

COUNCIL POLICY

SUBJECT: CONSTRUCTION AND DEMOLITION (C&D) MATERIAL RECYCLING
POLICY NO.: 900-16
EFFECTIVE DATE: November 22, 2004

BACKGROUND

On September 29, 1989, the Governor signed AB 939 (Sher) enacting the California Integrated Waste Management Act of 1989 requiring local governments to reduce by 50% the waste from their jurisdiction disposed in landfills. Failure to achieve this requirement or make a “good faith effort” to do so could result in penalties of up to \$10,000 per day until compliance is achieved.

Despite significant diversion efforts, the City has not met the 50% State mandated diversion rate. The City’s diversion rate in Calendar Year (CY) 2002 is estimated at 44%, a drop of 4% from the CY2000 rate of 48%. This drop correlates to an increase in construction and demolition activities in the region. Construction and demolition (C&D) waste comprises approximately 35% of total waste disposed in the City. While efforts have been made to provide for recycling of source separated C&D material in the San Diego region, approximately 400,000 tons of mixed C&D waste continues to enter the Miramar Landfill each year. For every 33,000 tons of C&D material recycled, the City will achieve 1% toward 50% waste diversion.

Over the past 10 years the Environmental Services Department (ESD) has coordinated citizen groups considering local challenges to meeting the waste diversion mandate. These groups have consistently recommended that the City adopt mandates for C&D recycling. These include: 1) In 1994, as part of Plan 2000 strategic planning efforts, commercial sector focus groups recommended the imposition of mandates on the commercial sector to ensure waste diversion. 2) The City Manager’s Committee on Waste Reduction (1998) recommended to the Natural Resources and Culture Committee in July 1999 that the City implement a landfill ban on C&D waste and office paper; and 3) The Zero Based Management Review Committee (1999) recommended greater emphasis on increasing waste diversion in the commercial sector with a focus on construction waste and development of an agreement with the military to increase their diversion.

In fall of 2003, as a follow-up to previous efforts, the City Manager convened a committee co-chaired by former City council members Harry Mathis and Judy McCarty on C&D Material Recycling. The Committee was charged with reviewing an ordinance developed by ESD and the Development Services Department that would require all construction projects above a certain size to divert C&D materials, as well as require City Departments to recycle C&D waste. The Committee ultimately voted to forward a recommendation to pursue voluntary compliance through adoption of a Council Policy, instead of a mandatory City Ordinance requirement. The Committee further recommended that the City also address the diversion of biosolids, paper, greens, and other materials that will increase the City’s diversion rate. The C&D Material Recycling Policy is based upon the recommendations of the Committee and includes staff input regarding emergency debris, recycling infrastructure, future implementation within City Departments, and other considerations.

PURPOSE

The purpose of this policy is to express the City's commitment to recycling C&D waste, as an integral part of the City's comprehensive solid waste management strategy, and to provide guidance in promoting, facilitating and instituting such practices in the community, including City departments, the building industry, and waste haulers.

POLICY

The following principles will be required of City departments and are strongly encouraged for adoption by private industry. Upon review of the effectiveness of this policy in meeting AB 939 requirements and City diversion goals, or as a result of compliance orders or other mandates from regulatory agencies including, but not limited to, the California Integrated Waste Management Board, the City Council may direct staff to take additional measures to increase the diversion of C&D waste. Such actions may include, but are not limited to, implementing ordinances requiring the recycling of C&D materials, or banning the landfill disposal of C&D materials. Should additional measures be necessary, efforts will be made to minimize fiscal impacts on private industry and the City, and more specifically, the City's General Fund.

