TO: CITY COUNCIL
ATTN: POLICY AND SERVICES COMMITTEE
FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS
DATE: MARCH 30, 2004 CMR:166:04

SUBJECT: REQUEST FOR APPROVAL OF A CONSTRUCTION AND DEMOLITION DEBRIS REUSE AND RECYCLING ORDINANCE

REPORT IN BRIEF

Debris from construction and demolition activities in Palo Alto represents a significant volume of material going to landfills. Staff has prepared a Construction and Demolition (C&D) Debris Reuse and Recycling Ordinance which requires a minimum 90 percent of inert solids (e.g. concrete, asphalt, and rock) and a minimum 50 percent of the remaining debris generated from C&D projects, be diverted from landfilling through reuse and/or recycling. This ordinance would require covered projects to plan, record and demonstrate that waste diversion measures were practiced using reuse and/or recycling activities. Covered projects are defined as those requiring a demolition permit or building permit and whose project value is greater than or equal to $75,000. This will affect approximately 500 permits currently issued each year.
**RECOMMENDATION**  
Staff requests that the Policy and Services Committee recommend to Council approval of the Construction and Demolition (C&D) Debris Reuse and Recycling Ordinance (Attachment A).

**BACKGROUND**  
C&D debris is waste material that is produced in the process of construction, renovation, or demolition of structures. Components of C&D debris typically include concrete, asphalt, wood, metals, gypsum wallboard, roofing material, glass, carpet, bricks, land clearing debris (e.g. trees, stumps and vegetation), rocks and dirt. Cardboard and plastics (e.g. shrink-wrap) are also generated at construction sites as a result of packaging from products utilized in the final stages of construction.

Based on a 1997 Palo Alto waste composition study, City staff estimated that the Palo Alto community generates approximately 20,000 tons of C&D related waste annually. This is approximately 25 percent of the total waste stream being disposed today in Palo Alto. If the community diverts one-half of the C&D debris generated, it could salvage for reuse or recycle an additional 10,000 tons annually, potentially increasing the City’s waste diversion number by 6.6 percentage points (from the 55 percentage level reported to the state for 2002).

The California Integrated Waste Management Act of 1989 requires every city to submit an annual report summarizing its progress in diverting solid waste from disposal. The report is required to include, among other things, specific information relevant to compliance with the solid waste diversion requirements. More recently, the California Legislature felt that waste diversion programs for C&D debris was significant enough to require additional reporting responsibilities in this area through Senate Bill 1374, chaptered into law September 2002. Senate Bill 1374 requires annual reporting to include a summary of progress made in the diversion of C&D waste materials, including information on programs and ordinances implemented and quantitative data, where available. If a city falls below the annual State waste diversion requirement of 50 percent, the City will be required to adopt a C&D ordinance or be subject to fines up to and including $10,000 per day. Senate Bill 1374 also required the California Integrated Waste Management Board to create a model ordinance as a tool to assist California cities and counties in their efforts to divert this significant part of their waste stream.

The City landfill currently separates asphalt, concrete, bricks and aggregate base materials brought in by City crews, contractors and self-haul customers for the purpose of reuse and recycling. These materials are used to construct landfill roads and the pad for the public to dump. Excess material is stockpiled and later sent to a local recycler.

On July 1, 2003 the landfill entrance fees were changed to deter self-haul vehicles from disposing of inert materials at the City landfill. Residential rates for asphalt, concrete and rock materials were increased by 108 percent and limited to a maximum of two cubic
yards per load for both residential and commercial customers. While inert material disposal has decreased at the City landfill due to the fee increase, customers are now transporting this waste to corporate-owned landfills outside the City where landfill disposal fees are lower.

On July 1, 2003, Public Works, in conjunction with the Palo Alto Sanitation Company (PASCO) started a program where four debris boxes per day that were “rich” in recyclable C&D materials were redirected from the Palo Alto landfill to the Guadalupe C&D Processing Facility in San Jose. This facility recovers wood, dirt, landscape material, concrete, asphalt, rock, cardboard and metal. In fiscal year 2003-04, approximately 4,000 tons will have been sent to this facility, and 90 percent of this waste will have been reused and recycled.

