

ORDINANCE NO. 9269 (NEW SERIES)

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRANSFER OF SPECIFIED COUNTY SOLID WASTE PLANNING AND MANAGEMENT FUNCTIONS FROM THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE DEPARTMENT OF PUBLIC WORKS

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

Section 1. The Board of Supervisors finds and determines that Solid Waste planning and management functions are inconsistent with the core regulatory functions of the Department of Environmental Health, and that these functions are more appropriate for the Department of Public Works. Accordingly, the authority and responsibility for Solid Waste planning and management functions shall be transferred from the Department of Environmental Health to the Department of Public Works. The appropriate sections of the San Diego County Code shall be amended to reflect this transfer of authority and responsibility, and the Code sections pertaining to Solid Waste that are no longer relevant shall be repealed. The provisions of this ordinance shall be operative as of January 1, 2001.

Section 2. Section 65.107(f) of the San Diego County Code is hereby amended to read as follows:

(f) SOLID WASTE FEES: Solid Waste fees as provided in Section 41901 of the Public Resources Code. The fees set forth in sections 1-6 below shall be the responsibility of the Department of Environmental Health.

(1) Landfills:

Large - Permitted to receive more than 500 tons per day \$30,840

Small - Permitted to receive 500 tons or less per day \$20,520

(2) Transfer Stations:

Large - Receives greater than 7,000 tons in any one week during the previous calendar year \$13,560

Small - Receives 7,000 tons or less in every week during the previous calendar year and requires twelve (12) inspections per year \$11,520

Small Quarterly - Small transfer stations that require four (4) inspections per year \$2,800

Small Annual - Small transfer stations that require one (1) inspection per year . . .
. \$640

Bin sites - Rural collections container sites without solid waste processing that require
twelve (12) inspections per year \$9,840

(3) Composting Facilities, Contaminated Soil Facilities, and Other Solid Waste Facilities:

Full/Standard tiered facilities defined in Chapter 3.1 (commencing with Section 17850)
of Division 7, of Title 14 of the California Code of Regulations that require
twelve (12) inspections \$10,560

Registration or Notification facilities/operations defined in Chapter 3.1 (commencing
with Section 17850) of Division 7, of Title 14 of the California Code of
Regulations that require twelve (12) inspections per year \$10,560

Registration or Notification quarterly - Facilities/operations that require four (4)
inspections per year \$2,800

Registration or Notification Annual - Facilities/operations that require one (1)
inspection per year \$640

(4) Closed Sites:

Monthly - Sites that require (12) inspections per year \$9,120

Quarterly - Sites that require four (4) inspections per year \$2,800

Annual - Sites that require one (1) inspection per year \$640

(5) Environmental Health technical staff hourly rate for which no fee is specifically
indicated. This includes, but is not limited to, new solid waste facility permit
processing, landfill closure activities, and lead agency activities associated with
solid waste remediation and California Environmental Quality Act. (Minimum
charge, one hour, each additional 1/2 hour \$40.00) \$80.00 per hour

(6) Solid waste handling fees - All solid waste handlers shall remit \$0.07 per ton of solid
waste handled.

(a) Exclusion: The fee shall not be assessed to solid waste handlers if it can be
demonstrated to the satisfaction of the Local Enforcement Agency (LEA)
that the waste was recycled and/or diverted from the solid waste stream.
Additionally, this fee will not be assessed to solid waste handlers for each
ton of waste for which it can be demonstrated to the satisfaction of the
LEA that the fee was collected at a disposal site within the jurisdiction of
County of San Diego LEA.

~~(7) Solid waste planning fees - All solid waste handlers shall remit \$0.02 per ton of solid waste handled. This fee pays the costs of preparing, adopting, and implementing a countywide integrated waste management plan and fulfilling the state mandated countywide reporting requirements including but not limited to countywide disposal reporting.~~

~~(a) Exclusion: The fee shall not be assessed to solid waste handlers if it can be demonstrated to the satisfaction of the Local Enforcement Agency (LEA) that the waste was recycled and/or diverted from the solid waste stream. Additionally, this fee will not be assessed to solid waste handlers for each ton of waste for which it can be demonstrated to the satisfaction of the LEA that the fee was collected at a disposal site within the County of San Diego.~~

(87) All solid waste handlers within the County of San Diego that receive revenue or income or charge fees for handling the solid waste shall maintain records and report waste handling information to the LEA and the Department of Public Works in a manner or on a form provided by the LEA and the Department of Public Works quarterly on or before May 1, August 1, November 1, and February 1 respectively and the records used to prepare these reports shall be maintained for a minimum of three (3) years. These records shall be made available for inspection by the LEA and the Department of Public Works upon request during normal business hours.

