

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE
COUNCIL CHAMBERS, 330 WEST 20TH AVENUE

ORDINANCE INTRODUCED: _____
ORDINANCE ADOPTION TO BE CONSIDERED AT 8 P.M.: _____

ORDINANCE NO. 2001-___

ADDING CHAPTER 7.33
TO THE SAN MATEO MUNICIPAL CODE
REGARDING RECYCLING AND SALVAGING OF
CONSTRUCTION AND DEMOLITION DEBRIS

RESOLVED, by the Council of the City of San Mateo, California,
that:

WHEREAS, the City is committed to protecting the public
health, safety, welfare and environment;

WHEREAS, in order to meet these goals it is necessary that the
City promotes the reduction of solid waste, and reduces the stream of
solid waste going to landfills;

WHEREAS, under California law as embodied in the California
Waste Management Act of 1989 (California Public Resources Code
Sections 40000 et seq.), San Mateo is required to prepare, adopt and
implement source reduction and recycling plans to reach landfill
diversion goals, and is required to make substantial reductions in the
volume of waste materials going to landfill, or face fines up to \$10,000
per day;

WHEREAS, debris from construction and demolition of
buildings and tenant improvements represents a significant portion of
the volume presently coming from San Mateo, and much of this debris
is particularly suitable for recycling and reuse;

WHEREAS, source-separated inert materials such as dirt and
rock are normally diverted from landfill disposal due to economic
incentives;

WHEREAS, the City's commitment to the reduction of waste
and to comply with state law requires the establishment of programs
for recycling and salvaging of construction and demolition (C&D)
materials;

WHEREAS, the City Council recognizes that requiring C&D Debris to be recycled and reused may in some respects add modestly to the cost of demolition and in other respects may make possible some cost recovery and cost reduction. The City Council also recognizes that it is necessary in order to protect the public health, safety, welfare, and environment that the following regulations be adopted;

WHEREAS, the City recognizes that it is environmentally preferable to market diverted materials to the highest and best use and to conserve landfill space for future disposal needs, the City will pursue a policy of limiting ADC use whenever feasible.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS THAT:

Section 1. Chapter 7.33 is added to the San Mateo Municipal Code to read as follows:

Chapter 7-33

RECYCLING AND SALVAGING OF CONSTRUCTION AND DEMOLITION DEBRIS

Sections:

- 7.33.010 Definitions.
- 7.33.020 Deconstruction, salvage and recovery.
- 7.33.030 Landfill diversion requirements.
- 7.33.040 Exceptions to diversion requirements.
- 7.33.050 Information required before issuance of permit.
- 7.33.060 Deposit required.
- 7.33.070 On-site practices.
- 7.33.080 Reporting.
- 7.33.090 Responsible party.

7.33.010 DEFINITIONS. For the purposes of this chapter, certain terms used herein are defined as set forth below:

“Alteration” means, for the purposes of the recycling and diversion requirements in this chapter, any change, addition, or modification in construction or occupancy of a building.

“Alternative Daily Cover (ADC)” means materials other than soil that have been approved by the California Integrated Waste Management Board for use as an overlay on an exposed landfill face.

“Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency,

industry, public or private corporation, property owner, contractor, architect or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.

“Building” means, for the purposes of this chapter, any residential, commercial, industrial, or institutional structure, but does not include fences, gates or appurtenances located on a premise.

“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 or owner-builder) any construction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in San Mateo.

“Construction and Demolition (C&D) Debris” means and includes:

(a) Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard and lumber from the construction or demolition of a Structure or Hardscape Improvement as part of a construction or demolition project or from the renovation of a Structure, Hardscape Improvement, and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project;

(b) Clean cardboard, paper, plastic, wood and metal scraps from any construction and/or landscape project; and

(c) Minimal amounts of other non-hazardous wastes that are generated at the construction or demolition projects provided such amounts are consistent with best management practices of the industry.

“Covered Project” means the construction of any completely new residential or commercial building, the demolition or removal of any residential or commercial building, or the alteration of any building when the value of such alteration exceeds \$50,000. Notwithstanding the above, the Director of Public Works may waive the requirements of this ordinance in total or in part when necessary to protect the public safety.

