

Chapter 9 SOLID WASTE

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DIVISION 9.01 INTENT AND FINDINGS

Sections:

9.01.010 Intent and findings

9.01.010 Intent and findings.

The city is committed to protecting the public health, safety, welfare and environment. To meet these goals it is necessary to promote the reduction of garbage going to landfills.

Under California law as embodied in the California Waste Management Act of 1989, as subsequently amended, (Public Resources Code section 40000 et seq.), Piedmont is required to prepare, adopt and implement source reduction and recycling elements to reach, maintain or exceed a minimum diversion rate for solid waste. Pursuant to the Waste Reduction and Recycling Act of 1990 (Measure D), and as a member agency of the Alameda County Waste Management Authority, the City is committed to the policy goal of reducing, recycling and composting the total tonnage of discarded materials generated within Alameda County.

The city council also finds that much of the waste generated in Piedmont can be effectively segregated and recycled, thus controlling and reducing the cost of waste disposal to Piedmont residents as well as making recyclable materials available for reuse and remanufacture.

Further, the city council finds that debris from demolition and construction of buildings represents a large portion of the volume presently coming from Piedmont, and that much of the debris is particularly suitable for recycling. Reusing and recycling construction and demolition debris is essential to further the city's efforts to reduce waste and comply with state law and Measure D goals. Construction and demolition debris waste reduction and recycling have been proven to reduce the amount of such material which is land-filled, increase site and worker safety, and be cost effective. Except in unusual circumstances, it is feasible to divert an average of 65% of construction and demolition debris from construction, demolition, and renovation projects.

DIVISION 9.02 FRANCHISE; CONTRACTOR REQUIREMENTS

Sections:

- 9.02.010 Exclusive rights
- 9.02.020 Non-exclusive rights
- 9.02.030 Collection of recyclable materials by unauthorized persons
- 9.02.040 Compliance with franchise agreement
- 9.02.050 Collection rates

9.02.010 Exclusive rights.

The city council may enter into a franchise agreement with any person or entity (the contractor) granting the exclusive right to collect, process, transfer and dispose of any type of solid waste, recyclable materials, or organic waste generated in the city. The agreement will include terms and conditions that the city council determines to be in the best interests of the city, consistent with state law. It is unlawful for any person other than the contractor, to take, collect, process, or dispose of solid waste, recyclable materials, or organic waste subject to the franchise agreement within the city limits during the term of such franchise agreement.

9.02.020 Non-exclusive rights.

The city council has the right to enter into separate agreements pertaining to the collection of any materials not designated in an exclusive franchise agreement.

9.02.030 Collection of recyclable materials by unauthorized persons.

From time of placement of recyclable materials in a Recycling Container, those recyclable materials become the property of the city or its contractor. Unless otherwise authorized by this chapter, it is a violation for any person other than the contractor to collect or pick up or cause to be collected or picked up any such items.

9.02.040 Compliance with franchise agreement.

Contractor shall at all times provide solid waste, recyclable material, and organic waste collection services to all service units in full compliance with the terms set forth in the franchise agreement, including the following:

A. Frequency. The contractor shall collect solid waste, recyclable material, and organic waste from all service units in the city at least once a week.

B. Curbside collection. Contractor must provide curbside collection to each single-family dwelling service unit unless the single-family dwelling service recipient subscribes to on-premises collection.

C. No blocking of streets. Contractor must operate collection vehicles in a manner to avoid blocking streets, alleyways, driveways, or public rights-of-way. If, in the normal course of operations, contractor blocks a street, alleyway, driveway, or public right-of-way, upon request by any service recipient, contractor must promptly move the collection vehicle from the blocked street, alleyway, driveway, or public right-of-way.

D. Collection hours. Collection from single-family dwelling and multi-family dwelling properties may begin no earlier than 7:00 a.m. and must terminate no later than 6:00 p.m. Monday through Friday with no service on Saturday (except for residential holiday service, in which case normal collection hours apply) or Sunday.

E. Contractor charges. Contractor may only charge service recipients for the collection services as authorized by the franchise agreement, subject to those maximum rates adjusted periodically by the city council.

9.02.050 Collection rates

The maximum rates for collection, processing and disposal of solid waste, recyclable material, and organic waste from service units in the city are established by city council resolution.

(Ord. 763 N.S. 01/2022)

DIVISION 9.03 GENERATOR AND SERVICE UNIT REQUIREMENTS

Sections:

- 9.03.010 Proper disposal required
- 9.03.020 Minimum solid waste, recyclable material, and organic waste disposal requirements
- 9.03.030 Use of solid waste, recyclable material, and organic waste containers
- 9.03.040 Use of overage bags for green waste
- 9.03.050 Collection and placement of containers
- 9.03.060 Self-haul permit
- 9.03.070 Special Events

9.03.010 Proper disposal required.

Every owner of any premises shall ensure that arrangements are made to properly dispose of the solid waste, recyclable material, and organic waste created, produced, or accumulated on the premises through either maintaining a subscription for regular collection service or self-hauling pursuant to a permit issued under section 9.03.060. The failure to comply with the requirements of this section is a threat to the public health, safety and welfare, and is declared and deemed a nuisance.

9.03.020 Minimum solid waste, recyclable material, and organic waste disposal requirements.

A. The owner of any premises shall ensure that solid waste, recyclable material, and organic waste created, produced, or accumulated on the premises is placed in their designated containers and is either collected by the collector or properly removed pursuant to a self-hauling permit or as otherwise may be permitted by the City of Piedmont or its designee, at least once a week or more often as may be required to adequately serve the premises.

B. In order to fulfill the city's obligations under state law, the director may require the owner of any premises or the generator of solid waste, recyclable material, and organic waste at any premises to subscribe to and pay for waste collection services in the configuration the director determines is necessary for the preservation of the public health and/or public safety.