Since the April 21, 2003 staff report on the C&D Ordinance progress (CMR: 235:03), staff has worked on the following:

1) Met with businesses (Chamber of Commerce, contractors, recyclers and salvage companies) and solid waste industry professionals to learn how to minimize impacts on the applicants and maximize C&D debris diversion.

2) Worked with various City departments (Administrative Services, City Attorney’s Office, City Auditor, Planning and Community Environment, and Public Works) to minimize the impact of the C&D ordinance on each department’s operations.

3) Met with the City Auditor for guidance in streamlining administration of the ordinance to avoid delays in permit processing. Ordinance administration will be integrated into the existing permit process at the Development Center and will not require any additional wait time.

4) Worked with PASCO to set up a C&D debris box service that will recycle 90 percent of C&D debris collected. There will no difference in cost to the customer for choosing recycling over disposal.

5) Reviewed approximately thirty C&D ordinances from other jurisdictions and spoke with C&D debris program administrators on the administration of, and their successes and failures in implementing C&D ordinances.

6) Spoke with or conducted site visits to more than a dozen Bay Area C&D debris reuse and recycling facilities to evaluate the capability of local facilities to meet the diversion requirements set forth in the ordinance and issue weight tags and receipts in a format consistent with the documentation submission requirements of the ordinance.
7) Reviewed a model C&D debris ordinance, drafted by the California Integrated Waste Management Board, to evaluate elements of that ordinance for possible incorporation into the City of Palo Alto ordinance.

Issues raised during these reviews, discussions and observations include costs (staffing, education and outreach materials, administration fees, C&D debris processing cost, penalties for noncompliance); minimizing impacts to the current permit application process; education of homeowners, contractors, architects and developers; establishing criteria for exceptions to the ordinance; establishing a mechanism for penalizing only the violators of the ordinance; alternatives; and reaching landfill diversion goals.

DISCUSSION
The Public Works Department, in partnership with the City Attorney’s Office and the Planning and Community Environment Department, has created a plan to reduce the debris generated from construction and demolition projects within the Palo Alto community and to comply with state law. As part of this program, staff has prepared a C&D debris ordinance that requires a minimum of 90 percent of inert solids and a minimum of 50 percent of the remaining waste generated from C&D projects be diverted from landfilling for reuse and/or recycling.

This ordinance would require covered projects to plan, record and demonstrate that waste diversion measures are practiced. Covered projects are defined as those requiring a demolition permit or building permit and whose project value is greater than or equal to $75,000.

Applicant Requirements
The applicant for a covered project would be required to pay an administrative fee. This administrative fee would be implemented for cost recovery purposes associated with the implementation of the program created to accompany the C&D Debris Ordinance. The applicant would be required to submit a Debris Management Plan to the Development Center prior to receiving a demolition or building permit. The Debris Management Plan will require the applicant to demonstrate the intention to meet the diversion requirements of the ordinance by providing estimates of tonnages and/or volume of C&D debris created by the project.

During the project, the applicant must ensure that all construction and demolition debris is processed at one of the City’s approved reuse and recycling facilities. For all demolition and remodels/renovations/additions, the applicant is required to make efforts to salvage for reuse prior to recycling. Applicants must also ensure that the amounts of materials reused and recycled are measured using the most accurate method of measurement available and keep records of these activities. Prior to the final building inspection, at which time the majority of reuse and recycling activities have been completed for the project, the applicant must submit documentation, in the form of his/her previously submitted Debris Management Plan, listing a summary of the actual...
quantity of C&D debris reused and recycled, along with receipts and weight tags issued by the City-approved facility accepting the C&D debris for reuse or recycling.

The City will review the documentation submitted for compliance with the diversion requirements of the ordinance. The ordinance will be enforced through criminal prosecution, abatement, administrative penalties and/or civil action per the code enforcement procedures established by the office of the City Attorney.

