

ANALYSIS


This ordinance amends Title 20 – Utilities – of the Los Angeles County Code, Chapter 20.87, relating to Construction and Demolition Debris Recycling and Reuse, to:

- Increase the mandated recycling and reuse rate for Construction and Demolition ("C&D") debris other than soil and land clearing debris from fifty percent (50%) to seventy percent (70%);
- Increase the mandated recycling or reuse rate for land clearing debris from fifty percent (50%) to one hundred percent (100%);
- Require that one hundred percent (100%) of soil debris either be recycled or reused, if feasible, or alternatively that soil debris be disposed in an inert debris engineered fill operation ("IDEFO"); this is a modification of the current requirement that fifty percent (50%) of soil debris be recycled or reused;
- Provide a process for evaluating recycling rates of facilities that recycle C&D debris in order to determine the percentage of C&D debris that a project applicant has recycled;
- Require that project applicants not only substantiate their recycling and reuse of C&D debris, as currently required under this Chapter, but also that project applicants substantiate proper disposal of materials not required to be recycled or reused, in order to discourage illegal dumping;
- Reduce the administrative penalties imposed for most violations from \$250 per ton of material not properly recycled or reused, to a maximum of

\$100 per ton of material not properly recycled, reused, or disposed, and require project applicants to pay a refundable deposit from which penalties will be deducted, in order to facilitate the collection of such penalties;

- Make the requirements of this Chapter generally applicable to projects undertaken by the County and by certain special districts; and
- Make additional housekeeping-type changes.

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LTJ:mv

Requested: 05/24/22
Revised: 11/03/22

ORDINANCE NO. 2023-0010

An ordinance amending Title 20 – Utilities – of the Los Angeles County Code, Chapter 20.87, pertaining 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. Section 20.87.010 is hereby amended to read as follows:

20.87.010 Findings and dDeclarations.

The ~~h~~Board of ~~s~~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~~fifty percent (50%) of all solid waste ~~from disposal~~generated within its jurisdiction from disposal, through measures including recycling and reuse.

B. The 2016 California Green ("CalGreen") Building Code increased the mandated recycling and reuse rate for construction and demolition ("C&D") debris from fifty percent (50%) to sixty-five percent (65%). The 2016 CalGreen Building Code additionally requires that one hundred percent (100%) of all universal waste from C&D projects, such as fluorescent lamps and ballast and mercury-containing thermostats, be properly managed and disposed, and one hundred percent (100%) of land-clearing debris be recycled or reused.

BC. Increasing the Recycling and reuse of construction and demolition debris is essential to further the ~~e~~County's efforts to comply with the goals of the California

Integrated Waste Management Act of 1989, and the CalGreen Building Code, as well as new regulations adopted by CalRecycle in 2020, known as the California Short-Lived Climate Pollutants ("SLCP"): Organic Waste Methane Emissions Reductions regulations, which CalRecycle adopted in accordance with Senate Bill 1383 ("SB 1383"). It also furthers the County's efforts to achieve the goals of the Board-adopted County Zero Waste Plan and the Countywide Sustainability Plan.

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

DE. Based upon the County's experience with projects requiring a building permit, Except in unusual circumstances, it is feasible to recycle or reuse at least 50seventy percent (70%) of all construction and demolition debris.

F. Requiring applicants to pay a refundable project deposit, which will be returned to the applicant upon completion of a project, less any penalties that have accrued for failing to recycle, reuse, or properly dispose of construction and demolition debris, as required by this Chapter, will greatly increase compliance with the requirements of this Chapter, in support of the goals that are described in these findings and declarations.

SECTION 2. Section 20.87.020 is hereby amended to read as follows:

20.87.020 Purpose.

The purpose of this eChapter is to increase the recycling and reuse of construction and demolition debris in Los Angeles County, consistent with the goals of the Countywide Sustainability Plan and the County's Zero Waste Plan, in accordance

with the California Integrated Waste Management Act of 1989, as amended in 2011 by Assembly Bill 341 ("AB 341"), the 2016 CalGreen Building Code, and the California Short-Lived Climate Pollutants ("SLCP"): Organic Waste Methane Emissions Reductions regulations, which CalRecycle adopted in 2020 in accordance with SB 1383, as well as to reduce illegal dumping.