C. The requirements may include: requiring landfill containers (Gray), compost containers (Green) and recycling containers (Blue) in the sizes and numbers as needed to store all the waste generated at the service unit during the periods between collections; requiring the owner or generator to change the frequency of collection or the size of solid waste, recyclable material, and organic waste containers at the service unit; and requiring additional efforts in the recycling of recyclable materials and organic materials generated by businesses and multi-family dwellings.

D. The failure to comply with the requirements of this section is a threat to the public health, safety and welfare, and is declared and deemed a nuisance.

9.03.030 Use of solid waste, recyclable material, and organic waste containers.

Each service recipient is required to use landfill containers (Solid Waste-Gray), compost containers (Organic Waste-Green) and recycling containers (Recyclable-Blue) as provided by the contractor. A service recipient may request larger or smaller containers or request additional containers.

9.03.040 Use of overage bags for green waste.

On a periodic basis, if a single-family or multi-family dwelling service recipient has additional green waste in excess of what can be placed in the organic waste cart provided by the contractor, a single-family dwelling or multi-family service recipient may place green waste materials in overage bags provided by the contractor or a biodegradable bag provided by the generator. Each loaded bag may not weigh more than 50 pounds.

9.03.050 Collection and placement of containers.

Each single-family dwelling collection service will be curbside collection unless a single-family dwelling service recipient subscribes to on-premises collection.

A. Curbside placement and removal. Single-family dwelling service recipients that are subscribed to curbside collection of landfill containers, compost containers and recycling containers must temporarily place containers at the front property line within three feet from curb or street no earlier than 6:00 p.m. on the day before the scheduled collection day. They must remove the containers from the front property line no later than 11:59 p.m. on the scheduled collection day. Service recipients may not place containers in a public street or public sidewalk, but may place containers for collection in the right-of-way parking strip.

B. On-premises placement. Service recipients that are subscribed to on-premises collection of the landfill containers (Gray), compost containers (Green) and recycling containers (Blue) must place and maintain the containers in the side yard or backyard of their premises where the carts will not be a public nuisance or in any degree offensive. The location must allow for easy and safe access to the contractor.

9.03.060 Self-hauling permit.

A. Permit required. An owner or an occupant of any premises may elect to source separate and self-haul solid waste, recyclable material, and organic waste generated at the premises directly to a disposal or processing facility holding all applicable permits to accept the material. Any such owner or occupant desiring to do so as a means of satisfying the owner's obligation under Section 9.03.010 shall obtain a self-hauling permit to do so from the director prior to commencing self-hauling. Any self-hauling authorized shall be in conformance with Section 10 of the WMA ORRO.

B. Term. A permit to self-haul shall be good for one calendar year, or such part of the calendar year that is remaining after the issuance of the permit. All self-haul permits shall expire on December thirty-first, and may be renewed annually. An application for a renewal permit should be filed at least sixty days prior to the expiration date of the permit to allow adequate time for processing, inspection and verifications required to issue the permit.

C. Issuance of permit. Applications for a self-haul permit shall be submitted on an application,

on a form approved by the director, with all required information supplied. The director shall issue a self-haul permit within ten working days of the receipt of an application deemed complete by the director only if the person requesting a self-haul permit satisfies the following requirements:

1. Produces for inspection the vehicle that such person intends to use for hauling waste, and the vehicle meets the following standards:
 - a. The vehicle is capable of safely hauling waste in a safe and sanitary manner so that such matter will not spill, leak, drip, blow, scatter or fall from the vehicle;
 - b. If the vehicle is not fully enclosed, the applicant produces a tarp or other material that will be used to completely secure the materials being self-hauled; and
 - c. The vehicle is operational and meets all applicable Vehicle Code standards.
2. Produces evidence that such person owns or leases the vehicle or has a written agreement to use the vehicle for the hauling of waste;
3. Produces evidence that such person has a valid California driver's license to operate the vehicle produced for inspection and that the vehicle is registered in the State of California;
4. Provides the director with a certificate of automobile insurance for the vehicle;
5. Provides the director with proof that the applicant has containers for the storage of waste on the applicant's property before the materials are hauled to a disposal facility; and
6. Pays the fee for a self-hauling permit authorized by resolution of the city council.

D. Operational standards.

Self-haul permittees shall comply with the following operational conditions:

1. Permittees must dispose of waste and retain weekly receipts and weight tickets from any licensed or permitted landfill or other licensed or permitted disposal facility.
2. Receipts shall be submitted to the city for the preceding one-quarter calendar year on a quarterly basis upon reasonable request by appropriate city authority. Failure to show proof of waste disposal for each week that a person is permitted to self-haul shall constitute a public health and safety nuisance sufficient to permit city to revoke the permittee's self-hauling permit.
3. Permittees must notify the city of any change in the vehicle being used to haul solid waste by the permittee. Permittees must bring the new vehicle in for an inspection and demonstrate compliance with items 1 through 5 of paragraph C of this section before the new vehicle is used to haul any materials under the permit.
4. Permittee must keep on file with the city copies of the current automobile insurance and registration for the vehicle used to self-haul and the permittee's current California driver's license. Permittee must provide proof to city of renewed automobile insurance, vehicle registration, and California driver's license within five days of expiration of respective document.
5. Permittees must separate and bag garbage, recyclable material and organic waste capable of being composted.
6. Permittees are liable for any damages and clean-up costs resulting from any solid waste spilling, leaking, dripping, blowing, scattering or falling during the course of the permittees self-hauling activity.

7. Permittees shall, at such times as the director may specify, report to the city the type, quantity, volume and weight of solid waste to be removed, and shall pay an AB939 information reporting fee, in an amount to be set by the city council by resolution.
8. Permittees shall comply with all requirements of Section 10 of the WMA ORRO.

