



6000 Heritage Trail, Clayton, CA 94517, 925 -673-7340

FAQ: Construction and Demolition Debris Recycling

What is construction and demolition debris and why recycle?

The materials are items commonly removed or leftovers in remodeling, new construction, or demolition projects. The types of materials typically involve the recycling of appliances, asphalt, brick, building materials (doors, windows and fixtures); cardboard; carpet; carpet padding and foam; ceiling /floor tiles (non asbestoses); concrete; drywall (sheetrock); landscape materials (brush; trees; branches; stumps; leaves and grass); lumber and wood (no lead paint or creosote); masonry tile; metals (ferrous and nonferrous); plastics; rocks; soil.

Why do I have to do this?

The State of California has required that at least 50% of Construction and Demolition Debris be diverted from the main waste stream through recycling and/or reusing/ salvaging. (SB 1374 2001-02) In 2005, cities and counties were required to implement local regulations to meet this law. The City of Clayton City Council passed Ordinance No. 389 which became effective January 6, 2006. Failure to comply with the state regulations to meet the recycling can result in the City being fined of up to \$10,000 per day by the State of California.

What type of project does this apply to?

The ordinance and need for a plan and deposit fee apply to all new construction, additions or remodeling projects that involve 500 square feet or more and require either a building, grading or demolition permit.

Why do I have to pay a deposit fee to the City?

The ordinance requires all projects subject to submitting a recycling and waste management plan to provide a deposit to cover city expenses involved in reviewing your plan and monitoring compliance and to provide a performance guarantee that the recycling will actually occur. Remaining funds will be refunded upon satisfactory completion of the recycling including review and verification of all appropriate documentation.

What is the deposit amount?

The deposit required varies depending on the project size. For up to 2000 square foot of new, addition or remodeled area the fee is \$2000. Thereafter the fee increases by an additional dollar for each square foot of remodel, addition or new construction (i.e.: a project with 2250 square feet would provide a deposit of \$2,250).

When would I get a refund of any remaining deposits?

You must submit documentation to the City of Clayton of all your recycling at least three business days prior to when you want a final inspection from the building department. The City of Clayton places a hold on final inspections until such time as the documentation is submitted and found to be satisfactory and the recycling requirement achieved. Non compliance will result in the deposit being forfeited. A refund less any would occur within 30 days of a satisfactory compliance determination, less any costs for staff review and processing/monitoring charges.

Why do I need to identify the types of debris generated before I begin my project?

Identifying C&D debris by material type will help you stage the materials at the job-site and allow you to choose appropriate recycling facilities or service level needed.

Why should I estimate the amount of C&D debris that will be generated?

Although this is optional, estimating the quantity of C&D debris that will be generated will help you determine space requirements on the job-site and plan how frequently C&D debris will need to be removed and the costs associated with its removal.

How can I estimate the amount of C&D debris material on my project?

Attached are conversion tables and generation rates that can be used for making your calculations.

How do I get the debris to a salvage or recycling facility?

If you will be hauling your **C&D** debris to a salvage or recycling facility, **call ahead** to check hours of operation, disposal fees and **confirm that the facility can receive and recycle your materials** Allied Waste (Pleasant Hill Bayshore Disposal-PHBD) is the only authorized hauler for the City of Clayton. You may use a third party hauler if they have a current City business license. Your regular household refuse and recycling is required to be serviced by Allied. Please call Allied to set up your regular weekly curbside recycling and garbage collection service at 925-685-4711; for Allied's temporary C&D service, and rate information call 671-5806.

What if I am using sub-contractors?

Inform your sub-contractors about your recycling requirements. **You are responsible for any materials they take away from the job-site.** They must take materials to a recognized recycling facility and provide you with recycling receipts. That's your recycling credit driving away in their truck!

Do I need to separate the debris by material type or can I mix it together?

The manner in which you collect and sort the **C&D** debris will determine what facility you can use for recycling. **Separated loads** of clean materials can be taken to one of the many area facilities listed in the Builder's Guide or Contra Costa Reuse and Recycling Guide. **Mixed loads** can be taken to facilities listed in the Builder's Guide or Contra Costa reuse and Recycling Guide that state they can receive mixed materials for recycling. **You must insist that the facility provide you with a recycling receipt and you should call ahead to confirm this.** A weight tag that simply says "C&D debris" is not adequate. A C&D Recycling Debris Box for mixed loads can be set up with Allied Waste Services by calling 925-671-5806. They can also provide you with their current rates for their services.

