

**RESOLUTION NO. 20141211-128**

**WHEREAS**, in January of 2009, the City of Austin adopted the Zero Waste Strategic Plan, which included the Zero Waste goal to reduce the amount of waste Austinites send to the landfill by 90 percent by the year 2040; and

**WHEREAS**, according to annual landfill reports to the Texas Commission on Environmental Quality, construction material accounts for at least 20 percent of Austin's discards; and

**WHEREAS**, Resolution 20100930-023, directs the City Manager to investigate requiring all construction and demolition projects in the City to recycle or salvage a certain percentage of construction material in support of the City's Zero Waste goal; and

**WHEREAS**, the Austin Energy Green Building Program has required construction projects to recycle or salvage a certain percentage of construction material since 2003; and

**WHEREAS**, many cities nationwide are examining deconstruction policies that promote economic development by creating jobs and retail and revenue opportunities from the sale of the recycled materials; and

**WHEREAS**, the City of Austin promotes efficient use of resources through its Austin Materials Exchange, Austin (Re)Manufacturing Hub, and the ReMade in Austin program; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates amendments to Title 25 of the City Code and to other titles as needed in order to reduce construction and demolition disposal by:

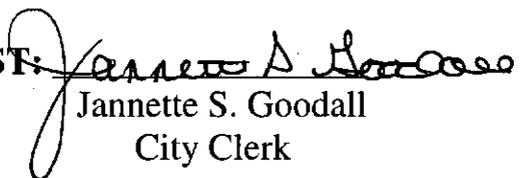
- (1) Identifying construction, renovation, and demolition projects to be subject to diversion requirements;
- (2) Defining minimum diversion and reporting standards for affected projects;

- (3) Quantifying the amount of construction material generated in Austin that is disposed and the amount that is diverted;
- (4) Defining minimum standards for certain processors to validate their diversion rates; and
- (5) Establishing a penalty for affected projects based on their diversion performance.

**BE IT FURTHER RESOLVED THAT:**

The City Manager is directed to process the Code amendment and to present it to Council for consideration by October 1, 2015. In processing the Code amendment, the City Manager is directed to consider and use as a foundation the recommendations proposed by the Zero Waste Advisory Commission, affected stakeholders and staff as identified in the attached Exhibit A.

**ADOPTED:** December 11, 2014

**ATTEST:**   
Jannette S. Goodall  
City Clerk

**EXHIBIT A**  
**DRAFT CONSTRUCTION MATERIAL MANAGEMENT ORDINANCE INTENT**

**Ordinance Concept:**

Initially, affected projects must either:

- Dispose 2.5 pounds per square foot or less, or
- Divert 50% or more of the C&D materials generated

Note: *Italicized* terms are defined at the end.

**1. Affected Projects**

1.1. Demolition projects

- 1.1.1. Commercial and multifamily projects
- 1.1.2. By 2020, include all residential projects

1.2. New construction or renovation projects

- 1.2.1. Projects permitted for more than 5,000 square feet
- 1.2.2. By 2020, projects permitted for more than 1,000 square feet

1.3. Exempted projects

- 1.3.1. Projects that require only a single trade (e.g., plumbing, electrical, mechanical, irrigation)

**2. Requirements for Affected Projects**

2.1. Permittees for affected projects shall meet one of the following requirements:

2.1.1. *Project Disposal Rate* – Dispose less than or equal to the following weights of *C&D Material* per permitted area:

- 2.1.1.1. 2.5 pounds per square foot
- 2.1.1.2. 1.5 pounds per square foot in 2020
- 2.1.1.3. 0.5 pounds per square foot in 2030

2.1.2. *Project Diversion Rate* – Divert to *Beneficial Use* greater than or equal to the following percentages by weight of the *C&D Materials* generated by the project:

- 2.1.2.1. 50% in 2015
- 2.1.2.2. 75% in 2020
- 2.1.2.3. 95% in 2030

2.1.3. Prior to the effective dates in 2020 and 2030 for the *Project Disposal Rate* and *Diversion Rates*, City staff will provide the City Council with:

- 2.1.3.1. An economic impact statement for household affordability, the intent being that the cost of housing should not be significantly affected by the increased rate of diversion; and

2.1.3.2. An economic assessment of the markets for construction and demolition materials, the intent being that significant amounts of C&D materials ought not to be stockpiled in the area with no foreseeable reuse in the short term; nor should C&D materials be subject to long distance transport to find a market.

