

(0-85-155)

ORDINANCE NUMBER O- 16414 (NEW SERIES)

ADOPTED ON APR 29 1985

WHEREAS, the Solid Waste Management and Resource Recovery Act of 1972 established the California Waste Management Board which is the lead agency for California's resource recovery program; and

WHEREAS, one of the Board's major responsibilities has been the development of waste-to-energy processing facilities; and

WHEREAS, the Board has recommended the establishment of a goal of 50% of state municipal wastes to be processed by waste-to-energy facilities by the year 2000; and

WHEREAS, the San Diego City Council and the San Diego County Board of Supervisors, in 1981, executed a joint powers agreement establishing the San Diego Energy Recovery Project (SANDER) to respond to the State's goal; and

WHEREAS, SANDER, in 1982, issued a Request for Proposals (RFP) for the construction and operation of a large scale waste-to-energy facility in San Diego; and

WHEREAS, SANDER, in 1983, selected UOP, Inc. (a subsidiary of The Signal Company, Inc., of La Jolla) as the first ranked firm with which to commence contract negotiations for the Project; and

WHEREAS, shortly after UOP's selection, Signal merged with Wheelabrator-Frye, Inc., and merged the waste-to-energy divisions of both companies into a new entity called Signal Resco; and

WHEREAS, negotiations with Signal Resco to date have resulted in acceptable basic contract provisions for a solid waste disposal service agreement; and

WHEREAS, the City Council has adopted Resolution No. R- 262935 approving in concept the basic contract provisions for a solid waste disposal agreement with Signal Resco and directed the City Attorney and City Manager to complete negotiations for a final solid waste disposal service agreement and return to the Council with that agreement at the earliest appropriate time; and

WHEREAS, the basic contract provisions specify that the City will pay Signal Resco a disposal fee of \$12.80 per ton of refuse disposed at Signal Resco's facility in 1988, adjusted annually by 100% of the San Diego region CPI each year after 1988; and

WHEREAS, the City's direct expenses for disposing of refuse will increase by approximately \$8.2 million annually predicated on the facility's commencement of operations in 1988; and

WHEREAS, the City desires to reduce the net cost impact to the General Fund by appropriate cost-recovery fees for the disposal of commercial and/or industrial refuse in San Diego; and

WHEREAS, the establishment of a standard cost-recovery fee in the amount of \$12.80 per ton for commercial and/or industrial waste in 1988, adjusted annually by 100% of the San Diego region CPI each year after 1988, will offset the City's direct expenses for disposing of refuse in 1988 by approximately \$6.3 million annually, resulting in a net cost increase to the City in 1988 of approximately \$1.9 million; and

WHEREAS, Peoples Ordinance No. 7691 of 1919, as amended (San Diego Municipal Code Section 66.0123), allows the City to charge appropriate cost recovery fees for the disposal of commercial and/or industrial waste; and

WHEREAS, the City Council hereby expresses its intent that upon the commencement of commercial operations at a privately-owned waste-to-energy facility near the Miramar Landfill, it is the intent of the City Council to establish the standard fee for disposal of commercial and/or industrial waste collected within the corporate limits of the City of San Diego and disposed of at a municipal solid waste disposal facility at a dollar amount per ton equal to the dollar amount per ton which the City is contractually obligated to pay the owners of the facility; and

WHEREAS, the City Council, pursuant to Public Resources Code § 21080(b)(8), hereby makes the findings contained in the document attached to this ordinance Exhibit A; and

WHEREAS, the City Clerk be and is hereby directed to file a Notice of Determination and the findings (Exhibit "A") with the County Clerk of the County of San Diego, within five (5) days of the date of the adoption of this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, California, as follows:

Section 1. That Chapter VI, Article 6, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Sections 66.0124 and 66.0125 to read as follows:

SEC. 66.0124 REFUSE DISPOSAL FACILITIES - REGULATIONS

First paragraph and subsection (a) - No change.

