

**ORO LOMA SANITARY DISTRICT**

**Ordinance No. 34-32**

**AN ORDINANCE REGULATING THE  
COLLECTION, REMOVAL AND DISPOSAL  
OF REFUSE AND OTHER DISCARDED  
MATERIAL**

**Construction & Demolition  
Section Only**



**C&D Section Ord. 34-32  
Adopted September 2, 2008  
Rates Effective September 1, 2008**

The Sanitary Board of Oro Loma Sanitary District, Alameda County, California, does ordain as follows:

## **1. DEFINITIONS**

- 1.1** The term “Annual Debris Recycling Certification Application” means the completed Debris Recycling Certification Application approved by the District.
- 1.2** The term “Applicant” shall mean any individual, firm, limited liability company, association, partnership, industry, business, public or private corporation or any other entity that applies for permits to undertake any construction, demolition, renovation, or roofing Project within the District.
- 1.3** The term “Authorized Representative” means the District's General Manager, or such other person as the Board or General Manager may designate
- 1.4** The term “Board” means the Sanitary Board of the District.
- 1.5** The term “Certified Applicant” means an Applicant who has demonstrated compliance with the requirements of Section 4.7-2 of this Ordinance.
- 1.6** The term “Compactor” means a stationary commercial packer that is defined as a closed container in which refuse (noncombustible dry garbage) is mechanically compressed.
- 1.7** The term “Construction” means the building of any structure or portion thereof, including, but not limited to, improvements to or remodeling or repair of an existing facility or structure.
- 1.8** The term “Construction and Demolition Debris”, “C&D Debris” and “Construction Debris” means used or discarded materials removed from the premises during construction or renovation of a structure resulting from construction, remodeling, repair, improvement, or demolition operations on any pavement, street, driveway, house, building, or other structure or improvement regardless of the nature of such structure or improvement.
- 1.9** The term “Conversion Rate” means the rate set forth in the standardized Conversion Rate Table approved by the District, pursuant to this Section, for use in estimating the volume or weight of materials in a Debris Recycling Statement.
- 1.10** The term “Covered Project” means a Project that is subject to the requirements of this Ordinance.
- 1.11** The term “Curbside” means the placement of containers in the street, adjacent to the curb, or as designated by the Authorized Representative.
- 1.12** The term “Debris Recycling Statement” or “DRS” means the completed DRS form approved by the District and submitted by the Applicant for the purpose of assessing compliance with this Ordinance.

- 1.13** The term “Demolition” means the destroying, razing, tearing down or wrecking of any pavement, street, driveway, house, building, or other structure or improvement regardless of the nature of such structure or improvement whether in whole or in part, whether interior or exterior.
- 1.14** The term “Designated Collector” means an agent or employee of the District, or any person, firm, corporation, or public agency to whom the District has issued a permit or entered into a contract for the collection of refuse or other discarded materials from premises within the District. There may be more than one designated collector.
- 1.15** The term “Discarded Materials” means anything that a person, business, industry, or institution has determined to discard by delivery to a disposal facility, placement in or next to a receptacle that is regularly emptied for disposal, abandonment in a public place, or otherwise giving up ownership after use, except items that must be handled as hazardous, toxic or infectious waste in accordance with rules and regulations of the Alameda County Environmental Health Department. Discarded materials include, but not limited to:
- a. “Chemicals,” including, but not limited to, paints, motor oil, and lubricants;
  - b. “Crushables,” including, but not limited to, rock, ceramics, concrete, and brick;
  - c. “Glass,” including, but not limited to, glass containers and window glass;
  - d. “Green Waste,” including, but not limited to: grass cuttings, leaves, and trimmings from plants, trees, shrubs, including branches and other uncoated wood up to six inches in diameter;
  - e. “Manures,” including, but not limited to, livestock and horse manure;
  - f. “Metals,” both ferrous and nonferrous, including, but not limited to, cans, parts from abandoned vehicles, plumbing, fences, metal doors and screens.
  - g. “Paper,” including, but not limited to, newsprint, ledger paper, computer paper, corrugated cardboard and mixed paper;
  - h. “Plastics,” including, but not limited to, beverage containers, plastic packaging, tires, and plastic cases of consumer goods such as telephones or electronic equipment;
  - i. “Putrescibles,” including, but not limited to, animal, fruit and vegetable debris resulting from preparation, storage, handling or consumption of such substances;
  - j. “Reusable goods,” including intact or repairable home or industrial appliances, household goods, and clothing; intact materials in demolition debris, such as lumber or bricks; building materials such as doors, windows, cabinets, and sinks; business supplies and equipment; lighting fixtures; and any other item that can be repaired or reused;
  - k. “Sewage sludge”;
  - l. “Soils,” including, but not limited to, excavation soils from barren or developed land, and excess soils from yards;
  - m. “Textiles,” including, but not limited to, clothing, upholstery and pieces of fabric; and
  - n. “Wood,” including, but not limited to, lumber, pallets, stumps, and tree branches larger than six inches in diameter.
- 1.16** The term “District” means the Oro Loma Sanitary District.
- 1.17** The term “Divert” means to use material for any purpose other than disposal in a landfill or incineration facility. Methods of diverting materials from landfills shall include Reuse, Recycling, and Salvage.

