



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

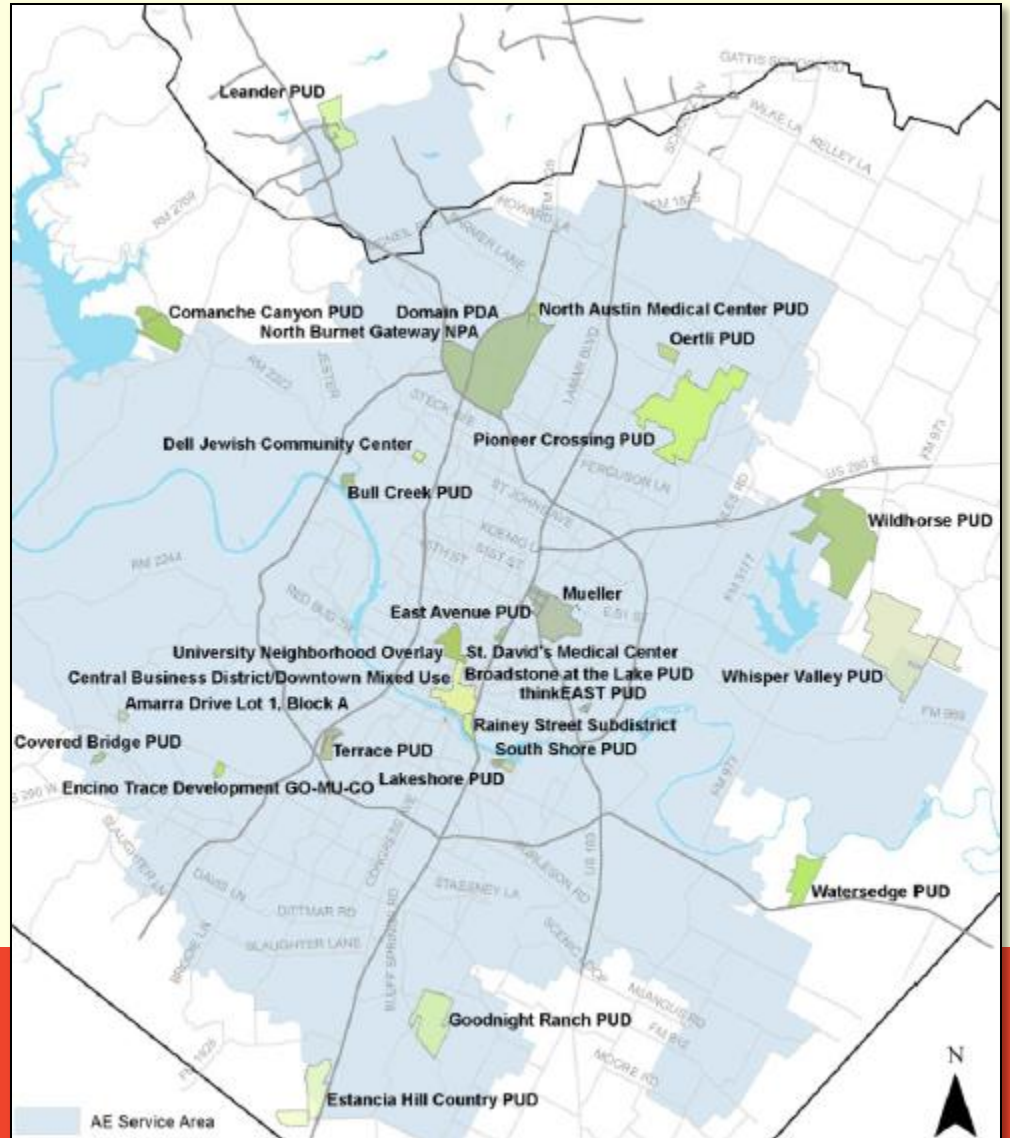
BACKGROUND: GREEN BUILDING

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



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

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

Project Requirements	2016	2017	2020	2030
• 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

