



## **OC Waste & Recycling Construction & Demolition Program**

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### **Construction & Demolition Program Frequently Asked Questions**

#### **SECTION 1 – MINIMUM DIVERSION REQUIREMENT**

##### **Why do we have to divert 50% of construction and demolition?**

The Integrated Waste Management Act of 1989 (AB939) required cities and counties to reduce, by 50%, the amount of waste disposed of in landfills by the year 2000 and beyond or potentially incur fines of up to \$10,000 per day. This policy and ensuing program are designed to assist the County in compliance with this State mandate.

##### **How can the applicant reach the diversion requirement?**

The applicant can achieve diversion through re-use, recycling, or composting of Construction and Demolition (C&D) materials at County-approved facilities or use of a County Franchised Waste Hauler to ensure that materials such as concrete, asphalt, scrap metal, drywall, cardboard, and other construction materials are managed appropriately.

#### **SECTION 2 – APPROVED FACILITIES & FRANCHISED WASTE HAULERS**

##### **Why is the applicant required to use approved facilities or a Franchised Waste Hauler?**

County of Orange Franchised Waste Haulers and approved facilities that appear on the provided list have been determined to utilize best management practices that meet industry standards relating to the proper recycling and diversion of appropriate materials. Utilizing one of these methods will assist in the compliance of this C&D policy and program. The County of Orange does not endorse or recommend any method over the other.

#### **SECTION 3 – EXEMPTIONS**

##### **Why are projects that are 150 square feet or less exempt?**

These are typically small scale projects that have been determined to generate minimal amounts of recyclable materials and provide little cost-to-benefit results.

##### **Why are projects with a valuation of less than \$10,000 exempt?**

This valuation has been determined to be an average cost for many small scale projects that have been determined to generate minimal amounts of recyclable materials and provide little cost-to-benefit results.

## SECTION 4 – COVERED PROJECT THRESHOLDS

### What types of materials are generated for covered projects?

Covered projects generated in C&D activities include large quantities of material found in the general waste stream. For example, the C&D waste stream also includes corrugated cardboard from packaging, a variety of plastics (PVC pipe, packaging, etc.), glass, and yard wastes from site work and clearing. Existing municipal recycling programs may be suitable for recovering these common materials. However, some of the other materials may need special handling, either as solid or as hazardous waste.

## SECTION 5 – ADMINISTRATIVE COST OF RECOVERY

### Why do I have to pay a \$25.00 application fee?

The application fee is based on anticipated costs relating directly to staff time and materials for processing and reviewing each application.

## SECTION 6 – FINES & FINAL CERTIFICATE OF OCCUPANCY PERMIT

### Why is there an “up to 25%” of the project valuation fine?

This percentage is large enough to serve as an incentive to encourage the applicant to maintain diversion requirements for the project in question. If the applicant meets the diversion specifications, no fines are incurred and the final Certificate of Occupancy permit will not be held back for lack of compliance with this C&D policy and program.

The issuance of the final Certificate of Occupancy permit will be issued by County Planning and Development Services once OC Waste & Recycling has determined compliance with all of its requirements, including this policy. In the event that the applicant does not comply with this policy, a hold will be placed on the final issuance of the Certificate of Occupancy and will be removed once the fine is paid in full.

In non-compliance cases which involve multiple units or multiple Certificates of Occupancy, a maximum total of ten (10) percent, or at least one (1) unit, of the total permitted units will not receive final Certificates of Occupancy until the fine is paid or compliance is determined. The fines will be assessed using the tiered rates below:

Percentage of Debris Diverted	Non-Compliance Fine
50% or above of total estimated weight diverted	0% of total cost of project
30-49% of total estimated weight diverted	5% of total cost of project
11-29% of total estimated weight diverted	15% of total cost of project
0-10% of total estimated weight diverted	25% of total cost of project

## **SECTION 7 – GOOD FAITH EFFORT DETERMINATION**

### **What does “good faith effort” mean and how is it determined?**

After OC Waste & Recycling staff completes its review of the returned receipts and documentation, a “good faith effort” determination could be rendered if the applicant clearly demonstrated an effort to completely comply with this policy. An applicant may qualify for a “good faith effort” designation on a project if the materials in question cannot be recycled for a reason beyond the applicant’s control.

Should this determination be made, OC Waste & Recycling staff may reduce the fine or waive it in its entirety. This determination will be made by the Director of OC Waste & Recycling or his/her designee through appropriate interaction and documentation by the applicant on an ad hoc basis.