

**AB 901 Regulation Development**  
**Draft of Reporting Regulations for Disposal, Diversion & Enforcement**  
**For Public Release 11/04/2016**

**Section X.1 Scope and Purpose.**

- (a) This Article implements the reporting system set forth in sections 41821.5 through 41821.8 of the Public Resources Code (PRC).
- (b) Nothing in this Article shall prevent an agency, district, jurisdiction, or the Department from requiring a Reporting Entity to supply additional information on activities related to disposal, diversion, composting or recycling based upon their own authority to impose requirements.

**Section X.2 Definitions.**

- (a) For the purposes of this Article, the following terms have the meanings given below.
  - (1) "Alternative daily cover (ADC)" has the same meaning as in section 20690 of Title 27 of the California Code of Regulations (CCR).
  - (2) "Alternative intermediate cover (AIC)" has the same meaning as in section 20700 of Title 27 of the CCR.
  - (3) "Automobiles" means whole non-repairable motor vehicles including cars and trucks, which may be crushed. This does not include used motor vehicles which are used to provide parts for reuse.
  - (4) "Beneficial reuse" has the same meaning as in section 20686 of Title 27 of the CCR.
  - (5) "Broker" means a person who buys, arranges, or facilitates the sale, transfer, or exchange of any solid waste, organics, or recyclable and recycled materials from facilities or persons in California.
  - (6) "Carpet" has the same meaning as defined in section 42971(d) of the California PRC.
  - (7) "Chipping and grinding" facility or operation has the same meaning as in section 17852(a)(10) of Title 14 of the CCR.
  - (8) "Commercial Sector" means businesses, industries, institutions, public organizations, and multifamily residences of five or more units.
  - (9) "Compost" has the same meaning as defined in section 17896.2(a)(4) of Title 14 of the CCR. For the purposes of this regulation, compost is considered a final product after it has achieved acceptable metal concentrations, pathogen reduction, and physical contamination levels under sections 17868.2, 17868.3, and 17868.3.1 of Title 14 of the CCR.
  - (10) "Composting" has the same meaning as defined in section 40116.1 of the PRC; including but not limited to: windrow composting, in-vessel composting, aerated static piles, and in-vessel digestion.
  - (11) "Compost operation or compost facility" has the same meaning as "Compostable Material Handling Operation" or "Facility" as defined in section 17852(a)(12) of Title 14 of the CCR.
  - (12) "Construction and Demolition (C&D) Debris" has the same meaning as in section 17381(e) of Title 14 of the CCR.
  - (13) "Contact information" means name, address, phone number, and e-mail address.
  - (14) "Contract-hauled" means material hauled by any person paid to collect and transport material from a Generator, including franchised Haulers and private contract Haulers.
  - (15) "Department" means the California Department of Resources Recycling and Recovery (CalRecycle).
  - (16) "Disaster debris" has the same meaning as in section 17210.1(d) in Title 14 of the CCR.

(17) "Disposal" has the same meaning as section 40192 of the PRC.

(18) "Disposal Facility" means a facility where the disposal of solid waste occurs, including but not limited to:

- (A) Landfills
- (B) Engineered Solid Waste conversion facilities
- (C) Transformation facilities

(19) "District" means a community service district established in accordance with Government Code section 61000 et seq., which provides solid waste handling services or implements source reduction and recycling programs. "District" also includes a sanitary district or a public utility district that provides solid waste handling services or implements source reduction and recycling programs.

(20) "Diversion and Disposal Reporting System Number (DDRS number)" means the number that is assigned to a Reporting Entity upon registration with the Department's electronic reporting system.

(21) "End User" means the person who uses a product made from recycled material after a level of processing that results in that material:

- (A) Replacing or significantly resembling a virgin material (such as plastic pellets, paper pulp, metal ingots, etc.), or
- (B) Becoming a homogeneous mixture or material (such as aggregate or crushed miscellaneous base, mulch, or compost, or a material suitable for direct land application).

End User does not mean a person solely engaged in baling, washing, or size reduction for ease of transportation or processing.

(22) "Engineered solid waste conversion" or "EMSW conversion" has the same meaning as defined in section 40131.2 of the PRC.

(23) "Food" and "Food Waste" has the same meaning as "Food Material" defined in section 17852(a)(20) of Title 14 of the CCR.

(24) "Furniture" means large, bulky objects used to make a residence, business, or other space suitable for living or working, including but not limited to couches, chairs, dressers, tables, and bed frames. Furniture does not include mattresses.

