
EXHIBIT A

CHAPTER 7E BUILDING PROJECT MATERIALS MANAGEMENT, DECONSTRUCTION, REUSE AND RECYCLING REQUIREMENTS

Sec. 7E-010 Title.

The provisions of Chapter 7E shall be known as Sonoma County's "Building Program Materials Management, Deconstruction, Reuse and Recycling Requirements."

Sec. 7E-020 Purpose and Intent.

The purpose of these provisions is to prescribe requirements designed to meet and further the goals of the California Integrated Waste Management Act of 1989 Assembly Bill 939, and implement the requirements of CALGreen (Part 11, Title 24, California Code of Regulations), Sections 5.408.1 and 4.408.1, and SB 1383 (the Short-lived Climate Pollutant Reduction Act of 2016) regulations 14 California Code of Regulations Section 18989. 1(a)(2). These regulations allow Sonoma County to maximize the Recovery of CD&D Materials through commercially viable options and by requiring all Deconstruction, Demolition and Construction Projects to comply with Sonoma County's requirements. The intent of these provisions is to Recover all Recoverable amounts of CD&D Materials and minimize CD&D Materials Disposed. Sonoma County intends for the maximum amount of CD&D Materials to be Recovered and returned into the economic mainstream thereby conserving natural resources and stimulating markets for Recoverable materials. The Chief Building Official or their designee is authorized to establish guidelines to implement the requirements of this Chapter, which may be amended from time to time.

These provisions are intended to prioritize Reclamation and Reuse via Deconstruction to reduce CD&D Materials. CD&D Materials reclaimed prior to Demolition shall be counted in meeting the Recovery requirements of this Chapter. Unless otherwise prohibited, Reclaimed CD&D Materials may be given away or sold on or from the premises at which they were Reclaimed or may be removed to off-site warehouse facilities for storage or sale.

Sec. 7E-030 Requirement to Recover CD&D Materials.

All Projects must separate CD&D Materials from other wastes (such as normal household garbage, or commercial or industrial non-Construction related debris) for the purpose of Recovery consistent with the requirements and guidelines established in this Chapter. Sonoma County requires that Applicants Source Separate and Recover all asphalt, concrete, plant, and tree debris Nothing in this chapter shall be interpreted to impact the requirements of the California Green Building Standards Code (CALGreen) requirements (Green Building Standards Code, Sections 4.408 and 5.408) and any future changes to that Code. Sonoma County will provide Applicant with list of Deconstruction Contractors, Reuse Facilities, Source Separation Facilities, and Certified Mixed C&D Recovery Facilities.

Sec. 7E-040 Fast Tracked Permits for Deconstruction.

Applicants may apply for Permits for Deconstruction prior to applying for Permits for Construction. Applicants who receive Permits for Deconstruction may remove structures from Project areas prior to applying for or receiving Permits for Construction. Demolition Permits shall not be issued separately from Construction Permits unless emergency and/or hazardous building conditions can be proven to

require mechanical destruction. Applicants for Permits for Deconstruction shall employ the following measures for Deconstruction, preventing mechanical Demolition of Reusable CD&D Materials.

- A. Complete Building Deconstruction: Applicants may apply for a Deconstruction Permit and submit a site plan to secure the rights to build within the new Building footprint. Deconstruction Permit will be fast tracked to the extent feasible as will the subsequent Permits related to the subject property submitted within 1 year of the Deconstruction Permit finalization date.
- B. Deconstruction for Additions and Remodels: Applicants may apply for a partial Deconstruction Permit for Projects that are additions, remodels, or other Projects that involve removal of a portion – but not all – of a building or a structure. Applicants must submit a site plan if any site conditions will be altered to secure the rights to build within the new footprint. Sonoma County will fast track Deconstruction Permits to the extent feasible as well as the subsequent Permits related to the subject property submitted within 1 year of the Deconstruction Permit finalization date.

Sec. 7E-050 Requirement to Deconstruct and/or Reuse CD&D Materials in Historic District and Historical Buildings.

Sonoma County requires Deconstruction of buildings located in historic districts or buildings built prior to 1924, or before 1945, if the building is designated historic. This requirement applies to all structures including accessory structures such as carriage houses, garages, barns, and outbuildings. An exception may be provided for buildings with emergency hazardous building conditions that require mechanical destruction.

