

Chapter 7

Waste Collection

This chapter describes Clark County's collection systems for municipal solid waste (MSW) including recyclable materials and yard waste. A complete description of recyclable materials and yard waste collection services can be found in Chapter 6, Waste Recycling and Chapter 13, Organic Wastes. Funding and rate structure approaches for solid waste collection are described in Chapter 4, *Waste Prevention and Reduction* and Chapter 17, *Funding and Financing*. Collection practices for special wastes are described in Chapter 14 *Special Wastes*.

Introduction

The collection of municipal refuse and garbage must be coordinated with the collection of recyclable materials and yard waste. Changes in the quantity and composition of one waste stream can affect the quantity and composition of the other streams. Additionally, the type and level of collection service provided for one stream may affect the type and service level required for the other.

The administration of refuse and garbage collection services must be coordinated with the administration of recyclable materials collection services. For example, coordination of customer billing and collection practices, payment provisions, customer data sharing, and vehicle routing information by both collection services, can help the solid waste management system operate more effectively and efficiently. Rate setting for refuse and garbage collection and recyclable materials collection also needs to be structured to provide incentives to reduce and recycle wastes while fully recovering program costs to the extent allowed by the regulatory agencies that govern.

Definitions

Washington Administrative Codes (WAC) and the Revised Code of Washington (RCW) provide the following definitions for municipal solid waste (MSW) management.

Collecting agency is defined as "any agency, business, or service operated by a person for the collecting of solid waste." (WAC 173-304)

Common carrier means any person who undertakes to transport solid waste, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules. (RCW 81.77)

Contract carrier means all garbage and refuse transporters not included under the terms "common carrier" and "private carrier," as herein defined, and further, shall include any person who under special and individual contracts or agreements transports solid waste by motor vehicle for compensation. (RCW 81.77)

Private carrier means a person who, in his own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith: Provided, that a person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste shall not constitute a private carrier. (RCW 81.77)

Recyclable materials means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified a recyclable material pursuant to a local comprehensive solid waste management plan. (RCW 70.95)

Recycling means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. (RCW 70.95)

Residence means the regular dwelling place of an individual or individuals. (RCW 70.95)

Solid waste means all putrescible and nonputrescible solid and semi-solid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. (RCW 70.95)

Solid waste collection company means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation, except septic tank pumpers, over any public highway in this state whether as a "common carrier" thereof or as a "contract carrier" thereof." (RCW 81.77)

Source separation means the separation of different kinds of solid waste at the place where the waste originates. (RCW 70.95)

Assessment of Conditions

Solid Waste Collection

The following agencies are responsible for the management of solid wastes within Clark County: Washington Utilities and Transportation Commission (WUTC), Clark County, and the cities of Battle Ground, Camas, La Center, Ridgefield, Vancouver and Washougal (see Chapter 2, *Administration* and Chapter 16, *Enforcement*). The Clark County Public Health issues permits for solid waste storage, collection, transfer and disposal pursuant to RCW 70.95, WAC 173-350 and Clark County Code Chapter 24.12. The Public Health Department also has jurisdiction over public health and safety with regard to solid waste collection in all of Clark County, including the cities and towns.

State law provides the following three categories under which solid waste collection services (excluding recyclable materials collection) are administratively authorized and controlled:

State-Certificated Collection

The Washington legislature decided in 1961 that garbage collection service should be available to all residents of the state at rates that were fair, just and reasonable. The legislature passed RCW 81.77, directing the Commission to supervise and regulate private solid waste collection companies in the State of Washington. RCW 81.77 requires a company to obtain a certificate from the Commission declaring that public convenience and necessity require establishment and operation of a collection service in a specific area. These Certificates of Public Convenience and Necessity require proof that a company is fit, willing and able to provide service, and then specify categories of solid waste that can be collected and the geographic area in which a company can operate.

These certificated collection companies provide services under Commission regulation. As part of its legislative mandate, the Commission audits these companies for fair rates, proof of adequate insurance, operational safety, and requires annual reports. Any solid waste collection company, including certificated companies, may also provide service under contract with an incorporated city or town. In that case, the Commission does not regulate. The WUTC's authority covers private collection companies that operate in unincorporated areas of a county and in incorporated municipalities where the city chooses not to regulate through other means. City-contracted collection services are not subject to WUTC control. Collection systems directly operated by city crews and equipment are also exempted from regulation by the WUTC.

