

AB 901 Regulation Development
Reporting Regulations for Recycling, Disposal & Enforcement
September 2017

TITLE 14. NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CHAPTER 9. PLANNING GUIDELINES AND PROCEDURES FOR PREPARING, REVISING, AND
AMENDING COUNTYWIDE OR REGIONAL INTEGRATED WASTE
MANAGEMENT PLANS
ARTICLE 9.25. RECYCLING AND DISPOSAL REPORTING SYSTEM
SECTIONS 18815.1-18815.13

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.
- (b) Nothing in this Article shall prevent a government entity from requiring a reporting entity to supply additional information on activities related to disposal, diversion, composting or recycling based upon their own separate authority granted by Public Resources Code section 41821.5(g), and/or based on local ordinances, franchise terms or other agreements.
- (c) The Department shall maintain the confidentiality of information in reports submitted to the Department as required by section 18815.12, the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code), section 40062 of the Public Resources Code, and Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4 (commencing with section 17041).
- (d) In order to protect data quality, ensure timely reporting, and expedite the reporting process, especially when material is flowing between several reporting entities, the Department will serve as a central repository of information that is required to be reported from transfer/processors to disposal facilities.
- (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.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

Section 18815.2 Definitions.

- (a) For the purposes of this Article, the following terms have the meanings given below.
 - (1) “Alternative daily cover” or “ADC” has the same meaning as in section 20690 of Title 27 of the California Code of Regulations.

- (2) “Alternative intermediate cover” or “AIC” has the same meaning as in section 20700 of Title 27 of the California Code of Regulations.
- (3) “Beneficial reuse” has the same meaning as in section 20686 of Title 27 of the California Code of Regulations.
- (4) “Biosolids” means sewage sludge that has been treated to meet the land application standards for metal concentrations, pathogen and vector control as specified in Chapter 40 of the Code of Federal Regulations part 503.
- (5) “Broker” means a person who takes legal ownership of a material from a reporting entity in California who sells, transfers, or exchanges materials. Brokers are not transfer/processors, recyclers, or composters. A person that arranges or facilitates the sale or transfer of materials, but does not take legal ownership of the materials, is not a broker.
- (6) “Carpet” has the same meaning as defined in section 42971(d) of the Public Resources Code.
- (7) “Chipping and grinding facility or operation” is a recycling facility, and has the same meaning as in section 17862.1; and as in section 17383.3 for CDI wood debris-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). For the purposes of this regulation, compost is considered an end product after it has achieved acceptable metal concentrations, pathogen reduction, and physical contamination levels as required by sections 17868.2, 17868.3, and 17868.3.1.
- (10) “Composting operation” or “composting facility” has the same meaning as “compostable material handling operation” or “composting facility” as defined in section 17852(a)(12), and includes in-vessel digestion as regulated in section 17896.
- (11) “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).
- (12) “Contact information” means name, mailing address, physical address, phone number, and e-mail address.
- (13) “Contract-hauled” means material hauled by any person, including franchised haulers and private contract haulers, paid to collect and move material from a generator to a reporting entity, end user, or a destination outside of the state.
- (14) “Department” means the California Department of Resources Recycling and Recovery or CalRecycle.
- (15) “Designated waste” has the same meaning as in section 13173 of the California Water Code.
- (16) “Disaster debris” has the same meaning as in section 17210.1(d).
- (17) “Disposal” has the same meaning as section 40192 of the Public Resources Code, but does not include lawful land application that complies with section 17852(a)(24.5).
- (18) “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.

