


0220-04529-0000

**TRANSMITTAL**

TO The Council	DATE DEC 16 2009	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT	

**Ordinance Revision for Implementation of a Citywide Construction and Demolition Debris Recycling Program**

Transmitted for your consideration.  
See the attached City Administrative Officer report.

  
MAYOR

RPC:ER:06100043t

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: November 17, 2009

CAO File No. 0220-04529-0000

Council File No. New

Council District: All

To: The Mayor

From: Miguel A. Santana, City Administrative Officer *DAH*

Reference: Board of Public Works report dated September 9, 2009; additional information received from Bureau of Sanitation through October 28, 2009

Subject: **ORDINANCE REVISION FOR IMPLEMENTATION OF A CITYWIDE  
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM**

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### SUMMARY

The Board of Public Works, on behalf of the Bureau of Sanitation (BOS), requests approval of a revision to the AB 939 Compliance Fee Ordinance Number 174706 for implementation of a Citywide Construction and Demolition (C&D) Debris Recycling program. The ordinance will require all mixed C&D debris generated within City of Los Angeles limits to be delivered to certified processing facilities where loads are sorted for recyclable materials that can be sent out to recyclers and end users, as opposed to merely landfilling the entire content. This is a significant strategy in achieving City and State diversion goals and mandates.

The ordinance would apply to waste haulers, contractors and other businesses requiring a private waste hauler permit involved in any construction, rehabilitation, remodeling, demolition and deconstruction project in the City. Mixed C&D debris includes lumber, drywall, concrete, plastic pipe, metals and other materials that can be reused or processed for recycling.

The ordinance elevates the City's current C&D policy requirements for Public Works projects and voluntary participation by private haulers, to a mandatory level for all construction activity in the City. Many cities and counties throughout the nation have ordinances and policies for C&D diversion in place, including over 30 municipalities in Los Angeles County. The new C&D recycling requirements will be consolidated into the existing ordinance for the Private Hauler Permit Program. Major components of the ordinance revision are as follows:

- Establishes that all haulers transporting mixed C&D debris require a private waste hauler permit from the City and must deliver mixed C&D material to a City certified processing facility.
- Exceptions for mandated C&D diversion will include haulers of source separated material destined for recycling facilities and homeowners hauling their own materials.
- Establishes minimum documentation requirements for all C&D debris waste hauling activity.

- Compliance requirements will be incorporated in the Building and Safety permit application process and monitored and enforced by Bureau staff through field investigations and audits. Both departments will also incorporate necessary changes to their operational programs.
- Establish penalties and pursuit of other administrative measures for non-compliance.
- No additional staffing resources are anticipated at this time.

The Bureau also requests approval to fill a vacancy within its C&D staffing, which is excluded from the recommendations of this report inasmuch as this must be considered through the current managed hiring process.

## **RECOMMENDATIONS**

That the Council:

1. Request the City Attorney to prepare and present a final ordinance revision for a Citywide Construction and Demolition (C&D) Debris Recycling program that will require all mixed C&D materials generated within City of Los Angeles limits to be taken to City certified mixed construction and demolition debris processing facilities;
2. Authorize the Bureau of Sanitation (Bureau) to implement the ordinance requirements for C&D recycling, including, but not limited to, changes to existing related programs, phase out of the existing AB 939 compliance fee rebate for mixed C&D, preparation and execution of all internal procedures and policies, development of enforcement procedures including the assessment of non-compliance administrative penalties; conduct appropriate education and outreach to the private hauler community; and instruct the Bureau to report back on any such changes requiring further Mayor or Council approval;
3. Authorize the Department of Building and Safety to modify its building permit system, building code and/or any departmental policies necessary to facilitate the implementation of the ordinance, and to bill the Bureau of Sanitation for pertinent implementation costs from the Citywide Recycling Trust Fund; and instruct the Department to report back on any such changes requiring further Mayor or Council approval; and,
4. Instruct the Bureau of Sanitation to provide a status on implementation and progress of the C&D program within six months following the effective date of the ordinance, including any recommendations on refining citywide C&D recycling requirements.

## **FISCAL IMPACT**

There is no General Fund impact. Approval of an ordinance revision to implement a citywide Construction & Demolition (C&D) Debris Recycling program enhances recycling and reuse efforts to protect the environment and help meet City and State minimum landfill diversion requirements. The recommendations comply with City Financial Policies in that the full cost of C&D program implementation is funded through the Citywide Recycling Trust Fund, a fee supported special fund.

## **FINDINGS**

### **1. Basis for Report**

The Board of Public Works on behalf of the Bureau of Sanitation issued a report on September 9, 2009 for approval of an ordinance revision implementing a Citywide Construction and Demolition Debris Recycling Program.

### **2. Background**

The City's AB 939 Compliance Fee Ordinance Number 174706, also known as the Permitted Private Solid Waste Hauler (Private Hauler Permit) Program, requires private waste haulers and recyclers to register and obtain permits from the City for the collection, hauling and disposal of solid waste in the City, including payment of an AB 939 Compliance Fee that is calculated at 10 percent of a hauler's gross receipts. Through the proposed revision to expand requirements for C&D mixed debris, the City seeks to reduce, reuse and recycle non-hazardous materials that remain after a construction, renovation, demolition or deconstruction project, enabling within this process the proper documentation and enforcement requirements. This is a significant strategy in achieving the City's 70 percent landfill waste diversion goal by 2015 and in complying with State diversion mandates for conserving resources and preserving the environment. It is also instrumental in furthering sustainable and green building construction practices in the City.

Common C&D materials with recycling value include lumber, glass, metals, plastic, drywall, masonry (bricks, tile and concrete), asphalt, carpet, roofing shingles, and associated packaging. When these items are aggregated and transported from a job site to a designated facility where they are processed and sorted, the recyclable materials are sent out to recyclers and end users, and the remainder is disposed of in a landfill or other appropriate process.

The State has estimated that C&D debris accounts for over 20 percent of the waste stream to landfills. Many of California's cities and counties have turned to C&D recycling to meet and maintain the California Integrated Waste Management Act of 1989 (AB 939) mandate in effect for a 50-percent recycling rate for all solid waste. Cities that fail to meet that standard could face fines of up to \$10,000 per day. California Senate Bill 1374, signed into law in 2002, directed the California Integrated Waste Management Board (CIWMB) to provide information to jurisdictions and contractors on guidance and procedures for C&D diversion implementation, including development of a model C&D diversion ordinance for voluntary use by California jurisdictions. Several jurisdictions have C&D ordinances and policies in place, inclusive of the County of Los Angeles and approximately 30 cities within the county. Similar requirements and practices are in place nationally as well.

### **3. Current City of Los Angeles C&D Diversion Efforts**

The City of Los Angeles currently has a mandatory C&D recycling requirement for Public Works construction projects only, the Construction and Demolition Waste Management (CDWM) Policy. Citywide diversion efforts are otherwise voluntary and are promoted through technical assistance and dissemination of educational materials by the Bureau to contractors,

businesses and residences.

These efforts are enhanced through the City's implementation of a Certified Processor Program and a Private Hauler Rebate Program. The Certified Processor Program enlists processing facilities that are capable of handling and recycling mixed C&D debris. There are currently nine certified vendors operating in the City which are collectively achieving a diversion rate of 71 percent. The Private Hauler Rebate Program encourages the diversion of C&D debris by rebating waste haulers a portion (up to \$10 per ton) of their AB 939 Compliance fees paid to the City for material that is delivered to certified processing facilities instead of landfills.

Through the existing efforts of a CDWM policy, Certified Processor and Private Hauler Rebate programs, and public outreach, the City has achieved significant success in diverting C&D refuse to certified processing facilities. Of the City's estimated annual waste stream of 3.1 million tons (excluding green material), approximately 281,870 tons (nine percent) consist of C&D refuse that is recycled under the current CDWM policy. By mandating C&D recycling to all construction activity in the City, the recycled tonnage is expected to increase to 464,340 tons, or 15 percent of the citywide waste stream. This would be a significant boost to the City's diversion goals.

#### **4. Citywide Construction and Demolition (C&D) Debris Ordinance**

The proposed C&D program framework is the result of stakeholder outreach and the City's Green Building priorities. The Bureau referenced CIWMB C&D policies for guidance and surveyed C&D ordinances and programs implemented by other jurisdictions in the State in crafting a program for the City. The new C&D recycling requirements will be consolidated into the existing ordinance for the Private Hauler Permit Program. The Private Hauler Permit Program includes the framework to regulate the new C&D recycling requirements, including a waste hauler permitting system and fee structure, data collection and tracking from haulers and certified processors, and enforcement procedures.

