



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • www.utc.wa.gov

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## **STAFF INVESTIGATION**

**Of**

**Bobby Wolford Trucking & Salvage, Inc.**  
**d/b/a:**  
**Bobby Wolford Trucking & Demolition, Inc.**

**Docket TG – 151573**  
**&**  
**Docket TG - 143802**

Prepared by:  
Pam Smith  
Compliance Investigator  
Transportation Safety  
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## **PURPOSE, SCOPE, AND AUTHORITY**

### **Purpose**

The purpose of this investigation is to determine if Bobby Wolford Trucking & Salvage, Inc. d/b/a Bobby Wolford Trucking & Demolition, Inc. (Bobby Wolford Trucking) violated both state law and Washington Utilities and Transportation Commission (commission) Order 02, Docket TG-143802 (Initial Order),<sup>1</sup> by hauling solid waste for compensation without first having obtained from the commission the necessary certificate required for such operations. Under RCW 81.77.040, operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service.

### **Scope**

The scope of the investigation focuses on information obtained by commission staff (staff) relating to Bobby Wolford Trucking's operations.

### **Authority**

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 81.01.010, which adopts RCW 80.01, which directs the commission to regulate solid waste collection companies in the public interest, and to adopt such rules and regulations as may be necessary to do so. In addition, RCW 81.04.510 authorizes the commission to conduct such an investigation. Appendix A includes copies of the appropriate laws, rules, and commission orders.

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<sup>1</sup> In this docket, the commission issued Order 02 on two different occasions—the first Order 02 is a subpoena and subpoena duces tactum issued on January 16, 2015; the second is the initial order approving the settlement agreement issued on February 26, 2015. For the purposes of this investigation report, Staff will refer to the latter Order 02, issued on February 26, 2015, as “Initial Order.”

## BACKGROUND

### Previous Investigation

In a prior investigation (Docket TG-143802), staff investigated Bobby Wolford Trucking based on an informal complaint received from a certificated solid waste collection company alleging that Bobby Wolford Trucking was hauling demolition debris for compensation from the Everett Boeing plant to the Snohomish County Airport Road Transfer Station (ARTS). In its investigation report, staff provided documentation that Bobby Wolford Trucking received prior technical assistance from staff regarding the hauling of solid waste without a commission-issued permit on two separate occasions in January 2012.<sup>2</sup> This prior technical assistance provided specific guidance explaining that, under state law and commission rule, delivering containers to a commercial customer's location for the customer to fill with solid waste required a solid waste certificate from the commission. Staff's investigation further documented that Bobby Wolford Trucking transported solid waste for compensation on 191 occasions between September 2, 2014, and September 30, 2014, without the required certificate from the commission. Consequently, on January 15, 2015, the commission issued Order 01, which instituted a special proceeding, set forth a complaint seeking to impose penalties, and provided notice of hearing to determine if Bobby Wolford Trucking, in fact, violated state law or commission rule.

Following Order 01, Bobby Wolford Trucking reached a settlement agreement with commission staff<sup>3</sup> to resolve all issues raised in the Docket TG-143802.<sup>4</sup> As part of the settlement agreement, Bobby Wolford Trucking admitted to the 191 violations of RCW 81.77.040.<sup>5</sup> On February 26, 2015, the commission issued Initial Order, which approved the settlement agreement without condition and incorporated its terms into the order. In Initial Order, the commission ordered Bobby Wolford Trucking to immediately cease and desist from providing all forms of solid waste collection services that require a certificate from the commission. The commission also assessed a penalty of \$41,186.30, of which it suspended \$21,186.30 for a period of one year on the condition that the company complies with the terms of the Initial Order. The commission ordered that Bobby Wolford Trucking pay the remaining penalty assessment of \$20,000 in 12 consecutive monthly installments. In addition, the Commission directed staff to conduct a review

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<sup>2</sup> *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Bobby Wolford Trucking & Salvage, Inc. d/b/a Bobby Wolford Trucking & Demolition, Inc.*, Docket TG-143802, Staff Investigation Report, p. 4-5 (Jan. 16, 2015).

<sup>3</sup> In formal proceedings, the commission's regulatory staff participates like any other party, while the commissioners make the decision. To assure fairness, the commissioners, the presiding administrative law judge, and the commissioners' policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

<sup>4</sup> *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Bobby Wolford Trucking & Salvage, Inc. d/b/a Bobby Wolford Trucking & Demolition, Inc.*, Docket TG-143802, Order 02, Exhibit A: Settlement Agreement, (Feb. 26, 2015); Copy of the Settlement Agreement is attached hereto at Appendix B.

<sup>5</sup> *Id.* ¶ 12 (Feb. 26, 2015).

of the operations of Bobby Wolford Trucking within one year to determine the company's compliance with the terms of the Initial Order. Staff was due to begin the review of Bobby Wolford Trucking's operations when staff received the informal complaint which prompted the current investigation.

### **Current Investigation**

Compliance Investigator Pam Smith began an investigation into Bobby Wolford Trucking in September 2015 based on an informal complaint from a certificated solid waste collection company, and pursuant to the Initial Order in Docket TG-143802. The informal complainant alleged that Bobby Wolford Trucking was operating as a solid waste collection company without a certificate. This report documents Ms. Smith's findings during her investigation.

### **Solid Waste Collection**

By law, a solid waste collection company may not haul solid waste for compensation without first obtaining a solid waste certificate from the commission. RCW 81.77.040. Hauling solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service. *Id.* Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation of the law. RCW 81.77.090.

RCW 81.77.010(7) defines a solid waste collection company as "... every person ... owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, over any public highway in this state..."

A traditional solid waste collection company collects and removes solid waste and recyclable materials from private homes, and/or removes solid waste from commercial establishments, industrial facilities, and other sites. A specialized solid waste collection company provides service other than traditional solid waste collection service. WAC 480-70-041 defines a specialized solid waste collection company as one that generally hauls specific waste products for specific customers, provides only on-call or nonscheduled service, or provides accessorial services not normally provided by traditional solid waste collection companies. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

RCW 70.95.030(22) defines solid waste to mean "all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials."

Under RCW 81.77.010(9), solid waste means, "the same as defined under RCW 70.95.030, except for the purposes of this chapter [RCW 81.77] solid waste does not include recyclable materials except for source separated recyclable materials collected from residences." Under

WAC 480-70-041, which the commission adopted to implement RCW 81.77.010(9), solid waste is defined as, all putrescible and non-putrescible solid and semisolid wastes including, but not limited to: garbage; rubbish; refuse; swill; ashes; industrial wastes; sewage sludge; demolition and construction wastes; abandoned vehicles or parts of abandoned vehicles; and source-separated recyclable materials collected from single and multi-family residences.

“Source separation” means the separation of different kinds of solid waste at the place where the waste originates. RCW 70.95.030(24); WAC 480-70-041. “Recyclable materials” means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose. WAC 480-70-041; *see* RCW 70.95.030(17).

As described in WAC 480-70-011, collection and hauling operations considered exempt from commission regulation include:

- The operations of a company conducted under a contract for solid waste collection service with a city or town (*see* RCW 81.77.020);
- The operations of a city or town that itself provides solid waste collection service (*see* RCW 81.77.020);
- The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (*see* RCW 81.77.130);
- The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (*see* RCW 81.77.130);
- The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (*see* RCW 81.77.140);
- The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (*see* RCW 81.77.140);
- The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste (*see* RCW 81.77.010);
- The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service; or the operations of

carriers transporting loads either from a transfer station to a disposal site or between disposal sites (*see* RCW 36.58.050).

## INVESTIGATION

Bobby Wolford Trucking has a common carrier permit from the commission (CC-26715) and is currently registered with the Department of Ecology (ECY) as a Transporter of Recyclable Materials. Bobby Wolford Trucking does not hold a solid waste certificate from the commission, nor has the company ever held such a certificate.

### **Informal Complaint – Operations**

On September 23, 2015, staff received an informal complaint from a certificated solid waste collection company regarding the operations of Bobby Wolford Trucking. Specifically, the complainant informed commission staff that Bobby Wolford Trucking was hauling pilings from the Mukilteo Pier demolition project from a Seattle dock to the Snohomish County Cathcart disposal facility. The complainant alleged that Pacific Pile & Marine (Pacific Pile), the contractor removing the pier, hired Bobby Wolford Trucking to pick up the pilings in Seattle and transport them to the Cathcart facility for eventual transport to a disposal site in Eastern Washington.

### **Mukilteo Pier Demolition Project**

In August 2015, demolition of the Mukilteo pier began. The demolition project makes way for a new ferry terminal to replace Washington State Ferries' existing, 60-year-old facility. The demolition project, conducted by Pacific Pile, includes removal of approximately 7,000 tons of creosote-soaked timber piles. It is expected to be completed by February 2016.<sup>6</sup>

### **Staff Contact with Bobby Wolford Trucking**

Staff sent a letter to Bobby Wolford Trucking on September 24, 2015, outlining the informal complaint and requesting information about the company's operations with respect to the Mukilteo Pier demolition project.<sup>7</sup> Elizabeth Alvord, attorney for Bobby Wolford Trucking, responded on October 6, 2015.<sup>8</sup>

In her letter, Ms. Alvord claimed that Bobby Wolford Trucking was approached by the contractor, Pacific Pile, about hauling materials for the Mukilteo Pier demolition project. Although the pier is located in Snohomish County, the pilings were being transported by barge from Mukilteo to Pacific Pile's facility in Seattle. Once there, the pilings would be loaded for transport to a disposal facility. Ms. Alvord claimed, "Due to the massive size of the pilings, the

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<sup>6</sup> Copy of DOT website article at Appendix C.

<sup>7</sup> Copy of September 24, 2015 letter to Bobby Wolford at Appendix D.