(25) "Generator" means a person that is responsible for the initial creation of solid waste, organics and recyclable material.

(26) "Glass" means a hard, brittle, usually transparent nonhazardous substance commonly made from sand heated with chemicals. This includes whole or crushed materials derived from: clear or colored containers with or without California Redemption Value; flat glass; and automotive glass.

(27) "Government entity" is an entity identified in section 40145 of the PRC or an entity formed pursuant to section 40976 of the PRC.

(28) "Hauler" means a person who collects solid waste, organics, or recyclable material from a Generator and delivers it to a Reporting Entity, End User, or outside of the state. "Hauler" includes public contract Haulers, jurisdictions, districts, private companies, Self-Haulers, and local governments who perform this function. "Hauler" does not include a person who transports solid waste, organics, or recyclable material from a Reporting Entity to another person; in this case, the person would be considered a "Transporter."

(29) "Jurisdiction of origin" means the place where solid waste, organics, and recyclable materials are generated. This may include a city, county, city and county, or regional agency with responsibility for waste management, formed pursuant to sections 40970 through 40975 of the PRC. For places located in states or territories of the United States other than the State of California, jurisdiction of origin means the state, territory, or tribal lands in which the solid waste, organics, or recyclable materials were generated. For places located in a country other than the United States of

America, jurisdiction of origin means the country in which the solid waste, organics, or recyclable materials were generated.

(30) "Material" means solid waste, recyclables, organics, or products derived therefrom.

(31) "Material Recovery Facility" or "MRF" means a recycling facility which sorts and processes mixed waste materials for the purpose of recovery of organics and/or recyclable materials, by moving materials through a processing line which includes a mechanized conveyance system. Materials are separated or sorted from the line by machinery or by hand, in order to aggregate materials by type or grade, and produce materials for sale or transfer to various markets or End Users. The facility may or may not have a Solid Waste Facility Permit, and the incoming material may be commingled recyclables that have been segregated from solid waste, or solid waste that includes recyclable materials or organics.

(32) "Metal" means iron, steel, tin, aluminum, and copper, including containers, wiring, plumbing materials, and other scrap metal.

(33) "Organics" means food, green waste, landscape and pruning waste, compost, mulch, nonhazardous wood, lumber and dimensional wood, food-soiled paper or other compostable paper, and sludges.

(34) "Paper" means all types of paper products including corrugated cardboard, newspaper, office paper, magazines, catalogs and directories, and other composite paper products such as food and beverage cartons and containers.

(35) "Permitted Landfill" has the same meaning as defined in section 18720(a)(50) of Title 14 of the CCR.

(36) "Person" has the same meaning as defined in section 40170 of the PRC.

(37) "Plastic" means a synthetic material made from a wide range of carbon-containing polymers, which can be used to make rigid and flexible plastic products, such as packaging (bags, bottles, caps, clamshells, containers, cups, films, and lids), household and bulky rigid items (buckets, crates, toys, and tubs), agricultural products (drip tape, film, and greenhouse covers), and other products (electronics housing, carpet fibers, and automobile plastics).

(38) "Recycle" or "Recycling" has the same meaning as defined in section 40180 of the PRC.

Recycling does not include reuse. Recycling includes but is not limited to the processes below:

- (A) For recyclable materials such as paper, glass, metal, and plastics, this includes but is not limited to sorting, baling, shredding, pulping, crushing, cullet making, smelting, flaking, and pelletizing.
- (B) For organics not being composted, this includes but is not limited to mulching, chipping and grinding.
- (C) For construction and demolition debris, this includes but is not limited to crushing, grinding, shredding, sizing or other processing.
- (D) For other products including furniture, carpet, white goods, automobiles and textiles, this includes but is not limited to sorting, baling, crushing, cutting, shearing, deconstructing, and removing components from products.

(39) "Recycling Facility or Operation" means any facility or operation that accepts, separates, or processes materials for recycling, which does not meet the definition of a MRF.

(40) "Report" means the quarterly report submitted to the Department by a Reporting Entity.