SECTION 3. Section 20.87.030 is hereby amended to read as follows:

20.87.030 Definitions.

The following definitions apply in the application of this eChapter.

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, corporation, non-profit corporation, or any other person, or entity whatsoever that applies for a permit or implements a project that does not require a permit.

B. "Certified C&D debris recycling facility" means a mixed C&D debris recycling facility that has been approved by the Director in accordance with Section 20.87.045.

C. "Composting" means the controlled or uncontrolled biological decomposition of organic wastes, such as vegetable, yard, and wood wastes, that are not hazardous waste.

AD. "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.

E. "C&D Recycling and Reuse Guidelines" means standards, guidelines, requirements, and criteria prepared by the Director in accordance with Section 20.87.120.

F. "Conversion technologies" means technologies capable of converting organic solid waste into useful products, such as green fuels and renewable energy, through non-combustion thermal, chemical, or biological processes. Conversion technologies may include mechanical processes when combined with a non-combustion thermal, chemical, or biological conversion process. Examples of conversion technologies include, but are not limited to, gasification, pyrolysis, and anaerobic digestion.

G. "County or special district project" means a project that is constructed by the County, the Los Angeles County Flood Control District, or any of the Los Angeles County Waterworks Districts.

H. "Deconstruction" means the process of carefully dismantling a structure, piece-by-piece, prior to or instead of conventional demolition, to maximize the recovery of building materials for reuse.

B). "Director" means the ~~d~~Director of the Los Angeles County ~~d~~Department of Public wWorks or his/ or her authorized representative.

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

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

EL. "~~Inert material~~debris" 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~~solid waste consisting of non-liquid solid waste that does not contain soluble pollutants at concentrations in excess of applicable water quality objectives established by a California Regional Water Quality Control Board, does not contain more than five percent (5%) decomposable waste, and has not been treated in order to reduce pollutants. "Inert debris" includes materials such as crushed glass, brick, ceramics, clay and clay products, fiberglass roofing shingles, slag, plaster, soil that that has not been removed through excavation or grading, concrete, asphalt, and other inert C&D debris.

M. "Inert debris engineered fill operation" or "IDEFO" means a facility defined in Title 14, Division 7, Chapter 3, Article 5, section 17388(l) of the California Code of Regulations, that is authorized to accept soil debris and certain types of inert debris.

N. "Land clearing debris" means debris consisting of trees, stumps, rocks, other associated vegetation, and soils resulting primarily from land clearing.

~~F~~O. "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.~~

P. "Mixed C&D debris" means C&D debris that is commingled and not source separated.

Q. "Mixed C&D debris recycling facility" means a C&D waste processing facility that accepts mixed C&D debris for the purpose of recovering reusable and recyclable materials and disposing the nonrecyclable residual materials. Nothing in this definition is intended to preclude a mixed C&D debris recycling facility from accepting soil debris or land clearing debris. "Mixed C&D debris recycling facility" does not include facilities that, in the determination of the Director, accept only C&D debris that has been source-separated, such as facilities that accept only metal.

R. "Owner" means any person, agent, association, firm, company, partnership, political subdivision, corporation, limited liability company, limited partnership, or any other entity whose name appears on the last equalized secured property tax assessment roll, or, in the case of any public entity, the authorized representative of such public entity.

~~GS~~S. "Permit" means any permit issued by the building official pursuant to ~~s~~Section 106 of Chapter 1 of Title 26 of this eCode.

~~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~~

~~e.~~ ~~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~~ any work occurring within the unincorporated area of the County that requires a permit. It also includes any work not requiring a permit that is within a County highway, a publicly-owned flood control facility, or any other public right of way within the unincorporated area of the County that generates C&D debris.

