

RESOLUTION NUMBER R- **314649**DATE OF FINAL PASSAGE **MAR 17 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING FEE CONSOLIDATION AND
OTHER REVISIONS TO THE FEE SCHEDULE FOR THE
MIRAMAR LANDFILL AND GREENERY.

WHEREAS, pursuant to San Diego Municipal Code section 66.0129(d), the Mayor is authorized to periodically establish and revise fees for the Miramar Landfill and Greenery (Landfill), subject to City Council approval by resolution; and

WHEREAS, pursuant to San Diego Municipal Code section 66.0129(e), the Mayor is authorized to establish and disestablish exemptions and discounts from Landfill fees, subject to City Council approval by resolution; and

WHEREAS, the City Council last approved revisions to the Landfill Fee Schedule in 2012; and

WHEREAS, to streamline transactions at the fee booth, improve customer service, and enhance waste diversion opportunities at the Landfill, the Mayor proposes revisions to the current Landfill Fee Schedule, which include consolidating 39 fee categories down to 20 categories; and

WHEREAS, on February 9, 2023, this item was heard at the Environment Committee, which recommended approval of the item; and

WHEREAS, in accordance with Administrative Regulation 95.25 section 5.1(d)(1), ten days' notice to the public of the City's intention to modify these fees was given by publication in the *San Diego Daily Transcript*; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council hereby approves the following revisions to the Fee Schedule, as reflected in the Tables in Attachment 1, effective July 1, 2023:

1. The consolidation of multiple flat rate fees for passenger vehicles and small trailers, up to 9' in length, into a single flat rate fee per category of waste or material.
2. The establishment of flat rate fees for large vehicles without a City deferred payment account or a recorded tare weight.
3. The consolidation of Special Handling Waste fees into a standard disposal fee for all Special Handling Waste set at 1.5 times the applicable General Refuse fee.
4. The establishment of a standard Fibrous Greens processing fee set at 1.5 times the applicable Green Material processing fee.
5. The consolidation of the Green Material processing fees into a single per ton fee applicable to both manually collected green material and automated green material collection.
6. Adjusting the source-separated Food Material processing fee to set it at 1.5 times the applicable Green Material processing fee.
7. Adjusting the Clean Wood processing fee to set it at 0.5 times the applicable Green Material processing fee.

8. The elimination of the fee exemption on Green Material and Clean Wood processing for City residents.
9. The consolidation and update of Administrative Fees to remove outdated waste types and establish standard fees.
10. The elimination of the Construction & Demolition Inert Residue Fee.

APPROVED: MARA W. ELLIOTT, City Attorney

By Nicole M. Denow
Nicole M. Denow
Deputy City Attorney

NMD:jdf

02/28/2023

Or.Dept:ESD

Doc. No.: 3234419

ATTACHMENT: Attachment 1, Miramar Landfill & Greenery Processing Fee Schedule

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 13 2023.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/17/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

ENVIRONMENTAL SERVICES DEPARTMENT

NOTE: Draft includes current fees and does not reflect any fee changes that will occur on July 1, 2023, as a result of the annual CPI adjustment OR any fee changes that would occur upon Council approval of companion item (Adjustments to the Miramar Landfill and Greenery Fees).

Miramar Landfill & Greenery Processing Fee Schedule

This Fee Schedule for the Disposal of waste at the Miramar Landfill (Landfill) and Processing of material at the Miramar Greenery (Greenery) was established in accordance with San Diego Municipal Code (SDMC) sections 66.0124 through 66.0129 and ratified by the City Council. Defined terms are capitalized, and definitions can be found in Section R of this document.

All users of the Miramar Landfill or Miramar Greenery shall pay the following fees as applicable:

Fee Schedule

A. Flat Rates – Disposal & Greenery Processing Fees

Vehicle Tier	Origin	General Refuse	Special Handling	C&D Debris	Food Material	Green Material	Fibrous Greens	Clean Wood
1	City Waste	\$46	\$65	\$65	\$38	\$25	\$38	\$13
	Non-City Waste	\$56	\$75	\$75	\$38	\$25	\$38	\$13
2	City Waste	\$90	\$120	\$194	\$80	\$53	\$80	\$27
	Non-City Waste	\$98	\$132	\$216	\$80	\$53	\$80	\$27
3	City Waste	\$392	\$523	\$849	\$249	\$166	\$249	\$83
	Non-City Waste	\$430	\$580	\$954	\$249	\$166	\$249	\$83

- See Section N for additional information.
- See Section R for definitions.
- Flat rates include AB 939 Recycling Fee and Refuse Collectors Business Tax (RCBT) when applicable.
- Vehicles without a tare weight on file will be charged a flat rate.