(b) No ashes shall be deposited unless they are thoroughly quenched and cold.

Subsections (c), (d), (e), (f), (g), (h) and (i) - No change.

(j) All persons driving vehicles into and on any City of San Diego Refuse Disposal facility must have in their possession at the time of entry, a valid driver's license showing their current address. Drivers without valid driver's license will be denied access to the facility.

(k) No material shall be deposited at any refuse disposal facility at times other than the regular operating days and hours of such facility.

(l) No person shall start or cause to be started any fire at any refuse disposal facility except as authorized by the Manager.

(m) Any person hauling any refuse materials containing non-infectious medical waste for disposal at a refuse disposal facility, shall so notify the Disposal Site Entry Representative and shall deposit the materials only in the manner and location designated.

(n) No person shall dispose of any chargeable refuse material at a refuse disposal facility without payment of the proper fee.

SEC. 66.0125 FEE FOR USE OF REFUSE DISPOSAL FACILITIES

A., B., C. and D. - No change.

E. Disposal Fees. The standard fee for disposal of commercial and/or industrial refuse waste collected from

within the corporate limits of the City of San Diego and disposed of at a municipal solid waste refuse disposal facility shall be \$8.00 per ton effective July 1, 1985.

The fees shall be collected based upon actual weight of refuse waste delivered to the refuse disposal facility or by approximate calculation based upon the volume of the transporting vehicle. Such calculations shall be as follows:

1. Passenger Cars and Station Wagons  
(Minimum commercial use fee) = 0.25 tons each
2. Pick-Up Trucks and Small Trailers = 0.4 tons each
3. Large Trailers (12'+) and single  
rear axle trucks, busses and  
large vans = 2.5 tons each
4. Large three axle trucks = 7.0 tons each
5. Three axle trucks with trailers  
and semi-type combinations = 10.0 tons each
6. Front and Side Loading Refuse  
Compaction Vehicles = 0.3 tons/cu. yd.
7. Rear Loading Refuse Compaction  
Vehicles = 0.5 tons/cu. yd.

Drag-on boxes (roll-offs) shall be limited to commercial waste materials and their weight-to-volume ratio shall be defined as follows:

	<u>Non-Compacted</u>	<u>Compacted</u>
Type A Less than 20 cubic yards,	= 2 tons	= 3 tons
Type B 21 to 30 cubic yards,	= 4 tons	= 6 tons
Type C 31 to 40 cubic yards,	= 6 tons	= 9 tons
Type D 41 to 50 cubic yards,	= 8 tons	= 12 tons
Type E over 50 cubic yards,	= 10 tons	= 15 tons

F. Demolition and Construction Waste. Fees for construction and demolition materials except commercial drag-on type boxes shall be computed at one and one-half times the standard disposal fee, but not less than \$3.00. Inert demolition materials accepted at the Montgomery Demolition Landfill site shall be charged at the standard disposal fee rate only, to encourage use of that site.

G. Special Handling. Additional charges shall be assessed for all waste materials requiring special disposal techniques or a special Disposal Site Representative to oversee disposal operations. Such items shall include, but not be limited to, dead animals, a load of items containing steel wire or springs such as mattresses and car seats, portions of boats and auto or truck bodies, straw or similar materials, certified non-infectious medical waste, and any load of large (1 cubic foot or more) dense items presenting difficulty of disposal. Required special handling charges shall be in addition to all other disposal fees and shall be \$15.00 for passenger cars, pick-ups and small trailers and \$30.00 for all larger vehicles, except for the following specific items:

1. Each large diameter (12" or greater) pipe, pole, log, piling or tree trunk more than 10' long, or stump more than 3' in any dimension = \$15.00.
2. Semi-solid/semi-fluid type refuse, such as food processing waste, egg waste, or kep residue = 20¢/cu. ft.
3. Containerized non-hazardous industrial waste certified acceptable for disposal at a City refuse disposal facility - 20¢/cu. ft.