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

~~KV.~~ "Project completion" means the date of the final inspection of the project pursuant to Section 108.4.6 of Title 26 of this ~~e~~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 ~~e~~Director.

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

~~MX.~~ "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~~that meet the quality standards necessary to be used in the marketplace. Recycling includes composting and diversion from disposal through conversion technologies. Recycling does not include the transfer of ~~rock, soil, or~~

~~gravel~~soil debris from one location to another location within the project site. Nor does recycling include placement of material in an IDEFO, which is considered disposal.

~~NY.~~ "Recycling and reuse plan" or "RRP" means a written plan for recycling, reuse, and disposal of project C&D debris and universal waste in accordance with the requirements of this Chapter, which is prepared and submitted pursuant to Section 20.87.050a ~~form prescribed or approved by the director.~~

Z. "Refundable project deposit" means the amount that an applicant must deposit with the Director upon the filing of a recycling and reuse plan pursuant to Section 20.87.070, and which will be refunded without interest after project completion, less any administrative penalties incurred pursuant to Section 20.87.090 for non-compliance with the requirements of this Chapter.

~~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.~~

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

BB. "Soil debris" means C&D debris consisting of nonputrescible solid material that consists only of soil, rock, gravel, sand, clay, or similar material removed during grading and excavation, that is not mixed with other types of C&D debris or solid waste.

and that does not contain hazardous waste, radioactive waste, or medical waste. Soil debris does not include soil, rock, gravel, sand, clay, or similar material that is reused on site in accordance with a valid grading permit.

CCC. "Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, and industrial wastes, demolition and construction wastes C&D debris, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge ~~which~~ that 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.

DD. "Universal waste" means hazardous waste that is identified as universal waste in section 66273.9 of Title 22 of the California Code of Regulations, and is not fully regulated as hazardous waste in accordance with Chapter 6.5 (Hazardous Waste Control) of Division 20 of the California Health and Safety Code. Universal waste includes, but is not limited to, electric devices, batteries, electric lamps, thermostats and other mercury-containing equipment, cathode ray tubes, and non-empty aerosol.

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

SECTION 4. Section 20.87.040 is hereby amended to read as follows:

20.87.040 ~~Recycling and reuse requirements~~Requirements for Recycling, Reusing, and Disposing of C&D Debris.

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.~~Except as otherwise provided in this Section 20.87.040, applicants shall recycle or reuse project C&D debris, except for soil debris, at the following rates:

1. Applicants shall recycle or reuse at least seventy percent (70%) of project C&D debris (not consisting of soil and landclearing debris), determined by weight, or at the rate mandated by State law, whichever is more stringent.

2. Applicants shall recycle or reuse one hundred percent (100%) of land clearing 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.~~Applicants shall recycle or reuse one hundred percent (100%) of soil debris. Notwithstanding the preceding

sentence, if an applicant demonstrates, to the satisfaction of the Director, that it is not feasible for the applicant to recycle or reuse one hundred percent (100%) of soil debris, the applicant may dispose, in an IDEFO, any soil debris that it cannot feasibly recycle or reuse. To the extent practicable, soil debris shall not be commingled with other project C&D debris. Placement of soil debris in an IDEFO is considered disposal and may be subject to the solid waste management fee pursuant to Chapter 20.88 of this Code.

~~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.~~An applicant may utilize or cause to be utilized only the following facilities or other methods to recycle or reuse project C&D debris:

1. Mixed C&D debris may be recycled at a certified C&D debris recycling facility;

2. C&D debris that is source-separated may be recycled at a facility that recycles specific types of C&D debris, but that is not a certified C&D debris recycling facility, such as a metal or inert debris recycling facility, to the extent that such facility is approved by the Director;

3. Project C&D debris consisting of soil debris may be reused at a construction site, as part of a grading project, provided that, in the determination of the Director, such grading project has received all required permits;

4. Project C&D debris may be reused on-site; or

5. An applicant may use other methods of recycling or reuse, as approved by the Director, in accordance with the C&D Recycling and Reuse Guidelines.

