

CITY OF RANCHO CORDOVA

ORDINANCE NO. 3-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING CHAPTER 16.92 “CONSTRUCTION AND DEMOLITION (C&D)
DEBRIS REDUCTION, REUSE AND RECYCLING” OF THE RANCHO CORDOVA
MUNICIPAL CODE TO STREAMLINE AND EXPEDITE THE COMPLIANCE
PROCESS FOR COVERED PROJECTS**

**THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES
ORDAIN AS FOLLOWS:**

Section 1. Amendment of Municipal Code. Chapter 16.92 of the Rancho Cordova Municipal Code is hereby deleted and replaced in its entirety with the following language:

**CONSTRUCTION AND DEMOLITION (C&D) DEBRIS REDUCTION, REUSE AND
RECYCLING**

Sections:

- 16.92.010 Purpose and declarations.
- 16.92.020 Definitions.
- 16.92.030 General requirements.
- 16.92.040 Requirements of C&D generators.
- 16.92.050 Requirements of franchised waste haulers.
- 16.92.060 C&D debris ownership.
- 16.92.070 Waste management plan.
- 16.92.080 Management of C&D debris.
- 16.92.090 Reporting.
- 16.92.100 Inspection and audit authority.
- 16.92.110 Use of containers.
- 16.92.120 Enforcement and probation.

16.92.010 Purpose and declarations.

A. The city council of the city of Rancho Cordova 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 50 percent of discarded materials away from disposal in landfills.
2. CALGreen requires, as part of the California Green Building Standards Code, Title 24, California Code of Regulations, that 50 percent of nonhazardous construction and demolition (C&D) debris be diverted. The diversion requirement imposed by CALGreen is subject to change.

3. AB 939 requires jurisdictions to submit an annual report summarizing their progress in diverting solid waste from disposal.
4. Senate Bill 1374 requires the annual report to include a summary of progress made in the diversion of C&D debris.
5. C&D debris accounts for a significant portion of the waste stream generated in the city. These materials have significant potential for waste reduction and recycling.
6. 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 salvage 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 and the California Green Building Standards Code requirements.

16.92.020 Definitions.

Unless the context otherwise requires, the definitions set forth in this section shall govern the interpretation of this chapter.

- A. "Administrator" means the administrator of the city's solid waste program. The city council shall designate the administrator by resolution.
- B. "Applicant fee" means an administrative fee, established by resolution of the city council, imposed on any covered project application for the costs associated with processing applications and administering the construction and demolition recycling program.
- C. "Building and safety division" or "BSD" means the city's building and safety division.
- D. "C&D debris" or "construction and demolition debris" means used or discarded materials resulting from construction, tenant improvements including renovation, remodeling, or repair or demolition operations on any pavement, house, commercial building, or other structure and such other materials as maybe removed during the normal cleanup process of such construction, renovation, remodeling, repair, or demolition operations and that are not hazardous as defined in Title 22, Section 66261.3 et seq. of the California Code of Regulations. This includes mixed C&D debris, recyclable C&D material, and source-separated recyclable C&D material. The term "C&D debris" shall not mean building materials being used or to be used for a covered project which are being stored, at the site of the covered project, for a period of time necessary to expeditiously complete the project.

E. "California Green Building Standards Code" means the current California Building Standards Code created by CALGreen which requires buildings to comply with particular standards including waste diversion of C&D debris.

F. "Certified C&D sorting facility" means a facility for recovering recyclable C&D materials from mixed construction and demolition waste that is certified, and maintains all the terms and conditions of certification, by the Sacramento regional solid waste authority or the administrator.

G. "City" means the city of Rancho Cordova, California.

H. "Collection," "collect," and "collecting" means the act of picking up and removing solid waste, recyclable C&D material, or C&D debris at the place of generation.

I. "Construction" means the building of any facility or structure or any portion thereof, including any tenant improvements to an existing facility or structure.

J. "Covered project" means a project that meets one or more of the following criteria: (1) is new construction; (2) is a demolition project; or (3) is a tenant improvement with a permit valuation greater than or equal to \$250,000. "Covered project" shall not include: (1) activities performed in response to an emergency, such as a natural disaster; or (2) activities that contain significant amounts of materials that cannot be disposed of in Class II sanitary landfills described in Title 27, Section 20250 of the California Code of Regulations, and as may be amended from time to time.

K. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

L. "Dispose" or "disposal" means disposal as defined in Section 40192(b) of the California Public Resources Code, and as may be amended from time to time: the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.

