

City of Burbank – Solid Waste Management Rules and Regulations

Effective January 30, 2025

Burbank Municipal Code (BMC) Sections 4-2-101 and following outlines the City's Solid Waste management program in compliance with state laws and regulations. BMC Section 4-2-103 authorizes the Public Works Director to adopt Solid Waste Management Rules and Regulations (Rules and Regulations) governing solid waste collection service locations, collection frequency and Hauler Permit conditions, Permittee regulations, edible food recovery and service regulations, self-hauling regulations, procedures for submitting applications, Waivers, Generator education, fees, reports to the City, and other requirements necessary to implement the BMC and preserve the public health and safety. Failure to comply with the Rules and Regulations is a violation of the BMC. The most current version of these Rules and Regulations will be kept at the City Clerk's Office, the Public Works Department, and posted on the City's website at: burbankca.gov/web/public-works/waste-haulers

Article I **Definitions**

The following definitions apply to these Rules and Regulations:

"AB 939 Fee" means the quarterly payment due to City by Permittee for the provision of Commercial Collection Service, Bulky Item Collection Service, Temporary Service, and Roll-off Service.

"Act" means the California Integrated Waste Management Act of 1989 (AB 939) Public Resources Code § 40000 and following as it may be amended, including but not limited to AB 341, SB 1016, AB 1826, and SB 1383, and as implemented per the regulations of CalRecycle.

"BMC" means the Burbank Municipal Code.

"Bulky Item Collection Service" means the service provided to a Generator by the Permittee for the collection and removal of Large Items.

"Business" means a commercial entity, proprietorship, firm, partnership, joint-stock company, person in representative or fiduciary capacity, association, venture, trust, or corporation that is organized for financial gain or profit, including but not limited to, offices, retail stores, markets, industrial facilities, schools, school districts, manufacturing facilities, warehouse and distribution facilities, restaurants, motels and hotels, theaters, medical offices, gas stations and automotive facilities; and not-for-profit organizations, associations and entities, including but not limited to, churches, hospitals, and social service organizations.

"Certified C&D Sorting Facility" means a C&D sorting facility, certified by City of Los Angeles to be technically competent and adequately equipped to extract Recyclable Material from Mixed

C&D Debris and market those materials successfully, diverting them from disposal in a landfill, and maintaining compliance with all terms and conditions of certification.

“Collection Service” means any type of service provided by the Permittee that results in the collection and removal, for disposal or recovery, of Solid Waste. Collection Service may be used to mean the collection of Garbage, Recyclable Material, Organic Waste, Mixed and/or Source-Separated C&D Debris or to provide Bulky Item, Roll-Off or Temporary Service.

“Commercial Collection Service” means service provided by the Permittee for the collection and removal of Solid Waste from Business or Multifamily Generators.

“Commercial Edible Food Generator” means Tier 1 and Tier 2 Generators as defined in CCR Section 18982(a)(7).

“Contamination Fee” means the fee that may be assessed to the Generator by the Permittee for contamination in the trash, Recyclable Material or Organic Waste container.

“Edible Food Recovery Program” means the City of Burbank program established to recover edible food pursuant to CRR Section 18991.1.

“Food Waste” means food scraps and trimmings and other putrescible waste that results from food production, preparation, storage, consumption, or handling. Food Waste includes but is not limited to: meat, poultry, fish, bones and dairy waste, fruit and vegetable waste including beans, nuts, eggs and eggshells, grain waste including pasta and bread, and may also include compostable food packaging items or food soiled products such as pizza boxes, paper towels, and food-contaminated paper products.

“Garbage” means all putrescible and non-putrescible solid, semi-solid and associated liquid waste, as defined in California Public Resources Code Section 40191. Garbage does not include those items defined herein as Recyclable Material, or Organic Waste that have been Source-Separated for purposes of diversion.

“Generator” means a person or entity that is responsible for the initial creation of Solid Waste and/or is responsible for obtaining service from a Permittee.

“Green Waste” means any vegetative matter resulting from normal yard and landscaping maintenance. Green waste includes plant debris, such as ivy, grass clippings, leaves, pruning, weeds, branches, brush, non-flocked 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 items herein defined as exempt waste or yucca or cactus.

“Hauler Permit” means an annual permit issued by the City’s Public Works Department to a waste hauler, which authorizes collection, removal, and disposal of Solid Waste within the City issued pursuant to BMC Section 4-2-121.

“Large Items” means Solid Waste items that are collected from the Generator by the Permittee as part of Bulky Item Collection Service.

“Mixed C&D Debris” means C&D debris that includes commingled Recyclable Materials and non-recyclable C&D materials generated from a project.

“Multifamily” means a commercial Generator that is in a building with 5 or more residential units.

“Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, Green 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).

“Permittee” means a waste hauler operating within the City of Burbank that holds a valid Hauler Permit issued pursuant to BMC Section 4-2-121.

“Recyclable Material” or “Recyclables” means any materials capable of being containerized and diverted from the landfill, including, but not limited to, magazines, newspapers, office paper, cardboard, C&D material, chipboard, aluminum, tin and plastic beverage containers and other items that from time to time are classified as eligible for recycling. Recyclable Material does not include Garbage or hazardous materials.

“Roll-off Service” means the service provided by the Permittee for the collection and removal of Solid Waste that is in a container pulled onto the rear of a specialized truck.