What do I need to do to demonstrate compliance with city recycling requirements?

You will need to submit all recycling and disposal receipts to the building department before receiving your final permits. The recycling receipts should clearly state the city building permit number or job-site address, the date, the weight or volume, material type and confirmation that the materials were actually recycled. A sample form of what information is needed is attached. Please note that at most all facilities you must inform them prior to, or at the time you bring in your materials, of the need for the appropriate receipts. Most facilities can not provide the appropriate documentation after you have deposited the load or after the fact.

What is the cost to do construction and demolition debris recycling?

The cost for vary depending on where the materials are taken and how they are hauled (separated material, co-mingled materials). All locations will charge a fee for taking the materials. In addition there are fees associated with hauling and on site debris boxes that would contain the materials to be hauled from the site.

Can I use a hauler other than Allied Waste Services?

Yes you can use a third party hauler (not a debris box from another refuse service or landfill company such as Delta Diablo, Concord Disposal, Altamont, BFI, etc. These are franchised haulers that have very specific territory assigned to them.) A third party or independent hauler can be used however they must have a valid City of Clayton Business license. (Contact our City Business License Officer at 673-7310 to verify or obtain license application). You are responsible to ensure that they have valid City of Clayton Business License.

What if they do not get the City of Clayton Business License?

Lack of a business license may result in a hold on building inspections, payment of additional fines and penalties.

Where can I obtain information about third party haulers and places that take C & D materials?

Resources such as the Contra Costa Builders Guide to Reuse and Recycling and the Contra Costa Recycling Guidebook are available at City Hall or on line at www.cccrecycle.org/debris. City Hall also has information from Allied Waste on their C&D services or at their website www.awsgcc.com.



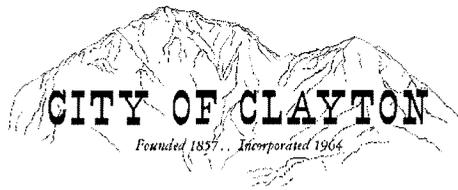
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Permit applicants for construction, renovation/remodel, additions, or demolition, of 500 square feet or more of area are required to divert 50% of the waste generated.

(City Ordinance No. 389, effective January 6, 2006)

The following materials should be considered for recycling and reuse.

- Appliances
- Asphalt
- Brick
- Building materials - doors, windows, and fixtures
- Cardboard
- Carpet
- Carpet padding and foam
- Ceiling tile
- Concrete
- Drywall
- Landscape debris (brush, trees, branches, stumps, leaves, and grass)
- Lumber and wood - unpainted and unfinished
- Masonry tile
- Metal - ferrous and nonferrous
- Plastics - PET (#1) and HDPE (#2)



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How to complete a Waste Management Plan

Download the Waste Management Plan (WMP) you need to submit prior to receiving your permit. Below are the general guidelines for the WMP process:

To receive your building permit:

- Complete Page 1 and Section I of the **WMP**
- Contract and Property Owner's signatures are required
- Submit the **WMP** to the permit desk or directly to the WMP Compliance Official
- Once the submitted **WMP** is approved, your permit will be issued
- A copy of your approved **WMP** will be returned to you with your building permit

While on the Job:

- Keep records of all material reused, recycled or landfilled from the site
- Official weight tags will need to be submitted with the final WMP prior to a final inspection
- Official weight tags must contain the following information:
 1. Job site address
 2. Weight of load
 3. Material types
 4. If the materials were recycled, salvaged or disposed

Prior to scheduling your **Final Inspection**:

- Complete Section II of the **WMP**
- Submit the final **WMP and all applicable documentation to the City of Clayton Planning Dept. at least 3 business days before you want your final inspection** for approval.

Once your final **WMP** is approved, a final inspection can be scheduled with the Building Division of Contra Costa County, who conducts building inspections for the City of Clayton.

In order to get a building permit on qualifying projects, you will need to complete the attached Waste Management Plan (WMP), submit it along with your deposit fee to the City of Clayton Community Development Department when you submit your construction plans for city planning /zoning review.

- Contact Laura Hoffmeister, Asst. to the City Manager, via email at LHoffmeister@ci.clayton.ca.us; or by calling (925) 673-7308 if you need any assistance or have questions.



