

ORDINANCE NO. 4421

**AN ORDINANCE AMENDING VENTURA COUNTY ORDINANCE CODE
DIVISION 4, CHAPTER 7, ARTICLE 3, SECTION 4781 REGARDING RECYCLING
AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS**

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1.

Division 4, Chapter 7, Article 3, Section 4781 of the Ventura County Ordinance Code is hereby amended as follows:

Sec. 4781 - **CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT**

Sec. 4781-1 - **Purpose and Intent** - The purpose of this Section is to establish regulations effectively reducing landfill-bound waste from Construction and Demolition (C&D) activity by requiring Permit Applicants undertaking specific Covered Projects to Divert, or recycle, a minimum of 60 percent (60%) of the C&D Debris resulting from their Projects, in compliance with state and local statutory goals and policies.

Sec. 4781-2 - **Definitions** - For the purposes of this Section 4781, the following words and phrases shall have the meanings respectively ascribed to them by this Section 4781-2:

(a) "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County of Ventura for any applicable Permits, as defined in this Section, to undertake any Construction, Demolition, remodel or renovation Project within the County.

(b) "C&D" means Construction and Demolition.

(c) "C&D Debris Recycling Compliance Official" means the Director of the Water and Sanitation Department or representatives designated by the Department Director or successors.

(d) "C&D Debris Recycling Plan" means a plan for Recycling and/or Reuse of Project C&D Debris prepared and submitted by a Permit Applicant pursuant to Sec. 4781-6 in a form approved by the Department Director for the purpose of reviewing Project compliance with this Section. This Recycling Plan is submitted prior to Permit issuance.

(e) "C&D Debris Recycling Report" means a completed form approved by the Department Director for the purpose of reviewing Project compliance with this Section submitted by a Permit Applicant pursuant to Sec. 4781-8 for any Covered Project approved by the County of Ventura for the purpose of compliance with this Section. This form is submitted after Completion of a Project.

(f) "Completion" means the earliest of the following dates: the date a certificate of occupancy is issued by the County of Ventura for a Covered Project, the completion date of a Covered Project per final County of Ventura inspection and approval, or, if no final approval is required, 30 calendar days following the date the work authorized by the Permit(s) is completed, as determined by the Department Director.

(g) "Construction" means the building, remodeling or enlargement of any structure, or any portion thereof, and includes, without limitation, alterations or improvements to an existing structure.

(h) "County" means the unincorporated area of the County of Ventura.

(i) "County of Ventura" means the body politic and corporate having that designation and all other governmental entities where board is comprised of those members who are also members of the Board of Supervisors of the County of Ventura.

(j) "Construction and Demolition Debris" or "C&D Debris" means the excess or discarded materials removed from a site during, or after, the Construction, Demolition, repair, remodeling or renovation of any pavement, house, commercial building, fence, wall or other structure.

(k) "Covered Project" means any Project meeting any one or more of the following thresholds:

(1) Residential additions or remodels of 1,000 square feet or more of gross floor area;

(2) Commercial or Industrial tenant improvements of 2,000 square feet or more of gross floor area;

(3) New structures, irrespective of gross floor area or valuation;

(4) Demolition of any structure subject to a Building Permit, irrespective of cost or valuation;

(5) Any Grading work requiring a Permit, irrespective of cost, from which Inert Material will be removed from the Project site;

(6) All Construction Projects awarded within the County pursuant to procurement policy and the competitive bid process mandated by the California Public Contract Code.

(l) "Conversion Rate" means the rate set forth in the standardized Conversion Rate table for use in estimating the volume or weight of C&D Debris, approved by the California Department of Resources Recycling and Recovery (CalRecycle).

(m) "Deconstruct" and "Deconstruction" mean the careful and systematic dismantling of a structure in order to Salvage materials for Diversion.

(n) "Demolition" means the razing, tearing down or wrecking of any structure, wall, fence or Paving, whether in whole or in part, whether interior or exterior.

(o) "Designated Recyclable and Reusable Materials" means all C&D Debris described within any of the following categories:

(1) Masonry building materials, including all products generally used in Construction including, but not limited to, asphalt, concrete, rock, stone and brick.

