

**Stericycle of Washington, Inc. v. Waste Management of Washington, Inc.
Docket No. TG-110553**

**Motion for Summary Determination and
Response to Waste Management's Motion to Dismiss**

TABLE OF EXHIBITS

EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>
A	Order Adding Trade Name, Docket No. TG-110023 (January 6, 2011)
B	Stericycle Petition, Docket No. TG-110287 (February 10, 2011)
C	Notice of Opportunity to Comment, Docket No. TG-110287 (February 16, 2011)
D	Comments of Waste Management, Docket No. TG-110287 (March 4, 2011)
E	Decision Not to Initiate Adjudicative Proceeding, Docket No. TG-110287 (March 10, 2011)
F	Waste Management Proposed Tariff No. 1, Docket No. TG-110506 (March 18, 2011)
G	Waste Management Proposed Tariff No. 2, Docket No. TG-110552 (March 30, 2011)
H	Certificate of Amendment of Certificate of Incorporation (December 17, 1999)
I	Tariff MW-1, Docket No. TG-960654 (May 16, 1996)
J	WUTC Staff Memorandum Approving MW1, Docket No. TG-960654 (June 26, 1996)
K	Complaint and Order Suspending Tariff Filing, Docket No. TG-960863 (August 14, 1996)
L	Request and Approval of Withdrawal of Filing, Docket No. TG-960863 (January 13, February 12, 1997)
M	SEC Form 8-K (January 6, 1997)

DECLARATIONS

Declaration of Michael Philpott in Support of Stericycle's Motion for Summary Determination

Declaration of James Polark in Support of Stericycle's Motion for Summary Determination, including its Exhibit 1, the December 20, 1996, Asset Purchase Agreement between Stericycle, Inc. and the Waste Management companies and excerpts of Schedules 1-3 to the Asset Purchase agreement

EXHIBIT A

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION
1-360-664-1222**

In re Application of)	
)	
Waste Management of Washington, Inc.,)	DOCKET TG-110023
d/b/a Waste Management of Ellensburg;)	
Waste Management of Greater Wenatchee;)	ORDER 01
Waste Management of Spokane; Waste)	
Management-Rainier; Waste Management-)	ORDER ADDING TRADE NAME
Northwest; Waste Management-Sno-King;)	
Waste Management of Kennewick; North)	
Cascade Disposal; Recycle America; Rural)	
Skagit Sanitation; Federal Way Disposal;)	
Nick Raffo Garbage; R.S.T. Disposal; Tri-)	
Star Disposal; Western Refuse; Port-O-Let;)	
Stanwood Camano Disposal; Waste)	
Management; Waste Management of)	
Seattle; Waste Management of Skagit)	
County; Waste Management of Yakima;)	
Washington Waste Hauling & Recycling;)	
Brem-Air Disposal; Federal Way Disposal;)	
Nick Raffo Garbage; North Cascades)	
Disposal; Olson's Sanitation Service;)	
R.S.T. Disposal; Recycle America; Rural)	
Skagit Sanitation; Stanwood Camano)	
Disposal; Tri-Star Disposal; Valley)	
Garbage; Washington Waste Hauling &)	
Recycling; Waste Management; Waste)	
Management-Northwest; Waste)	
Management-Rainier; Waste Management -)	
Sno-King; Waste Management - South)	
Sound; Waste Management of Addy)	
)	
holder of certificate G-237 to add a trade)	
name of:)	
)	
WM Healthcare Solutions of Washington)	
.....)	

1 The Washington Utilities and Transportation Commission (Commission) issued certificate G-237 to Waste Management of Washington, Inc., d/b/a Waste Management of Ellensburg; Waste Management of Greater Wenatchee; Waste Management of Spokane;

Waste Management-Rainier; Waste Management-Northwest; Waste Management-Sno-King; Waste Management of Kennewick; North Cascade Disposal; Recycle America; Rural Skagit Sanitation; Federal Way Disposal; Nick Raffo Garbage; R.S.T. Disposal; Tri-Star Disposal; Western Refuse; Port-O-Let; Stanwood Camano Disposal; Waste Management; Waste Management of Seattle; Waste Management of Skagit County; Waste Management of Yakima; Washington Waste Hauling & Recycling; Brem-Air Disposal; Federal Way Disposal; Nick Raffo Garbage; North Cascades Disposal; Olson's Sanitation Service; R.S.T. Disposal; Recycle America; Rural Skagit Sanitation; Stanwood Camano Disposal; Tri-Star Disposal; Valley Garbage; Washington Waste Hauling & Recycling; Waste Management; Waste Management - Northwest; Waste Management - Rainier; Waste Management - Sno-King; Waste Management - South Sound; Waste Management of Addy, (Waste Management), and authorized the services described in the certificate.

- 2 On January 3, 2011, Waste Management filed with the Commission a notice that it is adding the trade name of WM Healthcare Solutions of Washington, and requests the Commission amend its records to reflect the addition of the trade name.
- 3 The Commission, having considered the information filed by Waste Management, finds the request of the added trade name does not involve a change in the ownership, management or control of operating authority held by Waste Management.

ORDER

THE COMMISSION ORDERS:

- 4 (1) The Commission's records and files are amended to reflect that certificate G-237 is held in the name of Waste Management of Washington, Inc., d/b/a Waste Management of Ellensburg; Waste Management of Greater Wenatchee; Waste Management of Spokane; Waste Management-Rainier; Waste Management-Northwest; Waste Management-Sno-King; Waste Management of Kennewick; North Cascade Disposal; Recycle America; Rural Skagit Sanitation; Federal Way Disposal; Nick Raffo Garbage; R.S.T. Disposal; Tri-Star Disposal; Western Refuse; Port-O-Let; Stanwood Camano Disposal; Waste Management; Waste Management of Seattle; Waste Management of Skagit County; Waste Management of Yakima; Washington Waste Hauling & Recycling; Brem-Air Disposal; Federal Way Disposal; Nick Raffo Garbage; North Cascades Disposal; Olson's Sanitation Service; R.S.T. Disposal; Recycle America; Rural Skagit Sanitation; Stanwood Camano Disposal; Tri-Star Disposal; Valley Garbage; Washington Waste Hauling & Recycling; Waste Management; Waste Management - Northwest; Waste Management - Rainier; Waste Management - Sno-King; Waste Management - South Sound; Waste Management of Addy, and WM Healthcare Solutions of Washington.

- 5 (2) The tariff filed in connection with this application will become effective at 12:01
a.m. on the day following the service date of this Order.
- 6 The Commission has delegated authority to the Secretary to enter this Order under RCW
80.01.030 and WAC 480-07-905(3)(b)

DATED at Olympia, Washington and effective January 6, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site.

The Commission will schedule your request for review by issuing a notice of hearing to be held before an administrative law judge. The Commission, at its discretion, may consider your request for review in an adjudicative proceeding under RCW 34.05 Part IV, or in a brief adjudicative proceeding under RCW 34.05.482 through .494. Following hearing, the administrative law judge will enter an initial order. If you wish to seek review of the initial order, you may file a petition for administrative review under RCW 34.05.464, or if the matter is heard in a brief adjudicative proceeding, under RCW 34.05.491.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3), and WAC 480-07-905, as amended effective September 22, 2008.

EXHIBIT B

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)
)
STERICYCLE OF WASHINGTON, INC.,)
)
For an Order Suspending Tariff Filings and)
Initiating an Adjudicatory Proceeding concerning)
the Proposed Biomedical Waste Collection and)
Transportation Services of Waste Management)
of Washington, Inc., dba WM Healthcare)
Solutions (G-237))
)

Docket No.

Petition of Stericycle of
Washington, Inc.

Stericycle of Washington, Inc. ("Stericycle"), through its attorneys Garvey
Schubert Barer, Stephen B. Johnson and Donald B. Scaramastra, respectfully submits this
petition for order, as follows:

A. Identification of Petitioner and Petitioner's Representative

Stericycle of Washington, Inc. (G-244)
20320 80th Avenue S.
Kent, WA 98032

Stephen B. Johnson
Donald B. Scaramastra
Garvey Schubert Barer
1191 Second Avenue, Suite 1800
Seattle, WA 98101
Attorneys for Petitioner

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UTILITIES AND TRANSPORTATION COMMISSION

B. Relief Requested

1. Stericycle provides specialized biomedical waste collection services
throughout the state of Washington under certificate G-244. Stericycle's authority under
G-244 is limited to biomedical waste. Waste Management of Washington, Inc. ("Waste

Management”) has been soliciting Stericycle customers for a biomedical waste collection service that Waste Management proposes to offer within days in the limited territories in which it holds general solid waste authority under certificate G-237.

2. Stericycle respectfully petitions the Washington Utilities and Transportation Commission for an order requiring Waste Management to establish affirmatively that its rates and terms of service are just and reasonable and imposing other terms and conditions on Waste Management’s proposed entry into the business of collecting and transporting biomedical waste for disposal in Washington to preclude unfair competition by Waste Management with Stericycle’s existing statewide service under G-244 and to ensure that Waste Management’s biomedical waste collection services are conducted in a manner that serves the public interest and the interests of medical waste generators throughout the state.

3. More specifically, Stericycle respectfully requests the Commission to issue an order (1) suspending any tariff filed by Waste Management for biomedical waste collection and transportation services pending the Commission’s investigation of the issues presented by this petition and an affirmative showing by Waste Management that its proposed rates are just and reasonable and that it is fit to provide the proposed service; (2) initiating an investigation into tying arrangements and/or rate discounts offered by Waste Management for combined biomedical waste collection and general solid waste collection and disposal services; (3) initiating an investigation into the use of revenues from Waste Management’s general solid waste collection services to subsidize Waste Management’s biomedical waste collection services; (4) conditioning approval of any tariff filed by Waste Management for biomedical waste collection and transportation services on the successful

Petition of Stericycle of Washington, Inc. - 2

prosecution by Waste Management of an application for statewide biomedical waste collection authority; or, in the alternative, authorizing Stericycle to discontinue biomedical waste collection services in territories that Waste Management does not propose to serve; and (5) conditioning approval of any tariff filed by Waste Management on assurances by Waste Management that its affiliates will allow disposal of processed medical waste in landfills they operate on a non-discriminatory basis in order to ensure that Stericycle is not placed at an unfair and unreasonable competitive disadvantage.

4. This petition is based on RCW 81.04.110, RCW 81.04.130, RCW 81.77.030, RCW 34.05.240, WAC 480-07-305, WAC 480-70-339 and other applicable law.

C. Overview

5. During the past year, Waste Management has hired former Stericycle managers with access to Stericycle's confidential and proprietary business information and intimate knowledge of Stericycle's business and customers in Washington. For several months, one of these ex-Stericycle managers has been approaching Stericycle customers and soliciting them for a new biomedical waste collection and transportation service to be offered by Waste Management and its affiliates on the basis of representations concerning the rates Waste Management will offer for the proposed service. These solicitations are adversely impacting Stericycle's business, although the proposed rates have not been published in Waste Management's tariff or approved by the Commission.

6. Stericycle has provided specialized biomedical waste collection and transportation services to Washington hospitals, healthcare facilities and others under rates

Petition of Stericycle of Washington, Inc. - 3

that have been substantially unchanged since 1993. Stericycle is currently the only solid waste collection company that offers biomedical waste collection services throughout the state. Stericycle recognizes that the Commission may welcome additional competition in biomedical waste collection and does not oppose fair competition. However, Stericycle believes that Waste Management's proposed services will have unfair competitive advantages that will harm Stericycle and generators of biomedical waste, including most immediately generators in small towns and rural areas of the state, and that these effects can be avoided only by exercise of the Commission's authority to impose terms and conditions on Waste Management's proposed biomedical waste collection services in the public interest.

7. Waste Management and its affiliates propose to offer their new biomedical waste collection service in limited areas within Washington where Waste Management holds general solid waste authority under G-237 -- principally in urban areas or areas along major transportation corridors. Waste Management's certificate G-237 covers portions of only 16 of Washington's 39 counties but over 80% of the biomedical waste generated in the state. Waste Management's entry into the medical waste collection business in these limited, relatively high density areas will give Waste Management an unfair competitive advantage over Stericycle, which must serve the entire state under Stericycle's certificate G-244.