~~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~~
One hundred percent (100%) of all universal waste generated from the alteration and renovation of a nonresidential building or tenant space must be properly managed pursuant to section 5.408.2 of the 2016 CalGreen Building Code.

E. Each of the following categories of projects are exempt from the requirements of this Chapter:

1. Projects that consist solely of obtaining a permit or certificate of conformance for an existing structure and do not involve any construction or demolition work.

2. Projects that consist of the construction of billboards, antennae, communication or transmission towers, or modular buildings, not involving the demolition or reconstruction of an existing structure.

3. Projects that consist of constructing or remodeling a structure that is predominately vertical, such as a building, shed, or carport, that is no larger than four hundred (400) square feet.

4. Projects that consist of work that 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 a federal, State, or local official or governing body.

F. The requirements of this Section do not apply to the extent (as reflected in the following two subsections) that:

1. The applicant establishes, to the satisfaction of the Director, that material generated by the project is hazardous, or is commingled with hazardous material and cannot feasibly be separated, and cannot therefore be recycled, reused, or disposed in accordance with the requirements of subsections A through C of this Section. Notwithstanding the foregoing, an applicant is, however, required to recycle, reuse, or dispose of non-hazardous materials that can feasibly be separated from hazardous materials in accordance with the requirements of subsections A through C of this Section.

2. The Director determines that it is not reasonably feasible for an applicant to divert C&D debris from disposal at the rate provided in subsection A of this Section, in which case the Director, to the extent permitted under State law, may approve a lower rate.

G. Any C&D debris that is not required to be recycled or reused in accordance with this Chapter and is disposed must be properly disposed at a disposal site that is permitted to accept solid waste in accordance with State and local laws and regulations.

~~EH.~~ Nothing in this ~~s~~Section is intended to prohibit or discourage recycling or reuse of project C&D debris at more than the ~~required percentage of any project C&D debris~~required under subsection A of this Section.

SECTION 5. Section 20.87.045 is hereby added to read as follows:

20.87.045 Certification of C&D Recycling Facilities.

A. In order to become a certified C&D debris recycling facility for purposes of subsection 20.87.040.C.1, a recycling facility must demonstrate, to the satisfaction of the Director, that the average rate at which it recycles mixed C&D debris equals or exceeds seventy percent (70%), or such other required recycling rate provided for mixed C&D debris in subsection 20.87.040.A. The C&D Recycling and Reuse Guidelines shall set forth procedures for certification of C&D debris recycling facilities, as well as the criteria for determining a recycling facility's rate of recycling C&D debris.

B. Notwithstanding subsection A, the Director may set forth, in the C&D Recycling and Reuse Guidelines, criteria for classifying as a certified C&D debris recycling facility, certain mixed C&D debris recycling facilities that do not meet the requirements set forth in subsection A of this Section, and the Director may classify facilities that satisfy such criteria as certified C&D debris recycling facilities.

C. In determining whether a mixed C&D debris recycling facility recycles C&D debris at a rate that meets or exceeds seventy percent (70%), or such other rate required by subsection 20.87.040.A, or such lower rate that the Director approves in accordance with subsection B of this Section, the Director may rely upon an outside agency to conduct an evaluation and certify the facility's recycling rate.

D. The Director may, in the Director's sole discretion, provisionally designate a recycling facility as a certified C&D debris recycling facility on a temporary basis if the Director determines that such facility has, in good faith, submitted a pending application for classification as a certified C&D debris recycling facility, in accordance with the C&D Recycling and Reuse Guidelines.

E. The Director is authorized to revoke the classification of a mixed C&D debris recycling facility as a certified C&D debris recycling facility if the Director determines, in accordance with the C&D Recycling and Reuse Guidelines, that the facility no longer recycles C&D debris at a rate that meets or exceeds seventy percent (70%), or such other rate required in subsection 20.87.040.A, or that it no longer satisfies the criteria set forth in subsection B of this Section. The Director may revoke a facility's provisional certification in the Director's sole discretion.

