

Exhibit No. CB-3
Docket No. TG-240189
Witness: Chad Brooks

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC.

Respondent.

DOCKET TG-240189

Exhibit to Direct Testimony of

Chad Brooks

On behalf of Waste Management of Washington, Inc.

*Washington Utilities and Transportation Commission Compliance –
Training for Managers Presentation*

November 22, 2024



Washington Utilities and Transportation Commission Compliance

Training for Managers

July 25, 2024

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1. Introduction
2. Washington Utilities and Transportation Commission
3. Solid waste laws
4. Tariffs
5. Internal resources
6. Questions?

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Washington Utilities and Transportation Commission

The WUTC regulates utilities and transportation services in the State of Washington to ensure they are safe, equitable, available, reliable and fairly priced.

Solid waste collection companies are regulated by the WUTC because it provides a service that is in the public interest.

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Washington Utilities and Transportation Commission

For solid waste haulers, the UTC:

- Issues certificates of public convenience and necessity authorizing companies to haul solid waste in the state – Waste Management of Washington, Inc. holds Certificate No. G000237
- Authorizes collection territories
- Reviews and approves tariffs, including
 - Service frequencies and levels
 - Rates
- Establishes requirements and restrictions
- Enforces rules and tariff compliance

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WUTC Regulation of WM

4 sources of governing requirements:

1. Revised Code of Washington – RCW 81.77 and 81.28
2. Washington Administrative Code – WAC 480-70
3. Company Tariffs
4. Any applicable plans or settlement agreements

These requirements are non-negotiable.

*There is a pathway to request a change to certain requirements, but only if it is done the right way and there is no guarantee that the change will be approved.

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UTC Website – www.utc.wa.gov

- Company Tariffs
- Service Area Maps
- Interactive Map with search function
- Links to statutes, regs
- Report illegal haulers
- Consumer complaints

The screenshot shows the UTC website interface. The top navigation bar includes links for Documents, Calendar, News, and Contact. The main navigation menu has categories: HOME, CONSUMERS, REGULATED INDUSTRIES, PUBLIC SAFETY, DOCUMENTS AND PROCEEDINGS, ABOUT US, and CONTACT US. The 'Regulated Industries' section is expanded, showing a list of industries including Utilities, Transportation, Licensing & Insurance, Regulated Transportation Industries, Common Carriers, Freight Brokers, Household Goods Carriers, Low-Level Radioactive Waste, Pilotage, Passenger Transportation, Railroads, and Solid Waste Carriers. The 'Solid Waste Carriers' section is highlighted, providing a definition and a list of 'Companies We Regulate' with links to 'Lookup Current Solid Waste Companies', 'Company Tariffs', 'Service Area Maps', and 'Solid Waste Certificates Interactive Map'. There is also a 'General Information' section with links to 'Cost Assessment Guidelines', 'County Solid Waste Management Planning', 'Collecting and Transporting Garbage and Recycling Brochure', and 'Recolección y Transporte de Basura y Material Reciclable Folleto'. A 'Non-Permitted Carrier?' section is partially visible at the bottom.

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Laws and Regulations

RCW 81.77 Solid Waste Collection Companies

- Applies to “solid waste”
 - Garbage, recyclables, yard waste
 - But for recycling, only source-separated materials collected from residences (commercial recycling is open market)

Cities can elect to haul themselves or contract directly with a hauler – i.e., our municipal franchises

Counties can contract directly with a hauler for curbside recycling.

➔ The UTC system governs everywhere else.

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Laws and Regulations

WAC 480-70 Solid Waste and/or Refuse Companies

Includes:

- Exemptions
- Rate and tariff filing requirements
- Required process for refusal or cancellation of service
- Customer complaints
- Billing and payments
- Refunds
- Notice requirements (to customers and UTC)

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WM Tariffs

G000237 Waste Management of Washington, Inc.	Brem-Air Disposal	Tariff No. 20
	Ellensburg (Kittitas Operations)	Tariff No. 12
	Greater Wenatchee	Tariff No. 14
	Kennewick	Tariff No. 16
	WM of Washington dba WM North Sound and WM of Marysville	Tariff No. 19
	WM of South Sound and WM of Seattle	Tariff No. 24
	Waste Management of Skagit	Tariff No. 19
	Waste Management of Spokane and Valley Service Garbage Co.	Tariff No. 18

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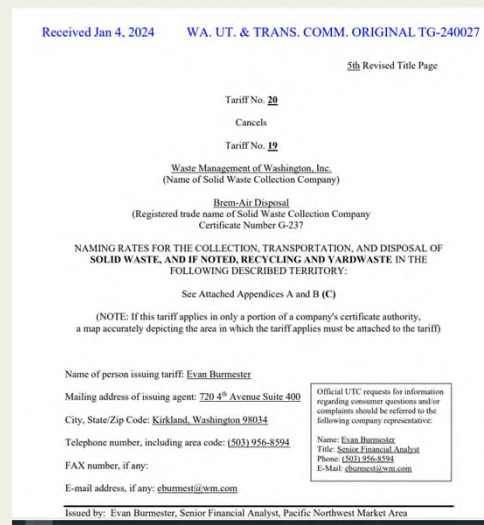


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WM Tariffs

WM Tariffs contain, for the specific territory:

- Rates
- Available service levels
- Extra services – like carryout service
- Service frequency
- Holidays and recovery
- Notice requirements
- Refunds
- Billing
- Limitations to service – weather events, strikes, etc.



