REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Staff Report
January 13, 2008

Honorable Mayor and
Members of the City Council

Title: Construction and Demolition Debris Recycling Ordinance in the City of Sacramento.

Location/Council District: City Wide

Recommendation: 1) Adopt an **Ordinance** adding Chapter 8.124 to Title 8 of the Sacramento City Code relating to Construction and Demolition Debris Recycling; 2) adopt a **Resolution** approving the threshold, fees and penalties related to the construction and demolition debris recycling ordinance.

Contact: Chris Thoma, Program Analyst, 916-808-4833; Edison Hicks, Integrated Waste General Manager, 916-808-4949; Marty Strauss, Integrated Waste Planning Superintendent, 916-808-4934

Presenters: Chris Thoma, Program Analyst, 916-808-4833; Marty Strauss, Integrated Waste Planning Superintendent, 916-808-4934

Department: Utilities

Division: Solid Waste

Dept ID: 14001791

Description/Analysis

Issue: Construction and demolition (C&D) waste makes up approximately twenty percent (20%) of the total waste stream in the City of Sacramento. In 2005, 137,000 tons of C&D waste was disposed at landfills. This is equal to an additional ten percent (10%) diversion credit toward meeting AB 939's requirement to divert fifty percent (50%) of waste from disposal at landfills. The most recent report to the state shows the City's diversion rate is at fifty-two percent (52%). Implementation of the proposed C&D ordinance will increase the

City's total diversion rate to approximately sixty-two percent (62%).

Title 17.72 of the City Code requires all discretionary development projects to submit a recycling plan showing how much waste will be generated, how much will be disposed and how much will be recycled. However, there is no enforcement for failing to meet the stated goals described in the recycling plan. The attached C&D ordinance (Attachment #2) will require all construction projects having a valuation equal to or greater than $100,000 and all down-to-the-ground demolition projects to recycle certain C&D waste materials. In addition, permit holders will be required to submit a solid waste management plan documenting how the C&D waste will be managed at the project site and how the C&D waste will be diverted away from disposal at landfills, through recycling or re-use. The waste management plan and related forms are included as Attachment #5.

Implementation of the C&D ordinance will be done by the Department of Utilities, Solid Waste Services, with assistance from the Development Services Department, Building Division. Solid Waste Services will receive, review, approve and monitor implementation of the Solid Waste Management Plans; process fees, fines and security deposit, if applicable; and conduct inspections of project sites to determine the presence or absence of recycling at the site. The Waste Management Plan will be part of the building permit application packet given to permit applicants by the Building Division.

Policy Considerations: The staff recommendation is consistent with the City's strategic plan focus areas of sustainability and livability, and contributes to the City's efforts to reduce waste and comply with AB 939's diversion mandate.

Environmental Considerations: This staff recommendation is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, which exempts actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. Implementation of the C&D Ordinance will contribute to the enhancement of the environment by keeping waste out of landfills and decreasing the amount of methane gas generated by landfills.

Sustainability Considerations: Diversion of construction and demolition waste away from landfills will increase the City's diversion rate by eight to ten percent (8% to 10%), and reduce the amount of green house gas generated by the City by lowering the amount of waste going to landfills.

Rationale for Recommendation: Adoption of the recommended ordinance will contribute to the City meeting AB 939's diversion requirement and avoid fines and penalties for failing to meet the diversion requirement. The City currently has a 52% diversion rate. Implementation of the C&D ordinance will enable the City to increase its diversion rate to 62%.

Commission/Committee Action:

The Law and Legislation Committee discussed the outline of the construction and demolition ordinance on February 19, 2008, and directed staff to bring the ordinance directly to the City Council for review and consideration.

The general outline of the C&D ordinance was developed by the Department of Utilities, Solid Waste Services in coordination with an adhoc C&D technical advisory committee (City Building/Planning/Development Engineering). It was designed with input from industry stakeholders. In addition, Solid Waste Services worked with the County of Sacramento to develop a similar ordinance in order to achieve consistency in the region, and reduce confusion therefore making compliance easier to achieve for the building community.

The Solid Waste Advisory Committee (SWAC) reviewed the proposed ordinance and supports approval of the ordinance.

The Development Oversight Commission (DOC) reviewed the proposed ordinance on December 1, 2008. The DOC recommended a strong education campaign, with minimum punitive actions (levying fines, etc.) during the first year of the ordinance, to allow the building community to adapt to the new ordinance and its procedures.

Financial Considerations: Implementation of the Construction and Demolition Ordinance will be funded through fees paid by applicants for building permits. The increase in cost to the building permit is 0.04% of the project valuation, with a minimum of $40, and a maximum of $800. The fees will be used to cover the City's administrative costs to implement and enforce the ordinance.

Emerging Small Business Development (ESBD): No goods or services will be purchased as a result of the proposed actions in this report. Therefore, there are no Emerging Small Business Development issues.

Respectfully Submitted by: _____ FOR E. HICKS
Edison Hicks
Integrated Waste General Manager

Approved by: _____
Marty Hanneman
Assistant City Manager
Director of Utilities

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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Attachment #1: Background

Each year over 4 million tons of construction and demolition (C&D) debris are disposed in California landfills, representing 12% of the entire waste stream. In 2005 approximately 20% of the City's waste stream was C&D debris. This represents approximately 137,000 tons of waste disposed versus recycled. A 95% diversion rate would have allowed recovery of 130,000 tons, representing an increase in the City's diversion rate by 10%, from 52% to 62%.

C&D debris are commonly discarded materials removed from the premises during construction, remodeling, repair, demolition, deconstruction or renovation resulting from these operations on any pavement, house, commercial building, or other structure or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, packaging and rubble, and building materials, resulting from construction, remodeling, renovation, repair and demolition operations (California Integrated Waste Management Board, 2007). Much of these materials can be reused or recycled if managed properly. Reuse and recycling of C&D debris conserves natural resources and slows the rate at which landfills reach capacity. It can also save builders money by reducing waste of purchased materials and lowering disposal fees.

AB 939, the Integrated Waste Management Act, requires diversion of 50% of the total waste stream generated by local governments. In 2006, the last year reported to the State, the City of Sacramento diverted 52% of the waste generated in the City. Since then, the City has implemented weekly recycling and the Solid Waste Authority (SWA) has adopted a Business Recycling Ordinance. Staff projects that the successful implementation of the proposed C&D debris Ordinance, along with weekly recycling and the SWA Business Recycling Ordinance will result in the City achieving 64-66% diversion by the year 2012.