F. The Director shall maintain a current list of certified C&D debris recycling facilities, including those that are provisionally certified. The Director shall post this list on the Department of Public Works' website and make it available upon request.

SECTION 6. Section 20.87.050 is hereby amended to read as follows:

20.87.050 Submission and ~~r~~Required ~~c~~Contents of ~~r~~Recycling and ~~r~~Reuse ~~p~~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.~~ An applicant shall submit or cause to be submitted an RRP to the Los Angeles County Department of Public Works, Environmental Programs Division, unless either:

1. The project is entirely exempt from the requirements of this Chapter under subsection 20.87.040.G; or

2. An open RRP for the project is already on file, which demonstrates that the applicant has a plan for recycling, reusing, and/or disposing of project C&D debris and universal waste in compliance with this Chapter.

B. An RRP must contain all of the following information required by the Director, as set forth in the C&D Recycling and Reuse Guidelines, including, but not limited to, the following:

1. The name and address of the ~~person applying for the permit~~ applicant;

2. Unless waived by the ~~d~~Director, in his sole discretion, 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 ~~e~~Chapter may result in the imposition of a forfeiture of some or all of the refundable project deposit to cover administrative penalties and that any unpaid administrative penalties imposed may be declared a lien on the subject property that may be imposed for such violation, as well as the imposition of additional administrative penalties or other available remedies;

3. A description of the project, including location, scope, required permit(s), and estimated timeline for completion of the project;

~~43. The estimated total weight of the project C&D debris calculated in accordance with the C&D Recycling and Reuse Guidelines, with separate estimates for (1) soil, rock, and gravel debris; (2) all other inert materials and clearing debris; and (3) all other project C&D debris inert debris; and (4) all other C&D debris; and~~

~~54. 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; Any additional information required by the Director in order to evaluate the RRP.~~

~~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.~~

C. With exception of County and special district projects, a refundable project deposit, in the amount set forth in Section 20.87.085, must accompany the RRP. The Director shall implement policies, including contracting policies, to mandate that County and special district projects recycle, reuse, and/or dispose of project C&D debris in accordance with the requirements of this Chapter.

SECTION 7. Section 20.87.060 is hereby amended to read as follows:

20.87.060 Approval of ~~r~~Recycling and ~~r~~Reuse ~~p~~Plan.

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

1. The RRP contains all of the information required by Section 20.87.050 and the C&D Recycling and Reuse Guidelines; and
2. The RRP ~~demonstrates~~provides that project C&D debris will be recycled, reused, and/or disposed in compliance with the requirements of Section 20.87.040. ~~If approved by the director, _t~~The recycling or reuse rate of a vendor or facility employed in the recycling or reuse of project C&D debris certified C&D debris recycling facility that has been approved by the Director in accordance with subsection 20.87.045.C.4 may be used to substantiate the amount of project C&D debris recycled or reused by that ~~vendor or facility~~; and
3. With the exception of County and special district projects, a refundable project deposit has been submitted in accordance with Section 20.87.85.

B. If at any time it ~~becomes apparent~~the applicant learns that the contents of an approved RRP are no longer accurate, the applicant shall notify the ~~d~~Director ~~must be notified immediately to determine whether~~and submit an addendum to the RRP ~~must be submitted~~. If the addendum to the RRP demonstrates that the project is estimated to generate more C&D debris than the estimate contained in the original RRP, the

applicant must also submit an additional project deposit in the applicable increased amount.

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~~include all of the information necessary, in the determination of the Director, for the RRP to comply with ~~§~~subsection 20.87.050.B.