8. Absent the requested relief from the Commission, Waste Management will be able to limit its service to high-density, low cost/high profit areas of the state, while Stericycle will be required to continue to serve the whole state, including high cost/low

Petition of Stericycle of Washington, Inc. - 4

profit generators in small towns and rural areas. The effect will be to give Waste Management an unfair cost advantage in areas of the state where both carriers compete, because only Stericycle will be required to absorb the cost of unprofitable service to small towns and rural areas. Ultimately, Waste Management's unfair cost advantage could adversely affect Stericycle's ability to serve its healthcare customers statewide or require it to impose drastic service cut-backs and/or rate increases on healthcare facilities in rural counties and small towns. To ensure fair competition and the preservation of service throughout the state, Waste Management should be required to successfully prosecute an application for statewide biomedical waste collection authority if it wishes to enter the medical waste collection business, rather than limiting its service to the state's higher density urban areas and transportation corridors.¹

9. Waste Management abandoned biomedical waste collection and transportation operations under its certificate G-237 many years ago and should not be permitted to reclaim biomedical waste collection authority under G-237 without establishing its fitness and demonstrating that the proposed services are in the public interest. Biomedical waste collection, transportation and disposal services present particular regulatory compliance challenges and require specialized expertise and specialized equipment, as well as access to a permitted biomedical waste incinerator or another permitted biomedical waste processing facility. As the Commission's rules make

¹ Stericycle does not argue that every solid waste collection company that wishes to provide biomedical waste collection and transportation services must serve the entire state. However, where (as here) a company proposes to serve most of the major urban centers within the state, it should be required to serve the entire state. Any other result would ensure that the potential benefits of increased competition are unsustainable.

clear, "It is a matter of statewide concern that biomedical waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste." WAC 480-70-426. Waste Management has made no showing of its ability or fitness to provide the proposed services in compliance with applicable law. Before approving a Waste Management tariff for biomedical waste collection and transportation services long ago abandoned by Waste Management, the Commission should require Waste Management to demonstrate its fitness and ability to provide the proposed services in compliance with applicable regulatory requirements, in a manner that is protective of public health and safety, and in a manner that is consistent with the public interest.

10. As the Commission well knows, Waste Management is a subsidiary of a massive corporation engaged in solid waste collection and disposal within this state and throughout the United States. If the public is to benefit from Waste Management's entry into the biomedical waste collection business, it is imperative that the Commission exercise its authority to ensure that Waste Management does not destroy its smaller competitors through unfair competition. To prevent unfair competition, the Commission should require Waste Management to seek authority to serve the entire state. In addition, the Commission must take steps to ensure that Waste Management does not use profits from its general solid waste operations to subsidize its biomedical waste collection services. The Commission must make sure that rates offered for combined solid waste and biomedical waste collection services fairly reflect the costs of each. Finally, the Commission should not permit Waste Management's access to landfills operated by its

affiliates in Washington to guarantee it an unfair competitive advantage. Waste Management's affiliates currently prohibit disposal by Stericycle of processed biomedical waste at their landfills, thus imposing additional costs on Stericycle for waste disposal. If Waste Management wishes to use these landfills for disposal of its processed medical waste, the Commission should require Waste Management to ensure that its competitors have equal, non-discriminatory access to these landfills.

D. The Commission Has Broad Authority to Prevent Unfair Competition

11. Waste Management's selective, limited entry into the market place will harm Stericycle without long-term benefits for the state's biomedical waste generators. "Cream skimming" is the classic description of Waste Management's strategy. By offering its biomedical waste collection services only in the limited territory where it has general solid waste collection authority, Waste Management plans to limit its new service to the state's urban centers and major transportation corridors. If permitted by the Commission, this will ensure Waste Management a significant cost advantage over Stericycle, an advantage which over time will threaten Stericycle's ability to serve to the extent of its authority under G-244. The Commission has repeatedly held that "'cream skimming' is not in the public interest and contrary to public policy." *See, e.g., In re Superior Refuse Removal Corporation*, Order M.V.G. No. 1335, June 1, 1988.

12. Ultimately, it is the public that will be harmed if Waste Management is allowed to enter the market in a service territory limited to higher density population centers and transportation corridors. While generators in these areas may be offered lower prices for a time, ultimately the burden of serving the lower density areas of the state will

Petition of Stericycle of Washington, Inc. - 7

increase Stericycle's costs and will either drive Stericycle from the market place or require Stericycle to drastically reduce service or raise rates beyond what generators in the more rural areas of the state can pay. The upshot: Stericycle's ability to serve generators statewide will be adversely affected, generators in high density areas will lose any initial benefit from increased competition and many generators outside of urban areas and major transportation corridors could be left without access to a critical service at an affordable price.

13. The Commission has ample authority to regulate all aspects of a biomedical waste collection carrier's business to ensure that the public interest is served. The Commission is "vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts and affiliated interests of public service companies, including solid waste companies. RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77." WUTC v. Harold Lemay Enterprises, Inc., 2010 WL 5483966 (Wash.U.T.C. 2010). RCW 80.01.040 requires the Commission to "Regulate in the public interest . . . the rates, services, facilities, and practices of all persons engaging in the transportation of persons or property within this state for compensation." It is fundamental that common carriers "shall not make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality . . . in any respect whatsoever, or subject any particular person or corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." RCW 81.28.190. Of course, this is precisely what a selective market entry by Waste Management would do -- both prefer and disadvantage different localities and generators.

14. RCW 81.28.230 requires that, whenever the Commission finds that a common carrier's rates, or the regulations or practices of the common carrier affecting those rates, are "unjust, unreasonable, unjustly discriminatory, or unduly preferential," the Commission "shall determine and fix by order the just, reasonable, or sufficient rates, fares, or charges, or the regulations or practices to be thereafter observed and enforced." In support of this authority, the Commission is authorized to investigate all tariff filings by regulated carriers and to suspend the effect of such filings while its investigation is pending. RCW 81.04.130 (Commission may investigate any rate change filed by a public service company, either upon its own motion or upon complaint, and -- if the filing is made by a solid waste collection company -- may suspend the operation of the filing for a period not exceeding ten months). *See also* WAC 480-70-339 (Commission authorized to suspend tariffs of solid waste collection companies).

15. Under RCW 81.77.030, the Commission is authorized and directed to "supervise and regulate every solid waste collection company in this state." The Commission should use its authority to suspend any tariff filing made by Waste Management in support of its proposed biomedical waste collection and transportation services until the Commission is satisfied that the proposed services will be provided without unfair competition, that the rates proposed are just and reasonable, that Waste Management is fit, willing and able to provide the proposed services in all respects in compliance with applicable law and that the proposed services will be provided in a manner that is in the public interest.

E. Conclusion

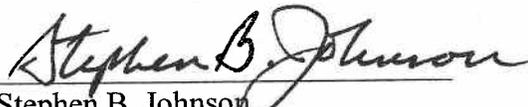
16. For the foregoing reasons Stericycle respectfully petitions the Commission for an order suspending any tariff filing made by Waste Management in support of its proposed biomedical waste collection and transportation services and initiating an adjudicatory proceeding to determine whether Waste Management's proposed rates and rules are just and reasonable, whether it is fit, willing and able to provide the proposed services, and whether its proposed services are in the public interest.

17. Stericycle further requests that the Commission decline to approve tariff rates for biomedical waste collection services by Waste Management service that extend to less than the entire state; or, in the alternative, that Stericycle be allowed to discontinue service to areas of the state outside the territories covered by G-237.

Dated this 10th day of February, 2011.

Respectfully submitted,

GARVEY SCHUBERT BARER

By 

Stephen B. Johnson

Donald B. Scaramastra

Attorneys for Petitioner

Stericycle of Washington, Inc.

EXHIBIT C

[Service Date February 16, 2011]

February 16, 2011

**NOTICE OF OPPORTUNITY TO COMMENT
(Due by March 4, 2011)**

RE: *In re Petition of Stericycle of Washington, Inc., for an Order Suspending Tariff Filings and Initiating an Adjudicatory Proceeding Concerning the Proposed Biomedical Waste Collection and Transportation Services of Waste Management of Washington, Inc., dba WM Healthcare Solutions (G-237), Docket TG-110287*

TO ALL PARTIES AND INTERESTED PERSONS:

On February 10, 2011, the Washington Utilities and Transportation Commission (Commission) received a petition from Stericycle of Washington, Inc. (Stericycle or Petitioner) requesting that the Commission initiate an adjudicatory proceeding to consider imposing certain conditions and restrictions on the proposed entry of Waste Management of Washington, Inc. (Waste Management) into the business of collecting and transporting biomedical waste for disposal in Washington. The petition, however, does not allege that Waste Management has filed tariffs or otherwise has sought authority from the Commission to enter into the business of collecting and transporting biomedical waste for disposal in Washington or that Waste Management has entered into that business without Commission authority.

The Administrative Procedure Act and Commission rules authorize the Commission to “commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority.” WAC 480-07-305(1); *accord* RCW 34.05.413(1). “A person involved in an actual case or controversy subject to the Commission’s jurisdiction may apply to the Commission for an adjudicative proceeding by filing the appropriate form of pleading.” WAC 480-07-305(2). An actual case or controversy subject to the Commission’s jurisdiction does not appear to exist if Waste Management has not entered or sought Commission authority to enter into the business of collecting and transporting biomedical waste for disposal in Washington.

EXHIBIT C

Before determining how best to proceed, including whether to conduct an adjudicatory proceeding in response to Stericycle's petition, the Commission seeks comments from the Petitioner, Waste Management, and any other interested parties concerning whether the petition seeks resolution of an actual case or controversy subject to the Commission's jurisdiction.

NOTICE IS GIVEN that Stericycle, Waste Management, and all other interested persons may provide comments on whether Stericycle's petition involves a case or controversy subject to the Commission's jurisdiction no later than Friday, March 4, 2011.

Sincerely,

GREGORY J. KOPTA
Director, Administrative Law Division

EXHIBIT D

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BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Petition of
STERICYCLE OF WASHINGTON, INC.,
For an Order Suspending Tariff Filings and
Initiating an Adjudicatory Proceeding
concerning the Proposed Biomedical Waste
Collection and Transportation Services of
Waste Management of Washington, Inc., dba
WM Healthcare Solutions (G-237)

Docket No. TG-110287

COMMENTS OF WASTE
MANAGEMENT OF WASHINGTON,
INC. IN RESPONSE TO THE
COMMISSION'S NOTICE OF
OPPORTUNITY TO COMMENT

1. In response to the Notice of Opportunity to Comment issued by the Washington Utilities and
Transportation Commission ("WUTC" or "Commission") that solicits input on the Petition
of Stericycle of Washington, Inc. (the "Petition"), Waste Management of Washington, Inc.
("Waste Management") respectfully submits the following.

I. BACKGROUND AND PARTIES

2. Waste Management operates solid waste collection services in various territories within the
State of Washington under authority of Certificate of Convenience and Necessity No. G-237.
Waste Management or its predecessor companies have performed solid waste collection in its
territories since before 1961, when the statutory scheme established under Ch. 81.77 RCW
was first created. Certificate rights previously operated under various trade names and

1 subsidiaries were consolidated into Certificate No. G-237 in the late 1990's. Waste
2 Management's original territories have since been expanded through acquisitions of control
3 and transfers, as appropriately reviewed and approved by the Commission.

- 4 3. Stericycle of Washington, Inc. ("Stericycle") is a wholly-owned subsidiary of Stericycle,
5 Inc., and it operates biomedical waste collection services in Washington under authority of
6 Certificate of Convenience and Necessity No. G-244. Stericycle applied for and was granted
7 state-wide authority to perform biomedical waste collection in 1995. Order M.V.G. No.
8 1761, *In re Ryder Distribution Resources, Inc.*, App. No. GA-75154; *In re Stericycle of*
9 *Washington, Inc.*, App. No. GA-77539 (consolidated) (Aug. 1995), following four years of
10 administrative litigation to obtain that certificate right. Since obtaining its own authority,
11 Stericycle has acquired control of all other certificates specifically authorizing biomedical
12 waste. It bought the rights of BFI Medical Waste Systems of Washington in or around 2000;
13 and that company had previously acquired the rights of the other two solid waste collection
14 companies holding certificates specifically for biomedical waste collection, American
15 Environmental Management Corporation and Sureway. *See*, Order M.V.G. No. 1761 at 20.

