

City of Palm Springs
Construction and Demolition Waste Management Requirements and Forms
Rev: 2020

Consistent with California's Green Building Standards Code, the City of Palm Springs has developed the following requirements and forms to ensure compliance with waste management and landfill diversion goals set forth by the State for projects performed in the City of Palm Springs. Specifically, the following types of construction and demolition projects are required to divert 65% of their construction and demolition waste material from going to a landfill:

- Newly constructed buildings
- Demolition projects
- All permitted additions to non-residential projects
- Additions and alterations to residential buildings that increase the structure's conditioned area, volume or size.

Additions and alterations to residential buildings that do not increase the structure's conditioned area, volume, or size are strongly encouraged to follow best industry practices to salvage or recycle materials and are required to use only licensed haulers and disposal facilities.

Each qualifying project must complete a Certificate of Completion, Construction and Demolition Waste Reduction/Recycling Plan before issuance of a covered project's permit.

Demolition projects must also complete a Demolition Permit Application before issuance of a covered project's permit.

Projects can meet these requirements by contracting with the City's licensed waste hauler, Palm Springs Disposal Services (PSDS) or by self hauling, but only if construction companies have their own trucks and containers. All projects are prohibited from using any haulers other than PSDS if they do not have the equipment to self haul.

Projects with minimal waste generation are considered to be in compliance with these diversion requirements. Specifically:

- Non-residential new construction and residential high-rise (4 stories or more) projects with a total disposal weight of ≤ 3.4 lbs/ft²
- Residential low rise (3 stories or less) with new construction disposal of ≤ 3.4 lbs/ft²

All covered projects should complete the attachments to this form. Projects that are not considered covered projects or generate limited waste quantities, please complete the certificate of Exception below.

Certificate of Exception:

I certify that my project is either not a covered project as described above or generates less than 3.4 lbs/ft² of material and therefore is not required to submit a construction and demolition waste management/recycling plan. I further certify that I will only use the City's licensed hauler or transport my material to state-licensed disposal and recycling facilities.

Signature: _____ Date: _____

Name: _____

Project Address: _____

CERTIFICATE OF IMPLEMENTATION
Construction and Demolition Waste Management/Recycling Plan

1. Project Information

Owner's Name:	
Project Address:	
Owner Telephone:	
Contractor Name:	
Contractor Contact:	
Contractor Contact Phone:	
Approx. Project Size (sf):	
Type of Project (Check one):	<input type="checkbox"/> Newly constructed building <input type="checkbox"/> Demolition project <input type="checkbox"/> Addition to non-residential building <input type="checkbox"/> Addition or alteration to residential building that increases the structure's conditioned area, volume, or size.

2. Description of Diversion Plan

Briefly state how waste materials will be handled at your job site to ensure salvage/reuse or recycling. Please also explain how you will inform your workers/sub-contractors of your Waste Management and Recycling Plan requirements to ensure their participation. Please include the name(s) of the facilities that will accept your waste and/or recyclable material.

3. Compliance Method

Please indicate how you will comply with the project diversion requirements:

- I will use Palm Springs Disposal Services as my hauler.
- I have my own equipment (leased or owned) operated by my own employees and will self haul to a state-licensed facility.
 - Vehicle Make _____ Model _____
 - Vehicle ID Number _____
 - Vehicle License Number _____
 - Registered owner _____

NOTE: Use of non-permitted vehicles or operators or non-permitted haulers will result in fines.

