

APPROVED

Skagit County
Solid Waste Advisory Committee (SWAC)
Microsoft Teams Meeting Minutes
Skagit County Conference Room, 1800 Continental Place, Mount Vernon, WA
Wednesday, December 13, 2023

Members Present

Andy Hanson
Audrey Taber
Brian Dempsey
Carolyn Moulton
Dale Patrick

Kate Smith
Leo Jacobs
Margo Gillaspay
Nick Harbert
Olivia Carros

Shelly Jensen
Todd Reynolds
Torrey Lautenbach

Representing

City of Mount Vernon, Solid Waste
Department of Ecology, *non-voting*
City of Burlington
District 1, Citizens, *on-line*
Environmental Public Health, Skagit County Public Works,
non-voting
Agriculture
City of Sedro-Woolley
Skagit County Public Works/Solid Waste Division, *non-voting*
Waste Management, Hauler
Department of Ecology, Regional Planner & Grant Manager,
non-voting, on-line
City of Anacortes
Skagit River Steel & Recycling, Recyclers, *on-line*
Lautenbach Recycling, District 3, Citizens, *on-line*

Members Absent

Marcella Manibusan
Pinky Vargas

Scott Thomas

Representing

Waste Management, Hauler/Public Sector, Manager
Republic Services, Municipal Relations,
Skagit County Account Manager
Town of La Conner

Not Represented
Vacant
Vacant
Vacant

District 2, Citizens
Town of Lyman
Town of Hamilton
Town of Concrete

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Visitors

Britt Pfaff-Dunton
Callie Martin
Heather Lopes
Kathryn McPherson
Kimberly McCann
Landon Campbell
Mike See
Niles McCann
Robin Freedman
Whitney Latimer

Representing

Skagit County, Environmental Health, *on-line*
Skagit County, Public Works, Solid Waste
Skagit County, Environmental Health
UTC, Solid Waste Compliance Investigator
Public Sector Manager
City of Mount Vernon, Solid Waste
Skagit County, Public Works, Assistant Director
Waste Management, Public Sector Manager
Waste Management, *on-line*
Skagit County, Public Works, Solid Waste

Introductions

Margo Gillaspay, requested introductions of all in attendance. Names and business titles were offered by each attendee prior to addressing agenda items.

Call to Order

Ms. Gillaspay, called the meeting to order at 2:00 p.m. at the Skagit Conference Room, Mount Vernon, Washington.

Public Comments

Ms. Gillaspay, opened the floor for public comments.

There were no Public Comments.

Review and Approve Minutes

Ms. Gillaspay opened the floor to discuss the minutes of September 13, 2023.

Ms. Gillaspay, requested a Motion to Approve the September 13, 2023 minutes as written. A Motion to Approve was made by Leo Jacobs, City of Sedro-Woolley to approve the minutes as written. The Motion to Approve was seconded by Andy Hanson, City of Mount Vernon. By a vote of the Membership, the Motion was unanimously passed. Ms. Gillaspay, declared the minutes of September 13, 2023 to be approved as written.

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Agenda Items

A Solid Waste Advisory Committee meeting, open to the public, is being held on December 13, 2023, for anyone to speak on any topic on the agenda, or items not listed on the agenda:

a. UTC Enforcement Presentation by Kathryn McPherson

Kathryn is here for a guest presentation. She presented this topic to the Solid Waste Division Managers about Solid Waste Enforcement from the UTC. It is great to bring her to the SWAC to address our questions about what constitutes a Solid Waste Hauler, and what they are allowed to do.

This is the same presentation from the Washington Solid Waste Managers meeting. Kathryn is the lead for Compliance for non-permitted Solid Waste Companies. Advertising will be discussed later. It is one of the things that can be a violation of Washington State Law. Often, garbage companies, private citizens, and county officials will send the UTC random advertisements. Those in the presentation were complaints that lead to Solid Waste Court. They review penalties up to \$5,000.00

RCW 81.77.040

The REVISED CODE OF WASHINGTON states that a Certificate of Convenience is required. It is a territorial certificate.

RCW 81.77.090

There are Penalties for each advertisement. The research will be done based on the advertisement received.

(WAC) WASHINGTON ADMINISTRATIVE CODE codifies the regulations and arranges them by subject or agency.

WAC <u>480-70-006</u>	Application
WAC <u>480-70-011</u>	Exempt Operations
WAC <u>480-70-016</u>	Determination of Authority
WAC <u>480-70-216</u>	Determination of Commission Compliance Policy
WAC <u>480-70-386</u>	Determination of Complaints

THE LAW RCW 81.77.040

- A company shall not operate for the hauling of solid waste for compensation without first having obtained from the Commission a certificate.
- Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide the service.

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PENALTY: RCW 81.77.090

At one time, Washington State Patrol did issue misdemeanors. However, that is no longer done unless the UTC is coordinating an effort with the Washington State Patrol; but no longer happens.

- 1) Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this Chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the Commission, or any part or provision thereof, is guilty of a gross misdemeanor.
- 2) Each advertisement reproduced, broadcast or displayed via a particular medium constitutes a separate violation under this Chapter.

