



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 19, 2017

TO: Carolyn Lehr, City Manager

FROM: Andrew Clough, Acting Director Public Works

SUBJECT: Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 26 “Construction And Demolition Waste Requirements”, To Title 8 Of The Emeryville Municipal Code; And Amending Section 1-2.01(f) Of Chapter 2 Of Title 1 Of The Emeryville Municipal Code Regarding Violations: CEQA Determination: Exempt Pursuant to CEQA Guidelines 15061(b)(3) and 15378(b)(3)

RECOMMENDATION

Staff recommends that City Council adopt the first reading of the attached ordinance, adding Chapter 26, “Construction and Demolition (C&D) Waste Requirements”, to Title 8 of the Emeryville Municipal Code; and amending Section 1-2.01(f) of Chapter 2 of Title 1 of the Emeryville Municipal Code.

BACKGROUND

In December 2016, the City adopted the State of California 2016 Building Code, and in doing so, repealed its regulations related to construction and demolition because the new Building Code had standards related to construction and demolition. The new State Building Code requires diversion of 65% of all materials removed from new construction projects, commercial renovations and residential alteration projects (other than Portland cement concrete and land-clearing debris, which are required to be 100% diverted). The City of Emeryville wishes to supplement these requirements to address areas not covered by the state code and to clarify issues.

According to the 2014 Disposal Facility-Based Characterization of Solid Waste in California, (published by the California Department of Resources Recycling and Recovery, or Cal Recycle, in 2015) construction and demolition (C&D) materials are estimated to account for between 21.7 to 25.5% of the disposed waste stream. Through supplemental requirements, and education of contractors about separating and diverting single materials where feasible, it is possible to improve upon current diversion rates, thereby reducing Emeryville’s impact on landfills and their associated greenhouse gas emissions.

DISCUSSION

This proposed new Ordinance for the City of Emeryville supplements the State's diversion requirements for construction in two ways: first, by requiring that demolition waste be similarly diverted, and second, by not allowing materials used as Alternative Daily Cover (ADC) to be counted as diverted. ADC is the C&D material used at the end of each day used to cover a landfill for vector and wind-loss control. It is placed in the landfill, and therefore is not actually diverted from disposal.

In almost all cases, contractors can accomplish a 65% diversion rate through on-site separation and hauling of materials. For example, single materials such as clean wood or metal are diverted by at least 95% from the landfill, while mixed materials are diverted at rates that can be as low as 45%, depending on the facility used. There is a mechanism within the Ordinance to allow the compliance official to evaluate situations and waive requirements where these requirements are infeasible for individual projects.

The City's General Plan and the Climate Action Plan contain goals to reduce waste, including waste from construction and demolition projects. A strong Ordinance to reduce construction and demolition waste helps the City comply with State measures AB 939 and 341, and the County's Measure D, to reduce waste going to landfills.

In addition, the proposed Ordinance amends section 1-2.01(f) of the Emeryville Municipal Code to allow for penalties.

FISCAL IMPACT

No known fiscal impact.

STAFF COMMUNICATION WITH THE PUBLIC

Staff participate in regular public meetings on the subject of waste handling, diversion and disposal, notably those coordinated by StopWaste, which functions as Alameda County's Waste Management Authority and the Alameda County Source Reduction and Recycling Board.

CONCLUSION

Staff recommends that City Council:

1. Introduce the ordinance by title only
2. Take public comment
3. Adopt the first reading of the ordinance

PREPARED BY: Marcy Greenhut, Environmental Programs Technician

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENT

1. Proposed Ordinance