

AB 901 Regulation Development
Third Draft of Reporting Regulations for Disposal, Diversion & Enforcement
February 10, 2017

Section 18815.1 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.
- (c) The Department shall maintain the confidentiality of recycling and composting information in reports submitted to the Department pursuant to the requirements of section 41821.5(b)(3) of the PRC, the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code), and Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4 (commencing with section 17041).
- (d) The Department shall inform jurisdictions of the total tons disposed originating within their jurisdictions by facility for the purposes of compliance with section 41780 of the PRC.
- (e) If a person is required to report based on the criteria in section 18815.3(b) of this Article, the person shall report using the reasonable methods outlined in section 18815.9 and comply with the applicable requirements for:
 - (1) Haulers in section 18815.4,
 - (2) Transfer/processors in section 18815.5,
 - (3) Disposal facilities in section 18815.6,
 - (4) Recyclers and composters, in section 18815.7, and/or
 - (5) Transporters and brokers in section 18815.8.

Section 18815.2 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) "Beneficial reuse" has the same meaning as in section 20686 of Title 27 of the CCR.
 - (4) "Bioproducts" means any product manufactured or refined from compostable material, including soil amendments such as compost, fertilizers, wood chips and biochar; fuels such as biogas and biodiesel; and other material-derived chemicals.
 - (5) "Broker" means a person who takes legal ownership of a material from a reporting entity in California, and who arranges, or facilitates, the sale, transfer, or exchange of the material.
 - (6) "Carpet" has the same meaning as defined in section 42971(d) of the PRC.
 - (7) "Chipping and grinding facility or operation" is an organics recycler, and has the same meaning as described in section 17862.1 of Title 14 of the CCR for composting-related operations, and as in section 17383.3 of Title 14 of the CCR for C&D-related operations.

- (8) "Commercial Sector" means businesses, industries, institutions, public organizations, school districts and universities, 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) "Compostable material" has the same meaning as in section 17852(a)(11) of Title 14 CCR.
- (11) "Composting operation" or "composting facility" has the same meaning as "compostable material handling operation" or "composting facility" as defined in section 17852(a)(12) of Title 14 of the CCR, and includes in-vessel digestion as regulated in section 17896.
- (12) "Construction and demolition/inert debris" or "CDI" means any combination of construction and demolition debris as defined in section 17381(e) and inert debris as defined in section 17381(k) 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) "Designated waste" has the same meaning as in section 13173 of the California Water Code.
- (17) "Disaster debris" has the same meaning as in section 17210.1(d) in Title 14 of the CCR.
- (18) "Disposal" has the same meaning as section 40192 of the PRC, but does not include land application of compostable materials or compost.
- (19) "Disposal facility" means a facility where the disposal of solid waste occurs, including but not limited to:
 - (A) Landfills,
 - (B) Engineered municipal solid waste conversion facilities,
 - (C) Transformation facilities , and
 - (D) Inert debris and CDI disposal facilities as specified in sections 17388.4 and 17388.5 of Title 14 of the CCR.
- (20) "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.
- (21) "Diversion and disposal reporting system number" or "DDRS number" means the number assigned to a reporting entity upon registration with the Department's electronic reporting system.
- (22) "End Product" means a product that has been processed to a level so that it:
 - (A) Replaces or substitutes a virgin material (such as plastic pellets, paper pulp, metal ingots, etc.),
 - (B) Is a bioproduct, or a biogenic product like digestate, biosolids and/or sludges, or
 - (C) Is suitable for direct land application or fill as a homogeneous mixture (such as aggregate or crushed miscellaneous base, or compostable material).
 - (D) Material that has only been baled, washed, or size reduced for ease of transportation or processing is not an end product.