(2) Wood materials including any and all dimensional lumber, fencing or construction wood not chemically treated, creosoted, CCA pressure treated, contaminated or painted.

(3) Vegetation material including trees, tree parts, shrubs, logs, brush, grass, stumps or any other type of plants (i.e., "green waste"), excluding palm fronds and trunks, succulents, yucca and ivy, cleared from a site for Construction or other use.

(4) Metals including all ferrous and nonferrous metal scrap such as, but not limited to, pipes, siding, window frames, door frames, hardware and fences.

(5) Roofing materials including wood shingles as well as asphalt, clay, concrete, stone and slate based roofing material.

(6) Salvageable materials include all salvageable materials and structures including, but not limited to, wallboard, doors, windows, hardware, fixtures, toilets, sinks, bath tubs and appliances.

(7) Any other non-hazardous C&D Debris available for Recycling or Reuse.

(p) "Department Director" means the Director of the Water and Sanitation Department of the Public Works Agency of the County of Ventura or successors.

(q) "Divert" and "Diversion" mean the Reuse or Recycling of C&D Debris to avoid disposal as Municipal Solid Waste at a permitted disposal facility.

(r) "Diversion Requirement" means a minimum Diversion rate of 60 percent (60%) of the total C&D Debris generated by a Covered Project.

(s) "Grading" means altering a land surface by cutting, filling and/or smoothing to meet a designated form and function.

(t) "Inert Material" means nonputrescible solid material including, without limitation, soil, rock, gravel, concrete, asphalt, brick, ceramics, metal and similar material not containing hazardous waste, radioactive waste, medical waste, soluble pollutants or decomposable matter.

(u) "Manager" means the Manager of the Integrated Waste Management Division of the Water & Sanitation Department of the Public Works Agency of the County of Ventura.

(v) "Municipal Solid Waste" or "MSW" means all solid waste taken to a permitted disposal facility and treated as trash or garbage.

(w) "Paving" means driveways, walkways, parking areas, streets and sidewalks.

(x) "Permit" means any building, Grading, Paving, encroachment or Demolition permit.

(y) "Project" means any proposal for Grading, new Construction or changed use, remodel, alteration, Demolition, deconstruction or enlargement of any structure, requiring a Permit from the County.

(z) "Recycling" and "Reuse" mean the process of collecting, sorting, cleansing, treating, and reconstituting C&D Debris, that would otherwise be disposed in a landfill as MSW, for use as raw material for new, reused, or reconstituted products meeting industry standards necessary for such use in the marketplace.

(aa) "Recycling Facility" means a facility collecting specific types of C&D Debris for Reuse or Recycling for which an applicable solid waste handling permit is required.

(bb) "Salvage" means the controlled removal of C&D Debris from a Permitted building or Demolition site for the purpose of Recycling, Reuse, or storage for later Recycling or Reuse.

Sec. 4781-3 - Application of Section to Covered Projects -

(a) Unless otherwise exempt under Sec. 4781-5 ("Exempt Projects"), Covered Projects shall meet the Diversion Requirement and shall comply with all provisions of this Section.

(b) Permit Applicant's acceptance of, and commitment to comply with, the provisions of this Section shall be a condition of approval for all building, Paving, Grading, encroachment or Demolition Permits issued for a Covered Project.

Sec. 4781-4 - Required Diversion Rates - The Applicant for a Covered Project shall Divert a minimum of 60 percent (60%) of the C&D Debris resulting from a Covered Project.

Sec. 4781-5 - Projects Exempt from this Section - The following Projects are exempt from the requirements of this Section:

(a) Immediate or emergency demolition required to protect the public health, safety or welfare, as determined by the Building Official, Sheriff, or Fire Chief of the County of Ventura.