“Service Agreement” means the agreement or contract between the Permittee and the Generator for Collection Service provided as described in this document.

“Source-Separated” means material that has been segregated by the Generator in an effort to keep acceptable materials contained in appropriate containers. May refer to Garbage, Recyclable Material, Organic Waste, and construction and demolition material.

“Solid Waste” means Garbage, Recyclable Material and/or Organic Waste.

“Temporary Service” means the service provided to a Generator by the Permittee for the collection and removal of Solid Waste is for less than 30 consecutive days.

“Waiver” means an exemption from Recyclable Material or Organic Waste Collection Service granted by the City to a Generator for de minimis, physical space, or other City approved reasons.

Article II

City Solid Waste Collection Service

The City of Burbank’s Waste Management Division is made up of Solid Waste Collection, Recycle Center, and Landfill services. Collectively they service all single-family residences, 50% of multi-family residences, and approximately 10% of the City's commercial/industrial Solid Waste Generators (BMC §4-2-109). Also, bulky items are collected at locations serviced by City staff; Permittees must provide bulky item collection services at locations that they service.

Bulky Items:

The City shall receive requests for, and provide for the collection of, certain bulky items from residential Generators of the City who shall request such service. Bulky items consist of selected

items which are too large or heavy to be prepared for regular Solid Waste collection. The list of acceptable and unacceptable items and guidelines for bulky collection are located at:
<https://www.burbankca.gov/web/public-works/bulky-item-pick-up>.

No bulky item shall be collected from private property. All bulky items shall be placed at, and atop the curb, and not in the street or alley, and must be a minimum of five feet (5') away from any fixed object or parked vehicle. There shall be only one collection location for each residence.

Article III

Waivers

Organics Generator Waivers and Permittee Responsibilities

- A. Generators may fulfill the requirements of the laws identified in BMC Section 4-2-117 by receiving an approved Waiver from the City. The Permittee shall be responsible for tracking the compliance of all Generators to which it provides Collection Service.
- B. Waivers.
 - i. Submission of Waiver applications must be made by the Generator or Permittee on a Waiver form provided by the City (<https://www.burbankca.gov/web/public-works/sb1383-business-requirements>) every two years, or provide waiver recommendations as part of the quarterly report submittal.
 - ii. Review of Waivers shall be conducted by City staff. Generators are considered "in compliance" while Waiver review is in progress.
 - iii. City shall have the sole authority to approve or deny Waivers; Permittee shall not have the authority to grant Waivers.
- C. City shall provide Permittee with an updated listing of Waivers approved by City, including the Generators' names, mailing address, service address, and type of Waivers.

Article IV

Annual Hauler Permit

Section 1: Permit Required

No person, entity, or Business may engage in the business of collecting, removal, or disposal of Solid Waste without a Hauler Permit with the City. If an agreement is separately executed between the City and the party, the terms of that agreement will govern if so stated in that agreement. If the City chooses to allow a Permittee to operate under a Service Agreement, written agreement, or other contract, the Hauler Permit conditions should be expressly incorporated into the agreement or contract or by reference.

Section 2: Compliance with Hauler Permit Conditions

Every Permittee shall comply with all conditions as set forth in these Rules and Regulations, the BMC, and the issued Hauler Permit. Failure to comply with the Hauler Permit conditions, or any other provisions in the Rules and Regulations or the BMC will result in a violation in accordance with Exhibit B and may constitute cause for the Public Works Director to terminate, revoke, or deny renewal of the Permittee's Hauler Permit.

Section 3: Non-Exclusivity of Hauler Permit

Permittee does not have the exclusive right to collect, receive, transport, segregate, recycle, and dispose of any Garbage, Recyclables, or Organic Waste generated by Multifamily and/or Business Generators in the City. Permittee shall not extend services to single-family residential and multi-family collection under 5-units unless specifically authorized by the Public Works Director. Except as expressly set forth herein, no other rights are granted to Permittee. City and Permittee agree that the Hauler Permit shall be applicable to all areas hereafter annexed or otherwise added to the territorial limits of the City.

Section 4: Permittee AB 939 Fees

- A. During the term of the Hauler Permit, Permittee shall pay to City the AB 939 Fee for the privilege of using City streets and public rights-of-way to engage in the business of providing Commercial Collection Service, Bulky Item Collection Service, Temporary Service, and Roll-off Service in City.
- B. The AB 939 Fee shall be calculated as a percentage of Permittees gross receipts, including those Generators that are, state or federal agencies or entities located within City, for the provision of Commercial Collection Service, Bulky Item Collection Service, and Roll-off Service. The AB 939 Fee shall be calculated based on a percentage of all gross receipts.
- C. The AB 939 Fee percentage shall be as designated in the Citywide Fee Schedule (<https://www.burbankca.gov/web/financial-services>) or such other amount applicable to permits that may be adopted at any time during the term of the Hauler Permit by a resolution of the City Council.
- D. Permittee shall pay AB 939 Fees on revenue generated from all Solid Waste collected pursuant to the services provided under the Hauler Permit regardless of the method of processing, disposal, or handling.