##### Ordinance Coverage

All private entities that are in the business of collecting, removing, and transporting solid waste produced within City limits must have a waste hauler permit and will be required to take all mixed C&D debris to certified processing facilities. This will also apply to self haulers and other businesses that include mixed C&D debris as an incidental part of their operations, such as landscapers, gardeners and cleaning firms, regardless of tonnage (self haulers under 1,000 tons per year and otherwise not handling mixed C&D debris are exempt from private hauler permitting requirements). Residents/homeowners who are performing work at their own residences and self hauling C&D debris will be exempt. However, if permits are required for the work, the responsible contractor must comply.

By making C&D diversion a requirement for private haulers in contrast to the current voluntary structure that is incentivized with rebates, there will be no basis for continuing the Private Hauler Rebate Program. This program will be phased out.

### Certified Processor Program

The Certified Processor Program is available to processors that are permitted to handle solid waste or construction and demolition debris through the CIWMB and other State or federal approval requirements. The City issues a certification following an application process that assesses vendors' provisions for documentation of incoming and outgoing loads, certified scales and facilities and equipment for separation of material types, and requirements for minimum diversion levels and associated reporting. The Bureau anticipates that approval of a mandatory citywide C&D recycling program will increase the number of certified processors in the City from the current nine locations. Also, City certified processors will be required to incrementally increase and maintain recycling rates of 50 percent effective the first year of ordinance implementation, 60 percent the second year and at least 70 percent by the third year, consistent with the City's goal of 70 percent diversion by 2015.

Unlike recycling centers which generally pay for materials received from haulers, certified processing centers charge tipping fees due to the substantial labor involved in sorting and processing mixed C&D loads, the relatively low value of materials received, and accountability to established diversion rates. According to the Bureau, while the fees for certified processors are generally higher than landfill fees, they are comparable to transfer station fees. It is anticipated that imposing C&D requirements citywide will encourage more source separating at job sites where materials can be diverted directly to recycling facilities.

C&D loads can only be handled through alternate means if the material is rejected by at least two certified processors for reasons of contamination or otherwise. Rejection slips and alternate disposal weight tickets must be retained by haulers for compliance monitoring purposes.

### Compliance and Enforcement

Compliance with the ordinance will be facilitated through the City's permit authority for construction activity and waste hauling, both of which are enforced through field investigations and audits. The Bureau has dedicated staffing for its C&D responsibilities (see Staffing section), which involve maintenance of detailed records on haulers and waste information to include, at minimum, hauler permit verification, project location, quantity of mixed debris and separated materials, and destinations for each load of material, as supported through invoices, weight tickets and other documentation. All permitted haulers must complete an annual Solid Waste Hauler Reporting form for their waste activity and maintain supporting documentation for at least three years.

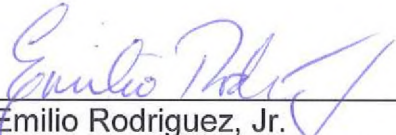
Additionally, contractors and haulers must include pertinent information for their anticipated loads in Department of Building and Safety (DBS) Building Permit applications, including the location of certified processing facilities to be used for projects. The Bureau is working with DBS to devise procedures that conform to its permitting process given the large volume of permits that are issued annually. Per the Bureau, the workload to DBS will involve permit application revisions and potential building code updates but not much by way of recurring workload. The Bureau expects that of the nearly 40,000 Building Permits issued annually by DBS, approximately 13,500 permits will involve C&D waste. The Bureau's compliance

process will require cross reference of data from DBS permits, records of certified processing facilities, and the Bureau's waste hauler permits. The Bureau will rely on this info when conducting site visits and performing audits.

Non-compliance will be enforced through notices of violation with incrementally stepped penalties for repeated violations. Each load of mixed C&D debris not taken to a certified processing facility, as determined through audit and field investigations, will be subject to the following administrative penalties: \$1,000 for the first violation; \$2,000 for a subsequent violation occurring within six months; and \$5,000 for every violation thereafter. Failure to comply can also result in revocation of permits, collection proceedings and other remedies available to the City.

### Staffing

The C&D Program is currently staffed with four positions authorized under Council resolution, including a Senior Management Analyst I, Environmental Engineering Associate II (EEA II), Auditor and Clerk Typist. The EEA II is currently vacant and efforts to fill are subject to the current managed hiring process. This position will work with DBS to review, identify and determine all permits issued that require disposal and recycling of C&D waste and to conduct field investigations for C&D contractor and waste hauler compliance. Given the volume of permits expected to involve C&D waste and field requirements for monitoring and enforcement, we recommend that the Bureau report in six months following implementation of the ordinance on status of its monitoring and compliance efforts. Funding for program operations is provided by the Citywide Recycling Trust Fund.

  
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Emilio Rodriguez, Jr.  
Senior Administrative Analyst II

# CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

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September 9, 2009

#1 SAN

2009 OCT -1 PM 3:32  
CITY ADMINISTRATIVE OFFICER

Mayor Antonio R. Villaraigosa  
Room No. 305  
City Hall  
Attn: Pamela Finley

Subject: CITYWIDE CONSTRUCTION AND DEMOLITION (C&D) DEBRIS  
RECYCLING ORDINANCE

As recommended in the accompanying report of the Director of the Bureau of Sanitation, which this Board has adopted, the Board of Public Works requests approval and forwarding to the City Council with the recommendation that the City Attorney be requested to prepare a final ordinance for a Citywide Construction and Demolition (C&D) Debris Recycling program that will require all mixed C&D debris generated within the City limits be taken to City certified mixed construction and demolition debris processing facilities.

The Bureau is also requesting a hiring freeze exemption for one position of Environmental Engineering Associate II to manage this recycling program.

### Fiscal Impact Statement

In 2002, the City Council adopted an ordinance establishing a Private Waste Hauler Permit and AB939 fee program and the Citywide Recycle Trust Fund (CRTF) to fund commercial sector recycling programs. The full cost of this program will be funded through the CRTF. Council approval of this report and policy will have no fiscal impact on the General Fund.

Respectfully submitted,

James A. Gibson, Executive Officer  
Board of Public Works

JAG:dpc





DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION  
BOARD REPORT NO. 1  
September 9, 2009

ADOPTED BY THE BOARD  
PUBLIC WORKS OF THE CITY  
of Los Angeles California  
AND REFERRED TO THE MAYOR  
SEP - 9 2009

  
Secretary

CD: ALL

**CITYWIDE CONSTRUCTION AND DEMOLITION (C&D) DEBRIS RECYCLING  
ORDINANCE**

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**RECOMMENDATION**

1. Approve and forward this report with transmittals to the Mayor and City Council requesting that the City Attorney present a final ordinance of a Citywide Construction and Demolition Debris (C&D) Recycling that will require all mixed C&D debris generated within City limits be taken to City certified mixed construction and demolition debris processing facilities.
2. Request that the City Attorney prepare and present a final ordinance for the Citywide Construction and Demolition Debris (CSD) Recycling.
3. Authorize the Bureau of Sanitation to implement the C&D Debris Recycling Ordinance, including, but not limited to, changes to existing related programs, modification to existing rebate structure, the preparation and execution of all internal procedures and policies, and development of enforcement procedures including the assessment of non-compliance administrative penalties.
4. Hiring freeze exemption for one vacant C&D Debris Recycling Program position, an Environmental Engineering Associate II (Class Code 7871-2).

**TRANSMITTALS**

1. City Certified Processor List, dated October 21, 2008.
2. Table depicting current C&D Debris Recycling Program diversion rates.
3. Copies of Stakeholder Meeting notices for Proposed C&D Debris Recycling Program for meetings held on October 31, 2007, July 30, 2008, August 19, 2008 and August 25, 2008.
4. Copy of Green Building Team's September 3, 2008 Public Meeting Agenda wherein SRCRD provided a C&D Debris Recycling Program development status.
5. Drafted and Amended AB 939 Compliance Fee Ordinance, Number 174706, adding C&D Debris Recycling Ordinance language to Sections 66.32 through 66.32.8 of the L.A.M.C. (subject to City Attorney opinion and approval) requiring that all mixed C&D debris generated within City limits be taken to City certified mixed construction and demolition debris processing facilities.

### **DISCUSSION**

The City of Los Angeles (City) is striving for a waste diversion goal of 70% by the year 2015. The Bureau of Sanitation's (BOS), Solid Resources Citywide Recycling Division (SRCRD) continuously develops and implements effective source reduction, recycling and re-use programs and policies to meet this goal. One such effort is the development and implementation of a Citywide Construction and Demolition (C&D) Debris Recycling Ordinance. Moreover, the proposed C&D Debris Recycling Ordinance is in concert with the Mayor's Green Building Program (approved on April 22, 2008), as one of the major components of sustainable building is the diversion of private sector construction and demolition materials.