- (19) “End Product” means a waste material-derived product that has been processed—beyond simple baling, or size reduction for ease of transport—to a level so that it:
- (A) Either replaces or substitutes a virgin material in a manufacturing or construction process, or replaces fuels, including, but not limited to, plastic pellets, paper pulp, metal ingots, biogas, syngas, biofuels, pet food, animal feed, or
 - (B) Is wood chips that meet the standards for use in playgrounds, landscaping, erosion control, biomass facilities, or
 - (C) Is compost, or
 - (D) Is a suitable homogeneous mixture used for direct land application or fill, such as aggregate or crushed miscellaneous base, or organics including biosolids.
- (20) “End user” means a person who uses or manufactures with end products. End users are categorized within the following categories:
- (A) Manufacturing and Packaging. This includes, but is not limited to, an end user that takes end products from a reporting entity and uses the material to produce consumer products, industrial products, pet or animal feed, 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) Fuel consumers. This includes, but is not limited to, an end user that takes or uses material-derived fuels from a reporting entity.
 - (C) Material consumers. This includes, but is not limited to, an end user that takes a material-derived product and/or chemical for general consumer distribution, such as compost, fertilizers, and crushed glass, from a reporting entity or uses it as an ordinary consumer would.
 - (D) Construction end users. This includes, but is not limited to, an end user that takes a material from a reporting entity and uses it in construction.
 - (E) Land Application. This includes, but is not limited to, an end user that takes organics from a reporting entity and uses it for land application.
 - (F) Inert debris fill. This includes, but is not limited to, an end user that takes inert debris from a reporting entity and uses it for engineered fill.
- (21) “Engineered municipal solid waste conversion” or “EMSW conversion” has the same meaning as defined in section 40131.2 of the Public Resources Code.
- (22) “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).
- (23) “Food waste self-hauler” is a person 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. A person that self-hauls food waste but does not meet the criteria of a “food waste self-hauler” is a self-hauler.
- (24) “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, as defined by 42986(g) of the Public Resources Code.
- (25) “Generator” means a person whose activities result in the initial creation of solid waste, organics, and/or recyclable material.
- (26) “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.

- (27) “Government entity” is an entity identified in section 40145 of the Public Resources Code or an entity formed pursuant to section 40976 of the Public Resources Code.
- (28) “Hauler” means a person who collects solid waste, organics and/or recyclable 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, food waste self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter not a hauler.
- (29) “Jurisdiction of origin” means the place where a material is generated. For places located within California, this means a city, county, city and county, or regional agency with responsibility for waste management, formed pursuant to sections 40970 through 40975 of the Public Resources Code. 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.
- (30) “Land application” has the same meaning as section 17852(a)(24.5), and includes biosolids applied under the purview of the USEPA and/or the statewide general order, individual waste discharge requirements issued by a regional water board.
- (31) “Material(s)” means solid waste, recyclables, organics, or end products derived therefrom.
- (32) “Metal” means iron, steel, tin, aluminum, copper, and their alloys, including scrap metal and products made of these metals, like containers, building materials, and plumbing materials.
- (33) “Organics” means material originated from living organisms and their metabolic waste products, including but not limited to food, agricultural by-products, green waste, landscape and pruning waste, nonhazardous lumber and dimensional wood, manure, compostable paper, digestate, biosolids, and biogenic sludges; and any product manufactured or refined therefrom, including compost, wood chips, biofuels, and biogas.
- (34) “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.
- (35) “Permitted Landfill” has the same meaning as defined in section 18720(a)(50).
- (36) “Person” has the same meaning as defined in section 40170 of the Public Resources Code.
- (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, 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).
- (38) “Recyclable material” means a material that is managed through recycling facilities and operations, and includes any material that does not meet the definition of an end product.
- (39) “Recycle” or “recycling” has the same meaning as defined in section 40180 of the Public Resources Code. 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, wastewater treatment, mulching, or chipping and grinding.
- (C) For CDI, recycling includes, but is not limited to, sorting, 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).
- (40) “Recycling and disposal reporting system number” or “RDRS number” means the number assigned to a reporting entity upon registration with the Department’s electronic recycling and disposal reporting system.
- (41) “Recycling Facility or Operation” means any facility or operation that accepts, separates, or processes materials for recycling and meets the definition of “Recycling Center” set forth in section 17402.5(d). This includes chipping and grinding and CDI recycling centers as described in section 17381.1.
- (42) “Report” means the quarterly report submitted to the Department by a reporting entity.
- (43) “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
- (44) “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
- (45) “Residential sector” means single-family residences and multifamily residences of less than 5 units.
- (46) “Residual” has the same meaning as defined in section 17402.5(b)(1).
- (47) “Resale for Reuse” selling a used object or material again, to an end user who will use it either for its original purpose or for a closely-related purpose, not as a raw material, without significantly altering the physical form of the object or material.
- (48) “Self-hauler” means a person who hauls solid waste, organics and/or recyclable material they have generated to another person. “Food waste self-haulers” are a type of self-hauler.
- (49) “Site” means the location of a facility or operation that has one address or assessor parcel number, or multiple adjacent addresses or assessor parcel numbers.
- (50) “Solid waste” has the same meaning as defined in section 18720 (a)(40).
- (51) “Source sector” means one of these three sources from which 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).
- (52) “Textiles” means items made of natural and/or synthetic thread, yarn, fabric, or cloth, including clothing, fabric trimmings, and draperies, not including carpet.
- (53) “Tire-derived rubber” means rubber from the processing of waste tires as defined in section 42807 of the Public Resources Code.
- (54) “Ton” also referred to as short ton or net ton, means 2,000 pounds (lbs).
- (55) “Transfer/processor” means “Transfer/processing facilities” and “transfer/processing operations,” as defined in sections 17402(a)(30-31), as well as CDI processing operations and facilities as defined in sections 17383.5 through 17383.8, which receive, temporarily store,