- 1.18** The term “Diversion Attainment” means the diversion of 100% of the asphalt, concrete and similar material, and at least 50% by weight, of the total of all other C&D Debris generated by a Covered Project.
- 1.19** The term “Garbage” shall have the meaning ascribed to it in the Sanitary District Act of 1923, Section 6406 of the California Health and Safety Code: “Garbage,” as used in this part, shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) inorganic refuse and rubbish; (d) anything thrown away as worthless.
- 1.20** The term “Green Waste” means vegetative matter resulting from landscaping maintenance including accumulation of lawn, grass cuttings, leaves, shrubbery cuttings or clippings, dry leaf rakings, branches, trimming from trees, and other uncoated wood up to six inches in diameter.
- 1.21** The term “Multiple Family Dwelling” means a residential dwelling consisting of five or more units, attached by a common wall.
- 1.22** The term “Owner” means the person to whom a parcel or parcels of real property is assessed in the last equalized assessment roll at the address shown on such assessment roll or as known to the District Secretary.
- 1.23** The term “Person” means any human being, individual, firm, company, partnership, association and private, public and municipal corporations, the United States of America, the State of California, and all political subdivisions, governmental agencies and mandataries thereof.
- 1.24** The term “Project” means any activity that requires an application for a building permit, demolition permit, encroachment permit, sewer permit or other similar permit for work in the Oro Loma Sanitary District.
- 1.25** The term “Recyclable Materials” means those discarded materials which, when separated from other discarded materials and properly processed, can be turned into materials made beneficial for reuse, including, but not limited to glass, metals, plastics, paper and green waste.
- 1.26** The term “Recycling” means the process of collecting, sorting, cleansing, treating, and/or reconstituting of materials that would otherwise become refuse.
- 1.27** The term “Recycling Service” means services and facilities for the collection and recycling of those discarded materials determined by the District to be recyclable materials.
- 1.28** The term “Refuse” means those discarded materials which, for the purpose of disposal, have been placed in a receptacle which is regularly emptied for disposal; however, refuse shall not include discarded materials required pursuant to the provisions hereto to be separated, set aside, handled, packaged or offered for collection separately from other discarded materials for the purpose of recycling or for beneficial reuse.

- 1.29** The term “Refuse Collection Service” means services and facilities for the collection and disposal of refuse.
- 1.30** The term “Renovation” means any change, addition or modification in an existing structure or improvement.
- 1.31** The term “Residential Dwelling” means a residence, flat, apartment, mobile home or other facility used, or capable of being used, for housing one or more persons.
- 1.32** The term “Reuse” means further or repeated use of Construction or Demolition Debris in the same or different form.
- 1.33** The term “Salvage” means the controlled removal of C&D Debris from a permitted building or demolition site for the purposes of Recycling, Reuse, or storage for later Recycling or Reuse.
- 1.34** The term “Source Separated” means recyclable materials that have been segregated from refuse, by or for the generator, on the premises where they were generated.
- 1.35** The term “Targeted Materials” means the C&D Debris listed pursuant to Section 4.4-5 of this Ordinance.