C&D debris is composed of a variable mix of materials produced by construction, demolition or remodeling operations and can include such items as concrete, asphalt, bricks, metals, wood, ceramic tiles, carpet, and gypsum/wallboard. Much of the C&D debris produced can be diverted to reuse or recycling markets thus reducing the use of precious landfill space, which makes economic sense as many of the materials have a high reuse and recycling value. SRCRD promotes diverting C&D waste from landfills since C&D debris is a major waste stream and highly recyclable.

SRCRD began promoting the diversion of C&D debris from landfills by implementing various voluntary programs such as: providing technical assistance to City Departments, private sector businesses, multi-family complexes, and the community; fostering public/private recycling partnerships; helping promote new markets for recyclable materials; and disseminating as much information as possible regarding facilities that recycle C&D material via a free guide entitled "Construction & Demolition Debris Recycling Guide".

Additionally, in collaboration with the Bureaus of Contract Administration (ConAd) and Engineering (BOE), a voluntary Solid Resource Management (SRM) Specification was developed for addition to Public Works' construction contracts in order for contractors to divert C&D debris to the greatest extent possible. The SRM contained guidelines and information on reducing the amount of waste landfilled from construction projects, required that a waste management plan be completed before construction begins, and required documenting the waste produced at a construction site and its destination.

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While the above voluntary programs are effective in raising C&D debris recycling awareness, the C&D Debris Recycling Program was further enhanced and expanded to increase effectiveness (including the ability to track and quantify achieved diversion) by implementing a Certified Processor Program, Private Hauler Rebate Program and Construction & Demolition Waste Management (CDWM) Policy.

Certified Processor Program:

Under the Certified Processor Program, each of the participating processing facilities recycles a different percentage of its incoming waste stream and is given a site specific diversion rate based on the effectiveness of their recycling. There are currently nine Certified Processors capable of handling C&D debris (TRANSMITTAL 1). SRCRD publishes this information to the public to encourage use by the private sector, but the program is primarily used in conjunction with the Hauler Rebate Program.

Private Hauler Rebate Program:

The Private Hauler Rebate Program encourages private solid waste haulers that are a part of the Permitted Private Solid Waste Hauler Program to use material recovery facilities and C&D processing facilities. The Permitted Private Solid Waste Hauler Program was established in 2002 and requires private solid waste haulers to obtain permits, submit annual tonnage/waste reports and pay associated AB939 Compliance Fees of 10% of their gross receipts charged to customers for waste collection. The goal of the Hauler Rebate Program is to promote the use of processing facilities by rebating a portion of the fees paid by private solid waste haulers for material that is shown to be recycled. For every ton of material recycled at a City Certified Processing Facility, a permitted private solid waste hauler can earn a rebate to be used towards future AB939 Compliance Fees—this includes earning rebates for mixed C&D debris they take to City Certified Processors. As such, this promotes and increases the recycling of C&D debris as haulers can receive a credit of \$10 for every ton of C&D material recycled at a City Certified Processor. The Hauler Rebate Program has been successful as a financial incentive for haulers to use recycling and processing facilities instead of landfills and transfer stations. To date 2,631,505 tons of C&D waste material has been taken to certified processors and 1,859,745 tons of that material has been recycled, which is the equivalent of 71% diversion from landfill disposal (TRANSMITTAL 2). As the Certified Processor and Hauler Rebate programs are voluntary in nature, the next step toward a mandated policy took place in the creation of the CDWM specification policy.

Construction & Demolition Waste Management Policy (CDWM):

The CDWM Specification was developed by BOS staff in conjunction with the BOE and ConAd to transform the previously mentioned SRM Specification into a mandatory CDWM Specification for all Public Works Construction Projects.

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In 2005, the CDWM Specification went into effect -- a more stringent version of the former SRM policy as it requires mandatory diversion rates be met. The CDWM Specification establishes and requires mandatory diversion rates of a minimum of 75% for inert debris and 50% for all other C&D debris. Public Works' project contractors are required to submit disposal and diversion reports with all of their requests for progress payments allowing ConAd inspectors to enforce compliance of the specification by monitoring the contractor's diversion efforts. Also, the CDWM Specification provides the City the ability to assess a per ton penalty (\$100 per ton can be assessed) for material not diverted in accordance with the solid waste management plan.

SRCRD's C&D Recycling Debris program implementation experience to date has prepared the division to achieve the ultimate goal of the program, which is transition into a mandated Citywide C&D Debris Recycling Program. As part of this transition, SRCRD researched other cities' C&D Debris Recycling programs. SRCRD also conducted a series of stakeholders' meetings with affected parties and actively participated with the City's Green Building Program to obtain and incorporate information and feedback for inclusion in our program.

Stakeholder Meetings and Green Building Program Input:

Four stakeholders' meetings were conducted targeting Permitted Waste Haulers, Green Building Program focus groups, Green Building Team Public Meeting attendees, and Construction and Demolition Contractors (TRANSMITTAL 3). The mailing list for these groups was approximately 415 invitees, including the executive officers of major association groups such as the Los Angeles Chapter of the Building Industry Association and the Southern California Contractors Association, each comprised of many members.

Additionally, active participation in the City's Green Building Program has allowed SRCRD further outreach capabilities. The goal of the Green Building Program ordinance is to promote green building practices in the private sector via the creation of a series of requirements and incentives for developers to meet the US Green Building Council's Leadership in Energy and Design (LEED) standards, and a major component of green building practices is construction waste management. As a Green Building Team member, SRCRD is involved in cross-departmental internal meetings and represents the Bureau at monthly Green Team public meetings. SRCRD's active participation as a member of the Green Building Team allows for the dissemination of C&D updates and information exchange regarding the proposed C&D Debris Recycling Ordinance.

SRCRD has already utilized the Green Team Public meeting forum to invite attendees to stakeholders' meetings and to provide status on the program development (TRANSMITTAL 4). SRCRD has also disseminated information regarding the proposed program at various C&D and environmental themed seminars, trainings and forums.

Structure of Proposed C&D Debris Recycling Ordinance:

Using the information obtained from the various stakeholders and research of other cities, C&D Debris Recycling Ordinance requirements have been developed in order to mandate that all mixed C&D debris generated within City limits be taken to City certified mixed construction and demolition debris processing facilities.

The C&D Debris Recycling Ordinance requirements include allowing the City to perform compliance audits and field investigations to ensure compliance with the program. Failure to abide by the ordinance will lead to enforcement measures that will include assessment of administrative penalties for mixed C&D debris taken to landfills or transfer stations.

The C&D Debris Recycling Ordinance requirements have been integrated into the AB939 Compliance Fee Ordinance, Number 174706 (Permitted Private Solid Waste Hauler Program), under Sections 66.32 through 66.32.8 of the L.A.M.C. (TRANSMITTAL 5). Integrating the C&D Debris Recycling Ordinance requirements into this existing code increases the effectiveness of the new mandate since the Permitted Private Solid Waste Hauler Program already has the necessary components to regulate the new C&D debris recycling mandate, such as a permitting system, data collection from haulers and certified processors, data tracking system and enforcement procedures.

A notable change resulting from incorporating the C&D Debris Recycling Ordinance requirements into the existing AB939 Compliance Fee Ordinance is that all contractors and self haulers, regardless of their annual tonnage, that haul their own C&D waste, will need to obtain a private solid waste hauler permit (will no longer be exempt from permitting requirements if they handle less than 1,000 tons of C&D waste annually). Permitting under this scenario will strengthen the City's enforcement capabilities by allowing enforcement/regulation under both the existing hauler ordinance for operating without a permit and under the new C&D debris recycling mandate for not properly handling C&D waste.