Section 5: Permittee AB 939 Fee Payment

- A. AB 939 Fees shall be payable on a quarterly basis and shall be due and payable on the thirtieth day of the first month immediately following the quarter in which collection revenue is received (see Exhibit B Reporting Schedule). Each payment shall be calculated in accordance with the provisions of this document and the BMC.
- B. AB 939 Fees shall be paid to the City of Burbank "Attention Burbank Recycle Center – AB 939" at the address set forth in Section 5.F of this Article. Each payment shall be

accompanied by a “quarterly report,” verified by the person making the payment, or a duly authorized representative of the person, showing the calculation of the AB 939 Fee as specified in Section 5 of this Article payable in such form and detail as the City may require and such other information as the City may determine is material to a determination of the amount due.

- C. If no revenue subject to the AB 939 Fee is collected during a given quarter, the quarterly report must still be submitted to the City of Burbank in the manner described in Section 5.F of this Article.
- D. No statement filed under this Section shall be conclusive as to the matters set forth in such statement, nor shall the filing of such statement preclude City from collecting by applicable action the sum that is actually due and payable.
- E. If AB 939 Fees are not paid by Permittee in the time and manner described in this Section and on their Hauler Permit application, then in addition to the AB 939 Fees, Permittee shall pay a late payment charge for each business day in which the AB 939 Fee was not timely paid.
- F. Permittee shall submit a quarterly report electronically to zerowaste@burbankca.gov and pay all required AB 939 fees to:
City of Burbank
Attn: Burbank Recycle Center- AB 939
500 S. Flower Street
Burbank, CA 91502
- G. If Permittee remits AB 939 Fees by personal delivery to City, such AB 939 Fees shall be deemed timely paid only if delivered on or before the due date. If Permittee remits AB 939 Fees by mail or other delivery service, such AB 939 Fees shall be deemed timely only if: (1) the envelope containing the AB 939 Fee payment bears a postmark or receipt showing that the payment was mailed or sent on or before the due date; or (2) Permittee submits proof satisfactory to City that the AB 939 Fee payment was in fact deposited in the mail or sent on or before said due date.
- H. If Permittee believes that it has paid AB 939 Fees in excess of the fees due to City, Permittee may submit a request for refund to the City within 90 days of the payment. If proof of overpayment is satisfactory to the City, the City shall refund to Permittee any overpayment. Permittee shall not apply any overpayment as a credit against any AB 939 fees or other amounts payable to City unless specifically so authorized by the City in writing.

Section 6: Restricted Hours of Operation

No Permittee may operate between 10:00 PM and 7:00 AM within 200 feet of a residential zone due to the loud noise of hauler operations (https://www.burbankca.gov/documents/173607/0/20210101_Zoning_Map.pdf/c8bc55ed-98cf-505d-3892-7e1657bca8f1?t=1618866483006). Violation of this may result in revocation of the Hauler Permit.

Section 7: Permittee Provided Solid Waste Containers

- A. Permittee must provide each Generator with Source-Separated Garbage, Recyclable Material, and Organic Waste collection containers in satisfactory condition. For these services, the Permittee shall provide each Generator with a minimum of one (1) container for each material type unless the Generator has submitted a City-approved Waiver pursuant to Article III. This provision of containers shall comply with the collection container requirements specified in BMC Section 4-2-113. Permittee is responsible for automatically enrolling the Generator in Organic Waste and Recyclable Material Collection Service and providing containers and ensuring Generator compliance with this requirement and shall cease providing Garbage Collection Service to any account that does not qualify for a Waiver and refuses Recyclable Material or Organic Waste Collection Service. All Source-Separated materials shall be kept separated, collected, and removed separately and processed without being commingled with other Solid Waste. This requirement does not apply to Temporary Service.
- B. Permittee shall provide black or gray Garbage containers to Generators for the collection of Garbage and shall provide separate weekly Garbage Collection Service. Permittee shall transport the Garbage to a disposal facility or a transfer facility for transfer and transport to a permitted disposal facility. Garbage may not be commingled with Recyclable Material or Organic Waste.
- C. Permittee shall provide blue collection containers to Generators for the collection of Source-Separated Recyclable Material and shall provide separate weekly or biweekly Recyclable Material Collection Service. Permittee shall transport Recyclable Material pursuant to BMC Section 4-2-122.G(1)(b).
- D. Permittee shall provide green collection containers to Generators for the collection of Organic Waste and shall provide, at a minimum, separate weekly Organic Waste Collection Service. Permittee shall transport Organic Waste pursuant to BMC Section 4-2-122.G(1)(b).
 - i. Organic Waste that must be accepted for collection in the commercial collection program include the following:
 - 1. Food Waste
 - 2. Paper and paper products (acceptable but best use is in Recyclables container)
 - 3. Green Waste
 - 4. Untreated lumber and wood
 - ii. Green Waste and wood may be collected separately or excluded from collection if the Generator demonstrates that such waste is otherwise diverted from landfill disposal.
- E. All Solid Waste containers shall be sized and serviced by the Permittee with adequate frequency to meet the Solid Waste generation needs of the Generator.
- F. No later than January 1, 2036, Permittee shall provide all Generators with collection containers that comply with the container body/lid color and labeling requirements specified in BMC Section 4-2-113. If an existing container breaks or is otherwise rendered non-functional, Permittee shall replace the non-functional container with a container that complies with the color and labeling requirements.

- G. The City may require special container equipment, locks, and/or container labeling with Generator identifying information.
- H. The City may require the permittee to replace or repair a container or bin if they are not kept in a satisfactory condition as acceptable to the City.
- I. Examples of violations of the conditions of this section are described in Exhibit B.