SECTION 8. Section 20.87.070 is hereby amended to read as follows:

20.87.070 Evidence of ~~e~~Compliance with rRecycling and rReuse rRequirements.

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 Director may require applicants to submit progress reports, must be in a form prescribed or approved by the director and contain all of the following information: If the Director so requires, the Director shall prescribe the form and timing of such progress reports, and the information that shall be contained therein, in the C&D Recycling and Reuse Guidelines.~~

- ~~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.~~

~~CB. Within 45 days one (1) year following of project completion, the applicant shall submit to the Director 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 required by the Director, as set forth in the C&D Recycling and Reuse Guidelines, to demonstrate compliance with this Chapter, including, but not necessarily limited to, the following:~~

~~1. The total weight of all project C&D debris that the project generated, with separate calculations for soil debris, inert debris, land clearing debris, and mixed C&D debris;~~

2. The total weight of the project C&D debris that was recycled or reused, with separate calculations for soil debris, inert debris, land clearing debris, and all other project C&D debris;

3. The weight of the ~~project C&D~~soil debris that was disposed at an IDEFO;

4. The weight, calculated separately, of the land clearing debris, inert debris, and mixed C&D debris that was disposed, and of any soil debris that was disposed at a facility other than an IDEFO;

5. A manifest of all universal waste generated by the project that was recycled, reused, or disposed;

46. Copies of receipts from every ~~vendor or facility or operation~~ 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 or operation~~ and must clearly demonstrate that all such C&D debris originated from the project site; and

5. ~~A calculation of the actual percentage, determined by weight, of project C&D debris that was recycled or reused; and~~

7. A certification, signed by the applicant under penalty of perjury, that the information contained in the final compliance report is correct to the best of the applicant's knowledge.

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.~~

DC. An applicant's failure to accurately account for and submit the required documentation for all project C&D debris and universal waste in the final compliance report constitutes a violation of this Chapter. If an applicant fails to submit a final compliance report, or fails to submit with its final compliance report the information and documentation required by this Section to substantiate proper recycling, reuse, disposal, and/or handling of C&D debris and universal waste, and fails to correct any deficiencies identified by the Director in accordance with subsection D of this Section, the applicant will be deemed to have failed to properly recycle, reuse, dispose, and/or handle any C&D debris or universal waste for which such information and documentation has not been submitted.

D. The Director shall review the final compliance report submitted by the applicant and determine whether it contains all of the information and documentation required by subsection B of this Section to demonstrate compliance with the requirements of this Chapter. The Director shall notify the applicant of any deficiencies in the information and/or documentation provided in the final compliance report, and the date by which the applicant must correct the final compliance report and submit any missing information and/or documentation, before the applicant will be found to be in violation of this Chapter. The Director, in his or her sole discretion, may extend the time for submitting or correcting the final compliance report, if the Director determines that

the applicant has acted in good faith and that not granting such an extension will result in undue hardship.

SECTION 9. Section 20.87.080 is hereby amended to read as follows:

20.87.080 Weighing of pProject C&D dDebris.

All project C&D debris must be weighed on scales that comply with all applicable sState and eCounty regulatory requirements for accuracy and maintenance, except when the dDirector 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 eDirector for this purpose, as set forth in the C&D Recycling and Reuse Guidelines.

SECTION 10. Section 20.87.085 is hereby added to read as follows:

20.87.085 Refundable Project Deposit.

A. Except for County and special district projects, an applicant shall pay or cause to be paid a refundable project deposit at the time that the applicant submits an RRP, for the purpose of securing compliance with this Chapter. The amount of the refundable project deposit that an applicant is required to pay shall be calculated in accordance with the table below, based upon the tonnage of project C&D debris that the project is estimated to generate, as set forth in the RRP:

Deposit Schedule

Estimated Tonnage	Deposit Amount	
For up to the first ton	\$ 500	fixed deposit; plus, as applicable, amounts below
From above the first ton up to 15 tons	\$ 60	per ton (or fraction thereof); plus, as applicable, amounts below
From above 15 tons up to 45 tons	\$ 45	per ton (or fraction thereof); plus, as applicable, amounts below
From above 45 tons	\$ 30	per ton (or fraction thereof)
\$100,000 max deposit amount		