(8) Solid waste planning fees - All solid waste handlers shall remit \$0.02 per ton of solid waste handled. This fee pays the costs of preparing, adopting, and implementing a countywide integrated waste management plan and fulfilling the state mandated countywide reporting requirements including but not limited to countywide disposal reporting. Collection and management of these fees will be the responsibility of the Department of Public Works.

(a) Exclusion: The fee shall not be assessed to solid waste handlers if it can be demonstrated to the satisfaction of the Department of Public Works that the waste was recycled and/or diverted from the solid waste stream. Additionally, this fee will not be assessed to solid waste handlers for each ton of waste for which it can be demonstrated to the satisfaction of the Department of Public Works that the fee was collected at a disposal site within the County of San Diego.

(9) Each collector granted a Solid Waste Management Agreement pursuant to Section 68.530 of the County Code shall pay a fee of \$2.35 per ton of solid waste collected in the unincorporated County. Recyclable material shall not be counted as solid waste so long as the material is diverted from disposal and/or incineration in accordance with AB-939 diversion goal guidelines. Collection and management of this fee will be the responsibility of the Department of Public Works.

(10) All fees authorized by this Section are due and payable upon receipt of an invoice.

- (11) For purposes of this section, "solid waste handlers" means any person, agency or business that collects, transports, stores, transfers, disposes, or processes solid waste within the County of San Diego.

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 Department of Public Works shall have the authority and responsibility for all County solid waste planning and management functions.

(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) "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.

(3) "Board" means the Board of Supervisors of the County of San Diego.

- (4) "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.
- (5) "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.
- (6) "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.
- (7) "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.
- (8) "Collection Vehicle or Equipment" means any vehicle or equipment used in the collection of residential, commercial, industrial, or governmental solid waste or recyclables.
- (9) "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.
- (10) "Commercial Solid Waste" means solid waste originating from stores, offices, and other commercial sources but does not include construction and demolition waste.
- (11) "Commercial Service" means collection of all types of solid wastes generated by stores, offices, and other commercial sources.
- (12) "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.
- (13) "County" means the County of San Diego.
- (14) "Curbside Collection" means the collection of recyclables or solid waste from the residential waste stream from curb or alleyway.

- (15) "Designated Recyclables" means those materials designated as such by the Director or by this chapter.
- (16) "Director" means the Director of the Department of Public Works of the County or a duly authorized representative.
- (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 food stuffs.
- (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) [RESERVED]
- (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 Director. Permit areas may be adjusted from time to time by the Director.
- (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 Director.

- (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, incinerator, or any facility so designated by the Director.
- (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 68.511 is hereby repealed.

Section 5. Section 68.513 is hereby repealed.

Section 6. Section 68.514 is hereby repealed.

Section 7. Section 68.515 is hereby repealed.

Section 8. Section 68.516 is hereby repealed.

Section 9. Section 68.517 is hereby repealed.

Section 10. Section 68.520 is hereby repealed.

Section 11. Section 68.534 is hereby repealed.

Section 12. Article V of Title 6, Division 8, Chapter 5 of the San Diego County Code is hereby repealed. This includes Sections 68.540, 68.541, 68.542 and 68.543.

Section 13. The title of Article VI of Title 6, Division 8, Chapter 5 of the San Diego County Code is hereby amended to read as follows:

ARTICLE V. GENERAL SOLID WASTE MANAGEMENT AGREEMENT CONDITIONS

Section 14. Section 68.562.1 is hereby repealed.

Section 15. The title of Article VII of Title 6, Division 8, Chapter 5 of the San Diego County Code is hereby amended to read as follows:

ARTICLE VI. STANDARDS

Section 16. The title of Article VIII of Title 6, Division 8, Chapter 5 of the San Diego County Code is hereby amended to read as follows:

ARTICLE VII. PROHIBITION OF COLLECTION OF RECYCLABLES WITH MIXED WASTE FOR ALL WASTE GENERATED IN UNINCORPORATED SAN DIEGO COUNTY

Section 17. The title of Article IX of Title 6, Division 8, Chapter 5 of the San Diego County Code is hereby amended to read as follows:

ARTICLE VIII. ENFORCEMENT

Section 18. The title of Article X of Title 6, Division 8, Chapter 5 of the San Diego County Code is hereby amended to read as follows:

ARTICLE IX SEPARABILITY