B. Weighed Loads – Standard Disposal & Greenery Processing Fees (per ton)

Origin	General Refuse	Special Handling	C&D Debris	Food Material	Green Material	Fibrous Greens	Clean Wood
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City Waste	\$42	\$63	\$116	\$54	\$36	\$54	\$18
Non-City Waste	\$48	\$72	\$132	\$54	\$36	\$54	\$18

- See Section O for additional information.
- The applicable AB 939 Recycling Fee will be charged in addition to the applicable Disposal or Processing fee. See Section I.
- The applicable RCBT will be charged in addition to the applicable Disposal or Processing fee. See Section J.

C. Weighed Loads – Disposal & Greenery Processing Fees for City Franchisees and City Forces (per ton)

The following weighed load Disposal and Processing fees apply to City Franchisees and City Forces.

Hauler	General Refuse	Special Handling	C&D Debris	Food Material	Green Material	Fibrous Greens	Clean Wood
City Forces	\$37	\$56	\$102	\$54	\$36	\$54	\$18
Franchise Haulers – City Waste	\$37	\$56	\$102	\$54	\$36	\$54	\$18

- See Section P for additional information.

Transfer Station loads and City Certified Mixed C&D Processing Facility residue loads, containing both City Waste and Non-City Waste, that are delivered directly to the Landfill from the station or facility in transfer trailers may be eligible for the Franchise Haulers City Waste rate for the portion of waste that is City Waste.

D. Fees for Clean Fill Dirt

The Landfill may accept Clean Fill Dirt for landfill operational needs at the City's sole discretion. Clean Fill Dirt is accepted Monday – Friday from 7 a.m. to 4 p.m. and must be delivered in approved commercial self-dumping trucks and unloaded in the designated area as directed by City staff. Clean Fill will only be accepted in compliance with the Clean Fill Dirt Program (CFDP) Terms and Conditions. An application to use the CFDP must be completed, submitted, and approved by the City prior to transporting CFDP fill material to the Landfill. The CFDP Terms and Conditions and CFDP Application can be accessed on the Environmental Services Department's website.

All loads of clean fill material are subject to inspection. Loads that do not meet the CFDP Terms and Conditions will be rejected. Administrative fees, including a False Declaration administrative fee, will be assessed to recover all costs incurred by the City for managing contaminated or unsuitable soil. Repeat offenders will be subject to escalating penalties and restrictions, up to and including, a prohibition from using the CFDP.

A fee will be assessed on each load of Clean Fill Dirt delivered to the Landfill. For current per load fees ask fee booth attendant. The Mayor or designee is authorized to adjust the fee based on the following factors:

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1. The supply of clean fill matches the actual needs at the Landfill ensuring there is an adequate flow of material without excess; and
2. The fee is consistent with the Disposal fees charged for acceptance of Clean Fill Dirt at other regional clean fill Disposal sites based on a price survey conducted annually or on an as-needed basis.

(See City Council Resolution No. R-307833, adopted November 19, 2012, and Report to Council No. 12-104 dated September 10, 2012.)

E. Sale of Greenery Commodities

Green Materials are Processed at the Greenery to produce a variety of landscape products including mulch, wood chips, and compost which are for sale to the public. Per City Council Resolution No. 303201 adopted December 5, 2007, the City Council authorized the Mayor or designee to adjust prices for Greenery commodities by taking into account the Greenery Program goals and other factors as set forth in Report to Council No. 07-170 dated October 19, 2007. Current Greenery commodity prices are posted on the Environmental Services Department's website.

F. Navy Disposal Fee Exemption

Loads consisting of 100% waste generated at United States Navy (Navy) installations or facilities located within or near the boundaries of the City of San Diego and which meet the requirements in the Waste Management Regulations for free disposal (Navy Waste) which are delivered directly to the Landfill for Disposal will be exempt from Disposal fees in accordance with the 1995 Miramar Landfill Ground Lease between the Navy and the City. Navy waste Disposal fee exemptions must be pre-approved by the City. The Navy waste Disposal fee exemption does not apply to any otherwise applicable fees such as administrative fees found in Section K of this document. Haulers are responsible for payment of such fees.

G. Other Exemptions

SDMC section 66.0129(e) authorizes the Mayor, through resolution of the City Council, to establish discounts or exemptions from the payment of Disposal fees for certain City Waste. The Mayor has established the following fee exemption:

1. Waste generated by non-profit or for-profit charitable organizations or civic groups as part of a City approved anti-litter or community cleanup campaign undertaken within the City.