16 II. COMMENTS

- 17 4. The Notice of Opportunity to Comment observes that the Petition lacks any allegations that
18 Waste Management has "filed tariffs or otherwise sought authority from the Commission to
19 enter into the business of collecting and transporting biomedical waste for disposal in
20 Washington...." Because Waste Management has not filed a tariff rate for collecting
21 biomedical waste, there is presently no case or controversy before the Commission.
- 22 5. Waste Management already holds authority to perform biomedical waste collection.
23 Certificate No. G-237 broadly authorizes solid waste collection, and the Commission has
24 long held that traditional solid waste certificates subsume the right to perform biomedical
25 waste collection and disposal. Order M.V.G. No. 1452, *In the Matter of American*

1 *Environmental Management Corp.*, App. No. GA-874 (Nov. 1990), at 7 (“the permanent
2 authority of existing G-certificate holders includes the authority to collect infectious waste”).
3 The only further Commission “authorization” that Waste Management needs to commence
4 biomedical waste collection services is to have a rate stated in its tariffs.¹

5 6. However, as the Notice of Opportunity to Comment notes, Waste Management has not yet
6 filed a tariff rate for collection of biomedical waste. There is nothing before the Commission
7 from a regulated entity seeking agency action. Under Commission rules and judicial
8 decisions, Waste Management is not involved in an actual case or controversy that would
9 make the matters raised in the Petition subject to the Commission’s jurisdiction. WAC 480-
10 07-305(2). Deciding whether a case presents a cause of action ripe for judicial determination
11 requires an evaluation of “the fitness of the issues for judicial decision and the hardship to the
12 parties of withholding court consideration.” *First Covenant Church v. Seattle*, 114 Wn.2d
13 392, 400, 787 P.2d 1352 (1990) (citing *Abbott Laboratories v. Gardner*, 387 U.S. 136, 149,
14 87 S.Ct. 1507, 1515, 18 L.Ed.2d 681 (1967)); *Standard Alaska Prod. Co. v. Schaible*, 874
15 F.2d 624, 627 (9th Cir.1989). “A claim is fit for [judicial] decision if the issues raised are
16 primarily legal, do not require further factual development, and the challenged action is
17 final.” 874 F.2d at 627.

18 7. Stericycle’s Petition presents a purely academic issue. The parties do not have a disputed
19 issue, and therefore “an administrative hearing would be pointless within the APA context.”
20 *Lawrence v. Department of Health*, 133 Wn. App. 665, 678, 138 P.3d 124 (2006). Thus,
21 Stericycle’s Petition should be dismissed as premature.

22 8. With candor to the Commission, however, Waste Management acknowledges that it does
23 intend to file a tariff and take steps necessary to collect and transport biomedical waste in
24

25 ¹ There are regulatory requirements for performing biomedical waste collection under the Commission’s rules,
26 and Waste Management would also need to satisfy those operational conditions before it could commence
biomedical waste collection services. *See, e.g.*, WAC 480-70-436 (requiring a biomedical waste operating plan to
be prepared and maintained).

1 Washington at some point in time. The Company is indeed planning to enter the market.
2 Unless and until that rate is filed, however, there is nothing to review and no dispute to
3 resolve. Many of the allegations in the Petition apply to the rate-setting process and the
4 amounts, and presents arguments which Waste Management believes are specious but which
5 nonetheless are not ripe for review.

6 9. Waste Management can only provide collection within the territory authorized by Certificate
7 G-237. On the other hand, Stericycle sought and obtained authority to provide universal
8 service throughout the state. It is required to perform service throughout the territory, just as
9 it requested and battled in hearings to obtain. Petitioner seems disgruntled with its service
10 obligations, but if Stericycle wishes for relief from its conditions of operations in
11 Washington, it should utilize statutory provisions and request that its certificated territory be
12 amended.

13 III. CONCLUSION

14 10. The Petition must be dismissed due to the absence of jurisdictional grounds. The Petition
15 should be dismissed because Waste Management would be operating within the clear
16 parameters of the law if it were to commence biomedical waste collection services by filing a
17 tariff.

18 DATED this _____ day of _____, 2011.

19
20
21 By _____
22 Polly L. McNeill, WSBA # 17437
23 SUMMIT LAW GROUP PLLC
24 315 Fifth Avenue South, Suite 1000
25 Seattle, WA 98104
26 T: (206) 676-7000
F: (206) 676-7001
Attorneys for Waste Management of
Washington, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

Steven B. Johnson Donald B. Scaramastra Garvey Schubert Barer 1191 Second Ave., Suite 1800 Seattle, WA 98101 (206) 464-3939 sjohnson@gsblaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360-664-1160 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 4th day of March, 2011.

Kathy Moll

EXHIBIT E

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TG-110287
)	
STERICYCLE OF WASHINGTON,)	
INC.,)	
)	
For an Order Suspending Tariff Filings)	DECISION NOT TO INITIATE
and Initiating an Adjudicatory Proceeding)	ADJUDICATIVE PROCEEDING
Concerning the Proposed Biomedical)	
Waste Collection and Transportation)	
Services of Waste Management of)	
Washington, Inc., d/b/a WM Healthcare)	
Solutions (G-237))	
)	
.....)	

BACKGROUND

- 1 On February 10, 2011, the Washington Utilities and Transportation Commission (Commission) received a petition from Stericycle of Washington, Inc. (Stericycle or Petitioner) requesting that the Commission initiate an adjudicatory proceeding to consider imposing certain conditions and restrictions on the proposed entry of Waste Management of Washington, Inc. (Waste Management) into the business of collecting and transporting biomedical waste for disposal in Washington (Stericycle Petition). The Stericycle Petition does not allege that Waste Management has filed tariffs or otherwise has sought authority from the Commission to enter into the business of collecting and transporting biomedical waste for disposal in Washington or that Waste Management has entered into that business without Commission authority.

- 2 On February 16, 2011, the Commission issued a Notice of Opportunity to Comment (Notice) on whether the Stericycle Petition seeks resolution of an actual case or controversy subject to the Commission’s jurisdiction. On March 4, 2011, the Commission received comments from Waste Management and from the Washington Refuse and Recycling Association (WRRRA), both of which stated that until Waste

Management files a tariff or otherwise takes action to initiate medical waste collection service, no such case or controversy exists.

- 3 Stericycle also filed comments in response to the Notice on March 4, 2011. Stericycle observes that the Commission has jurisdiction to regulate companies providing biomedical waste collection services. Stericycle contends that Waste Management has abandoned its authority to collect and transport medical waste and accordingly should be required to apply to regain this abandoned authority if Waste Management seeks to offer this service. Stericycle claims, "The Commission's authority includes initiating an adjudicative proceeding to determine whether an existing certificate holder that previously abandoned biomedical waste operations in the state is fit, willing, and able to provide biomedical waste collection and transportation services and whether the proposed service is in the public interest." Stericycle Comments ¶ 14.
- 4 Stericycle also alleges that even though Waste Management has not yet begun physical collection of biomedical waste, the company is actively soliciting customers for such a service to be offered in the near future, including representing that its rates for the new service will be significantly lower than Stericycle's rates. Stericycle asserts that "by actively soliciting biomedical waste generators as customers and proposing and advertising rates, Waste Management is currently operating as a biomedical solid waste collection company" whose activities are subject to Commission oversight. *Id.* ¶ 15. Stericycle claims that these solicitation activities have damaged and continue to damage Stericycle, resulting in an actual case or controversy subject to the Commission's jurisdiction.

DISCUSSION AND DECISION

- 5 The Administrative Procedure Act and Commission rules authorize the Commission to "commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority." WAC 480-07-305(1); *accord* RCW 34.05.413(1). "A person involved in an actual case or controversy subject to the commission's jurisdiction may apply to the commission for an adjudicative proceeding by filing the appropriate form of pleading." WAC 480-07-305(2). Within 90 days the Commission either must commence an adjudicative

proceeding or decide not to conduct such a proceeding and explain its reasoning.
WAC 480-07-305(5).

- 6 The Commission has decided not to conduct an adjudicative proceeding in response to the Stericycle Petition. Waste Management has not entered, or sought Commission authority to enter, into the business of collecting and transporting biomedical waste for disposal in Washington. We agree with Waste Management and the WRRRA that until Waste Management takes such action, the Stericycle Petition does not present an actual case or controversy subject to the Commission's jurisdiction.
- 7 The Commission is not persuaded by Stericycle's argument that the Commission's authority to regulate solid waste companies necessarily extends to examining a company's fitness to provide a particular service before the company seeks authority or begins to provide that service. Without a filing from the company or other action to initiate the service, debates over whether the company is able to provide the service, if the public interest would be served by the company's provision of the service, or whether the rates, terms, and conditions of the service would be fair, just, reasonable, and sufficient raise, as Waste Management observes, "purely academic issue[s]." Waste Management Comments ¶ 7. The Commission does not address such issues through its adjudicative process.
- 8 Nor do we find compelling Stericycle's contention that Waste Management's alleged solicitation activities trigger Commission jurisdiction over Stericycle's claims. That argument is based on the Commission's plenary authority to regulate Waste Management as an existing certificate holder to "operate for the hauling of solid waste for compensation" under RCW 81.77.040, which defines that term to include "advertising, soliciting, offering, or entering into an agreement to provide that service." Even using this definition as Stericycle proposes,¹ the Waste Management activities alleged in the Stericycle Petition do not rise to the level of "operating for the hauling of solid waste for compensation."

¹ That statute requires solid waste collection companies to obtain a certificate of convenience and necessity from the Commission prior to initiating operations. Waste Management already holds such a certificate. The issue is whether the Commission has jurisdiction to determine whether Waste Management is exceeding its authority under that certificate by informing potential customers that it intends to provide a particular service. RCW 81.77.040 does not address that issue.

9 The legislature established both the statutory term and its definition in the present tense – “*operating* for the hauling of solid waste,” and “advertising, soliciting, and offering . . . *to provide* that service.” (Emphasis added.) Stericycle, however, complains that Waste Management is advertising rates and soliciting customers for a service that Waste Management does not yet provide but *intends* to offer *in the future*.² The plain language of the statute does not apply to those circumstances, and the Commission finds no basis under the statutory language or the allegations in the Stericycle Petition on which to extend the Commission’s plenary jurisdiction over certificated solid waste companies to include a company’s exploratory marketing efforts with respect to new services the company may provide some time in the future.

10 The Commission, therefore, lacks authority to address the claims in Stericycle’s petition at this time. We note, however, that Waste Management states that it “does intend to file a tariff and take steps necessary to collect and transport biomedical waste in Washington at some point in time.” Waste Management Comments ¶ 8. Stericycle retains the same rights as any other interested party to protest, oppose, or otherwise comment on whatever such filing Waste Management makes after Waste Management makes that filing.

DATED at Olympia, Washington, and effective March 10, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Director, Administrative Law Division

² Stericycle asserts that “Waste Management has not yet commenced physical collection of biomedical waste,” but its “communications to generators have represented that these new services *will be offered* in Washington very soon.” Stericycle Comments ¶ 2 at 2 (emphasis added); *accord, e.g.*, Stericycle Petition ¶ 5 (alleging that Waste Management “has been approaching Stericycle customers and soliciting them for a new . . . service *to be offered* by Waste Management . . . on the basis of representations concerning the rates Waste Management *will offer* for the *proposed* service”) (emphasis added).

NOTICE OF AVAILABLE ADMINISTRATIVE REVIEW

This is a determination by the Director of the Administrative Law Division, which will be considered an Initial Order for purposes of administrative review. Pursuant to WAC 480-07-825(2), Petitioner has twenty (20) days after service of this Notice of Decision Not to Initiate Adjudicative Proceeding to file a Petition for Administrative Review (Petition). Section (3) of the rule identifies what the Petitioner must include in any Petition as well as other requirements for a Petition.

WAC 480-07-825(4) states that any party may file an Answer to a Petition (Answer) within (10) days after service of the Petition. For purposes of this docket, a "party" will be considered to be anyone who filed comments in this docket.