E. Revocation.

The director may revoke the self-haul permit if he or she finds that the permit holder has not complied with the terms of the permit or the conditions of this section. A self-haul permittee may appeal a determination made under this paragraph to the city administrator. In order to appeal, the self-haul permittee shall file a written appeal with the city clerk within 10 days after the determination of the building official, stating the reasons for the appeal and deposit the appeal fee, as set by resolution of the city council. The city administrator may designate a hearing officer for consideration of the appeal. The city administrator, or hearing officer if designated, shall hear the appeal within 30 calendar days of receiving the appeal. The decision of the city administrator or hearing officer shall be final. Upon revocation of the Self-Haul Permit, the director shall order the owner to comply with section 9.03.010. The director shall not, for a period of 12 months following the revocation, grant a Self-Haul permit to a person from whom a self-haul permit was revoked, and, thereafter, the director is authorized in his or her discretion to deny, or impose additional conditions on, the issuance of a self-haul permit to a person from whom a self-haul permit was previously revoked.

9.03.070 Special events.

For any special event within the city, the party responsible for the special event shall ensure that containers are placed throughout the event to sufficient to make source separation of recyclable materials, organic materials and garbage convenient for the employees, volunteers, contractors, and attendees of the event, and arrange for commingled or source-separated collection and processing of garbage, recycling and organics with the contractor. The party responsible shall arrange for collection and appropriate processing of all garbage, organics and recycling collected during the special event. During the term of any exclusive franchise pursuant to section 9.02.010, the responsible party may use commingled service or source separated collection services from a service provider other than the contractor only with the agreement of the contractor. Such service must also comply with the following requirements:

A. The minimum number of recycling and organic containers must exceed the number of garbage containers. Containers for garbage, organics and recyclables must be collocated throughout the event location to provide equally convenient access to users.

B. All of the containers must have appropriate signage and be color coded to identify the type of materials to be deposited and meet any additional design criteria established by the city.

C. Food vendors must have at least one separate container each for recyclable materials, organic materials and garbage for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size, and placement of containers, located within a reasonable proximity of the vendors.

D. The types of recyclable materials suitable for deposit into each container must include, at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling container must be clearly identified as a recycling container and display a list of types of recyclable materials which may be deposited into the container.

(Ord. 763 N.S. 01/2022)

DIVISION 9.04 CONSTRUCTION AND DEMOLITION

Sections:

9.04.010	Diversions requirement
9.04.020	Waste management plan
9.04.030	Waste diversion report
9.04.040	Determination of compliance
9.04.050	Infeasibility exemption
9.04.060	Appeal

9.04.010 Diversions requirement.

A. Diversions Requirement. Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11, as adopted by sections 5.12 and 5.13 of the Piedmont City Code, any applicable state law requirements, and the requirements of this section.

B. Proper Processing Facilities. Mixed construction and demolition debris must be processed at processing facilities that are permitted to accept, process and/or dispose of construction and demolition debris under applicable law.

C. Inspection. The building official may audit, inspect, and monitor all projects to determine levels of actual diversion activities and validate the information provided by the applicant to determine compliance. The applicant shall retain the receipts or weight tickets for the quantities of materials reused, salvaged, recycled and landfilled for one year after the final inspection.

9.04.020 Waste management plan.

To ensure compliance with the diversion requirement in this division, each applicant shall submit a completed waste management plan in a manner and form determined by the building official prior to issuance of a city building permit. The building official shall approve the waste management plan only if it will meet the diversion requirements of this division. To further secure compliance, the building official may require an applicant to deposit a performance security in an amount not exceeding two percent of the anticipated total project cost. Such security may be provided in the form of a cash deposit, money order or alternate security approved by the city attorney. Compliance with this section is not required where the building official has determined that an emergency demolition is required to protect the public health and safety.

9.04.030 Waste diversion report.

Before the final inspection, the applicant shall submit to the building official a waste diversion report showing the project has met the diversion requirement. This waste diversion report shall include all of the following:

- A. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material;

- B. A copy of the waste management plan with the addition of the actual volume or weight of each material diverted and/or placed in a landfill;
- C. Any additional information the applicant believes is relevant in determining efforts to comply in good faith with this division.

Applicants shall make reasonable efforts to ensure that all materials salvaged are measured and recorded using the most accurate method of measurement available. To the extent practical, salvaged materials shall either be weighed by measurement on scales in compliance with all regulatory requirements for accuracy and maintenance, or for salvaged material for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the city for this purpose. For salvaged materials or items that were donated or sold for reuse, an itemized list of such items specifying the weight, size and number of items shall be provided prior to the final building permit inspection, accompanied by receipts from the charitable organization or salvage operation receiving the items.

9.04.040 Determination of compliance.

A. Building official determination. Prior to the final inspection approval, the building official shall review the information submitted by the project applicant pursuant to this division and determine whether the applicant has complied with the diversion requirement and the waste management plan.

1. Full compliance. If the building official determines that the applicant has fully complied with the diversion requirement, he or she shall cause the full performance security to be released to the applicant within 30 days of the applicant's submission of the documentation required under section 9.04.030.
2. Good faith effort to comply. If the building official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this chapter. In making this determination, the building official shall consider the availability of markets for the construction and demolition debris placed in a landfill, the size of the project, and the documented efforts of the applicant to divert construction and demolition debris. If the building official determines that the applicant has made a good faith effort to comply with this chapter, he or she shall release the performance security, or a portion of it in proportion to the degree of compliance, to the applicant within 30 days of the applicant's submission of the documentation required under section 9.04.030.
3. Noncompliance. If the building official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation, then, at the building official's discretion, (a) the final inspection approval will not be issued, or (b) the performance security shall be forfeited to the city, or (c)

both. Additionally, noncompliance may be subject to further penalty as set forth in division 9.10.

4. Use of forfeited security. Forfeited performance securities shall be deposited into a special account and used for the purposes of (a) payment of any fines which may be assessed against the city, and (b) promoting diversion and recycling within the city.

