

ORDINANCE NO. 9495 (NEW SERIES)

AN ORDINANCE AMENDING TITLE 6, DIVISION 8, OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO LAND AND WATER QUALITY, HAZARDOUS MATERIALS, SOLID WASTE CODE ENFORCEMENT AND SOLID WASTE PLANNING AND MANAGEMENT FUNCTIONS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that in accordance with Board Policy A-76, Sunset Review Process, the Department of Environmental Health has systematically reviewed the County Code of Regulatory Ordinances and has identified several sections of the County Code that need to be corrected and updated. These changes involve corrections to County Code sections in Title 6 pertaining to Land and Water Quality and Hazardous Materials Management, the transfer of lead responsibility for solid waste code enforcement from the Department of Environmental Health to the Department of Planning and Land Use, and the clarification of the responsibility of the Department of Public Works for County Code sections pertaining to solid waste planning and management functions. Accordingly, the Board of Supervisors authorizes the Department of Environmental Health to correct and update the relevant County Code sections in Title 6 to reflect these changes.

Section 2. Section 68.340 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.340. LOCATION OF ON-SITE WASTEWATER SYSTEMS.

Any on-site wastewater system or part thereof hereafter constructed or installed in the County shall be so situated that it will be a "safe distance" from any source of water supply as determined by the Director. In determining what is a "safe distance" the Director shall consider the source of possible pollution, the type of soil, surface and subsurface, the type and source of water supply, the geological formation of the ground, the direction of surface drainage, and the depth and direction of groundwater flow.

Under no circumstances shall any part of such on-site wastewater system, except the house sewer line, be located closer than 100 feet from any groundwater supply. Any new on-site wastewater system or repair installation to an existing property shall maintain setbacks to groundwater supplies as described in State of California Water Well Standards, Bulletin 74-81 and 74-90.

No part of such on-site wastewater system except the house sewer line shall be located less than five feet from every building or structure or less than five feet from every property line. Specific setback requirements will vary based on the type of system design and site conditions. These are:

System Component	Setback To:	Minimum Distance
Septic Tank	Structure	5 feet
Septic Tank	Property Line	5 feet
Septic Tank	Water Well	100 feet
Leach Lines	Structure	8 feet
Leach Lines	Property Line	5 feet
Leach Lines	Water Lines	25 feet from edge of easement (a)
Leach Lines	Water Well	100 feet (d)
Leach Lines	Drainage Course	50 feet from top of bank
Leach Lines	Flowing Stream	100 feet from top of bank
Leach Lines	Pond	100 feet from spillway elev.
Leach Lines	Reservoir	500 feet to 1000 feet based on average slope
Leach Lines	Aqueduct	100 feet from edge of easement (c)
Leach Lines	Road Easements	8 feet from edge of ultimate easement width (b)
Leach Lines	Cut Slopes	5:1 Setback from top of cut slope (e)
Leach Lines	Septic Tank	5 feet
Leach Lines	Leach Lines	10 feet
Leach Lines	Seepage Pits	15 feet
Seepage Pits	Structure	10 feet
Seepage Pits	Property Line	10 feet
Seepage Pits	Water Lines	25 feet from edge of easement (a)
Seepage Pits	Water Well	150 feet (d)
Seepage Pits	Drainage Course	50 feet from top of bank
Seepage Pits	Flowing Stream	100 feet from top of bank
Seepage Pits	Pond	100 feet from spillway elev.
Seepage Pits	Reservoir	500 feet to 1000 feet based on average slope measurements
Seepage Pits	Aqueduct	100 feet from edge of easement (c)
Seepage Pits	Road Easements	8 10 feet from edge of ultimate easement width (b)
Seepage Pits	Cut Slopes	5:1 Setback from top of cut slope (e)
Seepage Pits	Septic Tank	5 feet
Seepage Pits	Seepage Pits	20 feet

- (a) The setback to a domestic water line may increase if the 5:1 setback of the utility trench depth exceeds the 25-ft setback.
- (b) The setback may increase if the 5:1 setbacks to road cuts are greater than the minimum setback of 8 feet.
- (c) Any reduction in the Aqueduct setback requires approval from the San Diego County Water Authority or other Aqueduct owner. Unlined tunnels will require a 200-ft setback from the aqueduct easement.
- (d) The minimum setback may be increased if site conditions show the minimum setback is insufficient to protect groundwater supplies.
- (e) No part of an on-site wastewater system, with the exception of a septic tank, pump chamber, enclosed filter, or tight sewer pipe, shall be located closer than a 5:1 setback distance to the top of a cut bank, or the edge of an excavation. The horizontal distance would be five times the height of the cut or depth of the excavation. This setback would also be applied to the top of an eroded bank or natural slope in excess of 60%.

