PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 27th day of March 2020.

GENERAL ORDER NO. 262.2

COMMISSION GENERAL ORDER REGARDING WAIVER OF MOTOR CARRIER RULES RELATED TO COLLECTION OF BULKY GOODS AND TO GENERAL COLLECTION OF SOLID WASTE DURING COVID-19 WEST VIRGINIA STATE OF EMERGENCY.

COMMISSION ORDER

In response to the COVID-19 pandemic, the Commission temporarily waives requirements that motor carriers engaged in the collection of solid waste collect bulky goods. The Commission also authorizes solid waste haulers who hand-collect waste to limit collection to waste placed in closed bags.

BACKGROUND


On March 23, 2020, the Governor issued Executive Order No. 9-20 directing all individuals in the state to stay in their homes or place of business unless performing an essential activity.
DISCUSSION

Pursuant to Executive Order No. 9-20, West Virginia citizens will spend more time at home. As a consequence, citizens will generate more household waste than usual. The collection of bulky goods as required by Motor Carrier Rule 6.6. involves additional collection trips and the use of special equipment and could divert hauler resources from general household trash collection. Solid waste haulers may also experience a shortage of workers. The focus at this time must be the regular and timely collection of general household waste. To protect the general health, conserve resources and ensure continuation of regular and timely waste collection, the Commission will temporarily waive Commission rules and applicable utility tariff provisions that require solid waste haulers to collect bulky goods on a monthly basis. This waiver should start immediately and remain in effect until further order of the Commission or the Governor ends the WV State of Emergency.

Motor Carrier Rule 6.2.g requires solid waste haulers to collect loose waste placed inside a garbage can because a garbage can is a suitable, waterproof container. Employees of solid waste haulers that engage in hand-collection must reach inside the can to retrieve loose waste. Loose waste, particularly medical waste, is a potential source of infection transmission. In response to the COVID-19 pandemic, therefore, it is reasonable to suspend the requirement to collect loose waste and instead temporarily require solid waste haulers to limit collection of waste to waste placed in closed bags.

FINDINGS OF FACT

1. Commission rules and/or utility tariffs require motor carriers engaged in the collection of solid waste to collect bulky goods on a monthly basis. Motor Carrier Rule 6.6.

2. Commission rules and/or utility tariffs require motor carriers engaged in the collection of solid waste to collect all waste that is either placed in a bag or in the garbage can. Motor Carrier Rule 6.2.g.

CONCLUSIONS OF LAW

1. In consideration of health risks related to the COVID-19 pandemic, it is reasonable to temporarily waive all rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect bulky goods on a monthly basis.

2. In consideration of health risks related to the COVID-19 pandemic, it is reasonable to temporarily waive all rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect all waste placed in a bag or in the garbage can. Solid waste collectors should, instead, limit collection to waste placed in closed bags.
ORDER

IT IS THEREFORE ORDERED that the Commission rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect bulky goods on a monthly basis, are temporarily waived. This waiver shall remain in effect until further order of the Commission or until the State of Emergency is lifted.

IT IS FURTHER ORDERED that the Commission rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect all waste placed in a bag or in the garbage can are waived and instead the Commission requires solid waste haulers who perform hand-collection to limit collection to waste placed in closed bags. This waiver shall remain in effect until further order of the Commission or until the State of Emergency is lifted.

IT IS FURTHER ORDERED that on entry of this order this case shall be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary serve this Order upon the Commission and its Staff by hand delivery, upon all waste haulers who have filed an e-service agreement with the Commission by electronic service and upon all other waste haulers by United States Certified Mail, return receipt requested.

A True Copy, Teste,

Connie Graley, Executive Secretary

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