THE RULES: WAC 480-70-006

APPLICATION

- 1) Except for those operations described in WAC 480-70-011, these rules apply to any solid waste collection company in the business of transporting solid waste for collection and/or disposal from points in the State of Washington, for compensation, over the public highways.

There are exceptions for everything. Solid Waste Company transporting waste for disposal from points within the State of Washington is under the UTC jurisdiction, with some exceptions.

The most important exception seen often in Snohomish and King County. When a company transports via rail, they are now under federal jurisdiction. They are no longer subject to the rules and policy of Washington State Laws.

Another Exception is the COMMON CARRIER EXEMPTIONS WAC 480-77-011

- The Operation of a company conducted under a contract for solid waste collection service with a City or Town.
- The operations of a recycling company or non-profit entity collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company.
- The operation of private carriers who, in their own vehicles, transport solid waste purely as incidental adjunct to some other established private business owned or operated by them in good faith. This private carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste.

Common carriers are required if you are transporting commodities within the State of Washington. It could be a company who is contracted with Waste Management to haul

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to a landfill for them, a solid waste junk hauler collection, from a home and doing other service that require a Common Carrier Permit. It could also be a company that has a contract with a City. The biggest exemption is under the Operations of a Recycling and a Non-Profit. The UTC is the largest recycling company in the State of Washington. If they take those specific commodities to a (MRF) Materials Recycling Facility, then they are out of the jurisdiction of the UTC.

- The operations of a carrier operating under a permit issued by the Commission under Chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste.
- The operations of a carrier operating under a permit issued by the Commission under Chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste.
- A carrier collecting recyclable material from a drip-box or recycling buy-back carrier center.

WAC 480-70-221 SANCTIONS

2) Operations without a Certificate

A company that operates as a solid waste company without a Certificate from the Commission is subject to citation if observed or contacted by a representative or other law enforcement agency has not observed those operations, the Commission may:

- i. Issue a citation through the Court; or
 - ii. Contact the solid waste collection agency and provide education and technical assistance concerning applicable regulations. This includes supplying the company with a copy of the applicable laws, rules and Certificate Application forms.
- 3) If the Solid Waste Collection company continues to operate without a Certificate after Commission education and technical assistance is offered, the Commission may institute an administrative proceeding to classify the company pursuant to RCW 81.04.510.

Typically, the UTC offers settlement agreement when there are multiple violations.

TECHNICAL ASSISTANCE

Solid Waste Compliance Investigations resides within the Transportation Safety Division.

Most investigations on the Company is transporting solid waste without a Solid Waste Certificate.

As required by rule, a company is provided technical assistance prior to legal action.

STAFF ASSISTS COMPANIES WITH:

- Information on laws, rules, compliance methods, and technologies applicable to the Commissions programs.
- Information on methods to avoid compliance actions.

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- Assistance with applying for permits.
- Information on the mission, goals and objectives of the Commissions programs.

Upon first contract, technical assistance is offered by the UTC. Compliance letters are sent providing rule and laws regulated by the Commission. Most haulers who have never had to interact with the UTC, are unaware that they are required to have a Solid Waste Certificate to transport waste and a Common Carrier permit to perform junk hauling services. If they are working as a commercial recycler, they are assisted in registering with Isaac Stanton with the Department of Ecology.

SOLID WASTE COURT vs. SOLID WASTE INVESTIGATION with AG's Office

This Court is run independently with the UTC Division working with the Administrative Law Office to free up the Attorney General's Office Staff to assist the UTC with the smaller cases.

Solid Waste Court is a small company, a junk hauler, or a small commercial recycler, who has made 1 to 5 violations. They are typically small companies that are independently owned. Staff does all the document and filing to the Solid Waste Court. Staff negotiates settlement agreements. The Attorney General's office normally does not have any involvement or advisement.

STAFF INVESTIGATIONS

In the larger cases assistance is requested from the Attorney Assistant General to provide legal advice. The Staff will create an internal investigation report that is provided to the Assistant Attorney General Office to review for substance. They determine if they agree with Staff's findings and proceed to present to the Judges and sometimes Commissioners.

- AAG provides legal advice and representation to the Commission and Staff.
- In a more complex cases, Staff may request assistance from AG's office.
- Anytime a company provides legal representation to Staff, Staff will ask for an AAG to represent them as well.

PROCESS:

- Staff prepares investigation report and submits to AG's office.
- AAG determines if their report substantiates claim, if so, AAG submits a complaint against the company.
- All negotiation with the company is between the AAG and company representative.

MOVING FORWARD:

You can report suspected carriers at reportillegalhauler@utc.ga.gov

Or contact me directly by phone or e-mail

Kathryn.McPherson@utc.wa.gov

360-522-6121

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DEFINITION OF A JUNK HAULER ACCORDING TO THE UTC:

The most well known in the State is 1800GotJunk. They are a national franchise company but did not have a permit Common Carrier's permit.