(41) "Reporting Entity" means a person who is required to report pursuant to this Article, including but not limited to the following categories:

- (A) Haulers
- (B) Transfer Stations and Material Recovery Facilities
- (C) Recycling and Composting Facilities and Operations
- (D) Disposal Facilities

- (E) Transporters and Brokers
- (42) "Reporting Period" means the time period for which a report must be submitted to the Department. Reporting periods shall be defined as follows:
- (A) Reporting Period 1 – January 1 to March 31
  - (B) Reporting Period 2 – April 1 to June 30
  - (C) Reporting Period 3 – July 1 to September 30
  - (D) Reporting Period 4 – October 1 to December 31
- (43) "Residential Sector" means single-family residences and multi-family residences of 4 or fewer units.
- (44) "Residual" has the same meaning as defined in section 17402.5(b)(1) of Title 14 of the PRC.
- (45) "Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.
- (46) "Self-Hauler" means a person who hauls solid waste, organics, or recyclable material they have generated to another person.
- (A) A "Food Waste Self-Hauler" is a person or entity that generates and transports, utilizing its own employees and equipment, more than one cubic yard per week of its own food waste to a location or facility that is not owned and operated by that person or entity.
- Persons who self-haul food waste but do not meet the criteria of a "Food Waste Self-Hauler" are considered Self-Haulers.
- (47) "Site" means the location of a facility or operation that has one address or assessor parcel number, or multiple adjacent addresses or parcel numbers.
- (48) "Solid Waste" or "SW" has the same meaning as defined in section 18720 (a)(40) of Title 14 of the CCR. This includes mixed residual material remaining after processing.
- (49) "Source Sector" means the source from which solid waste is generated, described as:
- (A) Contract-hauled Single-family Residential
  - (B) Contract-hauled Commercial/Multi-family Residential
  - (C) Self-hauled
  - (D) Disaster debris
- (50) "Textiles" means items made of thread, yarn, fabric, or cloth, including clothing, fabric trimmings, draperies, and all natural and synthetic cloth and fabric.
- (51) "Tire-derived rubber" means rubber from the processing of waste tires as defined in section 42807 of the PRC.
- (52) "Ton" also referred to as short ton or net ton, means 2,000 pounds (lbs.).
- (53) "Transfer Station" means both "transfer/processing facilities" and "transfer/processing operations," as defined in sections 17402(a)(30-31) of Title 14 of the CCR, which receives, temporarily stores, and transfers solid waste and/or materials for recycling, composting, or disposal.
- (54) "Transformation Facility" has the same meaning as in section 40201 of the PRC.
- (55) "Transporter" means a person who transports solid waste, organics, recyclable material, or recycled material from a Reporting Entity to another person. "Transporter" does not include a person who transports material from a Generator to another person; in this case, the person would be considered a "Hauler".
- (56) "Waste-derived material" means material sent to a facility for disposal that is separated prior to disposal for another use.
- (57) "White Goods" means discarded major appliances of any color, including but not limited to washing machines, clothes dryers, water heaters, stoves, and refrigerators.

### **Section X.3 Registration, Reporting and Exemptions.**

- (a) End Users are not required to register or report.
- (b) Any person that sells, transfers, processes, or disposes material and meets one or more of the criteria below is a Reporting Entity and shall file a Report with the Department:
  - (1) 100 tons or more per reporting period of recyclable material, organics, and/or solid waste for recycling or disposal.
    - (A) 500 tons or more per reporting period for facilities and operations processing only concrete, asphalt, and/or asphalt shingles.
    - (B) 50 tons or more per reporting period for organics directly land applied in accordance with section 17852(a)(24.5) of Title 14 of the CCR.
  - (2) Any person that composts organics and is not excluded per section 17855 for composting operations or section 17896 for in-vessel digestion operations of Title 14 of the CCR.
    - (A) Wastewater treatment plants that accept organics delivered from non-sewage sources in excess of 100 tons per reporting period, or 10 percent of throughput per reporting period, are not excluded per section X.3(a)(2) of this Article.
  - (3) "Food Waste Self-Haulers" who haul 12 or more cubic yards of food waste per reporting period.
- (c) All reporting entities shall register with the Department and obtain a DDRS Number.
  - (1) For facilities engaged in multiple activities under the same ownership:
    - (A) Multiple disposal facilities at the same site shall register for separate DDRS numbers and file separate reports.
    - (B) Transfer Stations, MRFs, and recycling or composting activities co-located at the same site may register for a single DDRS number and file a single report.
    - (C) Each disposal facility co-located with Transfer Stations, MRFs, and recycling or composting activities shall register for a separate DDRS number and file a separate report.
- (d) Reporting entities must register at least 30 days prior to the end of a reporting period, or within 30 days after determining that they are subject to these reporting requirements.
- (e) Entities that have previously reported but do not meet the conditions in X.3(a) and (b) of this Article for the current reporting period must notify the Department that they do not meet the requirements to report during the current reporting period.
- (f) Reporting entities must notify the Department if the operation closes, becomes inactive, or will no longer meet the reporting requirements outlined in X.3(a) and (b) of this Article.
- (g) Reporting Entities engaged in any composting, recycling, or disposal activities that meet the requirements in X.3(a) and (b) of this Article must include in their report the amounts of each of the following materials or mixture of materials they process, sell, transfer, or dispose:
  - (1) Automobiles
  - (2) Carpet
  - (3) Construction and Demolition Debris
  - (4) Furniture excluding mattresses
  - (5) Glass excluding cathode ray tube glass
  - (6) Metal
  - (7) Organics
  - (8) Paper
  - (9) Plastic
  - (10) Solid waste
  - (11) Textiles