#### **4.5 Diversion of Construction and Demolition Debris**

This Section is adopted in order to supplement the provisions of the California Integrated Waste Management Act of 1989, which requires that each local jurisdiction in the State divert 50% of discarded materials from landfills by December 31, 2000, and aid in compliance with the Alameda County Waste Reduction and Recycling Act of 1990 (Measure D). The intent of this Section is to divert building materials from landfills, thereby conserving natural resources. To that end, projects that are subject to the requirements of this Section shall achieve the District’s Diversion Attainment as defined herein. This section shall only apply to those areas of the District within jurisdictions that do not have a Construction and Demolition Diversion requirement.

##### **4.5-1 Covered Projects**

The provisions of this Section shall apply to all Covered Projects within the District involving Construction, Demolition, or renovation that have a Project valuation in excess of \$100,000. For the purposes of this Section, the estimated cost of Covered Projects shall be determined by the Building Official of the jurisdiction issuing building permits.

##### **4.5-2 Non-Covered Projects**

Applicants for Projects that do not meet the valuation threshold requirement set forth in Section 4.5-1 are Non-Covered Projects and shall be encouraged to meet the Diversion Attainment as defined herein.

### **4.5-3 Certification Process and Compliance Audits**

- a. Applicants who have completed two or more Covered Projects within the past 12 months are eligible to apply to the District for Certification under the terms of this sub-section. Such application shall be on a form approved by the District, and may be supplemented by any other statements, documents, or other materials that will assist the District's Authorized Representative in determining the Applicant's past compliance with the requirements of this Section.
- b. Applicants certified under the terms of this sub-section must comply with all the requirements of this Section; however, Certified Applicants may not be required to complete a Debris Recycling Statement on a project-by-project basis. Certified Applicants may, instead, be required to file an Annual Debris Recycling Certification Application at the time of certification, and annually thereafter, at the time such certification is renewed.

## **4.6 Debris Recycling Statements**

### **4.6-1 Submission of Debris Recycling Statement**

- a. Applicants other than Certified Applicants for permits involving Covered Projects shall complete and submit a Debris Recycling Statement (DRS) on a form approved by the District. The District shall provide, as part of the permit application package, a DRS form to the Applicant. The DRS form completed by an Applicant shall include and indicate all of the following:
  - 1) The estimated volume or weight of the C&D Debris, by type of material generated;
  - 2) The estimated volume or weight of materials that can feasibly be Diverted via Reuse or Recycling;
  - 3) The vendor or facility that the Applicant proposes to use to Salvage, collect and/or receive diverted material;
  - 4) The estimated volume or weight of materials that will be deposited in a landfill;
  - 5) Why at least fifty percent (50%) by weight of the remainder of the C&D Debris generated by the Project will not be so diverted;
  - 6) That the Project will generate a negligible amount of C&D debris;
  - 7) The District's Diversion Attainment; and
  - 8) Any other information requested, and deemed necessary for determining compliance with this Section, by the District's Authorized Representative.
- b. For the purposes of this section, the Applicant shall use the standardized Conversion Rates approved by the District and contained in its Debris Recycling Statement form to estimate the volume and weight of materials identified in the DRS.

## **4.6-2 Review of Debris Recycling Statement**

### **a. Approval of Debris Recycling Statement:**

The District's Authorized Representative shall review and notify the Applicant of approval or non-approval of Applicant's DRS within five (5) working days of receipt.

### **b. Non-Approval of Debris Recycling Statement.**

- 1) If the District's Authorized Representative determines that the Applicant has failed to comply with the parameters of the DRS, the District's Authorized Representative shall either return the DRS to the Applicant requesting complete documentation of the reasons that the requirements of this Section cannot be met, or shall return the DRS to the Applicant marked "Denied." If the DRS is returned marked "Denied," it shall be accompanied by a statement of reasons for the denial.
- 2) Pursuant to Section 7.1 of this Ordinance, Applicant may petition the District for a change in determination.
  - a) Emergency Demolition. No DRS is required where an authorized official of the District has made a determination that immediate Demolition is required to protect the public health or safety from imminent peril.

