

## **March 11, 2009 – Staff’s Draft Proposal for Discussion Purposes**

[Strike all of WAC 480-70-016 and insert the following:]

### **Determination of authority to transport specific commodities or provide specific services**

#### **1) Solid waste collection requires certificate**

Any person engaged in the collection and transportation of solid waste must hold a solid waste collection certificate issued by the commission (Chapter 81.77.040 RCW).

- a) Engaged in the collection and transportation of solid waste means:
  - i) Collecting solid waste from residential, commercial, or industrial customers and transporting it, using a motor vehicle, for disposal, over the highways of the state of Washington, for compensation.
  - ii) Collecting source-separated recyclables from residences and transporting it, using a motor vehicle over the highways of the state of Washington, for compensation (Chapter 81.77.010 RCW).

#### **2) Private carriage of solid waste collection or solid waste collection under a local government contract does not require a solid waste collection certificate.**

The following do not need a solid waste collection certificate:

- a) A business, such as a landscaping, cleanup, site restoration, or wood chipping business, that, in its own vehicles, transports solid waste as an incidental part of its established business, owned or operated in good faith (RCW 81.77.010 Private Carriers).
- b) Companies providing solid waste collection services under contract with a city or town (RCW 81.77.020).
- c) Companies collecting source-separated recyclable materials from residences under contract with a county (RCW 36.58.041 (1-2)).

#### **3) Commercial recycling collection requires a motor carrier permit**

Any person engaged in the collection and transportation of commercial or industrial recyclable materials for compensation over the highways of the state of Washington must hold a motor carrier permit issued by the commission pursuant to Chapter 81.80 RCW.

- a) Motor carriers may collect and transport recyclable materials from a drop box, recycling buy-back center, or for commercial or industrial generators.
- b) Motor carriers may not collect and transport recyclable materials that contain solid waste.

- c) Transportation of recyclable materials must be for recycling, reprocessing, reclamation or for a process that extracts or modifies the commodity for reuse.
- d) Transportation of recyclable materials must not be to a transfer station, landfill, or other disposal facility for disposal.
- e) Transporters of commercial and industrial recyclable materials must also register with the Department of Ecology as a “transporter.”

**4) Uses that are not “for disposal.”**

The following uses of commercial or industrial byproducts are not “for disposal” within the meaning of subsection 3(d) and do not require a solid waste collection certificate of convenience and necessity from the commission:

- a) Any use that is identified for a recyclable material listed in a county’s local comprehensive solid waste plan and related implementation ordinances (Chapter 81.77.030 RCW).
- b) Animal feed or animal feed additives.
- c) Producing energy from boiler fuel (hog fuel) or burning source-separated wood.
- d) Producing combustible gas for energy using a biodigester.
- e) Land application to enrich soil, or for composting to allow organic materials to decay to amend soil that is beneficial to plants.

f) Use for daily landfill cover or alternative daily cover.

NOTE: The commission seeks comment on whether use of waste material as alternative daily cover (ADC) or landfill daily cover should be classified as “recycling/reuse.” Please provide your reasoning.

If you assert that ADC should be classified as “recycling/reuse” please answer the following:

Given that both solid waste and ADC materials are transported to landfills, how could commission inspectors determine whether shipments will be used as ADC or for disposal?

**5) Uses that are “for disposal.”**

The following uses of commercial and industrial byproducts are “for disposal” and therefore the transportation of materials for these purposes requires a solid waste collection certificate from the commission:

- a) Placement in a landfill, even if the landfill operator captures methane gas from the landfill for energy or uses the solid waste to meet structural or drainage requirements.
- b) Incineration at a disposal facility that does not produce energy.

c) Use for daily landfill cover or alternative daily cover.

NOTE: As indicated above, the commission seeks comment on whether ADC should be listed here as a type of “disposal,” or above as “recycling/reuse.” Please provide your reasoning.

#### **6) Transporting recyclable materials to a sorting facility**

Unless the following conditions are met, a motor carrier transporting mixed recyclable materials to a sorting facility must have a solid waste certificate issued by the commission:

- a) Any residual left over after sorting out material for non-disposal purposes must be transported from the sorting facility to a disposal site by a certificated solid waste collection company or by a municipality that provides solid waste collection service itself or by contract.
- b) The motor carrier holds itself out as a transporter of recyclable or reusable materials and not as a solid waste collection service.
- c) The motor carrier requires its customer (shipper) to keep the recyclable or reusable materials separate from commercial or industrial byproducts that are to be disposed. Additionally, if the shipper does not use a certificated solid waste company or a municipality, the motor carrier must demonstrate to the commission that the shipper transports its own solid waste for disposal.