

## **Construction Debris Diversion Deposit Ordinance White Paper**

### **Background**

In January 2010 the State of California adopted the 2010 State of California Green Building Standards Code (CALGreen), scheduled to become effective in January 2011. CALGreen has mandatory Green Building provisions for all new residential buildings that are three stories or fewer (including hotels and motels) and all new non-residential buildings of any size that are not additions to existing buildings. The CALGreen draft document and a summary of key provisions are available from the State of California at the following web links:

<http://www.documents.dgs.ca.gov/bsc/documents/2010/Draft-2010-CALGreenCode.pdf>  
<http://images.emaildirect.com/clients/govpressoffice847/GreenBuildingCodeOnepager.pdf>

CALGreen requires that each site for new building construction “recycle and/or salvage for reuse a minimum of 50% of non-hazardous construction and demolition debris or meet local ordinance, whichever is more stringent.” Additionally, for non-residential buildings, CALGreen requires that for excavated soil and land clearing debris that “100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled.”

CALGreen allows jurisdictions to adopt stricter requirements than the mandatory minimum requirements in CALGreen.

### **Proposed Ordinance**

To comply with the CALGreen mandatory regulations for debris diversion, staff recommends revisions to Title 9 Part 15 Construction and Demolition Diversion Deposit Program of the San José Municipal Code to establish a requirement that for each building permit application subject to CALGreen the applicant remit fees to the City of San José for the review and certification of compliance with the construction, excavated soil, and land clearing debris diversion requirements of the San José Municipal Code and/or of State law. The applicants that pay these fees would then be exempt from the diversion deposit requirement for construction waste, excavated soil, and land clearing debris diversion that is otherwise required in the San José Municipal Code.

### **Conclusion**

Council adoption of the proposed changes to San José Municipal Code Title 9 Part 15 Construction and Demolition Diversion Deposit Program, as recommended by staff, will bring San José into compliance with CALGreen mandatory requirements for new buildings.