(b) Projects consisting solely of the installation of pre-fabricated accessories such as patio enclosures and covers, signs or antennas where no foundation or other structural building modifications are required;

(c) A Project for which an entitlement Permit or design review approval has been obtained from the County of Ventura prior to the effective date of this Section;

(d) A Project for which the Division of Building and Safety of the County of Ventura, prior to the effective date of this Section, has lawfully issued a valid building Permit;

(e) A public works contract awarded in accordance with the California Public Contract Code for which the notice inviting bids has been published prior to the effective date of this Section;

(f) Work for which only a plumbing Permit, an electrical Permit, or a mechanical Permit is required or any combination thereof;

(g) Seismic tie-down projects;

(h) Other work a C&D Debris Recycling Compliance Official determines will not produce significant levels of reasonably recyclable C&D Debris.

Sec. 4781-6 - C&D Debris Recycling Plan Requirements - Applicants for Covered Project Permits shall complete and submit a C&D Debris Recycling Plan in a form approved by the County of Ventura to a C&D Debris Recycling Compliance Official as a prerequisite for Permit issuance. The C&D Debris Recycling Plan shall include the following information, calculated with an estimated Diversion Rate, and shall be attested by the Permit Applicant, under penalty of perjury, as true and correct for all stated facts and as a best estimate based on all information reasonably available about the Project, where all of the facts cannot be ascertained:

(a) The estimated weight of C&D Debris listed for each material type per a CIWMB-approved solid waste weight conversion method;

(b) The estimated weight of C&D Debris that can be Diverted listed by each material type;

(c) The estimated weight of C&D Debris that will be delivered to a permitted disposal facility as MSW;

(d) The identification of the vendor or Recycling Facility collecting or receiving C&D Debris or deconstructing the structure; and

(e) The estimated date on which Grading, Paving, Demolition, or Construction is to commence and be completed.

Sec. 4781-7 - Review of C&D Debris Recycling Plan -

(a) **Time for Review.** A C&D Debris Recycling Plan shall be approved or denied no later than two (2) full working days after submittal to the C&D Debris Recycling Plan Compliance Official. If no written approval or denial is issued within two (2) full working days after submittal of Plan containing all of the information required by Section 4781-6, the Plan shall be deemed approved. Plan approval may be based on imposed conditions reasonably necessary to meet the standards of this Section.

(b) **Approval.** Notwithstanding any other provision of this Section, no Permit shall be issued for any Covered Project unless and until the C&D Debris Recycling Plan has been approved, based upon the following findings by the C&D Debris Recycling Plan Compliance Official.

(1) All of the information required by Sec. 4781-6 has been provided; and

(2) The plan establishes a method by which the Diversion Requirement set forth in Section 4781-4 shall be met.

(c) **Denial.** If the C&D Debris Recycling Compliance Official denies the C&D Debris Recycling Plan, the grounds for denial shall be clearly stated, in writing.

Sec. 4781-8 - C&D Debris Recycling Report Compliance with this Section -

(a) **Final Report.** Prior to Completion of a Covered Project pursuant to Sec. 4781-2(k), the Permit Applicant shall submit a C&D Debris Recycling Report, under penalty of perjury, to a C&D Debris Recycling Compliance Official in a form approved by the County of Ventura. The report shall include the following information:

(1) The dates on which Grading, building, Paving, Demolition and/or Construction actually commenced and were completed;

(2) The actual weight of C&D Debris, listed by each material type;

(3) The actual weight of C&D Debris that was Diverted, listed by each material type;

(4) A specification of the method used to determine the weights (the CIWMB-approved solid waste weight conversion tables are strongly recommended) and a certification that the method used was the most accurate, commercially reasonable method available; and

(5) Original receipts from all vendors and permitted Recycling Facilities, which collected or received C&D Debris, indicating actual weights and volumes, by individual material type, received by each.

Section 2.

This Ordinance shall take effect 30 days after its adoption.

PASSED AND ADOPTED this 23rd day of November, 2010, by the following vote:

AYES: Supervisors BENNETT, PARKS, FOY, ZARAGOZA AND LONG.

NOES: NONE

ABSENT: NONE

Harry Long
Chair, Board of Supervisors
County of Ventura

ATTEST:

MARTY ROBINSON,
Clerk of the Board of Supervisors,
County of Ventura, State of California.



By: [Signature]
Deputy Clerk of the Board

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