<sup>8</sup> Copy of October 6, 2015 letter from E. Alvord at Appendix E.

only safe and efficient means for transporting the pilings was to use end dump trailers.” Ms. Alvord also claimed, “When Pacific Pile went in search of end dump trailers however, it discovered that *none* of the local solid waste haulers (Republic Services, Rubatino Refuse Removal, Waste Management) have these specialized trailers.” Ms. Alvord further claimed, “[Her] client transported the pilings because there was an immediate, urgent, public interest need for it and Wolford was uniquely able to perform.” Ms. Alvord then asked that the commission issue a temporary solid waste hauling certificate to allow Bobby Wolford Trucking to continue providing end dump trailer hauling and to apply the temporary certificate retroactively from the date the project began in late August.

On October 7, 2015, staff sent an email to Ms. Alvord in response to the request to issue a temporary solid waste certificate retroactively.<sup>9</sup> Staff explained that according to Washington Administrative Code (WAC) 480-70-131 and WAC 480-70-091, the commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. Staff also informed Ms. Alvord that temporary certificates were not issued retroactively. Staff supplied an electronic link to the solid waste application packet.

On October 28, 2015, staff sent a letter to Ms. Alvord explaining that it was continuing the investigation of the alleged solid waste hauling.<sup>10</sup> Staff requested that Bobby Wolford Trucking provide the following information to staff by November 15, 2015:

1. The date Bobby Wolford Trucking began hauling pilings from the Pacific Pile & Marine barge in Seattle to the Cathcart facility;
2. The date Bobby Wolford Trucking stopped hauling pilings from the Pacific Pile & Marine barge in Seattle to the Cathcart facility;
3. Copies of all contracts, payments, invoices, and related paperwork between Bobby Wolford Trucking and Pacific Pile & Marine for the pier removal project;
4. The amount of material hauled and number of loads transported by Bobby Wolford Trucking to the Cathcart facility related to the pier removal project; and
5. Tip records and receipts from the Cathcart facility for all Bobby Wolford Trucking activity related to the pier removal project.

On November 16, 2015, staff received a response letter from Ms. Alvord.<sup>11</sup> Ms. Alvord answered each question as follows:

1. On or around 8/23/15.
2. On or around 9/29/15.
3. Please see attached.\*

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<sup>9</sup> Copy of October 7, 2015 email at Appendix F.

<sup>10</sup> Copy of October 28, 2015 letter at Appendix G.

<sup>11</sup> Copy of November 16, 2015 letter at Appendix H.



4. Approximately 1,313.29 tons; 164 loads.

5. Please see attached.\*

\* The attached documents provided were Wolford Trucking's tip records and receipts from the Cathcart facility.

Ms. Alvord asked the commission to contact Pacific Pile to confirm that no other solid waste hauler in the area could perform this job. Ms. Alvord also reminded staff that Bobby Wolford had submitted a solid waste certificate application.<sup>12</sup> The application was received two days later, on November 18, 2015. As of the date of this report, Bobby Wolford Trucking's application remains incomplete—staff requested additional information from the company, but the company did not respond to that request.

### **Staff Contact with Republic Services**

Republic Services is the certificated solid waste hauler in the Seattle area. On October 7, 2015, staff contacted Michael Hafer, Senior Market Analyst at Republic Services. Staff asked Mr. Hafer if anyone at Republic Services had been contacted by Pacific Pile regarding the transportation and disposal of the pilings from the pier removal project. Mr. Hafer confirmed by email on October 8, 2015, that neither Pacific Pile nor Bobby Wolford Trucking contacted anyone at Republic Services about the opportunity to provide solid waste collection service for this project.<sup>13</sup>

Pacific Pile terminated its arrangement with Bobby Wolford Trucking for the hauling of debris from the Mukilteo Pier demolition project. As of October 8, 2015, Pacific Pile began using Republic Services to collect and transport the pilings to a transfer station in King County.

### **Snohomish County Cathcart Facility Tip Records**

Staff submitted a Request to Inspect Public Records to the Snohomish County Department of Public Works on November 3, 2015. Staff specifically requested the transaction details related to billing of Pacific Pile for loads hauled by Bobby Wolford Trucking from August 1, 2015, through November 1, 2015.

Snohomish County staff provided the requested information by email on November 3, 2015. Staff reviewed Snohomish County tips records and based on the records provided, staff determined that Bobby Wolford Trucking transported solid waste for compensation to the Cathcart facility for Pacific Pile on 170 occasions from August 24, 2015, through September 30, 2015.<sup>14</sup>

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<sup>12</sup> Copy of solid waste application at Appendix I.

<sup>13</sup> Copy of October 8, 2015, email at Appendix J.

<sup>14</sup> Copy of Snohomish County tip records at Appendix K.

## **STAFF FINDINGS & RECOMMENDATIONS**

Commission staff has determined that Bobby Wolford Trucking operated for the hauling of solid waste for compensation without first obtaining a solid waste certificate from the Washington Utilities and Transportation Commission in violation of both RCW 81.77.040 and the commission's Initial Order, Docket TG-143802.

### **1. Violation of RCW 81.77.040**

Under state law, no company may operate for the hauling of solid waste for compensation without first obtaining a solid waste certificate from the commission. Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service. RCW 81.77.040.

Whenever the commission believes that a company is engaged in solid waste operations without the necessary solid waste certificate from the commission, it may institute a special proceeding requiring the company to appear before the commission and to give testimony under oath as to the operations or acts at issue. RCW 81.04.510

The commission may also file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the commission. RCW 81.04.110.

By law, every public service company that violates any commission rule or provision of Title 81 RCW is subject to a penalty of up to \$1,000 for every such violation. RCW 81.04.380. In the case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense. *Id.*

Commission staff finds that Bobby Wolford Trucking violated RCW 81.77.040 on 170 occasions by transporting solid waste for compensation without first having obtained a certificate from the commission to do so. Specifically, Bobby Wolford Trucking transported solid waste for compensation to the Snohomish County landfill for disposal on 170 occasions between August 24, 2015, and September 30, 2015.

### **2. Violation of Commission Initial Order, Docket TG-143802**

On February 26, 2015, in Initial Order, Docket TG-143802, the commission ordered Bobby Wolford Trucking to immediately cease and desist from providing all forms of solid waste

collection services that require a certificate from the commission. It assessed Bobby Wolford Trucking a penalty of \$41,186.30, of which \$21,186.30 was suspended for one year from the effective date of the order. The commission provided that the suspended penalty would be waived after one year if Bobby Wolford Trucking complied with the terms of the order; however, if it did not comply, the suspended \$21,186.30 penalty would become immediately due and payable. The commission directed staff to conduct a review of the operations of Bobby Wolford Trucking within the year to determine its compliance with the terms of the Initial Order.

Staff's investigation here also served as a review of the operations of Bobby Wolford Trucking to determine its compliance with the terms of the Initial Order. This investigation—and all of the operations of Bobby Wolford Trucking that staff reviewed—occurred within one year of the date of the Initial Order.

Commission staff finds that Bobby Wolford Trucking violated the terms of the Initial Order because it did not cease and desist from providing all forms of solid waste collection services that require a certificate from the commission. Specifically, as explained above, staff finds that Bobby Wolford Trucking transported solid waste for compensation on 170 occasions between August 24, 2015, and September 30, 2015, without first having obtained a certificate from the commission.

### **Recommendation**

Staff recommends the commission initiate a classification proceeding against Bobby Wolford Trucking pursuant to RCW 81.04.510. In addition, staff recommends the commission file a complaint on its own motion setting forth any act or omission by Bobby Wolford Trucking that violates any law, or rule or order of the commission, as provided by RCW 81.04.110. Finally, staff recommends that the commission impose the suspended penalty in Initial Order, Docket TG-143802, of \$21,186.30, and further impose additional penalties of up to \$1,000 for each of the 170 violations of RCW 81.77.040, as provided by RCW 81.04.380.

**APPENDICES**

Appendix A

RCW 36.58.050 Solid waste disposal — Transfer stations.

When a comprehensive solid waste plan, as provided in RCW 70.95.080, incorporates the use of transfer stations, such stations shall be considered part of the disposal site and as such, along with the transportation of solid wastes between disposal sites, shall be exempt from regulation by the Washington utilities and transportation commission as provided in chapter 81.77 RCW.

Each county may enter into contracts for the hauling of trailers of solid wastes from these transfer stations to disposal sites and return either by (1) the normal bidding process, or (2) negotiation with the qualified collection company servicing the area under authority of chapter 81.77 RCW.

[1975-'76 2nd ex.s. c 58 § 3.]

RCW 70.95.030 Definitions.

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
- (4) "Department" means the department of ecology.
- (5) "Director" means the director of the department of ecology.
- (6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- (7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- (8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- (9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
- (10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill.
- (11) "Jurisdictional health department" means city, county, city-county, or district public health department.
- (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- (13) "Local government" means a city, town, or county.

Appendix A (continued)

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

Appendix A (continued)

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

[2010 1st sp.s. c 7 § 86; 2004 c 101 § 1; 2002 c 299 § 4; 1998 c 36 § 17; 1997 c 213 § 1; 1992 c 174 § 16; 1991 c 298 § 2; 1989 c 431 § 2; 1985 c 345 § 3; 1984 c 123 § 2; 1975-'76 2nd ex.s. c 41 § 3; 1970 ex.s. c 62 § 60; 1969 ex.s. c 134 § 3.]

Notes:

Effective date -- 2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

Intent -- 1998 c 36: See RCW 15.54.265.

Short title -- 1998 c 36: See note following RCW 15.54.265.

Finding -- 1991 c 298: "The legislature finds that curbside recycling services should be provided in multiple-family residences. The county and city comprehensive solid waste management plans should include provisions for such service." [1991 c 298 § 1.]

RCW 81.01.010 Adoption of provisions of chapter 80.01 RCW.

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein.

[1961 c 14 § 81.01.010.]

RCW 81.04.010 Definitions.

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

- (1) "Commission" means the utilities and transportation commission.
- (2) "Commissioner" means one of the members of such commission.
- (3) "Corporation" includes a corporation, company, association, or joint stock association.
- (4) "Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.
- (5) "Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.
- (6) "Person" includes an individual, a firm, or copartnership.
- (7) "Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage,

Appendix A (continued)

Subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.

