

WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services. (1) Chapter 81.77 RCW is intended to cover operations of carriers whose primary business is transporting solid waste for collection and/or disposal. Persons holding permits issued by the commission under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they transport solid waste to a disposal site on more than an occasional basis, or if they hold themselves out to the public as providing solid waste collection service.

(2) In some instances carriers may be engaged extensively in both motor freight and solid waste collection operations. In cases where such operations are separable, carriers may be required to hold both a solid waste certificate under the provisions of chapter 81.77 RCW and a motor carrier permit under the provisions of chapter 81.80 RCW in order to provide both services. In each case it is within the discretion of the commission to determine whether a carrier is required to hold both a motor carrier permit and a solid waste certificate.

(3) In some instances, transportation of a specific commodity may be subject to commission regulation under the provisions of chapter 81.80 RCW, or as solid waste under the provisions of chapter 81.77 RCW, depending on the circumstances involved in the transportation of that commodity. For example, if soil is transported to a landfill to become part of the cover of the landfill, the transportation is subject to regulation as a motor carrier under the provisions of chapter 81.80 RCW. However, if the soil is being transported to a landfill merely for disposal, the transporter is subject to regulation as a solid waste collection company under the provisions of chapter 81.77 RCW.

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

- (a) The intent of the shipper;
- (b) The intended destination of the shipment;
- (c) The actual destination of the shipment;
- (d) Special handling or conditions placed on the shipment by the shipper and/or receiver;
- (e) The value of the commodity being transported;
- (f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and
- (g) Whether the carrier holds itself out to the public as a transporter of solid waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. WSR 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-016, filed 3/23/01, effective 4/23/01.]