Administration
The Planning and Community Environment Department will be responsible for the implementation of the ordinance, including review, inspection and verification of the Debris Management Plans and fee collection. The City will require a $200 administration fee for each covered project from each applicant, in order to recover processing expenses. This fee will be added to the Municipal Fee Schedule and be reviewed and adjusted annually. It is estimated that approximately 500 permits will be processed annually and that one full time employee (FTE) will be needed to administer the C&D Debris Ordinance and program. This FTE will be located at the Development Center.

The Debris Management Plan submission will be combined with the current Development Center application process. An educational brochure explaining the C&D Debris Ordinance and program, a City-approved reuse and recycling facility listing, C&D materials conversion factors for estimating project debris, Debris Management Plan forms and a form acknowledging the applicant’s requirement to comply with the ordinance will be given to each applicant.

The City will estimate the tonnage of C&D debris to be generated by the project for the applicant. The debris generation rate for the specific type of project, multiplied by the square footage of the project will be used to estimate the total C&D debris generated. The formula used to estimate the C&D debris generated by a project was established by the US Environmental Protection Agency, based on case studies conducted with the National Association of Home Builders, among others. If the applicant disagrees with the City-derived C&D debris generation number he/she can: 1) provide additional and specific information pertaining to each C&D material on the Debris Management Plan form supporting a revised generation number; or 2) apply for a waiver allowing the project an exception, in whole or in part, from the diversion requirements of the C&D Debris Ordinance. Submittal of the Debris Management Plan by the applicant could be completed in as little as 15 minutes and can be completed early on in the permit application process (example: at the time of plan check submission), causing no delay in the permit process. Delays in permit issuance could be caused from an applicant’s failure to submit a Debris Management Plan, request for a revised C&D debris generation number, applying for a waiver of the diversion requirements of the ordinance, and for not supplying proper justification for waivers. All of the above mentioned possible delays
could be avoided if the applicant completes the Debris Management Plan requirement early in the permit process that takes place at the Development Center.

Applicants will be required to collect and submit to the City documentation of how the C&D debris from the project was managed. Documentation includes original receipts, weight tags or other records of measurement issued by the C&D debris reuse or recycling facility that accepted the material.

In general, most of the C&D debris generated by construction or demolition projects is managed throughout the duration of the project and prior to the finishing stages of the project. Applicants will be encouraged and have the capability to submit the required form and documentation in advance of the final Building Department inspection.

After the majority of the C&D debris diversion has been completed for the covered project and prior to final Building Department inspection, the applicant is required to return the Debris Management Plan form to the Development Center, completing the portion of the form designated for listing the actual tonnage or volume of C&D debris reused and recycled from the covered project. This form should be accompanied by documentation of how the C&D debris from the covered project was managed. The applicant should keep a copy for their records. The review of the submitted form and documentation is estimated to take approximately one hour of staff time, depending on the size and complexity of the project, the thoroughness of the completed Debris Management Plan form and documentation, the evaluation by staff related to the meeting of the diversion requirements and the organization of the documentation submitted. Within two business days of submitting the required form and documentation, the applicant will be notified by phone or email if he/she has met the diversion requirements of the C&D debris ordinance. If an applicant fails to submit supporting documentation, submits an incomplete Debris Management Plan form or fails to meet the diversion requirements of the ordinance, additional delays to the review process may occur while City staff work with the applicant to gain information allowing for a complete review. The applicant will be notified in writing of this determination. The applicant will be requested to work with the City to provide the necessary documentation and information to demonstrate compliance with the C&D Debris Ordinance. If the applicant fails to respond or comply with the request, or if is determined the C&D Debris Ordinance has been violated, penalties and fines will be levied upon the applicant.