B. Cost recovery. The city council, by resolution, may set a fee to recover all costs of determining compliance with this division.

9.04.050 Infeasibility exemption.

A. Application. If an applicant experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the waste management plan required under section 9.04.20. The applicant shall indicate on the waste management plan the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

B. Granting of exemption. If the building official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate to the applicant in a letter, and the waste management plan shall be deemed approved as modified by such letter.

C. Denial of exemption. If the building official determines that it is possible for the applicant to meet the diversion requirement, he or she shall so inform the applicant in writing. The applicant shall have 30 days to resubmit a waste management plan.

9.04.060 Appeals.

An applicant may appeal a determination made under this division to the city administrator. In order to appeal, the applicant shall file a written appeal with the city clerk within 10 days after the determination of the building official, stating the reasons for the appeal and deposit the appeal fee, as set by resolution of the city council. The city administrator may designate a hearing officer for consideration of the appeal. An appeal is limited to the following issues:

- A. the granting or denial of an infeasibility exemption;
- B. whether the applicant has made a good faith effort to comply with the waste management plan; and
- C. the amount of security to be released.

The city administrator, or hearing officer if designated, shall hear the appeal within 60 calendar days, and shall give 10 days prior written notice to the applicant. The decision of the city administrator or hearing officer shall be final.

DIVISION 9.05 PROHIBITIONS

Sections:

- 9.05.010 Burning or burying waste prohibited
- 9.05.020 Littering and dumping prohibited
- 9.05.030 Collection vehicles weight restriction
- 9.05.040 Prohibited materials in waste containers

9.05.010 Burning or burying waste prohibited.

It is unlawful for any person to burn or bury any solid waste, recyclable materials, or organic waste in any yard or open space within the city.

9.05.020 Littering and dumping prohibited¹.

It is unlawful for a person to litter or dump any solid waste in the city.

9.05.030 Collection vehicles weight restriction.

A vehicle removing or carrying solid waste or construction and demolition debris may not exceed 18,000 pounds per axle, and may not exceed 52,000 pounds gross vehicle weight when loaded.

9.05.040 Prohibited materials in waste containers.

No person shall place any exempt waste, e-waste, u-waste, human waste and other potentially infectious material in any solid waste, recyclable, or organic waste containers.

(Ord. 763 N.S. 01/2022)

¹ For state law as to deposit of offensive matter upon roads or private property, see Pen. C. §374b.

DIVISION 9.10 ENFORCEMENT

Sections:

- 9.10.010 Enforcement authority
- 9.10.020 Container removal fine
- 9.10.030 Misdemeanor, Penalty, City Remedies
- 9.10.040 Enforcement of Organic Waste

9.10.010 Enforcement Authority.

The director, or his or her designee, has the authority to enforce this chapter and the WMA ORRO, in addition to the authority granted to police officers. The director is authorized to establish rules and regulations for the purpose of enforcing of the provisions of this chapter and the WMA ORRO.

9.10.020 Container removal fine.

The city will provide written notification to single-family dwelling service recipients who violate Section 9.04.050. For the fourth and subsequent violation of this section in any one calendar year, the city may impose fines as follows:

- Forth offense \$50.00 fine
- Fifth offense \$100.00 fine
- Six offense \$150.00 fine

The failure to pay fines imposed, or the seventh offense for failure to comply with the requirements of Section 9.04.050, constitutes a violation of this chapter. If a violation has occurred, the director may require that the single-family dwelling service recipient subscribe to and pay for on-premises collection as provided by the contractor.

9.10.030 Misdemeanor, Penalty, City Remedies.

A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Unless otherwise specified in this chapter, a violation of any of the provisions or failing to comply with any of the mandatory requirements of this code shall constitute a misdemeanor except that notwithstanding any other provisions of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the attorney having prosecutorial functions, be charged and prosecuted as an infraction.

B. Any person convicted of a misdemeanor under the provisions of this chapter, unless provision is otherwise made in this code, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment.

C. Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

D. Each such person may be charged with a separate offense for each and every day during any portion of which a violation of any provision of this code is committed, continued or permitted by such person, and shall, upon conviction, be punishable accordingly.

E. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance, and may be summarily abated as such by this city, and each day that such condition continues shall be regarded as a new and separate offense.

F. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court shall grant, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection (including attorneys' fees);
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation (including attorneys' fees).

G. The city may enforce this chapter by any lawful means possessed by the city, including but not limited to those set forth in section 1.7 and 1.9 of the code, and any remedies available under any applicable state or federal law pursuant to any other lawful power the city may possess. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

9.10.040 Enforcement of Organic Waste.

Any violations relating to organic waste shall be enforced by an Enforcement Agency or the City of Piedmont in accordance with the provisions of Section 12 of the WMA ORRO.

(Ord. 763 N.S. 01/2022)

DIVISION 9.11 DEFINITIONS

Sections:

9.11.010 Definitions

9.11.010 Definitions.

In this chapter:

Alameda County means all of the geographical areas located within the incorporated and unincorporated areas of Alameda County whereas “*County of Alameda*” or “*County*” refers to the public entity, a body corporate and politic of the State of California.

Applicant means the person or entity (or the authorized representative) who submits an application for approval for a city permit to undertake any construction, demolition, or renovation project in the city. An applicant need not possess legal title to the subject property, so long as the applicant is an authorized agent with the written consent of the property owner.

Back-Haul means generating and transporting Organic Waste to a destination owned and operated by a generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

Blue container means a container where either:

(A) The lid of the container is blue in color.

(B) The body of the container is blue in color and the lid is either blue, gray, or black in color. Hardware such as hinges and wheels on a blue container may be 18 any color.

Business service unit means a retail, professional, office, or other commercial enterprise offering goods or services to the public.