The proposed structure of the C&D Debris Recycling Ordinance includes the following major components:

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- All haulers, construction and demolition contractors will be required to take all mixed C&D debris produced within City limits to City certified mixed construction and demolition debris processing facilities. There will be no minimum annual tonnage or job size.
- All contractors and self haulers, regardless of their annual tonnage, that haul their own C&D waste, will need to obtain a private solid waste hauler permit prior to handling mixed C&D debris in the City.
- Source separated material will be exempt from this policy; however, haulers/contractors must retain records.
- Home owners hauling material from their personal residence in their own personal vehicle will be exempt from this policy.
- Notification of the C&D Debris Recycling Ordinance will be via the Building & Safety building permit process. Every application for a building permit must identify a waste hauler that has been permitted as part of the City's Permitted Private Solid Waste Hauler Program. The Permitted Private Solid Waste Hauler bears responsibility for the handling of C&D Debris. Contractors and self haulers handling their own C&D waste assume the responsibility of ensuring the C&D debris is taken to a City Certified Processor and must attest to obtaining a private solid waste hauler permit and identify the Certified Processor they will be using in their building permit application.
- The Certified Processor Program will be adjusted to require incremental increase in recycling rates over a three year period. Certified Processors will need to maintain the following minimum recycling rates: Year One – 50%; Year Two - 60%; and Year Three and beyond - 70%. City Certified Processors will also be required to keep detailed records that include tonnage, hauler name, city of origin, material type, and delivery date and time.
- The Hauler Rebate Program for C&D debris will be adjusted by phasing out the issuance of rebates for C&D debris. Since this is a Citywide mandate, there is no longer a need to offer an incentive to recycle mixed C&D debris, however, due to haulers and contractors' concerns that immediate removal of the rebate will be unduly financially burdensome on their businesses, the following phase out plan of the \$10 per ton rebate is recommended: Year One – Decrease to \$5 Per Ton and Year Two – Decrease to \$0 Per Ton.

- The ordinance will provide for enforcement and will allow the City to perform compliance audits and field investigations. Failing to abide by the ordinance will lead to enforcement measures which will include assessment of administrative penalties for each load of mixed C&D debris not taken to a City certified processing facility. Administrative penalties will be imposed as follows: \$1,000.00 for the 1<sup>st</sup> violation, \$2,000 for the 2<sup>nd</sup> violation which occurs within 6 calendar months of a 1<sup>st</sup> violation, and \$5,000 for the 3<sup>rd</sup> violation which occurs within 6 calendar months of a 2<sup>nd</sup> violation and \$5,000 for each subsequent violation thereafter, regardless of when it occurs. The enforcement method to assess administrative penalties will take into account the extremely large volume of permits issued by the Department of Building and Safety in the City every year and will be designed to minimize the impact on their permit approval process. The Bureau of Sanitation is working closely with the Department of Building and Safety to set up a program that fits into their permitting process while allowing for adequate enforcement of the program recycling requirements. Additionally, handling C&D waste without a solid waste hauler permit granted by the Bureau of Sanitation will be a violation subject to enforcement and solid waste hauler permittee's non-compliance with the C&D debris recycling requirements will lead to solid waste hauler permit suspension.

Bureau Authorization and Exemption Requests:

Lending well to the implementation of the ordinance will be Bureau authorization to implement all aspects of the C&D Debris Recycling Ordinance, including, but not limited to, changes to related programs, the preparation and execution of all internal procedures and policies, and the development of enforcement procedures, including the assessment of non-compliance administrative penalties.

Staffing has been approved to provide operational management for this program: SRCRD received the following resolution authority positions to implement and support the program: (1) Senior Management Analyst I, (1) Environmental Engineering Associate II, (1) Auditor II, and (1) Clerk Typist. These resolution authorities have been continued as part of the fiscal year 2009-10 budget process. As the C&D Debris Recycling Program develops and grows, the Bureau will assess the need for additional staff.

Currently one of the C&D Debris Recycling Program positions, an Environmental Engineering Associate II, is vacant and frozen under the City's hiring freeze. The duties of this position includes, but is not limited to, serving as the liaison to and working in conjunction with the Department of Building and Safety to review, identify, and determine all building permits issued requiring the disposal and recycling of C&D debris, inspecting and evaluating haulers/contractors to determine compliance with the

ordinance via field audits and investigations, and developing and maintaining a tracking system of haulers/contractors to ensure compliance with the ordinance. As successful implementation and enforcement of this program is dependent upon all program positions being filled, the Bureau is requesting the Environmental Engineering Associate II (Class Code 7871-2) be exempt from the hiring freeze.

Closing:

Approval of this report allows for the final transition of the C&D Debris Recycling Program into a citywide mandate for all construction activities within City limits and is a major component and contributor to meeting the City's overall waste diversion goal of 70% by the year 2015. This new ordinance will serve to promote sustainable green construction practices and the continued participation with various City construction material recycling policies in conjunction with the Departments of Building and Safety and Planning, Offices of the Mayor, City Attorney and Council Districts, the private sector, contractor associations, processor associations and community groups. The new ordinance will also enable the Bureau to continue to participate with, educate, and provide technical assistance to various building trades, contractors, and builder's organizations in order to develop new strategies as part of the overall goal to increase the effectiveness of the C&D Recycling Program Citywide.

**FISCAL IMPACT STATEMENT**

In 2002 the City Council adopted an ordinance establishing a Private Waste Hauler Permit and AB939 fee program and the Citywide Recycle Trust Fund (CRTF) to fund commercial sector recycling programs. The full cost of this program will be funded through the CRTF. Council approval of this report and policy will have no fiscal impact on the General Fund.

Respectfully submitted,

  
\_\_\_\_\_  
ENRIQUE C. ZALDIVAR, Director  
Bureau of Sanitation

Prepared by:  
Carol A. Parker, SRCRD  
(213) 485-3872



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CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

October 21, 2008

TRANSMITTAL 1  
DEPARTMENT OF  
PUBLIC WORKS  
—  
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ASSISTANT DIRECTORS  
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NEIL M. GUGLIELMO  
DIVISION MANAGER

1149 SOUTH BROADWAY STREET, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-2260  
FAX: (213) 485-3671  
EMAIL: SRCRD@LACITY.ORG

Dear Permitted Waste Hauler:

**SUBJECT: UPDATED PROCESSOR RECYCLING RATES**

The following table contains a list of processors currently certified by the City of Los Angeles along with their City certified recycling rates. There have been a few changes to processor names and recycling rates. The rates are effective January 1, 2008 unless otherwise noted.

PROCESSOR	Mixed Solid Waste Recycling Rate	Mixed C&D Debris Recycling Rate
Construction and Demolition Recycling Inc. (formerly IRS Demo.) 9309 Rayo Ave. South Gate, CA 90280 (323) 357-6900	N/A	63.7%
Looney Bins/ East Valley Diversion 11616 Sheldon St. Sun Valley, CA 91352 (818) 768-7197	N/A	82.5%
Community Recycling 11215 Randall St. Sun Valley, CA 91352 (818) 767-6000	10.5% (T-trash only*) Effective July 1, 2008	77.4% Effective July 1, 2008
American Waste Pendleton Facility 11121 Pendleton St. Sun Valley, CA 91352 (818) 768-1492	N/A	75.4% Effective July 1, 2008
Allied Waste Falcon Refuse Center 3031 East "I" St. Wilmington, CA 90744 (626) 255-1883	N/A	38.6%



PROCESSOR	Mixed Solid Waste Recycling Rate	Mixed C&D Debris Recycling Rate
California Waste Services 621 W. 152 <sup>nd</sup> St. Los Angeles, CA 90247 (310) 538-5998	N/A	63.3%
Madison Materials 1035 E. 4 <sup>th</sup> St. Santa Ana, CA 92701 (714) 664-0159	N/A	48.2% Effective July 1, 2008
Downtown Diversion 2424 E. Olympic Blvd. Bldg. 3 Los Angeles, Ca. 90012 (661) 810-0415	N/A	79.8%
City Terrace Recycling 1525 Fishburn Ave. Los Angeles, Ca. 90063 (323) 780-7150	6.5%	N/A
Athens Services 14048 E. Valley Blvd. La Puente Ca. 91745 (626) 336-3636	20.6% Effective July 1, 2008	N/A
Direct Disposal 3720 Noakes St. Los Angeles, Ca. 90023 (323) 262-1604	N/A	61.6%

\*Community Recycling weight tickets must indicate material type of "T-trash" or material to be run through the sorting trommel.

Rebate requests must be submitted within 30 days after the end of the quarter for which the rebate is being requested. The total rebate cannot exceed the amount of fees paid by the waste haulers. Waste haulers requesting a rebate must be current on all payments during the quarter for which the rebate is being requested. If a hauler is past due for a quarter, the tonnages collected for that quarter are not eligible for rebate.

If you have any questions, please contact either Benjamin S. Novida at (213) 485-3866 or April G. Mancha at (213) 485-3843. Thank you.