Section 8: Facilities Used by Permittee

- A. The Permittee shall collect, remove, transport, recycle and/or dispose of all materials in accordance with requirements of Section 7 and BMC Section 4-2-122; provided, however, the Permittee shall not be required to collect, remove, or dispose of any materials which are not placed in such locations and/or containers and at such times as agreed upon in the Service Agreement.
- B. The Permittee shall deliver all Mixed C&D Debris to facilities as approved by the City to meet a 65% diversion rate; and any and all weight tickets obtained for delivery of this material shall be marked or otherwise designated as C&D Debris that has been processed or otherwise sorted for recycling (not disposed).
- C. Permittee shall at the time of permit provide a letter from facilities they deliver Organic Waste to stating whether that facility accepts and recovers compostable plastics or can accept and remove plastic bags when it recovers Source-Separated Organic Waste as specified in 14 CCR 18994.2(b)(4)-(5).
- D. The Permittee shall supply a letter from their Organic Waste facility guaranteeing capacity for all of the organic waste collected in the City.
- E. The City may, in its sole discretion, require the use of a different site at any time during the term of the Hauler Permit if the facility or site is found to not be in compliance with the Act, and the City determines that the facility or site is not acceptable due to a failure to comply with the terms of their Hauler Permit, or a finding by State or federal regulatory agencies that it is not in compliance with applicable law, including the Act.

Section 9: Permittee Education and Outreach

- A. Permittee shall assist City in education and outreach activities to promote the diversion of Recyclable Material and Organic Waste.
- B. Annually, by January 30 of each year, Permittee shall submit to City in writing a plan detailing all education and outreach programs, campaigns, and services that will be carried out during the current year to assist its Generators in achieving state-mandated diversion goals and requirements. At a minimum, Permittee's outreach plan shall include:

At least one annual campaign targeting all Generators and including information about the State Mandatory Commercial Recycling Law (Assembly Bill 341, Chapter 476, Statutes of 2011), the State Mandatory Commercial Organics Recycling Law (Assembly Bill 1826, Chapter 727, Statutes of 2014), the State Mandatory Short-Lived Climate Pollutants: Organic Waste Reduction Law (Senate Bill 1383, Chapter 395, Statutes of 2016), applicable implementing

regulations promulgated by CalRecycle, applicable City requirements, and how to comply with each Law. Information distributed shall include all requirements in 14 CCR Section 18985.1(a) including:

- i. List of acceptable materials for each container;
- ii. The requirement to properly Source-Separate Solid Waste;
- iii. Information on methods to prevent Organic Waste;
- iv. The methane reduction benefits of preventing landfill disposal of Organic Waste;
- v. How to recover Organic Waste;
- vi. Information regarding the City's Edible Food Recovery Program.
- vii. A detailed section on education and outreach efforts from the previous year's annual plan. This would include total number of customers contacted by site visits (technical assistance), list of generator complaint follow-ups and resolutions, and type of education pieces disseminated and received (i.e., mailers, emails, flyers).

Outreach material produced pursuant to this Section shall be developed to reflect appropriate information for the target audience (e.g. outreach information for Multifamily Generators may vary from that developed for Business Generators).

- C. Outreach completed in accordance with Subsection A shall be in a minimum of three languages: English, Spanish, and Armenian.
- D. Permittee shall distribute the outreach and educational materials specified in Subsection A to all Generators. Such materials may be in hard copy or electronic format.
- E. A copy of any outreach item shall be made available to the City upon request.

Section 10: Reports

The following reports shall be submitted by Permittee pursuant to the reporting schedule included in Exhibit C:

- A. Quarterly Reports. Permittee shall submit quarterly tonnage, revenue reports, and Generator and compliance data for all Generators serviced by Permittee in the City as provided in BMC Section 4-2-122 in a format as required by the City.
 - i. AB 939 Authorized Collector Report shall include, but is not limited to:
 1. The total number of Generator accounts in the city.
 2. The number of Generators that:
 - a) Subscribe to Recyclable Material Collection Service;
 - b) Do not subscribe to a Recyclable Material Collection Service;
 - c) Subscribe to Organic Waste Collection Service;
 - d) Do not subscribe to Organic Waste Collection Service; and have an approved Waiver for either Recycling or Organic Waste Collection Service;
 - e) Are subject to and compliant with AB341 and AB1826;
 3. Number of tons landfilled, recycled, and composted;

4. Destination of disposal/recycling facility by material type;
 5. Gross receipts from collection services.
- ii. Generator and compliance data (customer accounts) shall include a list of all Generators serviced in the City including the following information for each:
1. Generator Account number;
 2. Account type (Business or Multifamily);
 3. Number of units per complex;
 4. Name of Generator receiving service;
 5. Address and phone number of service location;
 6. Name, mailing/billing address, and phone number of Generator if different than service location;
 7. Weekly service volume for each waste type and total cubic yards for all containers based on frequency of service;
 8. Route number for each generator.
 9. Waiver recommendations based on de minimis generation or physical space restrictions as defined in SB 1383 regulations.
- B. Permittee shall submit any other reports or data to City at the time, in the manner, and in the form satisfactory to the City as may be necessary to verify City's state-mandated diversion or compliance requirements.

