
SENATE BILL 5608

State of Washington

55th Legislature

1997 Regular Session

By Senators Rasmussen and Swecker

Read first time 02/03/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to solid waste handling; and amending RCW
2 35.21.120, 35.21.152, and 36.58.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.21.120 and 1989 c 399 s 1 are each amended to read
5 as follows:

6 A city or town may by ordinance provide for the establishment of a
7 system or systems of solid waste handling for the entire city or town
8 or for portions thereof. A city or town may provide for solid waste
9 handling by or under the direction of officials and employees of the
10 city or town or may award contracts for any service related to solid
11 waste handling including contracts entered into under RCW 35.21.152.
12 Contracts for solid waste handling may provide that a city or town
13 provide for a minimum periodic fee or other method of compensation in
14 consideration of the operational availability of a solid waste handling
15 system, plant, site, or other facility at a specified minimum level,
16 (~~without regard to the ownership of the system, plant, site, or other~~
17 ~~facility, or the amount of solid waste actually handled during all or~~
18 ~~any part of the contract period~~) based on the actual cost of providing
19 landfill disposal services at that level. When a minimum level of

1 solid waste is specified in a contract for solid waste handling, there
2 shall be a specific allocation of financial responsibility in the event
3 the amount of solid waste handled falls below the minimum level
4 provided in the contract.

5 As used in this chapter, the terms "solid waste" and "solid waste
6 handling" shall be as defined in RCW 70.95.030.

7 **Sec. 2.** RCW 35.21.152 and 1989 c 399 s 2 are each amended to read
8 as follows:

9 A city or town may construct, lease, condemn, purchase, acquire,
10 add to, alter, and extend systems, plants, sites, or other facilities
11 for solid waste handling, and shall have full jurisdiction and
12 authority to manage, regulate, maintain, utilize, operate, control, and
13 establish the rates and charges for those solid waste handling systems,
14 plants, sites, or other facilities owned or operated by the city or
15 town. A city or town may enter into agreements with public or private
16 parties to: (1) Construct, lease, purchase, acquire, manage, maintain,
17 utilize, or operate publicly or privately owned or operated solid waste
18 handling systems, plants, sites, or other facilities; (2) establish
19 rates and charges for those systems, plants, sites, or other
20 facilities; (3) designate particular publicly or privately owned or
21 operated systems, plants, sites, or other facilities as disposal sites;
22 and (4) sell the materials or products of those systems, plants, or
23 other facilities. Any agreement entered into shall be for such term
24 and under such conditions as may be determined by the legislative
25 authority of the city or town, however agreements by a city with
26 private parties for landfill disposal at a privately operated landfill
27 shall specify that the compensation to the private parties may not
28 exceed the actual cost of operations. The actual cost may include a
29 reasonable return, determined by the return on investment method or the
30 operating ratio method. The determination of the compensation level by
31 the city is subject to judicial review under the review provisions of
32 chapter 34.05 RCW related to adjudicative proceedings involving rate
33 making.

34 **Sec. 3.** RCW 36.58.040 and 1992 c 131 s 3 are each amended to read
35 as follows:

36 The legislative authority of a county may by ordinance provide for
37 the establishment of a system or systems of solid waste handling for

1 all unincorporated areas of the county or for portions thereof. A
2 county may designate a disposal site or sites for all solid waste
3 collected in the unincorporated areas pursuant to the provisions of a
4 comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW.
5 However for any solid waste collected by a private hauler operating
6 under a certificate granted by the Washington utilities and
7 transportation commission under the provisions of chapter 81.77 RCW and
8 which certificate is for collection in a geographic area lying in more
9 than one county, such designation of disposal sites shall be pursuant
10 to an interlocal agreement between the involved counties.

11 A county may construct, lease, purchase, acquire, add to, alter, or
12 extend solid waste handling systems, plants, sites, or other facilities
13 and shall have full jurisdiction and authority to manage, regulate,
14 maintain, utilize, operate, control, and establish the rates and
15 charges for those solid waste handling systems, plants, sites, or other
16 facilities. A county may enter into agreements with public or private
17 parties to: (1) Construct, purchase, acquire, lease, add to, alter,
18 extend, maintain, manage, utilize, or operate publicly or privately
19 owned or operated solid waste handling systems, plants, sites, or other
20 facilities; (2) establish rates and charges for those systems, plants,
21 sites, or other facilities; (3) designate particular publicly or
22 privately owned or operated systems, plants, sites, or other facilities
23 as disposal sites; (4) process, treat, or convert solid waste into
24 other valuable or useful materials or products; and (5) sell the
25 material or products of those systems, plants, or other facilities.
26 Agreements by a county with private parties for landfill disposal at a
27 privately operated landfill shall specify that the compensation to the
28 private parties may not exceed the actual cost of operations. The
29 actual cost may include a reasonable return, determined by the return
30 on investment method or the operating ratio method. The determination
31 of the compensation level by the county is subject to judicial review
32 under the review provisions of chapter 34.05 RCW related to
33 adjudicative proceedings involving rate making.

34 The legislative authority of a county may award contracts for solid
35 waste handling that provide that a county provide for a minimum
36 periodic fee or other method of compensation in consideration of the
37 operational availability of those solid waste handling systems, plants,
38 sites, or other facilities at a specified minimum level, (~~without~~
39 ~~regard to the ownership of the systems, plants, sites or other~~

1 ~~facilities, or the amount of solid waste actually handled during all or~~
2 ~~any part of the contract))~~ based on the actual cost of providing
3 landfill disposal services at that level. When a minimum level of
4 solid waste is specified in a contract entered into under this section,
5 there shall be a specific allocation of financial responsibility in the
6 event the amount of solid waste handled falls below the minimum level
7 provided in the contract. Solid waste handling systems, plants, sites,
8 or other facilities constructed, purchased, acquired, leased, added to,
9 altered, extended, maintained, managed, utilized, or operated pursuant
10 to this section, whether publicly or privately owned, shall be in
11 substantial compliance with the solid waste management plan applicable
12 to the county adopted pursuant to chapter 70.95 RCW. Agreements
13 relating to such solid waste handling systems, plans, sites, or other
14 facilities may be for such term and may contain such covenants,
15 conditions, and remedies as the legislative authority of the county may
16 deem necessary or appropriate.

17 As used in this chapter, the terms "solid waste" and "solid waste
18 handling" shall be as defined in RCW 70.95.030.

19 The legislative authority of a county may:

20 (1) By ordinance award a contract to collect source separated
21 recyclable materials from residences within unincorporated areas. The
22 legislative authority has complete authority to manage, regulate, and
23 fix the price of the source separated recyclable collection service.
24 The contracts may provide that the county pay minimum periodic fees to
25 a municipal entity or permit holder; or

26 (2) Notify the commission in writing to carry out and implement the
27 provisions of the waste reduction and recycling element of the
28 comprehensive solid waste management plan.

29 This election may be made by counties at any time after July 23,
30 1989. An initial election must be made no later than ninety days
31 following approval of the local comprehensive waste management plan
32 required by RCW 70.95.090.

33 Nothing in this section shall be construed to authorize the
34 operation of a solid waste collection system by counties or to
35 authorize counties to affect the authority of the utilities and
36 transportation commission under RCW 81.77.020.

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