M. "Divert" means to use material for any purpose other than disposal in a landfill.

N. "Franchised waste hauler" or "franchisee" means a person or entity holding a commercial or residential franchise issued by the city pursuant to Chapter 6.20 RCMC.

O. "Haul" means to transport or remove.

P. "Mixed C&D debris" means construction and demolition debris that includes commingled recyclable construction and demolition materials and nonrecyclable construction and demolition debris.

Q. “Nonrecyclable C&D debris” means mixed construction and demolition debris that contains only incidental amounts of recyclable construction and demolition material commingled with it.

R. “Option one” means the expedited waste management plan option that permit applicants may choose which deems the franchised waste hauler selected for collection and disposal of all C&D debris responsible for meeting diversion requirements as set forth in Chapter 16.92 RCMC.

S. “Option two” means the standard waste management plan option that permit applicants may choose which deems the permit applicant responsible for meeting diversion requirements as set forth in Chapter 16.92 RCMC.

T. “Permit” means any permit issued by the city pursuant to its zoning, planning, building, electrical, mechanical or plumbing code.

U. “Permit applicant” means any person who must secure a permit for a covered project.

V. “Permittee” means any natural person, business, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever who applies to, or receives from, the city, applicable permits to undertake any construction, demolition, or renovation project in the city.

W. “Project” means any activity which requires a building permit from the city (the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the city).

X. “Project valuation” means the total construction valuation of labor and materials for the construction, demolition, or renovation project as calculated by the city.

Y. “Recyclable C&D material” means used or discarded material resulting from construction, demolition or renovation, including but not limited to remodeling, repair, or demolition operations, on any pavement, sidewalk, street, roadway project, bridge, house, commercial building, utilities or any other facility, structure or improvement, that is designated by the administrator in a written document, and provided to applicable permittees, and returned to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace and that are not landfilled.

Z. “Recycle,” “recycling” and “recycled” means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the

marketplace. "Recycling" does not include transformation as defined in Section 40201 of the Public Resources Code.

AA. "Removal" means the act of removing solid waste, recyclable C&D material, or C&D debris from the place of generation.

BB. "Renovation" means any change, addition, or modification in an existing structure.

CC. "Reuse" means further or repeated use of materials.

DD. "Sacramento regional solid waste authority (SWA)" means the joint powers authority executed by and between Sacramento County and the city of Sacramento.

EE. "Self-haul" means the hauling for disposal and/or recycling of any solid waste by the same person or party who generated it.

FF. "Solid waste" means all putrescible and nonputrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste as defined in Title 22, Section 66261.3 et seq. of the California Code of Regulations, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. "Solid waste" does not include hazardous waste or low-level radioactive waste regulated under Chapter 7 of Division 20 of the Health and Safety Code, and as may be amended from time to time, or medical waste. "Solid waste" does not include recyclable C&D material set out for separate collection for the purposes of recycling and that is not landfilled.

GG. "Source-separate" or "source-separated" or "source separation" means the process of removing recyclable C&D materials from solid waste for the purpose of recycling.

HH. "Source-separated recyclable C&D material" means any type of recyclable construction and demolition material separately containerized or clearly segregated from mixed construction and demolition debris, and other recyclable construction and demolition material, prior to collection and transportation for further processing.

II. "Tenant improvement" means the customized alteration to a residential, commercial or industrial property, which may include, but is not limited to the following: renovations, remodels, appliance installations and additions to floor coverings, wall coverings, ceilings, partitions, fire protection or security.

JJ. "Waste management plan (WMP)" means a completed form prepared by the permit applicant and submitted to the building and safety division in the time and manner set forth in RCMC 16.92.070.

16.92.030 General requirements.

A. All mixed C&D debris and nonrecyclable C&D debris, including that from sources other than covered projects, shall be contained in a manner so as to prevent blowing or scattering of the debris.

B. All mixed C&D debris and nonrecyclable C&D debris, including that from sources other than covered projects, shall be hauled by a franchised waste hauler, or by the person or party who generated that mixed C&D debris.

C. No C&D debris, including that from sources other than covered projects, shall be deposited on any roadway.

D. No C&D debris, including that from sources other than covered projects, shall be deposited on any real property without a solid waste facilities permit for that real property, whether public or private.

E. No C&D debris, including that from sources other than covered projects, shall be deposited in any river, stream or other waterway, or in any sanitary sewer or storm drainage system.