(8) "Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

(9) "Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all facilities and equipment, used, operated, controlled, or owned by or in connection with any such railroad.

(10) "Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

(11) "Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, commercial ferries, motor freight carriers, auto transportation companies, charter party carriers and excursion service carriers, private nonprofit transportation providers, solid waste collection companies, household goods carriers, hazardous liquid pipeline companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

(12) "Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(13) "Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

(14) "Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

(15) "Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of persons transported and their baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of persons transported.

(16) "Public service company" includes every common carrier.

(17) The term "service" is used in this title in its broadest and most inclusive sense.

[2007 c 234 § 4; 1993 c 427 § 9; 1991 c 272 § 3; 1981 c 13 § 2; 1961 c 14 § 81.04.010. Prior: 1955 c 316 § 3; prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.]



## Appendix A (continued)

## RCW 81.04.380 Penalties — Violations by public service companies.

Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

[1961 c 14 § 81.04.380. Prior: 1911 c 117 § 94; RRS § 10443.]

## RCW 81.04.510 Engaging in business or operating without approval or authority — Procedure.

Whether or not any person or corporation is conducting business requiring operating authority, or has performed or is performing any act requiring approval of the commission without securing such approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After having made the investigation herein described, the commission is authorized and directed to issue the necessary order or orders declaring the operations or acts to be subject to, or not subject to, the provisions of this title. In the event the operations or acts are found to be subject to the provisions of this title, the commission is authorized and directed to issue cease and desist orders to all parties involved in the operations or acts.

In proceedings under this section no person or corporation shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person or corporation shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

[1973 c 115 § 15.]

## RCW 81.77.010 Definitions.

As used in this chapter:

Appendix A (continued)

(1) "Motor vehicle" means any truck, trailer, semitrailer, tractor, or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting solid waste, for the collection or disposal, or both, of solid waste;

(2) "Public highway" means every street, road, or highway in this state;

(3) "Common carrier" means any person who collects and transports solid waste for disposal by motor vehicle for compensation, whether over regular or irregular routes, or by regular or irregular schedules;

(4) "Contract carrier" means all solid waste transporters not included under the terms "common carrier" and "private carrier," as defined in this section, and further, includes any person who under special and individual contracts or agreements transports solid waste by motor vehicle for compensation;

(5) "Private carrier" means a person who, in his or her own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by the person in good faith. A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier;

(6) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any solid waste is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rail or tracks;

(7) "Solid waste collection company" means every person or his or her lessees, receivers, or trustees, owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, except septic tank pumpers, over any public highway in this state as a "common carrier" or as a "contract carrier";

(8) "Solid waste collection" does not include collecting or transporting recyclable materials from a drop-box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. Transportation of these materials is regulated under chapter 81.80 RCW;

(9) "Solid waste" means the same as defined under RCW 70.95.030, except for the purposes of this chapter solid waste does not include recyclable materials except for source separated recyclable materials collected from residences; and

(10) When the phrase "garbage and refuse" is used as a qualifying phrase or otherwise, it means "solid waste."

[2007 c 234 § 65; 1989 c 431 § 17; 1961 c 295 § 2.]

RCW 81.77.020 Compliance with chapter required — Exemption for cities.

No person, his lessees, receivers, or trustees, shall engage in the business of operating as a solid waste collection company in this state, except in accordance with the provisions of this chapter: PROVIDED, That the provisions of this chapter shall not apply to the operations of any solid waste collection company under a contract of solid waste disposal with any city or town, nor to any city or town which itself undertakes the disposal of solid waste.

[1989 c 431 § 18; 1961 c 295 § 3.]

Appendix A (continued)

RCW 81.77.040 Certificate of convenience and necessity required — Issuance — Transferability — Solid waste categories.

A solid waste collection company shall not operate for the hauling of solid waste for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide that service. To operate a solid waste collection company in the unincorporated areas of a county, the company must comply with the solid waste management plan prepared under chapter 70.95 RCW in the company's franchise area.

Issuance of the certificate of necessity must be determined on, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for solid waste collection and disposal, set out in an affidavit or declaration; a statement of the assets on hand of the person, firm, association, or corporation that will be expended on the purported plant for solid waste collection and disposal, set out in an affidavit or declaration; a statement of prior experience, if any, in such field by the petitioner, set out in an affidavit or declaration; and sentiment in the community contemplated to be served as to the necessity for such a service.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after notice and an opportunity for a hearing, issue the certificate only if the existing solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission or if the existing solid waste collection company does not object.

In all other cases, the commission may, with or without hearing, issue certificates, or for good cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Any right, privilege, certificate held, owned, or obtained by a solid waste collection company may be sold, assigned, leased, transferred, or inherited as other property, only if authorized by the commission.

For purposes of issuing certificates under this chapter, the commission may adopt categories of solid wastes as follows: Garbage, refuse, recyclable materials, and demolition debris. A certificate may be issued for one or more categories of solid waste. Certificates issued on or before July 23, 1989, shall not be expanded or restricted by operation of this chapter.

[2010 c 24 § 1; 2007 c 234 § 66; 2005 c 121 § 6; 1989 c 431 § 21; 1987 c 239 § 2; 1961 c 295 § 5.]

Notes:

Effective date -- 2010 c 24: "This act takes effect July 1, 2010." [2010 c 24 § 3.]

RCW 81.77.090 Penalty.

(1) Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

Appendix A (continued)

(2) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

[2010 c 24 § 2; 1961 c 295 § 10.]

Notes:

Effective date -- 2010 c 24: See note following RCW 81.77.040.

RCW 81.77.130 Application of chapter to collection or transportation of source separated recyclable materials.

The provisions of chapter 81.77 RCW shall not apply to the collection or transportation of source separated recyclable materials from residences under a contract with any county, city, or town, nor to any city or town which itself undertakes the collection and transportation of source separated recyclable materials from residences.

[1989 c 431 § 19.]

RCW 81.77.140 Application of chapter — Collection and transportation of recyclable materials by recycling companies or nonprofit entities — Reuse or reclamation.

Nothing in this chapter shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.

Nothing in this chapter shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

[1989 c 431 § 31.]

WAC 173-350-100 - Definitions

When used in this chapter, the following terms have the meanings given below.

"Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks must not be considered part of the active area of a facility.

"Aerobic decomposition" means decomposition of organic materials primarily by aerobic microbes under controlled conditions.

"Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

"Agricultural wastes" means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure from herbivores and nonherbivores, animal bedding, and carcasses of dead animals.

## Appendix A (continued)

"Agronomic rates" means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control and related rules including chapter 173-200 WAC, Water quality standards for groundwaters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

"Anaerobic digester" means a vessel that processes organic material into biogas and digestate through microbial decomposition under anaerobic (low oxygen) conditions.

"Below ground tank" means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

"Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

"Biofilter" means a bed or layer of material that supports beneficial microorganisms, typically a mixture of compost and wood chips, designed to filter and treat air emissions. A biofilter adsorbs and then biologically degrades odorous compounds.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from

biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

"Buffer" means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

"Bulking agent" means an ingredient used to improve structure and porosity, or to lower moisture content, primarily in composting. Bulking agents improve convective air flow and reduce settling and compaction. Bulking agents may include, but are not limited to, wood waste, straw, and other high-carbon materials.

"Cab cards" means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

"Capacity" means the maximum amount of material that can be contained on-site at any one time. Capacity is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department. All material includes, but is not limited to, incoming waste, feedstocks, bulking agents, stockpiled wastes, active composting, curing piles, composted materials, and sorted recyclable materials on-site.

Appendix A (continued)

"Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

"Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

"Clean soils and clean dredged material" means soils and dredged material which are not dangerous wastes, contaminated soils, or contaminated dredged material as defined in this section.

"Closure" means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

"Closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

"Composted material" means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Composting is a form of organic material recycling. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

"Conditionally exempt small quantity generator (CESQG) waste" means dangerous waste generated by a conditionally exempt small quantity generator.

"Container" means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

"Contaminate" means the release of solid waste, leachate, or gases emitted by solid waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

"Contaminated dredged material" means dredged material resulting from the dredging of surface waters of the state where contaminants are present in the dredged material at concentrations not suitable for open water disposal and the dredged material is not dangerous waste and is not regulated by section 404 of the Federal Clean Water Act (P.L. 95-217).

Appendix A (continued)

"Contaminated soils" means soils removed during the cleanup of a hazardous waste site, or a dangerous waste facility closure, corrective actions or other clean-up activities and which contain harmful substances but are not designated dangerous wastes.

"Controlled conditions" means the conditions in which facilities must be operated to meet the performance standards of WAC 173-350-040 and the applicable handling standards of this chapter. Controlled conditions at compost facilities may include, but are not limited to, controlling odors, run-on and runoff, moisture levels, pH levels, carbon to nitrogen ratios, temperatures, oxygen levels, particle sizes, and free air space.

"Corrosion expert" means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

"Crop residues" means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food processing waste.

"Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC, Dangerous waste regulations.

"Department" means the Washington state department of ecology.

"Detachable containers" means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

"Digestate" means both solid and liquid substances that remain following anaerobic digestion of organic material in an anaerobic digester.

"Disposable containers" means containers that are used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

"Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

"Domestic septage" means Class I, II or III domestic septage as defined in chapter 173-308 WAC, Biosolids management.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

"Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

"Energy recovery" means the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

Appendix A (continued)

"Existing facility" means a facility which is owned or leased, and in operation, or for which facility construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

"Facility" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

"Facility construction" means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

"Facility structures" means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

"Feedstock" means a source separated waste material used as a component of composting, manufacturing, or as part of an industrial process.

"Food processing waste" means a source-separated organic material that is generated by a food processing facility licensed to process food by the United States Department of Agriculture, the United States Food and Drug Administration, the Washington state department of agriculture, or other applicable regulatory agency. Food processing wastes may include, but are not limited to, sludge from food processing water treatment plants, culls, DAF (dissolved air flotation from a food processing facility), pomace, and paunch manure, not intended for animal or human consumption.

"Garbage" means putrescible solid wastes.