H. Alternative Flat Fees for Weighed Load Vehicles

In the event the Landfill scales or computer systems are inoperative, alternative flat fees shall be charged. Fees shall be based on the average recorded weight of loads for each category of vehicle or container multiplied by the applicable Disposal or Processing fee plus the AB 939 Fee and RCBT as applicable.

I. AB 939 Recycling Fee

As authorized by SDMC section 66.0134 and City Council Resolution No. 310705 adopted October 13, 2016, the AB 939 Recycling Fee is applicable to all waste Disposed of at the Landfill. This fee allows the City to partially recover

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the costs associated with preparing, adopting, and implementing the Integrated Waste Management Plan required by Division 30 of the California Public Resources Code.

In addition to all other applicable fees, the AB 939 Recycling Fee is collected at the time of entry to the Landfill, except from City Franchisees who pay the fee in conjunction with their regularly scheduled franchise fee payments in accordance with their franchise agreements.

J. Refuse Collector Business Tax (RCBT)

As authorized by SDMC section 31.0306, the RCBT is applicable to certain loads of refuse delivered to the Landfill for Disposal. There are some exemptions such as City Forces, City Franchisees, governmental agencies engaged in the collection, transportation, or Disposal of General Refuse within the City, persons other than refuse collectors who dispose of less than two (2) tons of refuse per vehicle per trip, persons who deposit refuse generated from a City-approved community cleanup campaign.

In addition to all other applicable fees, the RCBT is collected at the time of entry to the Landfill.

K. Administrative Fees

Administrative fees are in addition to all other fees and are designed to recover the costs associated with services provided by administrative, technical or support staff. More than one administrative fee may apply to a single load.

Administrative Fees Description	Amount
Stand-by Fees	
1. Loads requiring oversight for safety, health, or operational reasons	\$83 per load
2. Oversight of customers searching for lost items	\$83 per hour or part thereof
Manifest Processing Fees	
1. Any load requiring approval of a manifest prior to Disposal (pre-approved loads)	\$83 per load
2. Shredded or chopped tire manifests	\$67 per load
3. Temporary Manifesting (if includes unacceptable waste)	\$83 per load; in addition, customer will be responsible for paying costs incurred by the City for managing the proper Disposal of the waste.
Processing Fees	
1. Returned checks	\$25 each
2. Notice of Violation handling fee	\$25 each
3. Special processing of accounts	\$10 per transaction
4. Additional copies of Landfill tickets or reports	\$15 each

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Administrative Fees Description	Amount
Unacceptable Waste Disposal Any customer disposing of unacceptable waste anywhere in the Landfill will be assessed a fee equal to all costs incurred by the City in managing the unacceptable waste including, but not limited to, costs associated with segregating, inspecting, classifying, manifesting, analytical testing, handling, storage, removal, packaging, transporting, and Disposal of the unacceptable waste. In addition, the City will pass through to the customer the costs the City is billed by other regulatory agencies regarding the unacceptable waste, such as fees for the identification, hazard categorization, investigation, packaging, and clean-up of unacceptable waste (does not include Disposal fees) AND the City will charge its standard hourly rate for City staff time spent handling that billing. Fees for unacceptable waste are waste dependent and will be assessed for all City costs and materials in addition to applicable Disposal fees.	Customer will be responsible for paying all costs incurred by the City for managing unacceptable waste, in addition to any enforcement action taken by an outside agency.
Clean-Up Fees For the clean-up of any material disposed of in an inappropriate area, the customer may be given the option to perform the cleanup, if safe, or to pay staff to perform the clean-up at the City's sole discretion. The customer is also responsible for payment of additional costs incurred by the City including, but not limited to, investigations, fees, or fines by the City or outside agencies, etc. These costs will be billed to the customer in accordance with the City's hourly labor charge for the County Department of Environmental Health regulatory agency and this Fee Schedule.	\$83 per hour or part thereof; \$83 minimum fee
False Declaration Any customer misrepresenting the composition, origin, or generator of a load delivered to the Landfill will be assessed a fee that is twice the standard Disposal or Processing fee for the waste.	Minimum Fee: \$50
Uncovered Loads Any vehicle	\$50 per load

L. Standard Disposal Fee Adjustments for Government Fees

The standard Disposal and Greenery Processing fees in this Fee Schedule may be adjusted as necessary by the Mayor or designee to compensate for increases or decreases in mandatory fees or charges (including new fees or the elimination of existing fees) imposed by Federal, State and/or Local Agencies on waste Disposed of in the Landfill or on materials Processed in the Greenery. Such fee adjustments are rounded up to the nearest whole dollar. (City Council Resolution No. 304851 adopted May 4, 2009)

M. Automatic Annual Consumer Price Index (CPI) Adjustments

Per prior City Council resolutions, Disposal fees, Processing fees, AB 939 Fees, and Administrative Fees are subject to automatic adjustments each July 1st, based on the annual change in the Consumer Price Index (CPI) and rounded up to the nearest whole dollar, using the following formula:

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Existing Fee x CPI* Change = New Fee.