CalRecycle means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.

California Code of Regulations or “*CCR*” means the State of California Code of Regulations. CCR references in this chapter and the WMA ORRO are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

Certification of Recycling Service Form means documentation certifying that a Commercial Business does not subscribe to collection services for Compost Containers and/or Recycling Containers because the Commercial Business has arranged for collection of its Source Separated Compost Container Organic Waste and/or Source Separated Recyclable Materials by self-hauling, Back-Haul, contracting with a third party hauler, or shares service with another Commercial Business.

City means the City of Piedmont.

Collection means the process whereby solid wastes are removed and transported to a disposal

facility, organic wastes processing facility, organic waste processing facility or materials recovery facility, as appropriate.

Collection services means single-family dwelling (SFD) collection service, multi-family dwelling (MFD) collection service, City collection service, and Commercial collection service. *Commercial collection service* means collection of garbage, organic waste, large items, and recyclables materials from a business service unit.

Commercial Business or Commercial means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).

Commercial Edible Food Generator includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

Community Composting means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

Compliance Review means a review of records by the applicable Enforcement Agency to determine compliance with this chapter and the WMA ORRO.

Compost has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.

Compost Container has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.

Compostable material has the same meaning as in 14 CCR Section 17852(a)(11).

Compostable material handling operation or facility has the same meaning as in 14 CCR Section 17852(a)(12).

Compostable Plastics or Compostable Plastic means plastic materials that meet the ASTM D6400 and D6868 standards for compostability and are certified by the Biodegradable Products Institute (BPI) or similar third-party approved by the WMA, and are approved by the applicable Member Agency for placement in the Compost Container.

Consolidation Sites means facilities or operations that receive solid waste for the purpose of storing the waste prior to transfer directly from one container to another or from one vehicle to another for transport and which do not conduct processing activities. Consolidation activities include, but are not limited to, limited volume transfer operations, sealed container transfer operations, and direct transfer facilities.

Construction means the building of any facility or structure or any portion thereof including owner or tenant improvements to an existing facility or structure.

Construction and demolition debris or “C&D” means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaped areas. Such materials include, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, Formica, granite, iron, lead, linoleum, marble, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble. Construction and demolition debris does not include exempt waste.

Construction and Demolition Debris Processing Facility means a facility that is operated and legally permitted for the purpose of accepting construction and demolition debris for receiving, sorting, processing, storing and/or preparing construction and demolition debris for sale.

Contamination or Contaminants has the same meaning as “prohibited container contaminants” as defined in 14 CCR Section 18982(a)(55).

Container Contamination or Contaminated Container means a container, regardless of type, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

Contractor means the person or entity designated by the city council to provide exclusive collection of solid waste within the city limits.

Covered Container means a container that is covered to prevent the migration of litter from the container, excessive infiltration of precipitation, odor and leachate production, and to prevent access by animals and people; thereby controlling litter, scavenging, and illegal dumping of prohibited wastes. Covers may include, but are not limited to, tarpaulins or similar materials.

Demolition means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

Designated source separated organic waste facility means a solid waste facility that accepts a source separated organic waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:

(A) The facility is a “transfer/processor,” as defined in Section 18815.2(a)(62), that is in compliance with the reporting requirements of Section 18815.5(d), and meets or exceeds an

annual average source separated organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to Section 18815.5(f) for organic waste received from the source separated organic waste collection stream.

1. If a transfer/processor has an annual average source separated organic content recovery rate lower than the rate required in paragraph (A) of this section for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated source 19 separated organic waste facility.”

(B) The facility is a “composting operation” or “composting facility” as defined in Section 18815.2(a)(13) that pursuant to the reports submitted under Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is organic waste is less than the percent specified in Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in Section 17896.57.

1. If the percent of the material removed for landfill disposal that is organic waste is more than the percent specified in Section 17409.5.8(c)(2) or 28 17409.5.8(c)(3) for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated 30 source separated organic waste facility.”

Designee means an entity that the WMA or an applicable Member Agency contracts with or otherwise arranges to carry out any of the WMA’s or Member Agency’s responsibilities for compliance with the SB 1383 Regulations. A Designee may be a government entity, a Regulated Hauler, a private entity, or a combination of those entities.

Direct service provider means a person, company, agency, district, or other entity that provides a service or services to a jurisdiction pursuant to a contract or other written agreement.

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 licensed 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.

Director means the Public Works Director or his or her designee.

Divert means to use material for any purpose other than disposal in a landfill or transformation facility.

DTSC means Department of Toxic Substances Control.

Dwelling unit means a room or a suite of connecting rooms, which provides complete, independent living quarters for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and which complies with all building and construction code requirements.

EA means enforcement agency as defined in PRC section 40130.

E-Waste means discarded electronics equipment such as cell phones, computers, monitors, televisions, and other items containing cathode ray tubes (CRTs), LCDs or plasma screens and monitors.

Edible Food means food intended and fit for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.

Emergency Transfer/Processing Operation means an operation that is established because there has been a proclamation of a state of emergency or local emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, Sections 17210.1 (j) and (k) and which meets all of the following requirements:

- (A) the operation handles only disaster debris and other wastes, in accordance with Section 17210.1(d), during the disaster debris recovery phase; and
- (B) the location does not currently have a solid waste facility permit;
- (C) if the operation accepts, processes, or stores hazardous or household hazardous waste, then these activities must be in compliance with DTSC standards or standards of other appropriate authorities or agencies.

Enforcement Action means an action of the relevant Enforcement Agency to address non-compliance with this chapter and the WMA ORRO including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

Enforcement Agency means an entity with the authority to enforce part or all of this chapter and WMA ORRO as specified therein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this chapter and the WMA ORRO. Nothing in this chapter and the WMA ORRO authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity. Nothing in

this chapter and the WMA ORRO shall preclude the City of Piedmont from enforcing any provisions stated therein.