- (23) "End user" means a person who uses, processes, or manufactures with end products, within the following categories:
- (A) Finished product manufacturers. This includes an end user that takes material from a reporting entity and uses the material to produce a finished product, including a consumer product, industrial product, or packaging. It also includes an end user that takes finished compost from a reporting entity and blends, packages, bags or distributes it to consumers.
 - (B) Energy consumers. This includes an end user that takes or uses material-derived energy, fuel or chemicals from a reporting entity.
 - (C) Material consumers. This includes an end user that takes a material-derived product from a reporting entity and uses it as an ordinary consumer would.
 - (D) Construction end users. This includes an end user that takes a material from a reporting entity and uses it in construction.
 - (E) Fill and Land Application End Users. This includes an end user that takes a material from a reporting entity and uses it for land application (e.g. compostable material), or for fill (e.g. CDI).
- (24) "Engineered solid waste conversion" or "EMSW conversion" has the same meaning as defined in section 40131.2 of the PRC.
- (25) "Food" and "food waste" has the same meaning as "food material" defined in section 17852(a)(20), and excludes agricultural material and agricultural by-product as defined in section 17852(a)(4.5 and 5) of Title 14 of the CCR.
- (26) "Furniture" means large, bulky objects used to enhance a residence, business, or other space for living or working, including but not limited to couches, chairs, dressers, tables, desks and bed frames. Furniture does not include mattresses (which are regulated in sections 18959 through 18971 of Title 14 CCR).
- (27) "Generator" means a person whose activities result in the initial creation of solid waste, organics or recyclable material.
- (28) "Glass" means a hard, brittle, usually transparent nonhazardous substance commonly made from sand heated with chemicals. This includes, but is not limited to, whole or crushed materials derived from: clear or colored containers with or without California Redemption Value, flat glass, and automotive glass.
- (29) "Government entity" is an entity identified in section 40145 of the PRC or an entity formed pursuant to section 40976 of the PRC.
- (30) "Hauler" means a person who collects a material from a generator and delivers it to a reporting entity, end user, or a destination outside of the state. "Hauler" includes public contract haulers, private contract haulers, and self-haulers. A person who transports a material from a reporting entity to another person is a transporter not a hauler.
- (31) "Jurisdiction of origin" means the place where a material is 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 a material was generated. For places located in a country other than the United States of America, jurisdiction of origin means the country in which a material was generated.
- (32) "Land application" means the application of compostable materials to the land in accordance to section 17852(a)(24.5) of Title 14 of the CCR.
- (33) "Material(s)" means solid waste, recyclables, organics, or end products derived therefrom.
- (34) "Metal" means iron, steel, tin, aluminum, copper, and other alloys, including products made of metal like containers, plumbing materials, and other scrap metal.

- (35) "Organics" means compostable materials like food, green waste, landscape and pruning waste, nonhazardous lumber and dimensional wood, food-soiled paper or other compostable paper; by-products like digestates, biosolids and biogenic sludges; and bioproducts like compost, wood chips, biofuels and biogas.
- (36) "Paper" means all types of paper products including pulp, corrugated cardboard, newspaper, office paper, magazines, catalogs and directories, and other composite paper products such as food and beverage cartons and containers.
- (37) "Permitted Landfill" has the same meaning as defined in section 18720(a)(50) of Title 14 of the CCR.
- (38) "Person" has the same meaning as defined in section 40170 of the PRC.
- (39) "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, including but not limited to: 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).
- (40) "Recyclable material" means a material that has the potential to be recycled, and that is managed through recycling facilities and operations, and includes intermediate recycled materials.
- (41) "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 that are not composted, recycling includes but is not limited to mulching, chipping and grinding.
 - (C) For construction and demolition debris, recycling includes but is not limited to crushing, grinding, shredding, sizing or other processing.
 - (D) For other products including furniture, carpet, white goods and textiles, this includes but is not limited to sorting, baling, crushing, cutting, shearing, deconstructing, and removing components from products for recycling (not resale or reuse).
- (42) "Recycling Facility or Operation" means any facility or operation that accepts, separates, or processes materials for recycling and does not meet the requirements for a solid waste permit as described in section 17402.5(d) of Title 14 CCR. This includes chipping and grinding and construction and demolition/inert debris recycling centers as described in section 17381.1 of Title 14 of CCR.
- (43) "Report" means the quarterly report submitted to the Department by a reporting entity.
- (44) "Reporting Entity" means a person who is required to report pursuant to this Article, including the following categories:
- (A) Haulers
 - (B) Transfer/processors
 - (C) Recycling and composting facilities and operations
 - (D) Disposal facilities
 - (E) Transporters and brokers
- (45) "Reporting period" means the time period for which a report must be submitted to the Department. The four reporting periods in each calendar year are:
- (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
- (46) “Residential sector” means single-family residences and residences of 2-4 units.
- (47) “Residual” has the same meaning as defined in section 17402.5(b)(1) of Title 14 of the PRC.
- (48) “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.
- (49) “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. Food waste does not include agricultural material or agricultural by-products as defined in sections 17852(a)(4.5 and 5) of Title 14 of CCR. A person that self-hauls food waste but does not meet the criteria of a “food waste self-hauler” is a self-hauler.
- (50) “Site” means the location of a facility or operation that has one address or assessor parcel number, or multiple adjacent addresses or parcel numbers.
- (51) “Solid Waste” 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.
- (52) “Source sector” means one of these three sources solid waste is generated:
 - (A) Contract-hauled single-family residential (e.g. houses),
 - (B) Contract-hauled commercial/multi-family residential (e.g. businesses and apartments), or
 - (C) Self-hauled (e.g. hauled by a generator).
- (53) “Textiles” means items made of natural and/or synthetic thread, yarn, fabric, or cloth, including clothing, fabric trimmings, and draperies.
- (54) “Tire-derived rubber” means rubber from the processing of waste tires as defined in section 42807 of the PRC.
- (55) “Ton” also referred to as short ton or net ton, means 2,000 pounds (lbs.).
- (56) “Transfer/processor” means:
 - (A) Both “transfer/processing facilities” and “transfer/processing operations,” as defined in sections 17402(a)(30-31) of Title 14 of the CCR, including CDI processing operations and facilities as described in sections 17383.5 through 17383.8 of Title 14 of CCR, which receive, temporarily store, convert, process, and transfer materials for recycling, composting, or disposal;
 - (B) A facility or operation, with or without a permit, that meets the criteria outlined in section 17402.5(d) of Title 14 CCR.
- (57) “Transformation Facility” has the same meaning as in section 40201 of the PRC.
- (58) “Transporter” means a person who transports solid waste, organics, recyclable material, or end products from a Reporting Entity to another person in California, or who acts as an exporter. A person who transports a material from a generator to another person is a hauler, not a transporter.
- (59) “Waste-derived material” means material sent to a facility for disposal, which the facility separates for another use.
- (60) “White goods” means discarded major appliances of any color, including but not limited to washing machines, clothes dryers, water heaters, stoves, and refrigerators.

