

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA APPROVING AND ADOPTING
CHAPTER 7.18 REGULATIONS ENTITLED
"UNSCHEDULED COLLECTION" EFFECTIVE OCTOBER
23, 2007

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT
Chapter 7.18 Regulations, entitled "Unscheduled Collection," and dated October 23, 2007,
attached hereto as Exhibit A, are hereby approved and adopted, effective October 23,
2007.

CITY OF SANTA BARBARA
CHAPTER 7.18 UNSCHEDULED COLLECTION
CHAPTER REGULATIONS

October 23, 2007

I. Definitions

The words and phrases used in these Chapter Regulations shall have the same meaning as defined in Chapter 7.18, unless otherwise specifically defined herein.

II. Permit Terms and Conditions

A. Diversion Requirements, Modifications and Waivers.

1. A Permittee may request a modification or waiver from the diversion requirements of Santa Barbara Municipal Code (SBMC) Chapter 7.18.040 by submitting a written application to the Public Works Director (Director, or his or her designee). The Director is authorized to modify or waive the diversion requirements of the material collected by the Permittee upon determination by the Director that less than 10% of the material collected is capable of being recycled at a Certified Recycling Facility. For purposes of these Chapter Regulations “recycle” and “recycling” shall have the same meaning as these terms are defined in Public Resources Code Section 40108 as presently enacted or subsequently enacted or amended.

2. The Public Works Director has determined that the following materials are not required to be delivered to a Certified Recycling Facility:

- a. Grit from wastewater treatment facilities
- b. Asbestos
- c. Residual from diversion facilities
- d. Building materials (including treated wood) that exceed maximum standards for lead and other regulated substances
- e. Solid Waste from special events, including but not limited to, weddings, festivals, parades and other single or intermittent events
- f. Composition shingles

- g. Loads consisting primarily of yucca, palm, and agave

B. Permit Not Assignable. Unscheduled Collection services are vital to the health and safety of the City's residents and businesses. The City has issued the Unscheduled Collection Permit (Permit) based on the Permittee's experience, skill and reputation for conducting such services in a safe, effective, lawful and responsible manner. Accordingly, a Permittee shall not assign, either voluntarily or by operation of law, a Permit without the prior written consent of the Director, which consent may be withheld in the reasonable discretion of the Director.

C. Permit Conditions. The Director is authorized to impose reasonable conditions on the Permit to ensure the safe, efficient and lawful provision of Unscheduled Collection services in the City. By signing the Permit in the space provided for signature, the Applicant shall be deemed to have accepted all of the terms and conditions specified in Chapter 7.18, these Chapter Regulations and in the Permit.

D. Certified Recycling Facilities.

1. Standards for certification.

a. Facilities that divert 75% or more of the incoming waste from landfill disposal on an annual basis are eligible for certification by the Public Works Director

b. Only unscheduled (non-franchised) wastes will be considered in the diversion calculation

2. Certification Process.

a. In order to be certified, a facility must provide the following documentation and information to the Director:

- 1) Description of Proposed or Current Operation;
- 2) Site Layout Map; Equipment Specifications (including scales);
- 3) Material Flow Diagrams; Diversion Rate; Current Permits, and other related information.

b. The Director shall review the documentation and information provided by the Applicant and shall develop a list of questions and other information necessary to determine the Facility's diversion rate. The Director may also tour each facility to verify its recycling processes.

c. If the facility demonstrates that it diverts 75% of the incoming material, it will be eligible for certification by the Director.

d. If a facility's records are inadequate to determine its diversion rate, or it fails to meet the 75% goal, the facility will be advised of changes required to meet City requirements. If the facility declines to make the recommended changes, it will not be certified. Providing the facility agrees in writing to the recommended changes, an Improvement Plan will be developed and the facility will be conditionally certified for 1 (one) year. At the end of the conditional period the facility will have its diversion rate reexamined. If the facility reaches the 75% diversion rate, it will be eligible for certification. If the facility fails to achieve a 75% diversion rate, it will lose its conditional certification. Nothing in this section precludes a facility from reapplying for certification if it can demonstrate compliance with the Improvement Plan or if it complies with Section 2c above.

e. If a facility is outside Santa Barbara County, has been certified by another city or county, and meets the 75% diversion goal, the facility will be eligible for Certification by the Director.

f. The Director shall maintain a list of all Certified Recycling Facilities, which list will be amended from time to time as new facilities become certified or as Certified Recycling Facilities are suspended or revoked.