- (12) Tire-derived rubber
- (13) White Goods
- (h) A person that generates, processes, and uses a material on the same site is not required to report on that material.
- (i) Reporting entities sending compost or recycled products to End Users shall either provide contact information on individual End Users, or report End User category and region.
  - (1) End User categories include:
    - (A) Producers of finished products, including consumer products, industrial products, and packaging
    - (B) Producers of intermediate products
    - (C) Users of energy, fuel and chemicals
    - (D) Consumers
    - (E) Land application and fill
- (j) A Reporting Entity shall determine whether a receiving person is an End User. If the Reporting Entity cannot determine if the receiving person is an End User, the Reporting Entity shall not include that receiving person's material tons in the End User categories, but will provide contact information for that person in their Report and information required by sections X.4 through X.9 of this Article.
- (k) All registered reporting entities shall file a Report for each reporting period using the Department's electronic reporting system, and ensure that the information provided is accurate, complete, and entered electronically.
  - (1) Each Report shall include:
    - (A) The name, physical address, mailing address, phone number, electronic mail address, contact person name, and DDRS number of the person sending the report;
    - (B) The name, physical address, mailing address, phone number, electronic mail address, contact person name, and DDRS number, if applicable, of each Reporting Entity or out-of-state person, except End User categories, receiving solid waste, organics, or recyclable materials from the Reporting Entity;
    - (C) The information required by sections X.4-X.9 of this Article.
- (l) The Report must be submitted to the Department no later than:

Reporter	Reporting Period 1 report due	Reporting Period 2 report due	Reporting Period 3 report due	Reporting Period 4 report due
Disposal Facilities	June 30	September 30	December 31	March 31
All other reporters	May 31	August 31	November 30	February 28

- (m) The Reporting Entity shall designate a person who has signature authority, who shall submit the Report.
- (n) The Reporting Entity shall use information available at the time the Report is due. If the Reporting Entity has not received required information from another reporter, either directly or through DDRS, the Reporting Entity shall report to the Department the names of the reporters who have not fulfilled their reporting obligations.
- (o) The Department shall maintain the confidentiality of information in the Reports in accordance with the requirements of section 41821.5(b)(3) of the PRC.

#### **Section X.4 Reporting Requirements for Haulers.**

- (a) "Food Waste Self-Haulers" shall report to the Department the tons of food waste sent to each person or End User category.
- (b) A Hauler shall provide the following information to a receiving Reporting Entity for all tons delivered to it, using reasonable methods described in section X.9 of this Article, within 30 days of the end of the reporting period:
  - (1) For solid waste hauled: The tons by jurisdiction of origin and source sector for all solid waste delivered to each Reporting Entity.
  - (2) For organics and/or recyclable materials hauled: The tons by jurisdiction of origin and source sector for materials sent to a MRF or Transfer Station.
- (c) A Hauler shall provide in its Report to the Department the following information for tons hauled, using reasonable methods described in section X.9 of this Article:
  - (1) Directly from a Generator to an End User inside or outside the state:
    - (A) For compost and recycled products including organic material destined for direct land application: The tons of each material type sent to each person or End User category and region as described in section X.3(i) of this Article.
  - (2) Directly from a Generator to a person outside of the state:
    - (A) For solid waste: The total tons by jurisdiction of origin and source sector for all material sent to each facility for disposal, and the facility's contact information.
    - (B) For organics and/or recyclable material sent to recycling or composting operations: The tons of each material type sent to each person, and the person's contact information.
- (d) For the purposes of DDRS reporting, Haulers are not required to submit information on specific collection locations or customers when providing jurisdiction of origin, material type or source sector information to other reporting entities or to the Department as part of a Report.
  - (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, etc.
  - (2) This does not preclude the Department from requesting this information if necessary.

