

TITLE I

Chapter 1.01 SWA CODE DEFINITION OF TERMS

1.01.010 Definitions.

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

"Administrative Rule" is a policy document promulgated by the GME that provides detail or clarification governing the conduct of SWA Franchisees or any other party regulated by the SWA. Administrative rules may be amended by the GME from time to time and SWA franchisees or any other party regulated by the SWA shall be notified of and copied on any new or amended Administrative Rule.

"Administrator" means the County of Sacramento Deputy County Executive for Public Works and Infrastructure and/or his or her designee.

"Board" means the Board of Directors of the Sacramento Regional Solid Waste Authority.

"Business" means "business" as defined in California Public Resources Code section 42649.8 (a) and the party (owner or generator) contracting for solid waste, recyclable material, and/or organic material collection and/or removal service.

"CalRecycle" means the State of California Department of Resources Recycling and Recovery

"Candidate" means any natural person, business, firm, limited liability company, association, partnership, public or private corporation, or any other entity whatsoever who applies to the SWA for certification as a certified C&D sorting facility or as a certified separated material recycling facility.

"CFR" means the Code of Federal Regulations.

"Certified C&D Sorting Facility" means a C&D debris sorting facility, certified by the SWA to be technically competent and adequately equipped to extract recyclable material from mixed C&D debris and market those extracted materials successfully, diverting them from disposal in a landfill, and maintaining compliance with all terms and conditions of certification.

"Clerk of the Board" or "Clerk" means the Clerk of the SWA Board.

"Collection" means the act of collecting and removing solid waste or recyclable material at the place of waste generation.

"Commercial Hauler" or "Hauler" means any person who loads, collects, hauls, or transports commercial solid waste, that was generated by another person or its employees or subcontractors in the course of providing its principal service, or manufacturing or constructing or assembling its major product; by use of any means, including, but not limited to, a dumpster truck, roll-off truck, a side-load, front-load, or rear-load garbage truck, or a trailer.

"Commercial Solid Waste" means all solid waste as defined in this section, and generated by commercial and industrial sources, multi-family residential properties, schools, public agencies, and construction and demolition activities; that is collected by a commercial hauler.

"Compost Facility" means a facility that is operated for the purpose of producing compost, as such term is defined in Public Resources Code section 40116.

“Construction and Demolition Debris” or “C&D Debris” means used or discarded materials resulting from construction, renovation, remodeling, repair or demolition operations on any pavement, house, commercial building, or other structure and such other materials as may be removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations.

"County" means the County of Sacramento.

“Covered Project” means any local agency permitted construction, renovation, remodeling, repair, or demolition project subject to a construction and demolition debris recycling requirement by a SWA member agency.

“Customer” means an owner or generator that contracts for solid waste removal services and enters into a service agreement with a Franchised waste hauler or authorized recycler for recycling services. Where several businesses share garbage containers and service, “customer” refers only to the entity that arranges for the service. “DWMR” means the Department of Waste Management and Recycling of the County of Sacramento. “EMD” means County's Environmental Management Department.

“Food Material” means “food material” as defined in section 17852(20) of title 14 of the California Code of Regulations. Food material is organic material.

"Franchise" means a commercial solid waste collection franchise issued under the provisions of this code to a commercial hauler within the SWA region.

“Franchised Waste Hauler” or "Franchisee" means a commercial hauler holding a franchise issued pursuant to this code. A franchised waste hauler may also collect, haul, or transport recyclable materials.

“GAAP” means the Generally Accepted Accounting Principles comprised of a standard framework of guidelines generally accepted in the United States of America. GAAP includes the established standards, conventions, and rules accountants follow in recording and summarizing transactions, and in the preparation of financial statements.

“General Manager/Engineer” or “GME” means the Director of the Department of Waste Management and Recycling of the County of Sacramento and/or his or her designee.

“Generator” means each business, non-residential property, multi-family residential property or single family residential property managed by an association, or other organization, that generates commercial solid waste and/or one or more recyclable materials as a result of activities conducted thereon.

"Green Material" means “green material” as defined in section 17852(21) of title 14 of the California Code of Regulations. Green material is organic material.

“Incidental”, when referring to recyclable material designated as such pursuant to section 3.01.110 (B) of this code, means a piece of recyclable material that does not measure more than 18” in any direction, unless it also measures less than 1” in 2 perpendicular directions. For example, a piece of metal strapping or wire that is more than 18” long would be considered incidental and extraction would not be required by section 3.01.110 (A) (1) of this code.

“Inert Material” means concrete, asphalt paving, brick, cinderblock, dirt, rock, and soil.

"Local Enforcement Agency" or "LEA" means the enforcement agency designated by the local governing body and certified by the California Department of

Resources Recycling and Recovery, also known as CalRecycle, as defined in California Public Resources Code section 40130.

"Materials Recovery Facility" or "MRF" means a permitted solid waste facility where solid wastes or recyclable materials are sorted, or separated, by hand or by use of machinery, for the purposes of recycling or composting. This definition shall apply only within the framework of materials recovery facility services and the reporting requirements of this code.