convert, process, and transfer materials for recycling, composting, or disposal; and do not meet the requirements of a "Recycling Center" set forth in in section 17402.5(d).

- (56) "Transformation Facility" has the same meaning as in section 40201 of the Public Resources Code.
- (57) "Transporter" means a person who takes legal ownership of solid waste, organics, recyclable material, or end products from a reporting entity and transports those materials to another person in California, or who acts as an exporter. A person who collects and moves material from a generator to another person is a hauler, not a transporter. A driver employed or contracted by a reporting entity is not a transporter, unless they take legal ownership of the material.
- (58) "Waste-derived material" means material sent to a facility for disposal, which the facility separates for another use.
- (59) "Wastewater treatment plant" has the same meaning as section 3671 of Title 23 of the California Code of Regulations.
- (60) "White goods" means discarded major appliances of any color, including but not limited to washing machines, clothes dryers, water heaters, stoves, and refrigerators.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

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 thrift store, auto dismantler, building supply reclaimer or reuser, and any other person whose primary business is resale for reuse of an object or material without significantly altering the physical form of the object or material that meets one of the following criteria:
 - (A) Revenues associated with resale for reuse exceeds revenues associated with recycling or composting activities, or
 - (B) Tons associated with resale for reuse exceeds total tons associated with recycling or composting activities.
- (b) A reporting entity shall register and obtain at least one RDRS number per activity on each site they operate, if they meet both of the following criteria:
 - (1) The person recycles, sells, transfers, processes, composts, or disposes any of the following materials, or mixtures thereof, after the materials are discarded by a generator:
 - (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 recycles, sells, transfers, chips and grinds, processes, and/or disposes 100 tons or more of any combination of recyclable material, organics, and/or solid waste in a quarter, for all activities on the same site, or is one of the following:
 - (A) An active permitted disposal facility.
 - (B) A food waste self-hauler who hauls 12 or more cubic yards, or 6,000 lbs of food waste per quarter.
 - (C) A person who delivers organics for direct land application in excess of 50 tons per quarter in accordance with section 17852(a)(24.5).
 - (D) A person who exclusively processes CDI in excess of 2,500 tons per quarter.
 - (E) A person who composts any amount of organics and is not excluded per section 17855 for composting operations or section 17896.6 for in-vessel digestion operations.
 - (F) A wastewater treatment plant.
- (c) For a facility engaged in multiple activities, regardless of ownership, on the same site:
 - (1) Each disposal facility and transfer/processor on the site shall register for a separate RDRS number and file a separate report that provides information specific to each facility.
 - (2) All recycling and composting facilities or operations at the same site may register for a single RDRS number and file a single report that aggregates information on materials sent from all recycling and composting activities.
 - (3) Each disposal facility or transfer/processor co-located with recycling/composting activities above the reporting thresholds described in section 18815.3(b)(2) of this article shall register for a separate RDRS number and file a separate report.
 - (4) For determining registration status or reporting status for an individual reporting period, a reporting entity must account for all cumulative tons across all activities conducted at the site, pursuant to section 18815.3(b)(2) of this article. If any single activity is subject to reporting, or the cumulative tonnages of multiple activities exceed the tonnages in section 18815.3(b)(2), the reporting entity must report all activities conducted at the site.