4. Used tires, (standard size car or truck tires) 5 or less at no charge; more than 5 @ 20¢ each; large construction type industrial or heavy equipment tires @ \$10.00 each.
5. Special requests for refuse disposal in the presence of the disposal facility user = \$30.00.

H. Non-City Refuse. Fees for disposal of refuse materials originating outside the corporate limits of the City of San Diego shall be equal to fees charged by the jurisdiction responsible for that area, except that they shall in no case be less than the appropriate City of San Diego fee. Vehicles transporting any quantity of non-City originated refuse shall be considered as transporting all non-City originated refuse.

I. Fee Exemptions. The City Manager may exempt payment of fees for refuse generated within the City by:

1. Non-profit charitable organizations or civic groups as part of an anti-litter or clean-up campaign;
2. Profit or non-profit firms engaged in recycling or resource recovery operations; or
3. Any individual or agency disposing of refuse when an emergency condition necessitates that such exemption is in the best interest of the City.

J. Proportionate Charges to Private Refuse Haulers. The proportionate quantities of refuse materials disposed of at City refuse disposal facilities by privately owned licensed refuse hauling firms shall be deemed to be 50% residential and 50% commercial by weight and by volume,

unless determined otherwise by audit, except for those wholly commercial drag-on (roll-off) type refuse containers. A variance of more than 5% from the 50/50 standard will be required to cause an adjustment either up or down in the proportionate fees charged per ton of refuse disposed. In the event an audit approved by the City determines that a variance greater than 5% exists, the percentage charged shall then be adjusted so that the disposal fee shall reflect the actual quantities of residential and commercial refuse disposed. It is the responsibility of such hauling firms to promptly notify the City Manager of any such variance. These proportionate charges shall apply only to refuse transport equipment inspected and licensed in accordance with the provisions of Section 66.0107 of the San Diego Municipal Code.

Private refuse hauling firms disposing of refuse materials at City refuse disposal facilities shall maintain separate rate schedules for City residential and non-residential customers. The rate schedule for residential customers must not include any portion of the fees charged for disposal of commercial refuse materials.

Any firm found in non-compliance with the provisions of this section and causing the City to suffer a loss in revenue thereby, shall restore double any such lost revenue, and no part of any such payment shall be passed on to any residential customer.



Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By Stuart H. Swett  
Stuart H. Swett  
Chief Deputy City Attorney

SHS:js:210  
3/14/85  
Or.Dept:Gen.Svcs.  
O-85-155  
Form=o.none

EXHIBIT A

FINDINGS OF THE CITY COUNCIL  
OF THE CITY OF SAN DIEGO  
PURSUANT TO PUBLIC RESOURCES CODE  
§ 21080(b)(8)

The City Council of the City of San Diego, pursuant to Public Resources Code § 21080(b)(8) hereby adopts the following written findings in conjunction with its adoption of Ordinance Number 0-16414 (New Series):

1. By adoption of Ordinance Number 0-16414, the City has set the standard fee for disposal of commercial and/or industrial refuse waste collected from within the corporate limits of the City of San Diego and disposed of at a municipal solid waste refuse disposal facility at \$8.00 per ton effective July 1, 1985 (this setting of fees is hereinafter referred to as the "July 1985 Fee Increase"). The adoption of this Ordinance also expresses the intent of the City Council that upon the commencement of commercial operations at a privately-owned waste-to-energy facility near the Miramar Landfill, it is the intent of the City Council to establish the standard fee for disposal of commercial and/or industrial waste collected within the corporate limits of the City of San Diego and disposed of at a municipal solid waste disposal facility at a dollar amount per ton equal to the dollar amount per ton which the City is contractually obligated to pay the owners of the facility, (this declaration of intention by the City Council regarding the future fee levels is hereinafter referred to as the "Declaration of Intention"). These written findings are adopted by the City Council to be incorporated into the record of proceedings concerning such Ordinance in order to comply with Public Resources Code § 21080(b)(8).

