



# **DRAFT CONSTRUCTION & DEMOLITION RECYCLING ORDINANCE**

## **ZERO WASTE ADVISORY COMMISSION**

**OCTOBER 14, 2015**

**WOODY RAINE, GENA MCKINLEY  
AUSTIN RESOURCE RECOVERY**



# OUTLINE

- Background: Programs & Policies
- Draft Ordinance Development
- Proposed Amendments
- Ordinance Impacts
- ZWAC Options for Action

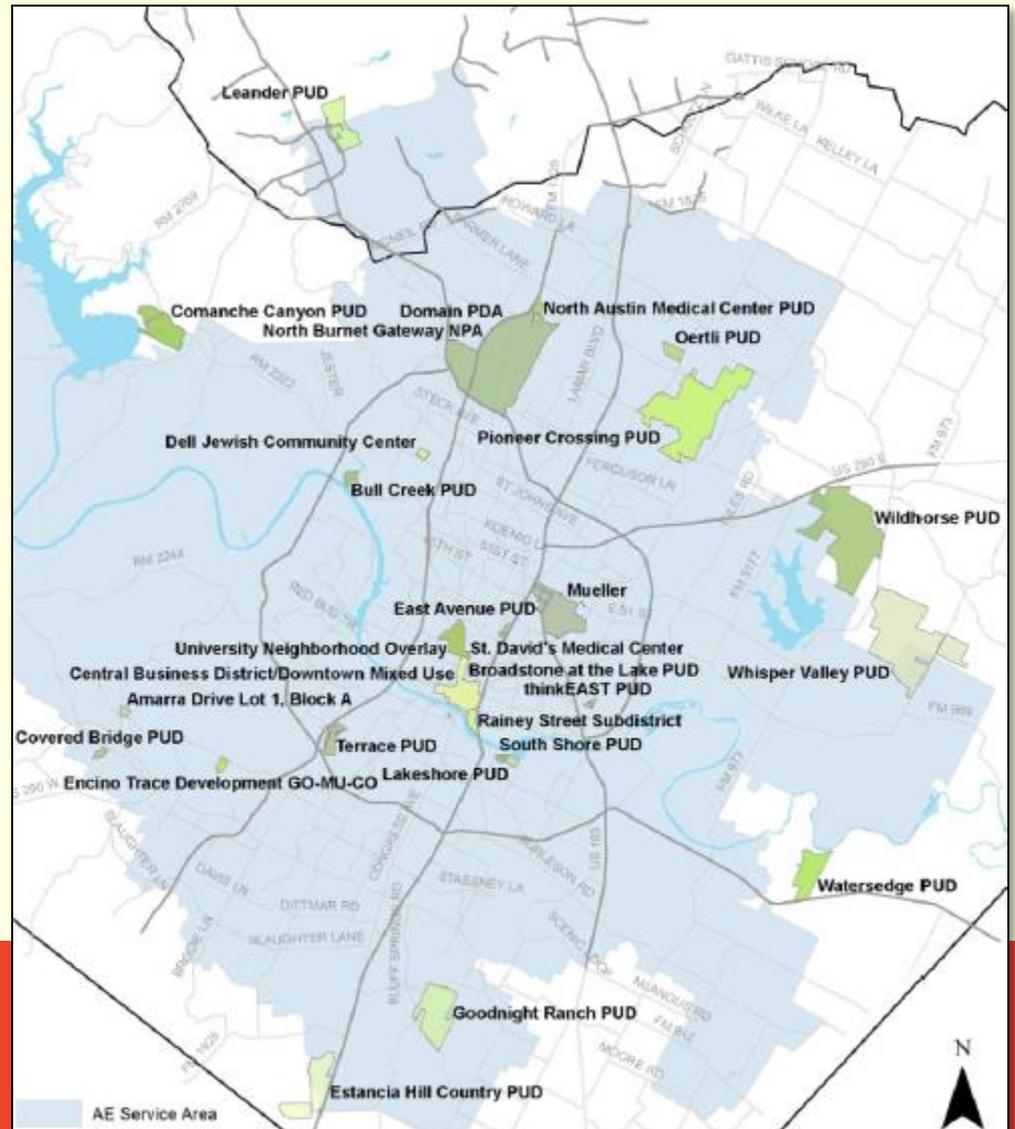
# BACKGROUND: GREEN BUILDING

## Construction Waste Management

- Basic Requirement: > 50% diversion
  - AEGB Commercial Rating since 1995
  - AEGB Multifamily Rating since 2007
- Optional measures
  - AEGB Commercial & Multifamily: > 75%
  - AEGB Residential Rating: > 50%
  - LEED: > 50%

# MANDATORY AUSTIN ENERGY GREEN BUILDING PROJECT AREAS

- Downtown
- SMART Housing
- Mueller
- UNO
- PUDs



# RESOLUTION No. 20100930-023

*SEPTEMBER 30, 2010*

Instructed City Manager to investigate:

- 1) Requiring all C&D sites to recycle or salvage
- 2) Creating incentives for recycling and salvaging



# RESOLUTION No. 20111215-047

*DECEMBER 15, 2011*

## Adopted **ARR Master Plan**

- Zero Waste goal: 90% diversion by 2040
- 9.10: Construction Materials Management
- C&D: about 20% of material



AUSTIN RESOURCE RECOVERY  
MASTER PLAN  
DECEMBER 15, 2011



# DRAFT ORDINANCE DEVELOPMENT

- 8 public meetings Dec 2013 to Nov 2014
  - Zero Waste Advisory Commission
  - C&D Recycling Committee
  - ARR staff

# DRAFT ORDINANCE DEVELOPMENT: RESEARCH

- Other municipalities
- AEGB & PWD experience
- Local stakeholders
- Existing markets
- Market development

# DRAFT ORDINANCE DEVELOPMENT: STAKEHOLDERS

- Private haulers
