

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)
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TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Environmental Services	DATE: 2/26/2016
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SUBJECT: Proposed Amendments to Chapter 6, Article 6, Division 6 of the San Diego Municipal Code Relating to the Diversion of Construction and Demolition Debris from Landfill Disposal

PRIMARY CONTACT (NAME, PHONE): Angela Colton, 858-573-1287	SECONDARY CONTACT (NAME, PHONE): Ken Prue, 858-492-5085
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**COMPLETE FOR ACCOUNTING PURPOSES**

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

**COST SUMMARY (IF APPLICABLE):**

**ROUTING AND APPROVALS**

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Liaison Office	ORIG DEPT.	Sierra, Mario	02/29/2016
Environmental Analysis	CFO		
Financial Management	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY	Guy, Amanda	
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF:     RESOLUTIONS     ORDINANCE(S)     AGREEMENT(S)     DEED(S)

1. Adopt an ordinance amending Chapter 6, Article 6, Division 6 of the San Diego Municipal Code, all relating to the diversion of construction and demolition debris from landfill disposal.

STAFF RECOMMENDATIONS:  
Approve requested actions

SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)

COUNCIL DISTRICT(S):    ALL

<b>COMMUNITY AREA(S):</b>	ALL
<b>ENVIRONMENTAL IMPACT:</b>	This activity is not a “project” and therefore is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3), 15378(a), and 15378(b)(4) because this activity constitutes government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.
<b>CITY CLERK INSTRUCTIONS:</b>	

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 2/26/2016

ORIGINATING DEPARTMENT: Environmental Services

SUBJECT: Proposed Amendments to Chapter 6, Article 6, Division 6 of the San Diego Municipal Code Relating to the Diversion of Construction and Demolition Debris from Landfill Disposal

COUNCIL DISTRICT(S): ALL

CONTACT/PHONE NUMBER: Angela Colton/858-573-1287

**DESCRIPTIVE SUMMARY OF ITEM:**

Amendments to Chapter 6, Article 6, Division 6 of the San Diego Municipal Code to increase the required construction and demolition debris diversion rate from the current 50 percent to 65 percent

**STAFF RECOMMENDATION:**

Approve requested actions

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

The City's Construction and Demolition (C&D) Debris Deposit Ordinance (C&D Ordinance), Chapter 6, Article 6, Division 6 of the San Diego Municipal Code, was implemented on July 1, 2008. The C&D Ordinance is a key component in the City's efforts to preserve landfill capacity, comply with state-mandated waste diversion requirements (Assembly Bill 939), and achieve the diversion goals contained in the City's Zero Waste Plan. The C&D Ordinance creates an economic incentive to recycle C&D debris by collecting deposits from project applicants with building permits or demolition/removal permits and refunding the deposits in whole or in part based on the amount of C&D debris that the project applicant diverts from landfill disposal.

Currently, in order to receive a full refund, at least 50% of the C&D debris generated by the project must be diverted. In addition, the C&D Ordinance has a provision that increases the diversion rate to 75% after a mixed C&D recycling facility has operated at a 75% diversion rate for three consecutive calendar year quarters. This provision will be renumbered to allow for the following changes.

The proposed amendments to the C&D Ordinance would raise the diversion rate for a full deposit refund from 50% to 65% for all building permits or demolition/removal permits subject to a deposit beginning July 1, 2016. It is estimated this would result in approximately 2,000 tons per year of new diversion.

A goal of 65% diversion of C&D debris from applicable projects should be attainable. For the last five years, an overall recycling rate of 83% was calculated from the actual tonnage diverted from all the projects asking for a deposit refund. For those same projects, the average recycling rate is 70%. The reason for this disparity is that larger projects typically send a significant amount of their waste to C&D recycling facilities with 100% diversion rates, whereas smaller projects often co-mingle waste and use mixed C&D processing facilities with lower diversion rates.

There are three mixed C&D recycling facilities in the County: SANCO Recovery Facility, EDCO Construction Demolition and Inert (CDI) Recycling San Marcos, and Otay CDI Processing Facility. Otay CDI Processing Facility dropped below 65% for six months in 2013 and has since remained at or above 65%. SANCO, the largest of the facilities, dropped to a 60% diversion rate in October 2015 and has remained at this level but could increase in the next quarterly evaluation. EDCO CDI currently has an 84% diversion rate. Project applicants can still meet the C&D Ordinance diversion requirements by source separating all their material, by using a mixed facility with a diversion rate of 65% or higher, or by a combination of source separation and mixed C&D processing. In the event project applicants choose to rely exclusively on a mixed C&D facility with a diversion rate below 65%, applicants can still receive a prorated amount of their deposit (e.g. a 60% diversion rate for the project will qualify the applicant to receive 92.31% of their deposit).

**CITY STRATEGIC PLAN GOAL(S)/OBJECTIVE(S):**

Goal 3: Create and sustain a resilient and economically prosperous City

Objective 4: Prepare and respond to climate change

Objective 5: Enhance San Diego's global standing

Goal 2: Work in partnership with all of our communities to achieve safe and livable neighborhoods

Objective 4: Foster services that improve quality of life

**FISCAL CONSIDERATIONS:**

There is no cost associated with this item. The increased diversion rate for the construction and demolition debris diversion deposit program is expected to minimally impact the customer's ability to receive a full refund of their diversion deposit.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE: N/A**

**PREVIOUS COUNCIL and/or COMMITTEE ACTION** (describe any changes made to the item from what was presented at committee: N/A

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Outreach efforts included discussions of the proposed amendments at eight Zero Waste Plan stakeholder meetings from July 2014 to September 2014. In addition, meetings with a wide range of groups and individuals, including residents, businesses, the military, haulers, recyclers, trade groups and associations were also conducted from June 2014 to February 2016.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

City Departments, building permit and demolition/removal permit applicants, and building contractors. The C&D Ordinance and these amendments are intended to extend the life of the Miramar Landfill, assist the City in maintaining state-mandated diversion requirements (Assembly Bill 939) and achieve Zero Waste diversion goals.

Sierra, Mario

Originating Department

\_\_\_\_\_  
Deputy Chief/Chief Operating Officer

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  
Doc No.: 1242129