
Chapter 12.48
RECYCLING AND SALVAGING OF CONSTRUCTION AND DEMOLITION DEBRIS

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12.48.010 Definitions.

The definitions set forth in this section shall govern its interpretation.

- (1) "Alternative daily cover (ADC)" means materials other than soil that have been approved by the California Integrated Waste Management Board for use as an overlay on an exposed landfill face.
- (2) "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, industry, public or private corporation, property owner, contractor, architect or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city.
- (3) "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in Menlo Park.
- (4) "Construction and demolition (C&D) debris" means and includes:
 - (A) Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard and lumber from the construction or demolition of a structure or hardscape improvement as part of a construction or demolition project or from the renovation of a structure, hardscape improvement, and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project;

(B) Clean cardboard, paper, plastic, wood and metal scraps from any construction and/or landscape project; and

(C) Minimal amounts of other non-hazardous wastes that are generated at the construction or demolition projects provided such amounts are consistent with best management practices of the industry.

(5) "Covered project" means any residential construction or demolition project of one thousand (1,000) square feet or greater, and any commercial construction or demolition project of five thousand (5,000) square feet or greater. Notwithstanding the above, in those cases in which a dangerous situation has been determined to exist by the building division and/or the police department, the recycling and salvage requirements of this chapter may be waived in total or in part by the community development director.

(6) "Deconstruction" means the soft demolition of any facility, structure, hardscape improvement or building through a planned dismantling and salvaging of reusable materials and parts.

(7) "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, hardscape improvement or building, whether in whole or in part, whether interior or exterior and/or the removal of landscaping materials, including green waste.

(8) "Designated recyclable and reusable materials" means that portion of C&D debris that includes the following:

(A) Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick;

(B) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, contaminated or painted;

(C) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;

(D) Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes and fences;

(E) Roofing materials including wood shingles as well as asphalt, stone and slate based roofing material;

(F) Salvageable materials and structures, including, but not limited to gypsum wallboard, doors, windows, mantelpieces, cabinets, lighting fixtures, toilets, sinks, bathtubs, appliances, decorative molding, flooring, carpeting, reusable hardware, bricks and decorative tiles in good repair; and

(G) Any other materials which the city environmental coordinator or designee determines can be recycled or reused due to the identification of a recycling facility, reuse facility, or market accessible to Menlo Park, including facilities which can

further sort mixed C&D debris through mechanical and/or manual processes in order to remove additional materials for reuse or recycling.

(9) "Diversion" means any activity, including recycling, source reduction, reuse, deconstruction, or salvaging of materials, which causes materials to be diverted from disposal in landfills or incinerators and instead put to use as the same or different product. ADC is not a bona fide means of diversion.

(10) "Hardscape improvements" means swimming pools, driveways, parking lots, walkways, patios and decks.

(11) "Non - recyclable/non - reusable materials" means that portion of C&D debris for which there is no available facility within sixty (60) miles of the City of Menlo Park boundaries for the return of these materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

(12) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting discarded materials that meet the quality standards necessary to be reused, remanufactured or processed.

(13) "Salvage" means the controlled removal of designated recyclable and reusable materials from C&D debris, from a covered project, for the purpose of recycling, reuse, or storage for later recycling or reuse.

(14) "Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground. (Ord. 908 § 2 (part), 2001).

12.48.020 Deconstruction, salvage and recovery.

(a) Structures and/or hardscape improvements planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition. In order to ensure sufficient time for these activities, no demolition may commence until a period of at least seven (7) working days has elapsed from the date of issuance of the demolition permit.

(b) It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable materials prior to demolition. In the event the applicant believes that no materials can be salvaged for reuse or recycling from a particular project, a written form must be completed and provided to the building division identifying the reasons why salvaging cannot take place. The community development director or his designee will determine whether this requirement shall be waived in whole or in part.

(c) Recovered and salvaged material from the deconstruction phase shall qualify in meeting the diversion requirements of this chapter.

(d) Recovered or salvaged materials may be given or sold on the premises, or may be removed to a reuse warehouse or other reuse facility for storage or sale. (Ord. 908 § 2 (part), 2001).

12.48.030 Landfill diversion requirements.

(a) It is required that at least the following specified percentages of C&D debris waste tonnage generated from every covered project shall be diverted from landfills by using recycling, reuse, salvage and other diversion programs:

(1) Demolition Projects. Residential demolitions of one thousand (1,000) square feet or greater and commercial demolition projects, (including commercial interior demolitions) of five thousand (5,000) square feet or greater in the city of Menlo Park shall be covered by the following diversion requirement: sixty percent (60%) of all generated C&D tonnage from the project shall be diverted. When total tonnage generated from each project includes soil, concrete and/or asphalt, the total diversion rate shall remain at sixty percent (60%) but at least twenty-five percent (25%) of diverted material shall come from generated tonnage that excludes soil, concrete and asphalt.

(2) Construction Projects. Residential (single-family and multi-family) construction projects of one thousand (1,000) square feet or greater and commercial construction projects of five thousand (5,000) square feet or greater shall require diversion of sixty percent (60%) of total generated waste tonnage.

(b) Separate calculations will be required for the demolition portion and for the construction portion of projects involving both demolition and construction.