To file a Petition or Answer with the Commission, you must file an original and eleven (11) copies of your Petition by mail delivery to:

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

EXHIBIT F

Tariff No. 1

of

Waste Management of Washington, Inc.
(Name of Solid Waste Collection Company)

WM – Healthcare Solutions of Washington
(Registered trade name of Solid Waste Collection Company)
Certificate Number G- 237

**NAMING RATES FOR THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF
SOLID WASTE, AND IF NOTED, RECYCLING AND YARDWASTE
IN THE FOLLOWING DESCRIBED TERRITORY:**

The legal service territory as reflected in G-237

(NOTE: If this tariff applies in only a portion of a company's certificate authority,
a map accurately depicting the area in which the tariff applies must be attached to the tariff)

Name of person issuing tariff: Michael A. Weinstein
Mailing address of issuing agent: 13225 NE 126th Place
City, State/Zip Code: Kirkland, Washington 98034
Telephone number, including area code: (425) 814-7840
FAX number, if any: (425) 814-7866
E-mail address, if any: mweinstein@wm.com

Official UTC requests for information regarding consumer questions and/or complaints should be referred to the following company representative:

Name: Michael Weinstein
Title: Senior Pricing Manager
Phone: (425) 814-7840
E-Mail: mweinstein@wm.com
Fax: (425) 814-7866

Issued by: Michael A. Weinstein, Senior Pricing Manager, Pacific Northwest Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____

EXHIBIT F

Tariff No. 1

Original Page No. 3

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM – Healthcare Solutions of Washington

Index of Items in This Tariff

- Item 5 – Taxes
- Item 10 – Application of Rates – General
- Item 14 – Charges for lost containers
- Item 15 – Maximum Weights
- Item 20 – Limitation of Service
- Item 30 – Rate Schedule (Biomedical Waste except Pathological and Chemotherapy Wastes)
- Item 60 – Delinquent Fees
- Item 70 – Special Handling or Packaging Charges
- Item 80 – On-call or Less than Monthly service
- Item 90 – Rates for Pathological/Trace Chemotherapy Waste
- Item 300 – List of Abbreviations and Symbols Used in Tariff

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	<u>Item No.</u>
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Charges for Lost Containers	14
Delinquent Fees	60
Limitations of Service.....	20
Maximum Weights	15
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Special Handling or Packaging Charges	70
Rate Schedule (Biomedical Waste except Pathological and Chemotherapy Wastes)	30
Rate Schedule for Pathological/Trace Chemotherapy Wastes)	90
Symbols used in tariff	300

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM – Healthcare Solutions of Washington

Item 5 – Application of Rates – Taxes

In addition to the rates shown in the remainder of the tariff, the following taxes apply:

Entity imposing tax:	Ordinance number:	Amount of tax:	Application (Commodities and territory)
City of Burien	368	6.38%	Utility Tax on all services within City
City of Brier	363	6.38%	Utility Tax on all services within City
City of Enumclaw	1888	8.00%	Utility Tax on all services within City
City of Edmunds	3432	6.38%	Utility Tax on all services within City
City of Gold Bar	417	6.38%	Utility Tax on all services within City
City of Lynnwood	2746	6.38%	Utility Tax on all services within City
City of Woodinville	200	4.00%	Utility Tax on all services within City
Town of La Conner	712	3.00%	Utility Tax on all services within City
Town of Hamilton	246	6.38%	Utility Tax on all services within City
Swinomish Reservation	126	3.00%	Utility Tax on all services within the reservation
City of Sedro-Woolley	1499-05	2.00%	Utility Tax on all services within City
City of Poulsbo	2003-32	6.38%	Utility Tax on all services within City
City of Spokane	C-34025	25.00%	Utility Tax on all services within City
City of George	166	4.00%	Utility Tax on all services within City
City of Ellensburg	3609	7.60%	Utility Tax on all services within City
City of Kittitas	328	6.00%	Business and Occupation Tax on all services within City
Benton County	97-082	4.50%	Utility Tax on all services within unincorporated Benton County

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____

Tariff No. 1

Original Page No. 5

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM – Healthcare Solutions of Washington

Item 10 – Application of Rates – General

The rates contained in this tariff cover the utilization by a medical waste generator of WM – Healthcare Solutions of Washington’s transportation and medical waste management program.

Unless otherwise specified, the rates include the following:

1. Use of Waste Management’s unique containers or other containers that are within the guidelines (US Dept. of Transportation, State and/or Local Regulations) for Medical Waste (Biohazard Waste) storage and transportation and have been approved prior by Waste Management.
2. Medical waste tracking and documentation
3. Transportation; and
4. Treatment and disposal

Unless otherwise provided herein, rates contained in this tariff apply to the transportation of biohazardous or biomedical waste, as defined in WAC 480-70-041.

Item 14 – Charges for Lost Containers

Customers will be charged for lost containers as follows:

\$2.50 per Bio Box

\$40.00 for each small or large reusable tub

Item 15 – Maximum Weights

The maximum weight allowed per container is:

<u>Container Size</u>	<u>Maximum Weight</u>
23 Gallon Cardboard Box	35 pounds
30 Gallon Cardboard Box	50 pounds
Small Reusable Tub (31 gal.)	60 pounds
Large Reusable Tub (43 gal.)	60 pounds

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____

Item 20 – Limitations of Service

1. WM – Healthcare Solutions of Washington will not knowingly accept shipments including containers which are not properly packaged or identified.

2. WM – Healthcare Solutions of Washington may refuse to accept shipments not immediately available for pickup at designated pickup areas adjacent to a loading dock or otherwise immediately accessible to WM – Healthcare Solutions of Washington vehicles.

3. All manifesting paperwork must be properly completed by the generator, verified, appropriately signed and available at the time of pickup.

4. WM – Healthcare Solutions of Washington may refuse to pick up materials from points where the designated pickup area is obstructed at the time of pickup.

5. Rates include normal wear and tear on reusable containers. Reusable containers provided to the generator for the storage of biomedical waste shall remain the property of WM – Healthcare Solutions of Washington. Charges for replacement of reusable containers lost by the generator are shown in Item 14.

7. WM – Healthcare Solutions of Washington will not knowingly accept containers for shipment unless they have a sealed bag liner.

8. The generator shall not tender and WM – Healthcare Solutions of Washington shall not knowingly accept for transportation any container which:
 - a. is not sealed and properly labeled;
 - b. is punctured or materially damaged;
 - c. is overfilled or overweight;
 - d. contains anything other than biomedical waste; or
 - e. contains radioactive materials as defined by the U.S. Nuclear Regulatory Commission.

In the event WM – Healthcare Solutions of Washington inadvertently accepts a container described in this paragraph 8, Item 70 shall apply.

9. WM – Healthcare Solutions of Washington shall not knowingly accept for transportation any shipment which does not meet packing, labeling and handling requirements imposed or required by law.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____

Tariff No. 1

Original Page No. 7

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM – Healthcare Solutions of Washington

Item 30

Rate Schedule (Biomedical Waste except Pathological and Chemotherapy Wastes) – Price per Gallon

<u>Gallons</u>	<u>Price per Gallon</u>
50 or less	\$ 1.45
51-100	\$ 1.10
101-200	\$ 0.80
201-400	\$ 0.60
401-600	\$ 0.48
601-800	\$ 0.36
801-1,000	\$ 0.30
1,001-2,000	\$ 0.28
2,001 +	\$ 0.25

Note 1: Rates to be charged shall be based upon the total number of gallons per pickup, excluding containers rated under Item 90 which are charged at a flat rate per container. Rates shown above include appropriate/compliant containers as reflected in Item 15 and one approved liner/bag for each container. Rates stated in this Item are in addition to the charges specified in Items 60, 70 and 80.

Note 2: On call service is available with a **\$20.00** setup/delivery fee. (see Item 80)

Note 3: An additional fee of **\$20.00** will be assessed when containers are not accessible for collection at the customer's site due to no disability, fault or negligence on the part of the company.

Note 4: Special Events/Convention Service available with a **\$95.00** setup/delivery fee (see Item 80)

Item 60 – Delinquent Fees

In addition to the rates and charges shown herein, a late charge in the amount of one percent (1%) will be added to any account which remains unpaid at the time of the next regular billing.

Item 70 – Special Handling or Packaging Charges

The following charges will be assessed when the carrier is required to provide special handling or packaging because of the improper packaging of the material shipped by the generator; the shipment of improper waste materials; overweight containers or the generator's special loading requirements:

Overweight Containers are charged at an additional: **\$12.00** per occurrence per container.

Other improperly packaged containers listed in Item 20 (part 8 letters d and e) are charged **\$50.00** per container plus any other costs incurred to insure unacceptable waste is handled in accordance with all pertinent regulations.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM – Healthcare Solutions of Washington

Item 80 – On-call service

An additional fee of **\$20.00** to the rates reflected in Item 30 will be assessed when services are requested on an on-call basis. When on-call service is requested, the company will schedule a pickup within a reasonable time after the request for pickup is received from the generator.

Special Event/Convention or One Time Pick Up – Set Up/Delivery Charge- **\$95.00** in addition to the rates reflected in Item 30.

Item 90 – Rates for Pathological/Trace Chemotherapy Waste

1. Pathological and Trace Chemotherapy Waste - **\$20.00** per 23-gallon box

2. Pathological and Trace Chemotherapy Waste - **\$25.00** per 30-gallon box

The rates stated in this Item 90 are flat rates per container and include one approved liner/bag. WM – Healthcare Solutions of Washington will require all Pathological Waste and Chemotherapy Waste to be packaged by the generator in small or medium bio boxes provided by WM – Healthcare Solutions of Washington. Charges will also be assessed under Items 60, 70, and 80, when applicable.

For purposes of this Item 90:

“Pathological Waste” means “Pathological waste,” as defined in the definition of “Biomedical waste” found at WAC 480-70-041.

“Chemotherapy Waste” means sharps, syringes, IV tubing/bags/bottles, vials, and other discarded contaminated items generated in the preparation and administration of cytotoxic/antineoplastic drugs. Only empty containers/bags are acceptable with residue not to exceed 3% of total volume.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM -- Healthcare Solutions of Washington

Item 300 – List of Abbreviations and Symbols Used in This Tariff

(A) Denotes increases.

(R) Denotes decreases.

(C) Denotes changes in wording, resulting in neither increases or decreases.

(N) Denotes new rates, services, or rules

*** Denotes that material previously shown has been deleted.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 18, 2011

Effective date: March 21, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____



STATE OF WASHINGTON

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

VIA US Mail and E-mail

March 30, 2011

Michael A. Weinstein, Senior Pricing Manager
Waste Management of Washington, Inc.
d/b/a WM Healthcare Solutions of Washington
1322 N.E. 126th Pl
Kirkland, WA 98034

RE: Rejection of Tariff Filing TG-110506

Dear Mr. Weinstein:

On March 18, 2011, Waste Management of Washington, Inc., d/b/a WM Healthcare Solutions of Washington filed with the Utilities and Transportation Commission (Commission) a tariff requesting authority to provide biomedical waste collection service. This filing has been docketed under TG-110506.

The filing did not meet the requirements of WAC 480-07-141, as the company's letter and tariff did not identify the customer(s) requesting the service. Therefore, the company's requested filing on March 18, 2011, is rejected in its entirety. However, be advised the company may refile a complete filing and effective dates.

If you have any questions, please contact Penny Ingram and pingram@utc.wa.gov or at (360) 664-1242.

Sincerely,

David W. Danner
Executive Director and Secretary



EXHIBIT G

Tariff No. 2

Cancels

Rejected Tariff No. 1

of

Waste Management of Washington, Inc.
(Name of Solid Waste Collection Company)

WM - Healthcare Solutions of Washington
(Registered trade name of Solid Waste Collection Company)
Certificate Number G- 237

**NAMING RATES FOR THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF
SOLID WASTE, AND IF NOTED, RECYCLING AND YARDWASTE
IN THE FOLLOWING DESCRIBED TERRITORY:**

The legal service territory as reflected in G-237

(NOTE: If this tariff applies in only a portion of a company's certificate authority,
a map accurately depicting the area in which the tariff applies must be attached to the tariff)

Name of person issuing tariff: Michael A. Weinstein
Mailing address of issuing agent: 13225 NE 126th Place
City, State/Zip Code: Kirkland, Washington 98034
Telephone number, including area code: (425) 814-7840
FAX number, if any: (425) 814-7866
E-mail address, if any: mweinstein@wm.com

Official UTC requests for information regarding consumer questions and/or complaints should be referred to the following company representative:

Name: Michael Weinstein
Title: Senior Pricing Manager
Phone: (425) 814-7840
E-Mail: mweinstein@wm.com
Fax: (425) 814-7866

Issued by: Michael A. Weinstein, Senior Pricing Manager, Pacific Northwest Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____ Date: _____ By: _____

EXHIBIT G

Tariff No. 2

Original Page No. 3

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM - Healthcare Solutions of Washington

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- Item 15 - Maximum Weights
- Item 20 - Limitation of Service
- Item 30 - Rate Schedule (Biomedical Waste except Pathological and Chemotherapy Wastes)
- Item 60 - Delinquent Fees
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- Item 80 - On-call or Less than Monthly service
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Special Handling or Packaging Charges	70
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Rate Schedule for Pathological/Trace Chemotherapy Wastes)	90
Symbols used in tariff	300

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM - Healthcare Solutions of Washington

Item 5 – Application of Rates – Taxes

In addition to the rates shown in the remainder of the tariff, the following taxes apply:

Entity imposing tax:	Ordinance number:	Amount of tax:	Application (Commodities and territory)
City of Burien	368	6.38%	Utility Tax on all services within City
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City of Kittitas	328	6.00%	Business and Occupation Tax on all services within City
Benton County	97-082	4.50%	Utility Tax on all services within unincorporated Benton County

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237
Registered Trade Name: WM – Healthcare Solutions of Washington

Item 10 – Application of Rates – General

The rates contained in this tariff cover the utilization by a medical waste generator of WM -- Healthcare Solutions of Washington's transportation and medical waste management program.

