

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 1 of 8	Section Number 00.00
	Effective Date 7/01/04	Revised Date --

PURPOSE

The purpose of these Rules and Regulations is to set forth the requirements for the Construction and Demolition Diversion Deposit (CDDD) Certified Recovery Facilities under the applicable provisions of Part IS of Chapter 9.10 of the San José Municipal Code. These Rules and Regulations establish procedures for certifying facilities, and specify reporting requirements for certified facilities.

BACKGROUND

Under certain conditions, individuals applying for building permits must remit a Construction and Demolition Diversion deposit at the time that a permit application is filed. To recover the deposit, those individuals must demonstrate reuse of the materials, by hauling, or having their contractors haul, the construction wastes to a CDDD-Certified Recovery Facility.

Recovery Facility operators have the option to have the facility certified for all operations of the facility and include all gate tonnages, or to have the facility certified for only those materials received that relate to the San Jose CDDD program. The facility may mix construction and demolition wastes from San Jose with construction and demolition wastes from other jurisdictions at the facility, only if the facility is certified for all materials that are mixed.

Facility Certification

The City may grant certification to Recovery Facilities that divert a significant percentage of the incoming Construction and Demolition (C&D) debris from the waste stream. The certification is not exclusive, and is available to all recovery facilities that divert 50% or more of the incoming C&D debris, if a significant portion of the incoming C&D materials is from San Jose. The City may consider increasing the percentage of required diversion on specific materials for continued certification depending on improvements in best available management practices.

Materials used as Alternate Daily Cover (ADC) at landfills will count as 50% diversion through June 30, 2002, 25% diversion from July 1, 2002 through June 30, 2004, and will not be counted toward the diversion rate after June 30, 2004.

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 20f8	Section Number 00.00
	Effective Date 7/01/04	Revised Date --

To receive certification, a facility operator must file an application for Certification of a Recovery Facility in the City's CDDD program. The City will complete its evaluation of the application within 90 days of receipt of all of the required documents and payment of a Certification Application Fee, if a fee is established by resolution of the City Council. Certification will be based on the owner/operator's ability to demonstrate that the diversion rate from incoming materials groupings has been achieved. The City may certify a facility for some or all of the C&D materials processed at the site.

If the City does not certify a facility, based on the facility not meeting the requirements set forth in these rules and regulations, the facility operator may file another application for certification at any time. However, the facility operator may be required to pay a Certification Application Fee to cover the City's cost for performing the certification.

REQUIREMENTS

A Certified Recovery Facility means a recycling, composting, materials recovery or re-use facility for which the Director has issued a certification under Section 9.10.2460 of Chapter 9.10 of the San José Municipal Code. The Director shall issue certification only if all of the following conditions are satisfied:

1. The facility has obtained all applicable Federal, State, and local permits, and is in full compliance with all applicable regulations; and makes copies of these permits available for review by the Director.
2. The owner or operator of the facility submits documentation on the historic operation of the facility; and demonstrates the ability to process materials received at the facility.
3. The owner or operator of the facility has a system in place to track all of the incoming tonnages, the on-site use of materials, and the out-going tonnages.
4. The percentage of incoming waste from construction, demolition, and building alteration activity waste that is diverted from landfill disposal meets the required minimum percentage set forth in these regulations.

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 30f8	Section Number 00.00
	Effective Date 7/01104	Revised Date --

I. PROCEDURES FOR RECOVERY FACILITY CERTIFICATION

To be certified as a CDDD Recovery Facility, all of the following steps must be completed:

A. Application for Certification

Facility owner/operator must:

1. Submit an application for certification on a form provided by the City
2. Submit a written description of the C&D processing operation(s) including:
 - a. designation of incoming loads (relating to gate records)
 - b. tipping areas for each material type received
 - c. processing areas, by sort line
 - d. materials types recovered
 - e. designation of out-going loads
 - f. designation of loads used on-site
 - g. disposal of residue
3. Provide materials flow diagrams showing:
 - a. total incoming tonnages with overall type of material to be processed
 - b. processing steps and tonnages (by material type) from each step
 - c. tonnages and destination of material (by type) from the processing line

B. Permit Review

The Applicant shall submit copies of all applicable facility permits with the Application. This includes land use permits from the jurisdiction in which the facility is located; permits from the California Integrated Waste Management Board, Regional Water Quality Control District, and Bay Area Air Quality Management District; and any other permits required for the operation of the facility.

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 4 of 8	Section Number 00.00
	Effective Date 7/01/04	Revised Date --

C. Application Review

The City staff, or the City's consultant, will:

- I. Verify the accuracy of the permit information
2. Review the materials flow records with the Applicant. Records may include:
 - a. weight tags & load records
 - b. number of loads for each category of materials received
 - c. records of material movement on site (beneficial use, cover, ADC, etc.)
 - d. records of materials moved off site ('product' sold)
 - e. disposition of residue from processing

D. On-site Observation

The City staff, or the City's consultant, will conduct an on-site observation to verify capabilities of the processing equipment and operation.

E. Quantitative Review

The City staff, or the City's consultant, will conduct a quantitative review of Applicant's records relating to the recovery of C&D materials.

F. Certification

Based on complete review of the Applicant's information, the City will certify the Recovery Facility or inform the Applicant of the reasons for denial.

G. List of Certified Facilities

The City will publish a list of CDDD-Certified Facilities. This list will be provided to each person requiring a CDDD clearance when applying for a City building permit.