Section 18815.3 Registration, Reporting and Exemptions.

- (a) The following are not required to register or report under this article, for their activities as:

- (1) An end user,
 - (2) A generator who is not a food waste self-hauler,
 - (3) A person that generates, processes, and uses material all on the same site, and
 - (4) A person that primarily reuses material (e.g. thrift stores, auto dismantlers, building supply reclaimers and reusers).
- (b) A person is a reporting entity, at each site they operate, if they meet both of the following criteria:
- (1) The person sells, transfers, processes, or disposes the any of the following materials:
 - (A) Carpet
 - (B) Construction and demolition/inert debris
 - (C) Furniture excluding mattresses
 - (D) Glass excluding cathode ray tube glass
 - (E) Metal
 - (F) Organics
 - (G) Paper
 - (H) Plastic
 - (I) Solid waste
 - (J) Textiles
 - (K) Tire-derived rubber or fuels
 - (L) White goods
 - (2) The person manages an average of 100 tons or more per quarter (in any calendar year) of recyclable material, organics, and/or solid waste for disposal or recycling, including chipping and grinding. Reporting entities that have different thresholds are as follows:
 - (A) Those food waste self-haulers who haul 12 or more cubic yards of food waste per quarter.
 - (B) Those who deliver compostable material for direct land application in excess of 50 tons per quarter in accordance with section 17852(a)(24.5) of Title 14 of the CCR.
 - (C) Those who exclusively process CDI material in excess of 2,500 tons per quarter.
 - (D) Those who compost organics and are not excluded per section 17855 for composting operations or section 17896 for in-vessel digestion operations of Title 14 of the CCR.
 - (E) Those who are a wastewater treatment plant.
- (c) A reporting entity shall register with the Department and obtain a DDRS number.
- (1) For a facility engaged in multiple activities under the same ownership on the same site:
 - (A) Each disposal facility and transfer/processor on the site shall register for a separate DDRS number and file a separate report that provides information specific to each facility.
 - (B) All recycling and composting facilities or operations at the same site may register for a single DDRS number and file a single report that aggregates information on outflows from all recycling and composting activities.
 - (C) Each disposal facility or transfer/processor co-located with recycling/composting activities shall register for a separate DDRS number and file a separate report.
- (d) A reporting entity operating on November 1, 2018 shall register by November 30, 2018.
- (e) A reporting entity that begins operation after November 1, 2018 shall register within 30 days of being subject to these reporting requirements.
- (f) A reporting entity that becomes inactive, closes, or no longer meets the reporting requirements outlined in 18815.3(b) of this Article shall notify the Department within 30 days.
- (g) A reporting entity that is registered but has no reportable tonnages for a reporting period shall notify the Department that they have nothing to report for the reporting period.