Unless otherwise specified, the rates include the following:

1. Use of Waste Management's unique containers or other containers that are within the guidelines (US Dept. of Transportation, State and/or Local Regulations) for Medical Waste (Biohazard Waste) storage and transportation and have been approved prior by Waste Management.
2. Medical waste tracking and documentation
3. Transportation; and
4. Treatment and disposal

Unless otherwise provided herein, rates contained in this tariff apply to the transportation of biohazardous or biomedical waste, as defined in WAC 480-70-041.

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Customers will be charged for lost containers as follows:

\$2.50 per Bio Box

\$40.00 for each small or large reusable tub

Item 15 – Maximum Weights

The maximum weight allowed per container is:

<u>Container Size</u>	<u>Maximum Weight</u>
23 Gallon Cardboard Box	35 pounds
30 Gallon Cardboard Box	50 pounds
Small Reusable Tub (31 gal.)	60 pounds
Large Reusable Tub (43 gal.)	60 pounds

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM – Healthcare Solutions of Washington

Item 20 – Limitations of Service

1. WM – Healthcare Solutions of Washington will not accept shipments including containers which are not properly packaged or identified.
2. WM – Healthcare Solutions of Washington may refuse to accept shipments not immediately available for pickup at designated pickup areas adjacent to a loading dock or otherwise immediately accessible to WM – Healthcare Solutions of Washington vehicles.
3. All manifesting paperwork must be properly completed by the generator, verified, appropriately signed and available at the time of pickup.
4. WM – Healthcare Solutions of Washington may refuse to pick up materials from points where the designated pickup area is obstructed at the time of pickup.
5. Rates include normal wear and tear on reusable containers. Reusable containers provided to the generator for the storage of biomedical waste shall remain the property of WM – Healthcare Solutions of Washington. Charges for replacement of reusable containers lost by the generator are shown in Item 14.
7. WM – Healthcare Solutions of Washington will not accept containers for shipment unless they have a sealed bag liner.
8. The generator shall not tender and WM – Healthcare Solutions of Washington shall not accept for transportation any container which:
 - a. is not properly sealed, packaged and labeled;
 - b. is punctured or materially damaged;
 - c. is overfilled or overweight;
 - d. contains anything other than biomedical waste; or
 - e. contains radioactive materials as defined in WAC 246-220-010(111).

In the event WM – Healthcare Solutions of Washington inadvertently accepts a container described in this paragraph 8, Item 70 shall apply.
9. WM – Healthcare Solutions of Washington shall not accept for transportation any shipment which does not meet packing, labeling and handling requirements imposed or required by law.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237
Registered Trade Name: WM – Healthcare Solutions of Washington

Item 30
Rate Schedule (Biomedical Waste except Pathological and Chemotherapy Wastes) – Price per Gallon

<u>Gallons</u>	<u>Price per Gallon</u>
50 or less	\$ 1.45
51-100	\$ 1.10
101-200	\$ 0.80
201-400	\$ 0.60
401-600	\$ 0.48
601-800	\$ 0.36
801-1,000	\$ 0.30
1,001-2,000	\$ 0.28
2,001 +	\$ 0.25

Note 1: Rates to be charged shall be based upon the total number of gallons per pickup, excluding containers rated under Item 90 which are charged at a flat rate per container. Rates shown above include appropriate/compliant containers as reflected in Item 15 and one approved liner/bag for each container. Rates stated in this Item are in addition to the charges specified in Items 60, 70 and 80.

Note 2: On call service is available with a **\$20.00** setup/delivery fee. (see Item 80)

Note 3: An additional fee of **\$20.00** will be assessed when containers are not accessible for collection at the customer’s site due to no disability, fault or negligence on the part of the company.

Note 4: Special Events/Convention Service available with a **\$95.00** setup/delivery fee (see Item 80)

Item 60 – Delinquent Fees

In addition to the rates and charges shown herein, a late charge in the amount of one percent (1%) will be added to any account which remains unpaid at the time of the next regular billing.

Item 70 – Special Handling or Packaging Charges

The following charges will be assessed when the carrier is required to provide special handling or packaging because of the improper packaging of the material shipped by the generator; the shipment of improper waste materials; overweight containers or the generator’s special loading requirements:

Overweight Containers are charged at an additional: **\$12.00** per occurrence per container.

Other improperly packaged containers listed in Item 20 (part 8 letters d and e) are charged **\$50.00** per container plus any other costs incurred to insure unacceptable waste is handled in accordance with all pertinent regulations.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Company Name/Permit Number: Waste Management of Washington, Inc./G-237
Registered Trade Name: WM – Healthcare Solutions of Washington

Item 80 – On-call service

An additional fee of **\$20.00** to the rates reflected in Item 30 will be assessed when services are requested on an on-call basis. When on-call service is requested, the company will schedule a pickup within a reasonable time after the request for pickup is received from the generator.

Special Event/Convention or One Time Pick Up – Set Up/Delivery Charge- **\$95.00** in addition to the rates reflected in Item 30.

Item 90 – Rates for Pathological/Trace Chemotherapy Waste

1. Pathological and Trace Chemotherapy Waste - **\$20.00** per 23-gallon box
2. Pathological and Trace Chemotherapy Waste - **\$25.00** per 30-gallon box

The rates stated in this Item 90 are flat rates per container and include one approved liner/bag. WM – Healthcare Solutions of Washington will require all Pathological Waste and Chemotherapy Waste to be packaged by the generator in small or medium bio boxes provided by WM – Healthcare Solutions of Washington. Charges will also be assessed under Items 60, 70, and 80, when applicable.

For purposes of this Item 90:

“Pathological Waste” means “Pathological waste,” as defined in the definition of “Biomedical waste” found at WAC 480-70-041.

“Chemotherapy Waste” means sharps, syringes, IV tubing/bags/bottles, vials, and other discarded contaminated items generated in the preparation and administration of cytotoxic/antineoplastic drugs. Only empty containers/bags are acceptable with residue not to exceed 3% of total volume.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

Tariff No. 2

Original Page No. 9

Company Name/Permit Number: Waste Management of Washington, Inc./G-237

Registered Trade Name: WM - Healthcare Solutions of Washington

Item 300 - List of Abbreviations and Symbols Used in This Tariff

(A) Denotes increases.

(R) Denotes decreases.

(C) Denotes changes in wording, resulting in neither increases or decreases.

(N) Denotes new rates, services, or rules

*** Denotes that material previously shown has been deleted.

Issued by: Michael A. Weinstein, Senior Pricing Manager, Washington Market Area

Issue date: March 30, 2011

Effective date: April 6, 2011

(For Official Use Only)

Docket No. TG- _____

Date: _____

By: _____

EXHIBIT H

**CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
WASHINGTON WASTE HAULING & RECYCLING, INC.**

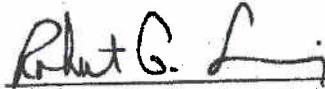
Washington Waste Hauling & Recycling, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify as follows:

1. The amendment to the Corporation's Certificate of Incorporation set forth below was duly adopted in accordance with the provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware and has been consented to and authorized by the sole stockholder entitled to vote by written consent given in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

2. Article I of the Corporation's Certificate of Incorporation is amended to read as follows:

"The name of the Corporation is Waste Management of Washington, Inc. (the "Corporation")."

17 IN WITNESS WHEREOF, said corporation has caused this Certificate to be signed this day of December, 1999.


Robert G. Simpson, Vice President

Acknowledged by:

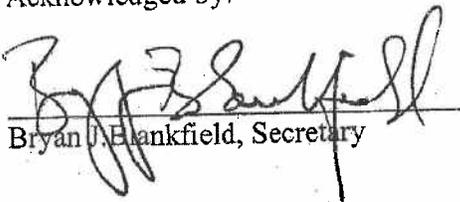

Bryan J. Blankfield, Secretary

EXHIBIT H

EXHIBIT I

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF APPLICATION to waive statutory requirements for other than state tariffs by:

Waste Management Medical & Recycling Services,
a division of Washington Waste-Hauling & Recycling, Inc.
(Petitioner's Name - name shown on permit)

G-237
(Permit No.)

Petitioner desires to change _____ Tariff _____ number MW-1
(tariff, rate, schedule, etc.)

Present provisions are:

New Tariff

Proposed change(s) are:

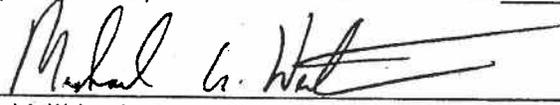
New Tariff

Indicate below the emergency or reason for asking for a waiver of statutory requirements and permission to file and publish the proposed provisions:

To implement a new service: the collection of medical wastes in specialized containers.

The following carriers may be interested in this proposal and have been notified:

I request these provisions become effective June 1, 1996


Michael A. Weinstein (Signature of Petitioner)

Division V.P. & Controller
(Title)

(206) 823-6164
(Telephone Number)

13225 NE 126th Place
(Mailing Address)

Kirkland
(City)

WA
(State)

98034
(Zip)

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

The Commission having considered the foregoing application, IT IS ORDERED That leave be granted petitioner(s) to make the proposed changes, effective

_____, 19____.

DATED at Olympia, Washington, _____, 19____.

Commissioner

LSN ORDER NO.

Commissioner

AGENDA DATE:

Commissioner

EXHIBIT I

Washington Waste Hauling & Recycling, Inc.

(Name of Collection Company)

Waste Management Medical & Recycling Services

(d/b/a)

Certificate Number G- 237

NAMING RATES FOR GARBAGE AND REFUSE COLLECTION SERVICE CONSISTING OF
BIOHAZARDOUS AND/OR INFECTIOUS, AND OTHER RELATED INFECTIOUS
MEDICAL WASTES, IN SPECIALIZED CONTAINERS.

IN THE FOLLOWING DESCRIBED TERRITORY:

See Appendix A

ISSUED BY:

Washington Waste Hauling & Recycling, Inc.

(Name)

13225 NE 126th Place

(Address)

Kirkland, WA 98034

(City, State and Zip)

(206) 823-6164

(Telephone Number)

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective

Docket TG-

Other

LSN

1AA

Hearing

By

Company Name: Waste Management Medical & Recycling Services

CHECK SHEET

All of the pages contained in this tariff are listed consecutively by number. The pages to the tariff and/or any supplements to the tariff listed on this page have issued dates which are the same as, or are prior to, the issued date of this page. "O" in the revision column indicates an original page.

<u>Page No.</u>	<u>Current Revision</u>	<u>Page No.</u>	<u>Current Revision</u>
Title	O		
1	O		
2	O		
3	O		
4	O		
5	O		
6	O		
7	O		

Supplement No.

- 1
- 2
- 3

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective: _____ Docket TG- _____ Other _____

LSN _____ 1AA _____ Hearing _____ By _____

Supplement(s) 1, 2 and 3 are the c
Supplements in effect at this time.

Supplement No. 1

of

Washington Waste Hauling & Recycling, Inc.

(Name of Collection Company)

Waste Management Medical & Recycling Services

(d/b/a)

Certificate Number G- 237

On and after the effective date hereof, the following provisions shall apply:

In accordance with the City of Bellevue Ordinance No. 2422, a solid waste utility tax of 12.36% will be added to all charges for service within the City of Bellevue.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG _____ Other _____

LSN _____ 1AA _____ Hearing _____ By _____

Supplement(s) 1, 2 and 3 are the c
Supplements in effect at this time.

Supplement No. 2

of

Washington Waste Hauling & Recycling, Inc.

(Name of Collection Company)

Waste Management Medical & Recycling Services

(d/b/a)

Certificate Number G- 237

On and after the effective date hereof, the following provisions shall apply:

In accordance with the City of Seattle Council Bill No. 110202, a solid waste utility tax of 11.11% will be added to all charges for service within the City of Seattle.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

LSN _____ TAA _____ Hearing _____ By _____

Supplement(s) 1, 2 and 3 are the c
Supplements in effect at this time.

Supplement No. 3

of

Washington Waste Hauling & Recycling, Inc.