Section 3. Section 68.501 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.501. GENERAL.

The purpose of this chapter is to provide for the management of Solid Waste; the storage, collection, transportation, and recovery of marketable and recyclable materials; the disposal of solid waste in San Diego County; and the orderly regulation of the business of collecting, transporting, and/or disposing of solid waste kept, accumulated or produced within the unincorporated area of the County.

The Director of the Department of Public Works shall have the authority and responsibility for all County solid waste planning and management functions, including oversight of the non-exclusive management agreements and the enforcement of recycling requirements. The Director of the Department of Planning and Land Use shall have lead responsibility for Section 68.502, Solid Waste Declared Public Nuisance. The Department of Environmental Health shall assist the Department of Planning and Land use in solid waste code enforcement matters dealing with vectors, and shall have lead responsibility for all code enforcement related to hazardous materials.

(a) Declaration of Policy. Solid waste must be regulated to the extent necessary to protect the health, safety, and welfare of the public, to conserve disposal capacity, to meet state laws and to ensure cost effective public service. To this end, the Board of Supervisors finds that to give practical effect to this policy, a system of non-exclusive management agreements to regulate the collection of waste, and a comprehensive system for the storage, collection, removal, transport,

recovery of marketable and recyclable materials, and disposal of solid waste in the unincorporated areas of the County is essential.

(b) Definitions. For the purpose of this Chapter, the following words and phrases shall have the meaning given herein unless their use in the text of the Chapter clearly demonstrates a different meaning.

(1) “Aluminum” means recoverable aluminum materials such as used beverage containers, siding, and other manufactured items.

(2) “Authorized Enforcement Official” means the Director of the Department of Public Works, the Director of the Department of Planning and Land Use or the Director of the Department of Environmental Health and the designees of those Directors, in accordance with department responsibilities outlined in this Section.

(3) “Biohazardous Waste” means waste such as pathological cultures and stocks of infectious agents, discarded live and attenuated vaccines, culture dishes, recognizable fluid blood elements and regulated body fluids, sharps, and body parts. Biohazardous waste includes any other waste defined as such, in Chapter 6.1 of the California Health and Safety Code.

(4) “Board” means the Board of Supervisors of the County of San Diego.

(5) “Bulky waste” includes large items of solid waste such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing, or disposal methods.

(6) “Buy-back Center” means a facility which pays a fee for the delivery and transfer of ownership to the facility of source separated materials, for the purpose of recycling or composting.

(7) “Cardboard” means post-consumer waste paper grade corrugated cardboard (#11), Kraft (brown) paper bags or solid fiber boxes which have served their packaging purpose and are discarded and can later be reclaimed for collection and recovery for recycling.

(8) “Collection” means to take physical possession of solid waste materials or recyclables at residential, commercial, industrial, or governmental sites, and transport it to a facility for processing, composting, transfer, disposal or burning.

(9) “Collection Vehicle or Equipment” means any vehicle or equipment used in the collection of residential, commercial, industrial, or governmental solid waste or recyclables.

(10) “Collector” means any person who holds a valid, unrevoked, and unexpired County nonexclusive Solid Waste Management Agreement to operate on public property an

enterprise for the collection and subsequent transportation or disposal of Solid Waste within the County. A Collector operates routes or provides regular service and is directly or indirectly reimbursed for the collection and disposal of solid waste from residential, commercial, or industrial premises in the unincorporated area of San Diego County.

(11) “Commercial Solid Waste” means solid waste originating from stores, offices, and other commercial sources but does not include construction and demolition waste.

(12) “Commercial Service” means collection of all types of solid wastes generated by stores, offices, and other commercial sources.

(13) “Construction Waste” means the demolition, dredging, grubbing, and the rubble resulting from construction, remodeling, repair and demolition activities on housing, commercial or governmental building and any other structure and pavement.

(14) “County” means the County of San Diego.

(15) “Curbside Collection” means the collection of recyclables or solid waste from the residential waste stream from curb or alleyway.

(16) “Designated Recyclables” means those materials designated as such by the Authorized Enforcement Official or by this chapter.

(17) [RESERVED]

(18) “Disposal Facility/Site” means any permitted solid waste facility(s) where the final disposal of solid waste collected by Collector occurs.

(19) [RESERVED]

(20) “Food Waste” means all institutional, wholesale, retail, and residential food wastes.

(21) [RESERVED]

(22) “Garbage” means all kitchen and table waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking, or handling of foodstuffs.

(23) “Glass bottles and jars” means food and beverage glass containers including container glass covered by the deposit law, and excluding household and kitchen containers such as drinking glasses, cups, and cooking and serving dishes.

(24) “Hazardous Waste” means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code Sections 25110.02, 25115, and 25117 or in the future amendments to or modifications of such statutes or identified and listed as hazardous waste by the U.S.