"Groundwater" means that part of the subsurface water that is in the zone of saturation.

"Holocene fault" means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

"Home composting" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

"Household hazardous wastes" means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

"Hydrostratigraphic unit" means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

"Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.



Appendix A (continued)

"Incompatible waste" means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

"Industrial solid wastes" means solid waste generated from manufacturing operations, food processing, or other industrial processes.

"Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

"Inert waste" means solid wastes that meet the criteria for inert waste in WAC 173-350-990.

"Inert waste landfill" means a landfill that receives only inert wastes.

"Intermediate solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes material recovery facilities, transfer stations, drop boxes, baling and compaction sites.

"Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

"Jurisdictional health department" means city, county, city-county or district public health department.

"Land application site" means a contiguous area of land under the same ownership or operational control on which solid wastes are beneficially utilized for their agronomic or soil-amending capability.

"Land reclamation" means using solid waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines. Using solid waste as a component of fill is not land reclamation.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Leachate" means water or other liquid within a solid waste handling unit that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Limited moderate risk waste" means waste batteries, waste oil, and waste antifreeze generated from households.

"Limited moderate risk waste facility" means a facility that collects, stores, and consolidates only limited moderate risk waste.

"Limited purpose landfill" means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 C.F.R.

Appendix A (continued)

Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

"Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

"Liquid waste" means any solid waste which is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

"Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

"Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

"Manufactured organics" means source separated solid wastes, such as nonplastic coated paper plates, cups, compostable bags, and other items designed to decompose through composting, anaerobic digestion, or through other organic materials recycling processes. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical composting conditions, or wood derived fuel or wood waste as defined in this section.

"Manure and bedding" means manure (feces) and bedding from herbivorous animals such as horses, cows, sheep, and goats.

"Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

"Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

"Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC 173-350-360 (2) or (3).

"Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid

Appendix A (continued)

waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

- Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;
- Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor
- Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

"Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

"New solid waste handling unit" means a solid waste handling unit that begins operation or facility construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

"Nuisance odor" means any odor which is found offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

"On-farm" means activities taking place on any agricultural land under the control of the same entity including parcels that are not geographically contiguous but managed by the same entity for agricultural production.

"One hundred-year flood plain" means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

"Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

"Organic feedstocks" means source separated organic materials including bulking agents suitable for vermicomposting, composting, anaerobic digestion, and other processes that transform organic materials into usable or marketable materials.

"Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, wood waste, and garden wastes.

"Other conversion technologies" means processes that transform organic feedstocks into useable or marketable materials, but does not include composting, vermicomposting, or anaerobic digestion.

"Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

Appendix A (continued)

"Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

"Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

"Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatever.

"Physical contaminants" as they relate to incoming feedstocks and compost quality means inorganic and organic constituents that are not readily decomposed during the composting process including, but not limited to, plastics, glass, textiles, rubber, leather, metal, ceramics, polystyrene, and wood pieces containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

"Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

"Point of compliance" means a point established in the groundwater by the jurisdictional health department as near a possible source of release as technically, hydrogeologically and geographically feasible.

"Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

"Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

"Post-consumer food waste" means source separated organic materials originally intended for human consumption including, but not limited to, vegetables, fruits, grains, meats and dairy products resulting from serving food. Post-consumer food waste is typically collected from cafeterias, homes, and restaurants.

"Preconsumer animal-based wastes" means source separated organic materials from animals such as meat, fat, dairy, or eggs that are a result of food preparation for human consumption or are products that did not reach the intended consumer. Preconsumer animal-based wastes are typically collected from food processing facilities and grocery stores.

"Preconsumer vegetative waste" means source separated organic materials from vegetables, such as pits, peels, and pomace from human food preparation, or vegetable products that did not reach the consumer. Preconsumer vegetative wastes are typically collected from food processing facilities and grocery stores.

"Premises" means a tract or parcel of land with or without habitable buildings.

"Private facility" means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

Appendix A (continued)

"Processing" means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

"Product take-back center" means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

"Public facility" means a publicly or privately owned facility that accepts solid waste generated by other persons;

"Putrescible waste" means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

"Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

"Recyclable materials" means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

"Representative sample" means a sample that can be expected to exhibit the average properties of the sample source.

"Reserved" means a section having no requirements and which is set aside for future possible rule making as a note to the regulated community.

"Reusable containers" means containers that are used more than once to handle solid waste, such as garbage cans.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of the facility.

"Run-on" means any rainwater or other liquid that drains over land onto any part of a facility.

"Scavenging" means the removal of materials at a disposal facility, or intermediate solid waste-handling facility, without the approval of the owner or operator and the jurisdictional health department.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

"Setback" means that part of a facility that lies between the active area and the property boundary.

"Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated.

## Appendix A (continued)

"Soil amendment" means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage sludge—Biosolids and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

"Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

"Solid waste handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Specified risk material" means the skull, brain, trigeminal ganglia (nerves attached to brain and close to the skull exterior), eyes, spinal cord, distal ileum (a part of the small intestine), and the dorsal root ganglia (nerves attached to the spinal cord and close to the vertebral column) of cattle aged thirty months or older.

"Storage" means the holding of solid waste materials for a temporary period.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

"Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of nonearthen materials to provide structural support.

"Throughput" means the amount of incoming feedstocks in tons or cubic yards that a solid waste facility processes in a given amount of time, such as a calendar year. Throughput is identified by the conditions of exemption, the permit, or the plan of operations as approved by the jurisdictional health department or the department.

"Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

## Appendix A (continued)

"Treatment" means the physical, chemical, or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

"Twenty-five-year storm" means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

"Universal wastes" means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

"Unstable area" means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

"Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

"Vector" means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

"Vermicomposting" means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wood derived fuel" means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthenate, or copper-chrome-arsenate.

"Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

Appendix A (continued)

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

"Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

[Statutory Authority: RCW 70.95.020(3), 70.95.060(1), 70.95.260(6), 70.95.305, 70.95.330. WSR 13-08-016 (Order 10-06), § 173-350-100, filed 3/25/13, effective 4/25/13. Statutory Authority: Chapter 70.95 RCW. WSR 05-11-033 (Order 04-12), § 173-350-100, filed 5/10/05, effective 6/10/05; WSR 03-03-043 (Order 99-24), § 173-350-100, filed 1/10/03, effective 2/10/03.]

WAC 480-70-011 - Exempt operations.

(1) The following collection and hauling operations are not regulated by the commission:

(a) The operations of a company conducted under a contract for solid waste collection service with a city or town (refer to RCW 81.77.020);

(b) The operations of a city or town that itself provides solid waste collection service (refer to RCW 81.77.020);

(c) The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(d) The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(e) The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (refer to RCW 81.77.140);

(f) The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (refer to RCW 81.77.140);

(g) The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste;

(h) The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service; or

(i) The operations of carriers transporting loads either from a transfer station to a disposal site or between disposal sites (refer to RCW 36.58.050).



Appendix A (continued)

(2) The following collection and hauling operations are not regulated by the commission as solid waste:

(a) The operations of a carrier operating under a permit issued by the commission under chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste. This exemption does not apply if the carrier holds itself out to the public as a transporter of solid waste. Examples of this type of operation include, but are not limited to:

(i) A dump truck operator, who as a part of performing dump truck operations in conjunction with building or construction projects, hauls an occasional load to a disposal site; or

(ii) A household goods carrier who transports to a disposal site the used packing materials from a shipment of household goods that the carrier transported.

(b) A carrier collecting or transporting recyclable materials from a drop box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation. This type of operation is regulated under chapter 81.80 RCW as transportation of general commodities.

(3) A carrier transporting commercially salable earth that is used as fill, road ballast, or aggregate is regulated under chapter 81.80 RCW as a transporter of general commodities.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-011, filed 3/23/01, effective 4/23/01.]

WAC 480-70-016

Determination of authority required to transport specific commodities or provide specific services.

(1) Chapter 81.77 RCW is intended to cover operations of carriers whose primary business is transporting solid waste for collection and/or disposal. Persons holding permits issued by the commission under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they transport solid waste to a disposal site on more than an occasional basis, or if they hold themselves out to the public as providing solid waste collection service.

(2) In some instances carriers may be engaged extensively in both motor freight and solid waste collection operations. In cases where such operations are separable, carriers may be required to hold both a solid waste certificate under the provisions of chapter 81.77 RCW and a motor carrier permit under the provisions of chapter 81.80 RCW in order to provide both services. In each case it is within the discretion of the commission to determine whether a carrier is required to hold both a motor carrier permit and a solid waste certificate.

(3) In some instances, transportation of a specific commodity may be subject to commission regulation under the provisions of chapter 81.80 RCW, or as solid waste under the provisions of chapter 81.77 RCW, depending on the circumstances involved in the transportation of that commodity. For example, if soil is transported to a landfill to become part of the cover of the landfill, the transportation is subject to regulation as a motor carrier under the provisions of chapter 81.80 RCW. However, if the soil is being transported to a landfill merely for disposal, the transporter is subject to regulation as a solid waste collection company under the provisions of chapter 81.77 RCW.

Appendix A (continued)

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

- (a) The intent of the shipper;
- (b) The intended destination of the shipment;
- (c) The actual destination of the shipment;
- (d) Special handling or conditions placed on the shipment by the shipper and/or receiver;
- (e) The value of the commodity being transported;
- (f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and
- (g) Whether the carrier holds itself out to the public as a transporter of solid waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-016, filed 3/23/01, effective 4/23/01.]

WAC 480-70-041

Definitions, general.

(See WAC 480-70-226 (Tariffs, definitions used in) for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Application docket" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

"Biomedical waste" means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

Appendix A (continued)

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

"Biohazardous or biomedical waste generator" means any person, by site, whose act or process produces infectious waste, or whose act first caused an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purposes of these rules.

"Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

"Business of transporting solid waste for collection and/or disposal for compensation" means those carriers who are primarily in the specialized business of solid waste for collection and/or disposal.

"Cancellation" means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

"Certificate" means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW for the operation of solid waste collection companies.

"Certificated authority" means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

"City regulation" means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

"Classes of companies":

"Class A company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

"Class B company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of less than five million dollars.