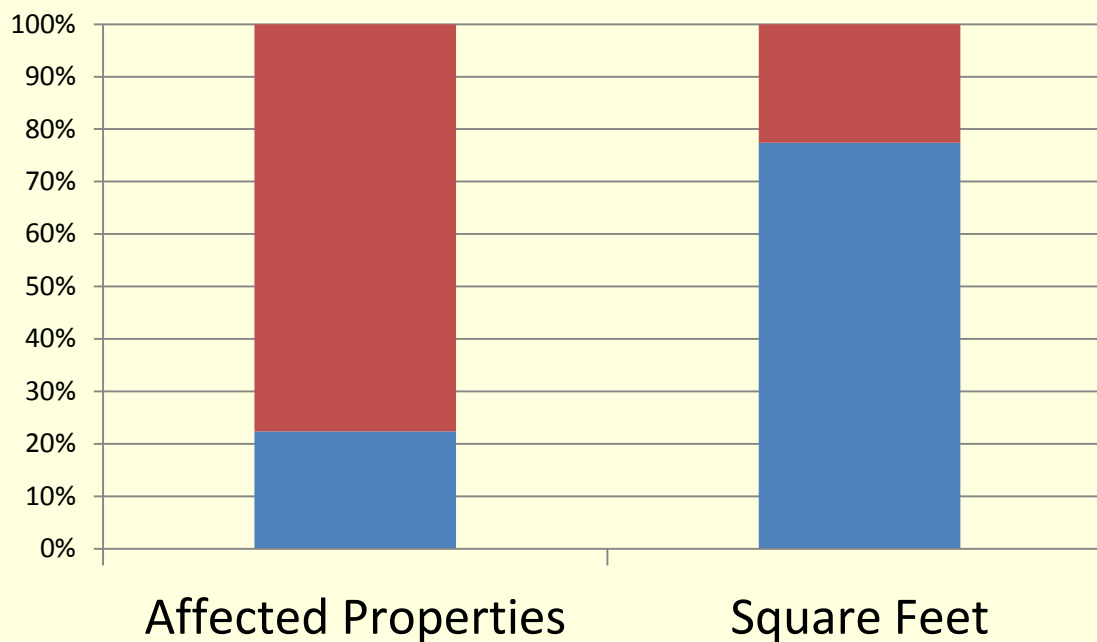
- 5/11/15: ZWAC C&D Committee
 - Develop Ordinance & ARR Rules concept
- 9/2/15: Environmental Commission briefing
- 8/18/14 - 9/22/15: Planning Commission
 - 4 meetings, including Codes and Ordinances Com.

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

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

Project Requirements, either:	2016
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)

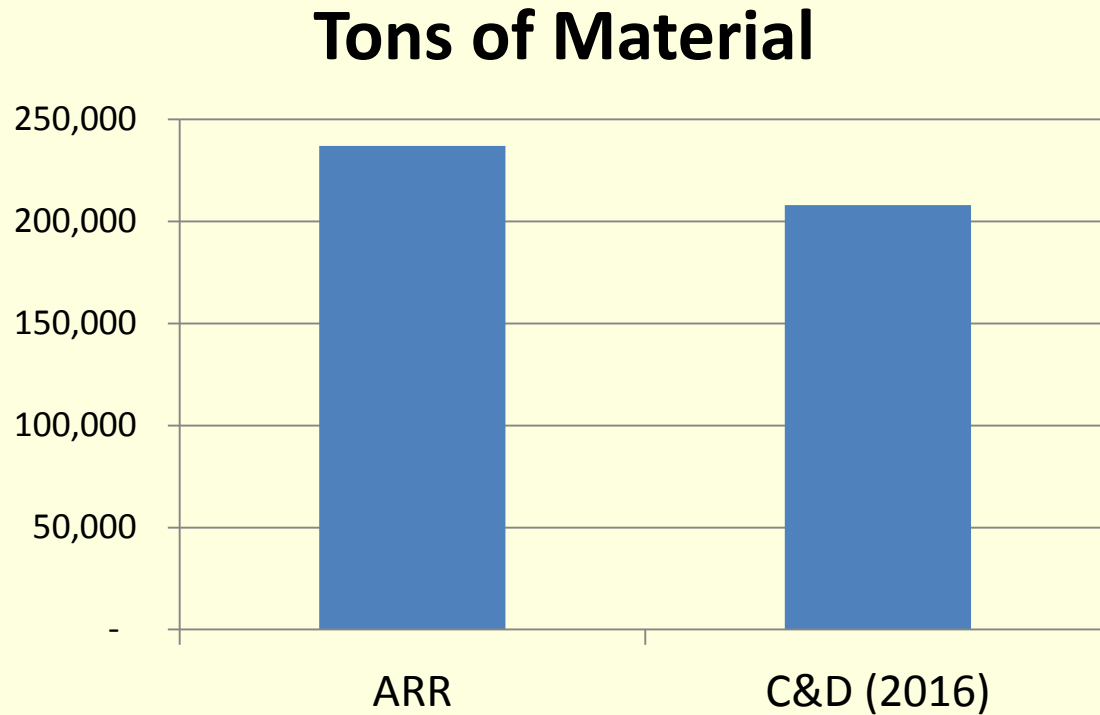
FISCAL ASSESSMENT

	FY16	FY17	FY18 ...	FY21	FY22
Completed Projects	-	960	1,800	5,095	7,950
Total FTEs	1.0	1.5	2.0	6.0	7.5
Additional FTEs	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
TOTAL	1,780	47,700,000	208,000

ZERO WASTE GOAL



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

