

CITY OF SAN DIEGO
ENVIRONMENTAL SERVICES REGULATION

SUBJECT	DR NUMBER	EFFECTIVE DATE
CERTIFICATION OF SOURCE SEPARATED RECYCLING FACILITIES FOR CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION DEPOSIT PROGRAM	ESD-055	June 11, 2008

Authority:

Pursuant to the City’s Construction and Demolition [C&D] Debris Diversion Deposit Program, codified at San Diego Municipal Code [SDMC] §§ 66.0601 – 66.0610, certain applicants for building permits and demolition/removal permits must submit a refundable deposit, documentation describing the C&D debris expected to be generated from the project, and documentation demonstrating the level of diversion achieved for the project. The purpose of requiring a deposit is to encourage diversion of C&D debris. Refunds are calculated based on the level of diversion achieved on the project. One acceptable way to demonstrate the level of diversion achieved on the project is by proof that the C&D debris was accepted at a certified recycling facility, as defined in SDMC § 66.0603.

Definitions:

The definitions in SDMC §66.0603 shall apply to these rules and regulations. In addition, the following definitions shall apply to these rules and regulations:

“Alternate Daily Cover” or “ADC” has the same meaning as that set forth in Title 27 California Code of Regulations (“CCR”) Section 20690.

“Beneficial Reuse” has the same meaning as that set forth in Title 27 CCR Section 20686.

“Inert Materials” has the same meaning as that set forth in Title 14 CCR Section 18720.

“Mixed C&D Processing Facility” shall mean a recycling, composting, materials recovery or reuse facility which accepts mixed C&D debris for the purpose of separating it into various recyclable components through mechanical, manual or other means and lawfully diverting it from landfill disposal.

“Source Separated C&D debris” shall mean recyclable C&D debris that is set aside, handled, packaged, or offered for collection in any manner different from refuse or mixed C&D debris and is destined for diversion from disposal.

“Source Separated Recycling Facility” shall mean a recycling, composting, materials recovery or reuse facility which accepts only Source Separated C&D debris for the purpose of processing or preparing the various recyclable materials and lawfully diverting them from landfill disposal. For purposes of these rules and regulations, Source Separated Recycling Facility does not include a landfill that receives Source Separated C&D debris or Source Separated Inert Materials for use as Alternative Daily Cover (ADC) or any other on-landfill Beneficial Reuse. Additionally, Source Separated Recycling Facility does not include a facility which processes

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C&D debris for shipment and ultimate use as ADC or other on-landfill Beneficial Reuse. A Source Separated Recycling Facility also does not include a Mixed C&D Processing Facility.

Policy:

The purpose of these rules and regulations is to set forth the minimum criteria and the procedures for certifying a Source Separated Recycling Facility for purposes of the Construction and Demolition Debris Diversion Deposit Program [C&D Program], codified at San Diego Municipal Code [SDMC] §§ 66.0601 – 66.0610. The criteria include, but are not limited to, criteria for determining the diversion rate achieved by the facility and for verifying that the facility has obtained all applicable permits and licenses. These rules and regulations also set forth reporting and other requirements applicable to a certified Source Separated Recycling Facility.

Regulations for Facility Certification:

To receive certification, a Source Separated Recycling Facility operator must file an application for Certification of a Source Separated Recycling Facility, provide all the requested documentation, make the facility available for inspection by City staff, and meet the minimum requirements for facility certification, all as described in more detail below. The City will complete its evaluation of the application within 90 days of receipt of all of the required documents and completion of a site visit and preliminary on-site facility audit (if necessary), as well as payment of a Certification Application Fee, if a fee is established in the future by resolution of the City Council. The Director shall grant certification only if all of the Minimum Requirements set forth herein are satisfied; the Procedures listed below have been completed, reviewed, and approved; and the facility owner or operator has demonstrated to the Director's satisfaction that the facility accepts only Source Separated C&D debris for the purpose of processing or preparing it for lawful diversion from landfill disposal. The certification will be effective for a period of two years from the date it is issued, unless earlier revoked, abandoned or otherwise terminated.

If the Director declines to certify a facility or revokes or otherwise terminates a certification, the facility owner/operator may file another application for certification at any time. However, the facility owner/operator may be required to pay an additional Certification Application Fee to cover the City's cost of performing the additional certification review.

The facility need not accept all types of source separated C&D debris in order to be eligible for certification.

The certification is not exclusive and applications for certification may be submitted by Source Separated Recycling Facilities within and outside of the City limits.

The City will publish a current list of Certified Source Separated Recycling Facilities. This list shall be updated annually, or sooner, if a facility is either certified or decertified. This list shall be provided to each person upon payment of a C&D Debris Diversion Deposit at permit issuance.

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**I. MINIMUM REQUIREMENTS TO OBTAIN AND MAINTAIN CERTIFICATION AS
A SOURCE SEPARATED RECYCLING FACILITY**

A. Requirements

The requirements listed below are the minimum requirements a Source Separated Recycling Facility must meet in order to obtain and maintain certification as a Source Separated Recycling Facility for purposes of the City's Construction and Demolition Debris Diversion Deposit Program, codified at San Diego Municipal Code [SDMC] §§ 66.0601 – 66.0610.