(Name of Collection Company)

Waste Management Medical & Recycling Services

(d/b/a)

Certificate Number G- 237

On and after the effective date hereof, the following provisions shall apply:

In accordance with the City of Redmond Ordinance No. 1654, a solid waste utility tax of 6% will be added to all charges for service within the City of Redmond.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective

Docket TG

Other

LSN

1AA

Hearing

By

Company Name: Waste Management Medical & Recycling Services

Item No.	<u>APPLICATION OF RATES</u>
10	<p>Unless otherwise provided, the rates herein cover transportation of biohazardous and/or infectious and other related infectious medical wastes, in specialized containers, for the permanent disposition of such products as specified on the title pages herein. All rates shall be in addition to:</p> <ol style="list-style-type: none"> 1. Actual service fees charged for professional evaluation of medical waste streams and packaging requirements as necessary to comply with all applicable regulations. 2. Special clean up (decontamination) time and expense charges which may result from improper packaging or emergency requirements of generators. 3. Service fees will be charged for biohazardous waste containers that contain radioactive or hazardous wastes and are returned to the Generator.

	<u>Maximum Weights</u>								
15	<p>The maximum weight allowed per container is:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Small (10 gallon)</td> <td style="width: 16.5%;">25 lbs.</td> <td style="width: 33%;">Medium/Large (32 gallon)</td> <td style="width: 16.5%;">60 lbs.</td> </tr> <tr> <td>Medium (20 gallon)</td> <td>40 lbs.</td> <td>Large (44 gallon)</td> <td>75 lbs.</td> </tr> </table>	Small (10 gallon)	25 lbs.	Medium/Large (32 gallon)	60 lbs.	Medium (20 gallon)	40 lbs.	Large (44 gallon)	75 lbs.
Small (10 gallon)	25 lbs.	Medium/Large (32 gallon)	60 lbs.						
Medium (20 gallon)	40 lbs.	Large (44 gallon)	75 lbs.						

	<u>Limitation on Service</u>
20	<ol style="list-style-type: none"> 1. The waste material to be properly managed by Waste Management Medical & Recycling Services, a service of Washington Waste Hauling & Recycling, Inc., is biohazardous/infectious waste produced by the generator. Title to all waste shall remain with the generator. The generator represents and warrants that the waste is as described by Waste Management Medical & Recycling Services in writing, all of the hazards and risks incident to the handling, storage, and disposal of the waste. Generator agrees to defend, indemnify and hold harmless Waste Management Medical & Recycling Services from and against any and all damages, penalties, fines and liabilities resulting from or arising out of any non-disclosure or misrepresentation as to the quality, hazards, risks and dangerous propensities of the waste material. 2. Transporter reserves the right to modify standard container sizes in the future provided cost per gallon equivalent remains the same unless and until conversion cost changes are approved by the Washington Utilities and Transportation Commission.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996 Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

LSN _____ 1AA _____ Hearing _____ By _____

Company Name: Waste Management Medical & Recycling Services

Item No.

20
(cont.)

3. The generator acknowledges that it has care, custody and management of containers owned by Waste Management Medical & Recycling Services and accepts responsibility for the containers and contents except when they are being physically handled by employees of Waste Management Medical & Recycling Services. Therefore, the generator expressly agrees to defend, indemnify and hold harmless from and against any and all claims for loss or damage to property, injury to, or death of any person or persons resulting from or arising in any manner of the use, operation or possession of the containers furnished by Waste Management Medical & Recycling Services.
4. Only properly filled containers will be picked up by Waste Management Medical & Recycling Services. No leaking, damaged or over-filled containers will be picked up by Waste Management Medical & Recycling Services. All containers must have sealed bag liners before they will be accepted for pickup by Waste Management Medical & Recycling Services.
5. The generator grants to Waste Management Medical & Recycling Services the right of access into its premises in order to carry out the services. The generator warrants that any right of way provided by the generator from the containers or storage locker(s) location(s) to the most convenient public way is sufficient to bear the weight of all Waste Management Medical & Recycling Services's storage locker(s) and vehicles required to perform the service.
6. The generator acknowledges that Waste Management Medical & Recycling Services shall not be liable for any damages to pavement or driving surfaces resulting from its trucks servicing an agreed upon area and generator shall defend, indemnify and hold Waste Management Medical & Recycling Services harmless from and against any and all claims for loss or damage to property, or injury to, or death of any person or persons resulting from the driving of said trucks in that area.
7. Under no circumstances shall radioactive and hazardous materials or other items not falling within the definitions of biohazardous and/or infectious waste be placed in the storage containers. The Company is under no duty to inspect the contents of the biohazardous and/or infectious waste storage containers. However, any items placed by the generator or its employees in the storage containers discovered by the Company which do not meet the definition of Biohazardous and/or infectious waste may be rejected and returned by the Company.

Generator shall instruct its employees on the types of material which constitute biohazardous and/or infectious waste. Should Generator or its employees place materials in the biohazardous and/or infectious waste storage which do not constitute biohazardous and/or infectious waste, in all circumstances generator shall hold Waste Management Medical & Recycling Services and its employees harmless from and indemnify it against the liabilities arising from and cost associated with the possession or disposal of such material.
8. Washington Waste Hauling & Recycling, Inc. shall not accept for transportation any shipment which does not meet packing, labeling, and handling requirements as specified by local, state and federal regulations.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

LSN: _____ 1AA _____ Hearing _____ By _____

Company Name: Waste Management Medical & Recycling Services

Item No.	# of Containers Per Pick-up	Pick-up charges per tub container for scheduled service (Collector-provided containers)			
		WMI (14 gal.)	WMI (20 gal.)	WMI (32 gal.)	WMI (44 gal.)
30	1	22.82	32.00	52.16	63.80
	2	21.84	30.80	48.64	59.40
	3	20.86	29.80	40.00	48.84
	4	20.02	28.20	35.84	42.68
	5	19.32	25.60	32.64	38.72
	6	18.34	23.20	29.44	35.20
	7	17.50	21.80	27.20	33.00
	8	16.80	20.60	25.92	30.80
	9	16.10	19.40	24.64	29.92
	10	15.40	18.40	23.36	29.04
	11	14.70	17.80	22.08	27.72
	12	14.14	17.20	21.12	26.84
	13	13.58	16.80	20.48	25.08
	14	13.16	16.20	19.84	23.32
	15	12.60	15.80	19.20	22.00
	16	12.18	15.40	18.56	20.68
	17	11.76	15.00	17.92	19.36
	18	11.34	14.40	17.28	18.48
	19	11.06	14.00	16.64	17.60
	20	10.92	13.80	16.00	16.72
	21	10.64	13.40	15.36	16.72
	22	10.50	13.00	15.04	16.28
	23	10.36	12.60	14.40	15.40
	24	10.08	12.40	13.76	14.96
	25	9.94	12.00	13.44	14.52
	26	9.80	11.60	13.12	14.08
	27	9.66	11.40	12.48	13.64
	28	9.52	11.20	12.16	13.20
	29	9.24	10.80	11.84	12.76
	30	9.10	10.60	11.52	12.76
	31	8.96	10.40	11.52	12.76
	32	8.82	10.20	11.20	12.76
	33	8.68	9.80	11.20	12.76
	34	8.54	9.60	11.20	12.76
	35	8.40	9.40	11.20	12.76
	Over 36 C	7.56	9.00	11.20	12.76

27094
G-231

- Above rates to be charged shall be based upon total number of all categories of containers collected by carrier per pickup.
- Service includes container, collection, transportation, processing and disposal.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

LSN: _____ 1AA _____ Hearing: _____ By _____

Company Name: Waste Management Medical & Recycling Services

Item No. 30 Cont- inued	Note 1) Service includes container, collection, transportation, processing and disposal. Note 2) Rates to be charged shall be based upon total number of containers per pickup. Note 3) Credit shall not be given for partially empty containers.
--	---

40	<p><u>Residential Sharps Program</u></p> <p>This is a service to provide residential customers safe disposal of sharps containers. The charge for this service is \$19.85 per pickup. The collector will provide and deliver an empty sharps container to a location designated by the customer. There is a fee of \$3.25 for the startup and initial delivery of the empty sharps container. This is an on-call, non-routed service. The sharps container will be a one gallon plastic container with locking lid, to be furnished by the collector. The collector will remove the full sharps container. There will be a written pickup receipt, signed by the collector, designating the pickup of a full sharps container. The collector shall be paid the fee for service at the time of providing the service if the customer is not on the contractor's billing system.</p>
----	--

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

LSN _____ 1AA _____ Hearing _____ By _____

Company Name: Waste Management Medical & Recycling Services

Item No.

TIME RATES

50

Time rates will apply to the following circumstances:

- 1) When customer orders special, unscheduled or emergency pickup;
- 2) When a collector is required to make a return trip to pick up material that was unavailable for collection, overweight, or for any reasons under the control of the customer.

Time rate:

	<u>Collector</u>	<u>Minimum Charge</u>
Weekdays (non holidays)	\$51.98	1/2 hr.

Time shall be recorded and charged for from the time the vehicle leaves the collector's terminal or scheduled route until returned to the terminal or scheduled route, excluding interruptions.

OVERTIME PERIODS

60

When a customer requests service on Holidays, Saturdays, Sundays, or other overtime periods, a charge of \$52.84 per hour will apply in addition to all other applicable charges.

For the purpose of this rule, Holidays shall be:

- | | |
|----------------------------|-----------------------------|
| New Year's Day (January 1) | Martin Luther King Day |
| Washington's Birthday | Labor Day |
| Memorial Day | Veteran's Day |
| Independence Day (July 4) | Thanksgiving Day |
| | Christmas Day (December 25) |

When a holiday listed above falls on Sunday, the following Monday will be observed. When a holiday listed above falls on Saturday, the preceding Friday shall be the legal holiday.

Time is to be recorded to the nearest increment of 15 minutes, from the time the collector's vehicle is dispatched from the terminal until the time it returns to the terminal.

No additional charge will be assessed to customers for overtime or holiday work performed solely for the collector's convenience.

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Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

SN _____ 1AA _____ Hearing _____ By _____

Company Name: Waste Management Medical & Recycling Services

70

DELINQUENT ACCOUNTS

A late charge will added for any account which remains unpaid at the time of the next regular billing in the amount of 1.0%; minimum, \$1.00. An NSF check fee of \$20.00 will be charged on returned checks.

Issued By: Michael A. Weinstein, Division Vice President & Controller

Issue Date: May 16, 1996

Effective Date: July 1, 1996

(FOR OFFICIAL USE ONLY)

Effective _____ Docket TG- _____ Other _____

LSN: _____ 1AA _____ Hearing _____ By _____

Appendix A

GARBAGE AND REFUSE COLLECTION SERVICE (excluding residential service) in the City of Seattle within the following described area: Bounded on the north by N. 85th Street projected from Lake Washington west to Puget Sound, on the west by Puget Sound and Elliott Bay, on the east by Lake Washington and on the south by the Seattle city limits as of September 6, 1960; Also, serving buildings and structures facing both sides of East Marginal Way from the south Seattle city limits to and including 9220 East Marginal Way.

GARBAGE AND REFUSE COLLECTION SERVICE within the limits of the City of Seattle as of September 1, 1971, to-wit:

The City of Seattle as bounded on the West by Puget Sound; on the North by 145th Street NW; on the East by Lake Washington; and on the South by a general East to West line as follows:

Beginning at Lake Washington at Ryan Street thence West on said street to the extension of 69th Avenue South; thence South along the extension of 69th Avenue South to the extension of South 112th Street; thence East along the extension of South 112th Street to Cornell Avenue; thence South along Cornell Avenue to extension of South 116th Street; thence West along extension of South 116th Street to Renton Avenue; thence North along Renton Avenue to extension of South 112th Street; thence West along extension of South 112th Street to 59th Avenue South; thence South along 59th Avenue South to South 120th Street; thence West along South 120th Street and extension to extension of 51st Avenue South; thence North along extension of 51st Avenue South to Ryan Street; thence West along Ryan Street and extension to extension of 33rd Avenue South; thence North along extension of 33rd Avenue South to extension of South Trenton Street; thence West along extension of South Trenton Street to East Marginal Way; thence Northwest along East Marginal Way to extension of South Kenyon Street; thence West along extension of South Kenyon Street to Extension of 12th Avenue South; thence South along extension of 12th Avenue South to Dallas Avenue; thence Southeast along Dallas Avenue and extension to Duwamish Waterway; thence South along West bank of Duwamish Waterway to extension of South Director Street; thence West along extension of South Director Street to 112th Avenue South; thence South along 112th Avenue South to South Cambridge Street; thence West along South Cambridge Street to 7th Avenue South; thence North along 7th Avenue South to extension of South Barton Street; thence West along extension of and South Barton Street to 1st Avenue South; thence South along 1st Avenue South to Southwest Roxbury Street; thence West along SW Roxbury Street to 30th Avenue SW; thence South along 30th Avenue SW to Seola Beach Drive; thence Southwest along Seola Beach to Puget Sound.

