

VENTURA REGIONAL SANITATION DISTRICT

1001 PARTRIDGE DRIVE, SUITE 150 • VENTURA, CA 93003-0704



November 21, 2011

Board of Directors
Ventura Regional Sanitation District
Ventura, California

VRSD ORDINANCE NO. VRSD-110 – FEES AND CHARGES FOR THE TOLAND ROAD LANDFILL

SUMMARY

At the VRSD Board meeting on July 1, 2010, the Board adopted Ordinance No. VRSD-107. The ordinance updated and established disposal fees for refuse disposed at the Toland Road Landfill site, as well as identified and established handling charges for green waste alternative daily cover (ADC) and green waste erosion control (EC) material accepted at the site. VRSD staff proposes at this time to revise the handling charges for green waste ADC and green waste EC material. If adopted, Ordinance No. VRSD-110 will become effective on February 1, 2012, and will repeal Ordinance No. VRSD-107.

BACKGROUND

VRSD-107 set the handling charges for both green waste ADC and green waste EC material at \$3.00 per ton. However, the District's clients are unwilling to pay the set rate due to current economic conditions and have indicated they will take this material elsewhere. The primary ADC and EC materials used at the Toland Road Landfill is green waste. The green waste is economically beneficial at the landfill site for use on the side slopes for erosion control. Therefore, VRSD staff recommends that the District reduce its handling charges to \$2.00 per ton for both green waste ADC and green waste EC material.

FISCAL IMPACTS

Since the district did not historically collect fees for this material and we have only been doing so for one year, the fiscal impact to the District will be negligible.

RECOMMENDATION

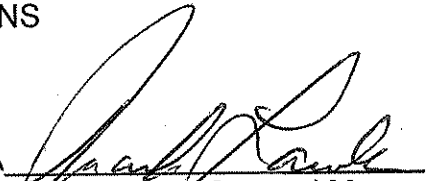
It is recommended the Board:

- a. Conduct the first reading, by title only, of Ordinance No. VRSD-110 Prescribing Fees and Charges for the Toland Road Landfill; and
- b. Schedule a public hearing for the Board of Directors' December 15, 2011, Regular Meeting to conduct the second reading, by title only, of Ordinance No. VRSD-110 and to consider adoption of Ordinance No. VRSD-110.


SALLY COLEMAN – DIRECTOR OF OPERATIONS

Enc.

APPROVED FOR DECEMBER 1, 2011 AGENDA


Mark Lawler – General Manager

**VENTURA REGIONAL SANITATION DISTRICT
ORDINANCE NO. VRSD-110**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE VENTURA REGIONAL SANITATION DISTRICT
PRESCRIBING FEES AND CHARGES
FOR THE TOLAND ROAD LANDFILL**

WHEREAS, Ventura Regional Sanitation District ("VRSD") is a county sanitation district created pursuant to California Health & Safety Code §4700 et seq.; and

WHEREAS, VRSD is authorized to provide public services related to the acquisition, construction, replacement, maintenance and operation of disposal systems and facilities; and

WHEREAS, VRSD operates a solid waste disposal facility known as Toland Road Landfill ("Landfill") located at 3500 North Toland Road in the unincorporated area of the County of Ventura; and

WHEREAS, California Health & Safety Code Sections 4741.7 and 5471 provide that VRSD may prescribe and collect fees in connection with its refuse disposal systems and facilities pursuant to an ordinance adopted by a two-thirds vote of the governing body; and

WHEREAS, VRSD periodically evaluates VRSD's refuse disposal systems and facilities which includes an evaluation of 1) current users, demands and capacity, 2) regulatory requirements, 3) costs of the existing and future operations and facilities, and 4) alternative methodologies for establishing fair and equitable charges. The planning, engineering, and financial studies associated with these evaluations are utilized during the development of VRSD's Fiscal Year Final Budget, which is adopted by the Board of Directors annually; and

WHEREAS, VRSD's periodic adjustment of refuse disposal fees ensures adequate revenues to finance the improvements and programs necessary to implement the mandated disposal regulations, maintain and improve facilities, and retire any debt incurred to finance such improvements in a reasonable manner; and

WHEREAS, VRSD maintains budgets, operations plans, capital improvement programs, reserve studies and financial and engineering reports (collectively referred to as the "Landfill Record") which have been made available to the public, both prior to and subsequent to their public review, at noticed public meetings; and

WHEREAS, the financial requirements of VRSD, as shown in the Landfill Record, including VRSD's most recently approved Budget, are based on current, reliable information and data relating to use projections, regulatory requirements, total system and facility operation, construction, maintenance and replacement costs, general administrative costs, including legal, accounting and other professional service costs, and capital costs; and

WHEREAS, the revenues derived under the provisions of this Ordinance will be used by VRSD for the construction, reconstruction, maintenance and operation of VRSD

disposal system facilities, repayments of principal and interest on debt instruments issued for the construction and reconstruction of VRSD facilities, recovery of costs associated with general administrative costs, and provision of necessary reserves; and

WHEREAS, the fees for disposal of refuse and related services at Toland Road Landfill set forth in this Ordinance do not exceed the cost of providing the disposal systems and facilities and related services for which the fees are imposed; and

WHEREAS, the VRSD Board of Directors finds the foregoing fees and charges are for the purpose of: 1) meeting operating expenses, including employee wage rates and fringe benefits; 2) purchasing or leasing supplies, equipment, or materials; 3) meeting financial reserve needs and requirements; or 4) obtaining capital funding for solid waste facilities (including development, closure and post closure projects) necessary to maintain service within existing service areas. Accordingly, the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a); and

WHEREAS, the fees and charges established by this Ordinance have been approved by the VRSD's Board of Directors at a noticed public meeting in accordance with all legal notice requirements.

