

AUSTIN RESOURCE RECOVERY
CHAPTER 15-6 ADMINISTRATIVE RULES
CONSTRUCTION AND DEMOLITION MATERIALS

Part 1. Section 11 of Austin Resource Recovery's Chapter 15-6 Administrative Rules is amended to amend the definition of "Beneficial Use", to delete the definition of "Beneficial Reuse", and to renumber the remaining definitions accordingly to read as follows:

11. DEFINITIONS.

11.1 BENEFICIAL USE means productive use of materials reclaimed through separation, processing, deconstruction, or other means and made available for recycling or reuse but does not include placement in a disposal facility [~~materials processed for recycling or components of materials that are made available for recycling or reuse but does not include materials placed a disposal facility~~], used as daily cover in a disposal facility, or used for energy recovery.

~~[11.2 BENEFICIAL REUSE means any agricultural, horticultural, reclamation, or similar use of compost as a soil amendment, mulch, or component of a medium for plant growth, when used in accordance with generally accepted practice. Simply offering a product for use does not constitute beneficial reuse. Beneficial reuse does not include placement in a disposal facility, use as daily cover in a disposal facility, or utilization for energy recovery.]~~

Part 2. Austin Resource Recovery's Chapter 15-6 Administrative Rules are amended to add a new Section 12 (*Construction and Demolition Material Diversion Program*) to read as follows:

12. CONSTRUCTION AND DEMOLITION MATERIAL DIVERSION PROGRAM

12.1. Purpose. This Section 12 provides detail for City Code Chapter 15-6, Article 9 (*Construction and Demolition Materials Diversion Program*) regarding the diversion of construction materials from construction and demolition projects. In this Section, "materials" has the same meaning used in Section 15-6-150 (*Compliance Required*).

12.2. Project Disposal and Diversion Report. A permittee may include in this report material amounts from several permitted activities conducted at the same location, including permitted activities that are not included in Section 25-11-39.

12.3. Waiver.

12.3.1. Examples of a permittee's showing a good faith effort include:

12.3.1.1. diversion of commonly accepted recyclable, reusable, or organic materials onsite or offsite;
or

12.3.1.2. delivery of loads of commingled materials to a processor.

12.4. Document Retention. A permittee shall:

12.4.1. retain documentation required by this Section 12 (*Construction And Demolition Material Diversion Program*) for a period of two years; and

12.4.2. provide the designee of the Director with access to its documentation for audit purposes at the request of the Director.

12.5. Qualified Processor.

- 12.5.1. Average Diversion Rate Validation. A qualified processor applicant shall provide one of the following to validate its average diversion rate:
 - 12.5.1.1. certification of Real Rates (CORR) by the Recycling Certification Institute; or
 - 12.5.1.2. affidavit from a registered evaluator that meets the requirements of Section 12.6 (*Registered Evaluator*) stating that the processor meets the requirements of this section 12.5 (*Qualified Processor*).
- 12.5.2. During an audit, City personnel may not copy or remove from the qualified processor’s premises a customer list; route information; price information; or other business information deemed confidential.

12.6. Registered Evaluators.

- 12.6.1. A registered evaluator is a third-party individual or organization that the department approves to validate average diversion rates through review of the application, onsite inspections, and onsite audits of a qualified processor applicant.
- 12.6.2. To receive approval, a registered evaluator shall provide the department with information that demonstrates operational or consulting experience and relevant certifications in waste management, building design, construction, demolition, renovation, environmental protection, or accounting;
- 12.6.3. Approval by the Department is effective for one year.

12.7. Calculation Methods.

- 12.7.1. Project Disposal Rate Calculations
 - 12.7.1.1. The project disposal rate shall be calculated as the total pounds of material disposed divided by the square feet of project area.

$$\text{Project disposal rate} = \frac{\text{Material disposed (pounds)}}{\text{Project area (square feet)}}$$

- 12.7.1.2. Material disposed is the pounds of material delivered directly to a disposal facility plus the pounds of materials delivered to and disposed by a qualified processor or other facility.
- 12.7.1.3. Material disposed by a qualified processor is the pounds of material delivered to the qualified processor times the difference between 100 percent and the average diversion rate (ADR) for the qualified processor at the time of delivery.

Material disposed by qualified processor = pounds delivered X (100 % - ADR), where ADR is the average diversion rate for the qualified processor

- 12.7.1.4. When measurement by weight is not practical, a permittee may convert volume measurements to weights according to Section 12.7.4 (*Volume-to-Weight Conversions*).

12.7.2. Project Diversion Rate Calculations

12.7.2.1. The project diversion rate shall be calculated as 100 percent times the tons of material diverted for beneficial use onsite or offsite divided by the total tons of material generated by the project.

$$\text{project diversion rate} = \frac{100\% \times \text{tons of material diverted}}{\text{tons of material generated}}$$

12.7.2.2. Tons of materials diverted by a qualified processor for beneficial use shall be calculated as the tons of materials delivered to the qualified processor times the average diversion rate for the qualified processor at the time of delivery.

$$\text{material diverted by qualified processor} = \text{tons delivered} \times \text{ADR},$$

where ADR is the average diversion rate for the qualified processor.

12.7.2.3. When measurement by weight is not practical, a permittee may convert volume measurements to weights according to Section 12.7.4 (*Volume-to-Weight Conversions*).

12.7.3. Average Diversion Rate Calculations

12.7.3.1. Average diversion rate is calculated as 100 percent times the tons of material diverted for beneficial use divided by the tons of inbound commingled material the facility processes over a period of time.

$$\text{average diversion rate} = \frac{100\% \times \text{tons of material diverted}}{\text{tons of inbound commingled material processed}}$$

12.7.3.2. For transfer operations, the average diversion rate is the weighted average of the average diversion rates of the qualified processors that receive commingled material from the transfer operation. The weighting is the percentage share of the material transferred by the operation and received by a qualified processor.

12.7.3.3. When measurement by weight is not practical, a qualified processor may convert volume measurements to weights according to Section 12.7.4 (*Volume-to-Weight Conversions*).

12.7.4. Volume-to-Weight Conversions. When measurement by weight is not practical, permittees or qualified processors may use volume-to-weight conversions recommended by the department or in common industry use and validated by the department.