For the above reasons, Solid Waste Services views management of the C&D debris waste stream as an important element of their overall waste diversion efforts. The California Integrated Waste Management Board (CIWMB) has recommended a C&D diversion goal between 50 to 75 percent for State construction projects that are accessible to C&D waste processors and recyclers. In meeting with the stakeholders, Solid Waste staff has been asked to keep consistent with the County of Sacramento's version of the ordinance, which requires a particular set of materials to be recycled, instead of quantity-based. Staff expects this will meet or exceed the CIWMB's recommended goals. Recycling will be required for the following C&D debris:

1. Scrap metal items (structural steel, ductwork, gutters, pipes, appliances, fixtures, fencing & railing, sinks, tubs, roofing material)
2. Inert materials (dirt, soil, rocks, concrete, asphalt paving, brick and block)
3. Corrugated cardboard (mostly from packaging)
4. Wooden pallets (whole or broken)

5. Clean wood waste (unpainted, untreated dimensional lumber and plywood)

For example, in the Sacramento region nearly all of the concrete rubble from mass demolition activities of structures is routed to inert waste processors for crushing and recycling. Therefore the demolition of a steel-reinforced concrete parking garage would be expected to result in a high recycling rate from a mass demolition approach. It is possible to divert 95% of this material. On the other hand, the mass demolition of a typical apartment building because of the mixed C&D materials would not necessarily yield a significant quantity of economically recoverable C&D waste materials. Requiring the recycling of particular materials avoids the potential problems from a quantity-based approached – all projects are evaluated equally, without a need for exemptions for particular types.

What are the City of Sacramento and Other Jurisdictions Doing?
Driven by the need to comply with the State's waste diversion mandate, the City of Sacramento and other jurisdictions have targeted C&D debris as a priority waste stream that offers a high potential to divert waste from landfills. C&D ordinances of other jurisdictions within the region were reviewed for information on how C&D program measures are being implemented.

The County of Alameda, the City of San Jose, the County of Ventura, the City of Oakland, the City of San Francisco, the City of Santa Monica, the City of Folsom, the City of Woodland, and the City of West Sacramento are among the many local jurisdictions that have adopted C&D ordinances. The City of Stockton is similar to the City of Sacramento in that they are revising their C&D Program, and amending their program policies to include enforcement. The County and City C&D ordinances are fundamentally similar to each other, helping to provide a consistent program in the region.

The reason local jurisdictions and the City are targeting C&D waste, in addition to its weight to volume and impact on diversion, is that both its source and disposal points are relatively easy to monitor and regulate because the majority of C&D waste is disposed in the "self-haul" mode as a single source waste stream. Furthermore, C&D waste management goals and strategies can also be encouraged and/or mandated through the building permit process. Since the construction industry is already subject to this local permitting process within an existing institutional framework, it is not difficult to introduce new permitting requirements for C&D waste management.

Reactions to the Proposed Program
City Staff has met with area stakeholders to determine how the ordinance should be structured. Below is the feedback from each group:

- **The Development Oversight Commission** (DOC) reviewed the proposed ordinance at its meeting on December 1, 2008. The DOC recommended a strong education campaign, with minimum punitive actions (levying fines, etc.) during the first year of the ordinance, to allow the building community to adapt to the new ordinance and its procedures. City staff already has plans for an education

campaign, including signage at the Development Service permit counter, on the City's web site, and continuing to work directly with the building community and other areas.

The DOC also asked if this ordinance is business-friendly. Staff's view is that the ordinance has been made as friendly to businesses as possible by providing the same ordinance within both the City and the County, thus reducing confusion on what regulations would apply at different construction sites.

Finally, the DOC requested that we offer an incentive system similar to what the County is offering. The County owns the North Area Recovery Station (NARS), which receives source-separated recyclable material. The County is offering one or two coupons with each project for free drop-off of such material. The City does not own its own facilities, so is not yet able to offer such a program, but the application packet for the ordinance will list recycling facilities that will receive the material, and in some cases, pay for the material.

- **The North State Building Industry Association** (BIA) reviewed the proposed ordinance at its meeting on December 10, 2008. BIA found the ordinance to be reasonable. They expressed a desire to all local jurisdictions to adopt a similar ordinance, which would reduce confusion and implementation across different areas. They also asked if a security deposit could be returned while a project is still on-going, if a full year has passed since the last notice of non-compliance. City staff recommends not doing this, since the security deposit is only imposed if there has been a previous non-compliance by the permit holder for a previous project, and is to be held until the current project is completed and found to be in compliance. The security deposit is 1% of the project valuation, but with a cap of $10,000, so a permit holder of a large project is not left with a hefty security deposit over multiple years.

- **The Sacramento Builders Exchange** (SBE) reviewed the proposed ordinance at its meeting on December 4, 2008. SBE expressed a desire to have lesser steps and fees towards obtaining a building permit, but feel the City and County's current model is the best one, when compared with others within California. SBE requested, however, to see the project valuation threshold increased to $250,000, and the fee reduced to 0.025%. City staff does not recommend these changes, as it would significantly reduce the number of covered projects by over 1700 permits (from 2,132 to 397, based on 2005 data), and not cover the currently projected costs for administering and implementing the proposed C&D ordinance. Staff plans to conduct a yearly fee and program review to ensure that fees are in alignment with administrative costs.

  The County, however, has agreed to these changes. When reviewing the building permit data for the County (which excludes the City's), they found they were able to operate their own C&D ordinance with a lower fee. This is due to County using the building inspectors to check for evidence of recycling at project sites. The City, on the other hand, will be using Solid Waste Services staff to perform inspections.

When performing the annual program review, Solid Waste will discuss with Development Services Department (DSD) whether DSD building inspectors could perform inspections as well.

As for project valuation threshold, the County found that raising it to $250,000 meant only approximately 50% of their building permits are removed from the program. Within the City, however, such a threshold would result in losing approximately 75% of building permits. This would result in a significantly lower diversion rate of material than originally predicted, leaving more construction debris in the landfill.

The SBE was also concerned that the ordinance would dramatically increase waste hauling rates and facility tipping fees, as it requires mixed C&D material (waste that is a mixture of both trash and recyclables) to be hauled to designated sorting facilities. The Sacramento Waste Authority (SWA) is working to certify multiple facilities to sort the mixed C&D material and should result in the marketplace offering lower sorting fees through competition, and thus keeping the tipping fees lower.

