
HOUSE BILL 2524

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Orr, Horn, Rust and Lemmon

Read first time 01/17/94. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to transportation of hazardous or biomedical waste;
2 amending RCW 81.77.010; adding a new section to Title 81 RCW; and
3 adding a new section to chapter 81.80 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to Title 81 RCW to
6 read as follows:

7 (1) For purposes of this section, "biomedical waste" and
8 "treatment" mean the same as defined in RCW 70.95K.010. "Hazardous
9 waste" means the same as defined in RCW 70.105K.010.

10 (2) No person or entity not otherwise exempted from the provisions
11 of this chapter shall transport hazardous or biomedical waste for
12 compensation on the public highways of this state for treatment,
13 including recycling, or for disposal, without first having obtained a
14 certificate from the commission authorizing the service. The
15 commission shall grant a certificate upon finding the following:

16 (a) The applicant is fit, willing, and able to provide
17 transportation of hazardous and/or biomedical waste and to comply with
18 all laws and rules applying to that service;

1 (b) The applicant has an operating plan, training plan, and
2 packaging and containment program appropriate for hazardous and/or
3 biomedical waste, complying with all pertinent laws and regulations;

4 (c) The applicant will transport hazardous or biomedical waste for
5 treatment, storage, or disposal only to a facility that meets all
6 local, state, and environmental regulations as determined by the
7 appropriate local, state, and federal agencies;

8 (d) The applicant has paid the appropriate filing fees authorized
9 by this chapter and established by the commission for applications for
10 solid waste operating authority; and

11 (e) A grant of authority is consistent with the public interest.

12 A person operating a treatment facility for hazardous or
13 biohazardous substances that meets all local, state, and federal
14 environmental regulations as determined by the appropriate local,
15 state, and federal agencies may be granted a permit upon findings as
16 given in (a), (b), (c), and (d) of this subsection.

17 (3) Any person authorized to provide this service under RCW
18 81.77.040 or 81.80.070 as of the effective date of this section shall
19 convert that authority to authority under this section within one year
20 after the effective date of this section, or the carrier's existing
21 authority to provide such service will expire. The possession of such
22 existing authority shall be prima facie evidence that the applicant
23 complies with subsection (2) of this section.

24 (4) The commission shall adopt rules to implement this section
25 governing (a) the nature and method of tariffing of rates for hazardous
26 and biomedical waste service; (b) the application fee, not to exceed
27 the fee for motor carrier authority under chapter 81.80 RCW, and the
28 application processes for securing new and converted authority; and (c)
29 any other matter, consistent with this section, that the commission
30 deems necessary to effect the provisions of this section.

31 (5) Every person who engages for compensation to perform a
32 combination of services, a substantial portion of which includes
33 transportation of hazardous and/or biomedical waste, shall not engage
34 in the activity without first obtaining a permit to do so under this
35 section. An example of such a combination of services includes, but is
36 not limited to, treating hazardous and/or biomedical waste to render it
37 nonhazardous. Every person engaging in such a combination of services
38 shall advise the commission what portion of the consideration is
39 intended to cover the transportation service. The rates or charges for

1 the transportation services included in such combination of services
2 shall be subject to control and regulation in the manner specified by
3 the commission by rule.

4 (6) Any application for hazardous or biomedical waste authority
5 that is pending as of the effective date of this section may be granted
6 as authority under this section if it meets the pertinent tests for
7 authority under which the application was filed or if it meets the
8 tests specified in subsection (2) of this section. If the commission
9 finds that the pending application fails to meet the tests for
10 authority applied for, and if parties have not previously addressed the
11 standards established in this section, the commission shall allow all
12 parties to comment and, in its discretion, may allow parties to present
13 additional pertinent evidence.

14 **Sec. 2.** RCW 81.77.010 and 1989 c 431 s 17 are each amended to read
15 as follows:

16 As used in this chapter:

17 (1) "Motor vehicle" means any truck, trailer, semitrailer, tractor
18 or any self-propelled or motor driven vehicle used upon any public
19 highway of this state for the purpose of transporting solid waste, for
20 the collection and/or disposal thereof;

21 (2) "Public highway" means every street, road, or highway in this
22 state;

23 (3) "Common carrier" means any person who undertakes to transport
24 solid waste, for the collection and/or disposal thereof, by motor
25 vehicle for compensation, whether over regular or irregular routes, or
26 regular or irregular schedules;

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

32 (5) "Private carrier" means a person who, in his own vehicle,
33 transports solid waste purely as an incidental adjunct to some other
34 established private business owned or operated by him in good faith:
35 PROVIDED, That a person who transports solid waste from residential
36 sources in a vehicle designed or used primarily for the transport of
37 solid waste shall not constitute a private carrier;

1 (6) "Vehicle" means every device capable of being moved upon a
2 public highway and in, upon, or by which any solid waste is or may be
3 transported or drawn upon a public highway, excepting devices moved by
4 human or animal power or used exclusively upon stationary rail or
5 tracks;

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

12 (8) Solid waste collection does not include collecting or
13 transporting recyclable materials from a drop-box or recycling buy-back
14 center, nor collecting or transporting recyclable materials by or on
15 behalf of a commercial or industrial generator of recyclable materials
16 to a recycler for use or reclamation. Transportation of these
17 materials is regulated under chapter 81.80 RCW; and

18 (9) "Solid waste" means the same as defined under RCW 70.95.030,
19 except for the purposes of this chapter solid waste does not include
20 recyclable materials except for hazardous and biomedical materials as
21 provided in section 1 of this act, and except for source separated
22 recyclable materials collected from residences. For purposes of RCW
23 81.77.040, solid waste does not include biomedical waste as defined in
24 chapter 70.95K RCW or hazardous waste as defined in RCW 70.105.010.

25 NEW SECTION. Sec. 3. A new section is added to chapter 81.80 RCW
26 to read as follows:

27 Transportation for treatment, including transportation for
28 recycling, of hazardous waste as defined in RCW 70.105.010 and
29 biomedical waste as defined in RCW 70.95K.010 shall be governed by
30 section 1 of this act and by chapter 81.77 RCW, and not by RCW
31 81.80.070 and chapter 81.80 RCW.

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