**Appendix A
(continued)**

GARBAGE COLLECTION SERVICE within that portion of King County described and bounded as follows: Commencing at centerline of the intersection of South 116th and 76th Avenue South; thence south on centerline of 76th Avenue South to South 120th Street centerline; thence east on centerline of South 120th Street to 77th Avenue South centerline; thence south on centerline of 77th Avenue South to South 125th Street centerline; thence west on centerline of South 125th Street to 76th Avenue South centerline; thence south on centerline of 76th Avenue South to Renton Avenue South centerline; thence easterly on centerline of Renton Avenue South to Renton West city limits (as of June 1, 1961); thence southerly on centerline of Hardie Street to South 134th Street centerline; thence westerly on centerline of South 134th Street to 81st Avenue South centerline; thence south on centerline of 81st Avenue South to Empire Way South centerline; thence northwesterly along centerline of Empire Way South to South Juniper Street centerline; thence east on centerline of South Juniper Street to 59th Avenue South centerline; thence north on centerline of 59th Avenue South to South 112th (Fountain) Street centerline; thence east on centerline South 112th Street (Fountain) to Renton Avenue South centerline; thence south on centerline of Renton Avenue South to South 116th Street centerline; thence east on centerline of South 116th Street to point of beginning; Also, serving structures facing both sides of South 116th Street only; Also, beginning at centerline of the intersection of 51st Avenue South to Ryan Street extended, thence South on intersection of 51st Avenue South to Empire Way South centerline; thence northwesterly on intersection of Empire Way South to Ryan Street centerline extended; thence east on centerline to point of beginning.

**Appendix A
(continued)**

GARBAGE COLLECTION SERVICE within that portion of King County described as follows: Commencing at the intersection of the south city limits of the City of Seattle, as of September 23, 1981, at its intersection with Puget Sound; thence south along the shore line of Puget Sound to its intersection with SW 134th Street extended to Puget Sound; thence east along said extension and SW 134th Street to its intersection with Twelfth Avenue SW; thence north on Twelfth Avenue SW to its intersection with SW 132nd Street; thence east along SW 132nd Street to its intersection with 8th Ave. SW; thence north on Eighth Avenue SW to its intersection SW 130th Street; thence east on SW 130th Street to its intersection with Fourth Avenue SW; thence north on Fourth Avenue SW to its intersection with the south city limits of Seattle, as of September 23, 1981; thence west and southwesterly along the city limits of Seattle to the shore line of Puget Sound, the place of beginning.

**Appendix A
(continued)**

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of King County described as follows: Starting at the intersection of the Everett-Bothell County Highway and the Snohomish-King County line; thence east on Snohomish-King County line to its intersection with east line of T. 26 N., R. 7 E.; thence south on said line to its intersection with the south line of T. 25 N., R. 7 E.; thence west on said line to the east line of T. 25 N., R. 6 E.; thence north on said line to the S.E. corner of the N.E. 1/4 of Section 36, T. 25 N., R. 6 E.; thence west on a line projected from said corner to the east shore of Lake Sammamish, thence following said Lake shore generally in northwesterly direction to the Sammamish River (waterway); thence following the east bank of said river in a generally northerly direction to its intersection with N.E. 145th Street extended (at this point a short section of PSH-2 is one and the same as N.E. 145th Street); thence west on N.E. 145th Street extended (no service to be rendered on either side of N.E. 145th Street) to its intersection with 104th Avenue N.E.; thence northerly on 104th N.E. (rendering service on both sides of 104th Avenue N.E.) to its intersection with the south city limits of Bothell; thence following the city limits of Bothell, clockwise, to its intersection with the Everett-Bothell County Highway; thence north to place of beginning.

GARBAGE COLLECTION SERVICE in that portion of King County described as follows: Commencing at the point where the Sammamish River intersects the north city limits of Redmond as of January 3, 1978; thence following the city limits of Redmond in a counter-clockwise direction to the point where the southeastern city limits of Redmond intersect the western shore of Lake Sammamish; thence following the western shore of Lake Sammamish northerly to the Sammamish River; thence following the Sammamish River northerly back to the point of beginning.

**Appendix A
(continued)**

GARBAGE COLLECTION SERVICE in King County within the following described areas:

Starting at the intersection of Panther Lake Road extended west (also S.E. 208th St.) and West Valley Highway; thence north along said road to the south line of Section 24, T. 23 N., R. 4 E. (South 160th Street extended); thence west on south line of said section to the easterly bank of the Duwamish River; thence northerly along the easterly bank of said River to the point of intersection with the south line of the northwest quarter of Section 24, T. 23 N., R. 4 E., W.M.; thence east on said line projected to the east side of the Charles Monster Road; thence northerly along the easterly side of said road to the Beacon Coal Mine Road; thence northerly along the easterly side of said road to South 129th Street extended; thence east on South 129th Street to Empire Way S. (Dunlap Canyon Road) (PSH-2); thence following said road to south 129th Street extended; thence east on South 129th Street to Empire Way S. (Dunlap Canyon Road) (PSH-2); thence following said road in a southeast direction Rainier Ave. (PSH-5); thence following Rainier Ave. in a southerly direction to south line of Section 19, T. 23 N., R. 5 E. (S.E. 160th Street); thence east along south line of said Section to the Renton City Limits; thence following the City Limits of Renton in a counter-clockwise direction to the point where it intersects with Maple Valley Highway; thence southeasterly along said highway to the intersection of the east line of the west half of Section 24, T. 23 N., R. 5 E. (172nd Ave. S.E. extended north); thence south along said line extended to the south line of Section 1, T. 22 N., R. 5 E., W.M., (or Southeast 208th Street) thence west along south line of said Section extended to the West Valley Highway to the point of beginning.

ALSO In that portion of King County, described as follows: Commencing at the northeast City Limits of Auburn, and the Green River Banks within Section 8, T. 21 N., R. 5 E.; thence easterly along the Green River Banks to the northwest corner of Section 20, T. 21 N., R. 7 E., W.M.; thence north to the northwest corner of Section 20, T. 22 N., R. 7 E., W.M.; thence due east to the northeast corner of Section 24, T. 22 N., R. 7 E.; thence south to the southerly boundary of King County; thence westerly along the southerly boundary of King County to the southwest corner of Section 32, T. 21 N., R. 5 E., W.M.; thence northerly along west line of said Section 32, 29, 20, 17 and 8 of T. 21 N., R. 5 E. to the Green River Banks to the point of beginning.

ALSO In that portion of King County described as follows: Commencing at the northwest City Limits of Renton and the shore of Lake Washington; thence northerly along the shore of Lake Washington to Interstate 90 (Sunset Hwy.); thence easterly along Interstate 90, to its intersection with 188th Ave. S.E. extended south; thence north on 188th Ave. S.E. (including structures on both sides) projected to the shore of Lake Sammamish; thence easterly along said shoreline to the Monohan-Issaquah Hwy. (East Lake Sammamish Parkway); thence south along the Monohan-Issaquah Hwy. to the City Limits of Issaquah; as of (M.V.G. No. 220, 7-7-64); thence following the City Limits of Issaquah, at that date, generally to the West Seattle Way (N.W. Gilman Blvd.); thence northwesterly where

**Appendix A
(continued)**

Northwest Mall Street extended east would intersect with West Seattle Way; thence westerly along said street to Renton Road (Renton Road-Issaquah Road); thence south along said road to a line common to T. 23 N., and T. 24 N., R. 5 E., and thence westerly along said line to the easterly boundary of the City Limits of Renton, (M.V.G. No. 220, 7-7-64); thence along said City Limits in a northwesterly direction to the shores of Lake Washington to the point of beginning.

Also including Maple Valley Golf Course.

Appendix A
(continued)

GARBAGE COLLECTION SERVICE in that portion of King County described as follows: Commencing at the intersection of the south city limits of the City of Seattle and the intersection of said city limits with Lake Washington; thence southerly along the shores of Lake Washington to the City of Renton City limits; thence along the westerly boundary of the city limits of the City of Renton to Renton Avenue; thence northwesterly along the northerly side of Renton Avenue to 76th Avenue South to South 125th Street, thence east to 77th Avenue South; thence north along the east side of 77th Avenue South to South 120th Street; thence along the north side of South 120th Street to 76th Avenue South; thence north on 76th Avenue South (east side only) to 116th Street South; thence west on 116th Street South (no service between 116th Street South and Cornell Avenue); thence north along the east side of Cornell Avenue to Seattle City Limits; thence easterly along said city limits to the east boundary thereof, adjacent to Lake Ridge Addition; thence northerly along said city limits to South 112th Street extended; thence westerly along said city limits to 68th Avenue South extended; thence northerly along said city limits to Ryan Street extended; thence easterly along said city limits to the point of beginning, from the described territory to dumps in King County.

**Appendix A
(continued)**

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Snohomish County described as follows: Commencing at a point where a north-south line tangent to the west shoreline of Ballinger Lake intersects with the Snohomish-King County line; thence north on said line to its intersection with Bradley Road; thence north on Bradley Road to 76th Avenue W.; thence north on 76th Avenue W. (but not including structures thereon), to U.S. Highway 99; thence north on U.S. Highway 99 (but not including structures thereon), to 200 St. SW; thence north on the east side of U.S. Highway 99 to a point 100 feet north of 148 St. SW; thence west on this line to Puget Sound; Following Puget Sound northerly to the point where the north city limits of Mukilteo meets Possession Sound; thence easterly and southerly following Mukilteo City limits as of July 1, 1961, to the south boundary of Section 3, T. 28 N. R. 4 E. W. M.; thence east to 40 Ave. W. extended; thence south to boundary of Paine Field; following the north boundary of Paine Field to the east boundary of Paine Field; thence south to a point 100 feet north of 90 St. S.W.; thence east on this line to 12 Ave. W. extended (west boundary of Section 13, T. 28 N., R. 4E.); thence south on 12 Ave. W. extended to 100 St. S.W.; thence east on 100 St. S.W. (both sides) to Holly Drive; thence south on 9 Ave. W. (but not including 9 Ave. W.) to intersection U.S. Highway 99 and Broadway Cutoff; thence east on Broadway Cutoff to 8 Ave. W. (north-south line bisecting the western 1/2 of Section 24, T. 28 N., R. E.); thence south on said line to Stockshow Road (112 St. S.W.); thence east on the south side of Stockshow Road to Pacific Northwest Traction right-of-way; thence north on the east side of the right-of-way to Broadway Cutoff; thence north on the Broadway Cutoff and Broadway to the south Everett City limits (as of July 1, 1961); thence following the east and north city limits of Everett (as of July 1, 1961) to Puget Sound; thence north along Puget Sound to the Skagit County line; thence east to the east line boundary of Snohomish County; thence south along the east boundary of Snohomish County to the south boundary of Snohomish County; thence west along this line to the line common to R. 8 E. and R. 9 E.; thence north to the N.E. corner of Sec. 25, T. 28 N., R. 8 E.; thence west on the north line of said section extended to a point 500 feet west of the N.E. corner of Sec. 25, T. 28 N., R. 6 E.; thence south to the south line of said section; thence west to the N.W. corner of Sec. 35, T. 28 N., R. 6 E.; thence south on the west line of said section extended to 164 St.; thence east to Highway 202; thence southwesterly along said highway to the Snohomish River, thence southeasterly along said river and the Snoqualmie River to a point 100 feet north of 228 St.; thence west along this line to 5 Ave. W.; thence south along 5 Ave. W. but not including 5 Ave. W. but not including 5 Ave. W. to 236 St. S.W. extended; thence west on the north side of 236 St. S.W. to 8 Ave. W.; thence south on 8 Ave. W. to King-Snohomish line; thence west on the county line to the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in King County bounded and described as follows: Commencing at the intersection of N. 85th and Greenwood Ave., thence east on the north side of N. 85th St. to Aurora; thence north on the west side of Aurora to N. 110th St.; thence east on the north side of N. 110th St. to 8th Ave. N.E.; thence north on both sides of 8th Ave. N.E. to E. 145th St.; thence west on the south side

**Appendix A
(continued)**

of E. 145th St. to 5th Ave. N.E.; thence north on the west side of 5th Ave. N.E. to E. 175th St.; thence east on the north side of E. 175th St. to 8th Ave. N.E.; thence north on 8th Ave. N.E. (but not including 8th Ave. N.E.) to 190th St.; thence north on both sides of 8th Ave. N.E. extended to E. 201st St.; thence east on both sides of E. 201st St. extended to the west side of 11th Ave. N.E. extended; thence north on the west side of 11th Ave. N.E. extended to King-Snohomish County line; thence west on the south side of said line to the shore of Puget Sound; thence in a southeasterly direction along Puget Sound to W. 145th St.; thence east on the north side of W. 145th St. to Greenwood Ave.; thence south on the east side of Greenwood Avenue to N. 125th St.; thence east on the north side of N. 125th St. to Aurora; thence south on the east side of Aurora to N. 110th St.; thence west on the south side of N. 110th St. to Phinney Ave.; thence south on both sides of Phinney Ave. to N. 105th St.; thence east on both sides of N. 105th St. to Dayton Ave.; thence south on both sides of Dayton Ave. to N. 100th St.; thence west on the south side of N. 100th St. to Greenwood Ave.; thence south on the east side of Greenwood Ave. to the point of beginning.