- **The Solid Waste Advisory Committee** (SWAC) reviewed the proposed ordinance and supports approval of the ordinance.

The City's Current C&D Debris Recycling Program
The Sacramento City Council adopted Ordinance No. 99-015 on April 20, 1999, adding Title 17.72 to the City Code and creating Development Standards for Recycling and Solid Waste Disposal Regulations. Since that time, as part of the entitlement process, a project applicant for new development projects is required to prepare and submit a Recycling Plan and requested to divert 95% of all C&D debris generated by project development from landfill disposal. Applicants submit a "Statement of Recycling Information" for new developments; however, there are no enforcement measures if the applicant fails to meet this request. The proposed ordinance includes penalties for failing to meet the stated goals.

The City's Proposed C&D Ordinance
The proposed C&D ordinance is mandatory, unlike Title 17.72, which is voluntary. All construction projects with a valuation of equal to or greater than $100,000 will be required to pay a fee of 0.04% of project valuation, (a minimum of $40 and a ceiling of $800) and submit for review and approval a Waste Management Plan (WMP) as part of the building permit application.

Failure to comply with the C&D Ordinance requirements will result in the following possible actions:

1. The permit holder will be subject to a fine of up to $250 for the first offense, $500 for the second offense, and $1,500 for all subsequent offenses.
2. An applicant who has been assessed with a fine for non-compliance will be required to pay a refundable security deposit (1% of the project valuation, maximum of

$10,000) when submitting an application for a building permit within one year of assessment of the fine.

This ordinance is not intended to be revenue generating. The proposed fee of 0.04% is meant to cover the City's administrative costs to implement and enforce the proposed ordinance.

Changes Since the Law & Legislation Committee Presentation:
City staff originally proposed quantitative criteria for this ordinance in a presentation to the Law & Legislation Committee on February 19, 2008. Instead of requiring certain C&D waste materials to be recycled, permit holders were going to be required to divert at least 50% of waste away from the landfill, with 95% of inerts (concrete, dirt, brick, etc.) to be diverted. After discussions with stakeholders and the County of Sacramento, the quantitative criteria was changed to the current approach of requiring all recycling of certain types of C&D waste material: scrap metal, cardboard, inerts, and clean wood waste. Stakeholders were concerned that the quantitative approach would encourage permit holders to apply creative accounting practices to be in compliance with the ordinance, instead of simply recycling the material. Thus, the ordinance was rewritten with the materials-based approach, satisfying the stakeholders and making the City's ordinance more similar to the County's ordinance.

Attachment #2

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING CHAPTER 8.124 TO TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 8.124 is added to Title 8 of the Sacramento City Code to read as follows:

Chapter 8.124

Construction and Demolition Debris Recycling

8.124.010 Findings and purpose

A. The city council of the city of Sacramento finds and declares as follows:

1. The California Integrated Waste Management Act of 1989 (AB 939) requires each local jurisdiction in the state to divert a minimum of fifty (50) percent of discarded materials away from disposal in landfills.

2. Construction and demolition (C&D) debris account for approximately twenty (20) percent of the waste stream generated in the city. These materials have significant potential for waste reduction and recycling.

3. The reuse and recycling of C&D debris will reduce the amount of waste transported for disposal in landfills and return these materials into the economic mainstream, thereby conserving natural resources and stimulating markets for recycled and salvaged materials.

B. The purpose of this chapter is to establish recycling requirements for construction and demolition debris to further the city's efforts to reduce waste deposited in landfills and

to meet or exceed the mandatory diversion requirements imposed by AB 939.

8.124.020 Definitions

For purposes of this chapter, the following terms, words and phrases shall have the meanings given them in this section.

"Certified C&D sorting facility" means a facility that receives C&D debris and/or processes C&D debris into its component material types for reuse, recycling, and disposal of residuals and possesses a valid certificate as a C&D sorting facility from the Sacramento Regional County Solid Waste Authority.

"Construction and demolition debris" or "C&D debris" means used or commonly discarded materials resulting from construction, repair, remodel or demolition operations on any pavement, house, building, or other structure, or from landscaping that are not hazardous as defined in California Health and Safety Code section 25100 et seq. Such materials include, but are not limited to, concrete, asphalt, wood, metal, brick, dirt, sand, rock, gravel, plaster, glass, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, masonry, plastic pipe, trees, and other vegetative matter resulting from land clearing and landscaping.

"Covered project" means the project described in section 8.124.030.

"Director" means the Director of the Department of Utilities or his or her designee.

"Divert" or "diversion" means to use materials for any purpose other than disposal in a landfill or transformation facility. Methods to divert materials include on-site reuse of the materials, delivery of materials from the project site to a certified C&D sorting facility or a recycling facility, or other methods as approved in regulations promulgated by the Director.

"Franchised waste hauler" means a person who possesses a valid commercial solid waste collection franchise issued by the Sacramento Regional County Solid Waste Authority.

"Mixed C&D debris" means loads that include commingled recyclable and non-recyclable C&D debris generated at a project site.

"Permit holder" means any person who receives from the city the applicable permit to erect, construct, enlarge, alter, repair, move, remove, convert or demolish a building or structure within the City.

"Person" means any natural person, firm, association, organization, corporation, company, partnership, agency or other private entity.

"Recyclable C&D debris" means C&D debris designated by the Director to be diverted from landfills and returned to the economic mainstream in the form of raw material

for new, reused or reconstituted products that meet the quality standards necessary to be used in the marketplace.

"Recycling facility" means a facility or operation that receives, processes, and transfers source-separated recyclable materials.

"Source-separated C&D debris" means recyclable C&D debris that is separately sorted and containerized at the site of generation by individual material type and segregated from mixed C&D debris prior to collection and transporting.

"Transformation facility" means a facility where transformation, as defined in California Public Resources Code section 40201, of solid waste materials occurs.

"Waste log" means a record prepared by the permit holder that details the management of C&D debris generated by the covered project, including the date and weight/volume of material by type that was salvaged, reused, recycled or disposed.

"Waste management plan" or "WMP" means a completed plan describing how the C&D debris will be managed to be submitted with an application for a building or demolition permit for a covered project.