Section 11: On-Call Bulky Item Collection Service

On-Call Bulky Item Collection Service is service provided to Generators for the collection and removal of Large Items have been placed within five (5) feet of the curb, swale, paved surface of the public or private roadway, closest accessible roadway, or other such location agreed to by Permittee and the Generator. The agreed upon location for placing Large Items must provide safe and efficient accessibility to Permittee's collection crew and vehicle. Generator property management must call at least 48 hours in advance to schedule Bulky Item Collection Service. Collection will occur on the day agreed to between the Generator property management and Permittee and/or within 12 hours of being placed out. The cost for receiving Bulky Item Collection Service shall be reasonable and may be negotiated between the Permittee and Generator.

Section 12: C&D Debris Diversion

Permittee may provide Collection Service for Mixed C&D Debris on a temporary on-call basis. Permittee shall deliver all loads of Mixed C&D Debris to a Certified C&D Sorting Facility. Whether the material is from a Covered Project or not, the material shall be processed for recycling. Under no circumstances are loads of Mixed C&D Debris to be taken to a landfill or otherwise disposed. Permittee must receive written approval from City prior to delivering Mixed C&D Debris to a facility other than that listed on Permittee's application packet.

Section 13: Permittee Contact Information, Website Requirements, and Recordkeeping

- A. Permittees must maintain a telephone for the purpose of responding to inquiries and for the receipt of complaints. The telephone number shall be listed in the telephone directory in the firm's name. There shall be a person or a personal answering service or recording service available for the receipt of telephone calls between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, holidays excepted.
- B. Permittee shall develop and maintain a website (or webpage) that is specifically dedicated to the City of Burbank to provide Generators with detailed service information. Permittee shall make the instructional service guides required by Section 10 of this Article available for viewing and downloading through the Permittee's website. In addition to service information, the Permittee shall include information on City programs, including a link to the City's Edible Food Recovery Program webpage in accordance with Section 9 of this Article, and other City webpages upon request. The website or webpage shall be accessible by the public. Permittee shall update the website regularly so that information provided is current. The Public Works Director may waive this requirement based upon sufficient justification.
- C. Records pertaining to Solid Waste collection and disposal shall be open to the inspection of the City at all reasonable times. In the event the Permittee maintains no office, the location of the records shall be made known to the City.

Section 14: Collection Equipment

- A. Any and all vehicles used by Permittee to perform Collection Service shall be inspected by the Permittee annually and must meet all requirements related to applicable Department of Transportation, California Department of Motor Vehicles, California Vehicle Code, and BMC Section 4-2-122.
- B. Each vehicle shall display the company name and phone number along the side of the collection truck.
- C. Permittee shall submit a vehicle inventory of Permittee's vehicles to the City annually, which shall include but not be limited to, vehicle number, year, make, model, capacity, and vehicle identification number (VIN). Permittee's vehicle inventory shall be submitted in a form and manner approved by the City.
- D. Permittee shall maintain a current list of its vehicles and shall submit to City an amended vehicle inventory upon request of the City or upon any changes in the inventory, such as new or replacement vehicles.
- E. Each vehicle used for collection in the City must have a Private Hauler Contractor

License issued on a per-vehicle basis per the City Fee Schedule.

Section 15: Cleanliness Of Solid Waste Collection Vehicles

- A. All Garbage, Solid Waste, Green Waste, or Recyclable Material shall be collected, removed, and disposed of in a manner that avoids needless offensiveness or filth in relation to any person, place, building, premises, or street.
- B. No collector shall use any cart or vehicle for the conveyance of Garbage, Solid Waste, Green Waste, Recyclable Material, filth, offal of any kind, or any offensive matter, unless the cart or vehicle is staunch and tight. The cart or vehicle used by the collector shall be well made, kept clean, and in good repair.

Section 16: Insurance

Permittee is required by BMC Section 3-6-302 to maintain a policy of insurance. A policy of insurance is required to be filed with the City in connection with the issuance of any permit.

- A. Without limiting Permittee's indemnification, prior to the commencement of any work under the Hauler Permit, Permittee shall maintain in force at all times during the term of this Hauler Permit and any extensions or modifications thereto, insurance as specified in Exhibit A and provide evidence thereof to City.
- B. It is the responsibility of Permittee to notify its insurance advisor or insurance carrier(s) regarding coverage, limits, forms, and other insurance requirements specified in Exhibit A. Failure to maintain insurance as required in this document may be grounds for material breach of contract.
- C. Permittee shall certify its compliance with Labor Code Section 3700.
- D. Permittee or its insurance broker shall deliver the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage to City. City may designate an insurance certificate processor ("Processor") to accept and process Permittee's proof of insurance. Permittee shall deliver copies of the actual insurance policies, renewals, or replacements directly to City or Processor upon their request.

Section 17: Audits, Records, and Inspection Authority

- A. Permittee shall maintain records, books, documents, and other evidence directly pertinent to the performance of work under the Hauler Permit in accordance with generally accepted accounting principles and practices.
- B. Upon City's request Permittee shall promptly provide, without charge, to the City or a designee access to all records, accounts, or other financial or program information pertinent to conduct the business and/or requirements of this Hauler Permit as City deems necessary to determine Permittee's compliance with legal and contractual requirements, including the correctness and accuracy of claims submitted by Permittee.
- C. Permittee shall certify that any response provided to the City, pursuant to this Section, is true, complete, and correct.

- D. Where necessary, City will retain the services of an independent auditor to verify performance and conduct an audit of Permittee records. Permittee shall provide access to City's independent auditor to all records in accordance with subsections A and B above.