Sec. 7E-060 Transportation Requirements.

Applicants shall arrange for Transportation of CD&D Materials for the purposes of Reuse, Recovery at a Source Separated Facility or Certified Mixed C&D Recovery Facility, or Disposal either via Self-Haul or with third-party Haulers. Sonoma County may separately designate (via permit or agreement) Haulers of CD&D Materials, on an exclusive or non-exclusive basis, that Applicants may be allowed to use. Transportation of CD&D Materials, whether by Self-Haul or by Haulers must meet these conditions of this Chapter, including:

- A. Vehicle Identification – Every vehicle operated by Applicant and/or their Contractors and/or Haulers for collecting and Transporting CD&D Materials shall bear the respective name of the Applicant, Contractor, or Hauler and phone number on the sides of the vehicle.
- B. Container Labelling – Containers used for the collection of CD&D Materials must have labels that are readable from a minimum of five (5) feet away containing at least two-inch (2”) font lettering. Labels must also detail the types of CD&D Materials that may be placed in the container. Containers must also include a notice that states “No Garbage” to ensure that only CD&D Materials are collected in the container.
- C. Covering – CD&D Materials must be completely contained and covered during Transport. A cover must be secured to prevent loss of material or associated debris while traveling on public roads and highways. CD&D Materials must be collected and transported in properly labeled and leak proof containers or vehicles constructed such that no materials can leak, fall, or be blown from the container or vehicle. If materials do fall, blow, or leak out of a collection vehicle or container, any such materials must be immediately collected by Applicant or their Hauler.

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- D. Documentation – Applicant shall require all Contractors and Haulers to collect and provide documentation of Recovery via Deconstruction, Reclaim, Reuse, Recycling, and Composting or Disposal for all CD&D Materials generated by the Project, for the purpose of submitting that documentation to Sonoma County with the required Report of Construction and Demolition Materials Management (RCDMM) for submittal to Sonoma County per Section 7E-110.

Sec. 7E-070 Certified Mixed C&D Recovery Facility Requirements.

All Mixed C&D Materials shall be delivered to Certified Mixed C&D Recovery Facilities. Materials that were not generated by a Project during Construction, Demolition or Deconstruction of a structure (i.e., trash, garbage, or refuse from normal home or business activities) are not Mixed C&D Materials and thus are contaminants to loads of Mixed C&D Materials delivered to Certified Mixed C&D Recovery Facilities.

Sec. 7E-080 Construction, Demolition & Deconstruction Materials Management Plan (CD&D MMP) Requirements.

Prior to issuance of a Permit, Applicants for Projects shall complete and submit a Construction, Demolition & Deconstruction Materials Management Plan (CD&D MMP) for the Project, in a form approved by the Chief Building Official which must be signed by the owner or designated representative of the Project. The CD&D MMP shall be attested by the Applicant, under penalty of perjury, as true and correct for all stated facts and as a best estimate based on all information reasonably available about the Project. The CD&D MMP must be submitted to the CD&D Review Official and include all the following information, at minimum:

- A. Identification of all types of CD&D Materials that are anticipated be generated by the Project, with approximate quantities (in tons and/or cubic yards) listed for all CD&D Material types.
- B. Identification of all intended Deconstruction, Demolition and Construction methods (i.e., Deconstruction, Reuse, Recycling, Source Separation, Mixed C&D Recovery, etc.) to reduce the amount of CD&D Materials generated by the Project.
- C. Identification of the intended method of Recovery for each Recoverable CD&D Material type (e.g., Deconstructed, Reclaimed, Reused, Source Separated, Mixed C&D Materials).
- D. Identification of the intended Disposal method for each non-Recoverable CD&D Material type (e.g., Landfill or other).
- E. Identification of the intended Transportation method and intended Hauler (e.g., Self-Haul or other Haulers) to Transport each type of CD&D Material intended for delivery to Source Separated Facilities, Certified Mixed C&D Recovery Facilities, or Landfill.
- F. Identification of the specific Deconstruction / Reclamation Contractors, Reuse Contractors, Source Separated Facilities, Certified Mixed C&D Recovery Facilities, and Landfills to be used, as applicable to each CD&D Material type, that are intended to be used for Recovery and Disposal.

