

**SACRAMENTO REGIONAL COUNTY SOLID WASTE
AUTHORITY ORDINANCE NO. 9**

**AN ORDINANCE ESTABLISHING REQUIREMENTS FOR JURISDICTIONAL ORIGIN
DETERMINATION AT SOLID WASTE & RECYCLING FACILITIES**

The Board of Directors of the Sacramento Regional County
Solid Waste Authority ordain as follows:

SECTION 1. Ordinance No. 9 is hereby added to read as
follows:

Section 1. Purpose and Declarations.

It is hereby declared and determined that accurate records regarding the origin and weight of wastes disposed at landfills, or wastes or residuals transferred to landfills from transfer/processing facilities, composting facilities, or recycling facilities regulated by the Local Enforcement Agency (LEA) of the California Integrated Waste Management Board (CIWMB), are necessary for the following purposes: (1) allocating revenue among SWA member jurisdictions, and (2) monitoring and calculating jurisdictional annual reports of diversion to the California Integrated Waste Management Board, in compliance with Public Resources Code section 41780 and California Code of Regulations, Title 14, Division 7, Chapter 9, Article 9.2. Continuous origin surveys of each load of solid waste, recyclable, or green material received at facilities regulated by the LEA during each day of facility operation will

ensure that the most accurate data is collected for jurisdictional revenue allocation and for AB 939 compliance planning and reporting.

Section 2. Definitions.

Unless the context otherwise requires, the definitions set forth in this section shall govern the interpretation of this Ordinance.

(a) "Administrator" means the Administrator of County's Public Works Agency.

(b) "Board" means the Board of Directors of the Sacramento Regional County Solid Waste Authority.

(c) "CIWMB" means California Integrated Waste Management Board.

(d) "Compost 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.

(e) "County" means the County of Sacramento.

(f) "DWMR" means the Department of Waste Management and Recycling of the County's Public Works Agency.

(g) "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, plant wastes from the food processing industry, manure, untreated wood wastes, paper products, and natural fiber products. Green material does not include treated wood waste, mixed demolition or mixed construction debris.

(h) "Hauler" means transporter of solid waste or recyclables for either removal from the place of generation or transfer to a processing or disposal facility, including SWA Commercial Solid Waste Collection Franchisees and self-haulers.

(i) "Jurisdiction" means the territory describing an incorporated city, as described by incorporation boundary (legal description), or the unincorporated area of the County.

(j) "Local Enforcement Agency" or "LEA" means enforcement agency designated by the local governing body and certified by the California Integrated Waste Management Board, as defined in California Public Resource Code section 40130.

(k) "Person" means an individual, firm, limited liability company, association, partnership, industry, public or private corporation, or any other entity whatsoever.

(l) "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code Section 40201.

(m) "Recycling facility" means those facilities or operations that receive, process, and transfer to market recyclable materials that have been source separated from the solid waste stream.

(n) "Recyclable material" or "recyclables" means materials that have been separated from the solid waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place, and that are not landfilled.

(o) "Removal" means the act of taking solid wastes from the
place of waste generation.

(p) "Residual" means solid waste destined for disposal, further transfer/processing, or transformation, which remains after processing of recyclables.

(q) "Solid waste" or "waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. Solid waste does not include hazardous waste or low-level radioactive waste regulated under Chapter 7.6 (commencing with section 25800) of Division 20 of the Health and Safety Code or medical waste. Solid waste does not include recyclable materials set out for separate collection for the purposes of recycling, and that are not land filled.

(r) "SWA" means the Sacramento Regional County Solid Waste Authority.

(s) "SWA Region" means the territorial jurisdictions of any city or county who is a member of the SWA.

(t) "Transfer/processing facility" means a permitted solid waste facility where solid wastes or recyclable materials are tipped for transfer to a landfill or are sorted, or separated, by hand or by use of machinery, for the purposes of recycling or composting.

(u) "Transfer trailer" or "long haul trailer" means a tractor trailer used for consolidation of individual loads of solid waste at a transfer station for transport to a disposal facility.

Section 3. Determining Jurisdiction of Origin

A. A commercial hauler or self-hauler of solid waste shall provide information on the amount and jurisdiction of origin of all waste collected and delivered to a landfill or transfer/processing facility regulated by the LEA in the SWA region to the operator of that facility. However, commercial haulers which deliver transfer trailer loads from a transfer/processing facility that reports jurisdiction of origin for all incoming wastes to the DWMR shall not be required to provide jurisdictional origin information to the operator of the receiving disposal facility; rather, such commercial haulers shall report the facility name from which the transfer load originated to the disposal facility operator.

B. A commercial hauler or self-hauler of recyclable or green material shall provide information on the amount and jurisdiction of origin of all recyclable or green material, by commodity type, delivered to a transfer/processing facility, composting facility, or recycling facility regulated by the LEA in the SWA region.

C. If a load of waste, recyclables, or green material includes material from multiple jurisdictions of origin, the commercial hauler shall provide the percentage of tonnage originating from each jurisdiction. If actual tons collected by jurisdiction are not available, a commercial hauler may provide an estimate of the percentage or tonnage from each jurisdiction using information available on capacity:

1. The total number and size of bins collected from each jurisdiction in an individual load; or

2. The approximate number and size of bins collected in each jurisdiction.

Section 4. Origin Survey Frequency

A. An operator of an LEA-regulated landfill, transfer/processing facility, composting facility, or recycling facility in the SWA region shall conduct a continuous, daily origin survey of every load of waste, recyclables, or green material received on every day of operation in which loads are received from commercial haulers or self-haulers, to determine the jurisdictional origin and type of all materials received.