Sincerely,



Neil M. Guglielmo, Division Manager  
Solid Resources Citywide Recycling Division

NMG:DKM:cap

cc: Daniel K. Meyers  
April G. Mancha  
Benjamin S. Novida  
Carol A. Parker

	Quarterly Totals		Yearly Totals	
	Tons taken to certified processors	Tons recycled	Tons taken to certified processors	Tons recycled
2 <sup>nd</sup> quarter 2003	8,876	6,615		
3 <sup>rd</sup> quarter 2003	28,104	20,935		
4 <sup>th</sup> quarter 2003	46,762	33,608	83,742	61,158
1 <sup>st</sup> quarter 2004	67,359	47,126		
2 <sup>nd</sup> quarter 2004	85,397	60,006		
3 <sup>rd</sup> quarter 2004	114,536	82,846		
4 <sup>th</sup> quarter 2004	120,835	84,094	388,127	274,072
1 <sup>st</sup> quarter 2005	180,466	117,704		
2 <sup>nd</sup> quarter 2005	244,788	157,572		
3 <sup>rd</sup> quarter 2005	226,251	147,312		
4 <sup>th</sup> quarter 2005	189,832	137,950	841,338	560,538
1 <sup>st</sup> quarter 2006	155,531	111,738		
2 <sup>nd</sup> quarter 2006	197,037	139,981		
3 <sup>rd</sup> quarter 2006	162,778	118,689		
4 <sup>th</sup> quarter 2006	145,293	104,879	660,639	475,287
1 <sup>st</sup> quarter 2007	127,270	91,021		
2 <sup>nd</sup> quarter 2007	154,055	115,866		
3 <sup>rd</sup> quarter 2007	192,609	144,996		
4 <sup>th</sup> quarter 2007	183,726	136,807	657,660	488,690
Program Total		<b>71%</b>	<b>2,631,505</b>	<b>1,859,745</b>

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

October 10, 2007

TRANSMITTAL 3

DEPARTMENT OF  
PUBLIC WORKS

BUREAU OF SANITATION

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DIRECTOR

ENRIQUE C. ZALDIVAR  
EXECUTIVE OFFICER

VAROUJ S. ABKIAN  
TRACI J. MINAMIDE  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
DIVISION MANAGER

1149 South Broadway Street, 10<sup>th</sup> Floor  
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Telephone (213) 485-2290  
Facsimile (213) 485-3671  
E-mail [stcrd@san.lacity.org](mailto:stcrd@san.lacity.org)  
Website [www.lacitysan.org](http://www.lacitysan.org)

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PRESIDENT PRO TEMPORE  
—  
ERNESTO CÁRDENAS  
—  
JULIE B. GUTMAN

Dear Permitted Waste Hauler,

**SUBJECT: Stakeholders Meeting For Proposed Construction and Demolition Debris Recycling Program**

The City of Los Angeles has a goal of reaching a citywide waste diversion rate of 70% by the year 2015. In order to reach that goal, many materials that have been traditionally been disposed of in landfills will have to be diverted from the landfills and the diversion will have to be documented. Construction and demolition (C&D) debris is one such material.

The City is currently developing a program to divert C&D debris from landfills. The draft program will mandate that all mixed construction and demolition debris be taken to a City Certified C&D debris processor. A series of stakeholders meetings will be held to gain input on the draft program. The first meeting will be held at the Grace E. Simons Lodge on **Wednesday October 31, 2007, at 10:00 a.m.** Grace Simons Lodge is located within Elysian Park at:

1025 Elysian Park Drive  
Los Angeles, CA 90026

If you have any questions, please contact Carol Parker or Daniel Meyers of my staff at (213) 485-3872 or (213) 485-3774, respectively.

Sincerely,

NEIL M. GUGLIELMO, Division Manager  
Solid Resources Citywide Recycling Division

NMG:DKM:cap

cc: Jorge Santiesteban  
Karen Coca  
Dan Meyers  
Joan Huang  
April Mancha  
Carol Parker



CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

July 14, 2008

DEPARTMENT OF  
PUBLIC WORKS  
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DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

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ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
DIVISION MANAGER

1149 SOUTH BROADWAY STREET, 10<sup>TH</sup> FLOOR  
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JULIE B. GUTMAN

Dear Private Solid Waste Hauler,

**SUBJECT: STAKEHOLDERS MEETING FOR PROPOSED CONSTRUCTION AND DEMOLITION (C&D)  
DEBRIS RECYCLING PROGRAM**

The City of Los Angeles (City) has a goal of reaching a citywide waste diversion rate of 70% by the year 2015. In order to reach that goal, many materials that have been traditionally disposed of in landfills will need to be diverted from the landfills and the diversion will need to be documented. Construction and demolition (C&D) debris is one such material.

The City is currently developing a C&D Debris Recycling Program to divert C&D debris from landfills. The program will mandate that all mixed C&D debris be taken to a City certified C&D debris processing facility. A series of stakeholders meetings are being held to gain input on the draft program; the second meeting of this series will be held in the Public Works Building as follows:

Date: Wednesday, July 30, 2008  
Time: 10:00 a. m.  
Location: Public Works Building  
1149 South Broadway  
Los Angeles, CA 90026  
Sub-basement Room 6

Please RSVP by July 25, 2008 to Carol A. Parker either by phone at (213) 485-3872 or email at [carol.parker@lacity.org](mailto:carol.parker@lacity.org) to reserve a seat at this meeting. Validated parking will be available at the south west corner of 12<sup>th</sup> Street and Broadway in the AT&T parking structure.

Sincerely,

Neil M. Guglielmo, Division Manager  
Solid Resources Citywide Recycling Division

NMG:DKM:AGM:cap

cc: Karen A. Coca  
Daniel K. Meyers  
Joan C. Huang  
April G. Mancha  
Carol A. Parker

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# CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

August 4, 2008

DEPARTMENT OF  
PUBLIC WORKS

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
DIVISION MANAGER

1149 SOUTH BROADWAY STREET, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL (213) 485-2260  
FAX (213) 485-3671  
EMAIL: SRCRD@LACITY.ORG

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PRESIDENT PRO TEMPORE

ERNESTO CÁRDENAS

JULIE B. GUTMAN

Dear Interested Parties,

## SUBJECT: STAKEHOLDERS MEETING FOR PROPOSED CONSTRUCTION AND DEMOLITION (C&D) DEBRIS RECYCLING PROGRAM

The City of Los Angeles (City) has a goal of reaching a citywide waste diversion rate of 70% by the year 2015. In order to reach that goal, many materials that have been traditionally disposed of in landfills will need to be diverted from the landfills and the diversion will need to be documented. Construction and demolition (C&D) debris is one such material.

The City is currently developing a C&D Debris Recycling Program to divert C&D debris from landfills. The program will mandate that all mixed C&D debris be taken to a City certified C&D debris processing facility. A series of stakeholders meetings are being held to gain input on the draft program; the third meeting of this series will be held in the Public Works Building as follows:

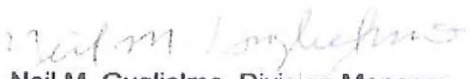
Date: Tuesday, August 19, 2008

Time: 1:00 p.m.

Location: Public Works Building  
1149 South Broadway  
Los Angeles, CA 90015  
Sub-basement Room 7

Please RSVP by August 15, 2008 to Carol A. Parker either by phone at (213) 485-3872 or email at [carol.parker@lacity.org](mailto:carol.parker@lacity.org) to reserve a seat at this meeting. Validated parking will be available at the south west corner of 12<sup>th</sup> Street and Broadway in the AT&T parking structure.

Sincerely,

  
Neil M. Guglielmo, Division Manager  
Solid Resources Citywide Recycling Division

NMG:DKM:AGM:cap

cc: Karen A. Coca  
Daniel K. Meyers  
Joan C. Huang  
Carol A. Parker  
April G. Mancha

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# CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

August 11, 2008

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PUBLIC WORKS

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR

TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

NEIL M. GUGLIELMO  
DIVISION MANAGER

1149 SOUTH BROADWAY STREET, 10<sup>TH</sup> FLOOR  
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PRESIDENT PRO TEMPORE

ERNESTO CÁRDENAS

JULIE B. GUTMAN

To Construction and Demolition Contractors,

## SUBJECT: STAKEHOLDER MEETING FOR PROPOSED CONSTRUCTION AND DEMOLITION (C&D) DEBRIS RECYCLING PROGRAM

The City of Los Angeles (City) has a goal of reaching a citywide waste diversion rate of 70% by the year 2015. In order to reach that goal, many materials that have been traditionally disposed of in landfills will need to be diverted from the landfills and the diversion will need to be documented. Construction and demolition (C&D) debris is one such material.

The City is currently developing a C&D Debris Recycling Program to divert C&D debris from landfills. The program will mandate that all mixed C&D debris be taken to a City certified C&D debris processing facility.

A series of stakeholder meetings are being held to gain input on the draft program; the fourth meeting of this series will be held at the Friendship Auditorium as follows:

Date: Monday, August 25, 2008  
Time: 10:00 a.m.  
Location: Friendship Auditorium  
3201 Riverside Drive  
Los Angeles, CA 90027 (Map Attached)

Please RSVP by August 20, 2008 to Carol A. Parker either by phone at (213) 485-3872 or email at [carol.parker@lacity.org](mailto:carol.parker@lacity.org) to reserve a seat at this meeting. Thank you.

