

ORDENANCE NUMBER O-_____18829_____ (NEW SERIES)

ADOPTED ON _____
JUL 31 2000

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF ARTICLE 6; AND BY AMENDING SECTION 66.0502; ALL RELATING TO THE SOLID WASTE LOCAL ENFORCEMENT AGENCY.

WHEREAS, the City of San Diego was designated its own solid waste Local Enforcement Agency [LEA] by the California Integrated Waste Management Board on November 19, 1997; and

WHEREAS, the LEA is charged with enforcement of State regulations as they relate to solid waste facilities; and

WHEREAS, the LEA has been performing its duties of enforcement of State regulations since November 19, 1997; and

WHEREAS, on March 5, 1999, the California Integrated Waste Management Board promulgated new regulatory requirements for Transfer/Processing Stations and established new and updated definitions for stations that are subject to the LEA's regulatory authority; and

WHEREAS, it is necessary for each type of Transfer/Processing Station under the LEA's authority to be defined in a manner consistent with State regulatory definitions; and

WHEREAS, additional definitions and amendments to existing definitions, along with general housekeeping amendments, will improve the accuracy, consistency, and organization of the Municipal Code; and

WHEREAS, the current title of Article 6 does not accurately describe the extent of waste subject to the LEA's enforcement authority, and should therefore be amended to include "solid waste"; NOW THEREFORE,

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

Section 1. That Chapter VI, Article 6, of the San Diego Municipal Code be amended by amending the title of the Article to read:

ARTICLE 6

Collection, Transportation and Disposal of Refuse and Solid Waste

Section 2. That Chapter VI, Article 6, of the San Diego Municipal Code is hereby amended by amending Section 66.0502, to read as follows:

Sec. 66.0502 Definitions.

All defined terms in this division appear in italics. The first letter of each term defined in this division is capitalized. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

"Composting facility" means a facility that is operated for the purpose of producing compost, as defined in Division 30, Part 1, Chapter 2, Section 40116 of the Public Resources Code. A

"Composting facility" includes:

(a) Green material composting facilities that have greater than 1,000 cubic yards of feedstock and active compost at any one time;

(b) Animal material composting facilities;

(c) Sewage sludge composting facilities; and

(d) Mixed solid waste composting facilities.

“*Composting operation*” means an operation that is operated for the purpose of producing compost, Division 30, Part 1, Chapter 2, Section 40116 of the Public Resources Code. A *Composting operation* is a solid waste handling operation that does not constitute a composting facility that would require a solid waste facilities permit. *Composting operations* include:

(a) Windrow composting;

(b) Aerated or non-aerated static pile composting;

(c) Enclosed or within-vessel composting; and

(d) Other processes approved by the LEA.

“*Contaminated soil transfer/processing operation*” means an operation that handles only non-hazardous petroleum contaminated soil for purposes of treatment, storage, or transfer. It does not include transfer operations.

“*Direct transfer facility*” means a transfer facility that receives equal to or more than 60 cubic yards or 15 tons

(whichever is greater) of solid waste per operating day but less than 150 tons of solid waste and meets all of the following requirements:

(a) is located on the premises of a duly franchised solid waste hauling operator;

(b) only handles solid waste that has been placed within covered containers or vehicles prior to entering the facility and that is transported in vehicles owned or leased by that same operator;

(c) the facility does not handle, separate, or otherwise process the solid waste;

(d) no waste is stored at the facility for more than any 8-hour period;

(e) solid waste is transferred only once and directly from one covered container or vehicle to another covered container or vehicle so that the waste is never put on the ground or outside the confines of a container or vehicle, before, during, or after transfer. Direct transfer would not include top loading trailers where the solid waste actually leaves the confines of the collection vehicle and is suspended in air before falling into a transfer vehicle;

(f) all of the contents of the original transferring container or vehicle must be emptied during a single transfer; and

(g) any waste that may unintentionally fall outside of the containers or vehicles, is promptly cleaned up and replaced within the container or vehicle to which it was being transferred

“Large volume transfer/processing facility” means a facility that receives 100 tons or more of solid waste per operating day for the purpose of storing, handling or processing the waste prior to transferring the waste to another solid waste operation or facility.

(a) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(b) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

“LEA” means The City of San Diego Solid Waste Local

Enforcement Agency designated by The City of San Diego and certified by the California Integrated Waste Management Board.

“Limited volume transfer operation” means an operation that receives less than 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing the waste prior to transferring the waste to another solid waste operation or facility and which does not conduct processing activities, but may conduct limited salvaging activities and volume reduction by the operator.

(a) In determining the tonnage of solid waste received by the operation, the following materials shall not be included: materials received by a recycling center located within the operation, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the *LEA*.

(b) If the operation does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds.

The *LEA* shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

“Medium volume transfer/processing facility” means a facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 100 tons of solid waste, for the purpose of storing or handling the waste prior to transferring the waste to another solid waste operation or facility; or a facility that receives any amount of solid waste, up to 100 tons per operating day, for the purpose of processing solid waste prior to transferring the waste to another solid waste operation or facility.

(a) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the *LEA*.

(b) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The *LEA* shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

“*Operator*” means the person to whom the approval to operate a disposal site, transfer or processing station, or collection system is granted.

“*Permitted acreage*” means the area or boundaries, in acres, of a solid waste facility or disposal site used for receiving, storing, processing, or disposing of wastes, including all monitoring locations and any buffer zone.

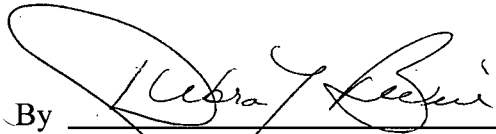
“*Solid waste facility*” has the same meaning as the term in Municipal Code section 66.0102.

“*Solid waste handling*” means the collection, transportation, storage, transfer, or processing of solid wastes.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Debra J. Beyier
Deputy City Attorney

DJB:cmg
06/13/00
Or.Dept:LEA
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