 - (5) Reporting entities engaged in multiple activities at the same site must inform the Department in their report of all reportable activities occurring at the site.
- (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 section 18815.3(b) shall notify the Department within 30 days.
- (g) A reporting entity that is registered but has tonnages below reporting thresholds for a reporting period shall notify the Department it has nothing to report for the reporting period.
- (h) In its report, a reporting entity shall provide information, as set forth in sections 18815.4 through 18815.8, on all materials composted, recycled, beneficially reused at a landfill, disposed or sent to end user.
- (i) A reporting entity that transfers, sells or sends end products to an end user shall report on the tons of material aggregated by end user category for each region as set forth in this subsection. End uses which are located on the same site as the reporting entity are reportable.
 - (1) Regions shall be reported as follows:
 - (A) End users located within California shall be reported by county.
 - (B) End users located in the United States, but outside California, shall be reported by state.
 - (C) End users located outside the United States shall be reported by country.

- (2) Reporting entities shall report end user categories as defined in 18815.2(a)(20),
- (3) In those instances where persons acquire end products directly at the reporting entity's site, the reporting entity shall report them as end users in the county where the site is located.
- (j) A reporting entity that transfers, sells, or sends materials to another reporting entity shall provide information for each individual reporting entity, including RDRS number, contact information, materials and tonnages. Reporting entities that send material to transfer/processors, recyclers, composters, brokers, or disposal facilities outside the state of California, shall provide information for each individual recipient, including contact information, materials and tonnages.
- (k) If a person receiving material does not have a RDRS number, and the reporting entity cannot determine that the person is 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 RDRS, the reporting entity shall submit all available information in its report to the Department and identify the reporting entities who have not provided them with the required information.
 - (2) If a reporting entity identifies an error in a previously submitted report, they shall notify the Department within 10 days.
 - (3) Each report to the Department shall include:
 - (A) The contact information and RDRS number of the person submitting the report;
 - (B) The contact information and RDRS number, if applicable, of each person or 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 as specified in subdivision (i) of this subsection;
 - (C) The information required by sections 18815.4-18815.9 of this Article, as applicable.
- (m) A reporting entity shall designate a person who has signature authority to submit the report.
- (n) If the Department has information that a person does not meet the requirements to not register or report set forth in subsection (a) of this section, the burden of proof shall be on that person to demonstrate otherwise, through documentation such as business records, receipts, invoices, or similar records. At the time that the Department requires a person to provide evidence that it is not required to register or report, the Department shall provide a written description of the information that has caused the Department to believe that the person is required to register and report. Nothing in this requirement is intended to require the Department to identify the name or other identifying information regarding any individual(s) who have complained about the person. Nothing in this section precludes the Department from the following: inspecting a business to verify that it is conducted in a manner that meets the provisions of this subsection; or, from taking any appropriate enforcement action pursuant to this Article.

Authority cited: Sections, 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5 and 41821.6, Public Resources Code.

Section 18815.4 Reporting Requirements for Haulers.