**PASCO’s New C & D Debris Box Service**

This service will allow customers doing business within the City to order C&D debris boxes to collect C&D debris for the purposes of recycling. This new service will allow the customer to order the same debris box sizes (7, 15, 20, and 30 cubic yards), with the addition of a larger 40 cubic yard box. The 7 cubic yard C&D debris box will be available for the collection of inert materials only, due to weight restrictions, while the remaining C&D debris box sizes will be made available to collect mixed or source-separated (e.g. wood only or metal only) loads of C&D debris. PASCO will differentiate
the C&D debris box from the refuse debris boxes with unique signage installed on the container identifying it as a C&D debris box. The price of the C&D debris box service will be $125 more than regular refuse debris boxes; however, if the C&D debris placed in the box does not exceed 10 percent contamination (determined by the processing facility), the applicant will receive a credit/refund of $125, thus causing no increase in cost to the customer to recycle C&D debris. For customers with a City refuse account, the $125 fee will only appear on the utility bill if the C&D debris box is rejected by the C&D debris processing facility, which necessitates additional transportation and processing costs associated with disposal. Because it is known immediately if the C&D debris box has been rejected by the C&D debris processing facility, there will be no delay in the credit issued to customers with a City refuse account. For customers on a C.O.D. basis or billed directly by PASCO, an alternate system to issue a credit after the C&D debris box has been accepted by the facility has been established.

To assist in the documentation requirement of the C&D program, PASCO will issue a receipt of recycling to the customer indicating the C&D materials were recycled. For C&D debris box loads rejected by the C&D processing facility, no receipt of recycling will be issued. PASCO will be directed by the Public Works staff to C&D processing facilities able to meet the diversion requirements of the C&D Debris Ordinance. Initially, the City plans to use the Zanker Materials Processing Facility, which utilizes both a mechanized and hand-recovery system to recover mixed and source-separated C&D debris for recycling. The inert solid materials that are collected in seven cubic yard debris boxes will be directed to recyclers/processors located closer to Palo Alto who specialize in inert material recycling, to reduce program cost.

PASCO, with current staffing levels, has estimated that it could divert a minimum of six C&D debris boxes per day, five days a week. This would divert a minimum of 5,265 tons of C&D debris materials from disposal, to reuse and recycling facilities.

Minimizing Impact on Applicants
Staff met with solid waste industry professionals, businesses (Chamber of Commerce, contractors, recyclers and salvage companies), residents and various departments and developed the following ways to streamline the administration of the ordinance in order to minimize impacts on applicants.

A penalty-based system was established instead of a deposit-based system as a tool of enforcement. A deposit-based system requires the permit applicant to pay a deposit based on either the square footage or the estimated tonnage of C&D debris to be generated by a project. Depending on the size and type of project, deposits typically range from a few hundred to several thousand dollars. This deposit-based approach has been used by many jurisdictions implementing ordinances to deter noncompliance. The proposed penalty-based system saves each applicant from providing a deposit that would be held until project completion. The penalty-based system also eliminates
administrative processing to accept deposits at the Development Center and to process refund requests at the completion of the permit applicant’s project.

One Full Time Employee (FTE) will be added at the Development Center to educate, assist, and communicate with each applicant, as well as, review Debris Management Plans and supporting documentation specifically for the purpose of ensuring compliance with the requirements of the C&D Debris Ordinance. An administrative fee collected at the Development Center, applying only to projects covered by the ordinance, will fund the cost of the FTE.

Administration of the C&D Debris Ordinance has been integrated into the permit process at the Development Center. Prior to permit issuance, a Debris Management Plan is required for projects covered by the ordinance. Under the current process at the Development Center there is ample time to complete a Debris Management Plan resulting in no delay of permit issuance, if the Debris Management Plan is completed at the time of the initial permit application. Currently, prior to the issuance of a demolition permit, the utilities must be physically removed from the structure, requiring a period of up to 10 days for Utilities Operations to perform this function. Also, new construction, remodels, and additions covered by the C&D debris ordinance will likely require time for Planning Department Review prior to permit issuance. In both the above cases, there is opportunity for the applicant to complete a Debris Management Plan without any delay in permit issuance.

As a streamlining measure the City will estimate the amount of debris generated by the project for the applicant, based on debris generation rates established from case studies conducted by the Environmental Protection Agency (EPA) and the National Association of Home Builders (NAHB). This City-calculated C&D debris generation estimate saves time for the applicant of having to perform calculations and eliminates confusion of which generation rate to use.

