

Tues 5-17-16

(O-2016-17) Item 53

ORDINANCE NUMBER O- 20643 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 23 2016

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6,
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 66.0601, 66.0604, AND 66.0606,
ALL RELATING TO THE DIVERSION OF CONSTRUCTION
AND DEMOLITION DEBRIS FROM LANDFILL DISPOSAL.

WHEREAS, the City of San Diego (City) operates the Miramar Landfill (Landfill),
which is currently the only active municipal landfill in the City; and

WHEREAS, the Landfill is currently expected to close by 2030 and it is of paramount
concern to preserve Landfill capacity in order to extend the useful life of the Landfill for the
benefit of the City's citizens; and

WHEREAS, the Integrated Waste Management Act of 1989, Assembly Bill 939 (AB
939), requires that each local jurisdiction in the State divert at least 50% of solid waste from
landfill disposal, beginning in the year 2000 and each year thereafter, or be subject to fines of up
to \$10,000 per day; and

WHEREAS, Assembly Bill 341 (AB 341), adopted in 2011, declares that it is the policy
goal of the State that not less than 75% of solid waste generated be source reduced, recycled, or
composted by the year 2020; and

WHEREAS, in 2005, the City enacted the Construction and Demolition Debris Diversion
Deposit Program Ordinance (C&D Ordinance), codified at San Diego Municipal Code sections
66.0601 through 66.0610, in order to preserve Landfill capacity, extend the useful life of the
Landfill, comply with state-mandated waste diversion requirements, and avoid state fines; and

WHEREAS, following implementation of the C&D Ordinance, the amount of in-City construction and demolition waste that was disposed at local landfills decreased from at least 35% of all solid waste disposed, or 586,000 tons, to 25% of that total, or 312,000 tons; and

WHEREAS, on July 28, 2015, the City Council adopted a Zero Waste Plan that targets 75% waste diversion by the year 2020, 90% waste diversion by the year 2035, and Zero Waste by the year 2040; and

WHEREAS, the Zero Waste Plan includes the potential diversion strategy of increasing the C&D Ordinance diversion rate from 50% to 65% for the full refund of a construction and demolition debris diversion deposit that applies to building and demolition/removal permits; and

WHEREAS, increasing the C&D Ordinance diversion rate to 65% will support the State's and City's waste diversion efforts; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 6, Division 6 of the San Diego Municipal Code is amended by amending sections 66.0601, 66.0604 and 66.0606, to read as follows:

§ 66.0601 Findings

The Council of the City of San Diego finds and declares that:

- (a) The City operates the Miramar Landfill, which is currently the only active municipal landfill in the City. The Miramar Landfill currently is expected to close by 2030. Preserving landfill capacity at the Miramar Landfill in order to extend the useful life of the Miramar Landfill for the citizens of the City is a paramount concern.
- (b) The City has made and continues to make progress in meeting the waste *diversion* requirements imposed by *AB 939*, but additional efforts,

particularly in the *diversion of construction and demolition debris*, will assist the City in continuing to meet the *AB 939* goal of *diverting 50%* of its waste from landfill *disposal*, and achieving the *diversion* goals identified in the City's Zero Waste Plan.

- (c) Studies show that approximately 25% of the waste generated in the City of San Diego delivered for *disposal* is *construction and demolition debris*, which could be *diverted* from landfill *disposal*.
- (d) [No change in text.]
- (e) *Construction and demolition debris diversion* deposit programs in other jurisdictions in the State, similar to the one implemented by this Division, have proven successful in increasing *diversion of construction and demolition debris* and have been favorably received by the California Department of Resources Recycling and Recovery, formerly known as the California Integrated Waste Management Board.

§66.0604 Submittal of Waste Management Form and Diversion Deposit

The following requirements apply to all Building Permits or Demolition/Removal Permits issued by the City of San Diego:

- (a)-(c) [No change in text.]

§ 66.0606 Entitlement to Refund of Diversion Deposit

(a)-(c) [No change in text.]

(d) If the *Director* determines the *applicant* is entitled to a refund, the amount of the refund shall be in the same proportion to the deposit paid by the *applicant* as the *diversion* rate achieved for the *development* is to the applicable *diversion* rate set forth below:

- (1) For Building Permits or Demolition/Removal Permits issued on July 1, 2008 through June 30, 2016, the *diversion* rate shall be 50% by weight of the total *construction and demolition debris* generated by the *development*.
- (2) For Building Permits or Demolition/Removal Permits issued on July 1, 2016 and up to, but not including, the actual effective date of Section 66.0606(d)(3), the *diversion* rate shall be 65% by weight of the total *construction and demolition debris* generated by the *development*.
- (3) For Building Permits or Demolition/Removal Permits issued on or after the actual effective date of Section 66.0606(d)(3), the *diversion* rate shall be 75% by weight of the total *construction and demolition debris* generated by the *development*. The actual effective date of Section 66.0606(d)(3) is the earliest date upon which all of the following is met:
 - (A) A *certified recycling facility*, which accepts mixed *construction and demolition debris* and has a permitted

daily tonnage capacity of at least 1,000 tons, is operating within 25 miles of 202 "C" Street in San Diego and has operated at a 75% *diversion* rate for three consecutive calendar year quarters; and

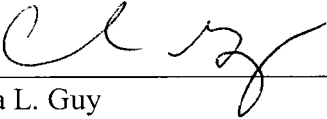
(B) The City has given the public 30 calendar days' advance notice that such a *certified recycling facility* is available.

