

11-4-1905 Construction or demolition site waste recycling

1. For purposes of this section, the term:
 - a. “Contractor” means general contractor as defined in Section 4-36-010 and also includes any person engaged in the demolition or wrecking of a structure for which a permit is required under Section 13-32-230.
 - b. “Construction and demolition debris” has the meaning ascribed to the term in Section 11-4-120 of this Code, but does not include materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible.
 - c. “Recycle” has the meaning ascribed to the term in Section 11-4-120 of this Code.
 - d. “Recycler” means a recycling facility, transfer station, or other waste handling facility permitted pursuant to Section 11-4-250 of this Code which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.
 - e. “Reuse” means (i) the on-site use of reprocessed construction and demolition debris if such on-site use is authorized in writing by the commissioner pursuant to Section 11-4-1935 of this Code; and (ii) the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.
2. Any project subject to this section shall be required to recycle or reuse construction or demolition debris produced on site as part of construction or demolition activities by meeting the following requirements:
 - . The contractor on a project that is issued a permit with an application date on or after January 1, 2006, but before January 1, 2007, shall cause to be recycled or reused at least 25 percent of construction and demolition debris, as measured by weight, produced on site.
 - a. The contractor on a project that is issued a permit with an application date on or after January 1, 2007, shall cause to be recycled or reused at least 50 percent of construction and demolition debris, as measured by weight, produced on site.
3. The following projects are subject to this section:
 - . Construction of a new residential building with four or more units.
 - a. Construction of a new non-residential building, other than projects for which the total square footage is 4,000 square feet or less.

- b. Any rehabilitation of a building that will require a certificate of occupancy to issue from the department of buildings.
- c. Demolition of a residential building with four or more units that includes the demolition of at least one outside wall.
 - d. Demolition of a non-residential building, other than projects for which the total square footage is 4,000 square feet or less.
 - e. A project is exempt from this section if only a plumbing permit, only an electrical permit or only a mechanical permit is required.

4. Certification of compliance and enforcement.

- . Within 30 days of completion of a project meeting the requirements of subsection (3) of this section, the contractor shall submit documentation as described herein to report compliance with this section and regulations promulgated thereunder. Documentation shall be in a form prescribed by the commissioner of environment and consist of notarized affidavits from the contractor and the waste-hauler or recycler for the project certifying the extent to which the project complies with subsection (2).

a.

- i. The certificate of occupancy for a project subject to this section may be withheld until the applicant submits either (A) the required documentation, including, where applicable, proof that any fine due under subsection (6) of this section has been paid in full, or (B) proof of a written request for a hearing on the applicability of this section and/or the amount of fine due, which hearing shall be conducted in the department of administrative hearings.
- ii. Notwithstanding the foregoing subparagraph (i), if a contractor is unavailable or refuses to provide the required documentation, a property owner may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the contractor is unavailable or refuses to provide the required documentation.
- b. A contractor who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in subsection (6) as if no amount of construction and demolition debris was recycled or reused, and may be subject to suspension or revocation of the contractor's general contractor's license by the mayor or the director of business affairs and licensing pursuant to Chapter 4-4 of this Code. The contractor may file a written request with the Department of Environment for a hearing to determine the applicability of this section and /or the

amount of fine due, which hearing shall be conducted by the Department of Administrative Hearings.

c. The executive director of construction and permits shall not issue any new building or demolition permit to a contractor who has failed to timely submit the required documentation with respect to any completed project, until the applicant either (A) submits the required documentation, including, where applicable, proof that any fine due under subsection (6) of this section has been paid in full, or (B) submits proof of a written request for a hearing on the applicability of this section and/or the amount of fine due, which hearing shall be conducted in the department of administrative hearings.

d. A contractor must comply with all reasonable requests for information and documentation made by the commissioner of the environment pursuant to an audit to monitor compliance with this section. Documentation required by this section must be maintained for at least three years.

e. Whenever any affiant knowingly and falsely states that a project has met the requirements of this section, or whenever any contractor knowingly submits an affidavit with such a false statement, or whenever any person knowingly fails to comply with a reasonable request made pursuant to an audit under this section, such action will subject the person to a fine of \$2,000 to \$5,000, and will subject the person to additional penalties and fines pursuant to this Code or state law including, but not limited to, the penalties specified in subsection (6) and the revocation or suspension of an affiant's or contractor's general contractor's license pursuant to Chapter 4-4. In the case of a contractor, the executive director of construction and permits may, after a hearing resulting in a finding that the contractor has committed any of the aforesaid violations, deny the contractor's right to obtain building or demolition permits for a period of up to one year.

5. The commissioner of environment may promulgate such rules and regulations as necessary to implement the provisions of this section.

6. Contractors who fail to meet the recycling percentages identified in subsection (2) shall be subject to the following fines:

For construction projects or demolitions involving 10,000 square feet or more of renovated, newly constructed, or demolished space	\$1,000 for each percentage point of difference between the amount required by this section to be recycled or reused and the amount actually recycled or reused
For construction projects or demolitions involving less than 10,000 square feet of	\$500 for each percentage point of difference between the amount required by this section to be

renovated, newly constructed, or demolished space	recycled or reused and the amount actually recycled or reuse
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