



- **When Required:** It is necessary to complete the C&D Waste Management Plan (WMP) whenever any construction, demolition, or alteration project has:
- A permit valuation of \$50,000 or more or
 - A project size of 1,000 square feet or greater

All demolition-only permits require a \$1,000.00 deposit or \$1.00 per square foot, whichever is the greater of the two. In addition, all City-sponsored construction, demolition, and/or renovation projects, regardless of size, require the completion of the WMP.

If your project requires the completion of a WMP, you will also be required to complete a **WMP Final Compliance Report** within 30 days after each (Demo, New Construction, Remodel/Addition or Tenant Improvement) project's **Final Inspection**. Review the paragraph below titled "Performance Security Deposit Refund Requirements" to be prepared for the documentation you need to be accruing throughout the project. You may also wish to review the Final Compliance Report and its Instructions/General Information sheet.

Compliance with City of Santa Monica Municipal Code 8.108 is included as a condition of approval on any construction or demolition permit issued for a covered project.

- **Diversion (Recycling) Rate Requirements:**
- The City of Santa Monica requires (see Construction & Demolition Debris Ordinance found in Chapter 8.108 of the City's Municipal Code or on the City's website at www.santa-monica.org) that any project meeting the criteria indicated above must meet a diversion rate of 70% (i.e., divert 70% of all waste generated by the project through recycling* rather than disposing of it at a landfill).

An applicant may apply for an exemption to the 70% diversion rate requirement at the time the completed WMP is submitted by attaching a letter indicating the reasons for the request of waiver. Exemptions will be considered only if there is a lack of on-site storage space, contamination of hazardous materials, and/or low recyclability of specific materials. All exemption requests must be approved prior to issuance of a building permit.

- Approval of the exemptions: The WMP Compliance Official shall return a copy of the WMP to the applicant marked "Approved Exemptions" and shall notify the Building Department that the WMP has been approved.
- Denial of Exemption: If the WMP Compliance Official determines that it is possible for the applicant to meet the diversion requirement, he or she shall inform the applicant in writing.

► City Review of the C&D Waste Management Plan (WMP):

City staff will review the WMP within two weeks and determine whether it complies fully with the Ordinance's diversion (recycling) requirements. Once the Plan has been approved, any subsequent changes must be submitted AND pre-approved in writing by City staff prior to beginning construction in order to ensure return of the performance security deposit. The WMP must be submitted and approved by Waste Management Plan compliance official staff as a condition of obtaining a building permit.

- Deconstruction: In preparing the WMP, applicants for demolition permits involving the removal of all or part of an existing structure shall consider deconstruction (“deconstruction”), to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to landfilling. Deconstruction can be used to meet the seventy percent diversion requirement provided it is accounted for in the WMP.
- Salvage Audit. Each applicant will be provided information concerning a salvage audit and encouraged to have a salvage audit conducted prior to commencing any deconstruction. The WMP compliance official shall review the information supplied by the applicant and he/she may meet with the applicant to discuss possible ways of meeting the diversion requirement. Based on the information supplied by the applicant and, if applicable, the compliance official shall determine whether it is possible for the applicant to meet the diversion requirement

* Recycling includes recycling at a city approved recycling facility, salvage, or on-site reuse.

- C&D Performance Security: This deposit is required to encourage applicants to recycle the construction-related waste generated by the project. The performance security deposit amount is 3% of the project valuation to a maximum deposit amount of \$30,000 (demolition-only permits have a \$1,000 deposit or \$1.00 per square foot, whichever is the greater of the two). Deposit may be paid at the Permit Center Cashier in City Hall Rm 111 by cash, check, money order, credit card, and may be paid by Bond at the Resource, Recovery and Recycling office at 2500 Michigan Bldg 9.

All applicants must submit the WMP and the performance security. However, if your plans are being reviewed in Project dox and you have not yet selected a contractor, the applicant may submit the first page of the WMP to get an Approval/Denial, with the understanding that the entire WMP must be completed by the contractor prior to the start of any work. **If the work begins before the WMP is submitted and approved, the applicant is subject to forfeiture of the performance security deposit.**

- Performance Security Deposit Refund Requirements: **Within 30 days after each (Demo, New Construction, Remodel/Addition or Tenant Improvement) project's Final Inspection**, the WMP Final Compliance Report must be submitted to the Resource Recovery & Recycling Division, along with the signed-off final permit or Certificate of Occupancy and with receipts for all discarded materials and facility receipts for all recycled materials that demonstrate compliance with the recycling requirements of the C&D Debris Ordinance. The receipts must include:

- Information about the facility
- Tonnage amounts
- Project address
- Appropriate coding to indicate that the material was recycled or disposed.