*CPI refers to the index for all Urban Consumers, Los Angeles/Riverside/Orange County as published by the United States Department of Labor Statistics in the publication *Consumer Price Indices*. For purposes of the above formula, the CPI Change is based on the change in the CPI from February of the prior year to February of the year the adjustment is being made. For purposes of the above formula, the CPI Change is expressed as a percentage. For example, a 2% increase in the CPI from February 2019 to February 2020 will be stated as 102%. If the CPI is no longer published, or is otherwise unavailable, then a new index or appropriate benchmark will be applied upon City Council approval.

(See City Council Resolutions No. R-303201 dated Dec. 5, 2007, R-307833 and R-307834 dated Nov. 19, 2012, and R-310705 dated Oct. 13, 2016.)

N. Flat Rates – Disposal & Greenery Processing Fees (Section A)

1. Flat rate fees are based on the weighted average tonnage for each Vehicle Tier multiplied by the applicable fee per ton and rounded to the nearest dollar.
2. Flat rate Disposal fees for all loads include a prorated AB 939 Fee.
3. Flat rate Disposal fees for all commercial loads in Vehicle Tier 1 and Vehicle Tier 2, and all loads in Vehicle Tier 3 include a prorated RCBT.
4. C&D Debris is charged at 1.5 times the General Refuse rate for Vehicle Tier 1, and 2.75 times the General Refuse rate for Vehicle Tier 2 and Vehicle Tier 3.
5. Special Handling Waste is charged at 1.5 times the General Refuse rate.
6. Fibrous Greens and Food Material are charged at 1.5 times the applicable Green Material rate.
7. Clean Wood is charged at 0.5 times the applicable Green Material rate.
8. Rates for Green Material, Clean Wood or Fibrous Greens, including exemption from AB 939 Fees and RCBT, apply only to loads source separated to 90% of a single material type and accepted at the Greenery for Processing. Mixed Green Material, Clean Wood or Fibrous Greens loads not separated to 90% of a single material type or not accepted at the Greenery for Processing will be charged the applicable General Refuse rate.

O. Weighed Loads – Standard Disposal & Greenery Processing Fees (Section B)

1. Disposal loads are subject to AB 939 Fees and RCBT, in addition to the standard Disposal fees.
2. C&D Debris is charged at 2.75 times the applicable General Refuse rate. 20 cubic yard (CY) open top roll off box loads are presumed to contain C&D Debris unless customer declares otherwise, and City staff confirms through a visual inspection.
3. Special Handling Waste is charged at 1.5 times the applicable General Refuse rate. Open top roll off boxes, 30 CY or larger, except Green Material loads, will be charged at Special Handling Waste rate or C&D Debris rate when appropriate.
4. Fibrous Greens and Food Material are charged at 1.5 times the applicable Green Material rate.
5. Clean Wood is charged at 0.5 times the applicable Green Material rate.
6. Rates for Green Material, Clean Wood, or Fibrous Greens, including exemption from the AB 939 Fee and RCBT, apply only to loads source separated to 90% of a single material type and accepted at the Greenery for Processing. Mixed Green Material or Clean Wood loads not separated to 90% of a single material type or not accepted at the Greenery for Processing will be charged the applicable General Refuse rate.

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P. Weighed Loads - Disposal & Greenery Processing Fees for City Franchisees and City Forces (Section C)

1. Disposal loads are subject to AB 939 Fees, in addition to the standard Disposal fees.
2. C&D Debris is charged at 2.75 times the applicable General Refuse rate. 20 CY open top roll off box loads are presumed to contain C&D Debris unless customer declares otherwise, and City staff confirms through a visual inspection.
3. Special Handling Waste is charged at 1.5 times the applicable General Refuse rate. Open top roll off boxes, 30 CY or larger, except Green Material loads, will be charged at Special Handling Waste rate when appropriate.
4. Fibrous Greens and Food Material are charged at 1.5 times the applicable Green Material rate.
5. Clean Wood is charged at 0.5 times the applicable Green Material rate.
6. Rates for Green Material, Clean Wood or Fibrous Greens, including exemption from the AB 939 Fee, apply only to loads source separated to 90% of a single material type and accepted at the Greenery for Processing. City Franchisees remain subject to the AB 939 Fee on such loads, unless the Green Material, Clean Wood or Fibrous Greens qualifies as Recyclable Material that is excluded from the franchise requirements under SDMC section 66.0109(c). Mixed Green Material, Clean Wood or Fibrous Greens loads not separated to 90% of a single material type or not accepted at the Greenery for Processing will be charged the applicable General Refuse rate.