“Deconstruction” means the soft demolition of any facility, Structure, Hardscape Improvement or building through a planned dismantling and salvaging of reusable materials and parts.

“Demolition” means, for the purposes of the recycling and diversion requirements in this chapter, the intentional removal or partial removal of an existing building.

“Designated Recyclable and Reusable Materials” means that portion of C&D Debris that includes the following:

(a) Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick;

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

(c) 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;

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

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

(f) Salvageable materials and structures, including, but not limited to gypsum wallboard, doors, windows, mantelpieces, cabinets, lighting fixtures, toilets, sinks, bathtubs, appliances, decorative molding, flooring, carpeting, reusable hardware, bricks and decorative tiles in good repair; and

(g) Any other materials which the Director of Public Works or designee determines can be recycled or reused due to the identification of a recycling facility, reuse facility, or market accessible to San Mateo, including facilities which can further sort mixed C&D Debris through mechanical and/or manual processes in order to remove additional materials for reuse or recycling.

“Diversion” means any activity, including recycling, source reduction, reuse, deconstruction, or salvaging of materials, which causes materials to be diverted from disposal in landfills or incinerators and instead put to use as the same or different product. ADC shall not be considered a bonafide means of diversion for new construction or building demolition projects covered under this ordinance. ADC shall be allowed for alteration projects covered under this ordinance.

“Hardscape Improvements” means swimming pools, driveways, parking lots, walkways, patios and decks.

“Non-Recyclable/Non-Reusable Materials” means that portion of C&D Debris for which there is no available facility within sixty (60) miles of the City of San Mateo boundaries for the return of these materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

“Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting discarded materials that meet the quality standards necessary to be reused, remanufactured or processed.

“Salvage” means the controlled removal of Designated Recyclable and Reusable Materials from C&D Debris, from a Covered Project, for the purpose of recycling, reuse, or storage for later recycling or reuse.

“Structure” means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground.

7.33.020 DECONSTRUCTION, SALVAGE, AND RECOVERY.

(a) Structures and/or Hardscape Improvements planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition.

(b) It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable materials prior to demolition. In the event the Applicant believes that no materials can be salvaged for reuse or recycling from a particular project, a written form must be completed and provided to the Public Works Department identifying the reasons why salvaging cannot take place. The Director of Public Works or designee will determine whether this requirement shall be waived in whole or in part.

(c) Recovered and salvaged material from the deconstruction phase shall qualify in meeting the diversion requirements of this Chapter.

(d) Recovered or salvaged materials may be given or sold on the premises, or may be removed to a reuse warehouse or other reuse facility for storage or sale.

7.33.030 LANDFILL DIVERSION REQUIREMENTS.

(a) Notwithstanding Section 7.33.020(b) above, it is required that at least the following specified percentages of C&D Debris waste tonnage generated from every Covered Project shall be diverted from landfills by using recycling, reuse, salvage and other diversion programs:

(1) Demolition Projects: Sixty percent (60%) of all generated C&D tonnage from demolition projects shall be diverted. When total tonnage generated from each project includes soil, concrete and/or asphalt, the total diversion rate shall remain at 60% but at least 25% of diverted material shall come from generated tonnage that excludes soil, concrete and asphalt.

(2) New Construction Projects: Covered projects shall be required to divert sixty percent (60%) of total generated waste tonnage.

(3) Alteration Projects: At least 50% of all generated C&D tonnage from alteration projects whose value exceeds \$50,000 shall be diverted.

(b) Separate calculations will be required for the demolition portion and for the construction portion of projects involving both demolition and construction.

(c) To ensure that a high percentage of recycled C & D material is reused, remanufactured or processed into viable products, use of the material as Alternative Daily Cover (ADC) shall not count towards reaching the required diversion percentages for demolition or new construction projects.