Excluded Waste or Exempt Waste means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from a Member Agency and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the applicable Member Agency or a Regulated Hauler operating in that Member Agency's jurisdiction would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the applicable Member Agency or a Regulated Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the applicable Member Agency's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the applicable Member Agency or the Regulated Hauler providing service to the generator.

Facility that recovers source separated organic waste means a facility that handles source separated organic waste separately from any other wastes as required in 14 CCR Section 17409.5.6.

Food has the same meaning as in Section 113781 of the Health and Safety Code.

Food Distributor means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

Food Facility has the same meaning as in Section 113789 of the Health and Safety Code, and generally includes operations that store, prepare, package, serve, vend, or otherwise provide food for human consumption at the retail level, including, but not limited to, the following: An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food, and/or any place used in conjunction with the operations described above, including, but not limited to, storage facilities for food-related utensils, equipment, and materials. Food Facilities include permanent and nonpermanent food facilities, including, but not limited to, the following: public and private school cafeterias; restricted food service facilities; licensed health care facilities, except as provided in Section 113789(c)(12) of the Health and Safety Code; commissaries; mobile food facilities; mobile support units; temporary food facilities; vending machines; certified farmers' markets, for purposes of permitting and enforcement pursuant to Health and Safety Code Section 114370; farm stands, for purposes of permitting and enforcement pursuant to Health and Safety Code Section 114375; fishermen's markets; microenterprise home kitchen operations; catering operations; and host facilities. Section

113789(c) of the Health and Safety Code provides additional information on the entities that “Food Facility” does not include.

Food Recovery means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

Food Recovery Organization means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this chapter or the WMA ORRO and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

Food Recovery Service means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter or the WMA ORRO and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

Food service provider means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of other based on contractual arrangements with these types of organizations.

Food Scraps means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

Food Service Provider means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

Food-Soiled Paper is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the applicable the Member Agency for placement in the Compost Container.

Food waste means Food Scraps, Food-Soiled Paper, and Compostable Plastics in combination or separately.

Franchise agreement means the agreement entered into between the city and the city's designated contractor for the exclusive collection of solid waste generated within the city limits.

Garbage means all non-recyclable packaging, and putrescible waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include those items defined as recyclable materials, organic waste, large items, E-waste, U-waste, or exempt waste.

Gray container means a container where either:

- (A) The lid of the container is gray or black in color.
- (B) The body of the container is entirely gray or black in color and the lid is gray or black in color. Hardware such as hinges and wheels on a gray container may be any color.

Gray Container Waste or Gray Container Collection Stream means solid waste that is collected in a gray container that is part of a three-container organic waste collection service that prohibits the placement of organic waste in the gray container as specified in Section 18984.1(a) and (b).

Green container means a container where either:

- (A) The lid of the container is green in color.
- (B) The body of the container is green in color and the lid is green, gray, or black in color. Hardware such as hinges and wheels on a green container may be any color.

Green Waste means any vegetative matter resulting from normal yard and landscaping maintenance that is not more than three feet in its longest dimension or six inches in diameter and fits in the organic waste cart or overage bag used by the service recipient. Green waste includes plant debris, such as palm, yucca and cactus, ivy, grass clippings, leaves, pruning, weeds, branches, brush, holiday trees, and other forms of vegetative waste and must be generated by and at the service unit wherein the green waste is collected. Green waste does not include exempt waste.

Greenhouse gas means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and other fluorinated greenhouse gases as defined in this section.

Greenhouse gas emission reduction or greenhouse gas reduction means a calculated decrease in greenhouse gas emissions relative to a project baseline over a specified period of time.

Grocery Store means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

Hauler has the same meaning as in 14 CCR Section 18815.2(a)(32).

Hauler Route means the designated itinerary or sequence of stops for each segment of a Member Agency’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

Hazardous Wastes means any waste which meets the definitions set forth in 16 Title 22, Section 66261.3, et seq. and is required to be managed.

Hazardous wood waste means wood that falls within the definition of “Treated wood” or “Treated wood waste” in Section 67386.4 of Title 22 of the 23 California Code of Regulations.

Health Facility has the same meaning as in Section 1250 of the Health and Safety Code, and generally includes a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer. Health and Safety Code Section 1250 provides additional information on facilities included in the definition of Health Facility.

High Diversion Organic Waste Processing Facility means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

Implementation Record includes the records maintained by an applicable Member Agency regarding its implementation and enforcement of the SB 1383 Regulations, as required and described in 14 CCR 18995.2.

Incompatible Material or Incompatibles, means human-made inert material, 18 including, but not limited to, glass, metal, plastic, and also includes organic waste for 19 which the receiving end-user, facility, operation, property, or activity is not designed, 20 permitted, or authorized to perform organic waste recovery activities as defined in 21 Section 18983.1(b) of Article 2, Chapter 12.

Inspection means an Enforcement Agency’s electronic or on-site review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

Landfill Container has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.

Landfill Container Waste means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or

as otherwise defined in 14 CCR Section 17402(a)(6.5). (Three container collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

Large Event means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance. For the purposes of this definition of Large Event, “local agency” means all public agencies except those that are not subject to the regulatory authority of the applicable Member Agency such as prison(s), facilities operated by the State park system, public universities (including community colleges); County fairgrounds; special districts, and other State agencies.

Large items means those materials including furniture; carpets; mattresses; white goods; brown goods; E-waste; clothing; tires without rims; large green waste that does not exceed seven feet by four feet by two feet (7’x4’x2’) and weighing no more than 60 pounds, which are attributed to the normal activities of a single-family dwelling service unit, multi-family dwelling service unit that receives cart collection, or city service unit. Large items must be generated by and at the service unit where the large items are collected. Large items do not include exempt waste.