Section 18: Hauler Permit Application Process

- A. Hauler Permits will be processed in accordance with BMC section 4-2-122.
- B. Minimum Qualifications – Applicants for a new or renewed Hauler Permit must be in compliance with all provisions of BMC and this document at the time of application submittal. For renewals, applicants must be current on all reporting requirements, Solid Waste management fee remittances, and Hauler Permit conditions at the time of renewal application submittal.
- C. Submittal – Applicants for new Hauler Permits or renewals must submit the following documentation as part of the application:
 - i. Current Generator list submitted electronically to zerowaste@burbankca.gov.
 - ii. Fully completed application along with the Hauler Permit fee. The Hauler Permit fee amounts are adopted bi-annually and are stated in the City of Burbank Citywide Fee Schedule.
 - iii. Provide written notice to the City identifying the facilities to which the Permittee will transport Solid Waste including facilities for Source-Separated Recyclable Material and Source-Separated Organic Waste.
 - iv. Submit a report that indicates the type(s) of services provided, rates, route, schedules, description of standard type service, holiday schedules and other related information required by the City.
 - v. Surety Bond: Applicants must submit a surety bond in the amount of \$1,000,000, conditioned upon ongoing compliance with the terms, conditions, and limitations of the issued Hauler Permit and the provisions of BMC 3-6-301 relating to surety bonds.

Section 19: Other Applicable Terms and Conditions

Any permit or separate agreement related to hauling will be subject to, or must contain in substance, the following general terms and conditions:

- A. Source Separation. The Permittee must separately collect Source-Separated Garbage, Organic Waste and Recyclable Material accumulated within the City. Permittee must not comingle Garbage, Organic Waste and Recyclable Material accumulated within the City and must transport such materials separately to a facility where they are not comingled for processing.
- B. Compliance with All Laws. Permittee shall operate in accordance with the laws of the State of California and ordinances, resolutions, policies, regulations, and specifications

of the City governing the collection, removal, transportation, recycling and/or disposal of materials, commencing on the date the Hauler Permit is signed by an authorized representative of the City and continuing as designated by the Hauler Permit or earlier if terminated by the City upon written notice. Permittee may not violate:

- i. The terms, conditions, or requirements of the Hauler Permit Conditions;
- ii. City ordinances, resolutions, administrative rules or regulations;
- iii. AB 939, the California Integrated Waste Management Act of 1989 (as codified in Public Resources Code Section 40000 et seq.), as it may be amended from time to time;
- iv. AB 1826 (Mandatory Commercial Organics Recycling et seq.) as it may be amended from time to time;
- v. SB 1383 (Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions), as it may be amended from time to time;
- vi. AB 341 (Mandatory Commercial Recycling), as it may be amended from time to time;
- vii. AB 1594 (Green Material Used as Alternative Daily Cover), as it may be amended from time to time; or
- viii. Any order, directive, rule, or regulation issued thereunder.

Permittee must correct or remedy any such violation within the time set in the written notice of the violation. Failure to timely correct or remedy the violation will result in revocation or termination of the Hauler's Permit.

C. Suspension. Any Hauler Permit granted pursuant to this part shall be suspended whenever the Permittee:

- i. Fails to keep in full force and effect the insurance required in Exhibit A or any other insurance coverage as required by the Hauler Permit; or
- ii. Fails to keep in full force and effect any applicable permits required by federal, state, or local law. Fails to provide applicable reports and fees to the City within a reasonable timeframe as determined by the Public Works Director. The Permittee warrants that he has not employed any officer or employee of the City of Burbank nor offered any gift, gratuity, contingent fee, or any other thing of value to such officer or employee of the City of Burbank in obtaining this Hauler Permit.

D. Notice. Whenever, under the Hauler Permit, provision is made for notice of any kind, it shall be deemed sufficient notice and service thereof if the said notice is in writing and is delivered by certified mail, addressed as follows:

If to the City: City of Burbank
Attn: Burbank Recycle Center
500 S. Flower Street
Burbank, CA 91502

If to the Permittee: (Mailing address provided on Hauler Permit application form)

Changes to the respective addresses to which such notices shall be directed may be made from time to time by either party. Notice of any such change of address shall be directed to the other party in writing by certified mail.

- E. Termination of Service. In the case of a breach of any of the requirements outlined in the Hauler Permit, and the breach continues for more than thirty (30) calendar days after written notice from the City for the correction thereof, provided that where such breach cannot be cured within such thirty (30) day period, Permittee shall not be in default of the Hauler Permit if Permittee shall have commenced such action required to cure the particular breach within ten (10) calendar days after such notice, and it continues such performance diligently until completed.
- F. Indemnity. By accepting the Hauler Permit granted by the City, the Permittee shall take all reasonable precautions to prevent the occurrence of any injury, including death, to any person or any damage to any property arising out of the acts or omissions of the Permittee, its agents, employees, or invitees. To the maximum extent permitted by law, Permittee shall indemnify and hold harmless the City of Burbank, its officers, agents, employees, and volunteers, against any claim for personal injury, property damage, or wrongful death arising out of or as the result of the issuance of the Hauler Permit and shall, at its own expense, defend any claim, suit, or action brought against the City upon any such claim. This indemnity provision is incorporated into all issued permits or separate agreements that allow for hauling.
- G. No Misrepresentation. Any misrepresentation or disclosure made to City by Permittee in connection with or as an inducement to acquire the Hauler Permit, which is false or misleading in any material respect as of the time the representation or disclosure is made, whether or not any such representation or disclosure appears as part of the Hauler Permit Conditions, will result in revocation or termination of the Hauler Permit.
- H. Fraud or Deceit. The Hauler Permit may be revoked or terminated if Permittee practices, or attempts to practice, any fraud or deceit upon City.