Please indicate how you will manage materials on site:

- I will have on-site separation (separate containers for different types of materials)
- I will have mixed collection (which will be separated off site)

4. Estimated Diversion Rate

Please complete the attached worksheet to help you identify the types of materials, estimated quantities, and how the waste materials will be reduced, recycled, or disposed of at your project site. Estimates should be calculated in tons and use the attached materials conversion worksheet for conversion factors. Fill in the estimated diversion percentage calculated on the worksheet below:

- Diversion Percentage Estimate _____%
- Is this percentage listed above greater than or equal to 65%? ____ Yes ____ No
 - If no, explain why

5. Certification

The information on this form represents the best information available on the disposition of the construction and demolition materials generated at this project site:

Print Name: _____ Date: _____

Signature: _____

PROCESS AND REQUIRED DOCUMENTATION

Before Issuance of a Covered Project's Permit:

- Read, sign and submit a Certificate of Implementation – Construction and Demolition Waste Management/Recycling Plan
- Demolition projects must also submit the following:
 - Demolition Permit Application
 - Three (3) sets of site plans on a minimum 8.5"x11" sheets, showing the location of the structure to be demolished and all adjacent structures.
 - Evidence of notification to South Coast Air Quality Management per AQMD rule 1403 (www.aqmd.gov)
 - An approved PM-10 Dust Plan
 - An approved Traffic Control Plan and Right of Way Utilization Permit
 - Application Permit Fee
- Pay waste management diversion fee of \$1500 if the minimum diversion rate is not achieved. This fee will be collected upon submission of final project documentation verifying diversion amounts.

After Issuance of a Covered Project's Permit:

- The permit holder will be responsible for insuring that a minimum of 65% of the construction waste and debris is being recycled or salvaged.
- The permit holder shall maintain all records for the plan and shall maintain all weight tickets for hauled waste materials.
- The site, dumpsters and other waste containers will be monitored by representatives of the City to insure compliance. Records include weight tickets are subject to review.

- Failure to comply with the provisions of the Construction and Demolition Plan as outlined in the California Green Building Standards Code will subject you to citations and other punitive action.

Prior to Issuance of a Certificate of Occupancy

- Provide a completed Construction Waste Management Worksheet to the Palm Springs Department of Building and Code Enforcement at the time of Final Inspection.
- Provide weigh tickets to demonstrate amounts of sent to landfill and amounts sent to recycling or salvage facilities.
- The \$1500 fee will be assessed and issued if project does not meet the minimum diversion percentage.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, ESTABLISHING A MANDATORY
COMMERCIAL SOLID WASTE AND ORGANIC WASTE
RECYCLING REQUIREMENT FOR CERTAIN BUSINESSES
AND MULTIPLE-FAMILY RESIDENTIAL DWELLINGS.

City Attorney's Summary

This Ordinance establishes a mandatory recycling requirement pursuant to Chapters 12.8 and 12.9 of the California Public Resources Code for businesses that generate four cubic yards or more of commercial solid waste or organic waste per week, and multiple-family residential dwellings consisting of five or more units.

WHEREAS, the California Integrated Waste Management Act of 1989, commonly referred to as Assembly Bill ("AB") 939, codified in substantial part at Public Resources Code § 40000 *et seq.*, requires all jurisdictions within California to divert from landfill disposal a minimum of 50% of municipal solid waste generated annually within the jurisdiction through source reduction, recycling and composting programs; and

WHEREAS, the City, through its Office of Sustainability, is committed to AB 939 compliance and works closely with its authorized waste collection contractor to divert waste from local landfills; and

WHEREAS, in 2011, Governor Jerry Brown signed into law AB 341, which set a policy goal for the State that not less than 75% of solid waste generated be source reduced, recycled or composted by the year 2020; and

WHEREAS, AB 341 requires a business that generates four cubic yards or more of commercial solid waste per week or is a multiple-family residential dwelling consisting of five or more units to arrange for recycling services consistent with State or local laws to the extent that these services are offered and reasonably available from a local service provider; and

WHEREAS, AB 341 requires all jurisdictions within California to implement a commercial solid waste recycling program, directed at businesses, that may include, but is not limited to: (1) implementing a mandatory commercial solid waste recycling policy or ordinance; (2) requiring a mandatory commercial solid waste recycling program through a franchise contract or agreement; or (3) requiring all commercial solid waste to go through either a source separated or mixed processing system that diverts material from disposal; and