2. The July 1985 Fee Increase and the Declaration of Intention (to the extent that such a declaration of intention is regarded as a discretionary act constituting a "project" under the California Environmental Quality Act), fall within the exemption from CEQA provided by Public Resources Code § 21080(b)(8) for the establishment, modification, structuring, restructuring or approval of rates, tolls, fare or other charges by public agencies for certain purposes. (This exemption is in addition to any other exemptions which may be applicable to the July 1985 Fee Increase and Declaration of Intention.)

0-16414

EXHIBIT A

3. The July 1985 Fee Increase and the Declaration of Intention (to the extent that such a Declaration of Intention is regarded as a discretionary act constituting a project under CEQA), constitute the establishment, modification, structuring, restructuring or approval of fees charged by the City of San Diego for the disposal of commercial and industrial solid waste. These actions are for the purpose of meeting operating expenses incurred by the City of San Diego in the disposal of solid waste, which expenses may be affected by the City's use of a waste to energy facility operated by a private contractor, rather than the Miramar landfill, to dispose of solid waste. The waste to energy facility should also be regarded as a capital project which is part of the City's overall waste disposal program. The Miramar landfill, the current disposal site for solid waste used by the City of San Diego, has a limited useful life. In order to maintain existing waste disposal services to the citizens of San Diego in the City's existing service area, the City will be required to utilize an alternative means of disposal, the proposed waste to energy facility. Utilization of this alternative means of disposal will require adjustment of waste disposal fees to allow the City to meet operating expenses incurred when the City disposes of solid waste at the waste to energy facility. Therefore, the July 1985 Fee Increase and the Declaration of Intention should also be classified as an action regarding fees for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas.

4. In light of the above findings, the exemption from the California Environmental Quality Act described in Public Resources Code, § 21080(b)(8) is applicable to Ordinance 0-16414.

APR 29 1985

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 15 1985

APR 29 1985

\_\_\_\_\_ , and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16414 Adopted \_\_\_\_\_

APR 29 1985

RECEIVED  
CITY CLERK'S OFFICE

1995 APR 19 PM 3:29

SAN DIEGO, CALIF.

10:11

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RECEIVED  
CITY CLERK'S OFFICE  
CERTIFICATE OF PUBLICATION

1585 MAY 15 PM 2:56

SAN DIEGO, CALIF.

THE CITY OF SAN DIEGO  
202 C Street, 12th Fl.  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER 0-16414 (NEW SERIES)

**ORDINANCE NUMBER 0-16414 (NEW SERIES)**

WHEREAS, the San Diego Resource Management and Recovery Board, established in 1972, established the California Waste Management Board as the lead agency for California's resource recovery program;

WHEREAS, one of the Board's major responsibilities has been the development of waste-to-energy processing facilities; and

WHEREAS, the Board has recommended the establishment of a 50% of state municipal wastes to be processed by waste-to-energy facilities by the year 2000; and

WHEREAS, the San Diego City Council and the San Diego County Board of Supervisors, in 1981, executed a joint powers agreement authorizing the San Diego Energy Recovery Project (SANDERS) to meet the State's goal; and

WHEREAS, SANDER, in 1982, issued a Request for Proposal for the construction and operation of a large scale waste-to-energy facility in San Diego; and

WHEREAS, SANDER, in 1983, selected UOP, Inc. (a subsidiary of Signal Company, Inc., of La Jolla) as the first ranked firm with whom to commence contract negotiations for the Project; and

WHEREAS, shortly after UOP's selection, Signal merged with Generator-Frye, Inc., and merged the waste-to-energy divisions of the companies into a new entity called Signal Resco; and

WHEREAS, negotiations with Signal Resco to date have resulted in a negotiable basic contract provisions for a solid waste disposal agreement; and

WHEREAS, the City Council has adopted Resolution No. R-222330 approving in concept the basic contract provisions for a solid waste disposal agreement with Signal Resco and directed the City Attorney, City Manager, to complete negotiations for a final solid waste disposal service agreement, and return to the Council with that agreement at the earliest appropriate time; and