The WUTC establishes collection fees (rates) for certificate holders on the basis of operating costs and revenues. Every certificated collection company is required to file a tariff with the WUTC, showing rates and charges applicable to the collection, transportation, and disposal of solid waste in its service area. The WUTC may approve or modify the requested rates. Certificated companies cannot alter their rates or charges without WUTC approval.

The WUTC requires certificated collection companies to "use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95" and provide minimum levels of solid waste collection and recycling services pursuant to local solid waste management plans and municipal ordinances. The WUTC has no direct authority or rate-setting responsibility for solid waste transfer or disposal facilities.

Since the early 1900's, the Commission has regulated the transportation of property (including nonresidential recyclable materials) for hire over public roadways under the authority of RCW 81.80. The regulation was essentially the same as that of solid waste collection companies. Commercial recycling is regulated under RCW 81.80 because it has been designated as property, not solid waste. However, the passage of the Federal Aviation Administration Authorization Act (FAAAA) of 1994 pre-empted state or local regulation of transportation of property (including nonresidential recycling), in terms of where a company can operate, how much they can charge, and what kinds of property they can transport. At that time, the legislature moved the Commission's responsibility for safety inspection for common carriers to the Washington State Patrol. The Commission retains the responsibility to issue permits and verify insurance for common carriers. Common carrier permits provide companies with the authority to transport general commodities including nonresidential recyclable materials.

City-Controlled Collection

Cities have the authority to make collection mandatory in all or part of its incorporated boundaries. Mandatory collection means that all waste generators must subscribe to and pay a minimum fee for collection even if they do not use the service. The following options are available to cities for managing solid waste collection:

WUTC-Certificated Collection: A city can delegate management authority and responsibility to the WUTC. Under this option, collection services within the city are provided by a certificated private company supervised and regulated by the WUTC. WUTC certificates and operating requirements may be supplemented within cities by licenses (or "franchises"). Under a licensed collection system, collection rates charged by city-licensed but WUTC-certificated private companies are set by the WUTC, with any city-imposed licensing tax added on top of, or factored into, rates. It is the collection company's responsibility to collect fees for services rendered and to remit a licensing fee, franchise tax or fee based on gross receipts to the city. The license therefore benefits the city by generating revenues. However, the WUTC remains the regulatory authority for licensed collection.

Contracted Collection with a Private Service Provider: A city can contract with any private collection company for residential and nonresidential collection services within all or part of its incorporated area. Thus, a city can control collection activities without operating its own municipal collection utility. This is the only avenue for non-certificated private collection companies to become involved in collection services in the State of Washington. The service areas for these private collection companies would be limited to the contracted municipal boundaries and would not be subject to regulation by the WUTC. Under a contracted collection system, management and regulation of the system are the responsibility of the city. The contract would regulate operating conditions, rates, and billing practices. Collection of fees for services could be the responsibility of either the city or the collection company. Typically, a city ordinance would set forth the level of collection service provided, rate structures to be used, and operating requirements.

Municipal Collection Collection systems can also be operated by a city as a municipal service with its own equipment and personnel. A city with municipal collection generally determines its own rate structure, operating requirements and levels of service. In addition, the city is usually responsible for customer billing.

County-Controlled Collection

Statutory restrictions imposed upon counties by RCW 36.58A limit a county's authority with respect to solid waste collection. A county currently may provide collection services itself or through direct contract only if no qualified private company is willing or able to do so. In addition, a county may not provide service in an existing certificated area unless it acquires rights by purchase or condemnation. Except in the circumstances stated above, the county is prohibited from directly managing or operating solid waste collection systems. It is unlikely that such a combination of circumstances would ever occur within Clark County.

However, a county may exercise limited control of solid waste collection service in unincorporated areas through the adoption of service-level ordinances. Service-level ordinances can establish the types and levels of services to be provided to both residential and nonresidential customers. In addition, such ordinances can encourage rate structures that promote waste reduction and recycling activity.