8.124.030 Covered projects

A "covered project" is any construction, addition, repair, alteration, remodel, or renovation work within the city that meets or exceeds the threshold, as established by resolution of the city council, and all demolition work requiring a permit. A covered project shall be subject to the provisions of this chapter.

8.124.040 Waste Management Plan

A. Any person applying for a building or demolition permit for a covered project shall submit a completed waste management plan (WMP), on a form provided by the city, for approval by the Director. The WMP shall indicate the following:

1. The types of C&D debris that will be generated from the covered project;

2. The manner in which C&D debris will be managed and/or stored on the project site;

3. The manner in which recyclable C&D debris generated from the project will be diverted;

4. The person who will haul, collect, or transport the recyclable C&D debris from the project site; and

5. The certified C&D sorting facility or recycling facility where recyclable C&D debris will be delivered.

B. No permit shall be issued for any covered project prior to the approval of the WMP by the Director. The Director shall make a determination within five (5) business days after receipt of the WMP and shall approve a completed WMP that provides all the information required under this section. Approval of the WMP shall not be required where an emergency demolition is necessary to protect the public health, safety and welfare pursuant to chapter 8.96 of this code.

C. A permit holder shall submit an addendum to the approved WMP for approval by the Director if there are any changes to the information provided in the approved WMP during the course of the project.

8.124.050 Fee established

All waste management plans submitted shall be accompanied by a processing fee, as established by resolution of the City Council, to cover the costs of implementing, administering and enforcing the provisions of this chapter.

8.124.060 Recycling requirements

A. The permit holder for a covered project shall divert all recyclable C&D debris generated from a covered project by any of the following methods:

1. Re-use of recyclable C&D debris.

2. Collection, transport and delivery of source-separated C&D debris to a recycling facility.

3. Collection, transport and delivery of mixed C&D debris to a certified C&D sorting facility. For purposes of this chapter, no person other than the person who generates the mixed C&D debris, the city, a franchised waste hauler, or a permit holder may collect or transport mixed C&D debris generated from a covered project.

B. All containers, bins or roll-off bins used for the deposit and collection of C&D debris on the project site shall be clearly identified with the name of the person providing said containers, bins or roll-off bins.

C. During the course of the project, the permit holder shall maintain a waste log indicating all C&D debris generated by the project; the manner in which C&D debris was diverted; and the certified C&D sorting facility or recycling facility where C&D debris was delivered, including the dates, types, and weight/volume of C&D debris that was recycled.

8.124.070 Inspection and examination of records

A. The approved WMP, waste log, and other related C&D debris management documents shall be made available for inspection by the city at the project site for the duration of the project.

B. Within 30 days after final inspection or expiration of the permit for a covered project, the permit holder shall submit to the Director a completed copy of the waste log.

C. The permit holder shall maintain and keep accurate and complete records of all bills, weight receipts or weight tickets that were issued for the collection, transport or disposal of C&D debris for a period of one-year after submittal of the waste log. The records shall be made available for inspection, examination and audit by the city during the one-year retention period to validate the information provided in the WMP and in the waste log. Where the Director determines noncompliance by the permit holder after an audit has been conducted, the permit holder shall reimburse the city for all costs incurred in performing the audit.

8.124.080 Enforcement

A. If the Director determines that a permit holder has failed to comply with any of the requirements of this chapter, the Director shall issue a written notice of noncompliance and impose civil penalties in the amount established by resolution of the city council. The city attorney may bring a civil or criminal action to enforce any provision of this chapter.

B. Any permit holder assessed with a civil penalty pursuant to this section shall be required to pay a performance security deposit fee when submitting an application for a permit for a covered project within one year of the assessment of the civil penalty. The performance security deposit fee shall be in the amount established by resolution of the city council. The security deposit shall be paid at the same time the WMP is submitted.

C. The performance security deposit shall be released in full upon a showing that the permit holder has fully complied with the requirements of this chapter for the duration of the covered project. Any failure to comply with the requirements of this chapter, in whole or in part, is subject to imposition of civil penalties as provided in this section.

D. Civil penalties collected and security deposits forfeited pursuant to this chapter shall be used for the costs of administration of this chapter and programs to divert waste away from landfills.

E. Administrative Penalties. In addition to civil penalties as provided in this chapter, administrative penalties may be imposed pursuant to Chapter 1.28 of this code for a violation of any provision of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 1.28 of this code.

8.124.090 Appeals

Any permit holder aggrieved by the decision of the Director made pursuant to the provisions of this chapter may appeal the decision to the city council in accordance with Chapter 1.24 of this code. The appeal shall be made by filing a written notice of appeal with the city clerk no later than ten (10) calendar days after notice of the decision of the Director is personally served or mailed to the applicant. The city council or the hearing examiner shall hold a hearing on the appeal and the decision shall be final. The hearing of said appeal, and judicial review of any decision regarding said appeal, shall be subject to the provisions of Chapter 1.24 of this code. Failure to properly and timely file a written appeal of the decision of the Director will constitute a waiver of all right to an appeal hearing before the city council and the Director's decision will be final. Failure to properly and timely appeal the Director's decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the Director's decision.

8.124.100 Remedies

The remedies provided for in this chapter shall be cumulative and not exclusive of any other remedies available under any other federal, state or local laws.

8.124.110 Regulations

The Director shall have the authority to establish regulations regarding the diversion of C&D debris, including designation of recyclable C&D debris, consistent with the requirements of this chapter.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective

Attachment #3

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVING THRESHOLD, FEES, FINES AND SECURITY DEPOSITS RELATED TO RECYLCING OF CONSTRUCTION AND DEMOLITION DEBRIS

BACKGROUND

A. As adopted by the City Council, the Construction and Demolition Debris Recycling ordinance requires establishment by the City Council of the following:

1. The threshold for a covered project that will be subject to the recycling requirements of the ordinance;

2. The amount of the processing fee to cover the costs of implementing, administering and enforcing the requirements of the ordinance;

3. The amount of the civil penalty to be imposed for a violation of the provision of the ordinance; and

4. The amount of the performance security deposit that would be required when a person who has been assessed with a civil penalty submits an application for a permit for a covered project within one year of the penalty assessment.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. "Covered Project" threshold. Any construction, addition, repair, alteration, remodel, or renovation work on any building or structure with a project value of $100,000 or greater shall be subject to the provisions of Chapter 8.124 of the Sacramento City Code.