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WM Tariffs

The tariff will specifically list the services authorized in the territory. These are the only services authorized in the territory. **Anything else is a violation.**

Item 100 – Residential Service – Monthly Rates (continued on next page)

Rates in this item apply:
 (1) To solid waste collection, curbside recycling (where noted) and yardwaste collection services (where noted) for residential property. This includes single family dwellings, duplexes, apartments, mobile homes, condominiums, etc., where service is billed directly to the occupant of each residential unit; and/or
 (2) When required by a local government service level ordinance solid waste collection, curbside recycling, and yardwaste service must be provided for single-family dwellings, duplexes, mobile homes, condominiums and apartment buildings of less than 3 residential units, where service is billed to the property owner or manager.
Rates below apply in the following service area: That portion of Kitsap County included in G-237 that requires recycling and yard waste services, pursuant to Kitsap County Ordinance No. 453-2010.

Number of Units or Type of Container	Frequency of Service	Garbage Service Rate	Recycle Service Rate	Yardwaste Service Rate
Mini-Can	W/ZR	\$11.33 (A)	\$7.40	\$8.47
1 20 gal. cart	W/ZR	\$12.33 (A)	\$7.40	\$8.47
1 Can	M/ZR	\$8.80 (A)	\$7.40	\$8.47
1 32 gal. cart	M/ZR	\$7.79 (A)	\$7.40	\$8.47
1 Can	EOW/ZR	\$9.88 (A)	\$7.40	\$8.47
1 32 gal. cart	EOW/ZR	\$11.37 (A)	\$7.40	\$8.47
1 Can	W/ZR	\$14.57 (A)	\$7.40	\$8.47
1 37 gal. cart	W/ZR	\$16.81 (A)	\$7.40	\$8.47
2 Cans	W/ZR	\$23.56 (A)	\$7.40	\$8.47
3 Cans	W/ZR	\$31.70 (A)	\$7.40	\$8.47
4 Cans	W/ZR	\$39.87 (A)	\$7.40	\$8.47
5 Cans	W/ZR	\$48.03 (A)	\$7.40	\$8.47
1 64 gal. cart	W/ZR	\$21.52 (A)	\$7.40	\$8.47
1 64 gal. cart	EOW/ZR	\$16.05 (A)	\$7.40	\$8.47
1 96 gal. Cart	W/ZR	\$26.43 (A)	\$7.40	\$8.47

Frequency of Service Codes: W=Weekly Garbage; EOW=Every Other Week Garbage; M=Monthly Garbage; WR=Weekly Recycling; EOW/ZR=Every Other Week Recycling and every other week recycle/yard waste service; M/ZR=Monthly garbage and every other week recycle/yard waste service; W/ZR=Weekly garbage and every other week recycle/yard waste service.

Description/rules related to the recycling program are shown on page 24.
 Description/rules related to the yardwaste program are shown on page 24.
 Notes for this item are on page 23.
 Recycling rates shown above are subject to a recycling "credit"/debit of \$0.12 per month.
 Recycling commodity "credit"/debit (charge) on this page expire: **October 31, 2024**

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WM Tariffs

Registered Trade Name: BREM-Air Disposal

Item 100 – Residential Service – Monthly Rates (continued from previous page)

Note 1: Customers will be charged for service requested even if fewer units are picked up on a particular trip. No credit will be given for partially filled cans. No credit will be given if customer fails to set receptacles out for collection.

Note 2: For service more frequently than weekly, multiply the above rates by the number of times per week service is required.

Note 3: A re-delivery fee of \$13.75 will be assessed to cart customers whose service is discontinued for non-payment or cart customers who request re-delivery.

Note 4: For those customers who do not receive garbage services add \$1.25 to the rates above for both recycling and yard waste services.

Note 5: One pickup per month at \$6.48 (A) per can or unit will be charged on regular scheduled garbage pickup only for residential customers on an "on call" basis. Use special pickup rates in Item 110 for residential can service not otherwise covered in this item.

Note 6: The charge for an occasional extra residential bag, can, unit, cart, mini-can, or micro-mini can on a regular pickup is:

Type of Service	Type of receptacle	Rate per receptacle, per pickup
Garbage Collection	Per can, bag or unit	\$ 4.03 (A)
Yard Waste Collection	Per can, bag or unit	\$ 2.90

Note 7: Customers requesting additional 96-gallon carts for regular extra yard waste service will be assessed \$5.60 per month for each additional cart provided.