Environmental Protection Agency, pursuant to the Federal Resource Conservation and Recovery Act (42 USC Sec. 6901 et seq.), all future amendments thereto, and all rules and regulations promulgated.

(25) “Hospitality Facilities” means establishments serving food and beverages including all restaurants, taverns, and hotels and motels with restaurants and/or taverns on the premises.

(26) “Hospitality Recyclables” means aluminum, corrugated cardboard, glass jars and bottles, plastic beverage bottles, tin and bi-metal cans, and white goods generated by hospitality facilities.

(27) “Highway” shall mean any street, road, alley, highway, or thoroughfare.

(28) “Industrial Recyclables” means loads consisting of 90% or more of one of the following materials: asphalt, concrete, dirt, land clearing brush, sand, and rock.

(29) “Industrial Service” means collection of all types of solid wastes, which result from construction and demolition activity, industrial processes and manufacturing operations, excluding hazardous wastes.

(30) “Industrial Solid Waste” means solid waste originating from mechanized manufacturing facilities, factories, refineries, construction and demolition projects, publicly operated treatment works, and/or solid wastes placed in commercial collection bins.

(31) “Inert” means materials such as concrete, soil, asphalt, ceramics, earthen cooking ware, automotive safety glass, and mirrors.

(32) “Landfill” means a disposal system by which solid waste is deposited and compacted before burial in a specially prepared area, which provides for environmental monitoring and treatment.

(33) “Litter” means any post-consumer waste which is not deposited in (1) an authorized solid waste disposal site, (2) appropriate and serviced storage container(s), or (3) other areas designated for disposal of solid waste.

(34) “Manure” means accumulated animal excrement. This includes but is not limited to feces and/or urine, any animal bedding material, spilled feed, or soil that is mixed with feces and/or urine.

(35) “Medical Waste” means any solid waste which is generated or has been used in the diagnosis, treatment or immunization of human beings or animals, or research pertaining thereto, and shall include but not be limited to biohazardous and medical waste or other solid waste as defined by Chapter 12 of the County Code of Regulatory Ordinances or state and federal law.

(36) “Multi-Family” means any premises, four units or more, that is serviced in a manner similar to commercial and industrial property (bin or debris box), but used for residential purposes (not including hotels or motels) irrespective of whether residence therein is transient, temporary or permanent.

(37) “Newspaper” means publications or packing materials made of newsprint; also known as old newspaper or "ONP".

(38) Non-exclusive management agreements: Non-exclusive management agreements are between the County of San Diego and solid waste and recycling collectors operating in the unincorporated area of San Diego County for the collection, and subsequent transfer, transportation, recycling, processing and disposal of commercial, industrial, and residential solid waste. Agreements in the unincorporated are non-exclusive, which means several collectors can compete for customers in the unincorporated area.

(39) “Nuisance” means anything which is injurious to human health, or is indecent or offensive to the senses, and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood, or any number of persons, although the extent of annoyance or damage inflicted upon the individual may be unequal, and which occurs as a result of the storage, removal, transport, processing, or disposal of solid waste and/or recyclables.

(40) “Occupant” includes and means every owner, tenant, or person having the care or control of any premise(s).

(41) “Office Buildings” means any office and/or combination of offices enclosed in a single or connected building with 20,000 square feet or more of office space used for commercial, governmental, or educational purposes.

(42) “Office Paper” means waste paper grades of office generated paper. Examples include computer and ledger papers and other papers that are commonly accepted by office paper recycling services.

(43) “Office Recyclables” means office paper, corrugated cardboard, newspaper, and aluminum.

(44) “Operator” means the person to whom the approval to operate a disposal site, transfer or processing station, or collection service is granted.

(45) “Permit Areas” means those areas designated by the County on the map entitled "County of San Diego Solid Waste Subregional Collection Areas". The map is on file in the office of the Clerk of the Board of Supervisors and in the office of the Authorized Enforcement Official. Permit areas may be adjusted from time to time by the Authorized Enforcement Official.

(46) “Permittee” shall mean a person or corporation who holds a valid, unrevoked, and unexpired Non-Exclusive Solid Waste Management Agreement issued pursuant to this Chapter.

(47) “Person” means any individual, firm, association, organization, partnership, corporation, business trust, joint venture, the United States, State of California, political subdivision, government agency, municipality, public corporation, or any other entity whatsoever.

(48) “Plastic Beverage Bottles” means plastic containers composed of “natural” high density polyethylene (HDPE #2) and polyethylene terephthalate (PET or PETE #1) resin types with narrow necks, or mouth openings smaller than the diameter of the container bodies, used for containing milk, juice, soft drinks, or water intended for human consumption; to be distinguished from non-food bottles such as those for containing motor oil, detergent, or other household products.