The Director shall place the refundable project deposit in a separate, non-interest bearing, trust account established for that purpose. Upon project completion and approval of the final compliance report and any corrections thereto pursuant to subsection 20.87.070.E, the Director shall refund the refundable project deposit, less an amount equal to any applicable administrative penalties for noncompliance with this Chapter, calculated in accordance with subsection 20.87.090.B. If the applicant does not submit a completed final compliance report within one (1) year of project completion, or within such additional time, if any, granted in accordance with subsection 20.87.070.D, the applicant shall not be entitled to a refund of the refundable project deposit. If the applicant submits a final compliance report but fails to substantiate proper recycling, reuse, disposal, and/or handling of C&D debris and universal waste, and fails to correct any deficiencies identified by the Director in accordance with subsection 20.87.070.D, the applicant shall not be entitled to any portion of the refundable project deposit equal to the amount of the administrative penalty calculated in accordance with subsection 20.87.090.B.1.

SECTION 11. Section 20.87.090 is hereby amended to read as follows:

**20.87.090 ~~Notice of violation~~Statement of Noncompliance and
Administrative pPenalty.**

A. In addition to any other remedy authorized by this eCode or applicable law, any violation of the provisions of this eChapter ~~will be~~is subject to an administrative penalty~~enforcement, and collection proceedings,~~ as set forth in this eChapter and authorized by section 53069.4 of the California Government Code. ~~Each day of a continuing violation constitutes a separate violation~~For violations involving the failure to recycle, reuse, dispose, or handle C&D debris and universal waste as required by Section 20.87.040, each ton of project C&D debris or universal waste, or portion thereof, that is not properly recycled, reused, disposed, or handled in accordance with this Chapter 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.~~

1. Failure to recycle, reuse, or dispose of project C&D debris as required by this Chapter: If the Director determines that an applicant has failed to properly recycle, reuse, dispose of, or handle project C&D debris and universal waste as required by Section 20.87.040 of this Chapter, or has failed to accurately account for and submit the required documentation for all project C&D debris and universal waste in the final compliance report as required by Section 20.87.070, the Director may impose an administrative penalty for every ton, or fraction thereof, of project C&D debris that the applicant failed to properly recycle, reuse, dispose, handle or account for, in the amounts set forth in the table below:

Penalty Schedule

Tons of C&D Not Recycled and Not Reported	Penalty Amount	
For up to the first ton	\$ 100	fixed amount; plus, as applicable, amounts below
From above the first ton up to 15 tons	\$ 60	per ton (or fraction thereof); plus, as applicable, amounts below
From above 15 tons up to 45 tons	\$ 45	per ton (or fraction thereof); plus, as applicable, amounts below
From above 45 tons	\$ 30	per ton (or fraction thereof)

2. Other violations: Except as otherwise provided in subsection B of this Section, the Director may impose an administrative penalty for each violation in an amount not to exceed one hundred dollars (\$100) for the first violation, two hundred dollars (\$200) for the second violation of the same provision of this Chapter within one (1) year after the first violation, and five hundred dollars (\$500) for each additional violation of the same provision of this Chapter within one (1) year after the first 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.~~

~~DB. 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 RRP's 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~~Whenever the Director imposes a penalty in accordance with this Section, the Director shall issue a statement of noncompliance setting forth the basis for imposing such administrative penalty, and shall withhold a portion of the refundable project deposit in an amount of the administrative penalty. If the administrative penalty exceeds the amount of the refundable project deposit, the applicant shall be responsible for paying the difference. The statement of noncompliance shall specify the basis for the Director's determination that the applicant violated this Chapter, the applicable administrative penalty, the amount of the refundable project deposit that has been withheld, the amount of any administrative penalty that exceeds the refundable project deposit, and the procedure for the applicant to request administrative review as provided in Section 20.87.100. The

statement of noncompliance shall also state that if a request for administrative review is not filed, the applicant will not be entitled to seek a refund of any portion of the refundable project deposit that has been withheld.