Staff proposes to eliminate the impact of a required waiting or public notification period for salvage. Many items or materials can be salvaged for reuse prior to demolition or remodeling (salvage is the process of selectively and carefully removing those items or materials from a structure). The ordinance states that efforts to salvage must be made; however, unlike ordinances adopted by other jurisdictions, there is no waiting period for salvage to take place before permit issuance or requirement the applicant post a public notice making salvageable materials available to the public prior to permit issuance. This element of the ordinance is an effort to eliminate delays in permit issuance. It also illustrates the level of confidence the City has in applicants, by allowing an opportunity to illustrate commitment to salvage for reuse by not mandating a waiting period.

The planning and reporting requirements of the ordinance were designed to parallel current industry practices of managing C&D debris from the project site and tracking the debris via weight tags and receipts. Under current industry practice, each time C&D
debris is taken to a disposal facility, a weight tag or receipt is generated by the facility accepting the material and is issued to the person delivering the debris. This receipt or weight tag documents the type of debris, its origin, designates that it was accepted for disposal, and the weight or volume of the load. Reuse and recycling facilities on the city-approved list issue receipts documenting the same information as those of disposal facilities, indicating the debris was accepted for reuse or recycling, therefore the facility documentation available to applicants is consistent.

Applicants are allowed to submit, prior to final building inspection, documentation (weight tags and receipts issued by the facility accepting C&D debris) indicating proof of meeting the diversion requirements of the ordinance. For new construction and additions, the majority of the debris is generated at the framing and drywall stages of the project, which would allow the applicant to submit documentation at approximately 75% completion of the project. For remodels, much of the debris is generated by the interior demolition, with the remaining debris generated by the new construction activity, which would also allow the applicant to submit documentation at approximately 75% completion of the project. Demolition of a structure takes anywhere from 15 minutes to a few days, depending on the size and scope of the project. Because the demolition phase occurs within a relatively short period of time, the length of time the contractor must track weight tags and receipts will also be short. Small projects will have few receipts to track, while applicants managing large projects often establish accounts with facilities receiving the C&D debris and can coordinate the tracking of the debris delivered in a summarized report from the facility, further simplifying the tracking of documentation for their project. This element was added to assist the applicant to meet the reporting requirements of the ordinance.

Exceptions are allowed to the diversion requirements, including waivers and the ability to adjust the estimated tonnage or volume of C&D debris created by a project, with appropriate justification. If an applicant feels his/her project cannot meet the requirements of the ordinance, he/she has the opportunity to address his/her issues prior to permit issuance, as well as, during the project. The City’s staff is committed to working with the applicant to comply with the ordinance.

An “Approved Facilities” list will be distributed to each applicant. The facilities listed accept salvaged building materials for reuse or C&D debris for recycling. The salvage facilities included in the list employ various salvage techniques, affording the applicant the choice of a facility that best suits his/her project. The C&D debris recycling facilities listed provide options for recycling debris that is sorted individually by material (i.e. source-separated debris) or debris that consists of several types of material mixed together (i.e. mixed debris). The facilities approved for the list will be evaluated for their ability to meet the diversion requirements of the ordinance, allowing the applicant peace of mind, that if all the C&D debris generated by a project is taken to a listed facility, he/she will be able to meet the diversion requirements of the ordinance. The approved facilities listing will also save the applicant time in preparing the Debris Management
Plan: when asked to designate the facility intended to receive the C&D debris generated by the project; he/she can just refer to the “Approved Facility” list.

Unlike C&D debris ordinances adopted by other jurisdictions, the proposed ordinance does not create delays in final building inspection sign-off or the issuance of a certificate of occupancy. The ordinance states that, prior to final inspection approval or within 30 days of the completion of C&D debris diversion for the project, the applicant must submit documentation of compliance with the ordinance. If the applicant does not submit the documentation in the timeframe required, he/she is in violation of the ordinance and subject to fines and penalties; however, the project will not be denied final building inspection sign-off or certificate of occupancy for reasons of noncompliance with the ordinance. This element of the ordinance is a measure that eliminates delays in the building inspection process and occupancy of the building.

Options for hauling C&D debris from project sites for recycling will include self-haul, the use of independent debris box companies for source-separated C&D debris only, or a PASCO C&D debris box. Allowing applicants the option of multiple hauling methods to a C&D debris recycling facility enables the applicant to choose the best option, or combination thereof, that best meets the needs of his/her project with respect to time and cost to salvage for reuse or recycle.

