

Santee Municipal Code

[Up](#) [Previous](#) [Next](#) [Main](#) [Collapse](#) [Search](#) [Print](#) [No Frames](#)

[Title 9 PUBLIC SERVICES](#)

Chapter 9.04 CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

9.04.010 Title.

This chapter is known as the “Construction and Demolition Debris Recycling Ordinance.” (Ord. 562 § 3, 2019)

9.04.020 Purpose and intent.

- A. The purpose of this chapter is to promote the recycling of construction and demolition debris in order to protect the public health, safety, and welfare, and to meet the City’s obligations under AB 939 and the current version of the California Green Buildings Standards Code.
- B. To ensure compliance with this chapter and to ensure that those contractors that comply with this chapter are not placed at a competitive disadvantage, it is necessary to impose a waste diversion security deposit requirement.
- C. The chapter is also intended to divert building materials from landfills, and process and return the materials into the economic mainstream, thereby conserving natural resources and stimulating markets for recycled and salvaged materials. (Ord. 562 § 3, 2019)

9.04.030 Definitions.

In this chapter:

“AB 939” means the California Integrated Waste Management Act, codified at California Public Resources Code Section 40000 et seq., including any amendments or modifications.

“Certified recycling facility” means a recycling, composting, materials recovery or reuse facility which accepts construction and demolition debris and which meets minimum State standards for such facilities.

“City-sponsored project” means a capital improvement project constructed by the City or its contractor, agent, or designee.

“Construction” means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure. Construction does not include a project limited to interior plumbing work, interior electrical work or interior mechanical work.

“Construction and demolition (C&D) debris” means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, alteration, and/or demolition operations on pavements, houses, commercial buildings, and other structures and may include, but is not limited to, concrete, asphalt, wood, cardboard, metals, bricks, and other inert waste.

“C&D debris management plan” or “DMP” means a report, prepared in a form approved by the Director, submitted as required by Section 9.04.080, which identifies all C&D debris expected to be generated as a result of any covered project.

“C&D debris recycling report” or “DRR” means a report, prepared in a form approved by the Director of Development Services or designee, submitted as required by Section 9.04.100, which identifies the amounts of all C&D debris generated by the project, and the amounts recycled or diverted.

“Conversion rate” means the rate set forth in the standardized conversion rate table approved by the Director pursuant to this chapter for use in estimating the volume or weight of materials identified in debris management plan.

“Covered project” means any project type set forth in Section 9.04.040 of this chapter.

“Deconstruction” means a process to dismantle or remove useable materials from structures, in a manner that maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.

“Demolition” means the destruction, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

“Director” means the Director of Development Services or a designee.

“Disposal” means the final deposition of solid waste at a permitted landfill.

“Diversion or divert” means the reduction or elimination of solid waste from landfill disposal. “Diversion requirement” has the meaning set forth in Section 9.04.060 of this chapter.

“Exempt project” means the activities set forth in Section 9.04.050 of this chapter.

“Green Building Standards Code” means the most current version of the California Green Building Standards Code as adopted by the City.

“Noncovered project” means any construction, demolition, or renovation project that does not meet the thresholds set forth in Section 9.04.040 to qualify as a covered project.

“Recycling” means the process of collecting, sorting, cleansing, deconstructing, treating, and reconstituting materials that would otherwise be solid waste, and the return of those materials to the economic mainstream in the form of materials which meet the quality standards necessary to be used in the marketplace for new, reused, or reconstituted products.

“Renovation” means any change, addition, or modification in an existing structure that requires a building permit or demolition permit but does not include a project limited to interior plumbing work, electrical work or mechanical work.

“Reuse” means further or repeated use of construction or demolition debris.

“Salvage” means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

“Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including, but not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, abandoned vehicles and parts thereof, discarded home and industrial appliances, recyclables, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

“Tenant improvement” means a “project” involving structural or other modifications of an existing commercial structure resulting in the generation of construction and demolition debris.

“Waste diversion security deposit” means any cash, check, credit card, or certified check in a form acceptable to the City, submitted to the City as pursuant to Section 9.04.090 of this chapter. (Ord. 562 § 3, 2019)

9.04.040 Covered projects.

The requirements set forth in this chapter apply to all construction and demolition permits issued for any project types set forth in subsections A through D.

- A. Demolition. Any demolition of a structure involving 1,000 square feet or more.
- B. Residential.
 - 1. The construction of new residential structures, including single-family, multifamily, and condo conversions, regardless of the square footage of the floor area.
 - 2. Additions or accessory structures to existing residential structures that involve 1,500 square feet or more of floor area.
 - 3. Interior remodels to existing residential structures that involve the demolition of 1,000 square feet or more of floor area.
- C. Commercial/Industrial.
 - 1. The construction of all new commercial/industrial buildings.
 - 2. Additions or accessory structures to existing commercial or industrial structures that involve 1,500 square feet or more of floor area.