WHEREAS, the basic contract provisions specify that the City will pay Signal Resco a disposal fee of \$12.80 per ton of refuse disposed at Signal Resco's facility in 1988, adjusted annually by 100% of the San Diego region CPI each year after 1988; and

WHEREAS, the City's direct expenses for disposing of refuse will be approximately \$8.2 million annually predicated on the commencement of operations in 1988; and

WHEREAS, the city desires to reduce the net cost impact to the General Fund by appropriate cost-recovery fees for the disposal of commercial and/or industrial refuse in San Diego; and

WHEREAS, the establishment of a standard cost-recovery fee in the amount of \$12.80 per ton for commercial and/or industrial waste in 1988, adjusted annually by 100% of the San Diego region CPI each year after 1988, will offset the City's direct expenses for disposing of refuse in 1988 by approximately \$6.3 million annually, resulting in a net cost increase to the City in 1988 of approximately \$1.9 million; and

WHEREAS, Peoples Ordinance No. 7691 of 1919, as amended (San Diego Municipal Code Section 66.0123), allows the City to charge appropriate cost recovery fees for the disposal of commercial and/or industrial waste; and

WHEREAS, the City Council hereby expresses its intent that upon the commencement of commercial operations at a privately-owned waste-to-energy facility near the Miramar Landfill, it is the intent of the City Council to establish the standard fee for disposal of commercial and/or industrial waste collected within the corporate limits of the City of San Diego and disposed of at a municipal solid waste disposal facility at a dollar amount per ton equal to the dollar amount per ton which the City is contractually obligated to pay the owners of the facility; and

I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-16414 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

May 13, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13th day of May, 19 85.

Michael L. Ungashick  
(Signature)

00563

25' x 2 x 9.76 = \$488.00

WHEREAS, the City Council, pursuant to Public Resources Code Section 21080 (b) (8), hereby makes the findings contained in the document attached to this ordinance Exhibit A; and

WHEREAS, the City Clerk be and is hereby directed to file a Notice of Determination and the findings (Exhibit "A") with the County Clerk of the County of San Diego, within five (5) days of the date of the adoption of this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, California, as follows:

Section 1. That Chapter VI, Article 6, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Sections 66.0124 and 66.0125 to read as follows:

**SEC. 66.0124 REFUSE DISPOSAL FACILITIES - REGULATIONS**

First paragraph and subsection (a) - no change.

(b) No ashes shall be deposited unless they are thoroughly quenched and cold.

Subsections (c), (d), (e), (f), (g), (h), and (i) - No change.

(j) All persons driving vehicles into and on any City of San Diego Refuse Disposal facility must have in their possession at the time of entry, a valid driver's license showing their current address. Drivers without valid driver's license will be denied access to the facility.

(k) No material shall be deposited at any refuse disposal facility at times other than the regular operating days and hours of such facility.

(l) No person shall start or cause to be started any fire at any refuse disposal facility except as authorized by the Manager.

(m) Any person hauling any refuse materials containing non-infectious medical waste for disposal at a refuse disposal facility, shall so notify the Disposal Site Entry Representative and shall deposit the materials only in the manner and location designated.

(n) No person shall dispose of any chargeable refuse material at a refuse disposal facility without payment of the proper fee.

**SEC. 66.0125 FEE FOR USE OF REFUSE DISPOSAL FACILITIES**

A., B., C. and D. - No change.

E. Disposal Fees. The standard fee for disposal of commercial and/or industrial refuse waste collected from within the corporate limits of the City of San Diego and disposed of at a municipal solid waste refuse disposal facility shall be \$8.00 per ton effective July 1, 1985.