**Appendix A
(continued)**

of E. 145th St. to 5th Ave. N.E.; thence north on the west side of 5th Ave. N.E. to E. 175th St.; thence east on the north side of E. 175th St. to 8th Ave. N.E.; thence north on 8th Ave. N.E. (but not including 8th Ave. N.E.) to 190th St.; thence north on both sides of 8th Ave. N.E. extended to E. 201st St.; thence east on both sides of E. 201st St. extended to the west side of 11th Ave. N.E. extended; thence north on the west side of 11th Ave. N.E. extended to King-Snohomish County line; thence west on the south side of said line to the shore of Puget Sound; thence in a southeasterly direction along Puget Sound to W. 145th St.; thence east on the north side of W. 145th St. to Greenwood Ave.; thence south on the east side of Greenwood Avenue to N. 125th St.; thence east on the north side of N. 125th St. to Aurora; thence south on the east side of Aurora to N. 110th St.; thence west on the south side of N. 110th St. to Phinney Ave.; thence south on both sides of Phinney Ave. to N. 105th St.; thence east on both sides of N. 105th St. to Dayton Ave.; thence south on both sides of Dayton Ave. to N. 100th St.; thence west on the south side of N. 100th St. to Greenwood Ave.; thence south on the east side of Greenwood Ave. to the point of beginning.

In that portion of Snohomish County described as follows: Commencing at the intersection of the Snohomish-King County line and 8th Avenue W.; thence north on 8th Avenue W. to 236th Street S.W.; thence east to 5th Avenue W.; thence north to a point 100 feet north of 228th Street; thence east to the west line of T. 27 N., R. 9 E.; thence south on the west line of said township projected to the Snohomish-King County line; thence west on said line to 8th Avenue West, the place of beginning.

EXHIBIT J

Agenda Date: June 26, 1996
Item Number:

Docket: TG-960654
Company Name: Washington Waste Hauling & Recycling, Inc., G-237
Staff: Bob Colbo, Transportation Program Consultant

Recommendation:

Approve the filing of Washington Waste Hauling & Recycling, Inc., G-237, for the establishment of biohazardous/medical waste hauling service in Tariff MW-1 effective July 1, 1996, in King and Snohomish Counties.

Discussion:

On May 15, 1996, the above named company (WWH) proposed Tariff MW-1 establishing rates for the collection of biohazardous waste in King and Snohomish Counties to become effective July 1, 1996. An LSN petition accompanied the petition seeking an early effective date of June 1, but the Commission took no action on the LSN at its Open Meeting of May 29, 1996.

After conversion to comparable sized reusable containers, a comparison of WWH's proposed rates with the existing rates of BFI Medical Waste Systems (BFI) reveals the following (See the Attachment that follows:

For the 14 gallon size, WWH's proposed rates are lower than BFI's from 2 to 14 percent for the first 5 pickups, then average out to about a 15 percent less for all pickups after that. For the 20 gallon size, the difference averages about 5 percent for the first five pickups, and subsequent pickups are priced almost identically. For the 32 gallon sized containers WWH's rates range from 1 to 8 percent less for the first 5 pickups and from 5 to 15 percent less for subsequent pickups. Rates at the 44 gallon sized container are uniformly about 10 percent less than the equivalent BFI rate.

The WWH rates appear to be competitively priced and also give recognition that service will only be provided in the denser populated areas of King and Snohomish Counties, rather than across the state as in BFI's case. BFI is concerned that WWH is trying to undercut its service, particularly for small volume shippers.

It is therefore recommended that the Commission approve the filing of Washington Waste Hauling & Recycling, Inc., G-237, for the establishment of biohazardous/medical waste hauling service in Tariff MW-1 effective July 1, 1996 in King and Snohomish Counties.

Attachments

EXHIBIT K

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
))
Complainant,)
))
v.)
))
Washington Waste Hauling & Recycling, Inc.,)
G-237,)
))
Respondent.)
.....)

SERVICE DATE

AUG 14 1996

DOCKET NO. TG-960863

COMPLAINT AND ORDER
SUSPENDING TARIFF
FILING

On July 2, 1996, Washington Waste Hauling & Recycling, Inc., G-237 filed with the Washington Utilities and Transportation Commission revisions to its current tariff naming rates to become effective July 11, 1996, via LSN. The Commission took no action on the LSN request at its open meeting of July 10, 1996.

The revisions consisted of: expanding the collection of biohazardous and/or infectious medical wastes to include dry medical waste from that portion of their rights relating to "rubbish collection service, not requiring the use of a dump truck" in certain areas of various counties in Western Washington.

It appearing that the filing would authorize service the carrier currently doesn't possess, it is the decision of the Commission to enter upon an investigation and public hearing or hearings concerning such changes to determine the reasonableness and justness thereof to ensure the rights and interests of the public will not be injuriously affected. Further, it is the decision of the Commission to suspend the operation of filing TG-960863 pending such investigation and hearing or hearings and decision thereon.

ORDER

IT IS ORDERED That filing TG-960863 is hereby suspended.

IT IS ORDERED That a hearing or hearings, on the Commission's own motion, shall be held at such times and places as may be required.

IT IS ORDERED That the rates and charges sought to be amended by filing TG-960863 shall not be changed by a subsequent tariff or filing, until this suspension proceeding has been disposed of, or, until the period of suspension and any extension thereof has expired, unless authorized by special permission of the Commission.

EXHIBIT K

EXHIBIT L



Washington Waste Hauling & Recycling, Inc.
13225 NE 126th Place
Kirkland, Washington 98034
206/823-6164
Fax: 206/814-7866

4

January 13, 1997

Washington Utilities and Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Subject: Docket No. TG-960863

We hereby request permission to withdraw the filing as contained in the above-referenced docket.

If you have any questions or need any additional information, please do not hesitate to contact me at 206/823-6164.

Sincerely,

Robert J. Schille
Special Projects

/s

wutc\011397-1

cc: Jerry Hardebeck
Jack R. Davis

RECEIVED
DEPARTMENT OF TRANSPORTATION
97 JAN 14 PM 3:01
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EXHIBIT L

EXHIBIT M

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FORM 8-K

STERICYCLE INC - SRCL

Filed: January 06, 1997 (period: December 20, 1996)

Report of unscheduled material events or corporate changes.

EXHIBIT M

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (date of earliest event reported): December 20, 1996

STERICYCLE, INC.
(Exact name of registrant as specified in its charter)

Delaware (State or other juris- diction of incorporation)	0-21229 (Commission file number)	36-3640402 (IRS employer identification number)
---	--	---

1419 Lake Cook Road, Suite 410
Deerfield, Illinois 60015
(Address of principal executive offices)

Registrant's telephone number, including area code: (847) 945-6550

ITEM 5. Other Events.

On December 20, 1996, Stericycle, Inc. (the "Company") entered into an agreement with Waste Management, Inc. ("Waste Management") and various of its subsidiaries pursuant to which the Company acquired the major portion of Waste Management's regulated medical waste business. The Company purchased the customer accounts, customer contracts, trucks and other vehicles, and other associated assets of Waste Management's regulated medical waste business at 24 locations in Arizona, Carolina, Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, Tennessee, Utah and Washington.

The purchase price, which is subject to adjustment to reflect the parties' final agreement by January 31, 1997 on the value of the trucks and other vehicles acquired by the Company, was approximately \$10.9 million. The Company paid one-half of this amount, or \$5.45 million, in cash at closing and delivered a note to Waste Management for the balance of the purchase price. This note provides for two principal payments of \$2.725 million each in December 1997 and December 1998, respectively, and quarterly payments of accrued interest. With the exception of service obligations arising after closing under the customer contracts that the Company acquired, the Company did not assume any liabilities of Waste Management or any of its subsidiaries.

A copy of the Company's press release with respect to this acquisition is attached as Exhibit 10.1.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: January 3, 1996.

STERICYCLE, INC.

By /s/ James F. Polark

James F. Polark
Vice President, Finance
and Chief Financial Officer

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EXHIBIT INDEX

Exhibit	Description	Sequentially Numbered Page
10.1	Press release (December 20, 1996)	5

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NEWS BULLETIN

Stericycle, Inc.
 1419 Lake Cook Road, Ste. 410
 Deerfield, IL 60015
 Traded: (NASDAQ: SRCL)

From:

FRB

The Financial Relations Board, Inc.

For Further Information

At the Company:
 Mark Miller, CEO
 General Information
 (847) 374-5133

At the Financial Relations Board:
 Bess Gallanis Kathy Brunson
 General Information Analyst Inquiries
 (312) 266-7800 (312) 266-7800

FOR IMMEDIATE RELEASE
 MONDAY, DECEMBER 23, 1996

STERICYCLE, INC. EXPECTS 50 PERCENT REVENUE INCREASE
 WITH ACQUISITION OF WASTE MANAGEMENT'S MEDICAL WASTE BUSINESS

DEERFIELD, ILLINOIS, DECEMBER 23, 1996 -- Stericycle, Inc. (SRCL:Nasdaq) the second-largest provider of regulated medical waste management services, announced today it acquired the majority of Waste Management, Inc.'s medical waste business, the industry's third-largest participant, for a combination of cash and notes totaling about \$11 million. Stericycle management noted that this acquisition represents an important step in executing the company's strategy of aggressively participating in the consolidation of the medical waste services industry.

"We expect the acquisition to increase our annual revenues by more than \$12 million, or 50 percent," said Mark Miller, president and chief executive officer of Stericycle. Stericycle expects to report approximately \$24 million in revenues for the year ending December 31, 1996. "From a strategic perspective, this acquisition accelerates our growth potential by extending our geographic reach from about 27 percent of the U.S. population to potentially more than 45 percent of the U.S. population. Expanded service regions include the mid-Atlantic, Ohio Valley, the Southwest and Mountain regions."

Under the terms of the definitive agreement, Stericycle has acquired from Waste Management the majority of its medical waste business excluding certain treatment assets in Wisconsin. Stericycle paid about \$5.5 million in cash and delivered a note for an additional amount of approximately \$5.5 million. This is the fifth acquisition the company has made in 1996 and the first acquisition since the company's initial public offering in August in which it raised

more than \$25 million.

An additional benefit of the acquisition will be a working relationship with Waste Management, providing for future cooperative marketing activities and expanded potential access to Waste Management sites to establish new Stericycle transfer stations and/or processing facilities.

This acquisition significantly strengthens Stericycle's position as the second-largest provider of regulated medical waste management services. The company's proprietary Electro-Thermal-Deactivation process destroys human pathogens without producing harmful airborne emissions, and permits resource recovery. The company operates on a multi-regional basis. Its services include medical waste collection, transportation, treatment, disposal, reduction and resource recovery.

From time to time, the Company may publish forward-looking statements relating to such matters as anticipated financial performance, business prospects, acquisition activities and similar matters. The Private Securities Litigation Reform Act of 1995 provides a safe harbor for forward-looking statements. In order to comply with the terms of the safe harbor, the Company notes that a variety of factors could cause the Company's actual results and experience to differ materially from the anticipated results or other expectations expressed in the Company's forward-looking statements. The risks and uncertainties that may affect operations, performance, development and results of the Company's business include the following: difficulties and delay with respect to the completion of acquisitions; delays and diversion of attention related to compliance with permitting and regulatory authorities; difficulties and delay with respect to marketing and sales activities; and general uncertainties accompanying the expansion into new markets.

FOR MORE INFORMATION OF STERICYCLE, INC. VIA FACSIMILE AT NO
ADDITIONAL COST, SIMPLY DIAL 1-800-PRO-INFO
AND ENTER THE COMPANY CODE 272.

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