- (h) In its report, a reporting entity shall provide information on all materials composted, recycled, beneficially reused, disposed or sent to end user regardless of how or where they obtained the material.
- (i) A reporting entity that transfers, sells or sends end products to an end user shall report on the materials and tonnages as follows:
 - (1) Provide contact information for each individual end user to whom material is supplied, or
 - (2) Provide information aggregated by end user category within each region.
 - (A) Regions shall be reported as:
 - (i) Counties within California;
 - (ii) States outside of California; or
 - (iii) Countries outside the United States.
 - (B) End User categories shall be reported as:
 - (i) Finished product manufacturers. This includes an end user that takes material from a reporting entity and uses the material to produce a finished product, including a consumer product, industrial product, or packaging. It also includes an end user that takes finished compost from a reporting entity and blends, packages, bags or distributes it to consumers.
 - (ii) Energy consumers. This includes an end user that takes or uses material-derived energy, fuel or chemicals from a reporting entity.
 - (iii) Material consumers. This includes an end user that takes a material-derived product from a reporting entity and uses it as an ordinary consumer would. All material picked up by material consumers from a reporting entity's site, may be aggregated and the region may reported as the county that the site is located within.
 - (iv) Construction end users. This includes an end user that takes a material from a reporting entity and uses it in construction.
 - (v) Fill and Land Application End Users. This includes an end user that takes a material from a reporting entity and uses it for land application (e.g. compostable material), or for fill (e.g. CDI).
- (j) A reporting entity that transfers, sells or sends materials to another reporting entity shall provide information for each individual reporting entity, including DDRS number, contact information, materials and tonnages.
- (k) If a reporting entity cannot determine whether a person receiving material is a reporting entity or an end user, the reporting entity shall:
 - (1) Report the individual tonnages and materials as if the receiver is a reporting entity, and
 - (2) Supply the Department with contact information for that person in their report.
- (l) A registered reporting entity shall file a report for each reporting period using the Department's electronic reporting system, and ensure that the information they generate and are responsible for providing is accurate, complete, and entered electronically.
 - (1) A reporting entity shall use information available at the time the report is due. If the reporting entity has not received required information from a person, either directly or through DDRS, the reporting entity shall submit all available information in its report to the Department and identify the reporters who have not provided them with the required information.
 - (2) Each report to the Department shall include:
 - (A) The name, physical address, mailing address, phone number, electronic mail address, contact person name, and DDRS number of the person submitting 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 receiving materials from the Reporting Entity, with the exception of material sent to end users that may be aggregated by category and region;
- (C) The information required by sections 18815.4-18815.9 of this Article.
- (m) A reporting entity shall designate a person who has signature authority to submit the report.

Section 18815.4 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 the reasonable methods in section 18815.9 of this Article. A hauler shall provide the information at the time of delivery, unless both the hauler and receiving facility have agreed to periodic reports in lieu of providing information at the time of delivery. In all cases, the hauler shall provide the information to the receiving reporting entity within 30 days of the end of the reporting period.
 - (1) For solid waste, organics and/or recyclable material hauled:
 - (A) A hauler shall provide the jurisdiction of origin for all material delivered to each transfer/processor or disposal facility; and
 - (B) If requested by a transfer/processor or disposal facility, a hauler shall provide the source sector for all material delivered to each transfer/processor or disposal facility, in tons or by percentage using the methods provided in section 18815.9 of this Article.
- (c) In its report to the Department, a hauler shall provide the following information for tons hauled, using the reasonable methods described in section 18815.9 of this Article:
 - (1) Directly from a generator to an end user inside or outside the state:
 - (A) The tons of each material type sent to each end user category by region pursuant to section 18815.3(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 for all material sent to each person for disposal, and the person's contact information, and an estimate of the overall source sector tons or percentages for waste sent to each person.
 - (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.
 - (3) A hauler shall submit their report to the Department no later than 60 days after the end of the reporting period, and shall observe the following due dates for each reporting period:
 - (A) Reporting period 1 due May 31
 - (B) Reporting period 2 due August 31
 - (C) Reporting period 3 due November 30
 - (D) Reporting period 4 due February 28
- (d) For the purposes of DDRS reporting, the Department shall not require a hauler 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 quarterly report.

- (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the PRC, or other authority.
- (2) This does not preclude the Department from requiring this information in a request for information in lieu of an audit, or as part of an audit.

Section 18815.5 Reporting Requirements for Transfer/Processors.