The ordinance provides an easy option to the applicant to utilize C&D debris boxes when ordering through PASCO. Beginning July 1, 2004 a C&D debris box will be added to the services offered by PASCO. If a customer orders a PASCO C&D debris box for the recycling of the C&D debris generated by the project and utilizes the box in accordance with the acceptance policy of the facility processing the C&D debris, the cost to the customer will be the equivalent to the cost of disposal for that size debris box. Therefore, there is no difference in cost to the customer for choosing recycling over disposal. If the customer does not utilize the C&D debris box in accordance with the acceptance policy of the facility (example: 10% or more garbage/contamination in the load), the facility retains the right to refuse the C&D debris for recycling, resulting in the customer incurring additional charges of $125 to pay for the C&D debris to be transported and disposed of as garbage.

**Diversion Impact**

Diversion levels established in the ordinance require a minimum of 90 percent of inert solids and a minimum 50 percent of the remaining C&D debris generated to be diverted from landfilling through salvage for reuse and/or recycling. These diversion levels have worked in other Bay Area communities. These diversion levels are also supported by the capability of the local C&D debris recycling infrastructure that currently exists in the Bay Area. In addition, PASCO would be contractually obligated to recycle a minimum of 5,265 tons of C&D debris annually from debris boxes.
**TIMELINE**

On or before July 1, 2004:

- Add an administrative fee to the Municipal Fee Schedule.
- Add administrative penalties for violations of the C&D Ordinance.
- Budget for additional expenses (one full time employee, materials and supplies, PASCO services) and revenues (administrative fee).
- Add C&D debris box rates to the Utility Rate Schedule.

On or before August 1, 2004:

- Finalize City-approved C&D reuse and recycling facilities listing, C&D debris generation formula, educational brochure, forms (acknowledgement of ordinance requirements, Debris Management Plan, waiver), and C&D materials conversion numbers for Debris Management Plan form.

On or before September 1, 2004:

- Set-up work space at Development Center
- Hire and start training new staff person.

October 1, 2004: Begin program and implement ordinance.

**RESOURCE IMPACT**

Additional Refuse Fund expenses and revenues will be required to support the C&D Ordinance.

In FY 2004-05 the following changes will be requested:

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<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>One full time employee (including benefits and overtime)</td>
<td>$102,900</td>
</tr>
<tr>
<td>Materials and supplies (Presentations, books, computer, camera, training, Association membership, sharing of vehicle use and office supplies)</td>
<td>$41,150</td>
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<tr>
<td>Total cost</td>
<td>$144,050</td>
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<tr>
<td>Estimated revenues for FY 2004-05 received from application fees</td>
<td>$75,000</td>
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<tr>
<td>(From October 1, 2004 to June 30, 2005)</td>
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<tr>
<td>Net estimated cost of program for FY 2004-05 (first year)</td>
<td>$69,050</td>
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Ongoing additional Refuse Fund expenses and revenues will require:

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<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>One full time employee (including benefits and overtime)</td>
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<tr>
<td>Materials and supplies</td>
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<tr>
<td>Estimated annual revenues for on-going application fees</td>
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<tr>
<td>Total estimated cost of on-going program</td>
<td>$12,550</td>
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PASCO’s new service of supplying C&D debris boxes to applicants is being proposed in the FY 2004-05 budget process at no additional cost to the Refuse Fund. This is due to
recent adjustments to PASCO’s contract operating range set per the contract. This service was estimated to cost $435,153 (approximately 5,265 tons) annually. The current debris box program whereby PASCO selects loads that contain reusable and/or recyclable materials (approximately 4,000 tons) and then delivered to the Guadalupe C&D Processing Facility at a cost of $322,000, would be replaced with the C&D debris box service.

Funds for the C&D Ordinance Program will be included in the FY 2004-05 Refuse Fund Operating Budget.