- Material processors
- Landfill operators
- Waste consultants
- Historic preservation
- Home builders
- Construction contractors
- Demolition contractors
- Deconstruction
- Building owners, managers
- Architects
- Public

# DRAFT ORDINANCE DEVELOPMENT: CITY DEPARTMENTS

- **Austin Energy Green Building Program**
- **Development Services Department**
- Austin Code Department
- Austin Economic Development
- Austin Resource Recovery
- Law Department
- Neighborhood Housing and Community Development
- Office of Sustainability
- Public Works Department
- Watershed Protection Department

# ORDINANCE INTENT DEVELOPMENT TIMELINE

- Affected Projects
- Requirements

## ORDINANCE INTENT DEVELOPMENT TIMELINE

### 8/28/14: ZWAC C&D Committee Recommendation

#### Affected Projects

Construction (sq ft)	> 5,000
Commercial Demolition	All

#### Project Requirements, either:

• Disposal Rate (lbs/sq ft)	< 2.5
• Diversion Rate	> 50%

### 10/8/14: ZWAC Recommendation

Affected Projects	2016	2020
Construction (sq ft)	> 5,000	> 1,000
Commercial Demolition	All	All
Residential Demolition	None	All

Project Requirements, either:	2016	2017	2020	2030
• Disposal Rate (lbs/sq ft)	< 2.5	< 2.0	< 1.5	< 0.5
• Diversion Rate	> 50%	> 65%	> 75%	> 95%

### 11/3/14: ZWAC C&D Committee Recommendation

Affected Projects	2016	2020
Construction (sq ft)	> 5,000	> 1,000
Commercial Demolition	All	All
Residential Demolition	None	All

Project Requirements, either:	2016	2020	2030
• Disposal Rate (lbs/sq ft)	< 2.5	< 1.5	< 0.5
• Diversion Rate	> 50%	> 75%	> 95%