Sincerely,

Neil M. Guglielmo, Division Manager  
Solid Resources Citywide Recycling Division

### ATTACHMENT

NMG:DKM:AGM:cap

cc: Karen A. Coca  
Daniel K. Meyers  
Joan C. Huang  
April G. Mancha  
Carol A. Parker

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## GREEN BUILDING TEAM - CITY OF LOS ANGELES



**AGENDA**  
**September 3, 2008**  
**3:00 – 5:00 pm**

Location: 351A City Hall East, 200 North Main Street, Los Angeles, CA 90012

**Team Members or Designee of:**

Krista Kline ([Krista.Kline@lacity.org](mailto:Krista.Kline@lacity.org)), Mayors Office, Chair  
 Sam Siegel ([Sam.Siegel@lacity.org](mailto:Sam.Siegel@lacity.org)), Council President Eric Garcetti  
 Jill Sourial ([Jill.Sourial@lacity.org](mailto:Jill.Sourial@lacity.org)), Councilman Ed Reyes, Chair Planning & Land Use Management Cmte  
 Jeff Catalano ([Jeff.Catalano@lacity.org](mailto:Jeff.Catalano@lacity.org)), Councilwoman Jan Perry, Chair Energy & Environment Cmte  
 Deborah Kahen ([Deborah.Kahen@lacity.org](mailto:Deborah.Kahen@lacity.org)), Department of City Planning  
 Charles Modica ([Charles.Modica@lacity.org](mailto:Charles.Modica@lacity.org)), Chief Legislative Analyst  
 Osama Younan ([Osama.Younan@lacity.org](mailto:Osama.Younan@lacity.org)), Department of Building and Safety  
 Daniel Meyers ([Daniel.Meyers@lacity.org](mailto:Daniel.Meyers@lacity.org)), Department of Public Works, Bureau of Sanitation  
 Zohra Akhter ([Zohra.Akhter@lacity.org](mailto:Zohra.Akhter@lacity.org)), Department of Public Works, Bureau of Engineering  
 Tom Gackstetter ([Thomas.Gackstetter@ladwp.com](mailto:Thomas.Gackstetter@ladwp.com)), Department of Water and Power  
 Captain Matthew Gatewood ([Matthew.Gatewood@lacity.org](mailto:Matthew.Gatewood@lacity.org)), Los Angeles Fire Department  
 Craig Tranby ([Craig.Tranby@lacity.org](mailto:Craig.Tranby@lacity.org)), EnvironmentLA  
 Craig Arceneaux ([carceneaux@lahd.lacity.org](mailto:carceneaux@lahd.lacity.org)), Los Angeles Housing Department  
 Nicholas Saponara ([nsaponara@era.lacity.org](mailto:nsaponara@era.lacity.org)), Community Redevelopment Agency of Los Angeles

1. Approval of Minutes
2. Report backs
  - A) Innovation and Design credits – Planning update
  - B) Permeable paving - special presentation at October 1<sup>st</sup> meeting
3. Old Business
  - A) Greywater – Building and Safety update
  - B) Water conservation efforts – DWP update
  - C) Purple pipe infrastructure – DWP update
  - D) Construction and demolition waste – SAN update
4. New Business
  - A) State Green Building Code – Building and Safety update

## 5. Public Comment

The purpose of Green Building Team (Team) public meeting is to serve as opportunity for the City and the public to discuss matters related to furthering green building in the City of Los Angeles. Please note that the Team is not a decision-making body.

Persons wishing to speak during group discussion on agendized items must submit a speaker's request form. Discussion on agendized matters shall be for a cumulative total up to twenty (20) minutes per item. Individual comment during discussion shall be limited to thirty to two (2) minutes per person. Individuals must state their name and who they represent prior to comment.

Persons wishing to speak during public comment must submit a speaker's request form prior to the commencement of the public comment period. Individual testimony within the public comment period shall be limited to up to two (2) minutes per person.

Regular public Team meetings will be held on the first Wednesday of each month at 3pm in Room 351A, City Hall East, 200 North Main Street, Los Angeles. Please visit [EnvironmentLA.org](http://EnvironmentLA.org) for more information on the Green Building Team and Green Building Program.



## TRANSMITTAL 5

### ORDINANCE NO. 174706

An Ordinance adding Sections 66.32 through 66.32.8 to the Los Angeles Municipal Code, relating to the collection of solid waste, recycling of construction and demolition debris and imposing certain private solid waste hauler AB 939 compliance fees.

#### THE PEOPLE OF THE CITY OF LOS ANGELES

#### DO ORDAIN AS FOLLOWS:

Section 1. Sections 66.32 through 66.32.8 are hereby added to the Los Angeles Municipal Code to read as follows:

Section 66.32. Purpose and Definitions. In order to meet AB 939 diversion goals and the City of Los Angeles' diversion goal of 70 percent by the year 2020, private solid waste haulers, and recyclers shall register with the City and display a permit decal and number issued by the City through the Department of Public Works, Bureau of Sanitation. Waste haulers shall pay an AB 939 compliance fee as set forth in this section and in sections 66.32.1 through 66.32.8 based on gross receipts of solid waste collected and shall also be subject to recycling requirements for construction and demolition debris collected and/or transported. Among the various purposes of this program is the goal of maintaining an open and competitive market for all companies providing solid waste and disposal services in the City. As used herein and in sections 66.32.1 through 66.32.8, the following terms shall have the meanings set forth below:

**AB 939** shall mean the State of California's Integrated Waste Management Act of 1989, as may be amended from time to time, and as set forth in California Public Resources Code Sections 40050, *et seq.*, and implementing regulations of the California Integrated Waste Management Board ("CIWMB").

**Certified Construction and Demolition Debris Processing Facility** shall mean a mixed debris processing facility possessing valid and current certification from the City of Los Angeles that accepts loads of mixed construction and demolition debris for the purpose of recovering reusable and recyclable materials and disposing of non recyclable residual materials.

**Contractor** shall mean any person that enters into a contract for any construction and/or demolition project that requires a permit from the Department of Building and Safety. Any contractor who does not use a solid waste hauler holding a valid permit from the City of Los Angeles to transport mixed construction and demolition debris from project job sites will be

- 1 - R:\Organics-Contracting\C and D\c&d ordinance development\Final Board Report for Submittal 3rd Round\C&D Recycling Ord174706Per070109CWAdvice072809.doc

considered a solid waste hauler and therefore must obtain a permit as set forth in this code to transport mixed construction and demolition debris from its project job sites and is excluded from the self-hauler definition (see definition of solid waste hauler).

**Construction and Demolition Debris** shall mean solid waste that results directly from construction, remodeling, repair, demolition, or deconstruction of buildings and other structures, do not contain hazardous waste (as defined in California Code of Regulations, Title 22, Section 66621.3, *et seq.*), and contain no more than one percent (1%) putrescible wastes by volume, calculated on a monthly basis. Construction and Demolition Debris includes, but is not limited to: asphalt, concrete, Portland cement, brick, lumber, wallboard, roofing material, ceramic tile, pipe, glass, carpet and associated packaging.

Deleted: source separated or separated for reuse

Deleted: and recyclable materials

**Gross Receipts** shall mean those receipts defined as Gross Receipts in Los Angeles Municipal Code Section 21.00 (a) and received from the collection of solid wastes including, but not limited to, receipts for service, container rental, and disposal and processing charges. For purposes of this section and sections 66.32.1 through 66.32.8, Gross Receipts shall not include proceeds from the collection and sale of source-separated materials.

**Material Recovery Facility (MRF)** shall mean a facility which is utilized to receive solid waste for the purpose of sorting and recovering materials for recycling or reuse in order to return them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

**Self-haulers** shall mean businesses or persons who are not primarily engaged in the business of collection, removal or transportation of solid waste but in the course of performing their primary business function incidentally transport solid waste. Examples of such businesses include but are not limited to gardeners, landscapers, and household cleanup service firms. However, if the incidental transportation of solid waste includes construction and demolition debris, then the business or person is no longer a self-hauler and will be considered a solid waste hauler subject to obtain a permit to transport mixed construction and demolition debris from job sites as set forth in this code (see definition of solid waste hauler).

**Solid Waste** shall mean waste that the California Integrated Waste Management Board has deemed acceptable for disposal at a Class III Landfill, including construction and demolition waste, and shall not include source-separated material.