CITY DEPARTMENTS AND CITY SPONSORED PROJECTS:

1. City departments and their contractors shall divert as much waste from landfills as possible through waste reduction, reuse and recycling.
2. City departments and their contractors shall evaluate the potential for maximizing waste diversion through recycling, waste reduction and reuse. Diversion opportunities should be adequately communicated with all contractors and subcontractors. Departments generating large amounts of waste shall work closely with the Environmental Services Department (ESD) to ensure that the waste is diverted from disposal at the landfill.
3. Diversion goals shall be 100% diversion of inert materials (concrete, rock, asphalt, dirt, etc.) and at least 50% diversion of all remaining materials by weight if mixed C&D recycling facilities are available or as much as feasible through source separation of recyclable materials if a mixed C&D facility is not available.
4. City departments shall include language in construction requests for bids and proposals to require recycling and waste reduction, when economically feasible, during construction projects through reuse and grinding of materials onsite or other efforts. Requests for bids and proposals for City construction projects shall also include the requirement that all trash and mixed loads of recycling from City projects shall be processed at the Miramar Landfill when economically feasible.
5. A City contractor who is convicted of illegal dumping may be subject to debarment in accordance with Chapter 2, Article 2, Division 8 of the Code.

COUNCIL POLICY

6. City departments and their contractors shall purchase products made from recycled materials in accordance with other existing City Council Policies.
7. The Metropolitan Wastewater Department shall work with ESD to encourage beneficial reuse of biosolid waste to maximize diversion, thus reducing **potential** AB939 costs to the Metropolitan Wastewater Department.
8. In the event of a natural or other disaster, the diversion goals as stated above shall apply to any/all disaster relief cleanup efforts.
9. The Development Services Department (DSD) shall include ESD in the project review of all construction projects requiring discretionary approval and exceeding 40,000 square feet or unit threshold. Projects exceeding the City's solid waste significance threshold will be required to develop a Waste Mitigation Plan (WMP) prior to the issuance of grading and building permits. Solid waste impact to the region's landfills will be considered mitigated after the WMPs have been implemented by project proponents and approved by ESD. Monitoring and reporting procedures related to the implementation of WMPs shall be jointly created by DSD and ESD.
10. ESD shall provide technical assistance and educational outreach to all stakeholders to facilitate as much waste diversion as possible. This includes forming partnerships with organizations from industries including builders, contractors, waste haulers, recyclers, and other relevant industries to design, build, and operate such mixed C&D recycling facilities. Together the City and its partners shall also develop a plan to educate the public about the necessity and benefits of C&D recycling and the various ways they can recycle C&D materials.
11. ESD shall explore siting a mixed C&D processing facility at Miramar Landfill, and may also consider entering into a public/private partnership.
12. The City shall explore funding options and, should funding become available, the City shall use financial incentives to stimulate additional C&D diversion.
13. The City shall continue to engage in market development activities to stimulate markets for the recycled C&D materials and encourage the use of products made from recycled feedstock.

PRIVATE INDUSTRY:

1. Businesses, organizations, and contractors are encouraged to facilitate as much waste diversion from landfills as possible through recycling, waste reduction and reuse.
2. Demolition, construction and renovation project proponents should evaluate potential for maximizing waste diversion through recycling, waste reduction and reuse. Diversion plans should be adequately communicated with all contractors and subcontractors.

COUNCIL POLICY

3. Diversion goals should be 100% diversion of inert materials (concrete, rock, asphalt, dirt, etc.) and at least 50% diversion of all remaining materials by weight if mixed C&D recycling facilities are available or as much as feasible through source separation of recyclable materials if a mixed C&D facility is not available.
4. Businesses, organizations, and contractors should purchase products made from recycled materials to the maximum extent feasible.

LEGISLATION

The City will support State and Federal legislation that promotes the development of infrastructure for C&D recycling, and the development of markets for manufacturing and use of recycled products made from C&D materials.

REFERENCES

Related existing Council Policies:
100-14, Procurement Policy, Recycled Products
900-06, Solid Waste Recycling
900-14, Sustainable Building Policy

HISTORY:

Adopted by Resolution R-294070 10/30/2000
“Community Energy Partnership” Repealed by Resolution R-295074 06/19/2001
“Construction and Demolition (C&D) Material Recycling” Adopted by Resolution R-299887 11-22-2004