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Senate Bill 1374 (2002)

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Introduction

[Chapter 501, Statutes of 2002 \(Kuehl, SB 1374\)](#) seeks to assist jurisdictions with diverting their construction and demolition (C&D) waste material with a primary focus on CalRecycle developing and adopting a model C&D diversion ordinance by March 1, 2004, for voluntary use by California jurisdictions. CalRecycle adopted such a model ordinance at its [March 16, 2004 meeting \(Agenda Item No. 13\)](#).

Below is an explanation of this chapter and its requirements for local governments and for CalRecycle. Chapter 501 added the following requirements to the Public Resources Code (PRC).

Annual Reporting Requirements (PRC Section 41821)

This section was amended to explicitly require that a jurisdiction include in its annual report:

A summary of progress made in diversion of construction and demolition of waste material, including information on programs and ordinances implemented by the local government, and quantitative data, where available. [PRC section 41821(b)(4)]

Jurisdictions have been reporting annually to CalRecycle since 1996 on their progress in implementing diversion programs to achieve the diversion goals of AB 939. This new requirement simply makes it explicit that jurisdictions are to also report their progress in implementing C&D waste-related diversion programs in their annual report. If you have any

questions on how to report your implementation of C&D diversion programs, contact your Local assistance staff representative.

Enforcement Through Fines (PRC Section 41850)

This section was amended to add another circumstance for CalRecycle to consider when deciding whether to fine a jurisdiction that has failed to meet a compliance order it has been issued. Specifically, subsection (c)(4) was added to include the consideration:

Whether a local jurisdiction has provided information to CalRecycle concerning whether construction and demolition waste material is at least a moderately significant portion of the waste stream, and if so, whether the local jurisdiction has adopted an ordinance for diversion of construction and demolition waste materials from solid waste disposal facilities, has adopted a model ordinance pursuant to subdivision (a) of section 42912 [i.e., CalRecycle's model ordinance] for diversion of construction and demolition waste materials from solid waste facilities, or has implemented another program to encourage or require diversion of construction and demolition waste materials from solid waste disposal facilities.

CalRecycle Requirements (PRC Section 42912)

This section requires CalRecycle to develop and adopt a model C&D ordinance by March 1, 2004. Specifically, CalRecycle is required to:

Adopt one or more model ordinances, suitable for modification by a local agency, that the local agency may adopt that will require a range of diversion rates of construction and demolition waste materials from 50 to 75 percent, as determined by CalRecycle, and as measured by weight.

As specified in this section, CalRecycle was required to develop a model ordinance as a tool for jurisdictions, and to solicit public comments on the model ordinance prior to CalRecycle adoption. CalRecycle distributed a draft model for public review and comment from December 23, 2003, through January 31, 2004, and adopted the final model ordinance at its March 16, 2004 meeting.

This same section also requires CalRecycle to compile a report on programs that jurisdictions can implement and methods general contractors can use to divert C&D waste from disposal. CalRecycle is further directed to post that information on its website. These "Local Government Construction and Demolition Diversion Information" web pages, and the contractor information provided on CalRecycle's C&D website, fulfills this requirement.

CalRecycle currently maintains a valuable web page dedicated to C&D debris recycling that provides the public with C&D-related information, including:

- Publications (e.g., case studies, fact sheets).
- C&D recyclers (e.g., a C&D debris recyclers data base).
- Recycled building products.
- Sustainable building.
- Other C&D links.
- C&D diversion ordinances.

CalRecycle staff based the model ordinance on existing ordinances currently being implemented, as well as on input from local government, the League of California Cities and California State Association of Counties, private and public waste services, the building construction materials industry and construction management personnel, to ensure that the model will be a useful and effective tool for jurisdictions and general contractors.

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Last updated: August 24, 2018

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