

ORDINANCE NUMBER 2013- 34

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO TITLE 13 OF THE PIMA COUNTY CODE (SOLID WASTE); AMENDING SECTIONS 13.40.010, 13.40.020, 13.40.030, AND 13.40.070 TO MODIFY AND REPEAL DEFINITIONS, TO AMEND WASTE ACCEPTANCE CRITERIA, FEE DESCRIPTIONS, AND ENFORCEMENT PROVISIONS AND REPEALING SECTIONS 13.40.040, 13.40.050, 13.40.060**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:**

Section 1. Pima County Code Sections 13.40.010, 13.40.020, and 13.40.030 are amended to read as follows, and to renumber subsequent subsections accordingly:

13.40.010 Definitions.

...  
F. "Commercial hauler" means any person who:

...  
4. Is disposing of waste generated from work requiring a construction or building permit;  
~~or~~

~~5. Is disposing of waste from a conditionally exempt small quantity generator at the HHWCP.~~

...  
L. "Department" means Pima County wastewater management department Department of Environmental Quality.

M. "Director" means the Pima County wastewater management department Department of Environmental Quality director or authorized representative.

...  
~~O. "Glass processing facility" means a facility owned or operated by Pima County designed to accept and process glass food and beverage containers.~~

~~P.O.~~ "Green waste" . . . .

~~Q.~~ "Green waste processing facility" means a facility owned or operated by Pima County designed to accept and process green waste.

~~R. P.~~ "Hazardous waste" . . . .

~~S.~~ "Household hazardous waste" means wastes that would be classified as hazardous waste by 40 CFR §§ 261.20—261.35 but are exempted by 40 CFR § 261.4(b)(1) because they are generated by households, such as nonempty household size containers of paints, paint products, household cleaners, automotive fluids, pesticides, pool chemicals, household batteries, and similar materials.

~~T.~~ "Household hazardous waste collection program (HHWCP) facility" means the facility owned or operated by Pima County and the city of Tucson designed to accept household hazardous waste for processing and shipment, but not for on-site disposal.

~~U. Q.~~ "Infectious waste" . . . .

~~V. R.~~ "Loose" means uncompacted.

~~W. S.~~ "Materials recovery facility" . . . .

~~X. T.~~ "Non-standard waste" means any solid non-hazardous municipal waste that requires review to determine if the waste is acceptable solid waste, or that requires special handling at a solid waste facility. Non-standard waste must be approved by the director prior to acceptance.

~~Y. U.~~ "Non-standard tires" . . . .

~~Z. V.~~ "Operational" . . . .

~~AA. W.~~ "Prior approval" . . . .

~~BB. X.~~ "Recyclable material" means newsprint, aluminum cans, steel and bimetal cans, glass food and beverage containers (clear, green, brown), plastic beverage containers made of PET or HDPE, non-waxed corrugated cardboard, and other materials that are routinely acceptable for recycling at local materials processing companies.

~~CC. Y.~~ "Recycling convenience center" . . . .

~~DD.~~ Z. "Regulated asbestos-containing waste" . . . .

~~EE.~~ AA. "Residential hauler" . . . .

~~FF.~~ "Salvageable materials" means types of solid waste, as the director designates and excluding recyclable materials, that can be set aside from disposal areas at solid waste facilities for purposes of productive reuse or recycling.

~~GG.~~ BB. "Sanitary landfill" . . . .

~~HH.~~ CC. "Solid waste" means waste, as defined in A.R.S. Section 49-701, which includes any garbage; trash; rubbish; refuse; sludge from a waste treatment plant, water supply treatment plant or pollution control facility; and other discarded material including solid, liquid, semisolid or contained gaseous material, but does not include domestic sewage or hazardous waste. For county solid waste facilities, ~~except for HHWCP facilities,~~ solid waste does not include liquids or other materials prohibited for disposal in construction debris landfills by 40 CFR § 257 or in a municipal solid waste landfill by 40 CFR § 258.

~~H.~~ DD. "Solid waste facilities" means solid waste disposal, transportation, or processing facilities owned or operated by Pima County including sanitary landfills, construction debris landfills, transfer stations, non-standard waste facilities, tire transfer stations, tire collection facilities, ~~household hazardous waste facilities, green waste processing facilities, glass processing facilities,~~ recycling convenience centers, ~~salvaging facilities, and materials recovery facilities.~~

~~JJ.~~ EE. "Transfer station" means a facility ~~established~~ owned or operated by Pima County for the collection of acceptable solid waste to be subsequently transferred to a sanitary landfill.

~~KK.~~ FF. "Unacceptable wastes" . . . .