**ALTERNATIVES**

1) No Ordinance, Continue with Voluntary Plan

The Public Works Recycling Program has been providing comments on plans submitted to the Planning Department for more than five years, requesting applicants to voluntarily prepare Debris Management Plans only (no supporting documentation was requested) to the Recycling Program Staff. In more than five years of reviewing blueprints and requesting Debris Management Plans, the Recycling Program has only received one. The City has attempted to operate a program on a voluntary basis without success, due to the lack of cooperation within the construction industry.

In 2002, the CIWMB-approved waste diversion percentage for the City of Palo Alto decreased 6 percentage points from 61 percent to 55 percent. While landfill disposal tonnages decreased in Palo Alto, the economic conditions of Palo Alto were a factor in the calculation formula. If in one year Palo Alto can lose 6 percentage points due to the economy, there is no doubt that a decrease in subsequent years could also occur if the economy weakens. While currently at 55 percent diversion, a drop of 6 percentage points would place the City out of compliance with the State mandate of 50 percent, as required by AB939 and would subject the City to daily fines and a requirement to adopt a C&D debris ordinance. A voluntary program places the City at risk and places the City in the position of being reactive instead of proactive and progressive. Staff does not recommend this option.

2) Continue With Current Program- PASCO Selection of Four Debris Boxes Per Day

This program was designed as a short-term solution to the growing concern of the volume and quality of C&D debris being disposed of in landfills. PASCO, under this program currently selects four debris boxes per day for transport to a C&D debris processing facility, based on their judgement of the box being “rich” in recyclable C&D material. To operate a long-term program on a day-by-day box selection basis is not efficient and does not allow for flexibility. If the program is changed to meet a weekly or monthly quota, PASCO could be placed in the position of having to redirect C&D debris boxes with low quality material in order to meet its quota. For example, if PASCO is required to divert four C&D boxes per day and none are “rich” in C&D, it must still meet their quota, but the ultimate goals of the program intended to divert C&D debris may not adequately be met. On the other hand, if on another
day there are eight C&D boxes that are “rich” in C&D material, PASCO can only divert four, resulting in a missed opportunity for diverting C&D material. Considering the tonnage of the current C&D waste being generated, a structured program is needed that allows the customer to request a debris box from PASCO and allows the City to develop a budget with PASCO and meet the diversion goals of the City. Staff does not recommend this option.

**POLICY IMPLICATION**
These recommendations are consistent with existing policies.

**Comprehensive Plan Policy**

Goal N-7: Reduced Volumes of Solid Waste; Solid Waste Disposed in an Environmentally Safe, Efficient Manner.

Policy N-34: Reduce the amount of solid waste disposed in the City’s landfill by reducing the amount of waste generated and promoting the cost-effective reuse of materials that would otherwise be placed in a landfill.

Policy N-35: Reduce solid waste generation through salvage and reuse of building materials, including architecturally and historically significant materials.

Policy N-36: Encourage the use of reusable, returnable, recyclable, and repairable goods through incentives, educational displays and activities, and City purchasing policies and practices.

Policy N-38: Support state and federal legislation encouraging the use of recyclable goods.

**Sustainability Policy**
The City of Palo Alto Sustainability Plan, adopted in support of the citywide Sustainability Policy, identified Solid Waste as one of ten key categories of sustainability focus. Within this category, goals, objectives and measurable aspects (indicators) were identified that could be used to gauge progress. The primary resource for determining the goals for each category is the Comprehensive Plan (Plan), in order to ensure that all sustainability efforts are closely aligned with, and are complementary to the Plan.

According to the 2002-03 Annual Report on City Sustainability Program, the following Sustainability Objectives were identified under “Continuous Improvement” or “Restorative” and support the recommendation of the adoption of the ordinance:

**Continuous Improvement:**
- Implement source reduction, reuse, recycling and composting programs that reduce waste.
- Promote usage of products or materials that are either reusable, recyclable or able to be composted.

Restorative:
- Eliminate, if practical and feasible, waste generated within the community.

**ENVIRONMENTAL REVIEW**
This project is not under the California Environmental Quality Act (CEQA) and no further environmental review is necessary.

**ATTACHMENTS**
Attachment A: C&D Ordinance

**PREPARED BY:**

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**DEPARTMENT HEAD:**

GLENN S. ROBERTS
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