule would be enhanced further with more detail provided here on the public and deliberative processes through which the Commission will make distinctions between solid waste collection and common carrier authority. A decision tree or flow chart would further clarify the process.

480-70-041

Many terms are used in the Chapter, but are not defined. I recommend the drafting of definitions for the terms in the following list, to help focus the Chapter's intent and make the regulatory system more easily understood.

Affiliated interest transaction
Buy-back Center
Collection
Commercial generator
Commodity
Comprehensive solid waste management plan
Destination
Disposal
Drop box
Handling (or special handling)
Incidental
Industrial generator
Land clearing debris
Shipper
Transporter

Concerning existing definitions, I offer the following suggestions for changes based primarily on the necessary interface between the state-regulated collection system and local planning, permitting, zoning, and environmental health regulations.

Commercial service should specifically exclude multi-family apartment complexes, condominiums, mobile home parks, and other commercially-managed rental or clustered residences. The commercial service (or residential service) definition should also be crafted such that a residence (or group of residences) jointly using a “commercial container” for waste collection/disposal is still considered a residence and a participant (mandatory or otherwise) in all residential recycling programs authorized by the local comprehensive solid waste management plan.

Garbage should be modified to read: “...that are putrescible, and disposed.”

Multi-family residence needs modification to recognize that local governments across the state are promoting denser and in-fill development. Attached townhouses are “structures housing two or more dwelling units” as are homes with an attached “accessory dwelling unit” (more commonly known as “in-law apartments”). Neither of these would be considered by Pierce County as “multi-family residences” for purposes of the development and implementation of recycling programs. In fact, Pierce County’s zoning code defines “multi-family residence” very strictly: “any residential structure containing **three or more** dwelling units with the units joined to one another and where **the structure is billed for solid waste collection service as a whole and not by individual dwelling units...**”

Nonputrescible should be modified to read: "... by microorganisms in an aerobic environment." (With the existing definitions of "garbage and refuse" meaning either "garbage" or "refuse" or both, this is probably not an issue. However, this and the parallel fix to "putrescible" would acknowledge evidence that modern lined and covered landfills *entomb* waste in an anaerobic environment in which decomposition does not always take place. In the future, this may be necessary to protect the regulation from any sort of incremental creep towards action in which "nonputrescibles" are not considered waste because they are stored in an environment in which they are prevented from decomposing.)

Recyclable materials could be enhanced: "...materials that are transported with the sole and specific intent of recycling, reprocessing, reclamation, or for any other process..."

Residential service could be clarified with subgroupings of "single family", "multi family" etc.

Source separation should be modified: "... means the separation of recyclable materials from solid waste destined for disposal, at the place where the waste originates."

Yard waste needs some attention especially as more local governments add food waste collection programs. Suggestion: add a clause at the end of the definition to mirror the definition of "residential recycling service" as follows: "Yard waste includes . . . , vegetable debris, and other materials identified pursuant to a local comprehensive solid waste management plan."

480-70-078

Even if redundant with Chapter 81.16 RCW, more information on affiliated interest transactions would be helpful in this section.

480-70-141 (1)(b)

The use of the term "self-haul" is out of place here. Generally, self-haul is defined as a generator who personally delivers solid waste to a disposal site. I think the term you want is "provides or contracts for service" to mirror 480-70-011 (1)(b).

480-70-151 (1)(a)

Because "traditional solid waste collection company" is defined, but "traditional authority" is not defined, I suggest a rewrite along the following lines: "Holds exclusive authority as a traditional solid waste collection company..."

480-70-221 (1)(a)

The language in this section is confusing because the word "company" has a specific definition earlier in the chapter. As a result, (1)(a) essentially reads: "a solid waste collection company that operates as a solid waste collection company..."

480-70-226

The statement that references local government decisions in the conclusion to the definition of “yardwaste bin or container” should be duplicated in the “recycling bin or container” definition. Carts/bins/collections are viewed as appropriate local government decision measures in a minimum service level ordinance.

480-70-246

Current tariffs should be posted on a website maintained by either the regulated solid waste collection company or the appropriate solid waste planning authority.

480-70-351(1)

The Commission should consider whether a proposed program is consistent with the local government solid waste management plan.

480-70-366 and -376

Companies that refuse or cancel service should be required to notify – and provide justification to – the Commission, the jurisdictional planning agency, and jurisdictional health department.

480-70-386

There should be a regulatory procedure established for the receipt and handling of complaints coming from the jurisdictional planning agency, the jurisdictional health department, or the County legislative authority.

480-70-391

Is there a way to phrase this section to ensure that the cost of company “credits as compensation” are borne solely by company ownership (similar to 480-70-336(4))? It seems unfair and unreasonable to allow a company to compensate one customer for poor service if all that means is the company asks for compensating revenue at the next general rate increase.

NEW SECTIONS

Two new sections would enhance Chapter 480-70: inclement weather policies and missed pickup policies.

NEW DEFINITIONS

If the Commission were to consider some, or all, of the suggestions, above, the following new definitions would be required:

Jurisdictional health department

Jurisdictional planning agency

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Thank you for this opportunity to comment on the Rulemaking. I apologize for the late submittal. I wish to remain involved in this process. You may contact me by mail at the address printed on the letterhead, by telephone at (253) 798-4656, or by e-mail at steve.wamback@co.pierce.wa.us.

Respectfully,



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Solid Waste Administrator

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