Section 2. The City of Sacramento Fee and Charge Report is amended to include the following fees as established pursuant to Chapter 8.124 of the Sacramento City Code:

C&D Debris Recycling Processing Fee	0.04% of project value or $40, whichever is greater, with maximum of $800

C&D Debris Recycling Civil Penalty	First offense: $50 - $250 Second offense: $251 - $500 Subsequent offenses: $501 - $1500
C&D Debris Recycling Security Deposit	1% of project value or $250, whichever is greater, with maximum of $10,000

Attachment #4: Projected Costs

The below projected costs are per building permit. Total expenses expected over the year were based on 2005 data. This time period reflects building before the extensive building that took place during the real estate bubble. Although the number of projects is expected to be much lower over the next few years, the ordinance was designed with a normal level of building projects in mind.

- Number of 2005 building permits: **2,132**
- Fees that would have been generated: **$215,035.21**
- Number of inspections that would have been generated (once every 8 weeks): **13,523**
- Hourly rate for staff: **$51.73**
  (Program Analyst: $39.79 + 30% for benefits costs)

Printing Cost

This is to produce the application materials that go with the building permit application.

- Number of documents: **4**
- Cost per copy: **3 cents**
- Printing cost per permit: **12 cents**
- Total printing cost for 2005: **$255.84**
  (2,132 permits at 12 cents each)

Application Review Costs

This is staff time to review applications and mark them approved.

- Time to review each permit (average): **0.083 hours** (5 minutes)
- Hourly rate for review: **$51.73**
- Review time cost per permit: **$4.31**
  ($51.73 x 0.083 hours)
- Total application review cost for 2005: **$9,190.16**
  (2,132 permits at $4.31 each)

Inspection Costs – Preparation Time

This is staff time to prepare for inspections (planning route, etc.).

- Per week (average): **2 hours**
- Cost per week: **$103.46**
  ($51.73/hour x 2 hours)
- Total inspection preparation cost for 2005: **$5,379.61**
  ($103.46 / week x 52 weeks in a year)

Inspection Costs – Labor

This is staff time to go out and do the inspections.

- Inspection time per permit (average): **0.25 hours** (15 minutes)
- Hourly rate for inspection: **$51.73**
  (Program Analyst: $39.79 + 30% for benefits)
- Time cost per inspection: **$12.93**
  (0.25 hours x $51.73 per hour)
- Total inspection labor cost for 2005: **$174,876.06**
  (13,523 inspections x $12.93/inspection)

Inspection Costs – Vehicle

This is vehicle usage costs.

- Inspection mileage per permit (average): **5 miles**
- Cost per mile: **$0.41**
- Cost per inspection: **$2.05**
  ($0.41/mile x 5 miles)
- Inspection frequency: **once every 2 months**
- Total inspection cost: **$27,722.15**
  (13,523 inspections x $2.05/inspection)

Grand Total

What would have been generated in 2005:

- Fees: **$215,035.21**
- Total expenses: **$217,423.82**
  ($255.84 + $9,190.16 + $5,379.61 + $174,876.06 + $27,722.15)

Based on 2005 data, this would have generated a deficit of $2,388.60, or about 1%. All of these numbers are estimates. Cost estimates are conservative. City staff expects to be within the budget by administrating and enforcing this ordinance more efficiently as obstacles are resolved and all staff is trained on how the process works. Fees and expenses will be reviewed annually to ensure there is not an excessive surplus or deficit.

Attachment #5: Waste Management Plan and Forms

The following pages include the proposed forms for implementing the C&D ordinance:

- **Overview Sheet**
  Provides an introductory overview to the new ordinance. It will be used in January and February of 2009 to let customers know the ordinance will be implemented March 1, 2009.

- **Waste Management Plan**
  Application form that must be completed and submitted before building permit is issued.

- **Waste Log**
  Log of waste (garbage and recycling) hauled away from project site. Must be submitted within 30 days after the building permit is finaled or expired.

- **Approved Haulers and Facilities**
  Lists the haulers and facilities that can handle mixed C&D debris, as required by the ordinance.

C&D Debris Waste Management Plan

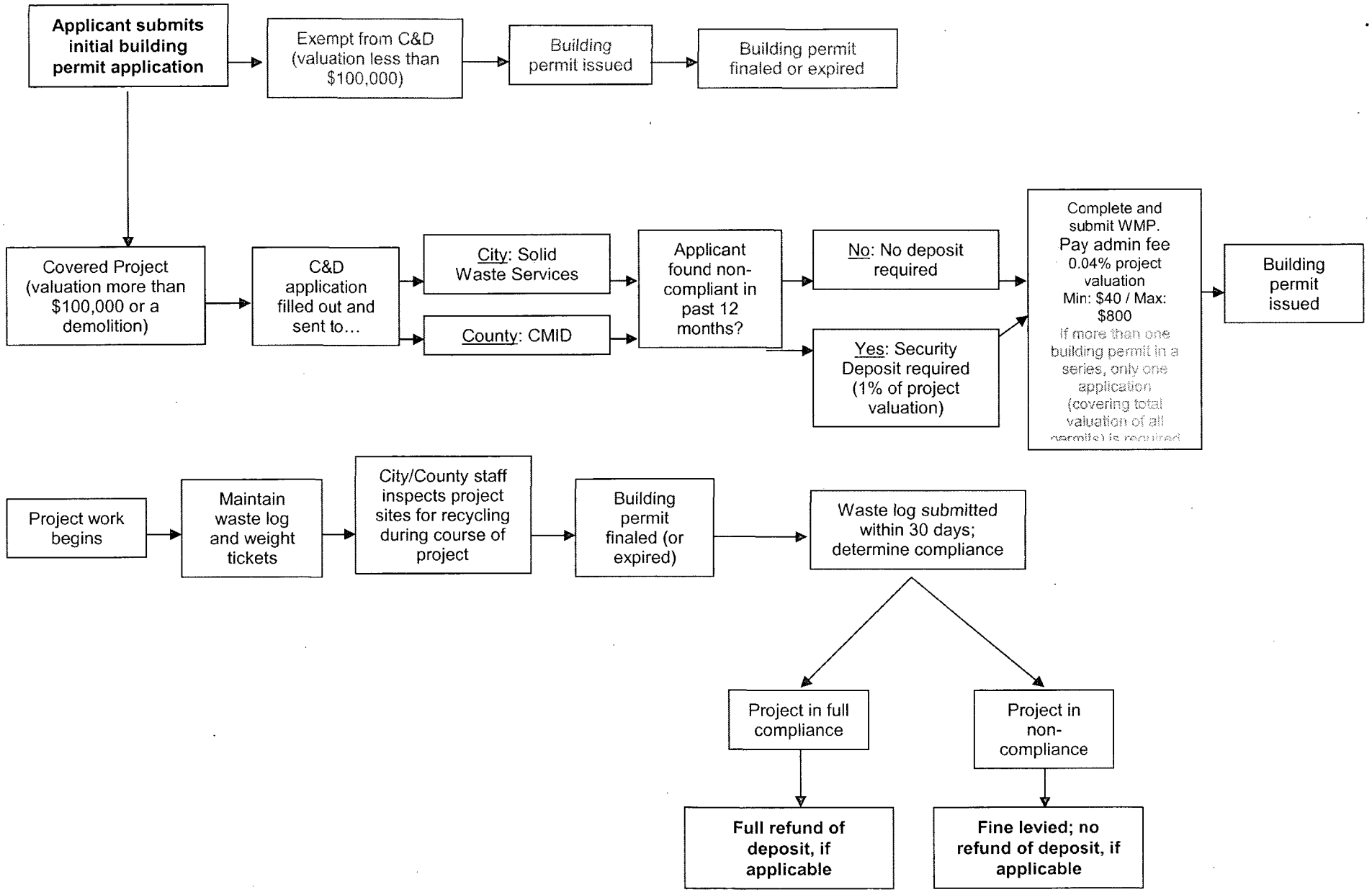
C&D Debris Waste Management Plan
City of Sacramento Solid Waste Services
2812 Meadowview Road, Building 1
Sacramento, CA 95832
Phone: (916) 808-4833 / Fax: (916) 808-4999
C&D@cityofsacramento.org