#### **Section X.5 Reporting Requirements for Transfer Stations and Material Recovery Facilities.**

- (a) A Transfer Station or Material Recovery Facility shall provide in its Report to the Department all of the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
  - (1) For material received from another Transfer Station or MRF: The tons of material received from each facility and the facility's contact information and DDRS number, if applicable.
  - (2) For material received from entities other than TS and MRFs: The total tons by jurisdiction of origin and source sector.
  - (3) For materials sent to a disposal facility, Transfer Station, MRF, Recycling or Composting facility or operation: The tons by material type sent to each facility, and the facility's contact information and DDRS number, if applicable.
  - (4) For compost or recycled material sent to an End User on- or off-site: The tons of each material type sent to each person or category of End Users and region, as described in section X.3(i) of this Article.
- (b) A MRF that generates less than 100 tons of residuals sent for disposal per reporting period shall report as a recycling or composting operation, as outlined in section X.7 of this Article.

### **Section X.6 Reporting Requirements for Disposal Facilities.**

- (a) A disposal facility shall provide in its Report the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
- (1) For solid waste received for disposal from a Transfer Station or MRF: The tons of material disposed by each Transfer Station or MRF, and their contact information and DDRS number, if applicable.
  - (2) For solid waste received for disposal from Haulers: The tons by jurisdiction of origin and source sector for all solid waste disposed at the facility.
  - (3) For Disaster Debris and Construction and Demolition Debris segregated prior to disposal: The tons and jurisdiction of origin.
  - (4) For materials generated on-site (such as ash) sent for disposal off-site to another disposal facility: The total tons sent to each facility and the facility's contact information and DDRS number, if applicable.
  - (5) For waste-derived material used on-site for beneficial reuse, the following shall be reported:
    - (A) The tons, jurisdiction of origin and material type used for:
      - (i) ADC
      - (ii) AIC
      - (iii) Other beneficial reuse
    - (B) For each of the following "Other beneficial reuse" applications, the tons of each material type shall be reported:
      - (i) Final cover foundation layer
      - (ii) Liner operations layer
      - (iii) Leachate and landfill gas collection system
      - (iv) Construction fill
      - (v) Road base
      - (vi) Wet weather operations pads and access roads
      - (vii) Soil amendments for erosion control and landscaping
    - (C) Material types to be reported for beneficial reuse include all materials approved by the Local Enforcement Agency, for example:
      - (i) Processed green material
      - (ii) Sludge and sludge-derived materials
      - (iii) Ash and cement kiln dust materials
      - (iv) Contaminated sediment, dredge spoils, foundry sands, energy resource exploration, and production wastes
      - (v) Compost materials
      - (vi) Processed construction and demolition wastes and materials
      - (vii) Treated auto shredder waste
      - (viii) And any other material type approved for beneficial use by the LEA

### **Section X.7 Reporting Requirements for Recycling and Composting Facilities and Operations.**

- (a) A recycling or composting facility or operation shall provide in its Report the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
- (1) For all solid waste and/or residuals sent for disposal inside or outside of the state: The total tons of material sent for disposal, and the receiving facility's contact information and DDRS number, if applicable.

- (2) For all organics and/or recyclable material sent for recycling or composting inside or outside of the state: The tons of each material type sent to each person and the person's contact information and DDRS number, if applicable.
  - (3) For compost and recycled material sent to an End User on- or off-site: The tons of each material type sent to each person or End User category and region as described in section X.3(i) of this Article.
- (b) A recycling or composting facility or operation that generates more than 100 tons of residuals sent for disposal per reporting period shall report as a Transfer Station or Material Recovery Facility as outlined in section X.5 of this Article.

#### **Section X.8 Reporting Requirements for Transporters and Brokers.**

- (a) If a transporter or broker takes physical or legal possession of solid waste, organics, recyclable material, or compost and recycled products, the transporter or broker shall provide in their Report all of the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
- (1) For materials sent for disposal to a person inside or outside of the state: The total tons by jurisdiction of origin and source sector, for all material sent to each person, and the person's DDRS number, if applicable.
  - (2) For material sent for recycling or composting: The tons of each material type and person's name, contact information and DDRS number, if applicable.
  - (3) For compost and recycled products sent to an End User: The tons of each material type sent to each person or End User category and region, as described in section X.3(i) of this Article.
- (b) A Transporter or Broker who transports material from one Reporting Entity to another Reporting Entity, who does not take physical or legal possession of the material, shall not report that material.