**Solid Waste Hauler** shall mean any individual, contractor, partnership, joint venture, unincorporated private organization, or private corporation engaged in the business of providing collection, removal or transportation of solid waste, construction and demolition waste, or source-separated materials, as applicable.

**Source Separated Material (Construction and Demolition Debris)** shall mean materials that have been separated or kept separate from the solid waste stream at the point of generation and have not been commingled with other solid waste or recyclable materials. For example, each type of material must be transferred in separate containers to the recycling center.

**Source-Separated Material (Non-Construction and Demolition Debris)** shall mean materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return 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.

Section 66.32.1. Private Solid Waste Hauler Permit Requirements.

(a) Except as provided in Section 66.08.1, it is unlawful for any business or person to collect, haul and dispose of solid waste, including construction and demolition debris waste, or any source-separated materials in the City, unless, at the City's sole option, such business or person has been granted an AB 939 compliance permit by the City.

(b) Section (a) does not apply to self-haulers and other companies that, in the course of performing their primary business function, incidentally transport solid or source separated-materials of under one thousand (1,000) tons per year. However, if any of the self hauled tonnage is mixed construction and demolition debris, then the self hauler will be considered a solid waste hauler and therefore required to obtain a solid waste hauler permit as set forth in this code.

(c) All mixed construction and demolition debris generated within the City must be delivered to a City certified construction and demolition debris processing facility. Mixed construction and demolition debris must be rejected by two certified construction and demolition debris processing facilities before it can be taken to another type of facility. Solid waste haulers and contractors must keep rejection slips together with the weight tickets from the eventual destination of each rejected load.

(d) Contractors that do not use City permitted solid waste haulers to transport mixed construction and demolition debris are responsible for ensuring that the mixed construction and demolition debris from all their construction projects in the City is delivered for processing to a City of Los Angeles certified construction and demolition debris processing facility. Each application for a construction/building permit through the Department of Building and Safety must identify the following: Contractors self-hauling mixed construction and demolition debris from their project sites are subject to obtain a solid waste hauler permit as set forth in this code and must provide their solid waste hauler permit number along with the name of the City certified processing facility being used in their construction/building permit application and Contractors using City permitted solid waste haulers must provide the name and permit number of the City permitted solid waste hauler in their construction/building permit application. The Department of Building & Safety will update the Building Code to modify the building permit application process in accordance with this section.

(e) Section (c) does not apply to source separated material generated from a project and delivered to a recycling facility, or segregated for on-site recycling.

(f) Section (c) does not apply to residence owners that transport and dispose of construction and

demolition debris resulting from projects at their own residence.

Section 66.32.2. Permit Terms and Conditions

- (a) All permits granted to persons pursuant to this division shall be non-exclusive.
- (b) All permits shall be subject to the terms and conditions specified in this article, in the permit, and in all other applicable federal, state and local laws and regulations including the Los Angeles Administrative Code.
- (c) The permit requirements, terms and conditions shall be effective as of the effective date of this section as adopted by the City Council. Existing solid waste haulers doing business in the City of Los Angeles must submit a solid waste hauling permit application to the Bureau of Sanitation no later than 30 days after adoption of this section. New solid waste haulers must obtain a permit prior to commencing hauling operations.
- (d) The City Council may prescribe additional terms and conditions for such permits not in conflict with the City Charter, the City Administrative Code, or this Code.

Section 66.32.3. AB 939 Compliance Fees.

- (a) There is hereby imposed an AB 939 compliance fee each year equal to 10 percent of the annual gross receipts from fees and charges from the collection of solid waste within the City of Los Angeles by the solid waste hauler . Funds from such fees shall be deposited into the Citywide Recycling Trust Fund.
- (b) Payment of the AB 939 compliance fee shall commence the calendar quarter following the effective date of this section. The initial payment of the fee shall be based upon the gross receipts collected during the period of time from the effective date of this section to the beginning of the next calendar quarter.
- (c) Solid waste hauler compliance fees are payable quarterly and payment is due on or before 30 days following the end of each calendar quarter in which the gross receipts are received.
- (d) Sections (a) through (c) do not apply to registered and permitted solid waste haulers whose annual tonnage is below one thousand (1,000) tons per year.
- (e) Receipts generated from collection and sale of source-separated materials shall not be subject to the AB 939 Compliance Fee.
- (f) The payment of AB 939 compliance fees to the City pursuant to this section shall be in addition to any City of Los Angeles Business Taxes or other taxes, fees or charges imposed by applicable law due for the same period.
- (g) A percentage of the fees collected shall be allocated by the Board of Public Works for

incentives designed to increase recycling activities. The percentage shall be adjusted annually and shall be subject to Council approval, and shall be based on the amount of diversion reported by the waste haulers.

Section 66.32.4. Delinquency B Additional Charge. If the compliance fees imposed pursuant to section 66.32.3 are not paid on or before the thirtieth (30<sup>th</sup>) day of the month following the end of each calendar quarter for which gross receipts are received, an additional charge equal to two and a half percent (2.5%) of the required fees, shall be added to such fees, and such additional charges shall become a part of the fees required by this section and be payable for said period. An additional two and a half percent (2.5%) is added to such fees for each subsequent calendar quarter that payment of the fee is not received by the City, not to exceed a total of ten percent (10%) per year.

Section 66.32.5. Other Permit Provisions.

(a) The City may modify the permit requirements from time to time as it deems appropriate or due to changes in applicable law.

(b) All haulers and contractors required to obtain a solid waste hauling permit under sections 66.32 through 66.32.8 shall submit reports to the Bureau of Sanitation documenting all disposal and diversion amounts and programs. All haulers and contractors required to obtain a solid waste hauler permit shall also maintain documentation of all construction and demolition debris hauled from each project located within the City of Los Angeles, including but not limited to invoices, weight tickets, and rejection slips together with the weight tickets from the eventual destination of each rejected load as detailed in Section 66.32.1 (c) of this code. Additional documentation shall include, at a minimum, project location, quantity of mixed debris, quantity of source separated material and destinations for each load of material. The documentation as specified in this section must be maintained for a minimum of three years from the date of generation. The Director of the Bureau of Sanitation shall set forth the format and the frequency of the reports.

(c) The Director of the Bureau of Sanitation or the Director's designee shall have the right at any time during normal business hours to inspect permittee's records for the purpose of determining AB 939 compliance and other reporting requirements and to determine proper calculation and payment of fees and proper diversion of construction and demolition debris. The City will provide permittee reasonable notice of its intention to inspect any of permittee's records. The Director of the Bureau of Sanitation or the Director's designee shall also have the right at any time during normal business hours to conduct site visits of construction or demolition construction sites within the City to verify proper handling of construction and demolition debris.

(d) The City retains the right to revoke or suspend the permit as provided in the terms of the permit, this Code and as otherwise provided by applicable law.

(e) The Director of the Bureau of Sanitation has the authority to administer all provisions of this Chapter and to enforce its provisions by any lawful means available for such purpose. The Department of Building and Safety shall work together with the Department of Public Works to

provide information that will assist the Department of Public Works with enforcement of this Chapter via relevant provisions of the Building Code.

Section 66.32.6 Violations, Penalties, and Revocation of Permit.

(a) Violations. Every person, business, or corporation who operates a solid waste hauling service and who knowingly and willfully issues, publishes or affixes, or causes or permits the issuance, publishing or affixing of any oral or written advertisement, broadcast or representation to the public or any portion thereof, in any manner whatsoever, that the person, business, or corporation is in operation as a solid waste hauling company or an individual solid waste hauler without having a valid permit granted by the City of Los Angeles, or in violation of the terms and conditions of any such permit or of this Code, is guilty of a misdemeanor punishable by imprisonment in a city or county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or both. Each separate day, or any portion thereof, during which any violation of the terms and conditions of the permit occurs or continues shall constitute a separate offense, and upon conviction thereof, shall be punishable as provided by this section.

(b) Administrative Penalties. Failure to comply with the construction and demolition debris recycling requirements set forth in Sections 66.32.1 (c) and (d) is subject to the imposition of administrative penalties as follows: \$1,000.00 for the 1<sup>st</sup> violation, \$2,000 for the 2<sup>nd</sup> violation which occurs within 6 calendar months of a 1<sup>st</sup> violation, and \$5,000 for the 3<sup>rd</sup> violation which occurs within 6 calendar months of a 2<sup>nd</sup> violation and \$5,000 for each subsequent violation thereafter, regardless of when it occurs. A notice of violation may be issued for each load of mixed C&D debris not taken to a City certified mixed construction and demolition debris processing facility. Administrative penalties will be based on confirmation by the Bureau of any alleged violation (s). Written notification of any alleged violation and the associated penalties will be provided by the Bureau to all persons or entities that are believed to have violated this ordinance. The Board of Public Works will act as the body to hear any written appeal filed by a party who has received notification of an alleged violation of Sections 66.32.1 (c) and (d). Any written request for the Board to consider an appeal of either the Notice of Violation or the amount of the Administrative penalty must be filed within 30 days of the issuance date of the notice of violation or the right appeal is waived. The Board shall set the matter on one of its regular agendas within two weeks of receiving the written request for the appeal. Once the matter has been decided by the Board it shall become final and no further administrative relief is provided by the City. The Board of Public Works may adjust these administrative penalties from time to time, as it deems appropriate, after a noticed public hearing.