1. The following wastes are unacceptable for disposal at any Pima County solid waste facility ~~other than the HHWCP:~~ . . . .
- ~~2. The following wastes are unacceptable for disposal at the HHWCP:~~
  - ~~a. Explosives and ammunition.~~
  - ~~b. Fuel tanks and chemical storage tanks, unless approved by the director.~~
  - ~~c. Infectious waste, unless treated or packaged in a method approved by the director.~~
  - ~~d. Medical sharps, unless packaged in a rigid container as approved by the director.~~
  - ~~e. Motor vehicles.~~
  - ~~f. PCB containing wastes that are regulated under 40 CFR § 761.~~

- ~~g. Radioactive wastes.~~
- ~~h. Septic tank pumpings and untreated sewage.~~
- ~~i. Dioxin containing wastes that have a total aggregate concentration in waste extract of chlorinated dioxins and similar compounds of one part per billion or above, according to the methods in 40 CFR § 268 that apply to waste categories F020-F023 and F026-F028.~~
- ~~j. Any other waste determined by the director of the department of environmental quality to be unacceptable.~~
- ~~k. Hazardous waste other than residential and nonresidential waste from conditionally exempt small quantity generators.~~

13.40.020 Waste acceptance.

- B. For all solid waste requiring prior approval, the waste generator must, prior to disposal, submit data on the waste including source, quantity, description, and possibly waste analysis results, and other relevant information. ~~The director shall determine, on a case-by-case basis or by classes of waste, whether these wastes are acceptable or unacceptable in solid waste facilities. The decision shall be based on the expected impacts on facility processes or operations, the health and safety of facility workers or users, and the potential for adverse impacts to the quality of the soil, water, or air in the vicinity of the facility.~~
- ~~C. Any person or facility disposing of waste at the HHWCP as a conditionally exempt small quantity generator shall register on a form provided by Pima County department of environmental quality at the time of disposal. A registration number shall be issued by the Pima County department of environmental quality to every registered person and facility. Proof of possession of a valid registration number by the person or owner or operator of a facility is required for use of the HHWCP.~~
- ~~D. C. Bulk or non-containerized liquids and sludges are not acceptable for disposal, except that non-hazardous dried sludge from wastewater treatment facilities may be acceptable as a non-standard waste for disposal at sanitary landfills with prior approval of the director.~~
- ~~E. D. Regulated asbestos-containing wastes are prohibited at all county solid waste facilities.~~
- ~~F. E. Only inert materials, . . . .~~
- ~~G. It is the intent of this chapter to encourage all reasonable efforts to exclude from disposal in solid waste facilities materials for which there are reasonably accessible local markets for reuse or recycling. The director may modify the list of recyclable materials based on findings from studies of local marketing opportunities for the materials in question. If any person objects to a modification made to this list by the director, the decision shall be referred for action to the board of supervisors.~~

- H. ~~The director shall establish procedures to require residential haulers, whenever feasible, to segregate and place recyclable material, salvageable material, green waste, or appliances in respective designated areas prior to placing other solid waste in disposal areas. These procedures shall be followed at solid waste facilities that have designated areas for these materials.~~
- I. ~~After the green waste program is operational, green waste shall only be accepted at green waste processing facilities, except for incidental amounts.~~
- J. ~~All household hazardous waste must be disposed of through the Pima County/City of Tucson Household Hazardous Waste Collection Program.~~
- K. F. Motor vehicle tires shall not be accepted for land disposal at a solid waste facility except by methods approved by the Arizona Department of Environmental Quality. Motor vehicle tires are accepted at tire collection facilities or tire transfer stations. All tires shall be managed at Pima County solid waste facilities in accordance with the state of Arizona waste tire program, as established in A.R.S. Sections 44-1301 through 44-1307. Non-standard tires may be accepted at the waste tire facility, ~~if the director determines that the acceptance of the tires will not overburden the waste tire facility, and if a fee is charged that is commensurate with the cost of disposal.~~
- L. G. All generators and haulers of non-standard waste and non-regulated asbestos-containing waste must submit a county-manifest for each load. Pima County reserves the right to inspect and sample all incoming waste loads to county solid waste facilities.

#### 13.40.030 Fees.

- A. ~~Intent. It is the intent of the board of supervisors to fully recover all of the cost of operation and administration of solid waste management activities through solid waste fees.~~
- B. ~~Users. Except as provided in this section, all commercial haulers and residential haulers disposing of waste at solid waste facilities shall be charged a fee. This specifically includes Pima County government departments and divisions, regardless of their source of funding. Fees are due in cash at the time each waste load is accepted unless other arrangements have been made with the department. Fees shall not be assessed or collected at facilities where it is economically infeasible to collect fees due to the small amount of waste received. Fees shall not be assessed against residential customers for household hazardous waste collected at the household hazardous waste collection program facility or associated outreach collection sites. The fee collection program shall be administered by the department.~~
- C. A. Applicable Fees. Fees for use of solid waste facilities are as set forth in the fee schedule adopted by the board of supervisors. ~~The fee schedule is based on weight at each facility~~

where a scale is available and functional. Otherwise, rates for cubic yards or rate per volume apply. Cubic yard rates shall be charged on the volume capacity of the load carrying portion of the vehicle, or the volume of the load, whichever is greater.