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CLAYTON CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING WASTE MANAGEMENT PLAN (WMP)

For City Use Only
Project No. _____

Approved
 Waived
 Not Approved

Staff Initials: _____

Receipt # _____

Date: _____

Clayton C&D Recycling Ordinance requires at least 50% diversion of job-site waste materials from the landfill. (Ord. No. 389: Jan. 6, 2006)

Please answer the following:

1.

Property Owner Name/Ph.#	
Job-site Address:	
Name of Project Manager:	
Address:	
Phone Number:	
Cellular Phone Number:	
Fax Number:	

- Identify the type of materials to be recycled, salvaged or disposed from the job-site in **Section I** of the waste assessment table on the back of this page.
- Identify how materials will be handled, who will haul materials or what facility materials will be going to in **Section I** of the waste assessment table on the back of this page.
- Section II** is to be filled out with supporting documentation upon completion of project.
- Briefly state how materials will be sorted for recycling and/or salvage on the job site.

- Will this project require the use of sub-contractors? Yes No
If yes, briefly state how you plan to inform and ensure participation by the sub-contractors of your job-site recycling and waste management responsibility.

CONSTRUCTION and DEMOLITION DEBRIS MANAGEMENT PLAN [Pg 2]

SECTION I. BEFORE START OF PROJECT: Identify the materials that you estimate will be recycled, salvaged or landfilled. Identify the handling procedure, hauler and/or destination of each material type.

SECTION II. UPON COMPLETION OF PROJECT: Indicate the material **types and quantities** recycled, salvaged or disposed from this job-site. Official weight tags must be submitted with this completed report identifying 1) job site address, 2) weight of load(s), 3) material type(s) and 4) if materials were recycled, salvaged or disposed. Submit completed form with receipts/tags to City of Clayton Community Development Department.

Material Type	Section I Identify materials (✓) (Est. amount by weight – optional)			Handling procedure, hauler or final destination of materials	Section II Quantity of each material (by weight) (To be filled out at completion of project)			City use only Acceptable weight tag (staff initials)
	Recycle	Salvage	Landfill		Recycled	Salvaged	Landfilled	
Asphalt & Concrete								
Brick, Tile								
Building materials-doors, windows, fixtures, cabinets								
Cardboard								
Dirt/Clean Fill								
Drywall								
Carpet padding/ Foam								
Plate/window Glass								
Scrap Metals (steel, aluminum, brass, copper, etc.)								
Unpainted Wood & Pallets								
Yard Trimmings (brush, trees, stumps, etc.)								
Other:								
Garbage								

If no materials are targeted for recycling or salvage, please state why: _____

 Contractor's Signature / Date

 Property Owner's Signature/Date

City Use Only: Recycling meets 50% minimum – (Amount _____%) Yes No Staff Initials: _____ Date: _____

Refund: Yes No Refund Amount: _____

Name: _____

Address: _____

Authorized By: _____ Date: _____

Vendor # _____

Account # _____

 City Manager Approval



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STANDARDIZED GENERATION RATES

These generation rates should be used by applicants preparing Waste Management Plans for construction, renovation, and demolition projects to estimate the quantity of construction and demolition debris that will be generated.

Construction Projects: Type of Project	C&D Debris Pounds per sq.ft.
Single family home.....	4.6
Multifamily.....	4.0
Commercial.....	3.9

Demolition Projects: Type of Project	C&D Debris Pounds per sq.ft.
Single family home (without basement).....	50
Single family home (with concrete basement).....	111
Multifamily.....	.127
Commercial.....	155

Renovation Projects - residential Type of Project	C&D Debris Pounds per sq.ft.
Kitchen (minor).....	0.75
Kitchen (major).....	4.5
Baths (minor).....	0.25
Baths (major).....	1.00
Room additions.....	0.75



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Construction & Demolition Debris Recycling & Reuse Program STANDARDIZED CONVERSION FACTORS

These factors should be used by Applicants preparing Final Reports to convert the quantity of recycled or reused materials from volume to weight. The amount of a material recorded in cubic yards should be multiplied by the appropriate factor (pounds per cubic yard), and then divided by 2,000, to determine the number of tons of the material recycled or reused.