- (a) In its report to the Department, a transfer/processor shall provide the following information for all tons accepted, using the reasonable methods in section 18815.9 of this Article:
 - (1) For materials accepted:
 - (A) From another transfer/processor or disposal facility, the tons of material accepted from each facility and the delivering facility's contact information and DDRS number, if applicable.
 - (B) From haulers, the total tons accepted from each jurisdiction of origin.
 - (2) For materials sent for recycling or composting:
 - (A) To a recycling or composting facility, the tons by material type sent to each facility and the receiving facility's contact information and DDRS number, if applicable.
 - (B) To an end user, the tons of each material type sent to end user category by region pursuant to section 18815.3(i) of this Article.
 - (3) For solid waste and/or residuals sent to a transfer/processor or disposal facility:
 - (A) The total tons sent to each facility, and the facility's contact information and DDRS number, if applicable.
 - (B) The tons attributed to each reporting entity that delivered material, and the total tons of materials hauled directly to the transfer/processor.
 - (C) The jurisdiction of origin for the tons attributed by haulers. A transfer/processor shall base this determination on information provided by the haulers that delivered material for transfer or processing, but may adjust jurisdiction of origin information based on facility specific practices, such as:
 - (i) Tracking and/or sorting individual loads,
 - (ii) Segregating the flows from different jurisdictions, or
 - (iii) Gathering other relevant information on the composition and recoverability of the materials from each jurisdiction.
 - (D) An estimate of the aggregated tons, or overall percentage, from each source sector for the tons attributed to haulers, using methods described in section 18815.9(c).
 - (4) For disaster debris, the total tons sent from each jurisdiction of origin.
 - (5) For designated waste, the total tons sent from each jurisdiction of origin.
 - (6) For CDI debris, the tons sent from each jurisdiction of origin.
 - (7) For material sent for beneficial reuse to a disposal facility, the tons by material type and by jurisdiction of origin sent to each disposal facility.
- (b) A transfer/processor shall submit their report to the Department no later than 60 days after the end of the reporting period, and shall observe the following due dates for each reporting period:
 - (1) Reporting period 1 due May 31
 - (2) Reporting period 2 due August 31
 - (3) Reporting period 3 due November 30
 - (4) Reporting period 4 due February 28
- (c) For the purposes of DDRS reporting, the Department shall not require a transfer/processor to submit information on the identities of individual haulers (unless they fail to provide required

information), customers or end users (with the exception of other reporting entities) when providing jurisdiction of origin, material type or source sector information to the Department as part of a quarterly report.

- (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the PRC, or other authority.
- (2) This does not preclude the Department from requiring this information in a request for information in lieu of an audit, or as part of an audit.

Section 18815.6 Reporting Requirements for Disposal Facilities.

- (a) In its report to the Department, a disposal facility shall provide the following information for all tons disposed, using the reasonable methods in section 18815.9 of this Article:
 - (1) For solid waste received for disposal from a transfer/processor: The tons of material disposed from each transfer/processor, and their contact information and DDRS number, if applicable.
 - (2) For solid waste received for disposal from Haulers:
 - (A) The total tons disposed from each jurisdiction of origin, and
 - (B) An estimate of the aggregated tons, or overall percentage, from each source sector, using methods described in section 18815.9(c).
 - (3) For disaster debris segregated prior to disposal, the total tons disposed from each jurisdiction of origin.
 - (4) For designated waste segregated prior to disposal, the total tons disposed from each jurisdiction of origin.
 - (5) For CDI debris segregated prior to disposal, the tons disposed from each jurisdiction of origin.
- (b) In its report to the Department, a disposal facility shall provide the following information for all tons sent off site, using the reasonable methods in section 18815.9 of this Article:
 - (1) For materials generated on-site (such as ash) sent off-site to another disposal facility, the total tons sent to each facility and the facility's contact information and DDRS number, if applicable.
 - (2) For materials sent off-site for recycling or composting, the tons by material type sent to each facility and the receiving facility's contact information and DDRS number, if applicable.
 - (3) For materials sent to end users, the tons of each material type sent to end user category by region pursuant to section 18815.3(i) of this Article.
 - (4) For solid waste sent for disposal outside of California, the total tons by jurisdiction of origin and source sector for all material sent to each facility for disposal, and the receiving person's contact information.
- (c) In its report to the Department, a disposal facility shall provide the following information for all tons accepted on-site for beneficial reuse, using the reasonable methods in section 18815.9 of this Article:
 - (1) For waste-derived material accepted for on-site beneficial reuse from a transfer/processor, the tons of each material used from each transfer/processor, and their contact information and DDRS number, if applicable.
 - (2) For solid waste accepted for on-site beneficial reuse from a hauler:
 - (A) The total tons of each material type accepted for use as ADC from each jurisdiction of origin,
 - (B) The total tons of each material type accepted for use as AIC from each jurisdiction of origin, and
 - (C) The total tons of each material type accepted for use as other beneficial reuse.