F. No C&D debris, including any from sources other than covered projects, shall be burned.

16.92.040 Requirements of C&D generators.

A. Any person applying for a covered project that selects option one shall be responsible for the following:

1. Complete and submit a waste management plan, including the waste hauler acknowledgement form; and
2. Pay an applicant fee to the city's building and safety division.

B. Any person applying for a covered project that selects option two of the waste management plan shall be responsible for the following:

1. Complete and submit a waste management plan;
2. Pay an applicant fee to the city's building and safety division;
3. Divert the required amount, as required in the California Green Building Standards Code, of C&D debris generated at the project site by any combination of the following methods:
 - a. Source-separate recyclable C&D materials at the project site and deliver those materials to appropriate recycling facilities; and/or

b. Self-haul or hire two or more franchised haulers to collect and deliver mixed C&D debris to a certified C&D sorting facility.

C. Each C&D generator from a covered project shall notify and instruct all employees and subcontractors about the recycling requirements.

D. Each C&D generator from a covered project that selects option two shall keep record of all bills, receipts, or scale house tickets for hauling, disposal, or recycling services, including that of any subcontractors, on file for a period of one year from the date of final inspection by the BSD or the issuance of the certificate of occupancy, whichever is later.

E. Nothing in this chapter shall abridge the right of any C&D generator to sell or exchange at fair market value its own recyclable C&D materials which are source-separated for reuse and recycling.

16.92.050 Requirements of franchised waste haulers.

A. Franchised waste haulers shall deliver all loads of mixed C&D debris to a certified C&D sorting facility, whether from a covered project or not, where the material will be processed for recovery. Under no circumstances are loads of mixed C&D debris to be taken to a landfill or otherwise disposed. Alternatively, the franchised waste hauler may request, and upon written approval by the City, to take C&D debris to a non-certified C&D sorting facility provided that facility shall effectively process that material for recovery. Under no circumstances are franchised haulers to take loads of mixed C&D debris to a non-certified C&D sorting facility unless they have received written approval by the City.

B. Franchised waste haulers will provide all project applicants who have selected option one of the WMP with a signed waste hauler acknowledgement form. Franchised waste haulers will additionally keep a copy of the signed waste hauler acknowledgement form for one year from the date of signature.

C. Franchised waste haulers will provide copies of weight tags or other diversion documentation to the BSD as requested by the city.

16.92.060 C&D debris ownership.

C&D debris lawfully deposited in bins, drop-boxes or other containers used by a franchised waste hauler for collection for either disposal or recycling shall become the property of the franchised hauler upon its deposit in any such container.

16.92.070 Waste management plan.

A. All permit applicants shall submit a completed WMP, on a form provided by the administrator, for approval by the BSD. Permit applicants that select option one and submit the completed waste hauler acknowledgement form have no further WMP requirements.

B. All permit applicants that select option two must use the online waste tracking website designated by the city to provide the following information:

1. Estimates of the types and quantities of C&D debris to be generated from the project;
2. The manner in which C&D debris will be managed on site, including dumpsters, bins or corrals;
3. The manner in which recyclable C&D material will be diverted, including source separation of recyclable C&D materials or by delivery to a certified C&D sorting facility, or both;
4. The person or persons who will transport C&D debris, including identification of a franchised waste hauler(s), independent recycler(s), or self-hauling of materials to recycling or disposal facilities; and
5. Identification of all disposal and recycling facilities, including certified C&D sorting facilities, where C&D debris will be delivered.

C. Failure to submit a complete WMP or divert the required amount of C&D debris, in accordance with the California Green Building Standards Code constitutes a violation of this chapter.

D. WMPs deemed complete according to the requirements of this chapter shall be approved by the BSD and will be in full force and effect for the duration of the project. Upon approval, the BSD will forward a copy of the approved WMP to the administrator, or the BSD may forward the WMP to the administrator for approval in cases of projects with special circumstances.

16.92.080 Management of C&D debris.

All vehicles or containers to be used for the collection of mixed C&D debris shall prominently display the identification of the franchised waste hauler or self-hauler. However, this requirement shall not apply to a personal vehicle used to self-haul C&D debris by the owner of the property where the C&D debris was generated.