The fees shall be collected based upon actual weight of refuse waste delivered to the refuse disposal facility or by approximate calculation based upon the volume of the transporting vehicle. Such calculations shall be as follows:

- 1. Passenger Cars and Station Wagons (Minimum commercial use fee) = 0.25 tons each
- 2. Pick-Up Trucks and Small Trailers = 0.4 tons each
- 3. Large Trailers (12' +) and single rear axle trucks, busses and large vans = 2.5 tons each = 7.0 tons each
- 4. Large three axle trucks = 7.0 tons each
- 5. Three axle trucks with trailers and semi-type combinations = 10.0 tons each
- 6. Front and Side Loading Refuse Compaction Vehicles = 0.3 tons/cu. yd.
- 7. Rear Loading Refuse Compaction Vehicles = 0.5 tons/cu. yd.

Drag-on boxes (roll-offs) shall be limited to commercial waste materials and their weight-to-volume ratio shall be defined as follows:

	Non-Compacted	Compacted
Type A Less than 20 cubic yards,	= 2 tons	= 3 tons
Type B 21 to 30 cubic yards,	= 4 tons	= 6 tons
Type C 31 to 40 cubic yards,	= 6 tons	= 9 tons
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Type E over 50 cubic yards,	= 10 tons	= 15 tons

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G. Special Handling. Additional charges shall be assessed for all waste materials requiring special disposal techniques or a special Disposal Site Representative to oversee disposal operations. Such items shall include, but not be limited to, dead animals, a load of items containing steel wire or springs such as mattresses and car seats, portions of boats and auto or truck bodies, straw or similar materials, certified non-infectious medical waste, and any load of large (1 cubic foot or more) dense items presenting difficulty of disposal. Required special handling charges shall be in addition to all other disposal fees and shall be \$15.00 for passenger cars, pick-ups and small trailers and \$30.00 for all larger vehicles, except for the following specific items:

1. Each large diameter (12" or greater) pipe, pole, log, piling or tree trunk more than 10' long, or stump more than 3' in any dimension = \$15.00.

2. Semi-solid/semi-fluid type refuse, such as food processing waste, egg waste, or kee residue = 20¢/cu. ft.

3. Containerized non-hazardous industrial waste certified acceptable for disposal at a City refuse disposal facility = 20¢/cu. ft.

4. Used tires, (standard size car or truck tires) 5 or less at no charge; more than 5 @ 20¢ each; large construction type industrial or heavy equipment tires @ \$10.00 each.

5. Special requests for refuse disposal in the presence of the disposal facility user = \$30.00.

H. Non-City Refuse. Fees for disposal of refuse materials originating outside the corporate limits of the City of San Diego shall be equal to fees charged by the jurisdiction responsible for that area, except that they shall in no case be less than the appropriate City of San Diego fee. Vehicles transporting any quantity of non-City originated refuse shall be considered as transporting all non-City originated refuse.

I. Fee Exemptions. The City Manager may exempt payment of fees for refuse generated within the City by:

1. Non-profit charitable organizations or civic groups as part of an anti-litter or clean-up campaign;

2. Profit or non-profit firms engaged in recycling or resource recovery operations; or

3. Any individual or agency disposing of refuse when an emergency condition necessitates that such exemption is in the best interest of the City.

J. Proportionate Charges to Private Refuse Haulers. The proportionate quantities of refuse materials disposed of at City refuse disposal facilities by privately owned licensed refuse hauling firms shall be deemed to be 50% residential and 50% commercial by weight and by volume, unless determined otherwise by audit, except for those wholly commercial drag-on (roll-off) type refuse containers. A variance of more than 5% from the 50/50 standard will be required to cause an adjustment either up or down in the proportionate fees charged per ton of refuse disposed. In the event an audit approved by the City determines that a variance greater than 5% exists, the percentage charged shall then be adjusted so that the disposal fee shall reflect the actual quantities of residential and commercial refuse disposed. It is the responsibility of such hauling firms to promptly notify the City Manager of any such variance. These proportionate charges shall apply only to refuse transport equipment inspected and licensed in accordance with the provisions of Section 66.0107 of the San Diego Municipal Code.