Q. Appeal Process

Any customer wishing to dispute the applicable fees may submit a Fee Appeal Form, available on the Environmental Services Department's website. Appeals must be filed within thirty (30) calendar days of the register receipt date.

R. Definitions

For the purposes of this Fee Schedule, the following definitions shall apply:

1. City Franchisee means any person or entity who holds a valid, unrevoked, and unexpired City-granted, non-exclusive franchise to operate on public property within the City as a non-exclusive enterprise for the collection and subsequent transfer, transportation, and Disposal or recycling of solid waste.
2. City Waste means a load containing only waste generated within the corporate limits of the City of San Diego.
3. Clean Fill Dirt means soil that has been pre-approved through the Clean Fill Dirt application process and meets the program requirements for use as cover material at the Landfill. Clean Fill Dirt is uncontaminated (not classified as a hazardous or designated waste and not contaminated with volatile organic compounds, semi-volatile organic compounds, PCBs, or pesticides) and does not contain any concrete, asphalt, trash, organic debris, shot rock, or rocks/chunks larger than six (6) inches.
4. Clean Wood means source separated clean unpainted lumber, plywood, pallets, wood blocks, tree trunks, tree rounds, leaf free limbs and wood shavings of a size appropriate for chipping, mulching and/or

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composting. Clean wood excludes chip board, particle board, and chemically treated or painted lumber or shingles.

5. Construction and Demolition Debris (C&D Debris) is waste building material, packaging, and rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavements, houses, commercial buildings, and other structures; may include, but is not limited to, concrete, asphalt, wood, metals, flooring, dirt, rock, bricks, dry wall, wall to wall carpet, fencing, and other inert wastes.
6. Disposal means the final disposition of any solid waste at a permitted landfill or other permitted facility.
7. Fibrous Greens means palm trees, palm fronds, succulents, pampas grass, coral trees, birds of paradise, banana tree trunks or fronds, ice plant, or other similar plant materials.
8. Food Material means materials originally acquired for animal or human consumption, source separated from the waste stream. Food Material includes materials from food facilities as defined in Health and Safety Code Section 113789 including, but not limited to, grocery stores, restaurants, cafeterias, and from food facilities at schools, colleges, military facilities, hospitals, jails, and prisons. Food Material does not include "agricultural material" as defined in Title 14 CCR Section 17852(a)(5).
9. General Refuse means any mixture of putrescible and non-putrescible solid and semi-solid wastes, including garbage, trash, and industrial or commercial solid and semi-solid waste destined for Disposal sites.
10. Green Material means any plant material that is either separated at the point of generation or separated at a centralized facility that employs methods to minimize contamination. Green Material includes, but is not limited to, yard trimmings, manure, untreated wood wastes, paper products, and natural fiber products. Green Material does not include Food Material, treated wood waste, mixed demolition, or mixed construction debris.
11. Non-City Waste means a load containing any quantity of waste generated outside the corporate limits of the City of San Diego.
12. Processing or Processed means the physical, mechanical, chemical, biological or other treatment, transformation or conversion of Solid Waste or Recyclable Material.
13. Recyclable Material means residential, commercial, or industrial source separated byproducts of some potential economic value, set aside, handled, packaged, or offered for collection in any manner different from General Refuse.
14. Special Handling Waste means any waste which is bulky, dense, or oversized that requires special attention, observation during Disposal, or presents handling difficulties during Disposal operations. Storm drain channel debris is considered a Special Handling Waste.
15. Vehicle Tier 1 includes passenger vehicles such as cars, station wagons, crossovers, SUVs, mini vans, cargo vans, pickup trucks and modified pickup trucks; and trailers up to 9' in length with no load in vehicle.

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16. Vehicle Tier 2 includes combination of passenger vehicle and trailer, combination of pickup truck and trailer, combination of modified pickup truck and trailer, with loads in both the vehicle and trailer; Box Truck; medium heavy truck and heavy truck; and trailers over 9' in length with no load in vehicle.
17. Vehicle Tier 3 includes City Pup, Drag-on Tractor, End Trailer, Semi/End Dump, 3 Axle Truck, Open Top or Compactor Container, Rail Truck, Roll-off Container, Packer.

Passed by the Council of The City of San Diego on MAR 13 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 17 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **314649**