WHEREAS, AB 341 provides that a jurisdiction's commercial solid waste recycling program may include enforcement provisions, including a structure for fines and penalties; and

WHEREAS, in 2014, Governor Jerry Brown signed into law AB 1826, which requires a business that generates four cubic yards or more of commercial solid waste or organic waste per week, or is a multiple-family residential dwelling consisting of five or more units, to arrange for recycling services — specifically for organic waste — consistent with State or local laws; and

WHEREAS, AB 1826 requires all jurisdictions within California to implement an organic waste recycling program, directed at businesses, that may include, but is not limited to: (1) implementing a mandatory commercial organic waste recycling policy or ordinance; (2) requiring a mandatory commercial organic waste recycling program through a franchise contract or agreement; or (3) requiring organic waste to go through either a source separated or mixed processing system that diverts material from disposal; and

WHEREAS, AB 1826 provides that a jurisdiction's organic waste recycling program may include enforcement provisions, including a structure for fines and penalties; and

WHEREAS, in 2019, Governor Gavin Newsom signed into law AB 827, which requires businesses who are subject to AB 341 or AB 1826, and that provide customers access to the business, to provide — by no later than July 1, 2020 — containers that can be used by customers to collect commercial and organic recyclable materials resulting from purchases made on the premises for immediate consumption; and

WHEREAS, it is the intent of City staff to educate businesses regarding these mandatory State requirements and monitor compliance; and

WHEREAS, the City's authorized waste collection contractor readily provides commercial solid waste and organic waste collection and recycling services to businesses; and

WHEREAS, the City recognizes that waste diversion reduces greenhouse gas emissions, saves energy, and reduces the need to extract raw materials for production, and therefore has set a goal — in excess of the State's 75% waste diversion goal — that no less than 90% of waste materials generated within the city be diverted from landfills; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, title 14, § 15000 *et seq.*) (collectively, "CEQA"), the City is the lead agency for the Ordinance.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council finds that the adoption of this Ordinance is not subject to environmental review under the California Environmental Quality Act (“CEQA”) because it is not a CEQA “project” pursuant to CEQA Guidelines sections 15060(c)(2) and (c)(3) because it has no potential of creating a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Additionally, in the alternative, even if the Ordinance is a CEQA “project,” it is still categorically exempt from further environmental review pursuant to CEQA Guidelines sections 15307 and 15308 because the Ordinance is an action taken by the City as a regulatory agency, authorized by Public Resources Code sections 42649.3 and 42649.82, to assure the maintenance, restoration or enhancement of natural resources, and for the protection of the environment. The waste diversion procedures set forth in the Ordinance reduce greenhouse gas emissions, save energy, and reduce the need to extract raw materials for production.

Further, the City Council finds that none of the exceptions to the exemptions under CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type, and in the same place, over time. Similarly, there is no reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. The project will also not result in any damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway. The project will not be located on a hazardous waste site or any other site included on a list compiled pursuant to Government Code section 65962.5. The project will not cause a substantial adverse change to the significance of any historical resource.

Therefore, the City Council directs that a Notice of Exemption for this Ordinance be filed with the County Clerk of the County of Riverside in accordance with CEQA Guidelines.

SECTION 3. Title 6, Chapter 6.04.010 of the Palm Springs Municipal Code is hereby amended to add or amend the following definitions:

“Business” means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, association that is organized as a for-profit or nonprofit entity, or a multiple-family dwelling.

“Commercial Solid Waste” means all solid wastes generated by a store, office, or other commercial or public entity source, including a business as defined in this chapter or a multiple-family dwelling consisting of five or more units.