Sec. 7E-090 Official Review of CD&D MMPs.

No permits under Chapter 7 or this chapter (other than Deconstruction Permits) shall be issued by the Jurisdiction without approval of the CD&D MMP Plan. CD&D MMP Plan shall not be required if an emergency Demolition is required to protect public health or safety. The CCM Review Official shall approve a CD&D MMP only if:

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- A. The CD&D MMP provides all the information set forth in this Chapter; and
 - B. The CD&D MMP indicates that all Recoverable CD&D Materials generated by the Project will be Recovered; or
 - C. The Applicant demonstrates good cause as to why any amount of Recoverable CD&D Materials generated by the Project cannot be Recovered.

If the CD&D Review Official fails to approve the CD&D MMP they shall explain in writing the basis for denial.

Sec. 7E-100 Documentation of CD&D Material Recovery or Disposal Requirements.

Permittees shall ensure, for the life of the Project, that all CD&D Materials Recovered or Disposed are measured, recorded and documented by weight or volume using the most accurate method of measurement available. To the extent practicable, all CD&D Materials shall be weighed using scales that are compliant with all regulatory requirements for accuracy and maintenance. For CD&D Materials for which weighing is not possible due to lack of scales or not practical due to Deconstruction and/or Reuse methods or other considerations, a volumetric measurement may be used, or approximate weights may be applied to detailed inventories. Permittees shall convert volumetric measurements to weight using standardized conversion factors approved by Sonoma County.

Permittees shall gather all documentation of all Recovery and/or Disposal of all CD&D Materials generated by Project for the purpose of submitting that documentation to the Jurisdiction with the required Report of Construction and Demolition Materials Management (RCDMM) for submittal to the Jurisdiction as per section Sec. 7E-110.

Sec. 7E-110 Report of Construction and Demolition Materials Management (RCDMM) is Required.

At the conclusion of each Project and prior to the final inspection, issuance of temporary certificate of occupancy, or certificate of occupancy by Sonoma County, the Permittee shall submit to Sonoma County a Report of Construction and Demolition Materials Management (RCDMM) in a form approved by Sonoma County which must be signed by the Permittee. The RCDMM must contain the following documentation:

- A. The actual volume (in cubic yards) or weight (in tons) of CD&D Materials that was Recovered by type, Recovery method, and the actual volume or weight of CD&D Materials that was Disposed, based on the overall amounts of Recovery and Disposal for the Facility. Documentation via weight tags, receipts, invoices, or other forms must be provided in support of all reported CD&D Material volumes and/or weights. For Projects that were issued Deconstruction Permits, the CD&D Materials tracked need only include materials that result from site work and Construction.
- B. The actual Recovery methods used for each Recoverable CD&D Material type.
- C. The Disposal method used for each non-Recoverable CD&D Material type.
- D. Any additional information the Applicant believes is relevant to determining its efforts to comply in good faith with this Chapter, if applicable.
- E. Any barriers encountered that prohibited Recovery of CD&D Materials.

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- F. Any recommended actions that would further Sonoma County’s efforts to Recover CD&D Materials.

The CD&D Review Official shall review the information submitted in the RCDMM to determine whether the Applicant has Recovered all Recoverable CD&D Materials. The CD&D Review Official may establish findings of compliance with this Chapter based on:

- A. 65 Percent Recovery Compliance – The Permittee shall be found to be compliant with the requirements of this Chapter if at least 65 percent by weight of the CD&D Materials generated by the Project is Recovered, with all amounts of Recovered CD&D Materials being fully supported via documentation included in the RCDMM being provided by Applicant.
- B. Good Faith Effort Compliance – The Permittee shall be found to be compliant with the requirements of this Chapter if the CD&D Review Official determines that Permittee has made a good faith effort to comply with this Chapter. In making this determination, the CD&D Review Official may consider information submitted by the Permittee, the availability of Recovery markets for the CD&D Materials that was not Recovered, the size and type of Project, the documented efforts of the Permittee to Recover CD&D Materials, and barriers encountered. CD&D Review Official may also consider the Project’s achievement of CALGreen’s Waste Stream Reduction Alternatives in making a finding of Good Faith Effort Compliance.