(c) Suspension and Revocation. The City reserves the right to suspend a solid waste collection permit, with 30 days written notification, if the permittee fails to comply with any of the terms and conditions specified in the permit or in this Code, including, but not limited to, fee payment, construction and demolition debris recycling and reporting requirements. Violations of other Los Angeles Municipal Code sections or applicable laws shall constitute just cause for revocation of a permit. Permittee shall have a 30-day cure period after written notice of violation and notice to appear before the Board of Public Works for a hearing regarding the proposed suspension.

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(d) Waiver of hearing. Failure of permittee to respond to a notice to appear for a hearing before the Board shall constitute a waiver of the right to a hearing and action may be taken without the permittee being present.

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(e) Rehearing. Upon receipt of a written request from a person or business whose permit has been denied, suspended, revoked or canceled stating the grounds for protesting such action, the Board shall consider the basis of the request and may set the matter for rehearing, notify the applicant and take appropriate action.

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(f) The Director of the Bureau of Sanitation or the Director's authorized representative may take possession of any badge, card, permit, license, or vehicle decal issued under the provision of this chapter, upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious or which has been unlawfully or erroneously issued. Any decal as approved by the Board of Public Works, which is not attached to the vehicle for which it was issued may be seized.

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Section 66.32.7. Confidential Character of Information Obtained B Disclosure Unlawful. It shall be unlawful, except as required by applicable law, for the Director of the Bureau of Sanitation or any person having an administrative duty under the provisions of sections 66.32 through 66.32.8 to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a solid waste hauler permit, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particulars thereof, set forth in any statement or return, or to permit any statement or return, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided nothing in this subsection shall be construed to prevent:

(a) the disclosure of information to, or the examination of records and equipment by another City official or employee for the sole purpose of administering or enforcing any provision of sections 66.32 through 66.32.8 of this Code;

(b) the disclosure of information and results of examination of records of particular permittees, or relating to particular permittees, to a court of law in a proceeding brought to determine the existence or amount of any fee liability of the particular permittees to the City of Los Angeles;

(c) the disclosure after the filing of a written request to that effect, to the permittee itself, or to the permittee's successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid fee, any unpaid fee or amounts of fee required to be collected, interest and penalties; provided, however, that the Director of the Bureau of Sanitation may refuse to make any disclosure referred to in this paragraph, if consistent with applicable law, when in the Director's opinion the public interest would suffer thereby;

(d) the disclosure of the names and addresses of persons to whom permits have been issued; and

(e) the disclosure of such information as may be necessary to the City Council in order to permit it to be fully advised as to the facts when a permittee files a claim for refund of the compliance fees, or submits an offer of compromise with regard to a claim for refund of the compliance fees or submits an offer of compromise with regard to a claim asserted against the permittee by the City for compliance fees, when acting upon a matter submitted to the Council.

Section 66.32.8. Indemnification. All permits issued pursuant to sections 66.32 through 66.32.8 of this Code shall include a provision that the permittee undertakes and agrees to defend, indemnify, and hold harmless the City, and all of the City's Boards, Officers, Agents, Employees, Assigns and Successors in Interest, from and against any all suits and causes of action, claims, losses, demands and expenses, including, but not limited to, attorney's fees and costs of litigation, damages or liability of any nature whatsoever, for death or injury to any person, including permittee's employees and agents, or damage to or destruction of any property of either the City or permittee or of third parties, arising in any manner by reason of the permittee's negligence, willful misconduct, or errors and omissions incident to or arising from the issuance of a permit or the operations thereunder.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was introduced at the meeting of the Council of the City of Los Angeles June 26, 2002, and was passed at its meeting of July 3, 2002.

J. MICHAEL CAREY, City Clerk By  
Maria Kostrencich, Deputy

Approved July 16, 2002                      JAMES  
K. HAHN, Mayor

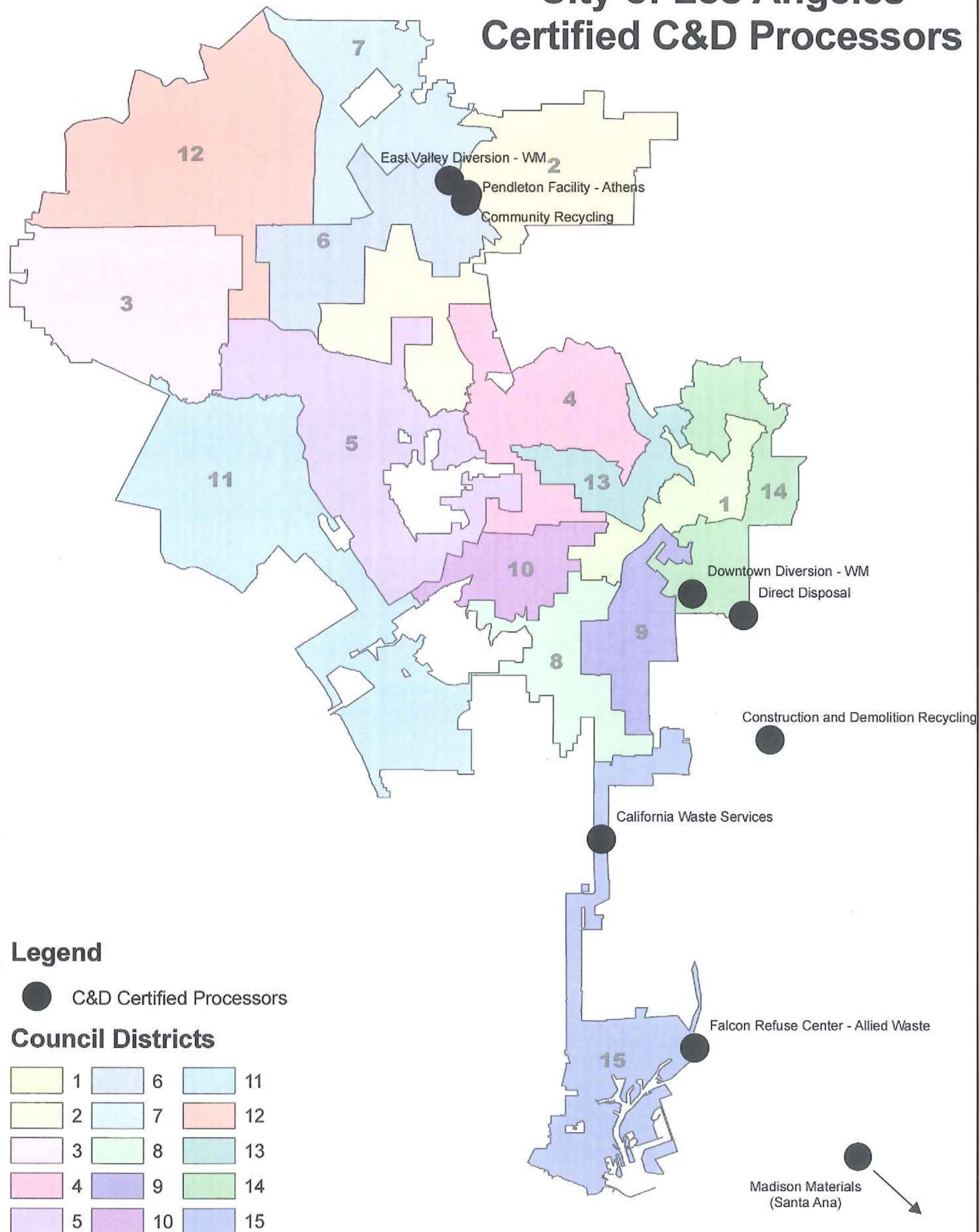
Approved as to Form and Legality  
ROCKARD J. DELGADILLO, City Attorney  
Echeverria

June 26, 2002  
By Pedro B.  
Chief Assistant City Attorney

C.F. 02-1005



# City of Los Angeles Certified C&D Processors



## Legend

● C&D Certified Processors

## Council Districts

1	6	11
2	7	12
3	8	13
4	9	14
5	10	15