#### **Section X.9 Reasonable Methods.**

- (a) Reporting Entities shall use scales to determine tons for all flows for which tons are to be reported, except as allowed in X.9(e) of this Article.
- (b) Recyclable materials, organics, and finished products shall be reported at the level of segregation of the material at the time it was sold or transferred.
- (1) Homogeneous material or individual grade of material shall be reported as that individual material type (for example, HDPE, aluminum, concrete, mulch, etc.).
  - (2) Combinations of various materials within a single material category shall be reported based on industry standards (for example, mixed glass, mixed paper, rigid plastics, etc.).
  - (3) Mixed materials from several categories or solid waste shall be reported as mixed materials or solid waste.
- (c) For determining jurisdiction of origin:
- (1) All facilities shall ask all incoming loads for the jurisdiction of origin, unless they receive that information via periodic reports from Haulers.
  - (2) Reporting Entities may use the any of the following methods:
    - (A) Company dispatcher records of hauling routes and Generator locations
    - (B) Billing records
    - (C) Number and size of bins emptied from each jurisdiction
    - (D) Total volume of bins emptied from each jurisdiction
    - (E) Actual tons collected from each jurisdiction

- (3) If the receiving facility allows material to be unloaded while no attendant is available, they may use billing or property records to determine jurisdiction of origin for that material.
  - (4) If jurisdiction of origin cannot be established by the methods above, the facility or operation shall submit to the Department a request for an alternative method for consideration and approval.
- (d) For determining source sector:
- (1) All facilities shall ask all incoming loads for the source sector, or assess source sector based on observations of truck type, unless they receive that information via periodic reports from Haulers.
  - (2) Reporting Entities may use any of the following methods:
    - (A) Company dispatcher records of hauling routes
    - (B) Billing records
    - (C) Number and size of bins emptied from each source sector
    - (D) Total volume of bins emptied from each source sector
    - (E) Actual tons collected from each source sector
    - (F) Truck type
  - (3) If the receiving facility allows material to be unloaded while no attendant is available, they may use billing or property records to determine source sector for that material.
  - (4) If source sector cannot be established by the methods above, the facility or operation shall submit to the Department a request for an alternative method for consideration and approval.
  - (5) If an approved method in section X.9(d) of this Article is used, then inaccuracies or errors in source sector reporting shall not be subject to penalties pursuant to section X.10 of this Article.
- (e) If the reporting facility does not have access to scales and does not handle more than 1,000 tons of material per reporting period, the facility may use volume to weight conversion factors provided by the Department, or other reasonable conversion factors to estimate the weight of solid waste or recycling materials. The facility shall retain documentation on the basis and usage of the conversion factors and update the factors annually.
- (1) If, after review, the Department determines that volumetric conversion factors are not satisfactory, it may require the Reporting Entity to revise the factors and reports.
- (f) Reporting entities shall use the information provided by the Haulers or other reporting entities sending materials to them as the basis for determining the jurisdiction of origin and source sector for material sent for disposal.
- (1) Transfer Stations and MRFs may adjust data provided by the Haulers or other Reporting Entities. They shall notify the Department in their Report if they have made these adjustments, which shall be based on:
    - (A) Tracking and sorting individual loads
    - (B) Segregating the flows from different jurisdictions or sectors
    - (C) Other relevant information on the composition and recoverability of the materials from each jurisdiction or source sector
- (g) Reporting entities shall notify the Department in their Report which methods they used, and update these methods annually.

**Section X.10 Procedure for Imposing Civil Liabilities.**

- (a) The Department shall impose administrative civil penalties authorized by sections 41821.5 through 41821.8 of the PRC in accordance with the procedures set forth in this section.
- (b) The Department will issue a written notice of violation prior to the issuance of an accusation imposing administrative civil penalties.

- (1) The notice of violation will include a description and dates of the alleged violation(s) and a compliance deadline to remedy the violation(s).
  - (2) The Department will notice the Reporting Entity of the potential penalties for failure to comply prior to the compliance deadline.
- (c) Civil penalties may be imposed administratively in accordance with Penalty Table I and the following:
- (1) Determination of the description of violation(s).
  - (2) Determination of the number of violations and number of offenses that have occurred.
  - (3) Total potential penalties will be calculated for each violation and multiplied by the number of days the business was in violation. For first offenses, the number of days the violation occurred will begin one day after the Notice of Violation compliance deadline.