16.92.090 Reporting.

A. Option one covered projects. All permittees of a covered project that select option one have no reporting requirements to the city. All franchised waste haulers that have been selected for option one must provide documentation, using reasonable efforts to ensure the accuracy of such information, to the administrator. All franchised waste haulers that have been selected for option one have the following reporting requirements:

1. Shall make reasonable efforts to ensure that all C&D debris diverted or sent to a landfill is measured and recorded using the most accurate method of measurement available. To the extent practical, C&D debris shall be weighed by measurement on certified scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C & D debris for

which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the franchised waste hauler shall use conversion rates approved by the administrator for this purpose;

2. Provide the city with a list of waste hauler acknowledgement forms at a frequency to be determined by the city; and

3. Provide the city with recycling documentation, dates, types and weights of waste removal, identification of haulers, and identification of disposal or recycling facilities for each of the franchised waste hauler's serviced covered projects.

B. Option two covered projects. Within 30 days after the issuance of a certificate of occupancy or the approved final inspection, or at the time of issuing the last certificate of occupancy for units within a residential phased project of any covered project, or within 30 days after the date of final inspection of the project by BSD, the permittee of a covered project that selects option two shall submit documentation, using reasonable efforts to ensure the accuracy of such information, to the administrator, using the online waste tracking website designated by the city:

1. The completed waste management plan including recycling documentation, dates, types and weights of waste removal, identification of haulers, and identification of disposal or recycling facilities; and

2. Any additional information requested by the administrator and/or submitted by the applicant that is relevant to compliance with this chapter, including but not limited to receipts or scale-house tickets from disposal and/or recycling facilities.

16.92.100 Inspection and audit authority.

A. Each franchised waste hauler that has been selected under option one, shall at all times maintain accurate and complete records of all C&D debris generated, transported, recycled and/or disposed of; the hauler of such C&D debris; and the final destination of such C&D debris. The hauler's books, accounts and records reasonably necessary for the enforcement of this code shall be made available for inspection, examination and audit during normal business hours by authorized officers, employees and agents of the city. The administrator shall give written notice to franchised waste haulers at least 10 days prior to any inspection, audit or examination of these records.

B. Accurate and complete records shall be maintained by the franchised waste hauler under option one for a minimum period of 12 months immediately following the date of the issuance of the certificate of occupancy or the project final inspection, whichever is later.

C. Where the administrator determines that an audit is necessary, the franchised waste hauler under option one shall be responsible for reimbursement of audit costs, including

any city or consultant services, to perform audits of accounts of all C&D debris generated, transported, recycled and/or disposed of; the hauler of such C&D debris; and the final destination of such C& D debris.

16.92.110 Use of containers.

No person other than a customer who has contracted for service with a franchised waste hauler, or a person with such customer's consent, shall deposit C&D debris into a C&D debris box, drop box, roll-off container, pen, compactor or any other container placed in the city by a franchised hauler for the purpose of receiving C&D debris.

16.92.120 Enforcement and probation.

A. Except as otherwise expressly provided, the provisions of this chapter shall be administered and enforced within the city by enforcement officials designated by the administrator.

B. Violations of this chapter may be subject to the administrative civil penalties procedures and a civil penalty up to \$1,000 pursuant to RCMC 6.20.300.

C. The remedies set forth herein are cumulative to any other remedy available to the city under the RCMC and applicable laws. Nothing contained herein shall limit or be deemed to prevent the city from pursuing any other available remedy under this code, this title, or any other applicable law, including but not limited to administrative and criminal remedies.

D. Probation. In addition to any other remedies, the administrator is authorized to impose probationary measures on a permittee of a covered project under option two, or a waste hauler under option one, for violations of this ordinance. Probationary measures will remain in effect for one year or until the permittee provides documentation satisfactory to the administrator verifying that the reason for imposition of the probationary measures no longer exists. Probationary measures imposed may include, but are not limited to, any combination of the following:

1. For two or more violations of this chapter, a recycling performance deposit may be required prior to approval of the permittee's next WMP. A recycling performance deposit will be calculated as one percent of the stated project valuation but will not exceed \$10,000.

a. The recycling performance deposit, which may be imposed for two or more violations of this chapter, shall be released in full upon a showing that the permittee has fully complied with the requirements of this chapter, and complied with the terms and conditions of the approved WMP, and complied with any other probationary measures imposed, for the duration of the project.

b. If the administrator determines that the permittee only partially complied with the requirements of this chapter, and complied with the terms and

conditions of the approved WMP, and complied with any other probationary measures imposed, for the duration of the project, then the administrator may authorize a partial release of the recycling performance deposit.

2. For any violation of this chapter, the WMP for the permittee's next covered project permit application may be required to be submitted directly to the administrator for approval.

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