(49) “Premises” means a tract or parcel of land with or without habitable buildings or appurtenant structures.

(50) “Pollution” means the condition caused by the presence in or on a body of water, soil, or air of any solid waste or substance derived therefrom in such quantity, of such nature and duration, or under such condition that the quality, appearance, or usefulness of the water, soil, land, or air is significantly degraded or adversely altered.

(51) “Processing” means the reduction, separation, recovery, or conversion, of solid waste.

(52) “Putrescible Wastes” means the waste in organic material with the decomposition capacity to emit noticeable quantities of odor and gas by-products. Material in this category includes but is not limited to kitchen waste, dead animals, food from containers, etc.

(53) “Radioactive Waste” means any waste which exceeds regulatory levels of activity as defined in Chapter 7 of the California Health and Safety Code.

(54) “Recycle” or “recycling” means the process of collecting, sorting, cleansing, treating, and reconfiguring materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation.

(55) “Refuse” means any mixture of putrescible and nonputrescible solid and semi-solid wastes, including garbage, trash, residential refuse, industrial and commercial solid waste, vegetable or animal solid and semi-solid wastes, and other solid waste destined for disposal sites.

- (56) “Refuse Collection Vehicle” means any vehicle used for the collection and/or transport of solid waste. Vehicles shall be durable, easily cleanable and designed for safe handling, and constructed to prevent loss of wastes from the vehicle during collection or transport. If such equipment is used to collect or transport garbage, other wet or liquid producing wastes, or wastes composed of fine particles, such equipment shall in all cases be non-absorbent and leak resistant.
- (57) “Regional Collection Area” shall be defined as a geographic area(s) where conditions exist or might exist that threaten to cause damage to the public health, safety, general welfare or environment.
- (58) “Removal” means the act of taking solid wastes or recoverable material from the place of generation either by an approved collector, agent for the collector or by a person in control of the premises.
- (59) “Removal Frequency” means frequency of removal of solid wastes or recoverable materials from the place of generation.
- (60) “Residential Recyclables” means aluminum, glass bottles and jars, newspaper, plastic beverage bottles, tin and bi-metal cans, white goods, and yard waste from residential generators and any other materials so designated by the Authorized Enforcement Official.
- (61) “Residential Service” means collection of all types of domestic solid waste or recyclables generated in residential dwellings.
- (62) “Residential Solid Waste” means solid waste generated in single-family or multi-family dwellings.
- (63) “Rubbish” means non-putrescible solid wastes.
- (64) “Rural Container Station” means a solid waste facility provided in the sparsely populated areas, primarily the interior zone area of the County, and which is restricted to the deposit of normal residential refuse.
- (65) [RESERVED]
- (66) [RESERVED]
- (67) “Segregated From Other Waste Material” means any of the following: the placement of recyclables in separate containers; the binding of recyclable material separately from waste material; the physical separation of recyclables from other waste material.
- (68) “Single-family” means a structure containing a dwelling unit that is serviced with solid waste and recycling removal.

(69) “Solid Waste” means all putrescible and non-putrescible solid, semi-solid and liquid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, also includes liquid wastes disposed of in conjunction with solid wastes at solid waste transfer/processing stations or disposal sites, but excludes: sewage collected and treated in a municipal or regional sewage system or materials or substances having commercial value which have been salvaged for reuse, composting, recycling, or resale.

(70) “Solid Waste Facility” means disposal facility, disposal site, solid waste transfer or processing station, or incinerator.

(71) “Solid Waste Management” means a planned program for effectively controlling the storage, collection, transportation, processing for reuse, conversion or disposal of solid waste in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal, litter control and resource recovery systems necessary to achieve established objectives.

(72) “Storage” means the interim containment of solid waste, materials and recyclables in an approved manner.

(73) “Tin and bi-metal cans” means any food or beverage containers that are composed of steel with a tin coating or steel and aluminum.

(74) “Transfer or Processing Station” means those facilities used to receive solid wastes and to temporarily store, separate, convert, or otherwise process the solid waste and/or recyclables, in preparation for transport.

(75) [RESERVED]

(76) “Vector” means a carrier, usually insects or rodents, that are capable of transmitting a disease.

(77) “White Goods” means kitchen or other large appliances.

(78) “Wood Wastes” means lumber and wood products but excludes painted wood, wood treated with chemicals, and pressure treated wood.

(79) “Yard Wastes” means leaves, grass, weeds and wood materials from trees and shrubs.

Section 4. Section 68.502 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.502. SOLID WASTE DECLARED PUBLIC NUISANCE.

The Department of Planning and Land Use shall have the authority and responsibility for enforcing this section.