"Class C company" means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for specific customers or providing only on-call or nonscheduled service.

"Classes of service" means either commercial, specialized, drop box, or residential service.

Appendix A (continued)

"Company" means a solid waste collection company.

"Commercial authority" means authority to provide solid waste collection service to business, institutional, or industrial generators.

"Commercial recycling service" means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter 81.80 RCW.

"Commercial service" means solid waste collection service provided to a business, institutional, or industrial generator.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports solid waste by motor vehicle for compensation.

"Construction debris" or "construction waste" means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Demolition waste" or "demolition debris" means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

"Disinfect" means to cleanse by destroying harmful microorganisms.

"Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

"Dump truck operator" means a carrier holding a permit under chapter 81.80 RCW engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid waste. Dump truck operations are usually conducted during the daytime; are local in character; are somewhat seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Garbage" means those materials of solid waste that are putrescible.

"Garbage and refuse." Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

Appendix A (continued)

"Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 C.F.R. Part 262.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

"Incinerator" means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

"Land-treatment facility" means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

"Multiple-family residence" or "multifamily residence" means any structure housing two or more dwelling units.

"Multifamily service" means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

"Nonputrescible" means not capable of being readily decomposed by microorganisms.

"Occasional" means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

"Packer" means a device or vehicle specially designed to compress loose materials.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Private carrier" means a person who transports solid waste in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

EXCEPTION: A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Private road" means a road not normally available for use by the public.

Appendix A (continued)

"Public highway" means every street, road, or highway in this state normally available for use by the public.

"Putrescible" means capable of being readily decomposed by microorganisms.

"Recyclable materials" means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

"Recycling" means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

"Refuse" means those materials of solid waste that are not putrescible.

"Residence" means the regular dwelling place of an individual or individuals.

"Residential authority" means authority to provide solid waste collection from residences.

"Residential recycling service" means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

"Residential service" means solid waste collection from residences.

"Sewer sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW, and is transported to a site for disposal.

"Shipping paper" means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required in WAC 480-70-401 (Payment options).

"Small business" means any company that has fifty or fewer employees.

"Solid waste" or "solid wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles; and
- Source-separated recyclable materials collected from single and multifamily residences.

Appendix A (continued)

"Solid waste collection" means collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle, for collection and/or disposal over the highways of the state of Washington for compensation.

"Solid waste collection company" means every common carrier, including a contract carrier, who provides solid waste collection service.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Specialized solid waste collection company" means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

"State" means the state of Washington.

"Subsidiary" means any company in which the solid waste company owns directly or indirectly five percent or more of the voting securities, unless the solid waste company demonstrates it does not have control.

"Suspension" means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

"Tariff" means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

"Tariff service territory" means a company-defined geographic division of its certificated authority in which a specific tariff applies.

"Third-party waste broker" means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

"Traditional solid waste collection company" means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

"Transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tipping fees that cover the cost of providing the containers and the use

Appendix A (continued)

of the facility are charged, then such detachable containers constitute a transfer station. (Refer to RCW 36.58.030.)

"Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious. Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

"Vehicle" means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

"Yard waste" or "yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-041, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-041, filed 3/23/01, effective 4/23/01.]



Appendix B

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties against:

DOCKET TG-143802

SETTLEMENT AGREEMENT

BOBBY WOLFORD TRUCKING &  
SALVAGE, INC. d/b/a BOBBY  
WOLFORD TRUCKING &  
DEMOLITION, INC.

1            This Settlement Agreement is a full settlement pursuant to WAC 480-07-730  
because it is an agreement between all parties that resolves all issues raised in the above  
docket.

**I. PARTIES**

2            The parties to this Settlement Agreement are Bobby Wolford Trucking & Salvage,  
Inc. d/b/a Bobby Wolford Trucking & Demolition, Inc. (Bobby Wolford Trucking or  
Company) and the Staff of the Washington Utilities and Transportation Commission (Staff)  
(collectively, “the Parties”).

**II. AGREED FACTS**

3            Under Washington law, a solid waste collection company may not advertise, solicit,  
offer, or enter into an agreement to haul solid waste for compensation without a  
Commission-issued certificate of convenience and necessity. RCW 81.77.040.

4            Staff began an investigation into Bobby Wolford Trucking in September 2014  
following an informal complaint from a certificated solid waste collection company alleging  
that Bobby Wolford Trucking was hauling demolition debris from the Everett Boeing Plant  
to the Snohomish County Airport Road Transfer Station (ARTS). The complaint claimed  
that the Company was hired by PCI Democon to pick up the demolition debris and transport  
it to ARTS for disposal.

SETTLEMENT AGREEMENT - Page 1 of 6

## Appendix B (continued)

5 Staff contacted Bobby Wolford Trucking on September 17, 2014, by email, outlining the complaint and requesting information about the alleged operations. On October 3, 2014, Staff sent a letter to the Company providing a summary of Staff's investigation and further technical assistance. On October 16, 2014, the Company responded to Staff's letter through its legal representative, explaining that it received orders from PCI Democon to haul demolition waste materials for disposal and that its new dispatcher was, at the time, inexperienced and did not recognize the problem. The Company represented that it immediately stopped hauling from the Everett site to the ARTS.

6 Staff received information from Snohomish County Department of Public Works (Public Works) on October 28, 2014, in response to a public records request, which showed 191 charges posted to the PCI Democon account by Bobby Wolford Trucking for hauls to the ARTS between September 2 and September 30, 2014. Each of these charges represented a haul. Commission Staff clarified with Public Works staff that Bobby Wolford Trucking did all the trucking for PCI Democon, and all the hauls were identified to vehicles belonging to Bobby Wolford Trucking.

7 On January 16, 2015, the Commission served on Bobby Wolford Trucking an Order Instituting Special Proceeding and Notice of Hearing; Complaint Seeking to Impose Penalties, and Notice of Hearing (Order 01). Order 01 alleged that Bobby Wolford Trucking violated RCW 81.77.040 on 191 occasions by operating for the hauling of solid waste for compensation without first having obtained from the Commission a certificate of public convenience and necessity. With Order 01, the Commission sent a Subpoena and Subpoena Duces Tecum (Order 02) requiring Bobby Wolford Trucking to bring specific documents to the hearing, as well as a copy of Staff's investigation report. The Commission scheduled the matter for hearing on February 18, 2015.

SETTLEMENT AGREEMENT - Page 2 of 6

Appendix B (continued)

8           Prior to the hearing, the Parties engaged in settlement discussions, which resulted in this Settlement Agreement. As part of the settlement discussions, Bobby Wolford Trucking supplied Staff with certain information covered by Order 02. That information revealed, in part, that the Company billed a total of \$41,186.30 for the 191 hauls that were the subject of Order 01.

9           On February 11, 2015, the Parties jointly requested temporary suspension of the procedural schedule to provide additional time to finalize and memorialize their agreement. On February 12, 2015, the Commission issued a notice suspending the procedural schedule and requiring filing of settlement documents or a status report by February 25, 2015.

**III. AGREEMENT**

10           The Parties have reached settlement agreement on the issues raised in the above docket and present their agreement for the Commission’s consideration and approval. The Parties therefore adopt the following Settlement Agreement, which the Parties enter into voluntarily, to resolve the matters in dispute between them and to expedite the orderly disposition of this proceeding.

11           Staff recommends and the Parties agree that Bobby Wolford Trucking should be directed to cease and desist from providing all forms of solid waste collection services that require a certificate from the Commission pursuant to RCW 81.04.510. This includes, but is not limited to, transporting solid waste materials for compensation from a demolition project to a transfer station, unless such service is an incidental part of a clean-up or site restoration service provided by the Company.

12           Bobby Wolford Trucking admits that 191 violations of RCW 81.77.040 occurred, as alleged in Order 01. Staff recommends and the Parties agree that the Commission should assess a total penalty in the amount of \$41,186.30, which equals the total amount the  
SETTLEMENT AGREEMENT - Page 3 of 6

Appendix B (continued)

Company billed for the 191 hauls. Staff recommends and the Parties agree that Bobby Wolford Trucking will pay to the Commission penalties totaling \$20,000 in 11 consecutive monthly installments of \$1,667 and a 12<sup>th</sup> monthly installment of \$1,663, each of which is due and payable no later than the twenty-sixth day of each month beginning in March 2015. Bobby Wolford Trucking may make payments in advance of these due dates to discharge its payment obligation. Any prepayment of the penalty amount will be credited to the last date an installment is due. If the Company however fails to pay any installment by the due date, the entire remaining balance of payments, including any suspended portion of the penalty, will become immediately due and payable without further Commission order.

13 Staff recommends and the Parties agree that the remaining \$21,186.30 penalty amount shall be suspended for, and waived after, one year from the date the Commission approves this Settlement Agreement, provided that Bobby Wolford Trucking, upon inspection by Staff, incurs no repeat violations of RCW 81.77.040 during that year.

14 Staff will commence a review within one year from the date the Commission approves this Settlement Agreement and will provide Staff's recommendation as to whether the suspended penalty in paragraph 13 should be waived or imposed.

**IV. GENERAL PROVISIONS**

15 The Parties agree that this Settlement Agreement reflects the settlement of all contested issues between them in this proceeding. The Parties understand that this Settlement Agreement is not binding unless and until accepted by the Commission.

16 The Parties agree to cooperate in submitting this Settlement Agreement promptly to the Commission for acceptance. The Parties agree to support adoption of this Settlement Agreement in proceedings before the Commission through testimony or briefing. No party

Appendix B (continued)

to this Settlement Agreement or their agents, employees, consultants, or attorneys will engage in advocacy contrary to the Commission's adoption of this Settlement Agreement.

17           The Parties agree (1) to provide each other the right to review in advance of publication any and all announcements or news releases that the other party intends to make about the Settlement Agreement (with the right of review to include a reasonable opportunity to request changes to the text of such announcements) and (2) to include in any news release or announcement a statement that the Staff's recommendation to approve the settlement is not binding on the Commission itself.

