

AMADOR COUNTY BOARD OF SUPERVISORS
COUNTY ADMINISTRATION CENTER
BOARD OF SUPERVISORS CHAMBERS
810 Court Street
Jackson, CA 95642

Please Note: All Board of Supervisors meetings are tape-recorded.

Anyone who wishes to address the Board must speak from the podium and should print their name on the Board Meeting Speaker list, which is located on the podium. The Clerk will collect the list at the end of the meeting.

Public hearing items will commence no sooner than the times listed on the agenda. Closed Session agenda items may be heard before or after scheduled public hearings, dependent upon progression of the agenda.

REGULAR SESSION

ADDENDUM

DATE: Tuesday, February 11, 2020
TIME: 9:00 AM
LOCATION: COUNTY ADMINISTRATION CENTER
BOARD OF SUPERVISORS CHAMBERS
810 Court Street
Jackson, CA 95642

1. ADDENDUM #1

- 1.a. Waste Management: Discussion and possible action relative to an amendment to Chapter 7.27 of Amador County Code as it relates to Recycling and Diversion of Construction and Demolition Debris.

Suggested Action: Waive reading and schedule for Adoption on the February 25, 2020 Consent Agenda.

[BOS Memorandum RE C&D Recycling Ordinance Revision 01.28.20.docx](#)

[Chapter 7.27 Amendment Ordinance \(updated\) \(1-24-20\).docx](#)

Board of Supervisors Agenda Item Report

Submitting Department: Waste Management

Meeting Date: February 11, 2020

SUBJECT

Waste Management: Discussion and possible action relative to an amendment to Chapter 7.27 of Amador County Code as it relates to Recycling and Diversion of Construction and Demolition Debris.

Recommendation:

Waive reading and schedule for Adoption on the February 25, 2020 Consent Agenda.

4/5 vote required:

No

Distribution Instructions:

Waste Management, Board Clerk

ATTACHMENTS

- [BOS Memorandum RE C&D Recycling Ordinance Revision 01.28.20.docx](#)
- [Chapter 7.27 Amendment Ordinance \(updated\) \(1-24-20\).docx](#)



WASTE MANAGEMENT & RECYCLING

COUNTY ADMINISTRATION CENTER ♦ 810 COURT STREET ♦ JACKSON, CA 95642-2132

MEMORANDUM

TO: Board of Supervisors
FROM: Jeff Gardner, Director of Solid Waste/Safety Coordinator
DATE: January 28, 2020
SUBJECT: Updating Chapter 7.27 of The County Code: Recycling and Diversion of Construction and Demolition Debris

Amador County has previously adopted the California Green Building Standards Code (CALGreen) (Ord. 1703 §2(part), 2011) to reduce the quantity of construction and demolition (C&D) debris disposed in landfills as required by state law. Over time the State Building Code is updated, and periodically the County must update its ordinances to reflect these changes.

C&D debris diversion must comply with the most current CALGreen requirement of generated C&D demolition materials and any future changes to the diversion rate under that Code. Effective January 1, 2017, in all jurisdictions including those without a C&D ordinance requiring the diversion of 65 percent of construction waste, the owners/builder of construction projects within the covered occupancies will be required to divert 65 percent of the construction waste materials generated during the project. The code also allows a disposal reduction option that can be met when the project's disposal rate is less than 2 lbs. per square foot for non-residential and high rise residential or less than 3.4 lbs. per square foot for low-rise residential.

The current Amador County Code Chapter 7.27 (RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS) needs to be updated to reflect the new requirements per Chapter 11 Title 24 of the State Building Code. The Prior Code had a minimum space requirement of 1,500 square feet. The updated code removes that minimum and includes all permitted structures and applies to projects that require a construction or building permit from a local agency. It also applies to residential additions and alteration of existing buildings where the building's conditioned area, volume, or size increases.

The requirements of CALGreen may be more (or less) restrictive than a current local C&D ordinance. Jurisdictions shall enforce their own more restrictive requirements (local ordinance) or the CALGreen Code, regardless of cost or size triggers.

The code provides for exceptions and the project's planning phase would be an appropriate time to work with the jurisdiction's enforcement agency and recycling coordinator to establish the best route to compliance or to determine if an exception is warranted. All covered projects should be able to divert 65 percent non-hazardous waste.

The Building Department has already implemented these standards. The County Code needed to be updated to reflect the changes. As additional changes are made to the CALGreen Code in the future affecting construction and demolition debris, this ordinance will be revised to reflect those changes.

**ORDINANCE AMENDING CHAPTER 7.27 OF THE AMADOR COUNTY CODE
REGARDING RECYCLING AND DIVERSION OF CONSTRUCTION
AND DEMOLITION DEBRIS**

The Board of Supervisors of the County of Amador ordains as follows:

SECTION I. The following sections within Chapter 7.27 are hereby amended as follows:

“7.27.020 Definition.