Penalty Table I

<b>Authority</b>	<b>Description of Violation</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> and subsequent Offense</b>
PRC 41821.5 (d)	Any person who fails to submit information as required by this Article on time.	\$500	\$1,000	\$5,000
PRC 41821.5 (d)	Any person who refuses to submit information required by this Article.	\$1,000 – \$5,000	\$1,000 - \$5,000	\$5,000
PRC 41821.5 (e)	Any person who knowingly or willfully files a false report or any person who alters, cancels, or obliterates entries in the records for the purpose of falsifying the records as required by this Article.	\$500 - \$10,000	\$2,500 - \$10,000	\$5,000- \$10,000
PRC 41821.5 (e)	Any person who refuses to allow the Department or any of its representatives to inspect or examine records as required by this Article.	\$500- \$2,500	\$2,500- \$5,000	\$5,000
PRC 41821.5 (e)	Any person who fails to keep any records for inspection as required by this Article.	\$500	\$500 - \$2500	\$1,000 - \$5,000

- (d) Once a potential penalty amount is determined, the Department may take the following factors into consideration in determining the penalty amount to be requested in the accusations:
- (1) Whether the violations or conditions giving rise to the violation were intentional.
  - (2) Whether the violations demonstrate a chronic pattern of noncompliance with the regulations adopted in this Article.
  - (3) Whether the violations or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the violator or were unavoidable under the circumstances.
  - (4) Whether the violator acted in good faith to comply, including correcting the violations in a timely fashion.
  - (5) Whether the violations were voluntarily and promptly reported to appropriate authorities prior to the commencement of an investigation by the enforcement agency.

- (6) The circumstances, extent, and gravity of any violation or any condition giving rise to the violation and the various remedies and penalties that are appropriate in the given circumstances.
- (e) The accusation and all accompanying documents may be served on the respondent by the following means:
  - (1) Personal service.
  - (2) Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.
  - (3) Certified Mail: For respondents who are registered with the department's electronic DDRS system, the mailing address(es) provided at the time of registration will be used. Proof of service of the accusation shall be the certified mail receipts or registered mail receipts proving the accusation and accompanying materials were sent to respondent by certified mail or registered mail. For other respondents that have not provided addresses to the department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at section 11505(c) of the Government Code applies.
- (f) In any case in which it is determined that more than one Reporting Entity is responsible and liable for a violation, each such Reporting Entity may be held jointly and severally liable for an administrative civil penalty.
- (g) Reports regarding jurisdiction of origin shall be based on the information provided to or made available to a Reporting Entity at the time the Report is due. Reporting entities may not be held liable for incomplete or inaccurate reports regarding jurisdiction of origin information provided by a Hauler if the Reporting Entity, at the time it submits its report
  - a. Provides a reasonable explanation for absent or incorrect data, and
  - b. Identifies to the Department the Haulers that did not provide data or provided incorrect data, as required by section X.3(n) of this Article.

**Section X.11 Record Retention Requirements for a Reporting Entity.**

- (a) A Reporting Entity shall retain a copy of all reports it submits at its place of business for five (5) years.
- (b) Records to be retained include, but are not limited to:
  - (1) The specific Generator locations of a load of solid waste to verify the jurisdiction of origin for disposed waste.
  - (2) Bills of lading, receipts, and monthly billing statements to any person transferring material, and contact information for those entities.
  - (3) Daily log entries prepared by the Reporting Entity detailing the acceptance, transport, or delivery of material, the associated amounts, sources, material types, jurisdictions of origin, and the associated dates.
  - (4) Weight tags for individual Haulers, transfer or other loads that identify the Hauler, vehicle, vehicle type, quantity, date, type, and jurisdiction of origin of material delivered, transported, or received.
  - (5) All base data, methods and calculations used to derive information in a Report.
- (c) A Reporting Entity shall maintain the documentation described in this section in a usable format, such as on electronic media (computer files) or paper copies.

