

ORDINANCE NO. 1703

BOARD OF SUPERVISORS, COUNTY OF AMADOR, STATE OF CALIFORNIA

AN ORDINANCE ADDING A NEW CHAPTER 7.27 TO THE AMADOR COUNTY
CODE RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND
DEMOLITION DEBRIS

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

SECTION 1. The Board of Supervisors of the County of Amador finds that under California law as embodied in the California Waste Management Act (California Public Resources Code Section 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 areas of the County, and much of this debris is suitable for recycling; that the County is mandated to reduce waste and to comply with State law requiring the establishment of programs for recycling and salvaging construction and demolition materials.

SECTION 2. A new Chapter 7.27 is hereby added to the Amador County Code as follows:

“Chapter 7.27”
RECYCLING AND DIVERSION OF CONSTRUCTION AND
DEMOLITION DEBRIS

Sections:

- 7.27.010 Purpose
- 7.27.020 Definitions
- 7.27.030 Diversion requirement
- 7.27.040 Diversion requirement adjustment
- 7.27.050 Certified recycling facilities
- 7.27.060 Diversion Deposit Required
- 7.27.070 Reporting
- 7.27.080 Review of compliance with diversion requirement
- 7.27.090 Refund of diversion deposit
- 7.27.100 Use of diversion deposits
- 7.27.110 Appeal
- 7.27.120 Enforcement

7.27.010 Purpose.

The purpose of this ordinance is to reduce the quantity of construction and demolition debris disposed in landfills as required by State law.

7.27.020 Definitions.

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 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; 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 ordinance if construction area of such project exceeds 1,500 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 ordinance 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 50% 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.

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 ordinance are encouraged to divert material from construction and demolition projects to the maximum extent practicable in accordance with the provisions of this ordinance.

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 jobsite.

F. For nonresidential projects 100 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 50% 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 50% 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 those 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 (50) percent.

7.27.060 Diversion Deposit Required.

As a condition precedent to issuance of any permit for a building or demolition permit for a Covered Project, the applicant shall post a cash diversion deposit. The diversion deposit shall be \$0.10 per square foot for the Covered Project. The diversion deposit shall be refunded to Applicant in accordance with Section 7.27.090.

7.27.070 Reporting.

A. Upon completion of the construction, demolition, and renovation activities, but before the final inspection, the applicant shall submit documentation to the Director that demonstrates compliance with the requirements of this Chapter.

B. The documentation shall consist of a completed Debris Recovery Report, photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction/demolition contractors, and landfill and disposal companies.

C. The applicant shall make reasonable efforts to ensure that all construction and demolition debris diverted or disposed are measured and recorded using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales that are in compliance with all regulatory requirements for accuracy. When weighing is not practicable due to the small size or other considerations, the applicant shall convert volumetric measurements to weight using standardized conversion factors approved by the Director for this purpose.

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.

7.27.080 Review of compliance with the diversion requirement.

The Director shall review the information submitted pursuant to section 7.27.050 and determine whether the applicant has fully complied, made a good faith effort, or failed to comply with the diversion requirement. The Director's determination shall be provided to the applicant in writing.

A. "Full compliance" means the applicant fully complied with the requirements of this Chapter.

B. "Good faith effort compliance" meant the applicant did not fully comply with the requirements of this Chapter but has made a good faith effort to comply. In making this determination, the Director shall consider the availability of markets for the specific construction and demolition materials disposed and the documented efforts of the applicant to comply with this Chapter, and other relevant factors.

C. "Failed to comply" means the applicant did not fully comply with the requirements of this Chapter and did not make a good faith effort to comply. An applicant's failure to comply is punishable as set forth below.

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 (50) 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 (6) months after final sign off on permit from the Building Department or expiration, revocation, or withdrawal of the building permit.

7.27.100 Use of diversion deposits

Moneys received by the County as diversion deposits shall be used only for the following:

- A. Payment of diversion deposit refunds;
- B. Administrative costs of the program established by this chapter;
- C. Programs to divert from landfill disposal the waste from construction, demolition, and alteration projects, and other recycling programs; and
- D. Programs whose purpose is to develop or improve the infrastructure needed to divert from landfill disposal the waste from construction, demolition, and alteration projects, and other recycling programs.

7.27.110 Appeal.

An applicant may appeal any determination under this Chapter to the Director within 10 days of the decision or determination. The appeal shall be in writing and state the facts and basis for the appeal. A decision by the Director on the appeal shall be final subject only to an appeal to the Board of Supervisors.

7.27.120 Enforcement.

A. The Director shall have the authority to enforce the provisions of this Chapter. The Building Official shall have also the authority to enforce this Chapter through his or her authority to order that work be stopped where any work is being done contrary to the provisions of this Chapter.

SECTION 3. This ordinance or a summary thereof 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 4th day of January 2011, by the following vote:

AYES: John Plasse, Richard M. Forster, Theodore F. Novelli,
Louis D. Boitano, and Brian Oneto

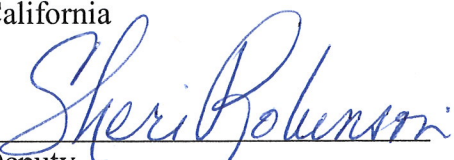
NOES: None

ABSENT: None


Chairman, Board of Supervisors

ATTEST:

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


Deputy