

## ANALYSIS

This ordinance amends Title 20 - Utilities of the Los Angeles County Code by adding Chapter 20.87 - Construction and Demolition Debris Recycling and Reuse, to facilitate the recycling and reuse of construction and demolition debris in the unincorporated areas of the County of Los Angeles.

RAYMOND G. FORTNER, JR  
County Counsel

By   
JUDITH A. FRIES  
Principal Deputy County Counsel  
Public Works Division

JAF:ss

02/02/04 (Requested)

03/30/04 (Revised)

**ORDINANCE NO. 2005-0004**

An ordinance amending Title 20 - Utilities of the Los Angeles County Code by adding Chapter 20.87 - Construction and Demolition Debris Recycling and Reuse, relating to the recycling and reuse of construction and demolition debris in the unincorporated areas of the County of Los Angeles.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 20.87 is hereby added to read as follows:

**Chapter 20.87**

**CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND REUSE**

**20.87.010 Findings and declarations.**

The board of supervisors finds and declares as follows:

A. The California Integrated Waste Management Act of 1989, as amended, section 40000 et seq. of the Public Resources Code, requires that each local jurisdiction in the state divert 50 percent of all solid waste from disposal within its jurisdiction through measures including recycling and reuse.

B. Recycling and reuse of construction and demolition debris is essential to further the county's efforts to comply with the goals of the California Integrated Waste Management Act of 1989.

C. The recycling and reuse of construction and demolition debris has been proven to significantly reduce the amount of material that is disposed in landfills.

D. Except in unusual circumstances, it is feasible to recycle or reuse at least 50 percent of all construction and demolition debris.

**20.87.020 Purpose.**

The purpose of this chapter is to increase the recycling and reuse of construction and demolition debris, consistent with the goals of the California Integrated Waste Management Act of 1989.

**20.87.030 Definitions.**

The following definitions apply in the application of this chapter.

A. "Construction and demolition debris" or "C&D debris" means material, other than hazardous waste, radioactive waste, or medical waste, that is generated by or results from construction or demolition-related activities including, but not limited to: construction, deconstruction, demolition, excavation, land clearing, landscaping, reconstruction, remodeling, renovation, repair, and site clean-up. C&D debris includes, but is not limited to: asphalt, concrete, brick, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe, steel, rock, soil, gravel, tree stumps, and other vegetative matter.

B. "Director" means the director of the department of public works or his/her authorized representative.

C. "Dispose" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

D. "Hazardous waste" means hazardous waste as defined by section 40141 of the Public Resources Code.

E. "Inert material" means nonputrescible solid material which includes, without limitation, soil, rock, gravel, concrete, asphalt, brick, ceramics, and similar material that does not contain hazardous waste, radioactive waste, medical waste, soluble pollutants, or decomposable matter.

F. "Medical waste" means waste regulated pursuant to the Medical Waste Management Act, section 117600 et seq. of the Health and Safety Code, and not deemed to be solid waste pursuant to section 40191(b)(3) of the Public Resources Code.

G. "Permit" means any permit issued by the building official pursuant to Section 106 of Chapter 1 of Title 26 of this code.

H. "Person" means an individual, association, firm, company, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever.

I. "Project" means:

1. Any work, requiring one or more permits, the total value of which exceeds \$100,000 as determined pursuant to Section 107.1 of Chapter 1 of Title 26 of this code;

2. Any work, requiring one or more permits, which consists only of the demolition of a structure or structures, irrespective of the total value of the demolition work; or

3. Any work, requiring one or more permits, which consists only of grading, irrespective of the total value of the grading work.

A project may consist of work requiring more than one permit only if the director determines that the work will take place within a single parcel as defined in Section 11.42.070 of this code or, upon request, that related work will take place within parcels that are in close proximity to one another.

A project does not include:

- a. Any work which is determined by the director to be necessary to protect the public health or safety in direct response to an emergency or disaster proclaimed by the appropriate federal, state or local official, or governing body;
- b. Any work undertaken by or on behalf of the county; or
- c. Any work that consists solely of one single-family or two-family residential structure and associated accessory structures, except for work consisting of demolition only.

J. "Project C&D debris" means the C&D debris generated within a project. Project C&D debris does not include rock, soil, or gravel that is transferred from one location to another location within the project site and that is not removed from the project site.

K. "Project completion" means the date of the final inspection of the project pursuant to Section 108.4.6 of Title 26 of this code, or if no final inspection is required, 30 calendar days following the date the work authorized by the permit(s) is completed, as determined by the director.

L. "Radioactive waste" means waste regulated pursuant to the Radiation Control Law, section 114960 et seq. of the Health and Safety Code.