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 50f8	Section Number 00.00
	Effective Date 7/01/10	Revised Date --

II. FACILITY OPERATIONS AND RECORDS REQUIREMENTS

There are five basic steps in facility operations with which the City is concerned. These include: 1) how materials are recorded at the gate; 2) the storage of materials awaiting processing; 3) details of the materials processing; 4) materials stockpiles awaiting use on-site and shipment off-site; and 5) records of shipments.

A. Gate records:

1. The facility must provide the City a list of all categories of material types recorded at the gate, and where on the facility the driver is directed to take each material.
2. The facility must identify which of the received material types are processed as part of the CDDD program materials.
3. The facility must identify the process followed if the staff at the unloading area does not accept a load that is recorded as CDDD material at the gate.

B. Storage of materials awaiting processing

1. The facility must identify by category materials that will be stored prior to processing.
2. The facility must identify how it will track use of materials from each stockpile to determine if the total tons in the pile have increased or decreased during the reporting period.

C. Materials processing

1. For each received material type (based on gate records), the facility must identify the tons processed, and the tons of residue landfilled.

D. Materials stockpiles awaiting use on-site and shipment off-site

1. The facility must identify by type all materials that will be stored after processing.
2. The facility must identify how they will track the shipment of materials from each storage pile to determine if the total tons in the pile have increased or decreased during the reporting period.

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 60fS	Section Number 00.00
	Effective Date 7/01104	Revised Date --

E. Records of shipments

- I. The facility must identify by type all materials that have been shipped during the reporting period.

III. CUSTOMER RECEIPTS

To maintain certification, in addition to the facility operations requirements, CDDD Recovery Facility operators are required to provide C&D customers, upon request, a receipt that provides the City sufficient information to track materials flow and diversion.

A. Receipt Requirements

The receipt used by the CDDD-Certified Recovery Facility must be acceptable to the City. Specifically, for each load generated within San Jose, the receipt must provide:

1. the facility's receipt number
2. the Building Department Permit number (to be provided by the hauler/customer)
3. the type of material received (as coded at the gate)
4. the weight, if available, or volume of the load
5. the name of the hauling company (if applicable)
6. any other data as desired by facility operator, or as requested by City

CDDD-Certified Recovery Facility operators must also post a notice at the gate or scale house stating that they are a CDDD-Certified Recovery Facility, and that certain information about loads generated in San Jose will be required of the generator so that the operator can provide accurate data for the City.

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT

CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND DEMOLITION DIVERSION

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 7 of 8	Section Number 00.00
	Effective Date 7/01/04	Revised Date --

IV. REPORTING REQUIREMENTS

Reports are required of all CDDD-Certified Recovery Facilities. The City will distribute a template report format to all CDDD-Certified Recovery Facilities. The reports will provide information on the amount of materials received (by type), its storage and processing, and the disposition of that material. The reports will identify any significant changes in the C&D materials handling operations of the facility since the prior report, and the effect of those changes on the Facility Diversion Rate.

A. Reporting Frequency

1. Reports must be filed monthly within 20 working days of the end of the month in the format prescribed by the City.
2. Information about any major change in the operation must be filed in the first monthly report following the change. A change is considered to be major when new processing equipment is installed, or when the percent diversion rate increases or decreases by more than 5%, or when the diversion rate drops below the certification requirement for that period (i.e., 50%).

CDDD-Certified Recovery Facilities are subject to audit by the City to verify the accuracy of the data submitted.

V. DEFINITIONS

"Director" means the City of San Jose Director of Environmental Services.

"Non-recycled materials" include, but are not limited to, materials such as yard trimmings, wood waste, metal, roofing materials or mixed C&D debris that are used as alternative daily cover (ADC) at a landfill.

"Processing" is defined as "the sorting, cleansing, treating and reconstituting materials that would otherwise be disposed of through landfilling or transformation, and returning such materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products."

CITY OF SAN JOSE
INTEGRATED WASTE MANAGEMENT
CONTRACT MANAGEMENT MANUAL:
CONSTRUCTION AND **DEMOLITION DIVERSION**

Subject: RULES AND REGULATIONS REGARDING CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM	Page 8 of 8	Section Number 00.00
	Effective Date 7/01104	Revised Date --

"Recycled materials" are those that are shipped off site to be used in their processed form (e.g., road base), reused in the manufacture of new products (e.g., rock chips to be used in asphalt); or inert materials such as soil, rock, concrete, and asphalt that are used for on-site construction activities or as daily, intermediate or final cover at a landfill. Organics that are composted or used for mulch or soil amendment are considered to be recycled. Wood waste and yard trimmings sold as fuel to a biomass plant are considered to be recycled.

VI. REVOCATION OF CERTIFICATION

The Director may revoke the certification if the facility is out of compliance with any of the above conditions or if the owner or operator of the facility fails to submit Monthly Reports satisfactory to the Director showing that under the current facility operations the processor is actually recycling the material. The certification shall be automatically revoked if the facility fails to achieve at least a 50% diversion rate for certified materials for three consecutive months.

VII. RE-CERTIFICATION

The facility owner or operator must file an application for re-certification if:

- A. The facility does not achieve at least a 50% diversion rate for three consecutive months, or
- B. If the City has revoked the facility certification, and the facility operator wishes to be certified again.

These Regulations are promulgated by the Director of Environmental Services pursuant to Section 9.10.2460 of the San José Municipal Code.



Carl W. Mosher
Director
Environmental Services Department