"Multi-Family Residential Property" means any multi-family dwelling, building or group of buildings that contain (s) five (5) or more individual dwelling units on a single tax lot. Multi-family complexes include, but are not limited to, apartment complexes, mobile home parks, senior housing/care facilities, and condominium complexes. Unless otherwise indicated, "Multi-Family Residential Property" includes single-family residential properties whose solid waste collection is shared and managed by an association or other organization. "Multi-Family Residential Property" means the party (owner or generator) contracting for solid waste, recyclable material, and/or organic material collection and/or removal service.

"National Contracts" means contracts between waste management companies and multi-sited waste generating companies that operate throughout the United States.

"Non-Residential Property" means real property that is located in the SWA region and used primarily for:

1. Commerce, including but not limited to offices, stores, restaurants, motels, hotels, recreational vehicle parks, theaters, and service stations;
2. Not-for profit organizations; and
3. Institutional uses, including schools, churches, and hospitals. The term non-residential property shall not include any residential units or undeveloped land.

"Non-Residential Property" means the party (owner or generator) contracting for solid waste, recyclable material, and/or organic material collection and/or removal service.

"Operator" or "Facility Operator" means the natural person designated in the application for certification by the SWA to be responsible for facility compliance with SWA Code, and the terms and conditions of certification, and/or his or her designee.

"Organic Material" means organic waste as defined in California Public Resources Code section 42649.8(c). Organic material includes food material and/or green material.

"Owner" means the person who owns a business, non-residential property, multi-family residential property or single family residential property managed by an association or other organization. An owner also may be a generator.

"Person" means any individual, firm, limited liability company, association, partnership, joint venture, industry, public or private corporation, school, public agency, or any other entity whatsoever.

"Recyclable Material" or "Recyclables" means materials that have been separated from the solid waste stream prior to disposal and returning them for use or 4 reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place, and that are not landfilled, including, but not limited to, recyclable material designated by the GME pursuant to section 4.01.060 of this code.

“Recyclable Materials Container” means any box, tub, cart, or other container designated or labeled as holding only recyclable materials.

“Recycler” means any person or business entity that lawfully collects recyclable material.

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

“Recycling Documents” mean, but are not limited to, service agreements, self-haul forms, inspection reports, compliance documentation, educational materials, and signs.

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

“Recycling Percentage” means the numeric performance of a certified C&D sorting facility, calculated by the GME as follows: (C&D material recycled minus inert debris recycled), divided by (C&D material accepted minus inert debris accepted), multiplied by 100, expressed as a percent. The formula for calculating a certified C&D sorting facility’s recycling percentage is demonstrated in section 3.01.120 (B) of this code.

“Removal” means the act of taking solid wastes or recyclables from the place of waste generation.

“Residual” means solid waste destined for disposal, further transfer/processing, or transformation, which remains after processing of recyclables.

“Responsible Party” or “RP” means whoever contracts for solid waste removal service for businesses, non-residential properties, multi-family properties, or single family residential properties managed by an association or other organization, owners, or generators.

"Rubbish" means non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery, plastics, rubber by-products and litter.

“Sacramento Regional Solid Waste Authority” or “SWA” means the joint powers authority of Sacramento County and the City of Sacramento.

“Self-haul” or “Self-hauling” means solid waste or recyclable material being generated and hauled by the same person.

“Self-Hauling Form” means the form provided by the SWA General Manager/Engineer and/or his or her designee on which a business, non-residential 5 property, multi-family residential property, single family residential property managed by an association or other organization, owner, or generator certifies that all self-hauling activities will be completed in accordance with the provisions of Title IV or any other applicable law or regulation.

“Service Agreement” or “Customer Service Agreement” means a written agreement between a franchised waste hauler or authorized recycler and an owner or generator concerning the collection of solid waste and/or recyclable materials.

“Single Family Residential Properties” means all individual residential dwelling units and complexes that are located on a single tax lot and managed by an association or other organization.

"Solid Waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. Solid waste does not include hazardous waste as defined in section 25117 of the Health and Safety Code, or low-level radioactive waste, or medical waste. Solid waste does not include source separated recyclable materials set out for separate collection for the purposes of recycling, and that are not land filled.

“Source Separate or Source Separated” means the keeping of recyclable materials independently containerized or clearly segregated from solid waste at the point of generation for the purpose of reuse or recycling and preventing them from being contaminated by solid waste.

“Subcontract” is a contract assigning some of the obligations of a contract to a third party.

"SWA Region" means the territorial jurisdictions of the City of Sacramento and the County of Sacramento.

“Tenant” means someone who pays rent to live in a multi-family residential dwelling unit that is owned by someone else;

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

"Transfer Trailer" or "Long Haul Trailer" means a tractor-trailer used for consolidation of individual loads of solid waste at a transfer station for transport to a disposal facility.

"Treated Medical Waste" means medical waste treated in the manner described in subsection (a) of Health and Safety Code section 25123.5.