3. Tenant improvements that involve demolition of 1,000 square feet or more of floor area.

D. City-Sponsored Projects. City-sponsored projects for which the City provides funding in excess of \$100,000.00, or which fall within one of the above categories. (Ord. 562 § 3, 2019)

9.04.050 Exempt activities.

The following activities are exempt from the requirements of this chapter when alone or in combination with one another, except if the activity or activities is/are undertaken in conjunction with a project that is otherwise subject to this chapter:

- A. Projects for which a construction or demolition permit is not required;
- B. Projects for which only a plumbing, electrical or mechanical permit is required;
- C. Installation or repair of a retaining wall;
- D. Installation, replacement or repair of a carport, patio cover, balcony, trellis or fireplace;
- E. Installation, replacement or repair of a deck;
- F. Installation, replacement or repair of a fence;
- G. Installation, replacement, demolition or repair of a single-family residential swimming pool or spa;
- H. Installation, replacement, or repair of a pre-fabricated sign or the structure to which the sign is attached;
- I. Installation, replacement or repair of storage racks;
- J. Installation of any solar photo-voltaic system;
- K. Replacement of any roofing system.

No exemption set forth above excuses compliance with the California Green Building Standards Code, as applicable. (Ord. 562 § 3, 2019)

9.04.060 Diversion requirements.

- A. Covered. Applicants for covered projects must divert from landfills a minimum of 50% by weight of C&D debris generated from the covered project or other amount established by State law, whichever is higher, by using recycling, reuse, and diversion programs.
- B. Noncovered or Exempt. Applicants for noncovered and exempt projects within the City are encouraged to divert 50% by weight of C&D debris generated from the covered project or other amount established by State law, whichever is higher, by using recycling, reuse, and diversion programs.
- C. In the event of any type of disaster, the above stated diversion goals apply to all relief clean-up efforts. Tracking of disaster debris disposal data is the responsibility of the City through the methods provided for in this chapter. (Ord. 562 § 3, 2019)

9.04.070 Diversion of construction and demolition debris.

- A. For the purposes of this chapter, diversion of C&D debris may be achieved by any of the following methods:
 - 1. On-site reuse;
 - 2. Acceptance of the C&D debris by a certified recycling facility; or
 - 3. Salvage, other donation, or reuse of the C&D debris acceptable to the Director of Development Services.
- B. Weighing of Wastes. Applicants for covered projects must make reasonable efforts to ensure that all C&D debris diverted or landfilled is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris must be weighed by measurement on scales in compliance with all regulatory requirements for accuracy and maintenance. If weighing is not practical due to small size or other considerations, a volumetric measurement must be used. For conversion of volumetric measurements to weight, the applicant must use the standardized conversion rate table approved by the City.

C. **Asbestos Handling.** Any covered project conducting demolition of 100 square feet or more, except for a project involving demolition activities on one single-family residence, must provide the City with an asbestos materials test report from a certified California State asbestos professional demonstrating that none of the materials to be demolished or disturbed contain asbestos in a concentration of one percent or higher. If asbestos containing materials are found, a certified asbestos abatement company must remove the material(s) prior to the issuance of any building or demolition permit, and a final abatement report documenting all materials identified as asbestos containing materials have been properly removed and disposed as a condition of the building or demolition permit.

D. **Water Quality Control.** All construction and debris recycling activities must be conducted in a manner to comply with Chapter 9.06, Stormwater Management and Discharge Control, as amended from time to time. At a minimum this includes:

1. Any demolition, removal, crushing, movement or loading operations must be managed to prevent the discharge of dust or debris, and must, at a minimum, keep all materials covered and contained.
2. Any solid or liquid spills must be removed immediately.
3. All stockpiles must be covered and located away from concentrated flows of stormwater, drainage courses and inlets.
4. Materials that are not stockpiled must be stored off the ground and under cover.
5. Any materials containing, or that may reasonably be expected to contain hazardous materials, must be handled and stored in such a manner to prevent the release of hazardous materials.
6. Covers must be used on trucks transporting diverted waste. (Ord. 562 § 3, 2019)

9.04.080 Submittal of C&D debris management plan.

A. Except as otherwise provided in this chapter, applicants for any covered project must submit a properly completed C&D debris management plan (DMP), identifying all waste materials expected to be generated as a result of the project at the time of demolition or building permit application.

B. No building or demolition permit may be issued for a covered project unless the applicant has submitted a properly completed DMP to the satisfaction of the Director.

C. The DMP must contain, at minimum, the following:

1. The type of project;
2. The total square footage of the project;
3. The estimated weight of project construction and demolition debris to be generated by material type; and
4. The debris material types that will be reused or salvaged, recycled, or disposed of in a landfill.

D. The City will provide a conversion rate table for the purpose of calculating the volume and weight of construction and demolition debris. The applicant must use the conversion rate table in estimating the weight of materials identified in the DMP.

E. In preparing the DMP, an applicant for a project involving the removal of all or part of an existing structure must consider deconstruction to the maximum extent feasible, and make the materials generated available for salvage before placing in a landfill. These salvaged materials must be included as part of the overall diversion rate.