Good Faith effort shall be determined based on a variety of factors, including but not limited to the percentage Recovery for Recoverable CD&D Materials by type, the overall amounts of CD&D Materials generated per Project square foot, whether the Project was Deconstructed, and the Permittee’s compliance with the provisions of this Chapter.

- C. Noncompliance – The CD&D Review Official shall determine the Project to have a noncompliance status if they determine that the Applicant has not made a good faith effort to Recover CD&D Materials or if the Permittee fails to submit the documentation required for inclusion in the RCDMM. All noncompliance information including Permittee name, type, and size of project, and any reason for noncompliance shall be documented by the CD&D Review Official. The submission of false information to Sonoma County by Permittee is a violation of this Chapter.

The CD&D Review Official shall issue written notice to the Applicant and/or Permittee of the finding of noncompliance. The notice must include:

- a. The address of the project site;
 - b. Permit application number;
 - c. The basis of the findings; and
 - d. A statement of appeal rights.
- D. Service of notice – A finding of noncompliance must be sent via email and certified mail to the Applicant’s and Permittee’s addresses on file with the department. Notice must also be sent via certified mail addressed to the last known property owner as listed on the latest official equalized tax roll.

Sec. 7E-120 Appeals.

An appeal of the CD&D Review Official's decision not to approve a CD&D MMP shall be made to the Board of Building Appeals. Other determinations of noncompliance with the requirements of this Chapter shall be pursuant to Chapter 1.

Sec. 7E-130 Enforcement.

- A. Violations. Noncompliance determinations shall be made pursuant to Section 7E-110. A violation of this Chapter is a public nuisance and is subject to any remedies contained in Chapter 1 and any other remedies available under law. A violation of this chapter is a misdemeanor.
- B. Enforcing Officer. The CD&D Review Official is authorized to enforce the provisions of this section and is the enforcing officer for purposes of Chapter 1.
- C. Responsible Parties. A responsible party, as defined by Sonoma County Code Section 1-7, includes the Applicant, Permittee, Contractor, Hauler, and each property owner. Each responsible party is jointly and severally liable for abating a violation, paying associated costs, as defined in Section 1-7, paying civil penalties, and otherwise complying with an order or final determination.
- D. Authority to Report Non-Compliance –The County may issue a report of non-compliance to the Contractor’s State License Board for repeated and/or excessive violation(s) of the provisions of this Chapter.

Sec. 7E-140 Definitions.

The following words and phrases, whenever used in this Chapter are defined as follows, unless it is apparent from the context that they have a different meaning.

“Applicant” means any Person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies for an applicable Permit to undertake any Project within the Jurisdiction.

“Building” means construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, and removal of every structure or any appurtenances connected or attached to such buildings or structures.

“CD&D Materials” means those materials generated by a Project during Construction, Demolition, or Deconstruction of a structure. CD&D Materials are to be Recovered to the maximum extent possible, with only non-Recoverable materials being Disposed.

“Certified Mixed C&D Recovery Facility” means any facility certified by The Sonoma County Waste Management Agency (Zero Waste Sonoma or ZWS) pursuant to its facility certification program as operating in a manner that results in Recovery of Recoverable Materials Disposal of non-Recoverable Materials contained in loads of Mixed C&D Materials generated by Projects. Certified Mixed C&D Recovery Facilities may be expected to, among other things, provide receipts or other documentation showing the overall amounts of Recovery and Disposal for the Facility. Any Mixed C&D Facility may apply to ZWS for certification as a Certified Mixed C&D Recovery Facility; alternatively, ZWS may accept certifications of Mixed C&D Recovery Facilities made by other government agencies. If ZWS finds that the application and/or alternative certification is consistent with the intent, purpose, and requirements of its facility certification program, the ZWS Executive Director has the authority to issue the certification subject to any conditions deemed necessary to carry out the purpose of the program and this Chapter. A

Mixed C&D Recovery Facility must be recognized by ZWS to qualify as a Certified Mixed C&D Recovery Facility.

“Construction” means the building, alteration, addition or renovation of any facility or structure or any portion thereof including any tenant improvements to a previously unoccupied existing facility or structure. Construction does not include a project limited to interior plumbing work, electrical work or mechanical work.