Each companies' operation is owned individually within the State of Washington. There are 2 Got Junk Haulers. UTC provided technical assistance to. You can see very specifically in their advertisements that they are not a Solid Waste Company. They visit transfer stations regularly. However, in their advertisement are the best example. They are going above and beyond what the garbage company is doing. They go into your yard and home and remove and clean debris. You can hire a garbage company in your area to pickup the sofa that is curbside at your home. The difference is that waste connections will never go into your home, tie a kitchen bag and take it to the truck. It is your responsibility to do all of that and bring it to the curb. There in lies the difference. The junk hauler has to provide the service of cleaning, clearing, removing and doing physical work. Doing the physical work that is required to get it out of our space.

RULES AND REGULATIONS REGARDING VECHICLES USED AND BIN DROP-OFF.

Renting drop boxes is the same as renting a garbage can, size does not matter. The customer will be loading that garbage box. If the customer is doing all of the loading, it is the same as having it curbside and ready for pickup.

If a drop-box company takes the commercial recycling and transports it to a solid waste transfer station facility, or a landfill, they are in violation of transporting waste for compensation.

RULES ON UTC CERTIFIED HAULER

If they do not offer recycling services for a homeowner, is the homeowner not able to recycle.

The company must comply with the rules. The residential customer is in a weird loophole. The residential and commercial customers are never liable for the breaking of the rules. If residential recycling is not available, they can hire a company. The company providing the service is still in violation as they are providing residential recycling without a Certificate. It is a State requirement. A company that wants to provide services in an area, for residential recycling in an area that does not have residential recycling, must submit an application.

Ridwell is collecting materials that are not listed as recyclable in Solid Waste Skagit County Management Plan, is how they are able to collect residential recycling. UTC did take this company to Court.

Ridwell provides residential recycling service. The argument made in Court was that one of the Commissioners disagreed with the other two Commissioners. Snohomish and King Counties were used as examples. They did have plastic recyclables on their list.

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However, the garbage company was not providing service for that. Plastic recyclable, wrappers, films, the process we have in place does not work for bags. UTC thought that Ridwell should get an application specifically for that and get a Certificate for a very specific type of recycling. Ridwell won the Court case based on the fact that they were providing other services.

UTC.WA.GOV

UTC has a credited list available for review on their website. Look under Regulated Industries/Transportation. You can look up permitted companies. You can filter by Solid Waste.

There is not an Investigation link in general. Everything is public record. All investigations are listed as they occur during a certain time period.

COMMON CARRIER PERMIT-WA State Intra State Authority

The Licensing Department created a document to help decide if a permit is needed.

COMMODITIES OR JUNK HAULER

It does not matter if the material is going to a recycling facility or to a Waste Facility, they must have a Common Carrier Permit.

UTC – TRANSPORTATION SAFETY

As Transportation Safety for UTC, it is a priority for us to ensure that companies have proper and adequate insurance to prevent problems with public highway and citizens of Washington, but also for consumers who may have issues at their home. The permit is a one-time fee which includes an insurance writer.

b. Compost Collection for Businesses

Olivia Carros is now working just in Organics for the Department of Ecology.

The January 1, 2024 deadline is approaching.

JURISDICTIONAL HEALTH DEPARTMENT UPDATES:

It's one of those things its not a funding mechanism, there is no capacity. The DOE has given us task, without discussion. There have not been any questions from businesses at this time.

c. Rate Study Update

We have contracted with FCS. At the last meeting in September, we had a contract started in place, but the work had not begun yet.

We are now deep in the process, providing them with data from our Scale House transactions and tonnage volumes. We have shared what our customer accounts are like at every Facility, including rates, contracts and budget. They created a Revenue

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Requirements showing that if something doesn't change, we will rapidly run out of money.

Now, we are doing a Cost of Service Analysis. We don't have the Proposed Rates at this time. It does appear that we may need to do significant increases spread out over two years. We may be looking at a 14%-15% increase in 2024 and 2025. After that, we would want to look at an Annual tied to CPI and tied to our growth of 3%.

The CPI adjustment thereafter is similar to what we had with Republic. What we paid went up with the CPI. What we are going to pay with Waste Management is going up with CPI, so we are going to see a regular increase as well. We've got Municipalities, our residents with CDL, street waste, and minimum charges. There are a lot of things to consider and how we want to structure those rate increases. It is up to the Board to make the final decision. We are meeting with FCS tomorrow for another internal meeting for the cost of service. Hopefully, they can be here early next year.

There will be a lot of useful information coming out of it. It is very impressive on how detail focused they are and breaking down the cost of all of our services in our waste streams that we really haven't look at before.

The Health Department is expected to increase their rate as well. Internal discussion is expected to do a 2-year rate increase of \$3.00/ton and the 3% increase to make sure we keep up with inflation.

Announcements/New Business

Eddie's retirement date is set for March 1, 2024.

Adjourn

Ms. Gillaspy, thanked everyone and called the meeting to an end.

The meeting adjourned at approximately 3:00 p.m.