Article V

Self-Hauler Requirements

- A. Permittee Exempt. Permittee is not required to provide Collection Service to a Generator who has registered with City as a self-hauler to self-haul Solid Waste.
- B. No City Collection Service. Upon registering with the City as a self-hauler, a Generator who would otherwise receive Solid Waste Collection Service from the City or a Permittee will not receive such service for the types of Solid Waste that the Generator self-hauls and will not be liable for fees or charges that would otherwise be charged for

such collection.

- C. Qualification. To qualify as a self-hauler, a Generator must register as a self-hauler with the City and comply with all requirements applicable to self-haulers outlined in this document and BMC 4-2-125.
- D. Requirements for All Self-haulers. All self-haulers shall comply with the following requirements:
 - i. Source-Separate all Recyclable Materials and Organic Waste generated or handled on-site from Garbage in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or self-haul Organic Waste (and other Solid Waste) to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
 - ii. Self-haul all Source-Separated Recyclable Material to a facility that recycles those materials; and self-haul all Source-Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source-Separated Organic Waste.
 - iii. Comply with all other laws and regulations applicable to self-haulers in 14 CCR Division 7, Chapter 12, BMC 4-2-125 and this document.
- E. Additional Requirements for Non-Residential Self-Haulers. All Self-Haulers, except for residential Generators who self-haul Solid Waste, shall keep a record of the amount of each type of Solid Waste delivered to each Solid Waste facility, operation, activity, or property that receives, processes, or recovers Organic Waste, Recyclable Material or Garbage and must remit such records to the Public Works Director upon request. Such records shall include the following information:
 - i. Delivery receipts and weight tickets from the facility accepting Solid Waste.
 - ii. The amount of material, by type, in cubic yards or tons transported by the self-hauler to each facility.
 - iii. If the material is transported to a facility that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the facilities that received the Solid Waste.
- F. Continued Compliance. In order to maintain a valid self-hauler registration, all self-haulers shall remain in compliance with the provisions of BMC Section 4-2-125 and this document at all times. If, at any time, a self-hauler fails to meet the requirements of this document, the Generator must immediately make arrangements for the collection, removal and disposal of Solid Waste including Garbage, Organic Waste and Recyclable Material generated or accumulated on the Generator's premises in accordance with this document. The Public Works Director is authorized to require such Generator to receive Solid Waste Collection Services from the City and pay related costs, and/or the Public Works Director may take any other actions deemed necessary in order to ensure

that Solid Waste generated or accumulated on each premises is properly removed.

Article VI

City Solid Waste Collection Service

In accordance with BMC Section 4-2-109.A, the City will provide collection service as the Authorized Collector for Garbage, Organic Waste, and Recyclable Material at City facilities, Burbank Unified School District facilities, and single-family residential homes. The City's commercial collections section competes for commercial accounts not specified above.

Article VII

Schedule of Reporting by Food Recovery Organizations

In accordance with BMC Section 4-2-119.C, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and who have contracts or agreements with Commercial Edible Food Generators must report to the City, or its Enforcement Officer, the total pounds of Edible Food recovered from Commercial Edible Food Generators (regardless of whether those generators are located in the City). Food Recovery Organizations and Food Recovery Services shall provide reporting on or before April 1st of each year of the total pounds collected from the previous calendar year.

CITY OF BURBANK, a municipal corporation

s/ 
Public Works Director

Approved as to Form
Office of the City Attorney

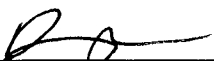
s/ 
Title: *Senior Assistant City Attorney*

EXHIBIT A
INSURANCE REQUIREMENTS

Permittee shall obtain and shall maintain throughout the term of the Hauler Permit, at Permittee's sole cost and expense, occurrence-based insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of work pursuant to the Hauler Permit by Permittee, its agents, representatives, employees of Permittee. For

- A. Minimum Scope and Limits of Insurance. Permittee shall maintain at least the following minimum insurance coverage:
- i. Comprehensive General Liability: No less than \$2,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the Hauler Permit or the general aggregate limit shall be twice the required occurrence limit.
 - ii. Automobile Liability: No less than \$1,000,000 combined single limit per accident for bodily injury and property damage, but such automobile liability policy must also be endorsed to include transportation pollution liability insurance, covering materials to be transported by contractor pursuant to the contract. Coverage shall include hired autos and non-owned autos.
 - iii. Workers' Compensation and Employers Liability: Workers' compensation limits as required by the California labor code and employers' liability limits of no less than \$1,000,000 per accident for bodily injury or disease.
 - iv. Pollution Liability Insurance: Permittee shall maintain pollution liability and/or asbestos pollution liability and/or errors & omissions applicable to the work being performed, with a limit no less than \$2,000,000 per claim or occurrence and \$2,000,000 aggregate per policy period of one year.
- B. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by City. If Permittee desires to increase any deductible or self-insured retention after the effective date of the Hauler Permit, it shall first obtain approval of City's Risk Manager for these increases. Permittee shall be responsible for payment of all deductibles or self-insured retentions.
- C. Other Insurance Provisions. The required insurance policies are required to contain, or be endorsed to contain, the following provisions:
- i. General Liability and Vehicle Liability Coverage. City, its officers, employees, agents, contractors, and volunteers are to be covered as an additional insured as respects: liability arising out of activities performed by, or on behalf of Permittee; products and completed operations of Permittee; premises owned,

leased, or used by Permittee; and vehicles owned, leased, hired, or borrowed by Permittee. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, employees, agents, contractors, and volunteers.