2.2. Acknowledgement/Affirmation – Permittees shall [acknowledge/affirm] on the building permit application that the project is subject to and will meet the diversion requirements in this Section 2.

2.3. Post-Construction Report – After the project is complete, the Permittee shall report the following to the City:

2.3.1. For Projects delivering *C&D Materials* only to *Qualified Processors*:

2.3.1.1. Documented tons of *C&D Materials* or *Building Components* generated by the project and delivered to *Qualified Processors*

2.3.1.2. *Facility-Average Diversion Rate* for each *Qualified Processor* at the time of delivery

2.3.2. For other Projects, documented quantities of each load of *C&D Materials* or *Building Components* generated by the project and handled in each of the following ways:

2.3.2.1. Onsite *Beneficial Reuse*

2.3.2.2. Delivered to processors or end-users and diverted for *Beneficial Use*

2.3.2.3. Delivered to processors or end-users and disposed

2.3.2.4. Delivered directly to disposal facilities

2.3.3. *Project Disposal Rate*, if the Project meets this requirement

2.3.4. *Project Diversion Rate*

2.3.4.1. For Projects delivering C&D Materials only to *Qualified Processors*, the Project Diversion Rate is the weighted average of the *Facility-Average Diversion Rates* for the *Qualified Processors* at delivery.

2.3.4.2. For other Projects, the Project Diversion Rate is calculated as the tons of *C&D Materials* or *Building Components* diverted for *Beneficial Reuse* onsite or offsite divided by the total tons generated by the project

2.3.4.3. Tons of materials delivered to a *Qualified Processor* and diverted for *Beneficial Reuse* shall be calculated as the tons of materials delivered to the *Qualified Processor* times the *Facility-Average Diversion Rate* for the *Qualified Processor* at the time of delivery.

3. Haulers – In addition to the requirements of §15-6-44, a licensed hauler shall report the following to the City semi-annually:

3.1. Tons of material, not including *C&D Materials*, that it hauls directly to each of the following:

3.1.1. Landfills

3.1.2. Recycling facilities

3.1.3. Mulching or composting facilities

3.2. Tons of *C&D Materials* that it hauls directly to each of the following:

3.2.1. Landfills

3.2.2. End-users or processing facilities

#### 4. Qualified Processors

- 4.1. Meet state permitting and reporting requirements
- 4.2. Report its *Facility-Average Diversion Rate* to the City of Austin semi-annually
- 4.3. Maintain certification by a city-approved third-party certifying organization (e.g., Recycling Certification Institute), which determines and validates its *Facility-Average Diversion Rate*
- 4.4. Meet a *Facility-Average Diversion Rate* set by the City of Austin

#### 5. C&D Diversion Penalty – A project that disposes more than the disposal rate requirement and diverts less than the diversion rate requirement shall pay a C&D Diversion Penalty, which is the greater of:

- 5.1. \$Flat Dollar Rate for every ton of difference between the amount that the project should have diverted to meet the diversion rate requirement and the amount actually diverted
- 5.2. For projects with xx square feet or less, \$Flat Dollar Rate for every percentage point of difference between the diversion rate requirement and the percentage actually diverted
- 5.3. For projects with greater than xx square feet, \$Flat Dollar Rate for every percentage point of difference between the diversion rate requirement and the percentage actually diverted

#### Definitions (*italicized in use*)

- **Facility-Average Diversion Rate** – The percentage of all incoming material over a period of time that a processing facility diverts for *Beneficial Reuse*
- **Beneficial Reuse**
  - Includes salvage, reuse, or processing into a material or product with an open market value
  - Does not include use as a fuel or alternative daily landfill cover
- **Building Components** – Doors, windows, fixtures, structural members, architectural parts, masonry, etc.
- **Construction or Demolition (C&D) Materials**
  - Non-hazardous materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures
  - Includes, but not limited to, concrete, corrugated cartons, gypsum wallboard, metal, paper, paving, plastics, and wood
  - Excludes excavated soil, stone, and land-clearing debris
- **Project Disposal Rate** – Total pounds of material generated by the Project and disposed by a processor or delivered directly to a disposal facility divided by the square feet of the project
- **Project Diversion Rate** – Percentage of the *C&D Materials* and *Building Components* generated by the project that were diverted for *Beneficial Reuse* onsite or offsite
- **Qualified Processor** – A facility that meets certain third-party certification requirements including documenting its *Facility-Average Diversion Rate*
- **Other terms** – These may need either definitions or references to their appropriate use in City Code: alternative daily cover, commercial, multifamily, residential, demolition, renovation, new construction