M. "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise be disposed, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include the transfer of rock, soil, or gravel from one location to another location within the project site.

N. "Recycling and reuse plan" or "RRP" means a written plan for recycling and reuse of project C&D debris prepared and submitted pursuant to Section 20.87.050 in a form prescribed or approved by the director.

O. "Responsible person" means a person responsible for, or alleged to be responsible for, a violation of any provision of this chapter. A responsible person may include the person applying for the permit, the owner(s) of the real property on which the project will take place, and the owner's authorized representative.

P. "Reuse" means the use of a material in the same or similar form as originally produced, which material would otherwise be disposed. Reuse does not include the transfer of rock, soil, or gravel from one location to another location within the project site.

Q. "Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Notwithstanding the foregoing, "solid waste" does not include any of the following:

1. Hazardous waste;
2. Materials or substances that are salvaged for reuse or recycling that are not disposed;
3. Radioactive waste; or
4. Medical waste.

R. "Vendor" means any company, person, or other third party that disposes, collects, receives, recycles, or reuses project C&D debris.

**20.87.040 Recycling and reuse requirements.**

A. At least 50 percent, determined by weight, of all soil, rock, and gravel removed from a project site must be recycled or reused unless a lower percentage is approved by the director upon a determination that recycling or reuse of 50 percent of all such materials is not reasonably feasible. To the extent practicable, soil, rock, and gravel to be removed from the project site may not be commingled with other project C&D debris.

B. At least 50 percent, determined by weight, of all project C&D debris, exclusive of soil, rock, and gravel, must be recycled or reused unless a lower percentage is approved by the director upon a determination that recycling or reuse of 50 percent of all such materials is not reasonably feasible.

C. Inert materials, exclusive of soil, rock, and gravel, may comprise no more than two-thirds, determined by weight, of the percentage of project C&D debris that is required to be recycled or reused under subsection B, unless a higher percentage of inert materials is approved by the director upon a determination that the project will not otherwise generate or result in sufficient C&D debris to meet the level of recycling or reuse required in subsection B.

D. In the event the required percentages of C&D debris have not been recycled or reused, every ton or fraction of a ton of C&D debris that has not been recycled or reused as required constitutes a separate violation of this chapter for which the director may impose administrative penalties as provided by subsection G of Section 20.87.090.

E. Nothing in this section is intended to prohibit or discourage recycling or reuse of more than the required percentage of any project C&D debris.

**20.87.050 Submission and required contents of recycling and reuse plan.**

A. An RRP must be submitted to the department of public works, environmental programs division, after an application for a permit has been filed for a project, unless an RRP for the project is already on file with the department of public works.

B. An RRP must contain all of the following information:

1. The name and address of the person applying for the permit;
2. Unless waived by the director, evidence that the owner or owners of the subject property acknowledge that they are aware of and understand that a violation of any provision of this chapter may result in the imposition of administrative penalties and that any unpaid administrative penalties imposed may be declared a lien on the subject property;
3. A description of the project, including location, scope, required permit(s), and estimated timeline for completion of the project;
4. The estimated total weight of the project C&D debris, with separate estimates for (1) soil, rock, and gravel; (2) all other inert materials; and (3) all other project C&D debris;
5. The estimated total weight of the project C&D debris which will be recycled or reused, with separate estimates for (1) soil, rock, and gravel; (2) all other inert materials; and (3) all other project C&D debris;

6. The names and addresses of all vendors and facilities proposed to be used to collect, receive, dispose, recycle, or reuse the project C&D debris;

7. The recycling or reuse rate, as applicable, of each vendor and facility proposed to be used to recycle or reuse the project C&D debris; and

8. The estimated percentage, determined by weight, of the project C&D debris that will be recycled or reused, with separate estimates for: (1) soil, rock, and gravel; (2) all other inert materials; and (3) all other project C&D debris.

**20.87.060 Approval of recycling and reuse plan.**

A. No permit will be issued for a project unless and until the director has reviewed and approved an RRP for the project. An RRP will be approved only if the director determines that:

1. The RRP contains all of the information required by Section 20.87.050; and

2. The RRP demonstrates compliance with the requirements of Section 20.87.040. If approved by the director, the recycling or reuse rate of a vendor or facility employed in the recycling or reuse of project C&D debris may be used to substantiate the amount of project C&D debris recycled or reused by that vendor or facility.

B. If at any time it becomes apparent that the contents of an approved RRP are no longer accurate, the director must be notified immediately to determine whether an addendum to the RRP must be submitted.