## **4.7 Compliance**

### **4.7-1 Weighing of C&D Debris**

Weight tags shall be required to verify compliance. Applicant shall make every reasonable effort to assure that all C&D Debris Diverted and/or deposited in a landfill are measured and recorded using the most accurate method of measurement available. To the extent possible, 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 for all C&D Debris for which weighing is not practical due to small size or other considerations. Volumetric measurements shall be converted to weight by using the District's approved Conversion Rates as outline in the District's Debris Recycling Statement.

### **4.7-2 Determination of Compliance**

- a. Certified Applicants. Certified Applicants must demonstrate compliance with the requirements of this Section in connection with their initial application for certification, and thereafter in connection with their annual renewal of re-certification. Compliance will be determined based on information contained in the Annual Debris Recycling Certification Application, through audits of weight tags and recycling and/or disposal facility receipts, and other business records as necessary. Certified Applicants are required to keep such recycling and disposal records for a period of three years from the date of issuance of building permit. The

District's Authorized Representative may conduct audits as needed, in addition to the annual audit in connection with re-certification, to assure compliance with this Section.

- b. Non-Certified Applicants. Upon completion of any Covered Project, an Applicant, other than a Certified Applicant, shall submit weight tags generated by such Covered Project to the District's Authorized Representative. The District's Authorized Representative shall review such weight tags to determine whether the Applicant has achieved Diversion Attainment. Such determination shall be based upon the requirements of this Section and the following guidelines.

The Applicant shall be found to have achieved Diversion Attainment if:

- 1) 100% of the asphalt, concrete, and similar material generated by the Project has been diverted, and appropriate documentation thereof as required by this Section has been provided to the District;
- 2) At least 50%, by weight, of the remainder of the C&D Debris generated by the Project has been diverted, and appropriate documentation thereof as required by this Section has been provided to the District.

#### **4.7-3 Right to Monitor and Inspect**

- a. During regular business hours and upon reasonable notice of not less than three working days, the District's Authorized Representative may inspect any covered project to determine levels of actual diversion activities, and to validate the information contained in the DRS or in other documents or representations provided by the Applicant.
- b. Notwithstanding the above, the District's Authorized Representative may inspect any covered project with less than 24 hours notice with the consent of the Applicant or any other person on the project site responsible for the project in the absence of the Applicant.
- c. Upon request by the District, Applicant shall provide as soon as practicable and no later than five working days, documentation, papers, and records relating to the disposal of C&D Debris for a covered project.

#### **4.7-4 Supporting Documentation**

Applicants shall retain receipts and weight tags for the quantities of materials reused, salvaged, recycled, and deposited in a landfill in connection with a Covered Project for a period of three years following the final inspection and issuance of a temporary or final Certificate of Occupancy. Applicant shall make such records available to the District as soon as practicable upon request.

#### **4.7-5 Targeted Materials**

In furtherance of the goals established by this Section, the General Manager, or his/her Authorized Representative, shall establish a list of materials that could potentially be reused, recycled, or salvaged, and may, from time to time, amend the list based upon



local markets and conditions, taking into consideration the economic feasibility of compliance, and the availability of local recycling facilities as listed on the District's Debris Recycling Statement

#### **4.8 Non-Compliance**

- a. When the Applicant *has not* achieved diversion attainment for a Covered Project, the District's Authorized Representative shall determine if the Applicant has made a "good faith" effort to comply with the requirements of this section.
- b. Applicant shall be in a "Non-Attainment" status if it is determined that:
  - 1) 100% of the asphalt, concrete, and similar material generated by the Project was not diverted;
  - 2) 50% of the remainder of the C&D Debris was not diverted;
  - 3) The Applicant fails to submit the documentation required by this Section; and,
  - 4) A "good faith" effort was not made.

Failure to comply with any part of this section of the Ordinance may result in fines and penalties as outlined in Section 7.3 of this Ordinance, and/or revocation of Applicant's sewer permit or right to discharge.