### **Section X.12 Record Review Requirements for a Reporting Entity.**

- (a) A Reporting Entity shall provide access to the records required by this Article to any authorized representative of the Department upon request.
- (b) If the Department requests copies of specific records either prior to, in lieu of, or after inspection, a Reporting Entity shall provide the copies within ten business days, unless additional time is necessary to search for, collect, and examine records to respond to the request. In no case shall the copies be delayed more than an additional 14 days, unless agreed to by the Department.
- (c) A Reporting Entity shall provide records to the Department electronically if possible, and in a format that will allow effective review, such as portable document format (PDF), spreadsheet, or other searchable format.
- (d) A Reporting Entity may redact the records before inspection or submittal, to exclude confidential pricing information contained in the records, such as contract terms and conditions (including information on pricing, credit terms, volume discounts, and other proprietary business terms), if the redacted information is not information that is otherwise required to be reported to the Department.
- (e) Pursuant to section 41821.5(g)(1) of the PRC, the records maintained by a Reporting Entity to support a Report shall be confidential and shall not be subject to disclosure by the Department under the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code).
- (f) The records maintained by a Reporting Entity and provided to the Department in accordance with this section may be exempt from disclosure as provided in PRC section 40062 and implementing regulations.
- (g) In order to ensure that records required pursuant to this Article are accurate and properly maintained, in addition to inspecting all relevant records, the Department may conduct audits, perform site inspections, observe facility operations, and otherwise investigate the recordkeeping and reporting of persons subject to the requirements of this Article. Any records, reports, notes, studies, drawings, schematics, photographs, or trade secrets, as defined in section 3426.1 of the Civil Code, obtained, produced, or created by the Department in connection with or arising from such audits, inspections, or observations are confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code).
- (h) Government entity requests for inspections or records shall be subject to the provisions of PRC section 41821.5(g) and shall not be subject to the Department's compliance procedures outlined in X.10, X.11 and X.12 of this Article.

### **Section X.13 Complaints Regarding Non-Compliance.**

- (a) Using an electronic reporting process established by the Department, reporting entities shall inform the Department of specific allegations of non-compliance by another Reporting Entity who fails to provide it with the information required by this Article.
- (b) The Department shall establish an electronic process so that affected or involved parties may report specific allegations of non-compliance by a Reporting Entity. The party reporting the alleged non-compliance shall provide sufficient documentation so the Department may investigate appropriately.

NOTE: FACILITY AND OPERATIONS STATE MINIMUM STANDARDS FOR RECORD KEEPING WILL NEED TO BE UP DATED TO INCLUDE NEW REPORTING AND RECORDING REQUIREMENTS. EXAMPLES OF SUCH SECTIONS NEEDING ADDITIONAL LANGUAGE WILL INCLUDE BUT ARE NOT LIMITED TO: • 27 CCR SECTION 18810 DISPOSAL REPORTING REQUIREMENTS FOR A LANDFILL • 27 CCR SECTION 18809. DISPOSAL REPORTING REQUIREMENTS FOR A STATION • 27 CCR SECTION 20510 (g) CIWMB-DISPOSAL SITE RECORDS • 27 CCR SECTION 20686 BENEFICIAL REUSE (d) • 27 CCR SECTION 20690 CIWMB-ALTERNATIVE DAILY COVER • 14 CCR SECTION 17869 GENERAL RECORD KEEPING REQUIREMENTS (a) (d) • 14 CCR SECTION 17414 RECORD KEEPING REQUIREMENTS(a) (b) (c) (h) • 14 CCR SECTION 17379.0 GENERAL RECORD KEEPING REQUIREMENTS (e) • 14 CCR SECTION 17383.3 C&D WOOD DEBRIS CHIPPING AND GRINDING OPERATIONS AT FACILITIES(k) • 14 CCR SECTION 17383.4 SMALL VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES(i) • 14 CCR SECTION 17383.5 MEDIUM VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES (l) • 14 CCR SECTION 17383.6 LARGE VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES (j) • 14 CCR SECTION 17383.7 INERT DEBRIS TYPE A PROCESSING OPERATIONS (j) • 14 CCR SECTION 17383.8 INERT DEBRIS TYPE A AND TYPE B RPROCESSING FACILITIES(i).

UPDATED LANGUAGE WILL LOOK SIMILAR TO: EACH SITE SHALL MAINTAIN RECORDS FOR THE DDRS IN ACCORDANCE WITH TITLE XXXX, CALIFORNIA CODE OF REGULATIONS, SECTION 18801 et. seq. THE RECORDS SHALL BE AVAILABLE FOR INSPECTION BY AUTHORIZED REPRESENTATIVES OF THE EA, THE LOCAL HEALTH AGENCY, AND THE CIWMB/CALRECYCLE DURING NORMAL BUSINESS HOURS AND RETAINED IN THE OPERATING RECORD NEAR THE SITE OR IN AN ALTERNATIVE LOCATION APPROVED BY THE EA.

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