18           Nothing in this Settlement Agreement shall limit or bar any other entity from pursuing legal remedies against Bobby Wolford Trucking or Bobby Wolford Trucking's ability to assert defenses to such claims.

19           The Parties have entered into this Settlement Agreement to avoid further expense, inconvenience, uncertainty, and delay of continuing litigation. The Parties recognize that this Settlement Agreement represents a compromise of the Parties' positions. As such, conduct, statements, and documents disclosed during negotiations of this Settlement Agreement shall not be admissible as evidence in this or any other proceeding, except in any proceeding to enforce the terms of this Settlement Agreement or any Commission order fully adopting those terms. This Settlement Agreement shall not be construed against either party because it was a drafter of this Settlement Agreement.

20           The Parties have negotiated this Settlement Agreement as an integrated document to be effective upon execution and Commission approval. This Settlement Agreement supersedes all prior oral and written agreements on issues addressed herein. Accordingly, the Parties recommend that the Commission adopt this Settlement Agreement in its entirety.

Appendix B (continued)

21 The Parties may execute this Settlement Agreement in counterparts and as executed shall constitute one agreement. Copies sent by facsimile or electronic mail are as effective as original documents.

22 The Parties shall take all actions necessary, as appropriate, to carry out this Settlement Agreement.


23 In the event that the Commission rejects or modifies any portion of this Settlement Agreement, each party reserves the right to withdraw from this Settlement Agreement by written notice to the other party and the Commission. Written notice must be served within ten business days of the Order rejecting part or all of this Settlement Agreement. In such event, neither party will be bound or prejudiced by the terms of this Settlement Agreement, and either party shall be entitled to seek reconsideration of the Order.

Respectfully submitted this 25<sup>th</sup> day of February, 2015.

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

BOBBY WOLFORD TRUCKING &  
SALVAGE, INC. d/b/a BOBBY  
WOLFORD TRUCKING &  
DEMOLITION, INC.

ROBERT W. FERGUSON  
Attorney General



CHRISTOPHER M. CASEY  
Assistant Attorney General  
Counsel for the Utilities and  
Transportation Commission Staff

ELIZABETH ALVORD  
Counsel for Bobby Wolford Trucking &  
Salvage, Inc. d/b/a Bobby Wolford  
Trucking & Demolition, Inc.

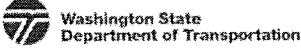
Dated: Feb. 25, 2015

Dated: \_\_\_\_\_, 2015

Appendix C

9:24:33 AM 12/8/2015

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- [Ferry Cameras](#)
- [Contact WSF](#)

## Goodbye tank farm, hello new Mukilteo ferry terminal

**Date:** Thursday, August 06, 2015

**Contact:** Ian Sterling, WSF communications, 206-615-3959 (Seattle)

**Pier removal to eliminate 4 percent of toxic creosote left in Puget Sound**

SEATTLE – Demolition of the Mukilteo tank farm pier has begun. The work makes way for a new terminal to replace Washington State Ferries' existing, 60-year-old facility in Mukilteo. The project will result in a cleaner Puget Sound by removing 7,000 tons of toxic creosote-soaked timber piles, about 4 percent of the remaining creosote in the sound.

"This is a significant milestone for the project. Once the tank farm pier is removed, we can begin building the new terminal, bringing us one step closer to a modern, seismically sound ferry terminal," said Terminal Engineering Director Nicole McIntosh.

The [Mukilteo Multimodal Project](#) will bring critical improvements to the Mukilteo/Clinton ferry route, the state's busiest for vehicle traffic, carrying more than two million vehicles and nearly four million riders annually. The new ferry terminal will separate pedestrians and vehicles for safer, more efficient loading. Its location near the Mukilteo Sounder Station will improve access to transit. The terminal will also be designed to better withstand earthquakes.

Design of the new terminal is currently underway and WSF will seek public input at open houses this fall.

"Getting to this point is a direct result of the strong collaboration between WSF and our local, state, federal and tribal project partners," said Lynne Griffith, Assistant Secretary for Washington State Ferries. "I think I speak for all involved when I express my excitement that we are on our way to building a new ferry terminal in Mukilteo."

During construction, the work area and surrounding waters are closed to divers and other recreational users.

The Washington State Legislature recently approved funding to complete construction of the terminal. The \$129 million Mukilteo Multimodal Project will be paid for by a mix of federal and state funds. The new terminal is set to open in 2019.

0
 14

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Appendix D



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

September 24, 2015

Bobby Wolford  
Bobby Wolford Trucking and Salvage, Inc.  
22014 West Bostian Road  
Woodinville, WA 98072

**RE: Solid Waste Hauling – Mukilteo pier removal project**

Dear Mr. Wolford:

The UTC received a complaint about Bobby Wolford Trucking hauling waste materials from a demolition project being conducted at the Mukilteo pier by Pacific Pile & Marine. Specifically, the complaint alleges that Bobby Wolford trucking is hauling pier materials (pilings) from the Pacific Pile & Marine facility in Seattle, to the Cathcart transfer station in Snohomish County for disposal.

As you know, providing solid waste collection service without the proper authority from the UTC is against the law, and may subject your company to enforcement action.

By **October 2, 2015**, please provide a written response to the allegations in the complaint and the details of the service being provided by Bobby Wolford Trucking for this project. Please include the following information in your response:

- A copy of any contracts between Pacific Pile & Marine and Bobby Wolford Trucking pertaining to the hauling of pier materials.
- Copies of tip receipts pertaining to the project from the Cathcart transfer station.

If you have questions, please contact Pam Smith, Compliance Investigator. Mrs. Smith can be reached at [psmith@utc.wa.gov](mailto:psmith@utc.wa.gov) or by telephone at 360-664-1320.

Sincerely

David Pratt  
Assistant Director, Transportation Safety

Respect. Professionalism. Integrity. Accountability.



Appendix E

**Elizabeth Alvord**

In-House Counsel

Bobby Wolford Trucking & Demolition, Inc.

22014 W. Bostian Rd.

Woodinville, WA 98072

October 6, 2015

State of Washington

Utilities and Transportation Commission

ATTN: David Pratt, Assistant Director, Transportation Safety

1300 S. Evergreen Park Dr. S.W.

P.O. Box 47250

Olympia, WA 98504-7250

Re: Mukilteo Pier removal project – Response to Complaint

Dear Mr. Pratt:

As legal counsel for Wolford Trucking, I am writing in response to your letter dated September 24, 2015 concerning a complaint you received about my client's services on the Mukilteo Pier removal project.

Per your request, I will forward copies of tip receipts pertaining to the project from the Cathcart transfer station. You have also requested a copy of any contract between Pacific Pile and Marine and Bobby Wolford Trucking, pertaining to the hauling of pier materials, however Wolford Trucking was hired by Pacific Pile via a verbal agreement, hence there is not written contract

To begin, we would like to thank the Commission for granting us some extra time to submit this response. With those extra days, we were able to speak to Snohomish County Solid Waste, Pacific Pile and Marine as well as other haulers on this project. Our goal was to provide the Commission with a meaningful response to the complaint with the hope of resolving this matter as quickly and efficiently as possible.

Appendix E (continued)

In late August 2015, Pacific Pile and Marine contacted Wolford Trucking about hauling materials from the Mukilteo Pier demolition project. While the Pier is located in Snohomish

County, the demolition materials were being transported, via barge, from Mukilteo to Pacific Pile's facility in Seattle. These materials largely consisted of gigantic timbers that were used for pier pilings. Due to the massive size of the pilings, it was determined that the only safe and efficient means for transporting them, was to use end dump trailers. End dump trailers are extremely large, with very tall sides, making them the only logical choice for this job.

When Pacific Pile went in search of end dump trailers however, it discovered that *none* of the local solid waste haulers (Republic Services, Rubatino Refuse Removal, Waste Management) have these specialized trailers. But, Wolford Trucking did.

My client transported the pilings with their end dump trailers because there was an immediate, urgent, public interest need for it and Wolford was uniquely able to perform. We ask that the Commission interview Pacific Pile and Marine and inquire about the local solid waste carriers inability to provide this service. We ask the Commission to consider the important public interest this served. Under the circumstances, we are asking that this Commission issue Wolford Trucking a temporary solid waste hauling certificate to allow it to continue providing end dump trailer hauling for Pacific Pile and to apply this temporary certificate retroactively from the date this project began in late August. WAC 480-70-131.

We appreciate the Commission's understanding of this unique situation. We welcome the opportunity to discuss this further. If you have any questions please do not hesitate to contact me. Thank you.

Sincerely,

Elizabeth Alvord  
Attorney

Cc: Bobby Wolford Trucking and Demolition, Inc.

*This letter and its entire contents are subject to ER 408.*

Appendix F

**From:** Smith, Pam (UTC)  
**To:** [ealvordattorney@yahoo.com](mailto:ealvordattorney@yahoo.com)  
**Subject:** Wolford Trucking  
**Date:** Wednesday, October 07, 2015 1:54:30 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[SW\\_application.pdf](#)

---

Dear Ms. Alvord:

I received your response to David Pratt's request for information regarding the Mukilteo Pier removal project. In the letter you requested that the Utilities and Transportation Commission (UTC) issue Wolford Trucking a temporary solid waste hauling certificate to allow Wolford Trucking to continue providing hauling for Pacific Pile and to apply the temporary certificate retroactively from the date the project began in late August.

According to WAC 480-70-131, temporary certificate applications must meet the requirements of WAC 480-70-091. The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. Temporary certificates are not issued retroactively. I am providing links to WAC 480-70-131 [link](#) and WAC 480-70-091 [link](#), and attached a solid waste application packet.

If you have questions about the application process, please contact our Licensing Services section at 360-664-1222.

