

ORDINANCE NO. 2009-001

Adopted by the Sacramento City Council

January 13, 2009

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:

BACKGROUND

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.

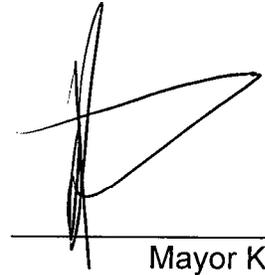
Adopted by the City of Sacramento City Council on January 13, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

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