

August 15, 2007

Mr. Don Olson
Cowlitz County Public Works
207 4th Avenue North
Kelso, WA 98626

RE: Cowlitz County Comprehensive Solid Waste Management Plan TG-071481

Dear Mr. Olson:

The Washington Utilities and Transportation Commission (commission) has completed its review of the preliminary draft of the Cowlitz County Comprehensive Solid Waste Management Plan Update for the years 2007-2012.

Commission staff's analysis of the Cost Assessment portion of the Plan shows no financial impact to ratepayers served by certificated solid waste collection companies in Cowlitz County. The Plan states that Cowlitz County's tipping fees will remain at \$37.50 per ton until the landfill closes in 2013.

Please see the attached commission staff comments for consideration. We hope that you find our review and suggestions helpful. Please direct questions or comments about the commission's plan review process to Penny Ingram at (360) 664-1242 or by email at pingram@wutc.wa.gov.

Sincerely,

Carole J. Washburn
Executive Secretary

Attachment

cc: Mike Drumright, Department of Ecology, Regional Planner
Cullen Stephenson, Solid Waste and Financial Assistance Program Manager

Commission staff comments for consideration:

General comments:

- a. In general, the Plan describes solid waste collection companies as “franchise haulers.” The Commission issues Certificates of Public Convenience and Necessity. Please change all references from “franchise” to “certificate” or “certificated” as it relates to regulated haulers.
- b. When the plan defines a term already defined in state statute (RCW) or rule (WAC), cite and use the codified definition.
- c. The word “franchise” has a different meaning within the regulatory environment of solid waste and can cause confusion when referring to a UTC solid waste collection company regulated by the commission. For example,
 - i. A city can offer a franchise to a certified solid waste collection company that allows the company to continue providing solid waste collection service; however, at the end of the franchise period (not less than seven years), the city can determine if it wants to collect solid waste or to contract with a private company.
 - ii. A city can issue a “franchise” or a “business license” that allows a company to drive its heavy trucks on city roads. In this example, the city collects a business tax.

Staff cautions planners to be more specific and use the term “franchise” only when a city provides notice to a certificated solid waste collection company of its intent to assert its jurisdiction to either contract or provide solid waste collection.

Specific Comments:

- Section 5.2.2: Staff recommends citing definitions directly from the codified rule. For example: WAC 173-350-100 defines a material recovery facility.
- Chapter 6 Solid Waste Collection, section 6.2.1: The language in the current updated plan (2007-2012) is exactly the same as the language from the 1992 final plan. Please replace the language concerning the commission with the following:
 - a. Under RCW 81.77, the Utilities and Transportation Commission (UTC) regulates the collection and transportation of solid waste and residential recycling in unincorporated areas of the state, and within cities and towns that do not contract for or provide solid waste collection services themselves. The UTC regulates entry, rates, safety and consumer protection.
- Page 6-2 County Authority, middle of the first paragraph, the sentence that starts with “The WUTC is required....Change “WUTC” to “UTC” and remove the words “garbage-and refuse-collection” and replace with “solid waste collection.”
- Page 6-2 Cities and Towns: Add citation RCW 35.21.120 to the first sentence.
 - a. First bullet: The franchised hauler is not required to hold a WUTC certificate for that area....Replace the entire first bullet with the following:
 - i. A city or town that provides solid waste collection itself or contracts for solid waste service is exempt from UTC regulation (RCW 81.77.020). However, if a city notices an existing solid waste collection company of its intent to provide service itself, the city must provide the certified hauler

with a franchise not less than 7 years from the date of the notice. During that time, the UTC regulates the solid waste collection company.

- Page 6-3: Strike “and private franchise operators.”
- Table 6-1: Add “certified” solid waste carrier.
- Table 6-1 Please add Jeffery K. Cummins d/b/a Community Waste & Recycling.
- Section 6.2.2.1: replace the first paragraph with the following:
 - a. UTC regulates solid waste collection companies by issuing a certificate of public convenience. The following companies provide service within Cowlitz County:
 - i. Waste Control Inc.
 - ii. Jeffery K. Cummins, d/b/a Community Waste and Recycling.
 - iii. Waste Connections of Washington, Inc. NOTE: Rates are not up-to-date; please see the enclosed tariff page with the current solid waste rates.
- Section 6.2.2.2 “Franchised Collection” – In this section; replace the word “franchise” with “city contract” collection.
- Page 6-6, City of Kelso – replace the word “franchise” with “city contract.”
- Page 6-7 City of Kalama – replace the word “franchise” with “city contract.”
- Page 6-7 City of Woodland – replace the word “franchise” with “city contract.”
- Page 6-8 Unincorporated Cowlitz County – replace the word “franchise” with “certificated” haulers.