Large green waste means oversized green waste such as tree trunks and branches with a diameter of not less than six inches and not more than two feet and a length of not more than five feet in its longest dimension, which are attributed to the normal activities of a single-family dwelling, multi-family dwelling, or city service unit. Large green waste must be generated by and at the service unit where the large green waste is collected.

Large Venue means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this chapter and the WMA ORRO and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and the WMA ORRO and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.

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.

Lifecycle greenhouse gas emissions or Lifecycle GHG emissions means the aggregate quantity of greenhouse gas emissions (including direct and indirect emissions), related to the full lifecycle of the technology or process that an applicant wishes to have assessed as a possible means to reduce landfill disposal of organic waste. The lifecycle analysis of emissions includes all stages of organic waste processing and distribution, including collection from a recovery location, waste processing, delivery, use of any finished material by the ultimate consumer, ultimate use of any processing materials. The mass values for all greenhouse gases shall be adjusted to account for their relative global warming potential.

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 EA.

(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. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

Litter means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

Local education agency means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste.

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 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.

Member Agency means a party to the JPA. Current member agencies are the County of Alameda; the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City; and the Castro Valley and Oro Loma Sanitary Districts. A reference to an “applicable Member Agency” means the Member Agency within whose boundaries the regulated Organic Waste Generator, Self-Hauler, Regulated Hauler, Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity resides or operates. The Member Agency boundaries for the purpose of this Chapter and the WMA ORRO are:

- (1) The legal boundaries of each of the 14 incorporated municipalities within Alameda County, except those portions of the Cities of Hayward and San Leandro that are within the boundaries of the Oro Loma Sanitary District.
- (2) The legal boundaries of each of the Castro Valley and Oro Loma Sanitary Districts.
- (3) The unincorporated sections of the County not included within the above.
- (4) The legal boundaries for the City of Piedmont.

Mixed construction and demolition debris includes the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

Mixed Waste Organic Collection Stream or Mixed Waste means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

Multi-family dwelling collection service means collection of garbage, organic waste, large items, and recyclables materials from a multi-family dwelling service unit.

Multi-family dwelling service unit means any combination of dwelling units in the service area using a common bin for the accumulation and set-out of garbage.

Multi-Family Residential Dwelling or Multi-Family means of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.

Non-Compostable Paper includes, but is not limited to, paper that is coated, lined or treated with a non-compostable material, or otherwise unacceptable to the compostable materials handling facility processing the material.

Non-local entity means an entity that is an organic waste generator but is not subject to the control of a jurisdiction’s regulations related to solid waste. These entities may include, but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, including community colleges, county fairgrounds, and state agencies.

Non-Organic Recyclables means non-putrescible and non-hazardous recyclable materials including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, and other materials specified in 14 CCR Section 18982(a)(43).

Notice of Violation means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

On-site means located within the boundary of the operation or facility.

Open burning means the combustion of solid waste without:

- (A) control of combustion air to maintain adequate temperature for efficient combustion,
- (B) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and
- (C) control of the emission of the combustion products

Operating day means the hours of operation as set forth in the application, Enforcement Agency Notification and/or permit not exceeding 24 hours.

Operating Record means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and loadchecking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such

as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

Operations Area means:

- (A) the following areas within the boundary of an operation or facility as described 15 in the permit application or Enforcement Agency Notification:
 - (i) equipment management area, including cleaning, maintenance, and storage areas; and
 - (ii) material and/or solid waste management area, including unloading, 19 handling, transfer, processing, and storage areas.
- (B) the boundary of the operations area is the same as the permitted boundary but may or may not be the same as the property boundary.

Operator means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification, is legally responsible for all of the following:

- (A) complying with regulatory requirements set forth in these Articles;
- (B) complying with all applicable federal, state and local requirements;
- (C) the design, construction, and physical operation of the operations area;
- (D) controlling the activities at an operation or facility as listed on the permit 30 application or Enforcement Agency Notification.

Organic waste means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

Organic waste disposal reduction target is the statewide target to reduce the disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on the 2014 organic waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code.

Organic Waste Generator means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

Overage bag means a biodegradable bag provided by the contractor to single-family dwelling and multi-family dwelling service units for the periodic collection of green waste. Overage bags will have a capacity ranging from 20 to 45 gallons and a load capacity of up to 50 pounds.

Paper Products include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

Person includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.

Printing and Writing Paper include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

Processing means the controlled separation, recovery, volume reduction, conversion, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction equipment.

Prohibited Container Contaminants includes all of the following: (i) discarded materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Member Agency’s Recycling Container; (ii) discarded materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Member Agency’s Compost Container; (iii) discarded materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Compost Container Organic Waste to be placed in the Member Agency’s Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.

Project means an activity involving construction, demolition, or renovation, and which requires issuance of a city building permit. For the purpose of section 9.04.010, *project* also includes any city construction, demolition, or renovation over \$25,000.

Recovery means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

Recovered organic waste product procurement target means the amount of organic waste in the form of a recovered organic waste product which a jurisdiction is required to procure annually.

Recovered organic waste products means products made from California, landfill-diverted recovered organic waste processed at a permitted or otherwise authorized operation or facility.

Recovery location includes the closest aggregating hub used to recover the organic waste after collection. This could include but is not limited to a transfer facility, recycling facility, or recovery facility.

Recycled content paper means paper products and printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber.

Recycling Container has the same meaning as “Blue Container” in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.

Recyclable material means those materials designated by the city which are capable of being

recycled and which would otherwise be processed or disposed of as garbage. *Recyclable materials* includes: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding 40 pounds in weight nor two feet in any dimension for any single item); steel including “tin” cans, aerosol cans (empty, non-toxic products) and small scrap (not exceeding 40 pounds in weight nor two feet in any dimension for a single item); bimetal containers; #1-7 plastics regardless of form or mold (including plastic containers, bottles, wide mouth tubs, plastic bags, film plastic, and polystyrene), aseptic containers, aluminum foil and pans; dry cell household batteries and cell phones when contained in a sealed plastic bag; and other materials added by the city or the contractor from time to time.