C. In the event an addendum to an RRP is required, the addendum must be submitted with such information as may be required by the director to ensure compliance with subsection B of Section 20.87.050.

**20.87.070 Evidence of compliance with recycling and reuse requirements.**

A. No later than 90 days after issuance of the first permit for the project, an initial progress report must be submitted to the director. Annual progress reports must be submitted thereafter, on or before March 1 of every year, until project completion. The progress reports must be in a form prescribed or approved by the director and contain all of the following information:

1. A brief description of the status of completion of the project;
2. The estimated weight of all project C&D debris that has been generated, reused or recycled, and disposed to date, with separate estimates for (1) soil, rock, and gravel; (2) all other inert materials; and (3) all other project C&D debris;
3. The estimated percentage that inert materials, exclusive of soil, rock, and gravel, comprise of the total project C&D debris that has been recycled or reused to date; and
4. The name and address of each vendor and facility used to collect, receive, dispose, recycle, or reuse the project C&D debris to date, and the recycling or reuse rate, as applicable, of each vendor and facility used to recycle or reuse the project C&D debris to date.

B. Notwithstanding the foregoing, an annual progress report is not required if the director has been notified that a final compliance report will be submitted on or before May 30 of the same year. In the event that no final compliance report is submitted by May 30, a progress report must be submitted no later than May 30.

C. Within 45 days following project completion, a final compliance report containing the following information and documentation must be submitted to the director, with separate weights and calculations shown for (1) soil, rock, and gravel; (2) all other inert materials; and (3) all other project C&D debris:

1. The weight of all project C&D debris;
2. The weight of the project C&D debris that was recycled or reused;
3. The weight of the project C&D debris that was disposed;
4. Copies of receipts from every vendor or facility that collected, transported, or received any project C&D debris. Each receipt must specify the weight of any project C&D debris handled by the vendor or facility and must clearly demonstrate that all such C&D debris originated from the project site;
5. A calculation of the actual percentage, determined by weight, of project C&D debris that was recycled or reused; and
6. A description of the manner in which the project C&D debris was recycled or reused and the name and address of all vendors and facilities employed in the recycling or reuse of project C&D debris, including the recycling or reuse rate of each vendor or facility, as applicable.

D. Failure to accurately account for and submit the required documentation for all project C&D debris in the final compliance report constitutes a violation of this chapter.

**20.87.080 Weighing of project C&D debris.**

All project C&D debris must be weighed on scales that comply with all applicable state and county regulatory requirements for accuracy and maintenance, except when the director determines that weighing C&D debris is not practical. In that event, a volumetric measurement must be used and the volume converted to weight based on the standardized conversion rate table approved by the director for this purpose.

**20.87.090 Notice of violation and administrative penalty.**

A. In addition to any other remedy authorized by this code or applicable law, any violation of the provisions of this chapter will be subject to an administrative penalty, enforcement, and collection proceedings, as set forth in this chapter and authorized by section 53069.4 of the California Government Code. Each day of a continuing violation constitutes a separate violation.

B. Except as otherwise provided in subsection C, the director may impose an administrative penalty for each violation in an amount not to exceed \$100 for the first violation, \$200 for the second violation of the same provision of this chapter within one year after the first violation, and \$500 for each additional violation of the same provision of this chapter within one year after the first violation. Where a violation constitutes a continuing violation, no administrative penalty will be imposed unless the violation is not corrected within 30 days of the date of service of a notice describing the violation. Upon a determination by the director that a continuing violation cannot be subsequently corrected or cured, the violation will be deemed corrected at the end of 60 days following the date of service of the notice of violation.

C. If the director determines that a project is in violation of the requirements of Section 20.87.040, the director may impose an administrative penalty equal to \$250 for every ton or fraction of a ton of C&D debris that was not recycled or reused as required.

D. Whenever the director determines that a violation of any provision of this chapter has occurred, the director is authorized to issue a notice of violation. The director's issuance of a notice of violation is final unless an administrative appeal has been filed as provided in Section 20.87.100. If such an administrative appeal is not

filed, the director may withhold approval of any and all RRPs submitted by the responsible person on any project(s) until the applicable administrative penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 20.87.120.

E. The notice of violation shall specify the conditions constituting the violation, the time, if any, within which the violation must be corrected, the applicable administrative penalty, and the availability of an administrative appeal as provided in Section 20.87.100. The notice of violation shall also state that if such an administrative appeal is not filed and the applicable administrative penalty has not been paid, the director may withhold approval of any and all RRPs submitted by the responsible person on any project(s) until such penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 20.87.120.