B. A commercial hauler or self-hauler shall provide information about the jurisdiction of origin of every individual load of waste, recyclables, or green material to the operator of every LEA regulated landfill, transfer/processing facility,

composting facility, or recycling facility in the SWA region to which loads are hauled.

Section 5. Weighing of Loads

An operator of an LEA-regulated landfill, transfer/processing facility, composting facility, or recycling facility in the SWA region shall make every reasonable effort to measure and record the weight of every load of waste, recyclables, or green material received, using the most accurate method of measurement available.

A. To the extent practical, each facility operator shall weigh all loads received on a computerized scale system. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance.

B. For loads received in pickup trucks, vans, station wagons, sport utility vehicles, passenger cars, or other vehicles for which weighing is not practical due to small size or other considerations, an average tons per load conversion factor may be used.

C. Conversion factors must have prior written approval by the Administrator.

**Section 6: Origin Survey Requirements for
 Transfer/Processing**

Facility Operators

A. The operator of a transfer/processing facility regulated by the LEA in the SWA region shall record daily the amount and jurisdiction of origin of every load of waste received at the facility from commercial haulers and self-haulers, and shall report the information quarterly to the DWMR in an approved format that shall be provided by the DWMR.

B. The operator of a transfer/processing facility regulated by the LEA in the SWA region shall record daily the amount and jurisdiction of origin of every load of recyclable or green material, by commodity type, received at the facility from commercial haulers and self-haulers. The facility operator shall report the origin survey information quarterly to the DWMR in an approved format that shall be provided by the DWMR.

Section 7: Origin Survey Requirements for Landfill Operators

A. The operator of a landfill regulated by the LEA in the SWA region shall record daily the amount and jurisdiction of origin of every load of waste received at the landfill from commercial haulers, transfer trailer haulers, and self-haulers, and shall report the information quarterly to the DWMR in an approved format that shall be provided by the DWMR.

B. The operator of a landfill regulated by the LEA in the SWA region shall record daily the amount and jurisdiction of origin of every load of recyclable or green material (for diversion programs), by commodity type, received at the facility from commercial haulers, transfer trailer haulers, and self-haulers. The facility operator shall report the origin survey information quarterly to the DWMR in an approved format that shall be provided by the DWMR.

C. The operator of a landfill regulated by the LEA shall collect the facility name from which a transfer trailer load originated, for any and all loads transferred to a landfill from a transfer/processing facility.

Section 8: Origin Survey Requirements for Recycling Facilities or Compost Facilities

The operator of a recycling facility or compost facility regulated by the LEA in the SWA region shall record daily the amount and jurisdiction of origin of every load of recyclable or green material, by commodity type, received at the facility from commercial haulers, transfer trailer haulers, and self-haulers, and shall report the information quarterly to the DWMR in an approved format that shall be provided by the DWMR.

Section 9: Reporting Requirements

A. The operator of an LEA regulated landfill, transfer/processing facility, composting facility, or recycling facility in the SWA region shall submit to the DWMR a quarterly report of the amount and jurisdiction of origin of waste, recyclables, or green material received from commercial haulers and self-haulers by commodity type. The operator shall report the jurisdictional origin of loads received from each individual SWA franchised commercial hauler. Such report shall be in such form and detail as developed and required by the Administrator. The DWMR shall establish guidelines, forms and other appropriate material to assist facilities and operators in preparing the report required by this section. Failure to file the report required by this section shall constitute a violation pursuant to Section 11 hereof.

B. All operators shall report the daily origin survey information described in this ordinance on a quarterly basis, by the 15th day following the end of the quarter for which the information was collected.

C. If the report required under subsection A is not received by the DWMR on the 15th day following end of the quarter for which the information was collected, the operator shall pay to the SWA a delinquent report charge in the amount of fifty (50)

dollars. If the report remains delinquent for more than fifteen (15) days, the operator shall pay to the SWA a delinquent report charge in the amount of one hundred (100) dollars.

D. All operators shall maintain original daily survey records for five (5) years. This information shall be provided to the DWMR upon request.

Section 10. Appeal

If a facility operator in the SWA region experiences unique circumstances that make it infeasible to comply with the requirements of this ordinance, the operator shall have an opportunity to appeal the identification, allocation, conversion, reporting, or any other requirements to the Board. The operator may propose alternatives, for consideration by the Board, that will provide substantially the same information to the SWA for revenue allocation and for planning for and monitoring compliance with Public Resources Code section 41780.

Section 11. Violations.

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person, whether as principal, agent, employee or otherwise, who violates this Ordinance or fails to comply


with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than six (6) months in the County Jail, or both. Each day such violation continues shall be considered a separate offense.

Section 12. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Directors on Nov. 8, 2001 and on Nov, 8, 2001, further reading was waived by the unanimous vote of the Directors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

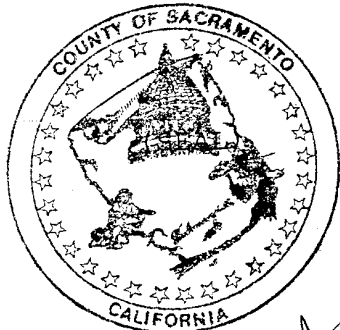
On a motion by Director Jones, seconded by Director Hammond, the foregoing ordinance was passed and adopted by the Board of Director of Sacramento Regional County Solid Waste Authority, this 13th day of December, 2001, by the following vote:


AYES: Director, Collin, Dickinson, Hammond, Johnson,
Jones, Niello, Nottoli, Waters, Daniels
NOES: Director, None
ABSENT: Director, None



Bret Daniels

Chairperson of the Board of Directors
of Sacramento Regional County Solid Waste Authority



ATTEST: 
Clerk of the Board of Directors

FILED

DEC 13 2001

By 
Clerk of the Governing Board

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