Sincerely,

Pam Smith  
Compliance Investigator  
Transportation Safety  
Utilities and Transportation Commission  
(360) 664-1320  
[psmith@utc.wa.gov](mailto:psmith@utc.wa.gov)



Appendix G



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

October 28, 2015

Elizabeth Alvord  
In-House Counsel  
Bobby Wolford Trucking & Demolition  
22014 W. Bostian Rd.  
Woodinville, WA 98072

RE: Mukilteo pier removal project investigation

Dear Ms. Alvord:

The Utilities and Transportation Commission transportation safety staff is continuing their investigation of the alleged solid waste hauling performed by Bobby Wolford Trucking during the Mukilteo pier removal project. In order to complete our investigation we will need the following documents:

1. The date Bobby Wolford Trucking began hauling pilings from the Pacific Pile & Marine barge in Seattle to the Cathcart facility.
2. The date Bobby Wolford Trucking stopped hauling pilings from the Pacific Pile & Marine barge in Seattle to the Cathcart facility.
3. Copies of all contracts, payments, invoices, and related paperwork between Bobby Wolford Trucking and Pacific Pile & Marine for the pier removal project.
4. The amount of material hauled and number of loads transported by Bobby Wolford Trucking to the Cathcart facility related to the pier removal project.
5. Tip records and receipts from the Cathcart facility for all Bobby Wolford Trucking activity related to the pier removal project.

Please provide the records and documents requested by **November 15, 2015**. If you have any questions please contact Pam Smith, Compliance Investigator by email at [psmith@utc.wa.gov](mailto:psmith@utc.wa.gov) or by telephone at 360-664-1320.

Sincerely,

David Pratt  
Assistant Director, Transportation Safety

Respect. Professionalism. Integrity. Accountability.

Appendix H

Elizabeth Alvord  
In-House Counsel  
Bobby Wolford Trucking & Demolition, Inc.  
22014 W. Bostian Rd.  
Woodinville, WA 98072

November 16, 2015

State of Washington  
Utilities and Transportation Commission  
ATTN: David Pratt, Assistant Director, Transportation Safety  
1300 S. Evergreen Park Dr. S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Mukilteo Pier removal project

Dear Mr. Pratt:

The following information is submitted in response to your letter dated October 28, 2015. Please also refer to my letter dated October 6, 2015 concerning this same subject matter. That letter provides important information and facts in support of the public interest purpose behind Pacific Pile's use of Wolford's end dump trailers.

The responses provided below correspond with the questions posed in your letter of October 28, 2015:

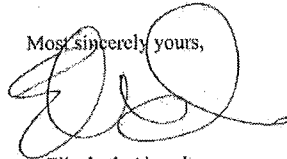
1. On or around 8/23/15.
2. On or around 9/29/15.
3. Please see attached.
4. Approximately 1,313.29 (one-thousand three hundred thirteen and twenty-nine) tons; 164 (one hundred sixty four) loads.
5. Please see attached.

In conclusion, my client wishes to urge the Commission to talk with Jim Luebeck, Project Engineer of Pacific Pile & Marine (206) 617-4335 email: [jiml@pacificpile.com](mailto:jiml@pacificpile.com). Mr. Luebeck will confirm the critical public interest Wolford's end dump trailers served on this project and that no other solid waste hauler in the area could perform this job. Please also note that my client has submitted an application for a solid waste carrier certificate for the specific use of end dump and side dump trailers.

Appendix H (continued)

Thank you for your consideration of the important public service Wolford Trucking provided in this project. If you have any further questions please don't hesitate to contact me.

Most sincerely yours,

A handwritten signature in black ink, appearing to read 'Elizabeth Alvord', written in a cursive style.

Elizabeth Alvord

cc: Bobby Wolford Trucking and Demolition, Inc.

Appendix I



TG-152228-CT

RECEIVED

1300 S. Evergreen Park Dr. SW  
PO Box 47250  
Olympia, WA 98504-7250  
Phone: 360-664-1222  
Fax: 360-596-1381  
www.utc.wa.gov

NOV 18 2016

*Bobby Wolford Trucking & Salvage, Inc.*

APPLICATION FOR A SOLID WASTE COLLECTION COMPANY CERTIFICATE

Type of Solid Waste Authority Requested	Fee Required
<p><u>Permanent Authority</u> – (check appropriate box below) Complete entire application and submit a proposed tariff as outlined in the standard tariff form. (WAC 480-70-091)</p> <p><input checked="" type="checkbox"/> <u>New Certificate</u></p> <p><input type="checkbox"/> Extension of Certificate G- _____</p> <p><input type="checkbox"/> Transfer of authority – Certificate G- _____</p> <p style="padding-left: 20px;"><input type="checkbox"/> Complete Attachment B</p> <p style="padding-left: 20px;"><input type="checkbox"/> Closing annual report of current company</p> <p><input type="checkbox"/> Lease of authority – Certificate G- _____</p> <p style="padding-left: 20px;"><input type="checkbox"/> Complete Attachment B</p> <p><input type="checkbox"/> Reinstatement of cancelled authority – Certificate G- _____</p> <p style="padding-left: 20px;">(must be filed within 30 days of cancellation). Include a statement justifying the reinstatement and complete sections 1, 2, and 8</p>	\$200
<p><u>Temporary Authority</u> – (WAC 480-70-131)</p> <p><input type="checkbox"/> New temporary authority</p> <p style="padding-left: 20px;"><input type="checkbox"/> Complete Attachment A</p> <p><input type="checkbox"/> Temporary authority to operate pending a commission decision on a concurrently filed certificate application.</p> <p><input type="checkbox"/> Expedited temporary authority – to meet an immediate or urgent need for a period of not more than 30 days</p> <p style="padding-left: 20px;"><input type="checkbox"/> Complete Attachment A</p>	\$25
<p><u>Name Change</u> – (WAC 480-70-121) There can be no change in ownership.</p> <p><input type="checkbox"/> Change of corporate name</p> <p><input type="checkbox"/> Change of trade name</p> <p><input type="checkbox"/> Addition or new trade name</p> <p><input type="checkbox"/> Change of surname of an individual owner or partner</p> <p style="padding-left: 20px;"><input type="checkbox"/> Complete Attachment C</p>	\$35
<p><u>Mortgage</u> – including requests for permission to mortgage or otherwise encumber a certificate (WAC 480-70-116)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Complete Attachment D</p>	\$35

FOR OFFICIAL USE ONLY			
Date Filed: <i>11/18/15</i>	Insurance: <i>FORM 9</i>	Docket # TG-	Cert Issued: G-
Staff Assigned: <i>Stowell</i>	Tariff:	ID # <i>H28106</i>	Map:
<i>DOL/SOR</i>	Receipt ID: <i>56842</i>	227.02 032-20	Related App ID#:

001 111 0268 227 02 \$200.00 # 98086

056842

Page 3

Appendix I (continued)

**SECTION 1 – APPLICANT INFORMATION**

RECEIVED

Legal Name of Applicant: BOBBY WOLFORD TRUCKING AND SALVAGE, INC.

NOV 18 2015

Trade Name(s) (if applicable): BOBBY WOLFORD TRUCKING AND DEMOLITION, INC. SH, UT, & TP, COMM

Business Address

Mailing Address (if different from Business Address)

Street: 22014 W. BOSTIAN RD

Street: {SAME}

City/State/Zip: WOODINVILLE, WA 98072

City/State/Zip: \_\_\_\_\_

Phone Number: (425) 481-1800

Fax Number: (425) 486-6613

Email: elizabeth@wolfordtrucking.com

USDOT number: 504104

**SECTION 2 – BUSINESS INFORMATION**

Unified Business Identifier #: 600-620-859

State of Inc. WA

Type of business structure:  Individual  Partnership  Corporation  Other (LP, LLP, LLC)

List the name, title, and percentage of partner or member's share, or stock distribution for major stockholders.

<u>Name</u>	<u>Title</u>	<u>Stock Distribution or % of Shares</u>
<u>ROBERT C. WOLFORD</u>	<u>PRESIDENT</u>	<u>100%</u>
_____	_____	_____
_____	_____	_____

Do you currently hold, or have you ever held a solid waste certificate?

Bobby Wolford Trucking and Demolition (Wolford Recycling Facility) holds a Solid Waste Facility Permit from Snohomish County, #SW-132.

Have you ever applied for and been denied a certificate to transport solid waste?

X No  Yes If yes, please explain: \_\_\_\_\_

Indicate the commodity to be hauled: Construction and demolition debris and/or recyclable materials.

Please describe the territory in which you wish to operate, include the name, address, and county for disposal of waste and the name, address and county where residential recycling materials will be delivered. (NOTE: Territory must be described using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries or other geographic description:

Snohomish and King Counties. Recycling materials will be delivered to Wolford Recycling Facility at 22014 W. Bostian Rd, Woodinville, WA 98072.



Appendix I (continued)

Please attach a map that meet the requirements of WAC 480-70-056 and clearly shows the territory described above.

State below the conditions that justify granting of this application. If you are applying for temporary certificate authority, be sure your statement addresses and support the question of "immediate and urgent need":

Please tell us about your experience and knowledge of transportation or solid waste, including knowledge of motor carrier driver and equipment safety requirements:

Have you been cited for violation of state laws or Commission rules?  No  Yes  
If yes, please explain:

**SECTION 3 – FINANCIAL STATEMENT**

Please include a Balance Sheet, Profit and Loss Statement, or business plan.

ASSETS		LIABILITIES	
Cash in Bank	\$ 290403	Salaries/Wages Payable	\$
Notes Receivable	\$ 287000	Accounts Payable	\$ 146858
Accounts Receivable	\$ 1626086	Notes Payable	\$ 348374
Investments	\$	Mortgages Payable	\$
Other Current Assets	\$ 1827	Contracts and Bonds Payable	\$
Prepaid Expenses	\$	<b>TOTAL LIABILITIES</b>	<b>\$ 495232</b>
Land and Buildings	\$ 73383	NET WORTH	
Trucks and Trailers	\$ 752116	Preferred Stock	\$
Office Furniture	\$	Common Stock	\$ 50000
Other Equipment	\$ 134594	Retained Earnings	\$ 255507
Other Assets	\$	Capital	\$ 64670
<b>TOTAL ASSETS</b>	<b>\$ 3165409</b>	<b>TOTAL LIABILITIES AND NET WORTH</b>	<b>\$ 3165409</b>

**SECTION 4 - RATES AND TARIFFS**

Is this application to operate under a contract?  No  Yes If yes, submit a copy of each contract under which service will be performed. The contract must contain all the elements states in WAC 480-70-146.