Introducing the Construction and Demolition (C&D) Debris Ordinance

This ordinance will require all projects with a valuation of $100,000 or more, and all demolition projects, to recycle particular materials that are disposed of at the project site.

Planned Start Date	March 1, 2009
Covered Projects	All projects with a valuation of $100,000 or more, and all down-to-the-ground demolitions, regardless of valuation.
Materials required to be recycled	- Scrap metal - Inert materials (dirt, soil, rocks, concrete, asphalt paving, etc.) - Corrugated cardboard - Wood pallets - Clean wood waste (unpainted, untreated lumber and plywood, etc.)
How to recycle	Mixed C&D: All debris (no wet garbage) into one bin Source-separated: separate by type
Who can haul debris	Mixed C&D: permit-holder, waste generator, franchised hauler, or City of Sacramento Source-separated: anyone
Where debris may go	Mixed C&D: SWA-certified Mixed C&D facility only Source-separated: any facility that accepts the material
Fee	0.04% of project valuation Minimum: $40 / Maximum: $800
Security Deposit	1% of project valuation (max $10,000), due with fee when applying. Only applicable if permit applicant has been fined in past 12 months.
Fines	If found to be non-compliance: $50- $250 for first offense $251-$500 for second offense $501-$1500 for subsequent offenses
Documentation	Permit holder must keep a waste log of all materials hauled away from project site, as well as all weight tickets of disposed and recycled material. The waste log must be submitted at the end of the project, within 30 days after permit has been finaled or expired.

Flow chart of process on reverse side


Applicant submits initial building permit application
Exempt from C&D (valuation less than $100,000)
Building permit issued
Building permit finaled or expired
Covered Project (valuation more than $100,000 or a demolition)
C&D application filled out and sent to…
City: Solid Waste Services
County: CMID
Applicant found non-compliant in past 12 months?
No: No deposit required
Yes: Security Deposit required (1% of project valuation)
Complete and submit WMP. Pay admin fee 0.04% project valuation Min: $40 / Max: $800 If more than one building permit in a series, only one application (covering total valuation of all permits) is required
Building permit issued
Project work begins
Maintain waste log and weight tickets
City/County staff inspects project sites for recycling during course of project
Building permit finaled (or expired)
Waste log submitted within 30 days; determine compliance
Project in full compliance
Project in non-compliance
Full refund of deposit, if applicable
Fine levied; no refund of deposit, if applicable

C&D Debris Waste Management Plan

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C&D@cityofsacramento.org

Submission Date: _____ **Building Permit Number:** _____
This may be a range of sequential permits.

This Waste Management Plan must be submitted and approved before your Building Permit will be issued. The accompanying Waste Log must be submitted after your final inspection or probationary measures will be imposed. See Section G.

A. Building Project Identification Parcel No.: _____ Lot No. _____

Job Address: _____

Contractor: _____ Phone: _____

Address: _____

Owner: _____ Phone: _____

Address: _____

B. Type of Work _____ Residential _____ Commercial Estimated Total Construction costs: $_____

____sq. ft. New construction (including _____sq. ft. Addition) _____sq. ft. Alteration _____sq. ft. Whole Structure Demolition

Briefly describe the project:

C. Materials Required to be Recycled. Please check all the recyclable materials you anticipate will be generated during the project.

These are the materials required to be recycled (5 materials total below):	
_____ **Scrap metal** items (examples: structural steel, ductwork, gutters, pipes, appliances, fixtures, fencing & railing, sinks, tubs, roofing material); _____ **Inert materials** (dirt, soil, rocks, concrete, asphalt paving, brick & block); _____ **Corrugated cardboard** (mostly from packaging);	_____ **Wooden pallets** (whole or broken); _____ **Clean wood waste** (unpainted, untreated dimensional lumber and plywood; fasteners OK for recycling);

You can either **source-separate** them or mix them and send the load to a **Certified Mixed C&D Sorting Facility**.

D. Definitions. Read and understand these terms. Call Solid Waste staff at (916) 808-4833 if the meaning of these terms is not clear to you..

1. Self-haul or **self-hauling:** This is when the owner, general contractor, or a subcontractor *who is doing work on the project* hauls their own waste materials for recycling at a recycling facility. Note that a *jobsite cleanup crew is not doing other work on the project and is not self-hauling*. Jobsite cleanup crews need to be Franchised.

2. Franchised hauler: See "C&D Debris Facilities & Haulers" list. These are the only companies in Sacramento who can legally collect and haul mixed construction and demolition debris for a fee.