A county may also exercise some control of collection activities within its unincorporated areas by establishing solid waste collection districts. Within such a district all solid waste generators could be required to subscribe to and pay for collection services; the private service provider and the collection rates would be regulated by the WUTC. Solid waste collection districts are generally limited to unincorporated areas of a county, although with consent from the legislative authority of a city or town, collection districts can include areas within the corporate limits of the city.

If a county were to form such a district, the WUTC would be required to investigate whether the existing certificated collection companies were willing and/or able to provide collection services. If the existing certificated collection company could not or would not provide the service, then the WUTC could issue a certificate to another collection company. A county can directly provide collection services within these districts only after notification by the WUTC that no qualified collection companies are able and/or willing to perform said service. If a collection district is established, a county may be asked to collect fees from delinquent customers should the private collection company be unable to do so.

Summary of Regulatory and Legal Framework

Table 7-1 summarizes the differences in solid waste collection systems.

Table 7-1 Solid Waste Collection System Characteristics (Under State, City, and County Control)					
System Characteristics	State-Controlled	City-Controlled			County Characteristics
		State Authority	Contract	Municipal	
Collector	Private	Private	Private	Municipality	Private ^b
Operating conditions and Review authority	WUTC ^c	WUTC ^c	Municipality	Municipality	WUTC ^c
Rate approval authority	WUTC	WUTC ^d	Municipality	Municipality	WUTC
Subscription to collection service	Voluntary	Voluntary or Mandatory	Voluntary or mandatory	Voluntary or mandatory	Voluntary
Billing responsibility	Collector	Collector	Municipality or collector	Municipality	Collector ^e
^a Only in unincorporated areas, or in incorporated areas with consent of the legislative authority of the city or town. ^b If no certificated hauler can provide service, the county may provide service. ^c Although municipal governments can adopt service level ordinances, the Washington Utilities and Transportation Commission (WUTC) is the authority charged with enforcing compliance. ^d City has authority to include licensing tax. ^e County must collect fees if users are delinquent.					

Current Collection Practices

Solid waste in Clark County is currently being collected by both private companies and municipal government agencies which are regulated and operating under the authorities previously described. Table 7-2 describes the collection entities in Clark County currently providing MSW collection services.

Table 7-2 MSW Collection Entities in Clark County			
Service Provider	Parent Company	WUTC Certificate Number	Address
Waste Connections of Washington, Inc.	WCI	G-253	9411 N.E. 94th Avenue Vancouver, Washington 98662
Waste Control, Inc.	None	G-101	P.O. Box 148 Kelso, Washington 98626
Evergreen Waste Systems	WCI	None	9411 N.E. 94th Avenue Vancouver, Washington 98662
City of Camas	None	None	616 N.E. 4th Avenue Camas, Washington 98607
Basin Disposal, Inc. (inactive)	None	G-118	PO Box 3850 Pasco, WA 99302-3850

Prior to August 1, 1996, most solid waste collection in Clark County was performed by the Clark County Disposal Group (CCDG) under a variety of municipal contracts and WUTC-certificates. On that date Browning-Ferris Industries of Washington, Inc. (BFI) purchased CCDG and subsequently consolidated its WUTC operating authorities under one certificate. In 1997 Waste Connections, Inc. (WCI) purchased BFI's holdings in Clark County, and then purchased Evergreen Waste Systems in September 1998 and Columbia Resource Company in March 1999. In August 2005 WCI acquired the municipal contracts, accounts, and operating equipment of Waste Management of Vancouver.

The service area for each provider is described below.

The City of Vancouver contracts with Waste Connections, Inc., (WCI) to provide collection services throughout the city.

WCI provides collection services under WUTC authority in the unincorporated areas of Clark County and the Cities of Battle Ground, La Center, and Yacolt. WCI services the City of Ridgefield under municipal contract.

Waste Control, Inc. provides collection services in the northwest corner of Clark County and within the City of Woodland.

The City of Washougal contracts with Evergreen Waste Systems (a WCI company) to provide residential and nonresidential collection services within the city.

The City of Camas collects residential and some nonresidential accounts with city equipment and crews. Evergreen Waste Systems currently provides collection service for other nonresidential accounts under contract with the City of Camas.