NOW, THEREFORE, the Ventura Regional Sanitation District Board of Directors ordains as follows:

Section 1. Short Title. This Ordinance shall be known as the "Toland Road Landfill Fees & Charges Ordinance" and may be cited as such.

Section 2. Purpose. The purpose of this Ordinance is to establish fees and charges for the Toland Road Landfill.

Section 3. Fees and Charges. The following fees and charges are hereby prescribed for the Toland Road Landfill:

| DISPOSAL FEE CATEGORY | Fee/Ton | Minimum Fee |
|------------------------------|----------------|---------------------|
| Refuse ¹ | \$39.60 | \$30.00 per vehicle |
| Transfer Loads ² | \$34.54 | |
| Hard-to-handle ³ | \$110 | \$110 per vehicle |

¹ "Refuse" is solid waste material legally permitted for disposal at the Landfill.

² "Transfer Loads" are residual refuse transported by transfer trucks routed from transfer/materials recovery facilities.

³ Hard to handle fees apply to materials requiring special handling as determined by the Solid Waste Site Superintendent including difficult to handle items, biohazards (red bags, etc.), materials with potential health risks (non-friable asbestos, etc.), and materials with a highly offensive odor. Final determination of whether the fee applies is at the discretion of the Site Superintendent. The following are determined to be hard to handle materials:

- Concrete blocks larger than 2 feet in diameter
- Tree stumps greater than 2 feet in diameter

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ADDITIONAL FEES AND SURCHARGES (IN ADDITION TO DISPOSAL FEES)

| | |
|------------------------------|---------------------------|
| Freon extraction | \$5.00 each |
| Special pull-offs | \$30.00 each |
| Tires: Outside diameter | |
| Less than 36 inches | \$100.00/ton; \$5.00 each |
| 36 inches to 60 inches | \$30.00 each |
| Over 60 inches | \$200.00 each |

ALTERNATIVE DAILY COVER HANDLING CHARGES

| | |
|---------------------------------------|-----------------|
| Green Waste ADC ⁴ | \$2.00 per ton |
| Other Approved ADC ⁴ | \$12.00 per ton |

EROSION CONTROL MATERIAL HANDLING CHARGES

| | |
|-----------------------------------|----------------|
| Green Waste EC ⁵ | \$2.00 per ton |
|-----------------------------------|----------------|

Section 4. Transportation Restriction. Waste transported to the Landfill shall be carried by transfer trucks routed from transfer/materials recovery facilities pursuant to contracts with VRSD, except for waste generated in the cities of Santa Paula and Fillmore and the unincorporated areas of Santa Clara River Valley. All refuse, ADC and EC haulers shall comply with the traffic control instructions adopted by VRSD's General Manager.

Section 5. Accounts. All commercial refuse, ADC and EC customers shall establish VRSD Disposal Accounts and shall comply with all conditions and requirements of VRSD's Disposal Account Agreement.

Section 6. Hours of Operation. Normal Landfill hours of operation for the general public and hours of operation for commercial accounts shall be established by Resolution of the Board of Directors.

Section 7. Effective Date. This Ordinance shall become effective February 1, 2012.

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- Trees greater than 1 foot in diameter and 8 feet long
 - Power/telephone poles greater than 8 feet long
 - Asbestos pipe
 - Wire, rope and fence netting
 - Agricultural plastic film and tape
 - Irrigation tubing
 - Biohazard waste (red bags)
 - Wastewater treatment plant grit

⁴ "ADC" is alternative daily cover approved by the regulatory agencies with jurisdiction over the Landfill. Green Waste ADC shall be uncontaminated recycled wood and/or green waste processed to the size and moisture specified by VRSD's General Manager. All ADC load deliveries shall be made pursuant to written VRSD Agreement.

⁵ "EC" is erosion control material. Green Waste EC shall be uncontaminated recycled wood and/or green waste processed to the size and moisture specified by VRSD's General Manager. All EC load deliveries shall be made pursuant to written VRSD Agreement.

Section 8. Repeal. Ordinance No. VRSD-107 is hereby repealed as of the effective date specified in Section 7 above.

Section 9. Severability. If any term, condition, or provision of this Ordinance is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

Section 11. Administrative Record. All of the above Recitals are true and are hereby incorporated by reference herein. Each and all of the findings and determinations contained herein are based on the competent and the substantial evidence, both oral and written, contained in the entire Administrative Record relating to the proposed Project, which includes, but is not limited to: (a) the Landfill Record described in the Recitals above and all technical reports and other documentation referenced in the Landfill Record, (b) the taped transcripts of the presentations to the VRSD Board regarding this Ordinance, Landfill fees and the VRSD Budget and all documents submitted therewith, (c) all completed Landfill reports, all completed Landfill correspondence, and all finished Landfill data and documents located in VRSD's official files, and (d) all documents referenced in or relied upon in any of the above listed records. These findings and determinations constitute the independent findings and determinations of the District Board in all respects and are fully completely supported by the substantial evidence in the record as a whole.

Adopted by the Ventura Regional Sanitation District Board of Directors on December 15, 2011, by the following vote:

AYES:

NAYS:

ABSENT:

VENTURA REGIONAL SANITATION
DISTRICT

James L. Monahan
Chairman, Board of Directors

ATTEST:

Josie Guzman, CMC
Clerk of the Board

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