For purposes of this chapter, the following definitions apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the county for applicable permits to undertake any construction, demolition, or renovation project within the county.
- 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, or landscaping service relating to buildings or accessory structures in the unincorporated area of Amador County.
- C. "Construction and demolition debris" means and includes:
 - 1. Discarded materials generally considered to be not water soluble and nonhazardous 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; and
 - 2. Remnants of new materials, including but not limited to: cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.
- D. "Covered project" means all construction and demolition projects within the county for which a building or demolition permit is required shall comply with this chapter. ~~if construction area of such project exceeds one thousand five hundred square feet.~~ A covered project shall not include any project resulting from an unforeseen act or emergency condition, including but not limited to fire, flood, or other natural disaster.
- E. "Designated recyclable and reusable materials" are those materials which may be used to satisfy the diversion requirements of this chapter. During such time in which the owner maintains possession

of designated recyclable and reusable materials they will not be considered construction and demolition debris. Such materials may, but are not required to, include the following:

1. Inert solids;
 2. Wood materials, including any and all dimensional lumber, or construction wood that is not chemically treated, creosoted, chromated copper arsenate (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 changes to this chapter including identifying additional materials to be diverted shall be approved by the Amador County board of supervisors.
- F. "Director" means the community development director, or his or her designee.
- G. "Inert solids" includes asphalt, concrete, rock, stone, brick, sand, soil and fines.
- H. "Salvage" means the controlled removal of materials from a covered project, for the purpose of reuse or storage for later reuse.
- I. "Structure" means anything constructed or erected."

“7.27.030 Diversion requirement.

- A. During the duration of the covered project, the applicant shall divert at least ~~fifty~~ **sixty-five** percent by weight of the total construction and demolition debris generated by a covered project, unless the applicant has been granted a diversion requirement adjustment pursuant to Section [7.27.040](#), resulting in an alternative diversion requirement. This requirement ~~does not apply to projects consisting of additions, alterations or repairs~~; **includes all permitted structures and applies to projects that require a construction or building permit from a local agency. It also applies to residential additions and alteration of existing buildings where the building’s conditioned area, volume, or size increases.**
- B. In building permits for covered projects, the building official shall insert the following statement or an applicable variation thereof:

"During the project, the Contractor will be responsible for compliance with Chapter [7.27](#) of the Amador County Code, regarding diversion of construction and demolition debris."

C. Contractors working on projects not covered by this chapter are encouraged to divert material from construction and demolition projects to the maximum extent practicable in accordance with the provisions of this chapter.

D. For the purposes of this chapter, "divert" or "diversion" means a reduction of the amount of waste being disposed in landfills by any of the following methods, or combination thereof:

1. Reuse of the designated recyclable and reusable materials.
2. Delivery of designated recyclable and reusable materials to a certified recycling facility described in Section [7.27.050](#).
3. Other methods as approved by the director.

E. Exceptions to the diversion requirement include:

1. Alternate waste reduction methods developed by working with the waste management department if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.

F. For nonresidential projects one hundred percent of excavated soil and land clearing debris shall be reused or recycled. This may include, but is not limited to, trees, stumps, associated vegetation and rocks. Materials may be stockpiled on site until such time they are reused or recycled."

"7.27.040 Diversion requirement adjustment.

A. Application. If an applicant for a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement, the owner may apply to the director of community development for an adjustment. The applicant shall indicate in writing why it is infeasible to divert ~~fifty~~ **sixty-five** percent of the construction and demolition debris being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the applicant or owner shall not be a sufficient basis for an adjustment.

B. Review and Granting of Adjustment. The director shall review the information supplied by the applicant. If the director determines that it is infeasible for the applicant to divert ~~fifty~~ **sixty-five** percent of the generated construction and demolition debris from the covered project, the percent of diversion required shall be adjusted. The applicant shall be notified in writing of the adjusted diversion requirement and the applicant shall be required to divert the percent required by the adjustment.

C. Denial of Adjustment. If the director determines that it is feasible for the applicant to meet the diversion requirement, the diversion adjustment shall be denied. The applicant shall be notified in writing of the denial."

“7.27.050 Certified recycling facilities.

- A. For the purposes of this part, a "certified recycling facility" means a recycling, composting, materials recovery or re-use facility for which the director has issued a certification pursuant to criteria developed by the director.
- B. The director shall issue a certification only if the owner or operator of the facility submits documentation satisfactory to the director that:
 - 1. The facility has obtained all applicable federal, state, and local permits, and, as far as known to county, is in full compliance with all applicable regulations; and
 - 2. The percentage of incoming waste from construction and demolition activities that is diverted from landfill disposal meets or exceeds ~~fifty~~ sixty-five percent.”

“7.27.090 Refund of diversion deposit.

- A. The director may authorize the refund of any diversion deposit that was erroneously paid or collected.
- B. The director may authorize the refund of any diversion deposit when the building permit application is withdrawn or cancelled prior to any work on the covered project.
- C. The director may authorize the refund of any diversion deposit when he or she has determined that the applicant has achieved full compliance or good faith effort compliance with the requirements of this chapter.
- D. The director may authorize a partial refund of a diversion deposit when he or she has determined that the applicant failed to comply with the requirements of this chapter. Any partial refund shall not exceed that portion of the diversion deposit that is in the same ratio as the demonstrated amount of diverted waste bears to ~~fifty~~ sixty-five percent by weight of the total waste generated.
- E. The director shall not authorize the refund of any diversion deposit, or any portion thereof, unless the applicant files a debris recovery report and all required supporting documentation no later than six months after final sign-off on permit from the building department or expiration, revocation, or withdrawal of the building permit.”

SECTION II. A summary of this ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the day of 2020, by the following vote:

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County, California

Deputy