Basin Disposal, Inc. has an inactive permitted service area in and near Camas.

Table 7-3 summarizes the current residential MSW collection service characteristics in Clark County. Table 7-4 summarizes current nonresidential MSW collection service characteristics in Clark County.

Table 7-3 MSW Collection Service Characteristics—Residential 2006				
Area and Jurisdiction	Regulatory Authority	Service Provider	Mandatory Collection	Billing Responsibility
City of Vancouver	City-contracted	WCI	Yes	Service Provider
City of Camas	City	City	Yes	City
City of Washougal	City-contracted	WCI/Evergreen Waste Systems	Yes	City
City of Ridgefield	City-contracted	WCI	Yes	Service provider
City of Battle Ground	WUTC	WCI	No	Service provider
City of La Center	WUTC	WCI	No	Service provider
Town of Yacolt	WUTC	WCI	No	Service provider
Unincorporated Clark County	WUTC	WCI and Waste Control, Inc.	No	Service provider

Table 7-4 MSW Collection Service Characteristics-Nonresidential 2006				
Area and Jurisdiction	Regulatory Authority	Service Provider	Mandatory Collection ?	Billing Responsibility
City of Vancouver	City-contracted	WCI	Yes	Service provider
City of Camas	City	City of Camas and Evergreen Waste Systems	Yes	City and service provider
City of Washougal	City-contracted	Evergreen Waste Systems	Yes	City
City of Ridgefield	City-contracted	WCI	Yes	Service provider
City of Battle Ground	WUTC	WCI	No	Service provider
City of La Center	WUTC	WCI	No	Service provider
Town of Yacolt	WUTC	WCI	No	Service provider
Unincorporated Clark County	WUTC	WCI and Waste Control Inc.	No	Service provider

The unincorporated areas of the County, as well as the cities of Battle Ground and LaCenter and the town of Yacolt, do not have mandatory collection. Waste generators have the choice of either subscribing to collection services provided by their WUTC-certificated company or self-hauling to a permitted disposal or transfer facility. In addition to the collection service providers described in Tables 7-3 and 7-4, generators can self-haul solid wastes to the CRC transfer stations, or to other processing and disposal facilities out of the region. Large self-haulers in Clark County include Vancouver School District and the Battle Ground School District.

Rate Structures

Rates or fees charged for garbage collection in Clark County vary by area and service provider. Because of the way the rates are structured, municipal rates (e.g. the City of Vancouver) often provide more incentive to reduce waste than WUTC service area rates.

Recyclable Material Collection

The collection of recyclable materials from residential and nonresidential generators is regulated somewhat differently than the collection of general solid wastes in the State of Washington. However the WUTC, Clark County, and cities in Clark County are still involved in the regulatory process. The self-hauling of recyclable materials by generators to recycling centers, transfer stations or other location is not regulated. (Additional information on waste recycling can be found in Chapter 6, *Waste Diversion*.) Residential curbside collection of recyclables is currently available throughout Clark County.

Residential Collection for Recycling

The collection and transportation of recyclable materials and yard waste from single-family and multifamily residences is regulated under RCW 81.77 and RCW 36.58. Under these statutes, counties have the authority to directly regulate the collection of source separated recyclable materials. Local government jurisdictions, including both counties and cities, have the option to either contract directly with a private collection company to provide residential recyclable materials collection services, or to delegate the responsibility to the WUTC. If the local government contracts directly with a collection company, then it thereby regulates collection activities and the WUTC is not involved. However, if the authority is delegated to the WUTC, then a WUTC-certificated collection company would provide the collection service, with WUTC regulating the activity as previously described in this chapter. In addition to these two options, cities have the option of providing recyclable collection services within their jurisdictional boundaries by using city personnel and equipment.

In the past, Clark County and the City of Battle Ground contracted for residential recycling collection services within the City of Battle Ground and the unincorporated areas within the Urban Growth Boundaries of Battle Ground, Camas, Vancouver, and Washougal. Currently WCI has contracted with the County and the cities of Battle Ground, La Center, Ridgefield, and Yacolt to provide residential recycling collection services (both single family and multifamily) within those cities and also in all of the unincorporated areas of Clark County.