Example: To convert a quantity of cubic yards of cardboard to tons

(5 cubic yards of cardboard) x (300 pounds per cubic yard) = 1,500 pounds

(1,500 pounds) ÷ (2,000 pounds per ton) = 0.75 tons

Material	Pounds per Cubic Yard
Asphalt.....	1,400
Brick.....	1,400
Building Materials.....	300
Cardboard.....	120
Carpet.....	600
Carpet Padding & Foam.....	6.25
Ceiling Tile.....	175
Concrete.....	1,800
Drywall.....	500
Landscape Debris.....	300
Lumber & Wood.....	300
Metals - ferrous.....	906
Metals - nonferrous.....	175
Plastics.....	35



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Recycling Receipt For Material(s) Received

(to be completed by material receiver)

Company or Individual Receiving Material(s):

Facility Name:					
Contact or Individual Name:					
Address:					
City, State, Zip:					
Phone/Fax/Mobile/Page:					
Circle Facility/Individual Type(s):	Recycler	Salvager	Landfill Operator	End User	Other
*Facility Attendant Signature:					

* Signature required to validate receipt.

Job-Site Information:

Permit #:	
Job-Site Address:	

Construction/Demolition Company or Individual Providing Material(s) to Receiver:

Company Name:					
Contact or Individual Name:					
Address:					
City, State, Zip:					
Phone/Fax/Mobile/Page:					

Identification of Materials Left with Receiver (use separate receipt for materials landfilled):

Material Type	Quantity by Weight, in pounds or tons**	Circle how receiving facility or individual will use materials received for each Material Type	Date Received or Picked Up
<i>Sample: Concrete</i>	<i>12 tons</i>	(Recycle) Salvage Trash	
		Recycle Salvage Trash	
		Recycle Salvage Trash	
		Recycle Salvage Trash	
		Recycle Salvage Trash	
		Recycle Salvage Trash	
		Recycle Salvage Trash	
		Recycle Salvage Trash	

Use published conversion factors between volume and weight, if necessary, from City of Clayton
 Contact Laura Hoffmeister for assistance, 6000 Heritage Trail, Clayton, CA 94517, 925-673-7308,
 LHoffmeister@ci.clayton.ca.us

Thank you for recycling.

ORDINANCE NO. 389

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON
ADDING CHAPTER 15.80 TO TITLE 15 OF THE CLAYTON MUNICIPAL
CODE TO REGULATE PROJECT CONSTRUCTION AND DEMOLITION
DEBRIS RECYCLING**

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS
FOLLOWS:**

WHEREAS, the State of California passed Assembly Bill (AB) 939 in 1989 mandating cities and counties to recycle 50% of their solid waste stream; and

WHEREAS, the City of Clayton is committed to protecting public health, safety, welfare and the environment and in furtherance thereof, promotes the reduction of solid waste; and

WHEREAS, the City of Clayton enacted its Source Reduction and Recycling Element in 1993 to implement recycling programs in an effort to improve its recycling efforts; and

WHEREAS, an estimated 10-20% of solid waste material generated within the City of Clayton is comprised of construction and demolition debris that can and should be recycled; and

WHEREAS, the City established incentive pricing in 2001 to encourage recycling of construction related materials; and

WHEREAS, the State of California passed Senate Bill (SB) 1374 in 2002 imposing state mandated Construction and Demolition model ordinances be developed for local government use by 2004 or establishment of local ordinances and programs be enacted by local governments and included in a local agency's annual waste report to the California Integrated Waste Management Board; and

WHEREAS, the City of Clayton received conditional approval by the California Integrated Waste Management Board in 2002 for Alternative Diversion Requirement (ADR) for the years 2000-2003 (AB 1600-ADR), which included a condition to establish a local Construction and Demolition ordinance; and

WHEREAS, recycling of project construction and demolition debris furthers Clayton's commitment to reducing waste and state-mandated compliance with AB 939 and SB 1374, and the City's State approved AB 1600-ADR requirements.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON
DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter 15.80 of the Municipal Code is added to read in its entirety as follows:

Chapter 15.80

PROJECT CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

Sections:

- 15.80.010 Definitions
- 15.80.020 Threshold for covered projects
- 15.80.030 Submission and contents of waste management plan
- 15.80.040 Review of waste management plan
- 15.80.050 Modified diversion rate
- 15.80.060 Submission of completed waste management plan
- 15.80.070 Appeal
- 15.80.080 Enforcement

15.80.010 Definitions.

For the purposes of this ordinance, the following definitions shall apply:

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake construction, demolition, or renovation projects within the city.

