

Attachment TG-100347

Commission Staff Suggested Comments

Throughout the Plan, the County uses the following terminology, “collected and transported by WUTC approved-certificated waste haulers.” Staff suggests using “collected and transported by regulated solid waste collection companies.”

Although the following suggestions refer to specific sections and pages within the body of the plan, staff notes that some issues are repeated in the Executive Summary and staff cautions the County that any changes must be made in both the body of the plan and the Executive Summary

Section 3.3.24, page 3-10: The commission does not decide if sharps waste containers can be placed in household garbage containers. Please see Department of Ecology’s RCW 70.95K.040.

Section 3.3.54, page 3-18: A regulated solid waste collection company can collect and transport biomedical or biohazardous waste if the company has an appropriate tariff filed and in effect at the commission. Regulated solid waste collection companies that haul biomedical or biohazardous waste must comply with all federal, state, and local laws and rule governing such transportation.

Section 5.2.5, page 5-4: The County does not provide WUTC with authority to collect curbside recycling; see RCW 81.77. However, a county may assert its jurisdiction to collect source separated recycling materials from residences in the unincorporated areas. Please see below:

RCW 36.58.040:

“(1) By ordinance award a contract to collect source separated recyclable materials from residences within unincorporated areas. The legislative authority has complete authority to manage, regulate, and fix the price of the source separated recyclable collection service. The contracts may provide that the county pay minimum periodic fees to a municipal entity or permit holder; or

(2) Notify the commission in writing to carry out and implement the provisions of the waste reduction and recycling element of the comprehensive solid waste management plan.”

Section 5.2.5, page 5-4: The County does not provide WUTC with authority to implement county’s minimum local service ordinances. The WUTC has the jurisdiction by law. Please see below.

RCW 81.77.030(6):

“(6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area.”

Section 5.2.5, page 5-5: Recycling Materials. RCW 81.77.030 states in pertinent part,

“The commission shall supervise and regulate every solid waste collection company in this state,

(1) By fixing and altering its rates, charges, classifications, rules and regulations.”

Section 5.2.5, page 5-8 Food Waste. Staff understands that the Department of Ecology (DOE) must first deem a type of waste as “beneficial use” by following the outlined requirements of WAC 173-350-200. Has the County applied and received a beneficial use permit by DOE? Staff cautions the County on using the term “beneficial use.”

Section 5.2.5, page 5-13 Biomedical Waste. Staff suggests rewriting the sentence as follows:

A regulated solid waste collection company collects and transports biomedical or biohazardous waste for disposal.

Section 5.2.5, page 5-15: Has DOE approved biosolids as a “beneficial use” pursuant to WAC 173-350-200?

Section 9.2.1, page 9-2, first sentence: Staff suggests the following words to be deleted, “oversees and.”

Section 9.2.1, page 9-2, third paragraph, first sentence: Staff suggests the following rewrite:

The public can comment on proposed rate increases filed by regulated solid waste collection companies by submitting comments in writing to the commission or attending (in person or by telephone) the commission’s open meeting at which the commission considers the proposed increase.

Section 9.2.1, page 9-3, second paragraph from the bottom of the page: A certificate of public convenience issued by the commission does not have an expiration date. Staff suggests the following changes:

The regulated solid waste collection company continues to collect and transport solid waste within the incorporated annexed territory for a term of not less than seven years.

Section 9.2.1, page 9-4, and first paragraph: Staff suggests using the language from WAC 480-70-141 to ensure the translation is correct.

WAC 480-70-141 City service and cancellation of certificated authority.

(1) **City service.** To the extent solid waste collection service is provided within the limits of a city or town, it must be provided by:

(a) A solid waste collection company regulated by the commission operating under a commission-issued certificate authorizing such service; or

(b) A city or town that self-hauls or contracts for service, exempt from commission regulation under the exemption for cities in RCW [81.77.020](#).

(2) **City service -- Cancellation of certificated authority and termination of commission regulation.**

(a) The commission will cancel the affected certificated authority and cease regulation in the affected area on the date that a city or town commences service as specified in its notice to the commission unless (b) of this subsection applies.

(b) If a city or town commences service before notifying the commission in writing, the commission will not cancel the affected certificated authority and cease regulation in the affected area until the date of receipt of the city's or town's written notice.

Section 9.2.3, page 9-4: Staff suggests the county change the paragraph relating to the county asserting jurisdiction over curbside recycling pursuant to RCW 36.58.040. If the county contracts for the collection and transportation of source separated recyclable materials within the unincorporated areas of the county, then RCW 81.77.180 would not apply. RCW 81.77.180 applies to only UTC regulated solid waste collection companies and only when those companies provide regulated services.

Section 9: General comment: Staff recommends the County update all the rates listed in the various tables. The data is from the year 2007. The rates in Table 9-6 for the three regulated companies are out of date. Staff has attached the current tariff pages for the three regulated companies to assist the County in revising the tables to reflect current rates.

Section 9.5.5, page 9-17: Staff suggests the County rephrase, “**Give WUTC Authority for Implementing the Adopted Douglas County Minimum Levels of Service.**” RCW 81.77.030 (6) provides the UTC authority to implement minimum levels of service as follows:

(6) By requiring certificate holders under chapter 81.77 RCW to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area.

Section 9.5.7, page 9-18: RCW 81.77.030(1) provides the WUTC authority to:

Supervise and regulate every solid waste collection company in this state,

(1) By fixing and altering its rates, charges, classifications, rules and regulations.

Section 14.5.3, page 14-5: In the second paragraph, the County states that there is approximately a \$2.00 spread between one and two can solid waste service. This figure is out of date. Based on the current published rates, the spread between a one and two can customer is \$4.45. See enclosed tariff sheets.

Section 15.3.1, page 15-9: WAC 480-70-361(7)(a) requires regulated solid waste collection companies to mail, once a year, information (outlined in the rule) to customers regarding available solid waste collection services.

Section 15.5.4, page 15-19: An incorrect statute is cited. It is RCW 36.58.040 that allows counties to assert jurisdiction to collect curbside residential recycling. .

Section 30.3.1, page 30-5: The County states, “regulated solid waste collection companies do not have infectious waste management plans.” Zippy, Sunrise, and Waste Management do not collect and transport medical waste. Stericycle provides the collection and transportation of medical waste, and Stericycle does have an infectious waste management plan.

Section 41.2.2, page 41-2: Staff suggests the County consider modifying the second sentence to read:

The collection and transportation of biosolids and municipal sewage sludge for disposal is governed by Title 81 RCW, which is overseen by the Washington Utilities and Transportation Commission (WUTC).

March 25, 2010

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Douglas County's Preliminary 2010 – 2015 Solid Waste Management Plan

Section 44.2.2, page 44-3: Staff suggests modifying the second sentence as follows:

Chapter 81.77 RCW grants to the Washington Utilities and Transportation Commission (WUTC) the authority to regulate all solid waste collection companies in the state except when a city or town contracts or provides its own solid waste collection service and except when a county contracts for residential recycling service.

Section 46.3.1, page 46-4: The paragraph that starts with “Douglas County,” staff suggests that the County publish the fee it charges regulated solid waste collection companies to fund the administration and planning expenses that may be incurred by the county in complying with the requirements in RCW [70.95.090](#) pursuant to RCW 36.58.045 and to state what increases or decreases may be expected in the future. The fee is included in the rates charged by regulated solid waste collection companies. Fee information is required for the commission to assess the impact of the Plan on rates charged by regulated solid waste collection companies.