“Full-Service Restaurant” means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and an employee of the establishment takes all of the following actions:

- (1) Escorts or assigns the consumer to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer’s need for accommodation or other request;
- (2) Takes the consumer’s food and beverage orders after the consumer has been seated at the assigned seating area;
- (3) Delivers the food and beverage orders directly to the consumer;
- (4) Brings any requested items associated with the consumer’s food or beverage order to the consumer; and
- (5) Delivers the check directly to the consumer at the assigned eating area.

“Organic Waste” means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

“Recycling Facility” means a business that collects or processes recyclable materials.

“Recyclable Material” means material that can be separated from waste for the purpose of reusing or returning these materials in the form of raw materials for new, used or reconstituted products that meet the quality standard necessary to be used in the marketplace, or for composting.

“Self-Hauler” means a business, including a multi-family residential dwelling, that hauls its own waste to a recycling facility. To “self-haul” means to act as a self-hauler.

“Source Separate” means physically separating waste materials by type at the point of discard so as to separate recyclable materials from non-recyclable waste.

“Waste” is a comprehensive term for municipal, commercial or organic wastes that are not deemed to be recyclable materials.

SECTION 4. Title 6 of the Palm Springs Municipal Code is hereby amended to add Chapter 6.04.290, which shall read as follows:

6.04.290 Commercial Solid Waste and Organic Waste Recycling for Businesses and Multiple-Family Dwellings—Mandatory.

(a) Mandatory Recycling of Commercial Solid Waste and Organic Waste

(1) A Business that generates **two cubic yards** or more of commercial solid waste per week or is a multiple-family dwelling consisting of five or more units shall comply with the following requirements:

(A) Arrange for the regular collection of commercial and organic recyclable materials through the City's authorized waste collection contractor;

(B) Maintain containers on the premises, which are to be provided by the City's authorized waste collection contractor, for the collection of commercial and organic recyclable materials;

(C) Source separate commercial and organic recyclable materials from waste, and place the recyclable materials in the appropriate containers for collection as designated by the City's authorized waste collection contractor; and

(D) If the Business is one that provides customers access to the business, the Business must provide containers to collect commercial and organic recyclable materials resulting from purchases made by customers on the premises for immediate consumption. ~~This requirement must be met on or before July 1, 2020.~~ The containers must be:

(i) **Adjacent to each container for waste other than commercial and organic recyclable materials, except in restrooms;**

(ii) **Visible and easily accessible to customers; and**

(iii) **Clearly marked with educational signage indicating what materials are appropriate to place in the containers in accordance with State and local law. An acceptable method to comply with this subsection is to work with the City's authorized waste collection contractor to obtain the appropriate language or signage.**

(2) Multiple-family dwellings are not required to divert food waste under subsection (a)(1).

(3) A Businesses that only generates **two cubic yards** or more of organic waste per week, but not commercial solid waste, shall be responsible for complying with subdivision (a)(1) only as to organic recyclable materials.

(4) Full-service restaurants are exempt from the requirements of subdivision (a)(1)(D) if the full-service restaurant, on or before July 1, 2020, provides its employees containers to collect commercial and organic recyclable materials resulting from purchases made by customers on the premises for immediate consumption, and implements a program to separate and collect such materials. The full-service restaurant is required to post and maintain educational signage on the container itself or in a prominent and visible manner near the container indicating what materials are appropriate to place in the containers in accordance with State and local law. An acceptable method to comply with this requirement is to work with the City's authorized waste collection contractor to obtain the appropriate language or signage.

(5) A property owner of a multiple-family dwelling or their agent may require tenants to source separate commercial and organic recyclable materials in order to aid in compliance with this chapter. It is unlawful and a violation of this chapter for any tenants of a multiple-family dwelling not to comply with a source separate requirement issued by a property owner or their agent.

(6) When arranging for gardening or landscaping services, the contract or work agreement between a Business subject to this section and a gardening or landscaping service shall require that the organic waste generated by those services be managed in compliance with this section.