No brush, rubbish, construction wastes, or discarded appliances, shall be placed or allowed to be placed or remain upon any vacant private lot, private property, camping place, street, road, highway, alley, or on the bank of any stream or drywater course, or in any standing water, stream, or drywater course, and the same are declared to be a public nuisance.

This section shall not prohibit the feeding of garbage to hogs on authorized hog ranches under regulation by the County Veterinarian, and shall not apply to any land officially approved and designated as a Solid Waste Facility nor to any person disposing of refuse on private property providing the refuse was generated on said property and the disposal complies with the Health and Safety Code.

Section 5. Section 68.503 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.503. UNLAWFUL TO PLACE DANGEROUS MATERIALS IN WASTE OR GARBAGE RECEPTACLES.

The Department of Environmental Health shall have the authority and responsibility for enforcing this section.

No person shall place or deposit in any receptacle for collection pursuant to this article any waste classified as hazardous, biohazardous, radioactive, or any narcotics or controlled substances, operable hypodermic needles, poisons, liquid or dry caustics or acids, flammable or explosive materials, insecticides, or similar substances dangerous to collection and disposal personnel.

Section 6. Section 68.504 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.504. HAZARDOUS AND MEDICAL WASTES.

The Department of Environmental Health shall have the authority and responsibility for enforcing this section.

No person shall transport or collect hazardous wastes without compliance with applicable state law.

No person shall deposit, dump, spill, or otherwise allow to be placed on a solid waste facility not designated as a hazardous waste disposal facility, any waste classified as hazardous or infectious by State and Federal law or County Ordinance.

Section 7. Section 68.505 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.505. TRANSPORTATION OF REFUSE.

The Department of Public Works shall have the authority and responsibility for enforcing this section.

No person shall convey or transport refuse upon or along any public highway in the County unless such refuse is contained and covered so as to prevent it from leaking, dropping, falling, blowing, or scattering from the vehicle in which it is being conveyed or transported; provided, however, a refuse truck engaged in the collection of solid waste may be uncovered while in the process of acquiring its load where said stops are separated by less than one mile. When traveling between pick-up stops and a disposal area, all loads of solid waste must be completely covered. All vehicles and equipment used in the transport of any form of solid waste shall be kept clean, and no person shall drain the liquid from any such vehicle upon any road or highway or upon any other land in such a manner as to create an unsanitary condition. Persons hauling solid waste on the public highways shall completely empty the solid wastes from their vehicles and/or containers at the disposal sites in order to prevent the scattering of residue on the return trip.

Section 8. Section 68.506 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.506. SCAVENGING.

The Department of Public Works shall have the authority and responsibility for enforcing this section.

(a) Where separate collection or a salvaging operation is initiated in any of the unincorporated areas of the County to further the recovery of reusable or recyclable items, the following shall apply:

- (1) It shall be unlawful for any person other than those authorized to remove from any curb, alley, street, designated pick-up location, or any storage area or container any separated salvageable commodity.
- (2) It shall be unlawful for any person to disturb or tamper with any receptacle containing salvageable material, or the contents thereof, or to remove any such receptacle from the location where the same was placed by the owner thereof, or to remove the contents of any such receptacle unless authorized by the owner of said receptacle.

Section 9. Section 68.507 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.507. SALVAGING.

The Department of Public Works shall have the authority and responsibility for enforcing this section.

Where a salvaging operation is authorized in any of the unincorporated areas of the County the following shall apply:

- (a) All storage containers shall be identified with the name and telephone number of the owner or the responsible agency or person.
- (b) Storage containers for salvage shall be equipped with lids when appropriate.
- (c) All containers shall be of sufficient size so as to contain all the material deposited.
- (d) Containers shall not be allowed to overflow. Removal of the contents in a container shall be done as frequently as necessary to avoid the creation of a public nuisance.
- (e) Containers which do not comply with the requirements of this section shall be condemned for use as salvage containers. The Director shall mark containers found to be in non-compliance. Continued use of non-complying containers shall constitute a public nuisance.
- (f) The placement or retention of a storage container that encroaches on public right-of-way requires a permit. Title 7, Division 1, Chapter 6, of the County Code covers this requirement.

Section 10. Section 68.510 of the San Diego County Code is hereby repealed.

Section 11. Section 68.512 of the San Diego County Code is hereby repealed.

Section 12. Title 6, Division 8, Chapter 5, Article III of the San Diego County Code is hereby amended by adding the following introductory sentence in front of Section 68.520 to read as follows:

The Department of Public Works shall have the authority and responsibility for enforcing Article III, Solid Waste and Designated Recyclables Storage and Removal, which consists of Sections 68.520 through 68.521.5.

Section 13. Section 68.521.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.521.5. STORAGE.