F. A notice of violation shall be served upon a responsible person(s) by personal delivery or by registered or certified mail, return receipt requested, at the director's election. In the event, after reasonable effort, the director is unable to serve the notice of violation as set above, service shall be accomplished by posting a copy of the notice on the premises of the project. The date of service is deemed to be the date of mailing, personal delivery, or posting, as applicable.

G. The total amount of administrative penalties imposed for a project under this section may not exceed 15 percent of the value of the project, as described on the permit application(s), or \$50,000, whichever is less.

H. Any penalty collected under this section will be deposited in a separate revenue fund entitled "Solid Waste Management Fund."

**20.87.100 Administrative review of notice of violation.**

A. Any person upon whom a notice of violation has been served may request an administrative review of the accuracy of the contents of the notice and/or the propriety of any administrative penalty by filing a written notice of appeal with the director no later than 30 days after the date of service of the notice of violation. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses, that the appellant wishes to be considered in connection with the appeal.

B. Notwithstanding the provisions of Section 20.84.010, the appeal shall be heard by a hearing officer designated by the director. The hearing officer shall conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the county, and shall give the appellant ten days prior written notice of the date of the hearing. The hearing officer shall sustain, rescind, or modify the notice of violation by written decision. The hearing officer shall have the power to waive any portion of an administrative penalty in a manner consistent with the decision. Service of the hearing officer's decision shall be made on the appellant in the manner provided in subsection C of Section 20.87.090. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision. If judicial review of the final administrative decision is not

sought in accordance with the provisions of Section 20.87.110, the decision of the hearing officer shall be deemed confirmed and the director may withhold approval of any and all RRPs submitted by the responsible person on any project(s) until the applicable administrative penalty has been paid, and the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 20.87.120.

**20.87.110 Judicial review.**

Within 20 days after service of the written decision of the hearing officer, a person contesting that decision may seek review of the decision by filing an appeal in the superior court pursuant to section 53069.4 of the Government Code. A copy of the notice of appeal must be served in person or by first-class mail upon the clerk of the board of supervisors of the County of Los Angeles by the person filing the appeal and a copy of the notice of appeal must be submitted to the director. If the decision of the court is against the contestant, the director may withhold approval of any and all RRPs submitted by the responsible person on any project(s) until the applicable administrative penalty has been paid, or the amount of any unpaid administrative penalty may be declared a lien on any real property on which the project took place, as provided in Section 20.87.120.

**20.87.120 Enforcement and collection of administrative penalties.**

A. Prior to recordation of a lien declared under this Chapter in the amount of an unpaid administrative penalty, notice shall be given to the owner of the property to be

subject to the lien and shall be served in the same manner as a summons may be served pursuant to section 415.10 et seq. of the Code of Civil Procedure.

B. The lien shall attach upon recordation in the office of the county recorder. The lien shall specify the amount of the lien, the date of the violations, the date of the final decision, the street address (if any), legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel.

C. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, the county shall record a notice of the discharge containing the information specified in subsection B.

**20.87.130 Standards, guidelines, and criteria.**

The director may establish and/or adopt standards, guidelines, and criteria consistent with this chapter which are reasonably necessary to achieve the objectives of this chapter.

**20.87.140 Inspections, inquiries, and audits.**

The director may make any and all inspections, inquiries, and audits as the director may deem necessary to determine compliance with this chapter.

**SECTION 2.** The operative date of this ordinance shall be the 61st day after the date on which this ordinance becomes effective. For an additional period of six months following the operative date of this ordinance, no administrative penalties shall accrue under Section 20.87.090.

[2087FPCOC.rtf]

SECTION 3. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



Gloria Molina  
Chair

ATTEST:

Violet Varona-Lukens  
Executive Officer - Clerk of the Board of Supervisors of the County of Los Angeles

I hereby certify that at its meeting of January 4, 2005 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes  
Supervisors Yvonne B. Burke  
Zev Yaroslavsky  
Don Knabe  
Michael D. Antonovich  
Gloria Molina

Noes  
Supervisors None  
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Effective Date: February 3, 2005  
Operative Date: April 5, 2005

Violet Varona-Lukens  
Executive Officer - Clerk of the Board of Supervisors of the County of Los Angeles

I hereby certify that pursuant to section 25103 of the Government Code, delivery of this document has been made.  
VIOLET VARONA-LUKENS  
Executive Officer  
Clerk of the Board of Supervisors

By Matthew J. [Signature]  
Deputy



APPROVED AS TO FORM:  
RAYMOND G. FORTNER, JR.  
County Counsel

By [Signature]  
Raymond G. Fortner, Jr.  
County Counsel