F. **Acknowledgment of Responsibility.** The DMP must be signed by the applicant and/or property owner indicating: (1) an understanding of consequences of not meeting the diversion requirement, and (2) that they are responsible for the actions of their subcontractors with regard to this diversion requirement. (Ord. 562 § 3, 2019)

9.04.090 Waste diversion security deposit requirements.

Except as otherwise provided in this chapter, applicants for covered projects must pay a deposit prior to receiving a building or demolition permit for a covered project. The amount of the deposit will be calculated based on the square footage and type of project, in amounts established by resolution of City Council. (Ord. 562 § 3, 2019)

9.04.100 Submittal of C&D debris recycling report.

Documentation. Within 90 days after completing a covered project, the applicant must submit a C&D debris recycling report (DRR) and documentation to the Director, showing how C&D debris generated by the covered project was diverted at the rates set forth in Section 9.04.060. Such documentation for compliance must include the following:

- A. A copy of a completed C&D debris recycling report (DRR);
- B. A copy of the previously approved C&D debris management plan (DMP) for the project;
- C. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material, or if the improvements are part of a larger construction project, evidence of cumulative weight or volume of C&D material;
- D. For materials reused on site (e.g., crushed concrete for base material, wood for mulch) photographs are encouraged;
- E. Any additional information the applicant believes is relevant in demonstrating efforts to comply in good faith. (Ord. 562 § 3, 2019)

9.04.110 Entitlement to refund of deposit.

- A. No deposit for a covered project may be refunded unless the applicant completes the following requirements of this section to the satisfaction of the Director:
 1. Requests a refund within 90 days after the final inspection date of the covered project for which the deposit was paid, or requests a refund prior to final inspection when:
 - a. The project has a master developer and multiple commercial and/or retail tenants constructing their own tenant improvements, or
 - b. The developer has completed construction of the project, except for the tenant improvements when the tenant improvements are the sole responsibility of the commercial and/or retail tenant; and
 2. Submits a C&D debris recycling report that demonstrates compliance with this chapter.
- B. The Director of Development Services must authorize the refund of any diversion deposit that was erroneously paid or collected and when the permit application is withdrawn or cancelled before any work has begun. (Ord. 562 § 3, 2019)

9.04.120 Failure to meet diversion requirements.

- A. If the Director determines that an applicant for a covered project has not met the required diversion requirement set forth in this chapter, then the applicant forfeits the deposit.
- B. In the case of hardship, the Director may authorize a partial repayment of the deposit to the applicant equal to the ratio of the diversion rate that was achieved for the project to the diversion rate that was required. A showing of hardship requires a written statement from the applicant which documents the following:
 1. A lack of availability of markets for the C&D debris landfilled;
 2. A hardship that results from the size of the project;
 3. That the applicant made best efforts to divert the C&D debris. (Ord. 562 § 3, 2019)

9.04.130 Appeals.

Appeals of a determination made by the Director must be made to the City Manager within 10 days after the date of the decision in accordance with Chapter 1.14, except as follows:

- A. The appeal is limited to the following issues:
 1. Whether the applicant is entitled to a refund pursuant to Section 9.04.110;
 2. Whether the applicant made a good faith effort to comply with the required percentage of diversion specified in the waste diversion form;

3. In the case of a partial refund, the percentage of the deposit the Director of Development Services authorizes; and
 4. Whether the project is covered or exempt from this chapter.
- B. The Director of Development Services, or designee, has an opportunity to provide a written response to the applicant's appeal.
 - C. The decision of the hearing officer is final. (Ord. 562 § 3, 2019)

9.04.140 Unclaimed and not refunded deposits and accrued interest.

Any deposit that is not refunded or claimed in accordance with this chapter becomes the property of the City in accordance with State law. Interest accruing on each deposit is the property of the City, and the applicant has no claim on the interest. (Ord. 562 § 3, 2019)

9.04.150 Use of deposits.

Deposits received by the City may be used for the following purposes:

- A. The payment of refunds of deposits, as determined by the Director;
- B. The payment of costs incurred in administering the City's waste diversion program;
- C. The development and implementation of additional policies and programs approved by the City Council to promote diversion of construction and demolition debris from landfill disposal and to encourage the salvage, reuse, and recycling of that waste;
- D. The payment of costs to develop or improve infrastructure, including the costs of programs designed to develop or improve infrastructure, to divert construction and demolition debris from landfill disposal;
- E. The cost of programs and activities whose purpose is to promote diversion and recycling in the City. (Ord. 562 § 3, 2019)

9.04.160 Public education requirements.

The City's franchised waste hauler must provide the following:

- A. Educational outreach and technical assistance to divert the maximum amount of C&D waste;
- B. Information on all C&D waste recycling program efforts to residents, businesses and contractors requesting services. At a minimum, specific beneficial pricing examples of recycling versus landfill disposal tipping fee rates will be quoted. (Ord. 562 § 3, 2019)

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