The owner, operator, and/or occupant of any premises, business establishment, industry, or other property, vacant or occupied, shall be responsible for the safe and sanitary storage of all refuse, and designated recyclables, accumulated on the property. Designated recyclables shall be stored separately from refuse.

Section 14. Section 68.522 of the San Diego County Code is hereby repealed.

Section 15. Section 68.523 of the San Diego County Code is hereby repealed.

Section 16. Title 6, Division 8, Chapter 5, Article IV of the San Diego County Code is hereby amended by adding the following introductory sentence in front of Section 68.530 to read as follows:

The Department of Public Works shall have the authority and responsibility for enforcing Article IV, Collector Agreements, which consists of Sections 68.530 through 68.539.6.

Section 17. Section 68.533 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.533. COUNTY RESERVES RIGHT TO DENY GRANT OF AGREEMENT.

The form of Solid Waste Management Agreement shall be approved by the Board of Supervisors. The Director, Department of Public Works, shall have the authority to negotiate and execute any Agreement upon finding that such Agreement meets the requirements of this Chapter. Any applicant who has been denied an Agreement may appeal such decision to the Board of Supervisors as provided in Section 68.550 of this Chapter. Upon review of the appellant's documentation, and recommendation of the Director, Department of Public Works, the Board of Supervisors may enter into an Agreement, refuse to enter into an Agreement or enter into such an Agreement subject to specific conditions. No provision of this Chapter may be deemed or construed as to require the County to enter into an Agreement when in the opinion of the Board of Supervisors such is not in the public interest.

Section 18. Section 68.536 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.536. AGREEMENT TERM.

Each agreement will be issued for an initial term of 10 years. A one year extension shall be applied to the non-exclusive Agreement each year upon approval of the Director, Department of Public Works, which approval shall not be unreasonably withheld.

Section 19. Section 68.539 of the San Diego County Code is hereby repealed.

Section 20. Section 68.539.1 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.539.1. TRANSFER OF AGREEMENTS.

Agreements are transferable upon review and approval of the Director, Department of Public Works, which approval shall not be unreasonably withheld. Any change in ownership of any collector exceeding 10 percent of the stockholder ownership, assets, or partnership interest shall be reported to the Director, Department of Public Works, within 30 days of the change.

Section 21. Section 68.539.2 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.539.2. APPLICATION FOR COLLECTOR.

Collector applicants shall file a completed application form with the Director, Department of Public Works, for the consideration of an Agreement. The application shall be submitted on forms provided by the Director, Department of Public Works. All applications for a Solid Waste Management Agreement shall be reviewed by the Director, Department of Public Works, and by other appropriate County agencies, as the Director, Department of Public Works, may deem necessary. Collector applicants shall be subject to background investigation conducted by the Sheriff's department or other appropriate agency.

All collector applications must include:

- (a) Name and address of the applicant.
- (b) If the applicant is a firm, association, organization, partnership, joint venture, privately held corporation, business trust, or company, the names and addresses of owners and the officers and their percentages of ownership. Publicly held corporations shall supply proof of corporate entity and names of local officers.
- (c) A description of all trucks and equipment, including license plate numbers and vehicle identification numbers, that the applicant owns or has under applicant's control for the collection or transportation of solid waste which will be used to provide service in the Agreement area. This will include the age and mechanical conditions of said trucks, and a statement as to whether said trucks meet the equipment standards of this Chapter.
- (d) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping equipment clean and in good repair, and that he/she owns or has access to reasonable office and billing facilities. The applicant's storage yard and maintenance facilities are to be located in an appropriate land use zone classification, and are to be reasonably located to service the permit area.

- (e) A statement of the applicant's experience and capability in the collection and/or transportation of solid waste.
- (f) Proof of insurance and affirmation of indemnification.
- (g) Such further information as the Director, Department of Public Works, may reasonably require to evaluate and process an application.

Section 22. Section 68.550 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.550. GENERAL CONDITIONS.

The Department of Public Works shall have the authority and responsibility for enforcing this section. "Director" in this section means the Director, Department of Public Works or Director's designee.