Plus, prior to 2020 and 2030, City staff will provide the City Council with:

- Economic impact statement for household affordability
- Economic assessment of the markets for construction and demolition materials

### 11/12/14: ZWAC accepted Committee recommendation

### 12/11/14: Council adopted resolution to develop ordinance using ZWAC recommendation

# 8/28/14: ZWAC C&D COMMITTEE

## Affected Projects

Construction (sq ft)	> 5,000
Commercial Demolition	All

## Project Requirements

Either:

• Disposal Rate (lbs/sq ft), or	< 2.5
• Diversion Rate	> 50%

# 10/8/14: ZWAC

<b>Affected Projects</b>	<b>2016</b>	<b>2020</b>
Construction (sq ft)	> 5,000	> 1,000
Commercial Demolition	All	All
Residential Demolition	None	All

<b>Project Requirements</b>	<b>2016</b>	<b>2017</b>	<b>2020</b>	<b>2030</b>
• Disposal Rate (lbs/sq ft)	< 2.5	< 2.0	< 1.5	< 0.5
• Diversion Rate	> 50%	> 65%	> 75%	> 95%

Referred to C&D Recycling Committee

# 11/3/14: ZWAC C&D COMMITTEE

Affected Projects	2016	2020
Construction (sq ft)	> 5,000	> 1,000
Commercial Demolition	All	All
Residential Demolition	None	All

Project Requirements	2016	2020	2030
• Disposal Rate (lbs/sq ft)	< 2.5	< 1.5	< 0.5
• Diversion Rate	> 50%	> 75%	> 95%

Plus, prior to 2020 and 2030, City staff will provide the City Council with:

- Economic impact statement for household affordability
- Economic assessment of the markets for construction and demolition materials

# DRAFT ORDINANCE DEVELOPMENT: 11/12/14: ZWAC

## Ordinance Intent

- Identify affected projects
- Define diversion & reporting requirements
- Staff reports to City Council in 2020 & 2030
  - Economic impact on household affordability
  - Economic assessment of C&D material markets
- Establish penalties
- Establish Qualified Processors criteria
- Private Haulers: Report C&D quantities

# ORDINANCE INTENT ADOPTION: 12/11/14: CITY COUNCIL

## Resolution 20141211-128

Initiated amendments to LDC and SWS Code:

- Require certain projects to divert materials
- Use ZWAC-recommended Ordinance Intent



# DRAFT ORDINANCE DEVELOPMENT

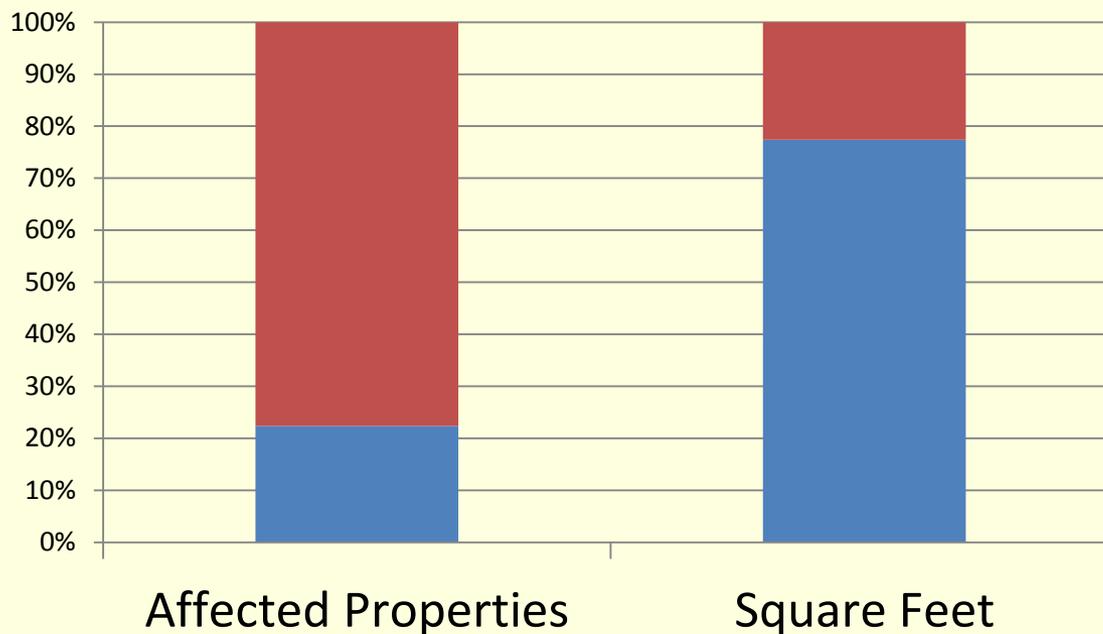
- 5/11/15: ZWAC C&D Committee
  - Develop Ordinance & ARR Rules concept
- 9/2/15: Environmental Commission briefing
- 8/18/14 - 9/22/15: Planning Commission
  - 4 meetings, including Codes and Ordinances Com.

