

Article 6: Collection, Transportation and Disposal of Refuse and Solid Waste**Division 5: Solid Waste Local Enforcement Agency Fees***("Solid Waste Local Enforcement Agency Fees"**added 4-7-1998 by O-18497 N.S.)***§66.0501 Purpose and Intent**

The City of San Diego LEA fees are developed with the intent of recovering the complete costs associated with the LEA's regulatory duties. All revenues collected pursuant to this division shall be used exclusively to compensate the LEA for the cost of the regulatory service.

("Purpose and Intent" added 4-7-1998 by O-18497 N.S.)

§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:

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- (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.

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“*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.

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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.

(Amended 7-31-2000 by O-18829 N.S.)

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§66.0503 Assessment of Fees

- (a) The LEA shall charge fees listed in Section 66.0503(a)(1)– (4) to be collected from each operator of a solid waste facility or from any person who conducts solid waste handling consistent with a schedule of fees published in the City’s Ratebook of Fees and Charges.
 - (1) Annual permit fees
 - (2) Annual regulatory fees
 - (3) Tonnage rate fees
 - (4) Any other fees determined to be necessary by a majority vote of the City Council
- (b) The fees shall be based on the weight, volume or type of solid waste which is received or handled by an operator or person or on any other appropriate basis or any combination of the foregoing.
- (c) The fee schedule shall become effective pursuant to resolution adopted by a majority vote of the City Council. The fees shall be reviewed periodically and, if appropriate, revised by a majority vote of the City Council.
(“Assessment of Fees” added 4–7–1998 by O–18497 N.S.)

§66.0504 Effective Date of Fees

The fees imposed under this division include those due the LEA to compensate for the cost of regulatory services performed by the LEA since November 19, 1997.
(“Effective Date of Fees” added 4–7–1998 by O–18497 N.S.)

§66.0505 Penalties

In any case where an annual permit fee or tonnage rate fee is thirty days past due, a penalty shall be added to and collected with the required fee. The penalty shall be assessed according to the schedule of fees published in the City’s Ratebook of Fees and Charges. The imposition or payment of the penalty imposed by this section does not prohibit the imposition of civil penalties pursuant to Public Resources Code sections 45010–45024.
(“Penalties” added 4–7–1998 by O–18497 N.S.)