

---

## Ecology & Parks Committee

---

### HB 2399

**Brief Description:** Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate.

**Sponsors:** Representatives Upthegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson and Hudgins.

#### Brief Summary of Bill

- Clarifies that operating solid waste collection includes advertising and entering into agreements for services.
- Establishes penalties for operating a solid waste collection company without approval from the Utilities and Transportation Commission.
- Authorizes the Utilities and Transportation Commission to adopt rules for additional civil penalties for violations relating to solid waste collection without approval.
- Establishes penalties for failure to comply with a solid waste collection cease and desist order.

**Hearing Date:** 1/15/10

**Staff:** Leslie Ryan-Connelly (786-7166).

#### Background:

Washington law regulates the collection of solid waste for compensation. Solid waste includes garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles, and source separated recyclable materials. A solid waste collection company must be certified by the Utilities and Transportation Commission (UTC) before they can start operation. Solid waste collection companies include any person transporting solid waste for compensation, except septic tank pumpers.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The UTC is authorized to issue a cease and desist order should a person operate as a solid waste collection company without the necessary certification. A person who violates the solid waste collection law is guilty of a gross misdemeanor. A gross misdemeanor is punishable by a maximum of one year in jail, a fine of \$5,000, or both.

**Summary of Bill:**

Operation as a solid waste collector is clarified to include advertising, soliciting, offering, or entering into an agreement to provide solid waste collection service. A solid waste collection company must be certified for operation by the UTC before it can engage in, or advertise to engage in, solid waste collection.

The UTC may issue a penalty of up to \$5,000 for each violation related to the engagement or advertisement for services. Each advertisement reproduced, broadcast, or displayed constitutes a separate violation. Any person who continues to operate as a solid waste collection company after receiving a cease and desist order is subject to a penalty of up to \$10,000 per violation.

The UTC shall adopt rules providing for civil penalties in addition to or in lieu of other penalties established in the solid waste collection law. Any civil penalties collected are deposited into the State Public Works Trust Account.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect July 1, 2010.