(7) The City **may, at its discretion**, exempt a Business from the mandatory organic waste recycling requirements of this chapter for any of the following reasons:

(A) Lack of sufficient space in the multiple-family dwelling to provide additional organic waste collection containers;

(B) A Business's implementation of a recycling program that results in the recycling of a significant portion of its organic waste (to be determined by the City's authorized waste collection contractor in accordance with state and local law, and regional standards or practices);

(C) The Business or group of Businesses does not generate at least one-half cubic yard of organic waste per week;

(D) Limited-term exemptions for extraordinary and unforeseen events; or

(E) The Business or group of Businesses does not generate at least one

cubic yard of organic waste per week.

(8) For the exemption listed in subsection (7)(E) to become effective, the City must provide the California Department of Resources Recycling and Recovery information that explains the need for the higher exemption rather than the lower exemption provided for in subsection (7)(C). The City shall provide this information in its annual report that is required pursuant to California Public Resources Code section 41821.

(b) Provision for Self-Haulers

(1) Nothing in this chapter shall preclude a Business from self-hauling commercial or organic recyclable materials generated by that Business to a recycling facility. However, to be in compliance with the requirements of this chapter, the business must:

(A) Arrange for the regular collection of commercial and organic recyclable materials through the City's authorized waste collection contractor; and

(B) Provide proof of compliance with the requirements of this chapter upon request by the City. Proof of compliance consists of a receipt from a recycling facility identifying the facility, date, and type and quantity of recyclable material delivered. Businesses shall maintain proof of compliance from self-hauling activities conducted over the course of an entire year, from the period of January 1 to December 31. Businesses may dispose of that year's proof of compliance two years after December 31.

(c) Contamination of Recyclable Materials

No Business or person shall place in any container used for the collection of commercial or organic recyclable materials any waste, material or substance that would inhibit recycling of the container's contents. Containers set aside for commercial and organic recyclable materials shall only be used for recyclable materials identified by the City's waste collection contractor.

(d) Authority to Implement Fee System to Recover City's Costs in Complying with State Law

The City Manager, upon authorization from the City Council, may implement a system allowing for the City to charge and collect a fee from Businesses that are subject to this chapter in order to recover the City's costs in complying with the commercial solid waste and organics recycling requirements set forth in California Public Resources Code chapters 12.8 and 12.9.

(e) Forms, Regulations and Guidelines

The City Manager may adopt necessary forms, rules, regulations, and guidelines that may be necessary or desirable to aid in the administration or enforcement of the provisions of this chapter.

(f) Education and Enforcement

(1) The City Manager or his designee shall work with the City's authorized waste collection contractor to conduct outreach and educate Businesses subject to the requirements of this chapter about its requirements and facilitate compliance.

(2) The City Manager or his designee shall work with the City's authorized waste collection contractor to annually identify Businesses subject to the requirements of this chapter and confirm whether all such businesses are in compliance.

(3) Prior to taking any enforcement action against a Business for violation of the requirements of this chapter, the City shall first notify the Business and provide the Business an opportunity to correct the violation. This notice shall contain the information required by Palm Springs Municipal Code section 1.06.030(b). The notice shall state the Business has 60 days to correct the violation.

(4) Businesses shall be responsible for ensuring and demonstrating compliance with the requirements of this chapter within the 60 day time frame provided in the notification of violation. Failure to demonstrate compliance shall be cause for enforcement. The City may pursue enforcement of the provisions of this chapter through administrative, civil, or criminal proceedings.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS _____ DAY OF _____, _____.

GEOFF KORS
MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this _____ day of _____, _____.

ANTHONY J. MEJIA, MMC
CITY CLERK

Highlights of Feedback from Stakeholder Input to Date on Disposable Food Ware Ordinance

Timing of Implementation

- Restaurants are particularly overburdened and financially strapped due to COVID. In addition, the state recently reduced its threshold for businesses that must comply with recycling and organics requirements, which will require a new wave of outreach and compliance efforts in advance of major shifts that will come with implementation of SB 1383 in 2022.
- With businesses slower, it may take longer to get rid of existing non-compliant stock. However, another commenter said that they do not have a significant amount of stock on hand.
- Restaurants that typically had minimal takeout orders currently have significantly more takeout orders and are unlikely to return to full in-house dining for a while. As a result cost impacts for switching away from polystyrene in particular are more significant than normal.
- Plastics are a problem and we need to do something sooner rather than later.

