

ORDINANCE AMENDMENT REVIEW SHEET

October 8, 2015

Amendment: C20-2014-026 construction and demolition material diversion**Description:** Consider an ordinance amending City Code Title 25, City Code Chapter 15-6, and Austin Resource Recovery administrative rules regarding recycling and reuse of materials generated by building and demolition projects.**Proposed Language:** See attached draft ordinance.**Summary of proposed code changes:**

1. Key amendments to **Title 25** include:
Affected projects, effective Oct. 1, 2016:
 - a. Building projects with 5,000 square feet or more
 - b. Commercial or multifamily demolition projects
2. Key amendments to **Chapter 15-6** include:
 - a. Requirements for affected properties:
 - i. Initially, 50% diversion
 - ii. Beginning in 2020, increase to 75%
 - iii. Beginning in 2030, increase to 95%
 - b. Reporting requirement – Affected Projects report amounts diverted and disposed to determine compliance
 - c. Enforcement – Not reporting or meeting diversion requirements is a Class C misdemeanor
 - d. Qualified processors
 - i. The city will register processors that validate their facility's average diversion rate
 - ii. Affected projects that send materials to Qualified Processors have simpler reporting requirements
 - e. Private haulers – report tons of construction materials hauled separately from other materials hauled

Background: Initiated by Council Resolution 20141211-128

In September 2010, the City Council adopted Resolution 20100930-023 directing staff to investigate requiring construction and demolition (C&D) sites to recycle or salvage material. Recognizing the need to cross coordinate with several departments and C&D recycling related organizations, staff released a memo to the City Council explaining the challenges and committed to return with a proposed ordinance in the future.

From December 2013 to November 2014, the Zero Waste Advisory Commission's (ZWAC) Construction & Demolition Recycling Committee and Austin Resource Recovery (ARR) staff researched ordinances in other communities, conducted public meetings, and met with stakeholders to develop the C&D ordinance. Stakeholders

included private haulers; material processors; landfill operators; waste consultants; architects; historic preservation representatives; home builders; construction, demolition, and deconstruction companies; building owners and managers; and public agencies such as the Texas Commission on Environmental Quality, Travis County, and the Capital Area Council of Governments. City departments included Austin Energy Green Building Program, Planning and Development Review Department, Public Works Department, Office of Sustainability, and Austin Code. Based on staff research, the development process, and feedback from stakeholders, amendments to Title 25 and Title 15 were needed.

In October, the ZWAC C&D Committee forwarded its recommendations in the form of an intent document for consideration by the full commission. In November, the ZWAC approved the intent document for consideration by the City Council.

On December 11, 2014, the City Council adopted Resolution 20141211-128 initiating amendments to the Land Development Code and the Solid Waste Services Code that would require certain building and demolition projects to divert construction materials from disposal. The resolution included the ZWAC-approved intent document to serve as guidance in ordinance language development.

Staff Recommendation: Approve amendments to Title 25. Staff is sharing Title 15 amendments to provide the Planning Commission with the diversion and reporting requirements referenced in 25-11-39. The Planning Commission is not required to take action on Title 15.

Board and Commission Actions

November 12, 2014: The Zero Waste Advisory Commission (ZWAC) approved a draft resolution and ordinance intent.

August 18, 2015: Codes and Ordinances Subcommittee recommended the draft ordinance to the full Planning Commission, with an amendment to clarify that the square footage called for in 25-11-39(C)(2) and 25-11-39(D)(2), end the lines with “square feet of new, added, or remodeled floor area.”

August 25, 2015: The Planning Commission referred the draft ordinance to the Codes and Ordinances Subcommittee for further consideration.

September 2, 2015: ARR staff briefed the Environmental Commission on the draft ordinance.

September 15, 2015: Codes and Ordinances Subcommittee recommended the draft ordinance to the full Planning Commission, striking 25-11-39(D), which in 2020 expands affected projects to include residential demolition projects and construction projects greater than 1,000 square feet. In addition, the Subcommittee recommended advising the Zero Waste Advisory Commission to strike the following provisions related to higher diversion requirements in 2020 and 2030: 15-6-151(B), 15-6-151(C), 15-6-152(B), 15-6-

152(C). In addition, the Subcommittee recommended that the City Council direct staff to provide an economic impact statement for household affordability and an economic assessment of the markets for C&D material to inform the City Council on increasing diversion requirements in 2020 and 2030.

September 22, 2015: Planning Commission agreed with the recommendations made by the Codes and Ordinances Subcommittee on September 15, 2015.

October 14, 2015: ZWAC is scheduled to consider the draft ordinance.

Council Action

Initiating resolution called for presenting this ordinance to Council in October 2015.

A public hearing has not been set.

Ordinance Number: NA

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