

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