



Legislation Text

File #: 15-1401, **Version:** 2

Community Development Agency, Environmental Management Division, recommending the Board consider **Final Passage** (Second Reading) of Ordinance **5033** amending in its entirety Chapter 8.43, Ordinance No. 4640, of the El Dorado County Ordinance Code pertaining to construction and demolition debris recycling requirements as introduced on February 9, 2016. (Cont. 2/9/16, Item 27)

FUNDING: N/A

DEPARTMENT RECOMMENDATION

At their meeting of February 9, 2016 (Item 27) the Board approved Ordinance 5033 and set a public hearing for Final Passage (Second Reading) on February 23, 2016. The Community Development Agency, Environmental Management Division (EMD), is recommending the Board of Supervisors (Board) amend Title 8, Public Health & Safety, Chapter 8.43, Construction and Demolition (C&D) Debris Recycling within the County (Ordinance No. 4640) in its entirety in order to meet relevant requirements of the California Green Building Standards Code and increase diversion of solid waste from landfilling. Consistent with Board Policy A-3, Ordinances - New or Amended, the Board provided conceptual approval on April 28, 2015 (Item No. 24) to amend Ordinance 4640.

DISCUSSION / BACKGROUND

On September 30, 2003 (Item No. 54), the Board adopted Ordinance 4640 to further divert solid waste away from landfills pursuant to the California Integrated Waste Management Act of 1989 (also known as AB 939) requiring jurisdictions to divert a minimum of fifty percent (50%) of all solid waste from landfilling by the year 2000. The current ordinance only applies to the construction of planned developments (subdivisions) and the construction or demolition of single projects (residential and commercial) that exceed five thousand (5,000) square feet in area.

The State Legislature adopted amendments to the California Code of Regulations, Title 24, Part 11, of the California Green Building Standards Code (also known as CalGreen), effective January 1, 2011, specifically requiring a minimum of 50% C&D debris be diverted from landfills. The County's Solid Waste Management Plan adopted by the Board on January 31, 2012 (Item No. 11) set a future County goal of seventy-five (75%) landfill diversion. In January 2014, the State of California set the statewide average goal of 75% recycling, composting and source reduction of solid waste from landfilling by the year 2020. To help meet the State's 75% diversion goal, the State Legislature further amended CalGreen, effective January 1, 2014, lowering the threshold of several project categories required to meet the 50% diversion requirement.

The most significant revision to Ordinance 4640 being proposed, which is required to comply with CalGreen, is the reduction of the single project threshold from 5,000 square feet to one hundred-twenty (120) square feet; essentially any project requiring a building permit (with exemptions). Permittees will have three (3) options for meeting the requirements of the proposed revised ordinance:

Option 1) Permittee must use a County franchise waste hauler (i.e., El Dorado Disposal, South Tahoe

Refuse, Tahoe Truckee Sierra Disposal) to collect C&D debris from a given project. Under this option, the franchisee is responsible for providing all necessary reports to the County documenting that a minimum of 50% of C&D debris has been recycled or otherwise diverted from the landfill. There is no proposed permit fee associated with this option; or

Option 2) Permittee will certify, subject to verification and approval by EMD, that the project will not generate a significant amount of C&D debris as defined in the CalGreen standards (less than two [2] pounds per square foot for commercial and four [4] pounds per square foot for residential construction). There is no proposed permit fee associated with this option; or

Option 3) Submit a Waste Management Plan (WMP) to the EMD for review and approval. This option will apply to the permittee who wishes to manage and self-haul C&D debris generated from a given project. The WMP requires detailed information regarding the C&D materials to be recycled, reused, or discarded; the estimated volume of C&D materials that will be generated; and the facilities where C&D materials will be taken. The WMP option also requires the permittee to submit a recycling report along with supporting documentation at the end of the project. Due to the amount of staff time required to review the initial WMP and final report, a permit fee equivalent to one (1) hour at the current hourly billing rate for EMD is proposed for Option 3 to help offset the cost of administering this ordinance.

Additional changes to Ordinance 4640 that are being proposed to comply with CalGreen include projects such as: residential additions or alterations that increase the building's conditioned area, volume or space; commercial additions greater than one thousand (1,000) square feet; commercial remodel/alterations greater than two hundred thousand dollars (\$200,000) in value; and the demolition of any building or outbuilding. Although not required by CalGreen, due to their weight and negative impact on the County's diversion efforts, waste asphalt shingles from re-roofing projects are also proposed to be included in this revised ordinance provided there is the ability to recycle this material.

Enforcement provisions of the current ordinance have also been modified. Under the current ordinance, permittees who fail to comply with the ordinance are required to submit a performance security equal to three percent (3%) of the total project cost or ten thousand dollars (\$10,000), whichever is less in value. The proposed revised ordinance replaces the security performance with a diversion compliance fee equal to twice the building permit fee for a given project. The imposition of the diversion compliance fee may be waived if the permittee demonstrates that a good faith effort has been made to comply with the ordinance. If a diversion compliance fee is imposed for non-compliance with the ordinance, the permittee will be required to pay a deposit equal to twice the building permit fee when submitting an application for a covered project within one (1) year of imposition of the diversion compliance fee. The deposit will be fully refundable upon compliance with ordinance for said project. All proposed fees are subject to Board approval.

EMD staff held two workshops (one in Placerville and one in South Lake Tahoe) to get input from interested stakeholders regarding the proposed ordinance. Stakeholders included local and regional builders, the El Dorado County Builder's Exchange, SAGE (Surveyors, Architects, Geologists and Engineers), and County solid waste franchisees. EMD also presented the proposed ordinance to SAGE, North State Building Industry Alliance, and the Board appointed Building Industry Advisory Committee. EMD has worked with stakeholders, the Community Development Agency Development Services Division and the El Dorado Solid Waste Advisory Committee to revise the C&D ordinance in

such a manner as to comply with state mandated requirements without implementing overly burdensome regulations that may negatively impact the building community.

ALTERNATIVES

N/A

OTHER AGENCY / DEPARTMENT INVOLVEMENT

Community Development Agency, Development Services Division

CAO RECOMMENDATION

Chief Administrative Office recommends moving staff's recommendations.

FINANCIAL IMPACT

The proposed ordinance offers three options for meeting its requirements. Two options have no associated cost to the permittee, and the third option includes a permit fee proposed to be set at cost recovery to offset EMD staff time reviewing WMPs. All other resources required to administer the ordinance will be accommodated in the current Fiscal Year 2015/16 adopted budget for EMD's solid waste programs, and included in future budget proposals.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk to publish the Summary Ordinance in the appropriate local newspaper(s) following Board approval of the Introduction (First Reading) of the Ordinance; and
- 2) Clerk to continue this agenda item to Tuesday, February 23, 2016 for Final Passage of the Ordinance.

STRATEGIC PLAN COMPONENT

N/A

CONTACT

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