“Construction Materials Management Plan or CD&D MMP” means the documentation required to be submitted by Applicants for all Projects per this Chapter.

“CD&D Review Official” means the Chief Building Official.

“Contractor” means any Person or entity holding, or required to hold, a contractor’s license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any Deconstruction, Demolition and Construction in association with a Project.

“Deconstruction” means the process of systematically dismantling a structure, or a portion thereof, to maximize the potential to Reclaim Reusable CD&D Material and minimize the amount of CD&D Materials that are Disposed. Deconstruction includes adherence to the Jurisdiction’s health and safety protocols for such activities.

“Demolition” means the destruction, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior. Demolition must include adherence to the Jurisdiction’s health and safety protocols for such activities. Demolition generally results in inferior Recovery of CD&D Materials.

“Disposal” means the final disposition of CD&D Material to a Landfill.

“Hauler” means a Person that Transports CD&D Material on behalf of an Applicant.

“Landfill” means a facility for the Disposal of non-Recoverable waste defined in CCR Title 27.

“Mixed C&D Materials” means a mix of C&D Material types without Deconstruction or Source Separation. Mixed C&D Materials may contain both Recoverable and non-Recoverable CD&D Materials and require separation in a Mixed C&D Recovery Facility in order to Recover those CD&D Materials that are Recoverable and to sort for Disposal those CD&D Materials that are non-Recoverable.

“Mixed C&D Recovery” means the process employed by a Mixed C&D Recovery Facility to separate CD&D Materials that are Recoverable and to sort for Disposal those CD&D Materials that are non-Recoverable.

“Mixed C&D Recovery Facility” means a facility that accepts Mixed C&D Materials and is eligible for potential certification by Zero Waste Sonoma as a Certified Mixed C&D Recovery Facility. Mixed C&D Recovery Facilities may also accept Source Separated CD&D Materials.

“Permit” means a Deconstruction or Demolition and/or Construction permit issued by the Jurisdiction’s Building Department.

“Permittee” means a person who has receive a Permit pursuant to this Chapter.

“Person” means an individual, association, partnership, corporation, or joint venture.

“Project” means any building project for which a Permit for Deconstruction, Demolition, or Construction is required by the Jurisdiction. All Projects requiring a Permit are required to comply with the requirements of this Chapter.

“Reclaim” means the controlled removal of CD&D Materials from a Project for the purpose Reuse or Recycling.

“Reclaimable” means those CD&D Materials that can be Reclaimed by Deconstruction.

“Recoverable” means CD&D Materials that can be Reclaimed, Reused, Recycled or Composted instead of Disposed.

“Recover or Recovery” means activities that Reclaims, Reuses, Recycles, or Composts CD&D Materials instead of Disposal.

“Recycling” means Recovery of CD&D Materials by returning them to the economic mainstream in the form of raw material for new or reconstituted products which meet the quality standards necessary to be used in the marketplace.

“Reusable” means those CD&D Materials that can be Reclaimed by Deconstruction.

“Reuse” means the use, in the same or similar form as it was produced, of CD&D Material.

“Self-Haul” means the act of Transporting CD&D Materials by the Applicant using its own employees and vehicles.

“Source Separated” means the manner of separately gathering CD&D Materials by type on a Project site rather than mixing types of CD&D Materials for Mixed C&D Recovery. Source Separated material types may include but are not limited to concrete, asphalt, clean fill, clean wood, metals, cardboard, carpeting, and other individually segregated types of CD&D Materials. Mixed C&D Recovery Facilities may also accept Source Separated CD&D Materials.

“Source Separated Facility” means a facility that only accepts CD&D Materials that have been Source Separated for the purposes of Reuse, Recycling or Composting. Facilities that accept Mixed C&D Materials are not Source Separated Facilities.

“Transportation or Transporting or Transport” mean movement of CD&D Materials via Self-Haul or by a Hauler to a Reuse facility, Source Separated Facility, Mixed C&D Facility, or Disposal facility.

“Waste Stream Reduction Alternative” means Projects that generate a total combined weight of CD&D Material Disposed which do not exceed 2 pounds per square foot of the Project area.