3. Requirements to Maintain Certification. The following requirements must be met by a Permittee in order to maintain its certification:

a. Provide customers with a receipt that contains sufficient information to enable the City to track materials flow and diversion. The form of the receipt used by the facility must be approved by the City. Specifically, for each load generated within Santa Barbara, the receipt must provide:

- 1) processor's name
- 2) receipt number
- 3) type of material in the load
- 4) weight, if available, or volume of the load
- 5) name of the hauling company (if applicable)
- 6) origin of the material (jurisdiction)
- 7) other data as desired by processor, or as requested by City

b. Post a notice at the gate or scale house stating that the facility is a Certified Recycling Facility and that certain information about loads generated in Santa Barbara will be required of the generator so that the facility can provide accurate data to the City.

c. Provide the City with reports on materials and amounts recycled and significant operational changes. The report format will be provided by the City.

d. File an application for re-certification at least once every 2-years, and within 30 days of a significant change in the operation of the facility. The application for re-certification may require information only about changes which have occurred in the operation since the last Certification by the City.

e. Maintain records that prove that the facility is diverting 75% of incoming materials.

4. Reporting Requirements. A Permittee must submit to the City of Santa Barbara an Unscheduled Collection Permit Quarterly Report cover sheet with copies of all weight tickets for loads subject to Chapter 7.18. Reports must be submitted within 30 days of the end of each quarter. Quarters are January-March, April-June, July-September, and October-November. Late, missing, or incomplete submissions may result in the modification or revocation of the permit.

The report template is available online at www.SBrecycles.org and at 630 Garden Street, Public Works Permit Counter.

III. Permit and Other Fees

A. A Permittee will be required to pay an annual fee for the permit.

B. Delinquent Fees. The delinquent payment or nonpayment of the fees required by a Permittee shall be prima facie evidence that the Permittee is operating in violation of these Regulations and Chapter 7.18. For purposes of this section, a Permittee shall be delinquent if the fees are not paid in full within 30 (thirty) days from its designated due date.

C. Fees may be adjusted by resolution of the City Council.

IV. Enforcement, Suspension and Revocation of Unscheduled Collection Permit

A. Enforcement

1. In the event of an alleged violation of any provision of Chapter 7.18 or these Chapter Regulations, Environmental Services will attempt to obtain the voluntary compliance of a Permittee. Absent an immediate threat to the public health, safety or the environment, Environmental Services will advise

the Permittee in writing of the alleged violation and shall request the Permittee to correct the alleged violation.

2. The Permittee shall have 48 (forty-eight) hours to correct an alleged violation unless the alleged violation is determined by the Public Works Director to pose an immediate threat to public health, safety or the environment, in which case the Permittee shall be required to correct the alleged violation immediately.

3. In the event the Permittee is unable to correct the alleged violation within the 48 (forty-eight) hour period, the Public Works Director may extend in writing the time for compliance up to an additional 30 (thirty) days. The Public Works Director shall have the discretion whether to extend the time for compliance, but in no event shall the time for compliance be extended if the Public Works Director determines the Permittee has willfully refused to correct the alleged violation.

4. In the event the Permittee is unable or unwilling to correct the alleged violation during the 48 (forty-eight) hour period or any extension thereof, the Public Works Director shall have the discretion to pursue any and all legal remedies to obtain the Permittee's compliance.

B. Suspension and Revocation.

1. The Director may suspend or revoke an Unscheduled Collection Permit for the reasons specified in Chapter 7.18.060 upon 10 days prior written notification to the Permittee.

2. In making the determination to suspend or revoke of the Permit, the Director may consider all relevant evidence, including, but not limited to, the Permittee's failure to pay the fees required hereunder within 30 (thirty) days of the due date, and the degree of compliance or noncompliance by the Permittee with the provisions of these Regulations and Chapter 7.18.