B. "Construction" means the building of any facility, structure, or paved area or any portion thereof including tenant improvements to an existing facility, structure, or paved area.

C. "Construction and demolition debris" ("C&D debris") means used or discarded materials removed from a project site during construction, demolition, or renovation activities.

D. "Conversion rate" means the rate set forth in the standardized conversion rate table approved by the state, as amended or revised, for estimating the volume or weight of materials identified in a waste management plan.

E. "Covered project" shall have the meaning set forth in Section 15.80.020.A.

F. "Deconstruction" means the process of dismantling a building, structure, or paved area in order to salvage components for reuse or recycling.

G. "Demolition" means the decimating, razing, ruining, tearing down, or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

H. "Divert" means to use material for any purpose other than disposal in a landfill or transfer facility.

I. "Diversion requirement" means the redirection from the waste stream of construction and demolition debris generated by a project via salvage, reuse, and/or recycling.

J. "Modified diversion rate" means a diversion rate less than a standard diversion requirement.

K. "Non-covered project" shall have the meaning set forth in Section 15.80.020.B.

L. "Official" shall have the meaning set forth in Section 15.80.010.W.

M. "Project" means any activity, which requires an application for a building, grading, or demolition permit, or any similar permit from the city.

N. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

O. "Renovation" means any change, addition, or modification (including tenant improvements) in an existing structure or building.

P. "Reuse" means further or repeated use of materials in their original form.

Q. "Salvage" means the controlled removal of construction or demolition debris from a project site for diversion requirement purposes.

R. "Site" means any location which requires a waste management plan under this chapter.

S. "Standard diversion requirement" means at least fifty (50) percent of the waste stream of construction and demolition debris generated by a project is diverted from the landfill via salvage, reuse, and/or recycling.

T. "Tenant improvements" means a "project" involving structural or other modifications of an existing building, structure, or project site resulting in the generation of C&D debris.

U. "Vendor" means a hauler of commercial recycling material licensed to conduct business in the city.

V. "Waste management plan" ("WMP") means a completed WMP form submitted by the applicant for any covered project for the purpose of compliance with this chapter.

W. "WMP compliance official" ("official") means the city community development director or his or her designee.

15.80.020 Threshold for covered projects.

A. Covered projects. All construction, demolition and renovation projects within the city, which involve the construction, demolition, or renovation of 500 square feet or more and which require a building, grading, or demolition permit shall be considered covered projects and shall comply with this chapter. For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on single or adjoining parcels, as determined by the official, shall be deemed a single project.

B. Non-covered projects. Construction, demolition and renovation projects within the city that have not met the threshold for covered projects shall be considered non-covered projects. Applicants for non-covered projects shall be encouraged and endeavor to divert as much project-related C&D debris as possible.

C. Projects Sponsored by the City or its Redevelopment Agency. All construction, demolition and renovation projects sponsored by the city or its redevelopment agency shall be considered covered projects for the purposes of this chapter. The project sponsor or its contractor shall submit a WMP to the official prior to beginning any activities and shall be subject to all applicable provisions of this chapter.

D. Building, grading and demolition permits. No building, grading or demolition permit shall be issued for a covered project unless and until the official has approved a WMP for the project.

15.80.030 Submission and contents of waste management plan.

An applicant for any covered project shall complete and submit a WMP on a form approved by the city as part of the application submittal requirements for a building, grading, or demolition permit. A complete WMP shall include all of the following:

- A. Identification of the types of C&D debris expected to be generated from the project and the types of C&D debris to be made available for salvage, reuse, and/or recycling, and diverted from the landfill;
- B. Acknowledgement that the standard diversion requirement requires at least fifty (50) percent of the C&D debris materials to be diverted from the landfill and made available for salvage, reuse, and/or recycling;
- C. Acknowledgement that the applicant is responsible for the actions of his or her contractors, sub-contractors or other agents with regard to the diversion requirement;
- D. Signature of the property owner (or authorized agent); and
- E. A cash deposit (or other financial security instrument acceptable to the city) to ensure the performance of the diversion requirements of this chapter, and to cover staff review and processing charges. The amount of the cash deposit (based upon the square footage of the construction, demolition, or renovation), plus a minimum deposit, shall be established by City Council resolution, and as may be amended from time to time.