Recycling means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

Regulated Hauler means a Person that collects Solid Waste (other than Solid Waste generated by a permitted building project) originating in Alameda County from Compost Containers, Recycling Containers, and/or Landfill Containers, and does so under a contract, franchise agreement, or permit with the WMA or a Member Agency. A Member Agency that collects Solid Waste within its boundaries is not a Regulated Hauler with respect to that collection.

Remnant Organic Material means the organic waste that is collected in a gray container that is part of the gray container collection stream.

Remote Monitoring means the use of mechanical or electronic devices to identify the types of materials in Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

Renewable gas means gas derived from organic waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recover organic waste.

Renovation means a change, addition, or modification in an existing structure.

Residual means the solid waste destined for disposal, further transfer/processing as defined in section 17402(a)(30) or (31), or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials.

Residual organic waste means waste that remains after organic waste has been processed which is then sent to landfill disposal.

Restaurant means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

Reuse means the recovery or reapplication of the material for uses similar or identical to its originally intended application, without manufacturing or preparation processes that significantly alter the material.

Route Review means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

Salvaging means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.

Scavenging means the uncontrolled and/or unauthorized removal of solid waste materials.

SB 1383 means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.

SB 1383 Regulations means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

Secondary Material Processing Facility or Operation means an activity whose primary purpose is to receive and process source separated, or separated for reuse, materials from a permitted transfer/processing facility or a transfer/processing operation governed by an enforcement agency notification, and that does not meet the residual percentage or putrescible waste percentage as set forth in section 17402.5(d). Materials include, but are not limited to, glass, plastics, paper, and cardboard.

(A) Secondary Material Processing Operations are those activities that:

1. Are governed by the Enforcement Agency Notification tier requirements as 33 specified in section 17403.3.2; and,
2. Receive an amount of residual material that is less than 40% by weight as calculated on a monthly basis. Operations that do not meet this residual requirement shall comply with the Registration Permit tier requirements specified in 17403.3.3. 38

(B) Secondary Material Processing Facilities are those activities that:

1. Are governed by the Registration Permit tier requirements as specified in section 17403.3.3; and,
2. Do not meet the 40% residual material requirement as specified in subdivision 42 (A).

Self-haul means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person for ultimate disposition as permitted by the applicable Member Agency and otherwise in accordance with all applicable laws. Self-Hauler also includes a Person who Back-Hauls such materials, and as otherwise defined in 14 CCR Section 18982(a)(66).

Self-hauling Permit means a permit required to be obtained from the City of Piedmont pursuant to section 9.03.060 of this chapter.

Separated for Reuse means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated".

Service recipient means a single-family dwelling service unit, multi-family dwelling service unit, city service unit, or commercial service unit receiving collection service.

Service unit means single-family dwelling service units, multi-family dwelling service units, City service units, and commercial service units.

Single-Family means of, from, or pertaining to any residential premises with fewer than five units.

Single-family dwelling collection service means collection of garbage, organic waste, large items, and recyclables materials from a single-family dwelling service unit.

Single-family dwelling service unit means a dwelling unit in the service area using a garbage cart, or any combination of dwelling units sharing garbage carts, for the accumulation and set out of garbage.

Solid waste means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, 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 semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

Source Separated means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or

reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance, Source Separated shall include separation of materials by the generator into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.

Source Separated Compost Container Organic Waste means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

Source Separated Recyclable Materials means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.

Source Separated Recycling Container Organic Waste means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the applicable Member Agency and includes unsoiled Paper Products and Printing and Writing Paper.

Special event means an occasional or recurring event scheduled to occur on public property, whether publicly or privately organized or sponsored. Special events include, but are not limited to: fairs, festivals, parades, sporting events, concerts, outdoor movies and catered events.

Supermarket means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

Tier One Commercial Edible Food Generator means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

Tier Two Commercial Edible Food Generator means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition as to entities subject to the regulatory authority of an applicable Member Agency, the definition in 14 CCR Section 18982(a)(74) shall apply to this Ordinance.

Uncontainerized green waste and yard waste collection service or uncontainerized service means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers source separated organic waste.

Universal waste or U-waste means fluorescent lamps, cathode ray tubes, non-empty aerosol cans, instruments and switches that contain mercury, and dry cell batteries containing cadmium copper, or mercury.

Wholesale Food Vendor means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

WMA means the Alameda County Waste Management Authority.

WMA ORRO means the Alameda County Waste Management Authority Organics Reduction and Recycling Ordinance “ORRO” (2021-02), its implementation and any future amendments or modifications thereto.

(Ord. 763 N.S. 01/2022)

DIVISION 9.12 ORGANICS REDUCTION AND RECYCLING

Sections:

- 9.12.010 Purpose & Intent
- 9.12.020 Adoption

9.12.010 Purpose and Intent.

The purpose and intent of this Division 9.12 is to comply with state laws requiring cities providing waste collection services to adopt ordinances and take other measures to reduce the amount of organics and recyclable materials deposited in landfills from commercial and residential generators pursuant to the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (2016).

This Division is also intended to streamline the reduction and recycling process for commercial and residential generators by opting into the countywide Organics Reduction and Recycling Ordinance (ORRO) developed by the Alameda County Waste Management Authority (WMA).

9.12.020 Adoption.

The WMA ORRO (WMA Ord. 2021-02) is hereby adopted by reference, to be effective in Piedmont beginning on January 1, 2022. One copy of the WMA ORRO shall be kept on file at the Department of Public Works.

(Ord. 763 N.S. 01/2022)

Rev. 2022-01-06 (Ord. 763 N.S. – 01/2022)