



COUNTY OF SAN MATEO

Board of Supervisors

DATE: January 23, 2002

BOARD MEETING DATE: February 5, 2002

TO: Honorable Board of Supervisors
FROM: Supervisor Rose Jacobs Gibson *RJG*
SUBJECT: Construction & Demolition Debris Ordinance

Recommendation

Adopt an ordinance adding a new chapter to the San Mateo County Ordinance Code relating to recycling and diversion of Construction and Demolition Debris.

Previous Board Action

None

Key Facts

- Construction and Demolition Debris (C&D) constitutes between 11 and 28% of the unincorporated County waste stream.
- A C&D ordinance will help the County reach the 50% diversion goal mandated by the California Integrated Waste Management Act of 1989 (AB 939).
- Currently, 13 of the 20 cities in San Mateo County have C&D ordinances or policies. These ordinances have contributed substantially to these cities' ability to reach their 50% diversion goals.
- The C&D ordinance offers several options to a contractor on how to comply, including taking all C&D to a mixed C&D processing facility, separating different materials for specific recycling, or having the building taken apart for recycling by a deconstruction firm.
- The proposed ordinance was developed with input from the Waste and Environmental Services section of Public Works and the Planning and Building Division of the Environmental Services Agency and comments were requested from Peninsula Builders Exchange, the San Francisco International Airport, and the facilities and haulers affected by the ordinance.

Discussion

The California Integrated Waste Management Act of 1989 (AB939) requires that each city and county (for its unincorporated area) reach a goal of 50% diversion of waste by the year 2000. The 2000 diversion percentage for unincorporated San Mateo County is approximately 40% and a three-year time extension under SB 1066 (Sher) is in process to enable us to reach the 50% goal. Key to reaching that goal is the diversion of C&D waste.

For instance, the demolition of a 2000 sq. ft. home generates about 40 tons of waste; and the construction of a new 2000 sq. ft. home generates at least 4 tons. Many of the materials generated as waste are easily recyclable.

The County approves permits for over 1500 building projects each year. Of these, about 10% will be affected by the proposed C&D ordinance. The proposed ordinance was designed to require minimal County staff time to administer and to have the greatest impact on diversion. The covered projects are the larger construction and demolition projects in the unincorporated area. Under the proposed ordinance affected permittees will be required to file and certify compliance with a Waste Management Plan. In devising their Plan permittees will have the latitude to choose from among several options for handling their recyclable waste. Implementation of this ordinance is expected to divert an additional 2-5% of the unincorporated area's total waste stream.

There may be added expense for the covered projects in order to comply with the ordinance, especially if the contractor chooses to take C&D to a mixed C&D sorting facility. Blue Line Transfer Station in South San Francisco is currently the only such facility that offers this service in San Mateo County. Other options exist nearby in Santa Clara County and Alameda County and additional C&D sorting options are being researched for both the Ox Mountain Landfill and the San Carlos Transfer Station. Other options, such as source separating the materials can also save money for the contractor.

San Francisco International Airport

Waste from the San Francisco International Airport makes up more than 40% of the disposed waste attributed to the unincorporated County. Of this, 60% is C&D debris. This waste presents a particular challenge since construction projects at the airport are not required to comply with San Mateo County ordinances. Staff has recommended that waste management be one of the topics of discussion as new agreements for airport expansion are discussed. An additional 7-10% of the unincorporated area's waste stream could be diverted if San Francisco were required to comply with the ordinance for waste from its airport.

Fiscal Impact

There is no fiscal impact to the General Fund. The Solid Waste Fund will pay the training and initial implementation expenses of the ordinance, which are estimated to cost \$2000.

ORDINANCE NO. 4.105

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN ORDINANCE ADDING A NEW CHAPTER 4.105 TO THE
SAN MATEO COUNTY ORDINANCE CODE RELATING TO RECYCLING AND
DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS as follows:

SECTION 1. The Board of Supervisors of the County of San Mateo hereby finds and determines that the County is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals, it is necessary that the County promote the reduction of solid waste and reduce the stream of solid waste going to landfills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), the County is required to prepare, adopt and implement a source reduction and recycling element to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, or pay penalties; that debris from construction and demolition of buildings represents a significant portion of the volume of solid waste presently coming from the unincorporated area of the County, and that much of this debris is particularly suitable for recycling; that the County's commitment to the reduction of waste and to compliance with State law requires the establishment of programs for recycling and salvaging construction and demolition materials; that the Board of Supervisors recognizes that requiring construction and demolition debris to be recycled and reused may in some respects add modestly to project costs and in other respects may make possible some cost

recovery and cost reduction; and that it is necessary in order to protect the public health, safety and welfare that this ordinance is adopted.