- (a) **Vehicle Inspection.** All trucks and other equipment used in the collection and transportation of solid waste shall be inspected as often as the Director deems necessary and at such time and place as shall be designated by the Director. The Director shall schedule an inspection for each truck operated by a collector and issue a durable decal upon completion of said inspection. Such decal shall be securely affixed and maintained by the collector or permittee on each vehicle so as to be clearly visible. The Director may revoke the decal of any truck that fails to meet the requirements of this Chapter, and such truck shall not be used for the collection or transportation of solid waste until its decal has been reinstated by the Director.
- (b) **Insurance.** Every collector shall maintain and keep in force the insurance coverage and limits, as established by Agreement, statute or resolution of the Board of Supervisors. Copies of the insurance policies or certificates evidencing such policies shall be filed with the Director prior to the approval of any Agreement to transport or collect solid waste. All policies shall contain provisions naming County of San Diego as an additional insured and require that 30 days notice be given to the Director prior to the cancellation, modification, or reduction of the limits of the policy by the insured.
- (c) **Denial, Suspension, or Revocation of Agreement.** An Agreement may be denied, suspended, or revoked by the Director either when the applicant does not meet or the collector violates any provisions of this Chapter, State or Federal law, or any rule or regulation promulgated by the Board of Supervisors or the Director. Written notice of denial, suspension, or revocation of the agreement shall be by registered mail to the last recorded address of the place of business or residence of the collector. The collector shall cease operations within ten (10) days after receipt of said notice unless the Agreement has been reinstated by the Director or the collector has requested a hearing before the Board of Supervisors.

The request for hearing concerning denial, suspension, or revocation of an Agreement or denial of the transfer of such Agreement shall be made in writing to the Clerk of the Board of Supervisors within ten (10) calendar days after receipt of notice of suspension, revocation, or denial. The hearing will be held not later than 14 days following the receipt of the written request. In the event that such a hearing is requested, a collector may continue collecting and/or transporting solid waste until the Board of Supervisors has rendered its decision. Written notice of time, date, and place of the hearing shall be given by the Clerk of the Board of Supervisors to the applicant or collector and to the Director. The Board of Supervisors shall render its decision within fifteen (15) days after the close of the hearing, and its decision shall be final.

Section 23. Title 6, Division 8, Chapter 5, Article VI of the San Diego County Code is hereby amended by adding the following introductory sentence in front of Section 68.560 to read as follows:

The Department of Public Works shall have the authority and responsibility for enforcing Article VI, Standards, which consists of Sections 68.560 through 68.564.

Section 24. Section 68.560 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.560. EQUIPMENT STANDARDS.

All Refuse Collection Vehicles used in the transportation or collection of solid waste shall comply with the requirements of Title 14, Chapter 3, Article 5, Section 17341 through 17345 of the California Code of Regulations. Said Refuse Collection Vehicles shall carry a shovel, broom, and fire extinguisher. Each vehicle shall be maintained in a clean condition and neatly painted. The name and address or phone number of the collector or permittee shall be painted in letters at least three (3) inches high on each side and across the back of each vehicle. Refuse Collection Vehicles shall also:

- (a) Be equipped with audible automatic back-up or other acceptable warning devices, as prescribed by Section 27000 of the California Vehicle Code.
- (b) Be equipped with a mechanical cover or tarp which is adequate to cover and contain refuse within the vehicle, and to prevent blowing refuse.

Section 25. Section 68.561 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.561. MODIFICATION OF EQUIPMENT STANDARDS.

When any of the conditions listed below apply, the holder of a Collector Agreement may request approval for modification of the equipment standards in Section 68.560 or for the equipment used for the storage and removal of recyclable material collected during curbside pick-up

programs. Following review of the justification for the request, and upon determining that the public good may be better served, the Director, Department of Public Works, may approve modifications that he may deem appropriate to the specific circumstances set forth.

Conditions:

- (a) Routes or areas which are extremely difficult to serve with a standard Refuse Collection Vehicle.
- (b) Unusual topography.
- (c) Difficult road/driveway access problems.

Section 26. Section 68.562 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.562. STANDARDS FOR COLLECTOR.

Collectors providing service shall comply with the following:

- (a) Every collector shall designate the type of service to be provided (residential, commercial/industrial roll-offs, or commercial/industrial bins) and the area(s) within which each service type will be provided.
- (b) Every collector operating a residential collection route shall provide not less than one (1) regular weekly collection to all customers. Commercial/Industrial service shall be provided on an as needed basis to be agreed upon with the customer.
- (c) Every holder of a Solid Waste Management Agreement shall provide the designated service within the permit area to any customer who requests the collector's services and agrees to pay the collector's rates.
- (d) At the time of opening an account and biannually thereafter, all collectors shall notify their customers concerning the regulations governing the disposal of designated recyclables, solid waste, hazardous and toxic wastes. A copy of the notification form or any change thereto shall be filed with the Director, Department of Public Works.
- (e) Any collector of solid waste may refuse service to any customer for failure to pay a just bill or for any substantial refusal to comply with the requirements of County Code after giving the customer an opportunity to comply. Service may be refused to any customer where topography, geographical isolation and/or inadequate access constitute an unreasonable hardship upon the collector, as determined by the Director, Department of Public Works.