~~D. B.~~ Special Handling Fee. Haulers of non-standard wastes, and non-regulated asbestos wastes, and waste taken to the HHWCP facility by conditionally exempt small quantity generators that require special handling services at solid waste facilities necessitating reallocation of personnel or equipment from normal operations shall be charged at the rate of one hundred fifty dollars for each hour or partial hour of staff time required to dispose properly of the waste shall be charged a fee set forth in the fee schedule.

~~E. C.~~ Evaluation Fee. Waste loads or waste streams that receive an evaluation of acceptability shall be charged an evaluation fee when the waste is delivered to a solid waste facility may be charged a fee set forth in the fee schedule. The evaluation fee shall be charged once for each evaluation performed. The director may wave the evaluation fee for evaluations that require minimal expenditure of department resources.

~~F. D.~~ Uncovered Load Fee. A fee shall be charged for all loads in which refuse or other materials are not securely contained, covered or adequately restrained by nets, tarpaulins, the enclosing vehicle body, or other means to preclude blowing litter or falling objects that may pose a road hazard to the motoring public. The uncovered load fee shall be ~~ten dollars for uncovered loads that may result in blowing litter and fifty dollars for unrestrained loads that may pose a road hazard~~ set forth in the fee schedule.

~~G. E.~~ Determination of Hauler Status. The site cashier shall determine whether a particular load is from a commercial or residential hauler, whether it is bulky or not, and whether the load is securely covered or properly restrained. The facility user shall pay the fee based on these decisions. ~~Users believing they have been wrongly charged may submit an affidavit to the director, stating that the load was from a residential hauler, was nonbulky, or was adequately covered or restrained, as applicable. This affidavit should include evidence sufficient to show that the determination of the cashier was incorrect. Depending on the director's determination of the load's status, the difference between the fee charged and the fee based on the decision of the director may be refunded to the user. The director may require any hauler requesting residential status to sign an affidavit stating that the load is "residential." The director may charge the commercial rate to any hauler refusing to sign such an affidavit.~~

~~H. F.~~ Fee Reduction for Nonprofit Organizations. . . .

~~I. G.~~ Fee Waivers for Illegal Dump Cleanups. . . .

~~J. Fees for Organized Salvaging. The director may wave the disposal fee for salvageable material placed in designated and organized salvaging areas at solid waste facilities. Salvageable materials can be removed from solid waste facilities at no charge, in accordance with procedures established by the director. Removing materials from waste disposal or waste burial areas shall be prohibited.~~

Section 2. Pima County Code Sections 13.40.040, 13.40.050, and 13.40.060 are repealed.

Section 3. Pima County Code Section 13.40.070 is amended to read as follows.

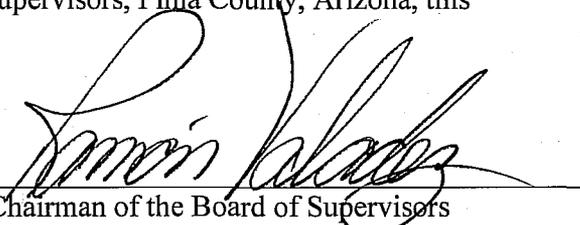
13.40.070 Enforcement.

A. The director may enforce . . .

~~B. In addition to the enforcement actions listed above, a user of the HHWCP facility is subject to the enforcement and penalty provisions of Chapters 7.21 and 7.29 of the Pima County Code.~~

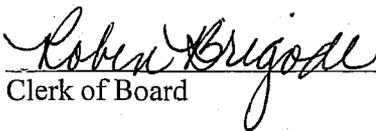
Section 4. This Ordinance is effective 31 days after the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this  
6th day of August, 2013

  
Chairman of the Board of Supervisors

AUG 06 2013

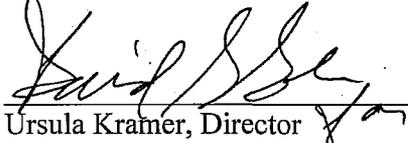
ATTEST:

  
Clerk of Board

APPROVED AS TO FORM:

REVIEWED BY:

  
Deputy County Attorney

  
Ursula Kramer, Director  
Department of Environmental Quality