3. Source separation: This is achieving compliance with the recycling requirement by keeping wood, metal, cardboard, or other recyclables from being mixed with non-recyclable material. If conditions at your site accommodate source separation, it's a good way to save money.

4. Mixed Recovery: This is achieving compliance with the recycling requirement by putting all debris into one container or truck and sending it to a certified mixed C&D sorting facility to have the recyclable material extracted and recovered. If your jobsite is crowded, mixed recovery is a simple way to achieve compliance.

5. Certified Mixed C&D Sorting Facility: See "C&D Debris Facilities & Haulers" list. These are facilities that have been granted a certification by the Sacramento Regional Solid Waste Authority, recognizing their capability to extract recyclable materials from un-recyclable material. If you achieve compliance by mixed recovery, your debris must go to a certified mixed sorting facility.

E. Material Management.

1. Franchised Waste Hauler (see list and identify): _____

2. Facilities to receive debris: _____

3. How will you be storing your C&D debris on the project site? _____ Mixed Material, _____ Source-Separated Material

F. Terms and Conditions

- Your approved Waste Management Plan must be kept on the jobsite in the permit folder for the duration of the project.
- City of Sacramento Solid Waste Services staff may enter the jobsite to inspect waste collection areas.
- Clean Wood Waste (unpainted, untreated lumber, plywood and OSB), Inert Materials (concrete, asphalt paving, brick, block, and dirt), Wooden Pallets, Scrap Metal, and Corrugated Cardboard must be recycled.
- Only SWA-Certified Mixed C&D Sorting Facilities may be used to recycle these materials if mixed with other materials.
- Only SWA-Franchised Haulers may be hired to collect and transport trash or mixed C&D material off the jobsite.
- Construction and Demolition Debris may not be burned or dumped illegally.
- Your attached Waste Log must be completed and submitted within 30 days of your permit being finaled or expired. All waste hauling and disposal or recycling activity must be entered on the Waste Log, including information from any subcontractors who self-hauled their own debris off-site. *Enter your Permit Number on your Waste Log now!*
- You must keep all receipts or weight-tickets from your project for a period of one year from the submittal of your waste log.
- Failure to comply with these terms and conditions may result in a fine, and a security deposit on future projects.

C&D Debris Waste Log

C&D Debris Waste Management Plan
City of Sacramento Solid Waste Services
2812 Meadowview Road, Building 1
Sacramento, CA 95832
Phone: (916) 808-4833 / Fax: (916) 808-4999
C&D@cityofsacramento.org

Submission Date: _____ **Building Permit Number:** _____

This may be a range of sequential permits.

Date	Hauler	Material	Destination	Amount

Hauler: Indicate the Franchisee, Self-Hauler, City of Sacramento, or other hauler who removed the material offsite.
Material: Indicate appropriate category: Scrap Metal, Inert Materials, Cardboard, Wooden Pallets, or Clean Wood Waste.
Destination: Indicate the facility that received the material for disposal or recycling
Amount: Indicate the weight. If weight is not known, put volume.

C&D Debris Haulers & Facilities

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Sacramento, CA 95832
Phone: (916) 808-4833 / Fax: (916) 808-4999
C&D@cityofsacramento.org

Certified Mixed C&D Sorting Facilities

TBD	(916) 555-1212	TBD	(916) 555-1212
TBD	(916) 555-1212	TBD	(916) 555-1212
TBD	(916) 555-1212	TBD	(916) 555-1212

Franchised Haulers

ACES Waste Services, Inc.	(866) 488-8837	Mini Drops, Inc.	(916) 686-8785
Allied Waste Services	(916) 631-0600	Norcal Waste Services of Sacramento	(916) 381-5300
All Waste Systems, Inc.	(916) 456-1555	North West Recyclers	(916) 686-8575
Atlas Disposal Industries, LLC	(916) 455-2800	Waste Management of Sacramento	(916) 387-1400
California Waste Recovery Systems	(916) 441-1985	Waste Removal & Recycling	(916) 453-1400
Central Valley Waste Services, Inc.	(209) 369-8274	Western Strategic Materials, Inc.	(916) 388-1076
City of Sacramento Solid Waste	(916) 808-4839	$99 Debris Box	(916) 429-9900
Elk Grove Waste Management, LLC	(916) 689-4052		

Recyclers for source-separated materials

C & C Paper Recycling	(916) 920-2673
Green Fiber	(916) 803-4601
International Paper	(916) 371-4634
Modern Waste Solutions	(916) 447-6800
PRIDE Industries, Inc.	(916) 640-1300
Recycling Industries, Inc.	(916) 452-3961
Sacramento Local Conservation Corps	(916) 386-8394
Smurfit-Stone Container Corporation	(916) 381-3340
Southside Art Center	(916) 387-8080
Spencer Building Maintenance, Inc.	(916) 922-1900

Recovery Stations & Landfills

Elder Creek Recovery & Transfer Station	(916) 387-8425
Kiefer Landfill	(916) 875-5555
L & D Landfill	(916) 383-9420
North Area Recovery Station	(916) 875-5555
Sacramento Recycling & Transfer Station	(916) 379-0500
WMCR	(916) 452-0142

Attachment #6: Staff Presentation

The following pages include the slides for the staff presentation.

Construction & Demolition Debris Ordinance

Handling C&D debris within the City and County of Sacramento

Meet the City Staff

- **Marty Strauss**
  IW Planning Superintendent
  (916) 808-4934
  mstrauss@cityofsacramento.org

- **Chris Thoma**
  Waste Reduction Coordinator
  (916) 808-4833
  cthoma@cityofsacramento.org

- **Sherry Arnott**
  Program Analyst
  (916) 808- 4937
  sarnott@cityofsacramento.org