If this application is for temporary authority, a new certificate, or extension of existing certificated authority, you must attach a copy of your proposed tariff using either the standard tariff format included in this package, or an approved alternate format. All tariffs must comply with the provisions of WAC 480-70-226 through WAC 480-70-351.

Appendix I (continued)

Please attach a map that meet the requirements of WAC 480-70-056 and clearly shows the territory described above.

State below the conditions that justify granting of this application. If you are applying for temporary certificate authority, be sure your statement addresses and support the question of "immediate and urgent need": Bobby Wolford Trucking and Demolition, Inc. is one of very few trucking companies in Snohomish and King Counties with specialized "End Dump" and "Side Dump" trailers\*. None of the current solid waste haulers in these counties have these type of haulers. End Dumps and Side Dumps are of vital importance for solid waste transportation. These trailers can perform jobs that no regular solid waste hauler can because they can safely haul extremely large quantities of material and/or extremely large pieces of material. A good example of how important these trailers are for efficient solid waste hauling is the recent Mukilteo Pier removal project. In that case, end dump trailers served a critical function; because of their huge carrying capacity and high side walls, the pilings were able to be safely hauled. No regular hauler or container could have done this job so safely and efficiently. End dump and side dump trailers serve a truly unique and important public interest. There is no other carrier in the area that can provide this service. In light of these important factors, Wolford Trucking should be granted a solid waste hauling certificate, limited to the use of end dump and side dump trailer usage, to fill this important public and private service.

- Wolford Trucking has 3, 50 yard end dump trailers; 2, 100 yard end dump trailers; and 4, 30 ton side dump trailers.

Please tell us about your experience and knowledge of transportation or solid waste, including knowledge of motor carrier driver and equipment safety requirements: Bobby Wolford Trucking and Demolition has over 40 years of experience hauling construction and demolition materials. All of its drivers hold CDL's and undergo frequent and thorough safety training instruction and skill development. In addition, Wolford Trucking acquired 4 (four) brand new trucks in 2015 that are used to pull our end and side dump trailers. Our equipment safety requirement standards (FMCSA and DOT) are a constant, critical focus of our business. We strive to meet or exceed all safety standards set for our industry.

Wolford Trucking has a "Satisfactory" safety rating with the FMCSA.

Have you been cited for violation of state laws or Commission rules?  No  Yes

If yes, please explain: In February 2015, Bobby Wolford entered into a settlement agreement with the Commission to resolve complaints that Wolford was hauling demolition debris from the Everett Boeing Plant to the Snohomish County Airport Road Transfer Station. In that instance, just as is the case with the Mukilteo Pier Removal Project, Wolford Trucking was the only trucking company that had end dump trailers to do the job.

**SECTION 3 – FINANCIAL STATEMENT**

Please include a Balance Sheet, Profit and Loss Statement, or business plan. **PLEASE SEE ATTACHED.**

ASSETS		LIABILITIES	
Cash in Bank	\$	Salaries/Wages Payable	\$
Notes Receivable	\$	Accounts Payable	\$
Accounts Receivable	\$	Notes Payable	\$
Investments	\$	Mortgages Payable	\$

Appendix I (continued)

Other Current Assets	\$	Contracts and Bonds Payable	\$
Prepaid Expenses	\$	<b>TOTAL LIABILITIES</b>	\$
Land and Buildings	\$	<b>NET WORTH</b>	
Trucks and Trailers	\$	Preferred Stock	\$
Office Furniture	\$	Common Stock	\$
Other Equipment	\$	Retained Earnings	\$
Other Assets	\$	Capital	\$
<b>TOTAL ASSETS</b>	\$	<b>TOTAL LIABILITIES AND NET WORTH</b>	\$

**SECTION 4 - RATES AND TARIFFS**

Is this application to operate under a contract?  No  Yes If yes, submit a copy of each contract under which service will be performed. The contract must contain all the elements states in WAC 480-70-146.

If this application is for temporary authority, a new certificate, or extension of existing certificated authority, you must attach a copy of your proposed tariff using either the standard tariff format included in this package, or an approved alternate format. All tariffs must comply with the provisions of WAC 480-70-226 through WAC 480-70-351.

Appendix I (continued)

If this application is for a transfer or lease of authority from an existing certificate, you must either file a new tariff at the same rate levels as on file, or you must adopt the current certificate holder's tariff. To file a new tariff, use the standard tariff format ([www.utc.wa.gov](http://www.utc.wa.gov)) or you must seek approval to use an alternate format.

Indicate which option you will use: Check one -  Adopt  File New Tariff

**SECTION 5 - EQUIPMENT LIST**

Describe the equipment that will be used (attach additional sheets if necessary)

PLEASE SEE ATTACHED.

Ownership: Lease, own, or plan to purchase?	Year	Make	License Number	Vehicle ID number	Gross Vehicle Weight	Type of Vehicle

**SECTION 6 - SAFETY AND OPERATIONS**

In each of the categories show below, list the person and position responsible for understanding and complying with the Federal Motor Carrier Safety Regulations (FMCSR) and Washington State laws and rules. Please refer to the WAC rules, Fact Sheets, and publication "Your Guide to Achieving a Satisfactory Safety Rating" for assistance with requirements that may apply to your specific operations.

SAFETY RESPONSIBILITIES	
<b>COMMERCIAL DRIVERS LICENSE (CDL) REQUIREMENTS (Title 49, Code of Federal Regulations Part 393)</b> Any driver who operates a vehicle that meets the definition of a commercial motor vehicle must have a valid CDL.	
Name: CHRIS MILLER	Position: DISPATCHER AND DRIVER GENERAL MANAGER
<b>DRIVER QUALIFICATION REQUIREMENTS (Title 49, Code of Federal Regulations Part 391)</b> Driver's must meet minimum qualification requirements and each company must maintain driver qualification files for each driver.	
Name: CHRIS MILLER	Position: DISPATCHER AND DRIVER GENERAL MANAGER
<b>DRIVERS HOURS OF SERVICE (Title 49, Code of Federal Regulations Part 395)</b> Drivers must maintain logs and each company must maintain true and accurate hours of service records for each driver.	
Name: CHRIS MILLER	Position: DISPATCHER AND DRIVER GENERAL MANAGER
<b>CONTROLLED SUBSTANCES AND ALCOHOL TESTING (Part 382)</b> All persons who drive commercial vehicles requiring a CDL must be in a Controlled Substance and Alcohol Testing program that complies with the FMCSR in 49 CFR Part 382 and 49 CFR Part 40.	
Each company will have in place a system for complying with FMCSR governing alcohol and controlled substances testing requirements (49 CFR Part 382 and 49 CFR Part 40).	
Name: CHRIS MILLER	Position: DISPATCHER AND DRIVER GENERAL MANAGER
<b>INSPECTION, REPAIR AND MAINTENANCE (Title 49, Code of Federal Regulations Part 396)</b> Every motor carrier shall systematically inspect, repair, and maintain all motor vehicles subject to its control.	
Name: JEFF MOORE	Position: HEAD, CERTIFIED, MECHANIC

Appendix I (continued)

OPERATIONAL RESPONSIBILITIES	
<b>TARIFF RATES AND CHARGES (WAC 480-70-226 through WAC 480-70-351)</b> Companies must file with the Commission a tariff showing all rates and charges it will charge its customers, together with rules that govern how rates and charges will be assessed.	
Name: NOT APPLICABLE	Position:
<b>ANNUAL REPORTS and REGULATORY FEES (WAC 480-70-071 &amp; 076)</b> Companies must annually file a report of their financial operations and pay regulatory fees.	
Name: BARB STEVENSON	Position: ACCOUNTS PAYABLE
<b>BIOMEDICAL WASTE (WAC 480-70-429 through 476)</b> Companies that transport biomedical waste must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations (49 CFR Parts 170-189) and the additional requirements in these rules.	
Name: NOT APPLICABLE	Position:
<b>CUSTOMER SERVICE</b> – Person responsible for customer service complaints, customer notice requirements, and compliance with county solid waste plans.	
Name: CHRIS MILLER	Position: DISPATCHER
<b>STATE OF WASHINGTON – general laws, rules and regulations:</b> Individuals and companies doing business in the state of Washington must comply with the regulations of local, state, and federal agencies. Please state the name and position of the person in your organization who will be responsible for ensuring compliance with the laws of the state of Washington, such as, <u>but not limited to:</u> Department of Labor and Industries (industrial insurance, safety, prevailing wage); Department of Licensing (vehicle and drivers licenses, business licensing, Unified Business Identifier (UBI) number, fuel permits, fuel tax); Secretary of State (corporate registrations); Department of Transportation (over-size or over-weight permits); Department of Revenue, Internal Revenue Service (taxes); and Employment Security.	
Name: ROBERT C WOLFORD	Position: PRESIDENT

**SECTION 7 – HEARING INFORMATION**

If the Commission assigns this application for formal hearing, estimate the number of witnesses you will present and the amount of time you will need for your presentation.	
Number of witnesses: 4	Amount of time: 15 minutes per witness (60 mins total)
Will an attorney be representing you? If yes, complete the following:	
Attorney's name: Elizabeth Alvord	Attorney's phone number: 425-505-1865
Attorney's address: 1949 4 <sup>th</sup> St. Kirkland, WA 98033	Fax Number:  E-mail: Elizabeth@alvordbizlaw.com

**SECTION 8 - DECLARATION OF APPLICANT**

I understand that filing this application does not in itself constitute authority to operate as a solid waste collection company. As the applicant for a solid waste collections company certificate, I understand the responsibilities of a solid waste collection company, and I am in compliance with all local, state, and federal regulations governing business in the state of Washington. I certify under penalty of perjury under the laws of the State of Washington that the information contained in this application is true and correct.

Printed name of applicant: Robert C. Wolford

Signature of application:  Title: President

Date: 11/16/15 County/State: Snohomish County, WA