



Planning & Building Department

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WASTE MANAGEMENT PLAN INSTRUCTIONS CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

GENERAL

The City of Lafayette is mandated by the State of California to divert 65-percent of all solid waste from landfills either by salvage or recycling. To help meet this goal, the City requires completion of a Waste Management Plan (WMP) for covered projects identifying how at least 65-percent of project waste materials will be diverted from the landfill. A “covered project” is defined as:

1. **Residential:** All newly constructed buildings, all demolition-only projects, all projects that increase conditioned area, volume, or size, all projects where the addition or alteration is 1,000 sq. ft. or larger, and/or all projects where the project valuation is \$50,000 or greater, with the exception of reroof-only projects.
2. **Non-Residential:** All projects.

GREEN HALO SYSTEMS

For a covered project, applicants are required to submit their WMP to the City using Green Halo Systems. Green Halo is a free web-based service for waste diversion and recycling tracking. Through Green Halo, applicants can establish, monitor and document their waste management plan and compliance online. Applicants can set-up a Green Halo account at www.lafayette.wastetracking.com. For applicants who do not have access to the internet, Green Halo can set-up an account over the phone at **1-888-525-1301**. Once an applicant has created a Green Halo account, they can track and manage multiple projects for different jurisdictions on their account.

PROCEDURE

Prior to issuance of a grading, demolition, and/or building permit for a covered project:

1. Submit a non-refundable administrative fee, payable to the City of Lafayette. See “[Planning Fees](#)” handout for current rate.
2. Submit a WMP to the City using Green Halo that includes the following:
 - a) Identification of all the **materials** you estimate will be recycled, salvaged, or disposed; and
 - b) Identification of which [certified C&D facilities](#) the various material types will go.
3. Green Halo will notify the City that a WMP has been submitted. The City will review the submitted WMP on Green Halo. The WMP will only be approved when all of the following conditions have been met:
 - a) The WMP provides all information noted above; and
 - b) The WMP indicates that at least 65-percent of all construction and demolition debris generated by the project will be diverted.
4. The WMP will be approved or not approved. If the WMP is incomplete and/or fails to meet the required diversion rate, the WMP will not be approved and the applicant will be notified about the reasons for non-approval. No grading, building, and/or demolition permit will be issued until the WMP is approved.

INFEASIBILITY EXEMPTION

If an applicant for a covered project experiences unique circumstances that make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time the WMP is submitted. Increased costs to the applicant generally will not be a sufficient basis for an exemption. The applicant shall indicate on the WMP the minimum rate of diversion he/she believes is feasible for each material and the specific circumstances that he/she believes make it infeasible to comply with the diversion requirement.

UPON COMPLETION OF THE PROJECT

Prior to the final inspection of a grading, demolition, and/or building permit and within 30 days after project completion, the applicant shall submit their WMP to the City through Green Halo for final review. The goal of the final review is to provide documentation to the City showing that the diversion requirement has been met. Please note that all receipts for the project shall be submitted. The WMP submitted for final review shall include the following:

1. Receipts from the certified facilities that collected or received each material showing the actual volume or weight of the material received and how the material was disposed of; and
2. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with the diversion requirement.

Through Green Halo, the City will review the WMP and documentation noted above and a determination will be made if the applicant has complied with the diversion requirement as follows:

1. **Full compliance** - If the applicant has fully complied with the diversion requirement.
2. **Good Faith Effort to Comply** - If the diversion requirement has not been achieved, the City will determine on a case-by-case basis whether the applicant has made a good faith effort to comply with the diversion requirement. In making this determination, the City will consider the availability of markets for the C&D debris landfilled, the size of the project and the documented efforts of the applicant to divert the C&D debris.
3. **Noncompliance** - If the City determines that the applicant has not complied with the diversion requirement, the City may withhold final project approval until full compliance can be established.

No hold on final shall be released, until the WMP has been provided to and approved by the City as either full compliance or good faith effort to comply.

NONCOMPLIANCE

Please note that if the required documentation is not submitted and approved by the City, or the applicant has not made a good faith effort to comply, the applicant is in noncompliance status and is in violation of the Lafayette Municipal Code (LMC) and is liable for a civil penalty, or any other remedy provided in the LMC. This violation makes the property owner liable to the City for a civil penalty of \$1,000 or one percent (1%) of the project cost, whichever is less. The project will not be approved and holds will not be released, until the project is in full compliance, meets the good faith effort to comply, or the civil penalty has been paid.

APPEAL

Appeal of the determination made by the City shall be made to the City Council within 30 days of the City's determination. To appeal, an applicant must submit a letter to the city manager concisely stating the facts of the case and the grounds of appeal. The city manager will schedule a meeting before the city council and notify the applicant of the date, time, and place. The decision of the city council is final. Appeals shall be limited to:

1. The granting or denial of an exemption; or
2. Whether the applicant has made a good faith effort to comply with the WMP.

NOTE: The applicant and property owner are responsible for the actions of their contractors or other agents with regard to the diversion requirement. Therefore, when reviewing proposals from project managers, contractors, site cleanup, vendors, and other building professionals, all aspects of the proposal should be considered and not just the cost.

The facilities that are certified through GreenHalo for processing recycled materials may also process landfilled waste. The applicant is responsible for indicating to the facility that the waste should be recycled. Before leaving a facility, the applicant should verify that the ticket lists the correct recycled material (e.g. "Mixed C&D"). If the ticket lists "MSW" (Municipal Solid Waste), this means the materials were landfilled and there is a 0% diversion rate.