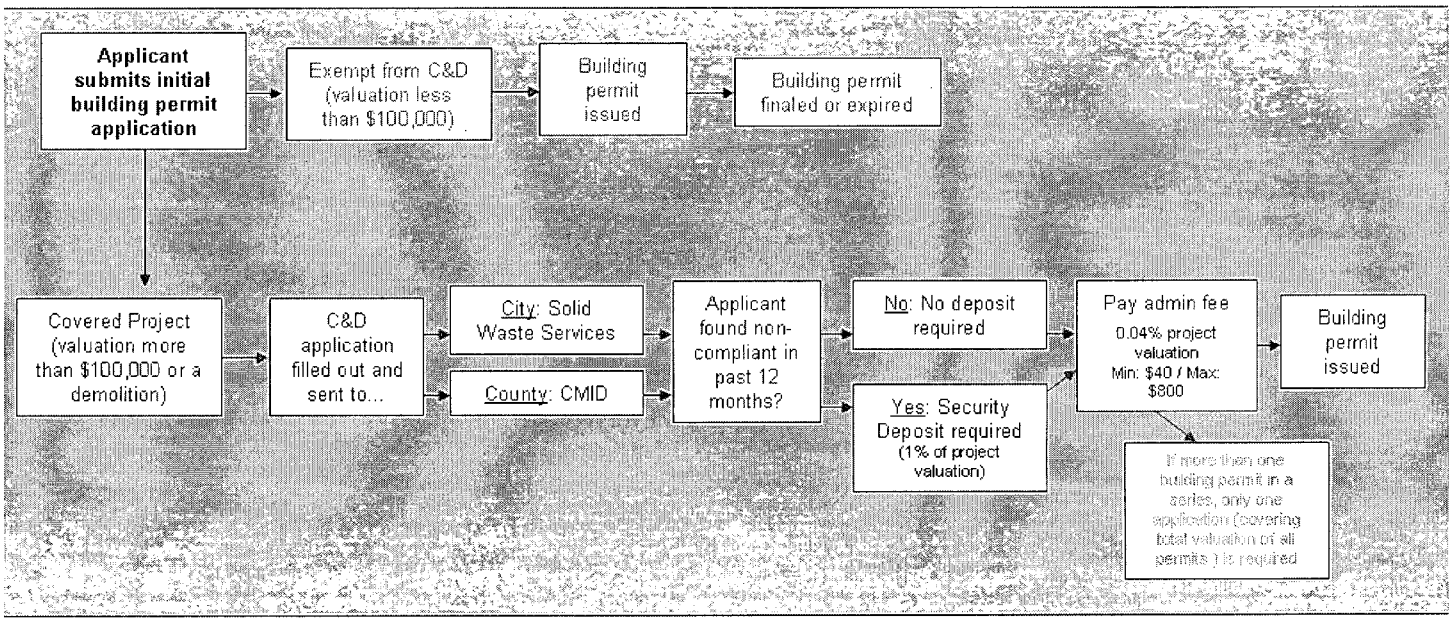
What is the C&D Ordinance?

- Covers building permits with valuation greater than $100,000, and all down-to-the-ground demolitions.
- Requires permit holders and their contractors to recycle certain material from debris
  - Scrap metal (steel, ductwork, gutters, pipes, etc.)
  - Inert materials (dirt, soil, rocks, concrete, asphalt paving, etc.)
  - Corrugated cardboard
  - Wood pallets
  - Clean wood waste (unpainted, untreated lumber and plywood, etc.)
- Mixed C&D must be hauled to a SWA-certified mixed C&D facility, and only by the permit holder, waste generator, or franchised hauler
- Source-separated can be hauled by anyone

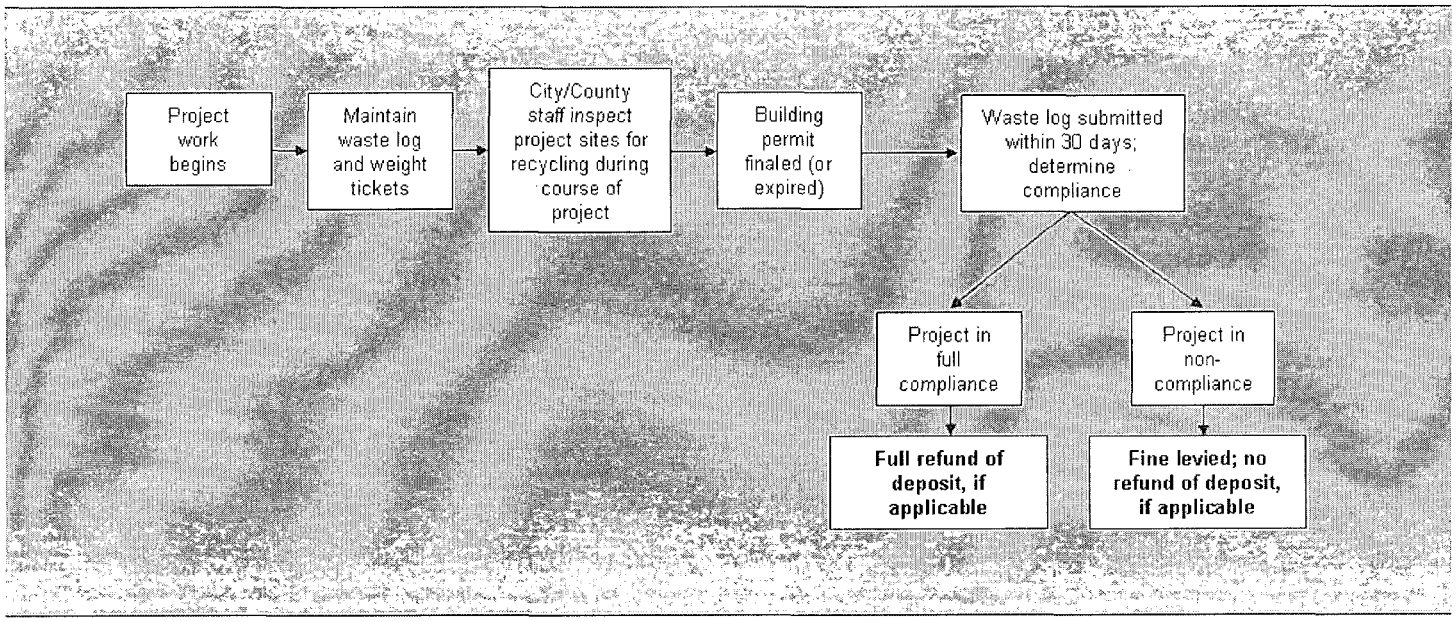
Costs

- Fee: 0.04% of project valuation; minimum: $40; maximum: $800
- Security deposit:
  - 1% of project valuation
  - Maximum of $10,000
  - Applied if fined in past 12 months
- Fine for non-compliance:
  - 1st offense: $50 - $250
  - 2nd offense: $251 - $500
  - Subsequent offenses: $501 - $1500

Getting Started



The Compliance Process



Next Steps

- Goal: all in place by March 1, 2009
- County ordinance goes to Board of Supervisors in January