15.80.040 Review of waste management plan.

A. Approval. Notwithstanding any other provision of this code, no building, grading, or demolition permits shall be issued for any covered project, nor shall any construction, demolition, or renovation take place on any covered project, unless and until the official has approved the WMP. Approval shall not be necessary, however, when the city determines an emergency demolition is required to protect public health or safety. The official shall approve the WMP if the official determines that the WMP complies with the requirements of Section 15.80.030.

B. Non-approval. If the official determines the submitted WMP does not comply with the requirements of Section 15.80.030, the official shall notify the applicant the WMP is not approved and provide a written statement of the reason(s) the WMP is out of compliance. The official shall withhold or order the withholding of issuance of all associated city development permits, including building, grading, and demolition permits for the covered project until compliance has been met.

15.80.050 Modified diversion rate.

A. Application. If an applicant experiences unique circumstances that the applicant believes make it infeasible to comply with the standard fifty (50) percent diversion requirement, the applicant may request approval of a modified diversion rate at the time the applicant submits the WMP in accordance with Section 15.80.030. Economic or increased financial costs to the applicant generally will not be a sufficient basis for approval of a modified diversion rate unless such costs are proportionately extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion the applicant believes can be achieved for each material and the specific unique circumstance(s) the applicant believes makes compliance with the standard diversion requirement infeasible.

B. Granting of modified diversion rate. If the official determines that the applicant is unable to meet the standard diversion requirement due to unique circumstances, the official may

approve and issue a modified diversion rate and shall indicate this rate on the WMP submitted by the applicant.

C. Denial of modified diversion rate. If the official determines that unique circumstances are not present and the applicant is able to comply with the standard diversion requirement, the official shall so inform the applicant in writing. The applicant shall have thirty (30) calendar days to resubmit a WMP in full compliance with Section 15.80.030.

15.80.060 Submission of completed waste management plan.

A. Documentation. Prior to the final building inspection or the filing of a notice of completion for a public works project for any covered project, the applicant shall submit documentation that it has met the diversion requirement for the project to the official. This documentation shall include the following:

1. A copy of the approved WMP for the project with notations of the actual material volume or weight generated by the completed project;

2. Receipts from disposal and recycling facilities and/or vendors that received each material showing the type and quantity (weight or volume) of material, and whether the material was disposed in a landfill or recycled; and

3. Any additional information the applicant believes is relevant to determining compliance with this chapter.

B. Weighing of materials. The applicant shall make reasonable efforts to ensure that all C&D debris recycled or disposed in a landfill are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. A volumetric measurement shall be used on C&D debris for which weighing is not practical due to small size or due to other considerations as determined by the official or the state. For conversion of volumetric measurements to weight, the applicant shall use the conversion rates approved by the state for this purpose.

C. Determination of compliance. The official shall review the submitted information and determine whether the applicant has complied with the diversion requirement. The official shall authorize the final building inspection or the filing of the notice of completion for a public works project upon making a determination of compliance, as listed below:

1. Full compliance. If the official determines the applicant has fully complied with the diversion requirement applicable to the project, the full performance security, less staff review and processing charges, shall be returned to the applicant within thirty (30) days after full compliance is determined.

2. Partial compliance. If the official determines the applicant has not fully complied with the diversion requirement applicable to the project, the official shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with the approved WMP. In making this determination, the official shall consider the availability of markets for the C&D debris disposed in a landfill, the size of the project and the documented efforts of the applicant to divert the C&D debris. If the official determines the applicant has made a good faith effort to comply with the approved WMP, such determination shall be provided in writing, and the portion of the deposit equivalent to the portion of C&D debris actually diverted compared to the portion that should have been diverted according to the approved WMP will be returned to the applicant, less staff review and processing charges. The

partial deposit shall be returned to the applicant within thirty (30) days after partial compliance is determined.

3. Noncompliance. If the official determines the applicant has not complied with the approved WMP, the official shall notify the applicant in writing. The full amount of the performance security shall be forfeited to the city as a penalty and to cover staff review and processing charges.

15.80.070 Appeal.

Appeal of a determination made under this chapter may be made to the city council following the procedures set forth in Section 5.04.100 of this code, with payment of an appeal fee as established by City Council resolution. Any appeals shall be limited to: 1) the granting or denial of modified diversion rate; or 2) whether the applicant has complied with an approved WMP.