(e)-(j) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Amanda L. Guy
Deputy City Attorney

ALG:js
01/07/16
Or.Dept:ESD

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 17 2016

ELIZABETH S. MALAND
City Clerk

By Stacy Beady
Deputy City Clerk

Approved: 5/20/16
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: Struck Out
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6,
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 66.0601, 66.0604, AND 66.0606,
ALL RELATING TO THE DIVERSION OF CONSTRUCTION
AND DEMOLITION DEBRIS FROM LANDFILL DISPOSAL.

§ 66.0601 Findings

The Council of the City of San Diego finds and declares that:

- (a) The City operates the Miramar Landfill, which is currently the only active municipal landfill in the City. The Miramar Landfill currently is expected to close by ~~2022~~2030. Preserving landfill capacity at the Miramar Landfill in order to extend the useful life of the Miramar Landfill for the citizens of the City is a paramount concern.
- (b) The City has made and continues to make progress in meeting the waste *diversion* requirements imposed by *AB 939*, but additional efforts, particularly in the *diversion of construction and demolition debris*, will assist the City in continuing to meet the *AB 939* goal of *diverting 50%* of its waste from landfill *disposal*, and achieving the *diversion* goals identified in the City's Zero Waste Plan.
- (c) Studies show that approximately ~~35~~25% of the waste generated in the City of San Diego delivered for *disposal* is *construction and demolition debris*, which could be *diverted* from landfill *disposal*.

- (d) [No change in text.]
- (e) *Construction and demolition debris diversion* deposit programs in other jurisdictions in the State, similar to the one implemented by this Division, have proven successful in increasing *diversion of construction and demolition debris* and have been favorably received by the California Department of Resources Recycling and Recovery, formerly known as the California Integrated Waste Management Board.

§66.0604 Submittal of Waste Management Form and Diversion Deposit

~~Beginning on the 45th day after the City has notified the public, in the manner described in section 66.0606(e), that a *certified recycling facility* which accepts mixed *construction and demolition debris* is operating at a 50% *diversion rate*, within 25 miles of the City Administration Building located at 202 “C” Street, San Diego, or beginning on July 1, 2008, whichever is later~~ The following requirements apply to all Building Permits or Demolition/Removal Permits issued by the City of San Diego:

- (a)-(c) [No change in text.]

§ 66.0606 Entitlement to Refund of Diversion Deposit

- (a)-(c) [No change in text.]
- (d) If the *Director* determines the *applicant* is entitled to a refund, the amount of the refund shall be in the same proportion to the deposit paid by the *applicant* as the *diversion rate* achieved for the *development* is to the applicable *diversion rate* set forth below:

- (1) For Building Permits or Demolition/Removal Permits issued ~~on or~~ after the actual effective date of Section 66.0604 through and including 180 calendar days from the actual effective date of ~~Section 66.0604, on July 1, 2008 through June 30, 2016,~~ the *diversion* rate shall be 50% by weight of the total *construction and demolition debris* generated by the *development*; ~~and,~~
- (2) For Building Permits or Demolition/Removal Permits issued ~~after~~ 180 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall be 75% by weight of the total *construction and demolition debris* generated by the *development*, provided that a *certified recycling facility* which accepts mixed *construction and demolition debris* is operating within 25 miles of the City Administration Building located at 202 "C" Street, San Diego, at a 75% *diversion* rate as of 181 calendar days from the actual effective date of Section 66.0604. If such a facility is not in operation as of 181 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall remain as set forth in Section 66.0606(d)(1) until a *certified recycling facility* which accepts mixed *construction and demolition debris*, with a permitted daily tonnage capacity of at least 1,000 tons, has operated at a 75% *diversion* rate for three consecutive calendar year quarters and the City has given the public 30 days' advance notice that such a facility is available, at which time the *diversion*

rate shall increase to 75% by weight of the total *construction and demolition debris* generated by the *development* on July 1, 2016 and up to, but not including, the actual effective date of Section 66.0606(d)(3), the *diversion* rate shall be 65% by weight of the total *construction and demolition debris* generated by the *development*.

(3) For Building Permits or Demolition/Removal Permits issued on or after the actual effective date of Section 66.0606(d)(3), the *diversion* rate shall be 75% by weight of the total *construction and demolition debris* generated by the *development*. The actual effective date of Section 66.0606(d)(3) is the earliest date upon which all of the following is met:

- (A) A *certified recycling facility*, which accepts mixed *construction and demolition debris* and has a permitted daily tonnage capacity of at least 1,000 tons, is operating within 25 miles of 202 “C” Street in San Diego and has operated at a 75% *diversion* rate for three consecutive calendar year quarters; and
- (B) The City has given the public 30 calendar days’ advance notice that such a *certified recycling facility* is available.

(e)-(j) [No change in text.]

ALG:js
01/07/2016
Or: Dept: ESD

Passed by the Council of The City of San Diego on MAY 17 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 23 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Aty Brady, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 19 2016, and on MAY 23 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Aty Brady, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20643