The City of Vancouver contracts for residential recycling collection services (both single family and multifamily) with WCI. The cities of Camas and Washougal have separate

contracts with Evergreen Waste Systems (now a WCI company) to collect recyclable materials from both single-family and multifamily residences within their jurisdictions.

In August 2007, Clark County in conjunction with the cities of Camas, Vancouver, and Washougal began a six-month pilot program for cart curbside collection of recyclable materials. The pilot consisted of approximately 5,000 households and collected commingled recyclables in a single cart. Glass was collected in a separate bin and placed beside the cart at the curb. The pilot had six distinct areas where different configurations were tested. This included different sized carts and glass bins; semi-automated trucks, automated trucks, and a two-truck collection method; and varying collection frequency. Results from the pilot were used in determining that the current curbside recycling collection program should be restructured. Clark County's current curbside recycling collection contract expires in December 2008. A new contract has been competitively procured with a new contract being awarded to WCI. The County will be transitioning to a cart based collection system for single family and multi-family residences. The cart will contain commingled materials with glass collected in a separate bin next to the cart. Motor oil, antifreeze and household batteries will continue to be collected next to the cart.

Non-residential Collection for Recycling

The collection and transport of recyclable materials from nonresidential generators is regulated by the WUTC under RCW 81.80. Three types of authorities are established in RCW 81.80, including common carriage, contract carriage, and private carriage. Counties have no authority to regulate the collection and transportation of nonresidential recyclable materials. Cities may enter into non-exclusive contracts with providers of non-residential recycling services or may establish a regulatory framework to direct the nature of their activity and services within the jurisdiction. Local businesses, however, may choose to make other collection arrangements.

Common carriers are permitted by the WUTC and can collect a specific commodity (or commodities) within a designated geographic territory. Common carriers do not own the commodity being hauled; they are simply providing a transportation service for the owner. For example: a private company hauling cardboard from nonresidential generators to an independently operated recycling facility would be a common carrier. Common carriers are required to provide collection and transportation service to anyone requesting the service within the collection territory. Fees are negotiated between the carrier and the customer.

Contract carriers are permitted by the WUTC and can collect a specific commodity (or commodities) from a single nonresidential generator. For example: an independent company collecting cardboard from a single manufacturing company would be a contract carrier. Contract carriers negotiate the tariff or fee paid for the service with the waste generator without WUTC involvement.

Private carriers are not subject to regulation by the WUTC. Private carriage involves the collection and transportation of a commodity (or commodities) by either the commodity generator or the commodity user, if the collection and transport activity is incidental to the overall or primary business of the generator or user. For example: a large manufacturing facility that self-hauled small amounts of cardboard to a local recycler would be considered a private carrier. Recycling firms that collect their own materials for further processing and marketing are also considered private carriers.

As summarized in Chapter 6, the City of Vancouver has established a licensing program that pertains to common carriers collection recyclable materials within the city limits. A key purpose of this requirement is to obtain data on recycling activities with the jurisdiction.

Litter Collection

Littering is solid waste that is thrown, discarded or placed in any manner or amount on any public or private property; other than being placed in appropriate solid waste containers. This includes waste that is thrown by pedestrians and motorists; materials that are blown from vehicles; and large loads of waste that are illegally dumped onto public or private property.

The Washington Department of Ecology provides funding to Clark County through the Community Litter Cleanup Program. This program helps to cover the costs to local governments to clean up litter and illegal dumps, as well as educates the public on the consequences of littering. More information is provided in Chapter 16 Enforcement on these programs in the local jurisdictions.

Recommendations

1. Work with WUTC and WUTC-certificated haulers to develop rate structures that support and encourage waste reduction and recycling.
2. Adopt a county service level ordinance to provide:
 - minimum collection service levels for residential and nonresidential customers;
 - access by the County and cities to collection system information;
 - enhanced coordination between WUTC-certificated collection companies and County and city contractors;
3. Support and investigate state legislative efforts to provide counties with the same options for management of waste collection that cities have.
4. Develop a program for registering commercial recycling haulers and tracking tonnage data in the unincorporated areas.
5. Adopt an ordinance expanding enforcement provisions for unsecured loads of transported waste.