

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

WESTSIDE WASTE, LLC

DOCKET TG-190672

ORDER 04

IMPOSING SUSPENDED PENALTY

BACKGROUND

- 1 On March 25, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 03, Order Classifying Respondent as a Solid Waste Carrier; Order Imposing and Suspending Penalties (Order 03). Order 03 approved a settlement agreement (Settlement) between Westside Waste, LLC, (Westside Waste or Company) and Commission staff (Staff) that required Westside Waste to cease and desist operating as a solid waste collection company and imposed a fine of \$113,000 for 113 violations of RCW 81.77.040, all but \$7,500 of which was suspended for a period of two years conditioned on the Company: (1) permanently refraining from operating as a solid waste collection company without first obtaining a certificate from the Commission and (2) paying the \$7,500 portion of the penalty that was not suspended according to the terms of the installment plan agreed to in the Settlement.
- 2 On March 22, 2022, Staff filed with the Commission a Motion to Impose Suspended Penalties. In its Motion, Staff alleges that Westside Waste continues to operate as a solid waste collection company without the required certificate. Staff recommends the Commission impose the remaining \$105,500 suspended portion of the penalty for failing to comply with all of the conditions in Order 03.
- 3 On April 4, 2022, the Commission issued a Notice of Opportunity to Respond and Notice of Opportunity to Request a Hearing (Notice). The Notice gave the Company until April 11, 2022, to submit a written response or request a hearing to contest Staff's allegations of illegal operations. The Company did not file a response.

DISCUSSION AND DECISION

- 4 We find that Westside Waste violated the conditions of Order 03 and impose the \$105,500 suspended portion of the penalty. The Company violated the Commission's order to cease and desist engaging in business as a solid waste collection company without first obtaining a certificate.

- 5 RCW 81.77.010(1) defines “solid waste collection company” as any person “owning controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, except septic tank pumpers, over any public highway in [Washington] as a ‘common carrier’ or as a ‘contract carrier.’” Under RCW 81.77.010(3), a person operates as a common carrier by collecting and transporting solid waste for “disposal by motor vehicle for compensation, whether over regular or irregular routes, or by regular or irregular schedules.”
- 6 Staff provided evidence that Westside Waste is engaging in the business of a solid waste carrier by transporting solid waste by motor vehicle 102 times in November and December 2021. Because the Company has failed to fulfill the conditions under which the Commission suspended \$105,500 of the assessed penalty, that penalty amount is now due and payable.

ORDER

THE COMMISSION ORDERS That

- 7 (1) Westside Waste, LLC, has not complied with the conditions under which the Commission suspended \$105,500 of the \$113,000 penalty assessment.
- 8 (2) The \$105,500 suspended portion of the penalty is now due and payable.

DATED at Olympia, Washington, and effective May 17, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Michael Howard on behalf of
RAYNE PEARSON
Administrative Law Judge