SECTION 2. A new Chapter 4.105 is added to the San Mateo County Ordinance Code to read as follows:

Chapter 4.105
RECYCLING AND DIVERSION OF DEBRIS FROM
CONSTRUCTION AND DEMOLITION

- 4.105.010 Definitions
- 4.105.020 Deconstruction and Salvage and Recovery
- 4.105.030 Diversion Requirements
- 4.105.040 Information Required Before Issuance of Permit
- 4.105.050 Administrative Fee
- 4.105.060 Reporting
- 4.105.070 Penalties and Enforcement

4.105.010 Definitions.

For purposes of this chapter, the following definitions apply:

(a) "Construction and demolition debris" means and includes

- (1) Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from

land clearing, landscaping and development operations for a construction project;

(2) Remnants of new materials, including but not limited to: cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project;

(b) "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any construction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in the unincorporated area of San Mateo County.

(c) "Covered Project" means and includes any project which consists of one or more of the following:

(1) Demolition work only, where the cost of the work exceeds \$5,000 as determined by the Building Official;

(2) The renovation, remodel or addition to an existing structure, or the construction of a new structure where the cost of the work exceeds \$250,000, as determined by the Building Official;

(3) Commercial, residential or multi-family residential development, and any new structure that is equal to or greater than 2,000 square feet.

(d) "Designated recyclable and reusable materials" means and includes:

(1) Inert solids

(2) Wood materials, including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted;

(3) Vegetative materials, including trees, tree parts, shrubs, stumps, logs, brush or

any other type of plants that are cleared from a site for construction or other use;

(4) Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences;

(5) Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material;

(6) Salvageable materials and structures, including, but not limited to doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances;

(7) Any other materials that the Building Official determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from the County.

(e) "Inert solids" includes asphalt, concrete, rock, stone, brick, sand, soil and fines;

(f) "Salvage" means the controlled removal of materials from a covered project, for the purpose of reuse or storage for later reuse;

(g) "Structure" means anything constructed or erected.

4.105.020 Deconstruction and Salvage and Recovery.

(a) Contractors are encouraged to make every structure planned for demolition available for deconstruction, salvage, and recovery prior to demolition; and to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition.

(b) Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this chapter.

4.105.030 Diversion Requirements.

(a) One hundred percent (100%) of inert solids, and at least fifty percent (50%) of the remaining construction and demolition debris tonnage shall be diverted.

(b) For each covered project, the diversion requirements of this chapter shall be met by submitting and following a Waste Management Plan that includes the following:

- (1) Deconstructing and salvaging all or part of the structure as practicable. AND
- (2) Directing one hundred percent (100%) of inert solids to reuse or recycling facilities approved by the County. AND
- (3) Either
 - a. Taking all mixed construction and demolition debris to the Mixed Construction and Demolition Debris Recycling facilities approved by the County and taking all sorted or crushed construction and demolition debris to approved facilities. OR
 - b. Source separating non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard, tile, porcelain fixtures, and other easily recycled materials, and directing them to recycling facilities approved by the County and taking the remainder (but no more than 50% by weight or yardage) to a facility for disposal. In this option, calculations must be provided to show that 50% of construction and demolition debris (in addition to 100% of inert solids) has been diverted.

4.105.040 Information Required Before Issuance of Permit.

Every contractor shall submit a properly completed "Waste Management Plan," on a form prescribed by the County, as an integral part of the building or demolition permit application process for a covered project. The Waste Management Plan shall indicate the intended salvage, reuse, and recycling facilities, chosen from a list of facilities approved by the County, for all construction and/or demolition debris from the project. Approval of alternative

facilities or special salvage or reuse options may be requested of the Building Official. Approval by the Building Official, or designee, of the Waste Management Plan as complying with this chapter shall be a condition precedent to the issuance of any building or demolition permit for a covered project.

4.105.050 Administrative Fee.

As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay to the County a fee as established by resolution to compensate the County for all expenses incurred in administering this chapter.

4.105.060 Reporting.

- (a) No later than thirty (30) days following the completion of a demolition project or construction project, the contractor shall, as a condition of final approval and for issuance of any certificate of occupancy, submit documentation to the County that demonstrates compliance with the requirements of this chapter.
- (b) The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. The contractor's approved "Waste Management Plan" shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The contractor shall sign the completed "Waste Management Plan" form to certify its accuracy as part of the documentation of compliance.
- (c) Progress reports during construction may be required.
- (d) All documentation submitted pursuant to this section is subject to verification by the County.
- (e) It is unlawful for any person to submit documentation to the County under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement.

.070 Penalties and Enforcement

- (a) Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for up to six (6) months, or by a fine of up to one thousand dollars (\$1,000), or both. Each day that a violation continues shall be deemed a new and separate offense.
- (b) The Building Official shall have the authority to enforce this chapter as specified in section 9021 of the San Mateo County Building Regulations, including but not limited to the authority to order that work be stopped where any work is being done contrary to the provisions of this chapter.

SECTION 3. If any portion of this ordinance is for any reason held by any court to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be effective thirty (30) days from the date of passage thereof.

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