~~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 RRP's 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.~~

FC. A notice of statement of noncompliance shall be served upon a responsible person(s) the applicant and the owner, if different from the applicant, by electronic mail, 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, electronic mailing, personal delivery, or posting, as applicable. The Director's imposition of an administrative penalty and issuance of a statement of noncompliance is final unless a request for administrative review has been submitted as provided in Section 20.87.100.

~~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.D. Any penalty collected~~ refundable project deposit withheld under this ~~s~~Section will be deposited in a separate revenue fund entitled "Solid Waste Management Fund."

SECTION 12. Section 20.87.100 is hereby amended to read as follows:

20.87.100 Administrative ~~r~~Review of notice of violationStatement of Noncompliance.

A. Any ~~person~~ applicant upon whom a ~~notice of violation~~ statement of noncompliance has been served may request an administrative review of the accuracy of the contents of the ~~notice~~ statement of noncompliance and/or the propriety of any administrative penalty by filing a written notice of appeal with the ~~d~~Director no later than 30 days after the date of service of the ~~notice~~ statement of violation noncompliance. The notice of ~~appeal~~ administrative review 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 ~~d~~Director. The hearing officer shall exercise his or her best efforts to 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 as may be agreed upon by the appellant and the ~~c~~County, and shall give the appellant ten days

prior written notice of the date of the hearing. The hearing officer ~~shall~~may either sustain, rescind, or modify the ~~notice~~statement of violation~~noncompliance~~ by written decision. In the event that the hearing officer rescinds or modifies the statement of noncompliance, the written decision shall indicate the amount of the administrative penalty, if any, that was improperly imposed and the corresponding amount of the refundable project deposit that shall be refunded. The hearing officer shall also have the power to waive any portion of an administrative penalty ~~in a manner consistent with the decision~~based upon mitigating factors or other good cause shown, including actions by the applicant to correct any violation, and order that a corresponding portion of the administrative penalty be refunded. 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 may withhold approval of any and all RRP's 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.

SECTION 13. Section 20.87.110 is hereby amended to read as follows:

20.87.110 Judicial rReview

~~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 RRP's 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 20.87.120A~~ A person contesting the final decision of the Director or the hearing officer, as the case may be, may file an appeal in the superior court in the manner provided by law. In the event that there is a final determination that invalidates any portion of the administrative penalty imposed by the Director, the Director shall refund the corresponding portion of the refundable project deposit.

SECTION 14. Section 20.87.120 is hereby deleted in its entirety:

~~**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.

SECTION 15. Section 20.87.130 is hereby amended to read as follows:

~~20.87.130~~120 Standards, guidelines, and criteriaC&D Recycling and Reuse Guidelines.

The ~~d~~Director ~~may~~shall establish and/or adopt standards, guidelines, requirements, and criteria consistent with this ~~e~~Chapter, ~~which~~that are reasonably necessary to implement the requirements, and achieve the objectives, of this ~~e~~Chapter.

SECTION 16. Section 20.87.140 is hereby amended to read as follows:

~~20.87.140~~130 Inspections, inquiries, and ad audits.

The ~~d~~Director may make any and all inspections, inquiries, and audits as the ~~d~~Director may deem necessary to determine compliance with this ~~e~~Chapter.

[CH2087LJCC]

SECTION 17. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Janice Hahn
Chair

ATTEST:

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of January 31, 2023 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

Supervisors Hilda L. Solis
Holly J. Mitchell
Lindsey P. Horvath
Janice Hahn
Kathryn Barger

Supervisors None

Effective Date: March 2, 2023

Operative Date: _____

Celia Zavala

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, a copy of this document has been made available to the public.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

By Celia Zavala
Deputy



APPROVED AS TO FORM:
DAWYN R. HARRISON
Interim County Counsel

By Nicole Davis Tinkham
Nicole Davis Tinkham
Chief Deputy County Counsel