15.80.080 Enforcement.

Violation of any provision of this chapter may be enforced through remedies listed in this code, including but not limited to Chapters 1.14, 1.18 and 1.20.

Section 2. Action to challenge

Any action or proceeding to attack, review, set aside, void or annul this Ordinance must be commenced and the service made on the City no later than 90 days after its effective date.

Section 3. Conflicting Ordinances Repealed.

Any ordinances or parts thereof, or regulations in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance shall control with regard to any provisions of the Municipal Code that may be inconsistent with the provisions of this Ordinance.

Section 4. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council has declared that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase thereof was declared unconstitutional, invalid or ineffective.

Section 5. Effective date and publication.

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by Resolution of the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on October 18, 2005.

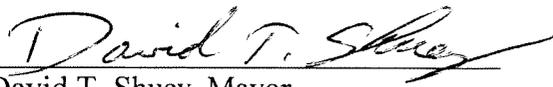
Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on December 6, 2005 by the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

THE CITY COUNCIL OF CLAYTON, CA


David T. Shuey, Mayor

ATTEST:


Rhonda K. Basore, City Clerk

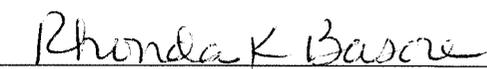
APPROVED AS TO FORM:


J. Daniel Adams, City Attorney,

APPROVED AS TO ADMINISTRATION:


Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held October 18, 2005, and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on December 6, 2005.


Rhonda K. Basore, City Clerk

2006



MATT GREENE sorts cardboard at the Brentwood transfer station Friday. Cities are passing ordinances requiring builders to recycle.

KRISTOPHER SKINNER/TIMES

Ordinances force builders to recycle

By Sarah Jane Tribble
TIMES STAFF WRITER

With state pressure mounting, an increasing number of Contra Costa communities are creating laws to force builders to recycle the wood, concrete and other materials from projects.

The new demands are getting results in fast-growing Antioch, and officials expect more cities countywide to join the effort this year.

Moraga, Concord and Martinez are all expected to pass or propose ordinances within the next few months. El Cerrito and Pittsburg staff members are also considering creating a construction and demolition ordinance, according to county officials.

"Contra Costa as a county has recognized the C&D (construction and demolition) issue and is taking steps," said Eric Bissinger, integrated waste management specialist for the California Integrated Waste Management

Board. "They have to convince the councils, and some people might look at the ordinance as a business hindrance."

The state board is pushing the ordinances as a way for communities to comply with a state law that requires local governments to divert half their waste from landfills or face fines of up to \$10,000 a day.

A 2004 board study found that 22 percent of the garbage that went into landfills the previous year was construction debris that could be recycled. As a result, ordinances have been a "reoccurring topic" for the board, Bissinger said.

Walnut Creek passed the first ordinance and Lafayette, Orinda, Brentwood, Antioch, Clayton and the unincorporated part of the county followed in the past five years.

Contra Costa's unincorporated area has a diversion rate of 45 percent, according to the county's

state-submitted report from 2003, the most recent data available.

Ordinances enable cities and counties to track how much developers recycle and whether the community is improving its recycling rates, said Laura Wright, senior administrative analyst in Pittsburg's public works department.

Pittsburg's diversion rate is more than 50 percent, she said.

Down the road a few miles in Antioch, Environmental Resource Coordinator Julie Haas-Wajdowicz said the city reduced by more than half its construction and demolition waste hauled to the landfill between 2003 and after the city's ordinance passed in 2004.

Antioch builders were hauling more than 6,000 tons of construction and demolition material a year to the landfill in 2003, an amount that dropped to 2,000 tons in 2004, she said. Not all of the difference was a result of recycling because the city began shipping the material to a trans-

fer station, but at least half of that difference went on to be recycled, she said.

Antioch and Brentwood require developers to recycle half their waste for any project that costs more than \$75,000.

In Brentwood, where construction and demolition materials are a large part of the waste stream, city officials are spending \$5 million this year to expand a garbage transfer station.

Brentwood Solid Waste Manager Jon Carlson said the expanded station will enable the city to recycle more efficiently as well as keep up with the city's building boom and increasing population, which is expected to nearly double and hit 70,000 in the coming years.

Sarah Jane Tribble covers East County growth and development. She can be reached at 925-779-7134 or stribble@cctimes.com.