Note 8: Customers requesting additional 35 or 64-gallon carts for curbside recycling will be assessed \$1.40 per month for each additional cart provided.

Note 9: Effective September 1, 2017 can service will no longer be available to new customers. Existing can customers may continue to use their cans at the applicable tariff rates until such time that they choose to change their service. At such time, can customers will be required to subscribe for cart services provided for in the tariff.

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WM Tariffs

Item 15 – Holiday Pickup – Regularly Scheduled Service

When a pickup is missed due to the company's observance of a holiday, the company will provide service, at no additional cost to the customer, on an alternate day.

A list of the holidays the company observes is shown in Item 60.

For application of rates in this tariff, the company defines alternate day to mean the following:

Pick-up days are Monday through Friday including all holidays except Thanksgiving day, Christmas day, and New Year's day. If the pick-up day falls on or after any of those three holidays, the alternate day will be one day late that week, for the balance of the week through Saturday.

Item 16 – Change in Pickup Schedule

When a company changes the pick-up date for its certificate area, or a portion of its certificate area, the company must notify all customers in the affected area of that change.

Notice must be made at least seven days before implementation of the new pickup schedule and may be made via mail, personal contact, or by a notice being affixed to the customer's solid waste receptacle.

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WM Tariffs

Tariff No. 20

1st Revised Page No. 14

Company Name/Permit Number: Waste Management of Washington, Inc./G-237
Registered Trade Name: Brem-Air Disposal

Item 30 – Limitations of Service

1. **Schedules.** A company's schedule will meet reasonable requirements and will comply with local service level ordinances.
2. **Due care.** Other than to offer reasonable care, the company assumes no responsibility for articles left on or near solid waste receptacles.
3. **Liability for damage.** When a customer requests that a company provide service and damage occurs to the customer's driveway due to reasons not in the control of the company, the company will assume no responsibility for the damage.
4. **Refusal of service.** (Except as set forth in Section 5, Missed service due to unsafe weather conditions road conditions, natural disaster or when government authority restricts access to local roads.)
A solid waste collection company may refuse to:
 - Collect solid waste from points where it is hazardous, unsafe, or dangerous to persons, property, or equipment to operate vehicles due to the conditions of streets, alleys, or roads.
 - Drive into private property when, in the company's judgment, driveways or roads are improperly constructed or maintained, do not have adequate turn-arounds, or have other unsafe conditions; or
 - Enter private property to pick up solid waste while an animal considered or feared to be dangerous is not confined. The customer will be required to confine the animal on service days.
5. **Missed service due to unsafe weather conditions, road conditions, natural disaster or when government authority restricts access to local roads.** A company is not required to collect solid waste when the company determines that it is unsafe to operate due to weather conditions, road conditions, natural disaster, or when government authority restricts access to local roads. The company will collect on the next scheduled service date on which the company deems it is safe to operate, and will take other reasonable actions to resume or provide alternative service as soon as reasonably practicable.
 - a. The company is not obligated to extend credit to customers for missed service if the company collects the customers' accumulated solid waste on the next scheduled service date on which the company deems it to be safe to operate. The company will not charge for extra waste set out (except provided in Item 207, if applicable) in addition to customers' normal receptacle(s), if the amount of extra waste does not exceed the amount that reasonably would be expected to accumulate due to missed service.
 - b. If the company does not collect a customer's accumulated solid waste on the next scheduled service date on which the company determines it is safe to operate, the company is required to give a credit, proportionate to the customer's monthly service charge, for all missed service(s).

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UTC Tariffs - Changes

Rates are set through a prescribed procedure. Companies can recover their costs of providing the service plus a reasonable profit.

- This means that all services and routes for the territory are used to set the rates, including remote or difficult routes.
- Reducing service could require reducing rates (as well as being a violation unless approved by UTC).
- Changing one rate can require re-evaluation of all rates in a tariff.

Requests for rates and changes to tariffs:

- Must be submitted to the UTC at least 45 days before the requested effective date.
- Often require significant internal lead time **before** filing.
- May require disclosing extensive financial details of our WUTC and non-WUTC areas—rate increases require showing that our WUTC area is earning less than our allowed rate of return.

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Enforcement

The UTC enforces compliance with its laws, rules and tariffs. Penalties can be as high as \$1,000 per violation.

- Consumer complaints
- Investigations
- Informal enforcement (i.e., notification of a violation)
- Formal enforcement actions/hearings and penalties

We must all prevent, identify, and correct violations before they rise to this level. Any known, suspected or anticipated violations should be reported ASAP.

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Internal resources

- ✓ Knowledge (fka Green Pages)
- ✓ Tariffs
- ✓ Your manager
- ✓ Evan Burmester
- ✓ Legal – Ame Lewis, Sabrina Goodwin

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Key Takeaways

WHEN IN DOUBT (or even just to double-check what you think you know)....

1. Check the tariff
2. Check the laws and regulations
3. Ask!

Then do what the tariff, law, and regs say.

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Questions?



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Thank you for your time.

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