Private refuse hauling firms disposing of refuse materials at City refuse disposal facilities shall maintain separate rate schedules for City residential and non-residential customers. The rate schedule for residential customers must not include any portion of the fees charged for disposal of commercial refuse materials.

Any firm found in non-compliance with the provisions of this section and causing the City to suffer a loss in revenue thereby, shall restore double any such lost revenue, and no part of any such payment shall be passed on to any residential customer.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

**EXHIBIT A  
FINDINGS OF THE CITY COUNCIL  
OF THE CITY OF SAN DIEGO  
PURSUANT TO PUBLIC RESOURCES CODE  
SECTION 21080(b)(8)**

The City Council of the City of San Diego, pursuant to Public Resources Code Section (b) (8) hereby adopts the following written findings in conjunction with its adoption of Ordinance Number O-16414 (New Series):

1. By adoption of Ordinance Number O-16414, the City has set the standard fee for disposal of commercial and/or industrial refuse waste collected from within the corporate limits of the City of San Diego and disposed of at a municipal solid waste refuse disposal facility at \$8.00 per ton effective July 1, 1985 (this setting of fees is hereinafter referred to as the "July 1985 Fee Increase"). The adoption of this Ordinance also expresses the intent of the City Council that upon the commencement of commercial operations at a privately-owned waste-to-energy facility near the Miramar Landfill, it is the intent of the City Council to establish the standard fee for disposal of commercial and/or industrial waste collected within the corporate limits of the City of San Diego and disposed of at a municipal solid waste disposal facility at a dollar amount per ton equal to the dollar amount per ton which the City is contractually obligated to pay the owners of the facility, (this declaration of intention by the City Council regarding the future fee levels is hereinafter referred to as the "Declaration of Intention"). These written findings are adopted by the City Council to be incorporated into the record of proceedings concerning such Ordinance in order to comply with Public Resources Code Sections 21080(b)(8).

2. The July 1985 Fee Increase and the Declaration of Intention (to the extent that such a declaration of intention is regarded as a discretionary act constituting a "project" under the California Environmental Quality Act), fall within the exemption from CEQA provided by Public Resources Code Sections 21080(b)(8) for the establishment, modification, structuring, restructuring or approval of rates, tolls, fare or other charges by public agencies for certain purposes. (This exemption is in addition to any other exemptions which may be applicable to the July 1985 Fee Increase and Declaration of Intention.)

3. The July 1985 Fee Increase and the Declaration of Intention (to the extent that such a Declaration of Intention is regarded as a discretionary act constituting a project under CEQA), constitute the establishment, modification, structuring, restructuring or approval of fees charged by the City of San Diego for the disposal of commercial and industrial solid waste. These actions are for the purpose of meeting operating expenses incurred by the City of San Diego in the disposal of solid waste, which expenses may be affected by the City's use of a waste to energy facility operated by a private contractor, rather than the Miramar landfill, to dispose of solid waste. The waste to energy facility should also be regarded as a capital project which is part of the City's overall waste disposal program. The Miramar landfill, the current disposal site for solid waste used by the City of San Diego, has a limited useful life. In order to maintain existing waste disposal services to the citizens of San Diego in the City's existing service area, the City will be required to utilize an alternative means of disposal, the proposed waste to energy facility. Utilization of this alternative means of disposal will require adjustment of waste disposal fees to allow the City to meet operating expenses incurred when the City disposes of solid waste at the waste to energy facility. Therefore, the July 1985 Fee Increase and the Declaration of Intention should also be classified as an action regarding fees for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas.

4. In light of the above findings, the exemption from the California Environmental Quality Act described in Public Resources Code Sections 21080(b)(8) is applicable to Ordinance O-16414.

Introduced on APRIL 15, 1985.  
Passed and adopted by the Council of The City of San Diego on APRIL 29, 1985.

AUTHENTICATED BY:  
ROGER HEDGE COCK  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.

(SEAL)  
By MAYDELL L. PONTECORVO, Deputy,  
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