7.33.040 EXCEPTIONS TO DIVERSION REQUIREMENTS.

(a) It is not the intention of this chapter to require the recycling, reuse or diversion of materials not subject to those processes. If Non-

recyclable/Non-reusable Materials are present, the Director of Public Works or designee may grant the following exceptions to this Chapter:

(1) An exception to the exclusion of ADC as a bonafide diversion method may be granted. If an exception is granted, any Designated Recyclable and Reusable Materials that are also present must be one hundred (100%) diverted from disposal in a landfill.

(2) In the event that more than forty percent (40%) of the waste tonnage is non-recyclable/non-reusable material, and a good faith effort has been made by the Applicant and the City prior to issuance of a permit to locate a material recycling/reuse facility has been unsuccessful, an exception to the requirements of this chapter may be granted, either in full or in part.

7.33.050 INFORMATION REQUIREMENTS BEFORE ISSUANCE OF PERMIT. Applicants for projects affected under this Chapter shall accurately estimate the tonnage of C&D Debris to be generated from the project, and other information regarding plans or diverting materials generated by the project, on a form or forms provided by the City, and submit the form(s) to the Building Division, as a portion of the building or demolition permit process. Approval of complete and accurate form(s) shall be a condition precedent to issuance of any building or demolition permit.

7.33.060 DEPOSIT REQUIRED.

(a) As a condition precedent to issuance of any building or demolition permit that involves a Covered Project, the Applicant shall post a cash or check deposit. For projects involving the construction of a new residential or commercial building or the demolition of a residential or commercial building, the deposit shall equal fifty dollars (\$50.00) for each estimated ton of generated C&D Debris, based on calculations provided and/or approved by the City. For commercial alteration projects covered by diversion requirements, the deposit shall be 3% of the cost of the alteration project, not to exceed \$30,000. For residential alteration projects, the deposit shall be 3% of the cost of the alteration project, not to exceed \$10,000. The minimum deposit for all projects shall not be less than one thousand dollars (\$1,000.00).

(1) The deposit shall be returned, without interest, in total or pro rata, upon proof to the satisfaction of the Director of Public Works or designee, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused.

(2) The City Council may, by formal resolution, modify the amount of the required deposit.

7.33.070 ON-SITE PRACTICES.

(a) During the term of the demolition or construction project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the Director of Public Works or designee that can be converted to tonnage. The Director of Public Works or designee will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and/or reused from the project.

(b) The diversion of a minimum of the required percentages of the C&D Debris shall be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved.

(c) To the maximum extent feasible, on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials that cannot be chipped or ground shall not be placed in such boxes.

(d) To the maximum extent feasible on new construction, on-site separation shall be undertaken for gypsum wallboard, dimensional lumber and cardboard.

(e) To the maximum extent feasible on demolition and construction sites, Designated Recyclable and Reusable Materials shall be kept separate from Non-Recyclable/Non-Reusable Materials.

(f) Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction.

7.33.080 REPORTING.

(a) Within sixty (60) days following the completion of the demolition portion, the contractor shall submit documentation to the Public Works Department that complies with the requirements of this Chapter.

(b) For construction and alteration projects covered by diversion requirements, as a condition prior to final inspection and to approval of final inspection, the contractor shall submit to the Public Works Department documentation that complies with the requirements of this Chapter.

(c) The documentation shall consist of a final completed report in a format provided by the City describing diversion activities and showing actual tonnage data for diverted and disposed materials, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, or salvaged.

(d) Any deposit posted pursuant to the requirements of this chapter shall be forfeited if the permittee does not furnish required reports within the time reporting requirements of this section.

(e) On an annual basis, the Director of Public Works or designee, with assistance from the Building Division shall compile a report that, at minimum, describes the number and type of permits issued, the number and type of projects covered by diversion requirements, the total tonnage generated and the estimated diversion resulting from these projects.

7.33.090 RESPONSIBLE PARTY. Every Applicant, general contractor, subcontractor and/or owner of property on which a Covered Project occurs shall be responsible for compliance with the provisions of this Chapter.

Section 2. PUBLICATION. This Ordinance shall be published once in the San Mateo County Times and shall be effective on November 1, 2001.

MAYOR

ATTEST:

CITY CLERK