1. The facility has obtained all applicable Federal, State, and local permits, licenses, registrations, and certifications and those permits, licenses, registrations, and certifications are valid, not revoked, and not suspended.
2. The facility has either:
 - a. Obtained and maintains an operating, certified scale, approved, tested and sealed as required by law, at the facility (belt scales alone are not sufficient), or
 - b. Obtained approval from the Director for conversion factors to be used to assign weight estimates to loads of material it receives by material type and vehicle type. This option is available only for facilities that do not utilize a scale.
3. The facility must provide source separated C&D customers, upon request, a receipt that provides the City with sufficient information to track materials flow and diversion. The form of the receipt used by the facility must be acceptable to the City. Specifically, for each load generated within San Diego, the receipt must provide at a minimum:
 - 1) the facility's receipt number
 - 2) the Permit Number (provided by the truck driver)
 - 3) the type of material in the load
 - 4) the weight, if facility with scale, or weight estimate based on volume of the load if no scale, as follows:

Weighed loads: a weighmaster certificate issued by a California state licensed weighmaster for those facilities that have certified scales; or
Weight estimate based upon volume of load using list of conversion factors approved by the Director for those facilities without scales.
 - 5) the name of the hauling company (if applicable)
 - 6) the facility's certified diversion rate
 - 7) other data as desired by processor, or as requested by City
4. The facility owner/operator submits to the Department documentation regarding the historic operation of the facility, in a format approved by the City, which demonstrates to the Director's satisfaction the facility's ability to process source separated C&D debris for recycling. This includes filling out a detailed Preliminary Application Form (See Attachment I).

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5. The facility owner/operator must make the facility available for inspection by City staff during regular business hours as deemed necessary by City staff to verify information in the application and in subsequent reports.

6. Upon certification, each certified Source Separated Recycling Facility must post and maintain a notice at the gate or scalehouse, legible from a distance of 50 feet, stating substantially the following;

- (1) the facility is a City of San Diego Certified Source Separated Recycling Facility;
- (2) that certain information about loads generated in the City of San Diego will be required of the C&D debris generator so that the Certified Source Separated Recycling Facility can provide accurate data for the City;

Each facility also must state its certified diversion rate on the weigh ticket receipt provided to the customer. For purposes of the C&D Program, a certified Source Separated Recycling Facility will be deemed to divert 100% of the Source Separated C&D debris it accepts, unless the City determines otherwise.

7. The facility must conduct all of its activities and operations in compliance with all applicable federal, state, and local laws, regulations, ordinances, and requirements.

II. SOURCE SEPARATED RECYCLING FACILITY CERTIFICATION PROCESS

The following describes the Source Separated Recycling Facility certification process:

1. Application for Certification

Source Separated Recycling Facility owners/operators must:

- a) complete and submit to the Department a Preliminary Application Form (Attachment I); and
- b) Submit to the Department all of the information and documentation required under the Minimum Requirements for certification as a Source Separated Recycling Facility listed in I. above.

2. Permits

The facility owner/operator shall submit to the Department copies of all applicable Federal, State, and local permits and licenses with the Preliminary Application Form.

3. Other Information

The basic step in facility operations of specific interest to the City is how materials are recorded at the gate/fee booth. Thus the facility owner/operator must provide the following information as part of its application:

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A. Gate records:

1. A list of all types of materials recorded at the gate/fee booth, and where on the facility the driver is directed to take each material.
2. A list of all types of materials for which the facility seeks certification as a Source Separated Recycling Facility.

4. Application Review

The City staff, or City's Consultant, shall:

- a) independently verify the accuracy of the permit information.
- b) review the following records to be made available by the facility owner/operator at the facility during regular business hours:
 - 1) weight tags & load records

5. Site Visit

City staff, or the City's Consultant, will conduct an on-site audit of facility operations. This type of on-site audit may be conducted on an annual basis. In addition, the facility owner/operator must make the facility available for inspection by City staff during regular business hours as deemed necessary by City staff to verify information in the application and in any required reports.

6. Records Review

If necessary, City staff, or the City's Consultant, may conduct a quantitative review of the facility's records relating to the recovery of C&D materials and the facility owner/operator shall make such records available during normal business hours upon request by City.

7. Confidentiality

Confidential or proprietary information submitted by a facility owner/operator, which is clearly marked as confidential or proprietary, will be protected and treated with confidentiality to the extent permitted by law. Otherwise, the information shall be considered a public record. If such information becomes the subject of a public records request, the City will make every effort to notify the Applicant of the request in a timely manner. It will be the Applicant's obligation to defend at its expense any legal challenges seeking to obtain such information.

8. Evaluation of Application

- (a) Application Review. In reviewing each application, the Director shall take into consideration all components of the application, the documentation

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furnished, the results of the site visits, and information including, but not limited to:

- (1) any history of criminal or civil violations that may compromise the public's interest; and
 - (2) the completeness, accuracy, and validity of the application.
- (b) Application Determination. Within 90 days after the Department has received the completed application and all required documentation, the Director shall grant or deny the application. If the Director fails to grant an application after ninety (90) days from the receipt of a complete application, including accompanying documentation, the applicant may at the applicant's option deem the application denied. If the Director denies an application, the Director shall notify the applicant in writing of the reasons for the denial.