- (f) Collectors are required, to provide collection of designated recyclables in the unincorporated areas of San Diego County.
- (g) The collector must submit quarterly reports to the Director, Department of Public Works, on or before May 1, August 1, November 1, and February 1 for the first through fourth quarters, respectively of each year, identifying the weight in tons of all designated recyclables and all disposable solid waste collected. The reports must identify the weight in tons of each type of recyclable. Collector must also provide "export reports," as defined in California Code of Regulations Sections 18800 through 18813, on the above quarterly reporting schedule.

Section 27. Section 68.563 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.563. STANDARDS FOR CUSTOMERS.

Property owners or the person being provided with residential, commercial, or industrial service shall comply with the following:

- (a) Containers for solid waste shall be of an adequate size and in sufficient numbers to contain without overflowing all the refuse that a household or other establishment generates within the designated removal period.
- (b) When plastic or paper bags are used, they shall be tied or sealed when set out for collection.
- (c) Property owners and/or persons receiving residential, commercial, or industrial service have the responsibility to ensure that storage containers are placed on the premises so as not to create a traffic, aesthetic, litter, or other problem. The Departments of Planning and Land Use and Public Works shall have joint responsibility for this subsection. The Department of Public Works will be responsible for containers in County-maintained road right-of-way only.

Section 28. Section 68.570 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.570. DESIGNATED RECYCLABLE MATERIALS.

The Department of Public Works shall have the authority and responsibility for enforcing Article VII, Prohibition of Collection of Recyclables with Mixed Waste for All Waste Generated in Unincorporated San Diego County, which consists of Section 68.570.

Mandatory recycling shall be in effect for all waste generated in unincorporated San Diego County. Designated recyclables shall be stored separately from refuse.

The following recyclable material designations apply to all collectors of solid waste generated in unincorporated San Diego County. No collector shall deliver for disposal designated recyclables mixed with non-recyclable material.

RESIDENTIAL RECYCLABLE MATERIALS

(a) Aluminum, glass bottles and jars, newspaper, plastic beverage bottles, tin and bi-metal cans, white goods (appliances), and yard wastes.

COMMERCIAL RECYCLABLES

(a) Office buildings of more than 20,000 square feet used for commercial, governmental, or educational purposes: corrugated cardboard and office paper.

(b) From hospitality facilities, which includes all restaurants and taverns, and hotels and motels with eating and drinking establishments: aluminum, corrugated cardboard, glass jars and bottles, plastic beverage bottles, tin and bi-metal can, and white goods.

INDUSTRIAL RECYCLABLES MATERIALS

Industrial loads consisting of 90% or more of any one of the following materials: asphalt, concrete, dirt, land clearing brush, sand, or rock.

Section 29. Section 68.580 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.580. ENFORCEMENT PROVISIONS.

The Authorized Enforcement Official is responsible for enforcing the provisions of this Chapter.

Section 30. Section 68.581 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.581. CITATION AUTHORITY.

The Authorized Enforcement Official shall have responsibility for the enforcement of all provisions of this Chapter which have been designated to said Authorized Enforcement Official per departmental responsibilities stated in Section 68.501. Pursuant to Penal Code Section 836.5, the above specified agents or deputies may issue a citation without a warrant when they have reasonable cause to believe that the person has committed an infraction or misdemeanor in their presence which is a violation of this Chapter. Violations of these regulations will be prosecuted in the same manner as other violations of the County Code; however, nothing in the regulations shall prevent the authorized agents or deputies from efforts to obtain voluntary compliance by way of warning, notice of violation or educational means.

No agent or deputy may exercise the power to issue citations authorized above unless such agent or deputy shall have first completed a course of training which meets the minimum standards prescribed by the Commission on Peace Officer Standards and Training as established in Section 832(a) of the Penal Code.

Any agent or deputy authorized by the Authorized Enforcement Official under this Section shall have citation authority only for violations of regulations as set forth above in Section 68.580 of this Chapter and shall have the powers and duties granted by this Section only when performing expressly assigned duties. At all other times said agents or deputies should have no enforcement power or authority.

Section 31. Section 68.581.5 of the San Diego County Code is hereby repealed.

Section 32. Section 68.582 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.582. RIGHT OF ENTRY.

The Authorized Enforcement Official may enter upon privately owned land in adherence with established procedures, to investigate reports or complaints related to violations of, and to enforce the provisions of this Chapter.

Section 33. Section 68.582.5 of the San Diego County Code is hereby repealed.

Section 34. Section 68.1203 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1203. LARGE QUANTITY GENERATORS.

- (a) It shall be unlawful for any generator of medical waste, other than a trauma scene waste management practitioner, that generates 200 pounds or more per month of medical waste to store or dispose of such wastes without an annual permit therefor from the Director of the Department of Environmental Health.
- (b) Any person desiring a permit required by this chapter shall make application therefor as prescribed in Chapter 9, Section 68.906 of this division.

PASSED, APPROVED AND ADOPTED this 14th day of August, 2002 (16)