(c) To ensure that recycled C & D material is reused, remanufactured or processed into viable products, use of the material as alternative daily cover (ADC) shall not count towards reaching the required diversion percentages. (Ord. 908 § 2 (part), 2001).

12.48.040 Exceptions to diversion requirements.

(a) It is not the intention of this chapter to require the recycling, reuse or diversion of materials not subject to those processes. If non—recyclable/non-reusable materials are present, the following exceptions to this chapter may be granted by the community development director or designee:

(1) An exception to the exclusion of ADC as a bona fide diversion method may be granted. If an exception is granted, any designated recyclable and reusable materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill.

(2) In the event that more than forty percent (40%) of the waste tonnage is non-recyclable/non-reusable material, and a good faith effort made by the applicant and the city to locate a material recycling/reuse facility has been unsuccessful, an exception to the requirements of this chapter may be granted. If an exception is granted, any designated recyclable and reusable materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill. (Ord. 908 § 2 (part), 2001).

12.48.050 Information required before issuance of permit.

Applicants for projects affected under this chapter shall accurately estimate the tonnage of C&D debris to be generated from the project, and other information regarding plans for

diverting materials generated by the project, on a form or forms provided by the city, and submit the form(s) to the building division, as a portion of the building or demolition permit process. Approval of complete and accurate form(s) shall be a condition precedent to issuance of any building or demolition permit. (Ord. 908 § 2 (part), 2001).

12.48.060 Deposit required.

(a) As a condition precedent to issuance of any building or demolition permit that involves a covered project, the applicant shall post a cash or check deposit in the amount of fifty dollars (\$50.00) for each estimated ton of C&D debris, but not less than one thousand dollars (\$1,000.00).

(b) For single-family residential projects only, the deposit for designated recyclable and reusable materials consisting of earth materials, including dirt and rocks from land clearing activities in preparation for construction, shall be fifty dollars (\$50.00) per ton for amounts less than or equal to one hundred (100) tons and a flat rate of five thousand dollars (\$5,000.00) for amounts greater than one hundred (100) tons. For multi-family residential and commercial projects, the deposit for designated recyclable and reusable materials consisting of earth materials, including dirt and rocks from land clearing activities in preparation for construction, shall be fifty dollars (\$50.00) per ton, regardless of the amount of earth material present.

(c) The deposit shall be returned, without interest, in total or pro rata, upon proof to the satisfaction of the community development director or designee, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused.

(d) The City Council may, by formal resolution, modify the amount of the required deposit. (Ord. 908 § 2 (part), 2001).

12.48.070 Administrative fee.

As a condition precedent to issuance of any permit for construction or demolition for a covered project, the applicant shall pay to the city a cash fee sufficient to compensate the city for all direct and indirect expenses incurred in administering the permit. The amount of this fee shall be determined in accordance with the City Council approved master fee schedule. (Ord. 908 § 2 (part), 2001).

12.48.080 On-site practices.

(a) During the term of the demolition or construction project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the community development director or designee that can be converted to tonnage. The community development director or designee will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and/or reused from the project.

(b) The diversion of a minimum of the required percentages of the C&D debris shall be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved.

- (c) To the maximum extent feasible, on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials that cannot be chipped or ground shall not be placed in such boxes.
- (d) To the maximum extent feasible on new construction, on-site separation shall be undertaken for gypsum wallboard, dimensional lumber and cardboard.
- (e) To the maximum extent feasible on demolition and construction sites, designated recyclable and reusable materials shall be kept separate from non-recyclable/non-reusable materials.
- (f) Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction. (Ord. 908 § 2 (part), 2001).

12.48.090 Reporting.

- (a) Within sixty (60) days following the completion of the demolition portion, the contractor shall submit documentation to the building division that complies with the requirements of this chapter.
- (b) For construction projects, as a condition prior to final inspection and to approval of final inspection, the contractor shall submit to the building division documentation that complies with the requirements of this chapter.
- (c) The documentation shall consist of a final completed form showing actual tonnage data for recycled and diverted materials, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, or salvaged.
- (d) Any deposit posted pursuant to Section 12.48.060 shall be forfeited if the permittee does not furnish required reports within the time reporting requirements of this section.
- (e) On an annual basis, the community development director or designee shall compile a report that, at minimum, describes the number and type of permits issued, the number and type of projects covered by diversion requirements, the total tonnage generated and the estimated diversion resulting from these projects. (Ord. 908 § 2 (part), 2001).

12.48.100 Violation a public nuisance.

Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter 8.04 of this code. The costs of abatement of any such nuisance shall be a lien upon the property involved. (Ord. 908 § 2 (part), 2001).

12.48.110 Penalties.

Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for a period of time not to exceed six (6)

months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense. (Ord. 908 § 2 (part), 2001).

12.48.120 Responsible party.

Every applicant and/or owner of property on which a covered project occurs shall be responsible for compliance with the provisions of this chapter. (Ord. 908 § 2 (part), 2001).

This page of the Menlo Park Municipal Code is current through Ordinance 973, passed December 14, 2010.

Disclaimer: The City Clerk's Office has the official version of the Menlo Park Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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