Once we determine compliance with the requirements is achieved, It will take approximately 4-6 weeks from the date, all required documents were submitted to Resource Recovery and Recycling office and the final completion is recorded in the City's software system (Permit Plus) to receive the refund.

Please note: It is the applicant's and/or sub-contractors responsibility to insure correct material type is indicated on each C&D receipt.

Forfeiture of the Performance Security Deposit

The performance security deposit may be forfeited in whole for the following reasons:

- *If you begin work on this project prior to submitting a completed Waste Management Plan (WMP).*
- *If you begin work on this project prior to receiving written approval of the WMP.*
- *If you change the WMP without review and approval by Resource Recovery & Recycling Staff.*
- *If you do not use approved facilities or permitted haulers for this project.*
- *If the actual diversion rate for this project does not meet the C&D Ordinance's minimum required diversion rate of 70%.*
- *If total actual tonnages for this project are materially different from estimated tonnages on the WMP.*
- *If you do not submit Final Compliance paperwork and receipts/documentation within 30 days of Final Building Inspection approval OR issuance of Certificate of Occupancy.*

► Approved Solid Waste Private Haulers:

For a list of permitted haulers, obtain a copy of the Approved Solid Waste Private Haulers from the Civil Engineering Counter (Room 113 in City Hall), or download it from the City's website at www.santa-monica.org. The City of Santa Monica requires that all haulers of recyclables and waste materials within City boundaries be on this approved list. New haulers wishing to obtain a private hauler permit from the City should contact the Resource Recovery & Recycling Division at 310-458-2223.

Self-haulers must register with Resource Recovery and Recycling Division.

► C&D Approved Recycling Facilities:

For a list of Santa Monica approved recycling facilities, obtain a copy of the *C&D Approved Recycling Facilities* list from the City of Santa Monica, Resource Recovery & Recycling Division, 2500 Michigan Avenue, Santa Monica, CA 90404, 310.458.2223; or download it from the City's website at www.santa-monica.org. By delivering C&D materials to an approved **Mixed C&D recycling facility**, you are ensuring that they will be sorted for recycling and will meet the 70% diversion requirement.

- Final Review: Remember to sign the form; also check the form to be sure that all entries are legible, accurate, and complete.

- Where to Submit changes to approved C&D Waste Management Plan Application: If you have already paid the WMP deposit and need to submit any changes or revisions to the WMP by hand-delivery to the

City of Santa Monica, Resource Recovery & Recycling Division, 2500 Michigan Avenue Bldg 9, Santa Monica, CA 90404, 310-458-8507; or by email to Nikkia.Tate@smgov.net.

► **Questions:** Contact the Resource Recovery & Recycling Division at 310-458-2223 for questions about the WMP or the C&D Debris Ordinance.

► For the purposes of these instructions, the following definitions shall apply.

a) “Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.

b) Class III landfill must have a solid waste facilities permit from the California Integrated Waste Management Board (CIWMB).

c) “Construction” means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

(i) “Deconstruction” means the careful dismantling of buildings and structures in order to salvage as much material as possible.

(j) “Demolition” means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

(k) “Disposal” means the final deposition of construction and demolition or inert material, including but not limited to:

(1) Stockpiling onto land of construction and demolition material that has not been sorted for further processing or resale, if such stockpiling is for a period of time greater than thirty days; or

(2) Stockpiling onto land of construction and demolition material that has been sorted for further processing or resale, if such stockpiling is for a period of time greater than one year; or

(3) Stockpiling onto land of inert material that is for a period of time greater than one year; or

(4) Disposal of construction and demolition or inert material to a landfill.

(n) “Enforcement agency (EA)” means an enforcement agency as defined in Public Resources Code Section 40130.