III. REPORTING REQUIREMENTS

All Certified Source Separated Recycling Facilities shall notify the City in writing within 30 days of any change in the types of materials recycled at the facility. The notice shall include a description and explanation of the change. A change in types of materials recycled at the facility is considered a major change in operations.

Also, within 30 days of receiving any facility inspection report by the Solid Waste Local Enforcement Agency or the California Integrated Waste Management Board, all Certified Source Separated Recycling Facilities shall furnish a copy of such report to the City.

IV. REVOCATION OF CERTIFICATION

The Director may revoke the certification if the Director determines, after providing notice and an opportunity for a hearing, that a Certified Source Separated Recycling Facility is out of compliance with any of the Minimum Requirements to Obtain and Maintain Certification as a Source Separated Recycling Facility set forth in section I. above, has violated any applicable law, or has failed to timely provide written notice satisfactory to the Director as described in section III. above. If the Director revokes a certificate, the Director shall notify the facility owner/operator in writing of the reasons for the revocation.

V. APPEAL OF DENIAL OF APPLICATION OR REVOCATION OF CERTIFICATION

Within thirty days after the issuance of a written notice of the denial of an application or the revocation of a certificate, the facility owner/operator may request in writing to the Director that the City Manager review the Director's decision. Within thirty days of the Department's receipt of such a request, a meeting with the City Manager or designee shall be scheduled to review the items cited in the written notice. At that meeting, the facility owner/operator may provide any additional information in support of their position. Within thirty days of such a meeting, the City Manager will issue a written decision on the application or revocation, which shall include the

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reasons for the decision. The City Manager's decision shall be final. A copy of the City Manager's written decision shall be provided to the facility owner/operator and the Director.

VI. RECERTIFICATION

A Certified Source Separated Recycling Facility would need to be recertified for one of the following reasons:

1. Every two years (i.e. renewal of certification)
2. It has been decertified for any reason

In either case, the applicant would need to complete the same application process as when they were initially certified. In the event, a facility in good standing is renewing their existing certification, the request for recertification must be submitted at least 90 days prior to the expiration of the existing certification.

Authorized:

ENVIRONMENTAL SERVICES DIRECTOR DATE

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ATTACHMENT I - City of San Diego

Source Separated Recycling Facility Certification Preliminary Application Form

Name of Facility	Name of Owner or Operator	Name of Applicant/Contact
Address of Facility	Contact Email	Contact Phone
Applicable Permits (attach copies of all applicable permits) ___ SWFP [CIWMB] # _____ ___ SDAPCD # _____ ___ NPDES # _____ ___ SDRWQCB # _____ ___ Land use: CUP # _____ ___ Environmental Health ___ Fire Department ___ Other _____ ___ Other _____		Materials to be Recovered ___ Metals ___ Wood ___ Concrete ___ Asphalt ___ Clean fill dirt ___ Mixed inerts (i.e. concrete, asphalt, dirt, rock, brick, etc.) ___ Gypsum (wallboard, drywall, etc.) ___ Corrugated Cardboard ___ Carpet ___ Carpet padding ___ Textiles ___ Building Materials for Reuse ___ Other _____
Facility Type ___ Reuse Operation ___ Single Material Processor ___ Multi-Materials Processor	Other Facility Information:	___ Other _____ ___ Other _____ ___ Other _____ ___ Other _____ ___ Other _____
Facility Certification #		_____ - _____ - _____

Certification

By my signature below, I certify under penalty of perjury under the laws of the State of California that the information provided in this **Source Separated Recycling Facility Certification Preliminary Application Form**, in response to the attached Supplementary Questions, and in the documentation furnished to the Department in connection with this application is true and true and correct to the best of my knowledge.

Signed: _____

Date: _____

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Supplementary Questions

1. Identify and describe equipment utilized to further prepare materials for market, such as grinding and baling equipment. Does the facility have an operating, State certified scale that weighs all incoming recyclable material? ___Yes___No If yes, when was the scale last certified (date)?

If facility does not have a certified scale, submit a list of conversion factors for weight estimates based upon volume and separated by material and vehicle type.

2. Are you able to provide receipts for incoming vehicles at the facility that include the following information:
- Net tons (actual or estimated)
 - Code indicating type of incoming material
 - City of origin
 - Project Address for City of San Diego projects and City project ID
 - Hauler
3. What material identification codes are utilized to describe incoming source separated C&D loads such as concrete, asphalt, wood, wallboard, metal, cardboard, etc.?
*Please attach sample receipts or a printout from the facility scalehouse system with the appropriate codes for all inbound materials, including source separated recyclables and Inert Materials.
4. If your facility is inspected by the Solid Waste Local Enforcement Agency (LEA) and/or the California Integrated Waste Management Board (CIWMB), attach a copy of the last LEA/CIWMB report for your facility.