Clarifications Needed

- What is included in “on-site” dining? Specifically, can we define an exclusion for food vendors that have occasional or extremely limited seating where the vast majority of patrons have “to go” orders.
- Confusion about appropriate alternatives and benefits of alternatives – especially bioplastics.
- Be clear about disposable cup and container fees – when they apply and what the cap is. A cap of \$.50 may not be enough to offset costs of alternatives.

Concerns

- Cost of alternatives – especially alternatives to polystyrene.
- Customers are very cost conscious. Some restaurants have already raised prices and additional charges may not be well received by customers.
- Avoid creating loopholes that exempt businesses unnecessarily.
- Efforts need to be accompanied by robust outreach and education campaigns, especially if people move to compostable alternatives. Consumers need to know where to put waste, and there needs to be an infrastructure in place to manage them appropriately (e.g., organics management services for compostable food ware).
- Riverside County Health Department provided information to one restaurant that they could not refill reusable containers. This is not consistent with the state code.

Suggested Assistance

- Buy-back program for unused non-compliant stock (e.g., polystyrene)
- Assistance identifying appropriate alternatives that are reasonably priced. Bulk buy could be an option. (Center for Environmental Health food ware data base)
- Consider awards or recognition program for making the switch.

Additional Comments

- Provide more transparency on City website about where waste and recycling goes.
- Focus on reducing plastic food packaging.
- Some restaurants have already implemented elements of the program – e.g., Bongo Johnny’s has steel straws and has charged \$.50 for takeout containers, Native Foods stopped providing straws altogether.

Updated 9/2/20

City of Palm Springs

SB 1383 Path to Compliance

Division of Responsibilities (high level)

- Provide organics collection service to all residents and businesses (PSDS lead)
 - Identify container needs
 - Purchase and deploy containers
- Establish Edible Food Recovery System (City lead)
 - Work with PSDS to identify businesses
 - Conduct outreach
 - Recruit participation
 - Track implementation
- Communication and Outreach (PSDS and City)
 - Craft messaging for various audiences
 - Disseminate messaging through various platforms in person, on line, via media, and in writing
- Procurement (City)
 - Assess impacted products and current requirements
 - Reassess relevant contracts
 - Develop new policies and procedures
 - Renegotiate/Reissue contracts as needed
- Capacity Planning (PSDS lead)
 - Existing and future expansion
- Enforcement (City with input from PSDS)
 - Develop enforcement approach that utilizes PSDS field observations with City enforcement protocol
- Ordinance Development (Including construction and water efficient landscape requirements for mulch and compost application)

Timeline

Time Frame	Activity/Milestone
2019	
September	Brief City Council (complete)
2020	
July	Assess universe, capabilities, current practices, and constraints of food recovery facilities
September	Meet with Procurement and Maintenance to discuss and assess impact on purchasing and landscape contracts Begin Franchise Agreement Revision Process
October	Brief City Council
November	Begin pilot of food recovery program with FIND Food Bank
December	Determine what will be accepted at organic facilities and secure necessary capacity
2021	
February	Brief City Council
April	Finalize Franchise Agreement
May	Draft enforcement ordinances, including requirements for construction & demolition debris and water efficient landscaping
June	Present updated rates
	Get approval of draft ordinance from Sustainability Commission
	Develop Outreach Plan
July	Purchase new containers Present Ordinance to City Council for approval
September	Finalize Edible Food Recovery Plan and Tracking System
October	Hire additional staff
December	Deploy new containers
2022	
January	Begin Implementation