

ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY, CA,
ADDING SECTION 470 “CONSTRUCTION AND DEMOLITION DEBRIS
MANAGEMENT” TO THE ALAMEDA COUNTY MUNICIPAL CODE CHAPTER
15.08, BUILDING CODE.

THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY, CALIFORNIA,
ordain as follows:

Add Section 470 to Chapter 15.08 Building Code:

“CHAPTER 15.08 Building Code

SECTION 470 CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT

470.1 Definitions.

Approved Facilities for Diversion. A published list by the Alameda County Waste Management Authority or equivalent.

Designated project related construction and demolition waste. Includes:

- a. *Inert solids;*
- b. *Wood materials, including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, 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, door frames and fences;*
- e. *Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material;*
- f. *Salvageable materials and structures, including, but not limited to doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances;*
- g. *Any other materials that the Building Official determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from the County;*

Inert solids. Includes asphalt, concrete, rock, stone, brick, sand, soil and fines;

Salvage. The controlled removal of materials from a project covered by this Ordinance, for the purpose of reuse or storage for later reuse;

Structure. Any structure which is built or constructed, an edifice or building of any kind or piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.

Work Area. Work area is a construction area that is measured in square feet either on a horizontal or vertical plane.

470.2 Applicability.

Applications for building permits, and the construction performed under those permits, are only required to conform to those provisions of the Construction and Demolition Debris requirements that are effective on the date of submittal.

470.3 Construction and Demolition Projects covered by this Ordinance.

The following project categories are covered by and must comply with the chapter:

- a. Any project requiring a demolition permit;
- b. All residential construction including new, additions, alterations or repairs where the area of work exceeds 1,000 square feet.
- c. All Non-Residential construction including, new, additions, alterations or repairs where the area of work exceeds 3,000 square feet.

470.4 Construction and Demolition Debris Management Requirements.

The minimum requirements for diversion or salvage of waste generated by a covered construction and demolition project are:

- a. Seventy Five (75%) percent of inert solids and,
- b. Fifty (50%) percent of all remaining designated project related construction and demolition waste and,
- c. Submission of a Debris Management Plan as specified in Section 470.6 prior to issuance of a demolition or building permit.
- d. The building official may waive any or all requirements of this section where an immediate or emergency demolition is required to protect the public health, safety, or welfare.

470.5 Deconstruction and Salvage Recovery

It is encouraged to make every structure planned for demolition available for deconstruction, salvage and recovery prior to demolition. Recovered and salvaged materials from the deconstruction phase of a project can be counted towards the diversion requirements of this chapter.

470.6 Debris Management Plan.

Prior to issuance of a demolition or building permit for any project covered by this ordinance, the applicant shall submit a debris management plan to the building official for review and approval. The Debris Management Plan must include the following:

- a. The estimated total volume or weight of construction and demolition waste generated by the project. In estimating the weight of materials identified in the debris management plan, the applicant shall use the conversion rates approved by the building official for this purpose.*
- b. The means that the applicant proposes to use to divert construction and demolition waste. In describing the means of diversion of construction and demolition waste other than salvage, the applicant shall state the approved facility that will be used, by material type. The building official shall approve a facility for diversion that meets the requirements of this chapter. In describing the means of diversion of construction and demolition waste proposed for salvage, the applicant shall state the quantity and means of reuse.*

470.7 Waivers/Amendments

a. Waivers.

In the event that diversion or salvage of all or some materials is impossible or impracticable, the applicant shall submit written justification with the debris management plan stating the reasons diversion or salvage should not be required.

b. Amendments.

If the applicant wishes to change the approved debris management plan due to inaccuracy of the original estimate, the applicant shall submit amendments to the debris management plan for written approval by the building official.

In the event that a project has reached to a point that full compliance of this provision is unachievable prior to final building inspection, the applicant shall submit evidence to the building official showing that a good faith effort is being made. The building official shall determine the maximum feasible diversion rate for the project with an amended management plan. An additional building permit fee will be assessed based on the difference between the actual diversion rate and full compliance to recover the cost of enforcement.

470.8 Debris Management Plan Reviews

- a. The building official shall determine, in writing, whether any diversion or salvage requirement shall be waived in whole or in part on grounds of impracticability or impossibility.*
- b. The building official shall approve a debris management plan or an amendment to a debris management plan if it meets the requirements of this chapter.*
- c. Notwithstanding any other provision of this code, no permit shall be issued for any covered construction and demolition waste project unless the building official has approved the debris management plan.*

- d. *If the building official declines to approve the debris management plan, he or she shall inform the applicant in writing the basis of the denial.*

470.9 Administration Fee

As a condition precedent to the issuance of any building or demolition permit for a project covered by this ordinance, the applicant shall pay to the County a fee of one-half hour staff time on each project to compensate the County for all expenses incurred in administering this Section.

470.10 Reporting

The building official may inspect and monitor all projects covered by this ordinance to determine compliance with the diversion and salvage provisions of this chapter. The following documentation must be provided at the completion of a demolition project or construction project, or prior to the permit final:

- a. *The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. The contractor's approved "Debris Management Plan" shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The contractor shall sign the completed "Debris Management Plan" form to certify its accuracy as part of the documentation of compliance.*
- b. *Progress reports during construction shall be submitted as required by the building official.*
- c. *All documentation submitted pursuant to this section is subject to verification by the County.*
- d. *It is unlawful for any person to submit documentation to the County under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement.*

470.11 Construction and Demolition Debris Management Implementation and Enforcement.

The Alameda County Construction and Demolition Debris Management requirements in this Section will be implemented and enforced through the Building Department of Alameda County Public Works Agency. Violation of any provision of this ordinance may be enforced by civil action or subject to a fine or fines according to Alameda County Chapter 15.08.140 Building Code Violations.

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on _____, 2009 by the following called vote:

AYES:
NOES;
EXCUSED:

ALICE LAI-BIKTER,
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA-GRAFF, Clerk
of the Board of Supervisors, County of Alameda

By _____

Approved as to form:

Richard E. Winnie, County Counsel