(o) “Inert backfill site” means any location other than an inert landfill or other disposal facility to which inert materials are taken for the purpose of filling an excavation, shoring, or other soils engineering operation.

(p) “Inert disposal facility/inert waste landfill” means a disposal facility that accepts only inert waste such as soil and rock, fully cured asphalt paving, uncontaminated concrete (including fiberglass or steel reinforcing rods embedded in the concrete), brick, glass, and ceramics, for land disposal.

(q) “Inert solids/inert waste” means non-liquid solid resources including, but not limited to, soil and concrete, that do not contain hazardous waste or soluble pollutants at concentrations in excess of water quality objectives established by a regional Water Board pursuant to Division 7 (Section 13000 et seq.) of the California Water Code and does not contain significant quantities of decomposable solid resources.

(r) “Mixed material” means loads that include commingled recyclables and non-recyclable materials generated at the project site.

(s) “Mixed material recycling facility” means a processing facility that accepts loads of mixed construction and demolition debris for the purpose of recovering reusable and recyclable materials and disposing the non-recyclable residual materials.

(t) “Performance security” means any performance bond, surety bond, money order, letter of credit, certificate of deposit, or restricted bank account, provided to the City pursuant to Section 8.108.140.

(u) “Post-consumer material” as defined in Public Contract Code Section 12200(b) means a finished material which would have been disposed of as a solid waste, having completed its life cycle as a consumer item, and does not include manufacturing wastes. Post-consumer material is generally any product that was bought by the consumer, used, and then recycled into another product.

(w) “Recycled product” as defined in Public Contract Code Section 12200(a) means all materials, goods, and supplies with no less than fifty percent of the total weight of which consists of secondary and post-consumer material with not less than ten percent of its total weight consisting of post-consumer material. This definition applies to paper products, plastic products, compost and co-compost, glass products, lubricating oils, paints, solvents, retreaded tires, tire-derived products, and steel products. A recycled product also includes products that could have been disposed of as solid waste having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of its form.

(y) “Renovation” means any change, addition or modification in an existing structure.

(aa) “Salvage” means the controlled removal of construction and demolition material from a permitted building or construction site for the purposes of recycling, reuse, or storage for later recycling or reuse.

(bb) “Sanitary wastes” means materials that require special handling procedures such as liquid wastes including domestic sanitary sewage;

(cc) “Secondary material” as defined in Public Contract Code Section 12200(c) means fragments of finished products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes post-consumer material, but does not include excess virgin resources of the manufacturing process. This material did not reach the consumer prior to being recycled.

(dd) "Sediment" means soil and other material that has been eroded and transported by storm or well production runoff water.

(hh) "Virgin material" means the portion of the product made from non-recycled material, that is, the material that is neither post-consumer nor secondary material.

(c) *Compliance as a Condition of Approval. Compliance with this Chapter shall be included as a condition of approval on any construction or demolition permit issued for a covered project.*

Enforcement

(a) The Director of the Department of Public Works, or his or her designee, is authorized to enforce Sections 8.108.130 through 8.108.160 as follows:

(1) For the first failure to comply with the provisions of Sections 8.108.130 through 8.108.160, the Department of Public Works shall issue to the affected person a written notice that includes the following information:

(i) A statement specifying the violation committed;

(ii) A specified time period within which the affected person must correct the failure or file a written notice disputing the notice to comply;

(iii) A statement of the penalty for continued noncompliance.

(2) For each subsequent failure to comply with any provisions of Sections 8.108.130 through 8.108.160 following written notice pursuant to this Section, the Director of the Department of Public Works. may levy a penalty not to exceed five hundred dollars. Any statement informing a violator of a citation shall include a notice setting forth the hearing rights provided in subsection (a) (3) below.

(3) Any person assessed a penalty pursuant to subsection (a)(2) may dispute the penalty by requesting a hearing on a form provided by the City within the time and manner set forth in Section 6.16.030 provided that no hearing request shall be deemed timely filed and no hearing shall be held unless, within the time period to request a hearing, the person deposits with the City Treasurer money in the amount of any unpaid penalty due under this Section. If as a result of the hearing it is determined that the penalty was wrongly assessed, the City shall refund any money deposited to the person. The decision of the Hearing Examiner shall be final except for judicial review and shall not be appealable to the City Council.