- (3) For other beneficial reuse, an estimate of the tons by material type actually used for each of the following applications during the reporting period:
 - (A) Cell construction: including final cover, foundation layer, liner operations layer, and leachate and landfill gas collection system
 - (B) Other Construction: fill, road base, wet weather operations pads and access roads
 - (C) Landscaping and erosion control: including soil amendments for erosion control, dust suppression and landscaping
- (4) Material types to be reported for beneficial reuse include all materials approved by the Local Enforcement Agency, for example:
 - (A) Processed green material,
 - (B) Sludge and sludge-derived materials,
 - (C) Ash and cement kiln dust materials,
 - (D) Contaminated sediment, dredge spoils, foundry sands, energy resource exploration, and production wastes,
 - (E) Compost materials,
 - (F) Processed construction and demolition wastes and materials,
 - (G) Treated auto shredder waste, and
 - (H) Other material types approved for beneficial reuse by the LEA.
- (d) A disposal facility shall submit their report to the Department no later than 90 days after the end of the reporting period, and shall observe the following due dates for each reporting period:
 - (1) Reporting period 1 due June 30
 - (2) Reporting period 2 due September 30
 - (3) Reporting period 3 due December 31
 - (4) Reporting period 4 due March 31
- (e) For the purposes of DDRS reporting, the Department shall not require a disposal facility to submit information on the identities of individual haulers (unless they fail to provide required information), customers or end users (with the exception of other reporting entities) when providing jurisdiction of origin, material type or source sector information to the Department as part of a quarterly report.
 - (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the PRC, or other authority.
 - (2) This does not preclude the Department from requiring this information in a request for information in lieu of an audit, or as part of an audit.

Section 18815.7 Reporting Requirements for Recycling and Composting Facilities and Operations.

- (a) In its report to the Department, a recycling or composting facility or operation shall provide the following information for all tons handled, using the reasonable methods described in section 18815.9 of this Article:
 - (1) For materials sent for disposal to a transfer/processor or disposal facility inside or outside of the state, the total tons of each material type sent to each facility and the receiving facility's contact information and DDRS number, if applicable.
 - (2) For materials sent for recycling or composting to another reporting entity, the tons of each material type sent to each facility and the receiving facility's contact information and DDRS number, if applicable.
 - (3) For materials sent to end users, the tons of each material type sent to each end user category by region pursuant to section 18815.3(i) of this Article.

- (b) A recycling or composting facility or operation shall submit their report to the Department no later than 60 days after the end of the reporting period, and shall observe the following due dates for each reporting period:
 - (1) Reporting period 1 due May 31
 - (2) Reporting period 2 due August 31
 - (3) Reporting period 3 due November 30
 - (4) Reporting period 4 due February 28
- (c) For the purposes of DDRS reporting, the Department shall not require a recycling and composting facility or operation to submit information on the identities of individual suppliers, customers or end users (with the exception of other reporting entities) when providing material type information to the Department as part of a quarterly report.
 - (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the PRC, or other authority.
 - (2) This does not preclude the Department from requiring this information in a request for information in lieu of an audit, or as part of an audit.

Section 18815.8 Reporting Requirements for Transporters and Brokers.

- (a) In its report to the Department, a transporter or broker shall provide the following information for all tons of material for which they take legal ownership, using the reasonable methods in section 18815.9 of this Article:
 - (1) For solid waste that a transporter or broker moves from a transfer/processor or disposal facility within California to:
 - (A) Another transfer/processor or disposal facility within California, the total tons by jurisdiction of origin for all material sent to each facility for disposal and the facility's contact information, and an estimate of the overall source sector percentages for waste sent to each person.
 - (B) A person outside of California, the total tons by jurisdiction of origin for all material sent to each facility for disposal and the facility's contact information, and an estimate of the overall source sector percentages for waste sent to each person.
 - (2) For materials that a transporter or broker moves from a composting or recycling reporting entity within California to:
 - (A) Another reporting entity within California, the tons of each material type sent to each facility and the receiving facility's contact information and DDRS number, if applicable.
 - (B) A person outside of California, the tons of each material type sent to each facility and the receiving facility's contact information.
 - (C) An end user, the tons of each material type sent to each end user category by region pursuant to section 18815.3(i) of this Article.
- (b) A transporter or broker that does not take legal ownership of a material and is just moving materials on behalf of a reporting entity shall inform the receiving reporting entity of the identity of the sending reporting entity at the time of delivery.
- (c) A transporter or broker who transports material from one Reporting Entity to another Reporting Entity, who does not take legal ownership of the material, shall not report those flows to the Department.
- (d) A transporter or broker shall submit their report to the Department no later than 60 days after the end of the reporting period, and shall observe the following due dates for each reporting period:
 - (1) Reporting period 1 due May 31
 - (2) Reporting period 2 due August 31
 - (3) Reporting period 3 due November 30

- (4) Reporting period 4 due February 28
- (e) For the purposes of DDRS reporting, the Department shall not require a transporter or broker to submit information on the identities of customers or end users (with the exception of other reporting entities) when providing jurisdiction of origin, material type or source sector information to the Department as part of a quarterly report.
 - (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the PRC, or other authority.
 - (2) This does not preclude the Department from requiring this information in a request for information in lieu of an audit, or as part of an audit.

