

**ZERO WASTE ADVISORY COMMISSION (ZWAC) – CONSTRUCTION AND DEMOLITION (C&D) ORDINANCE
REFORM COMMITTEE MEETING MINUTES JULY 9, 2014**



Zero Waste Advisory Commission – Construction and Demolition (C&D) Ordinance Reform Committee

**Meeting Minutes
July 9, 2014**

The ZWAC C&D Reform Committee convened in a meeting on July 9, 2014, at 505 Barton Springs Road; One Texas Center, Room 325 in Austin, Texas.

Committee Members in Attendance:

Dave Sullivan (Chair), Faye Kazi, Rachel Hering

Staff in Attendance:

Peter Davis (PWD), Cassidy Ellis (AEG), Jessica King (ARR), Jason McCombs (ARR), Gena McKinley (ARR), Sarah Puffer (ARR), and Woody Raine (ARR)

1. CALL TO ORDER:

- a. Committee Chair Dave Sullivan called the Committee Meeting to order at 3:34 p.m.
- b. Committee Chair Dave Sullivan facilitated introductions of Committee Members, City of Austin Staff, and meeting attendees.

2. CITIZEN COMMUNICATION GENERAL:

- a. Zero (0) citizens spoke during the opportunity for citizen communication.

3. APPROVAL OF MINUTES

- a. A motion to approve the December 9, 2014 minutes was made by Commissioner Kazi , Commissioner Hering second, was unanimously approved 3-0-0.

4. REGULAR AGENDA:

- a. Staff Presentation
 - i. Woody Raine (ARR), briefed the committee on ordinance development background, stakeholder outreach, case study research, and analytical research conducted to date.
 - Stakeholder Acuna requested clarification if 50% diversion was intended to be for the project as a whole or of identified materials. Staff clarified that it was intended to be the project as a whole.
 - Commissioner Sullivan requested clarification the ordinance was intended to extend to residential construction. Cassidy Ellis (AEG) staff provided clarification that residential waste diversion is currently a voluntary point within their rating system and not a requirement. Cassidy Ellis (AEG) staff noted that it had been

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found to be difficult to track waste streams from production builders on an individual house by house basis and were many times tracked by development. Commissioner Sullivan stated that it may be beneficial to only include commercial at this time.

b. Ordinance Process Development and Schedule

- i. Woody Raine (ARR) and Jessica King (ARR), presented the proposed ordinance development schedule and provided information on the development process which could include this ordinance being placed within Chapter 15 and Chapter 25 of the City Code which would involve the Zero Waste Advisory Commission as well as the Planning Commission. An intent document would be provided to ZWAC in November 2014 for consideration and then to Council in December 2014.
 - Commissioner Sullivan asked if draft ordinance language would be provided for consideration. Jessica King (ARR) provided clarification that the Law department would be evaluating the recommendations and help us determine which sections of the code are appropriate. The Law department would work to provide draft language by November ZWAC meeting. If the ordinance is tied to permitting, then it would likely impact Chapter 25 and if it applied to haulers, then it would likely be located in Chapter 15. Commissioner Sullivan requested that all backup be provided at the October ZWAC Commission meeting for public discussion. Jessica King (ARR) clarified that the Law department would not be able to provide the draft code amendment language by October, but that staff could provide the intent document to the full ZWAC in October.
 - Commissioner Kazi requested clarification on the level of control ZWAC would have over this ordinance. Jessica King (ARR) provided clarification that it would depend on the recommendation by the C&D Committee.
 - Commissioner Kazi requested clarification on the time frame of full ordinance adoption if an intent document were to be approved by Council in December 2014. Jessica King (ARR) provided that City Council would need to consider and approve the intent documents, then that document would go to the Planning Commission where it would go through the official Land Development Code ordinance amendment process, including open public hearings in front of the Planning Commission and again in front of Council. This process may take six months. Staff is unable to commit to a schedule at this time due to the quantity of unknowns.
 - Stakeholder Gregory requested that a City staff member with code expertise be provided in stakeholder meetings so that stakeholders are aware if a recommendation is made, where it would potentially fall within the City Code. Jessica King (ARR) stated that haulers and processors will be in chapter 15 and any items related to the generator, who is the permittee, will be tied to chapter 25.
 - Stakeholder Hobbs requested clarification on when the Administrative Rules process is expected to begin. Jessica King (ARR) stated that staff is unable to answer that question at this time due to the complexity of the issue. The rules process is different depending on the chapter of the code in which the ordinance language is placed. Typically ARR prefers the Rules to be adopted before the ordinance becomes effective.
 - Stakeholder Getter stated that he believes it is important that collected materials go to processors that can ensure that the material is properly being recycled. Jessica King (ARR) stated that could be discussed during the stakeholder process.

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- Stakeholder Acuna stated that he believes that end markets for materials and infrastructure is important and would like to see the City of Austin's eco-industrial park play a role in that.
- Commissioner Sullivan requested City Staff investigate the City's responsibility to report on diverted C&D material on an annual basis.
- Commissioner Sullivan requested City Staff investigate a C&D case study. Cassidy Ellis (AEGB) stated that AEGB would be willing to partner with ARR to provide information on a project, granted the project owner and hauler(s) are willing to participate. Stakeholder Gregory stated that LEED project already requires detailed reports. Woody Raine (ARR) stated that staff is currently working to find generation data to provide to stakeholders.

5. FUTURE AGENDA ITEMS

- Commissioner Kazi requested data and trends on construction debris quantities by project types.
- Commissioner Hering noted that two stakeholder meetings were being held on August 8 and August 14 and questioned if the timeline was too fast. Stakeholder Dobbs questioned the need to rush the ordinance. Jessica King (ARR) stated that staff has been pressed by stakeholders move quickly on this issue and also noted that stakeholders will be able to comment thru December as well as the thru the LDC process which is expected to proceed into 2015. Commissioner Sullivan noted that new boards and commissions won't be in place until June of 2015 and amendments could be considered with a consistent commission in that time frame. Woody Raine (ARR) noted that the two stakeholder meetings will bring all the parties into the room at one time to hear all comments. Commissioner Sullivan noted that one member of the C&D Committee could attend these stakeholder meetings.
- Stakeholder Hobbs asked for clarification on the number of stakeholder meetings and the length of the meetings. Woody Raine (ARR) noted two stakeholder meetings on August 8 and August 14 will be held, they are expected to be approximately three hours, and lunch will be provided. Stakeholder Hobbs requested that the presentation be posted online. Stakeholder Hobbs requested that audio recordings be made of the stakeholder and committee meetings. Stakeholder Hobbs expressed concern about the expedited ordinance schedule.
- Commissioner Sullivan noted that stakeholder input from today's meeting should be considered, requested audio recordings be made of all C&D stakeholder and Committee meetings, and that the C&D Committee will meet again in August, October and November 2014 for a briefing.

6. ADJOURNMENT:

- a. Committee Chair Dave Sullivan called the meeting to a close. The meeting was adjourned at 4:34 p.m. without objection.