- ii. Permittee's insurance coverage shall be primary insurance as respect to City, its officers, employees, agents, contractors, and volunteers. Any insurance or self-insurance maintained by City, its officers, employees, agents, contractors, or volunteers shall be in excess of Permittee's insurance and shall not contribute with it.
 - iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its officers, employees, agents, contractors, or volunteers.
 - iv. Coverage shall state that Permittee's insurance shall apply separately to each insured against whom a claim is made, or a suit is brought, except with respect to the limits of the insurer's liability.
- D. Occurrence-based Policy. Such insurance must provide occurrence-based coverage. Claims-made policies are not acceptable, unless otherwise approved by the City's Management Services department, with the appropriate level of "tail insurance."
- E. All Coverage. Each insurance policy required by the Hauler Permit shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice has been given to City.
- F. Placement of Insurance. Insurance shall be placed with insurers acceptable to City's Risk Manager. Permittee must place insurance with a current "AM Best" rating of no less than A. City's Risk Manager may waive or alter this requirement in writing or accept self-insurance in lieu of any required policy of insurance if, in the opinion of the Risk Manager, the interests of City and the general public are adequately protected.
- G. Proof of Insurance. Permittee shall furnish City with certificates of insurance and with original endorsements affecting coverage required by the Hauler Permit. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. Proof of insurance shall be mailed or personally delivered to the address provided in Section 19 of Article IV.
- H. Modification of Insurance Requirements. City shall retain the right at any time to review the coverage, form and amount of the insurance required under these Rules and Regulations. If, in the opinion of the City's Risk Manager, the insurance provisions in this Exhibit do not provide adequate protection for City and for members of the public, City may require Permittee to obtain insurance sufficient in coverage, form and amount to provide adequate protection. City's requirements shall be reasonable but shall be imposed to assure protection from and against the kind and extent of risks that exist at the time a change in insurance is required. City's Risk Manager may modify these insurance requirements only upon approval of the City Council.

EXHIBIT B
HAULER PERMIT VIOLATIONS

Item	Failure(s)	Cure Period	Reference
A	Provide lockable containers at Generator request	2 business days	Rules and Regulations (RR) Article IV, Section 7
B	Containers with broken or missing lid/cover	2 business days	RR Article IV, Section 7
C	Containers not properly colored or labeled	2 business days	RR Article IV, Section 7; BMC § 4-2-108
D	Containers not sized or serviced with sufficient regularity resulting in overflowing, leaking, spilling, and/or material is placed outside container	48 hours	RR Article IV, Section 7; BMC § 4-2-113
E	Generator has not been provided with a minimum of three (3) containers (one (1) for each waste type) as required	2 business days	RR Article IV, Section 7; BMC § 4-2-113
F	Use of collection vehicle(s) without required Private Hauler Contractor License (see Fee Schedule)	N/A	RR Article IV, Section 14; BMC § 4-2-122
G	Failure to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste	N/A	RR Article IV, Section 8; BMC § 4-2-122
H	Landfilling or transformation of Recyclable Material or Organic Waste without prior written approval from City	N/A	RR Article IV, Section 8; BMC § 4-2-122
I	Verified collection outside of restricted collection hours	N/A	RR Article IV, Section 6
J	Provision of non-compliant service	N/A	RR Article IV, Section 7
K	Failure to comply with the requirements of the Hauler Permit or BMC not specified in items A through H following written notice from City to Permittee of deficiency.	N/A	RR Article IV, Section 19; BMC Title 1 and Title 4

The fee structure for all permit violations in accordance with BMC § 1-1-108.1, to be paid within 15 days of the citation: See BMC 1-1-108.1 for codified fees.

1st Occurrence – \$ 100.00

2nd Occurrence – \$ 200.00

3rd Occurrence – \$ 500.00

4th Occurrence – Termination or revocation of permit

EXHIBIT C
REPORTING SCHEDULE

Report Name	Reference	Frequency	Due Date(s)
AB 939 Authorized Collector Quarterly Report	RR Article IV, Section 10; BMC § 4-2-122	Quarterly	January 30, April 30, July 30, October 30
Generator/ Generator Data	RR Article IV, Section 10; BMC § 4-2-122	Quarterly	January 30, April 30, July 30, October 30
Disposal Facilities Used	RR Article IV, Section 10; BMC § 4-2-122	Annually with Permit; Quarterly	January 30; April 30, July 30, October 30
Generator/Generator Compliance Data	RR Article IV, Section 10; BMC § 4-2-122	Quarterly	January 30, April 30, July 30, October 30
Annual Diversion Plan Progress	RR Article IV, Section 9	Annually; or more often as requested	January 30
Other reports or data as requested	RR Article IV, Section 10; BMC § 4-2-122	Within 10 business days (Mon-Fri) of City's Request	Varies