Section 18815.9 Reasonable Methods.

- (a) When required by this Article, a reporting entity shall use the following methods to report material types:
 - (1) A reporting entity shall report residuals and mixed solid waste as solid waste. A reporting entity is not required to further sort or characterize this material.
 - (2) A reporting entity shall report recyclable materials, organics, and end products at the level of segregation of the material at the time it was sold or transferred, as follows:
 - (A) A reporting entity shall report a homogeneous material or individual grade of material as that individual material type (for example, HDPE, aluminum, concrete, mulch, etc.).
 - (B) A reporting entity shall report combinations of various materials within a single material category based on industry standards (for example, ferrous metals, mixed glass, mixed paper, rigid plastics, etc.). A reporting entity is not required to further sort or characterize this material.
 - (C) A reporting entity shall report mixed materials from several categories as mixed materials (such as comingled recyclables). A reporting entity is not required to further sort or characterize this material.
- (b) When required by this Article, a reporting entity shall use the following methods to determine jurisdiction of origin:
 - (1) A hauler may generate a periodic report using any of the following sources of information to estimate the percentage of solid waste from each jurisdiction:
 - (A) Actual tons collected from each jurisdiction,
 - (B) Total volume of bins emptied from each jurisdiction,
 - (C) Billing records for customers in each jurisdiction, or
 - (D) Company dispatcher records of hauling routes and Generator locations.
 - (2) A transfer/processor:
 - (A) A transfer/processor shall use the information provided by haulers sending materials to them as the basis for determining the jurisdiction of origin for that portion of disposal. If a transfer/processor's activities change the proportions of solid waste or residuals sent for disposal from jurisdictions, the reporting entity may use reviewable information and reproducible methods to adjust the jurisdiction of origin tonnages based on facility specific practices, such as:
 - (i) Tracking and/or sorting individual loads,
 - (ii) Segregating the flows from different jurisdictions, or
 - (iii) Gathering other relevant information on the composition and recoverability of the materials from each jurisdiction.
 - (3) A transfer/processor or disposal facility:

- (A) With an attendant shall ask all haulers of incoming loads for the jurisdiction of origin, unless they receive that information via periodic reports from haulers.
 - (B) Without an attendant may use billing or property records to determine jurisdiction of origin for that material. If billing or property records are not available or representative of material disposed, the reporting entity shall assign the solid waste to the jurisdiction where the reporting entity is located.
 - (C) That does not have sufficient staff to ask each incoming load, and is located in a rural city or county, as defined in sections 40183 and 40184 of the public Resources Code, may conduct origin surveys no less frequently than once per reporting period and for at least one week in duration. During the survey weeks, the reporting entity shall survey every load of solid waste to determine jurisdiction of origin.
- (c) When required by this Article, a reporting entity shall use the following methods to estimate source sector:
- (1) A transfer/processor or disposal facility shall estimate the overall tonnages or percentages from each source sector for disposal at a facility for the reporting period, using any of the following methods:
 - (A) Using truck type as a proxy for source sector, such as assigning:
 - (i) Small vehicles (autos, pickups and small trailers) and flat beds as “self-hauled.”
 - (ii) Side loaders as “contract-hauled single-family residential.”
 - (iii) Front loaders and rear loaders as “contract-hauled commercial/multi-family.”
 - (B) Using billing records to determine source sector, such as assigning:
 - (i) Cash accounts as “self-hauled.”
 - (ii) Accounts with jurisdictions or their haulers for residential routes as “contract-hauled single-family residential.”
 - (iii) Accounts with jurisdictions or their haulers for commercial routes as “contract-hauled commercial/multi-family.”
 - (C) Using periodic reports from contract haulers on the source sectors of their routes. A transfer/processor or disposal facility may request this aggregated information from a hauler but shall not specify the method for the hauler to use, or request the data the hauler uses to create the estimate.
 - (D) Asking all incoming loads if they are bringing waste from residential routes, commercial routes or as a self-hauler.
 - (E) Determining source sector based on billing or property records if no attendant is present and available.
 - (2) When required by this Article and if requested by a transfer/processor or a disposal facility, a contract-hauler shall use any of the following methods to generate a periodic report showing an estimate of the overall tonnages, or percentages, from each source sector for disposal sent to the requesting facility for the reporting period:
 - (A) Using truck type as a proxy for source sector, such as assigning:
 - (i) Side loaders as “contract-hauled single-family residential.”
 - (ii) Front loaders and rear loaders as “contract-hauled commercial/multi-family.”
 - (B) Using billing records to determine source sector, such as assigning:
 - (i) Accounts with jurisdictions for residential routes as “contract-hauled single-family residential.”
 - (ii) Accounts with jurisdictions for commercial routes as “contract-hauled commercial/multi-family.”
 - (iii) Accounts with businesses and apartments as “contract-hauled commercial/multi-family.”

