

September 24, 2009

Lincoln County Public Works
Mr. Rick Becker, Director
27234 SR 25 N
Davenport, WA 99122

RE: Comments on the Preliminary Draft of Lincoln County Comprehensive Solid Waste Management Plan TG-091345

Dear Mr. Becker:

The Washington Utilities and Transportation Commission (UTC or commission) has completed its review of the preliminary draft of the Lincoln County's Comprehensive Solid Waste Management Plan Update (Plan).

Commission staff's analysis of the Cost Assessment portion of the Plan shows financial impact to ratepayers served by regulated solid waste collection companies in Lincoln County. The Plan calls for tip fee increases during the five years the plan is in effect. Residential customers could see increases from \$.36 up to \$.55 per month between the years 2010-2014 and commercial customers could see an increase, per yard from zero to \$2.73 based on the projected tip fee increases.

Please see staff's comments on the Plan (attached). Questions or comments should be directed to Penny Ingram at (360) 664-1242 or by email at pigram@wutc.wa.gov.

Sincerely,

David W. Danner
Executive Director and Secretary

cc: James Wavada, Department of Ecology, Eastern Regional Office

Attachment

**ATTACHMENT: COMMISSION STAFF'S COMMENTS ON LINCOLN COUNTY'S
COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN**

General comments:

Throughout the Plan, solid waste collection companies are referred to as "*franchise haulers*." The commission issues to regulated solid waste collection companies Certificates of Public Convenience and Necessity. The word "*franchise*" has a different meaning within the regulatory environment and can cause confusion when it is used to refer to a solid waste collection company regulated by the commission.

In the context of solid waste regulation in the State, the term "*franchise*" refers to when a city, town or municipality contracts for solid waste collection service within its jurisdiction and therefore is exempt from commission regulation (see RCW 81.77.020) or when a city issues a "*franchise*" for large trucks to drive on the roads. Please change all references from "*franchise*" to "*certificate*" or "*certificated*", as applicable, respective to solid waste collection companies regulated by the UTC.

Specific comments:

1. **Page 3-11** - Designation of recyclable materials, last bullet point. Please explain what the county wants to designate as recyclable materials when it refers to "*select MRW/HHW items*".
2. **Page 4-1, Section 4.2.1** - UTC Authority. The UTC issues certificates to companies for exclusive territories, not districts (see definition in WAC 480-70-041 for *certificated authority*).
3. **Page 4-2, Section 4.2.3** - Municipality Authority, third bullet point, please see RCW 35.02.160 Cancellation, acquisition of franchise or permit for operation of public service business in territory incorporated — Regulation of solid waste collection. The statement is incorrect.
4. **Page 4-7 Table 16** - Staff recommends you use the actual name of the company providing service in Lincoln County. Ada-Lin Waste Systems Inc (G-104) is the actual certificate holder and Sunshine Disposal and Recycling is a trade name for Ada-Lin. Staff also advises against publishing disposal rates because the rates may change causing the Plan to become out of date.
5. **Page 4-8 Urban and Rural Designation** – In reference to the first paragraph, last sentence; the UTC does not determine solid waste service levels, however, the UTC does approve the rates for the implementation of a county minimum service level ordinance.
6. **Page 4-10, Section 1** - Contracting for Recycling: Same comment as number five.
7. **Page 5-5, Section 5.1.2, paragraph 4** - The UTC does not have the jurisdiction to specify that certificated haulers must use Lincoln County's transfer station (referred to as flow-control). This authority rests with the County (see RCW 70.95.090(1)).
8. **Page 6-4, Section 6.2.2 Key Issues** – It is unclear if the County is designating Construction, Demolition and Land Clearing (CDL) waste as recyclable material. If this

is the case, the type of materials considered CDL should be listed on page 3-11;
Designation of Recyclable Materials.