# 9/22/2015: PLANNING COMMISSION

## Stakeholder Discussion

- Residential demolition
  - Low percentage of recyclable materials
  - Contamination issues (asbestos, lead)
- Material markets
- “Bang for your buck”

# 2016 vs. 2020 AFFECTED PROJECTS (FY13 DATA)



**22% of Projects = 77% of Floor Area**

# 9/22/2015: PLANNING COMMISSION

## RECOMMENDATIONS

<b>25-11-39. Affected Projects</b>	<b>2016</b>
Construction (sq ft)	> 5,000
Commercial Demolition	All

<b>Project Requirements, either:</b>	<b>2016</b>
15-6-151. Disposal Rate (lbs/sq ft)	< 2.5
15-6-152. Diversion Rate	> 50%

Plus, prior to 2020 and 2030, City staff will provide the City Council with:

- Economic impact statement for household affordability
- Economic assessment of the markets for construction and demolition materials

# KEY AMENDMENTS: CITY CODE 25-11 AND 15-6

- **City Code**

- Chapter 25-11. Building & Demolition Permits

- Affected Projects

- Chapter 15-6. Solid Waste Services

- Diversion & reporting requirements
    - Penalties
    - Private Haulers: report C&D quantities
    - Establish Qualified Processors criteria

- **ARR Administrative Rules**

# KEY AMENDMENTS:

## CHAPTER 15-6, SOLID WASTE SERVICES

### § 15-6-153. Project report requirement

- Report diversion and disposal amounts

### § 15-6-156. Waiver

### § 15-6-170. Enforcement

- Not reporting or meeting diversion requirements
- Class C misdemeanor
- Up to \$500 fine

# KEY AMENDMENTS:

## CHAPTER 15-6, SOLID WASTE SERVICES

### § 15-6-161. Qualified Processors

- Processor that validates its average diversion rate
- Simplifies Projects' reporting requirements
- Reduces processing costs
- LEED concept

### § 15-6-44. Licensed Haulers

- Report construction materials tonnages separately

# IMPACTS

- Household Affordability
- City Fiscal Assessment
- Zero Waste Goal

# AFFORDABILITY IMPACT STATEMENT

## NEUTRAL IMPACT

- Impact on household affordability aspects of Imagine Austin
- Land use / zoning opportunities for affordable housing development
- Impact on production of affordable housing

Already covered:

S.M.A.R.T. Housing, University Neighborhood, Downtown, Planned Unit Developments, and Mueller

# AFFORDABILITY IMPACT STATEMENT

## NEGATIVE IMPACT

- Impact on cost of development

Estimated increased cost for 50% diversion:

- \$20 per ton more for processing commingled C&D material
  - \$0.01 per pound of material processed
  - Median: **\$0.08/sq ft @ 8 lbs of material/sq ft of floor area**
- 
- \$0.08 is less than 0.1% of \$100/sq ft building cost  
(Ex: \$400 for a 5,000 sq ft residential)

# FISCAL ASSESSMENT

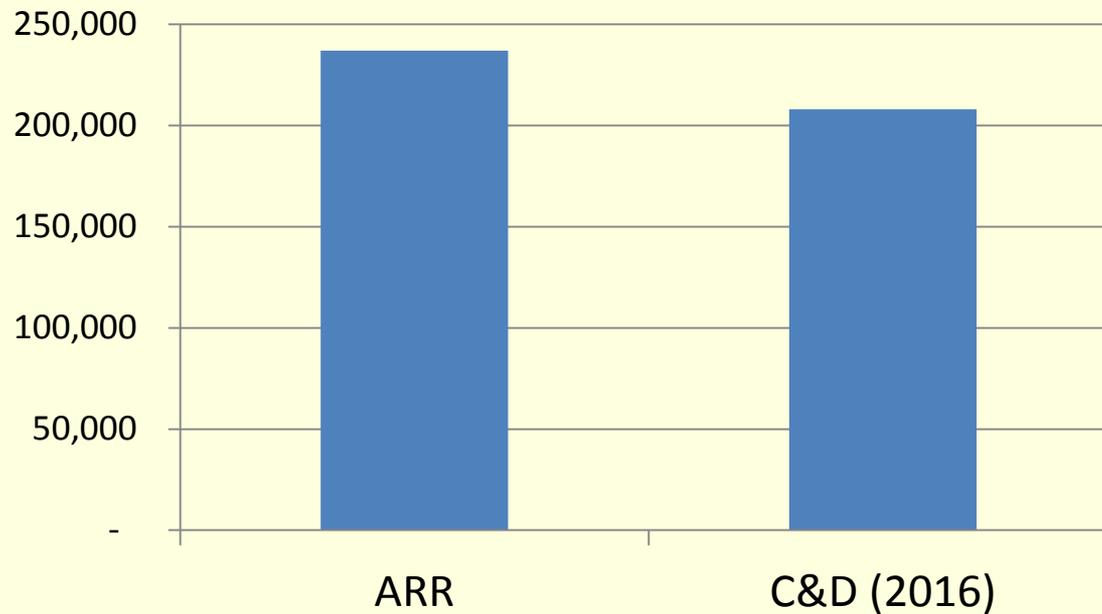
	FY16	FY17	FY18 ...	FY21	FY22
<b>Completed Projects</b>	-	960	1,800	5,095	7,950
<b>Total FTEs</b>	1.0	1.5	2.0	6.0	7.5
<b>Additional FTEs</b>	Existing	0.5	0.5	4.0	1.5

# ZERO WASTE GOAL

Project Type	FY17 Affected Projects	Floor Area (sq ft)	Affected Tons
Construction > 5,000 sq ft	1,630	47,300,000	179,000
Commercial Demolition	150	375,000	29,000
<b>TOTAL</b>	<b>1,780</b>	<b>47,700,000</b>	<b>208,000</b>

# ZERO WASTE GOAL

## Tons of Material



# STAFF RECOMMENDATION

- §25-11-39, as amended by Planning Commission
- Amend §15-6 as recommended by Planning Commission:
  - Delete 15-6-151(B) & 15-6-151(C)
  - Delete 15-6-152(B) & 15-6-152(C)
  - Add 2 staff studies
- Corresponding ARR Administrative Rules



# ZWAC OPTIONS FOR ACTION

1. Recommend in favor
2. Recommend in favor with revisions
3. Recommend opposed
4. No action



# NEXT STEPS

- 11/16/15: Planning and Neighborhood Council Committee (tentative)
- 11/19/15: City Council

# Discussion