- (C) Using dispatcher records of hauling routes, total bin volumes from each source sector, or total weights from each source sector.
- (3) If a reporting entity is unable to estimate source sector using one of the methods in this section, the reporting entity shall submit to the Department a request to use an alternative method. The Department shall review proposals for alternative methods. After the Department determines that a proposal is complete, it will consider and either approve or disapprove of the method within 90 days.
- (4) If an approved method in this section is used, then inaccuracies or errors in source sector reporting shall not be subject to penalties pursuant to section 18815.10 of this Article.
- (d) When required by this Article, a reporting entity shall use the following methods to estimate weight:
 - (1) A reporting entity that measures a transaction by weight shall use that measurement, and not an estimate based on volume, when compiling and submitting its report to the Department.
 - (2) A reporting entity shall use scales to measure tons for all flows, except in the following situations:
 - (A) If a transfer/processor or disposal facility tracks self-haul loads by volume, then it may estimate disposal tonnages using volume to weight conversion factors.
 - (B) If a transfer/processor or disposal facility weighs total inbound contract-hauled tons and the total tons sent to disposal, it may use the difference in weight to estimate self-haul sector.
 - (C) If a transfer/processor or disposal facility does not have access to scales and does not receive more than 4,000 tons of material per year from contract-haulers, they may use volume to weight conversion factors to estimate tons.
 - (D) If a recycler (including CDI recyclers) or composter sells or transfers materials based on volume, they may use material-specific volume to weight conversion factors.
 - (3) A reporting entity shall retain documentation on the basis and usage of any volume to weight conversion factors and update the factors every three (3) years. If, after review, the Department determines that volumetric conversion factors are not satisfactory, the Department may require a reporting entity to revise the factors and reports.
- (e) In its report to the Department, a reporting entity shall identify which methods they used in the preparation of the report.

Section 18815.10 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) Prior to initiating any enforcement proceeding, the Department shall notify a Reporting Entity in writing of any potential failure to comply with this Article and its implementing statute. The notification will include all of the following:
 - (1) A description and dates of the potential compliance failures
 - (2) A compliance deadline that allows for reasonable time to remedy; and
 - (3) Any potential penalties that may be assessed if the compliance deadline is not met.
- (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 compliance deadline the Department issued in its written notification of a potential failure to comply to the Reporting Entity.

Penalty Table I. All fines are per day the entity is in violation.

Authority	Description of Violation	1st Offense	2nd Offense	3rd and subsequent Offense
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 a reporting entity at the time the report is due. The Department shall not hold reporting entities liable for incomplete or inaccurate reports regarding jurisdiction of origin information provided by a hauler, if the reporting entity identifies the hauler that failed provide data or provided incorrect data, as required by section 18815.3(l) of this Article.

Section 18815.11 Record Retention Requirements for a Reporting Entity.

- (a) A reporting entity shall retain a copy of all reports and supporting records 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 and unit of measure, date, waste 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 18815.12 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) Pursuant to section 41821.5(g)(7), a reporting entity may redact the records subject to inspection or copying by the Department 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) Pursuant to section 41821.5(i) of the PRC, the records provided to the Department in accordance with this section may be exempt from disclosure as provided in PRC section 40062 and implementing regulations.
- (g) For purposes of this Article, the following types of records shall be deemed to be confidential and not subject to disclosure without the need to follow the procedure set forth in section 17046(c):
 - (1) Weight tickets
 - (2) Customer lists
 - (3) Prices or similar financial data
- (h) Pursuant to section 41821.6 of the PRC, 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).
- (i) 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 18815.10, 18815.11 and 18815.12 of this Article.

Section 18815.13 Complaints Regarding Non-Compliance.

- (a) Using an electronic reporting process established by the Department, a reporting entity 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 information 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 • 27CCR 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 (i) • 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 PROCESSING FACILITIES(i).

UPDATED LANGUAGE WILL LOOK SIMILAR TO: EACH SITE SHALL MAINTAIN RECORDS FOR THE DDRS IN ACCORDANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 18815.1 et. seq. THE RECORDS SHALL BE AVAILABLE FOR INSPECTION AS AUTHORIZED BY THAT ARTICLE 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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