- (a) “Food waste self-haulers” shall report to the Department the tons of food waste sent for recycling or composting 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. 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) A hauler shall provide jurisdiction of origin and source sector for solid waste delivered to a broker.
- (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 land application or another end user inside or outside the state, 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 by the following due dates for each reporting period:
 - (A) Reporting period 1 due April 30
 - (B) Reporting period 2 due July 31
 - (C) Reporting period 3 due October 31
 - (D) Reporting period 4 due January 31
- (d) For the purposes of RDRS 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) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may request this information in lieu of an audit, or as part of an audit.

Authority cited: Sections 40401, 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5 and 41821.6 Public Resources Code.

Section 18815.5 Reporting Requirements for Transfer/Processors.

- (a) In its report to the Department, a transfer/processor shall provide the following information, using the reasonable methods in section 18815.9 of this Article:
- (1) For all tons accepted:
 - (A) From another transfer/processor or disposal facility, report the tons of material accepted from each facility and the delivering facility's contact information and RDRS number if the facility has one
 - (B) From all haulers collectively (including those bringing waste from recyclers, composters, and brokers or transporters), report the total aggregated tons accepted.
 - (C) As specified in section 18815.9, Transfer/processors may request periodic reports from haulers, which provide jurisdiction of origin and source sector for the materials they deliver.
 - (2) For all tons sent for recycling or composting, inside or outside of California:
 - (A) To a recycling or composting operation, or to a broker or transporter, report the tons by material type, pursuant to section 18815.9(a) of this article, sent to each person and their contact information, and RDRS number if the facility or person has one.
 - (B) To an end user, report the tons of each material type, pursuant to section 18815.9(a) of this article, sent to each end user category by region pursuant to section 18815.3(i) of this Article.
 - (3) For solid waste, mixed materials, commingled recyclables and/or residuals, sent to each transfer/processor, broker or transporter, or disposal facility, inside or outside of California:
 - (A) Report the total tons sent to each person, and their contact information and RDRS number, if applicable.
 - (B) Report the percentage of materials sent which originated from each sending facility; and the total percentage of materials sent which originated from all haulers collectively.
 - (i) The percentage which originated from all haulers shall be further divided into the jurisdictions of origin of the materials.
 - (ii) The percentage which originated from all haulers shall be divided into source sectors, using methods described in section 18815.9(c) of this Article. Source sector shall be reported to the department as a facility-wide estimate.
 - (4) For disaster debris sent for disposal inside or outside of California, report the total tons sent to each facility by jurisdiction of origin, and the facility's contact information, and RDRS number if the facility has one.
 - (5) For designated waste sent for disposal inside or outside of California, report the total tons sent to each facility by jurisdiction of origin, and the facility's contact information, and RDRS number if the facility has one.
 - (6) For material sent for beneficial reuse to a landfill or other transfer/processor inside or outside of California, report the tons sent to each facility by material type pursuant to section 18815.6(c)(4) of this Article. Green waste material sent for beneficial reuse at a landfill shall be reported in tons by jurisdiction of origin.
- (b) A transfer/processor 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 RDRS reporting, the Department shall not require a transfer/processor to submit information on the identities of individual haulers (except for haulers who fail to provide required information), or end users when providing jurisdiction of origin, material type, or source sector information to the Department as part of its Report.
 - (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may request this information in lieu of an audit, or as part of an audit.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5 and 41821.6 Public Resources Code.

Section 18815.6 Reporting Requirements for Disposal Facilities.

- (a) All active permitted disposal facilities must report each quarter to the Department. 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, report the tons of material disposed from each transfer/processor, and their contact information, and RDRS number if the facility has one.
 - (2) For solid waste received for disposal directly from all haulers collectively (including those bringing waste from recyclers, composters, and brokers or transporters):
 - (A) Report the total tons disposed from each jurisdiction of origin, and
 - (B) Report an estimate of the aggregated tons, or overall percentage, from each source sector, using methods described in section 18815.9(c).
 - (C) As specified in section 18815.9, Disposal facilities may request periodic reports from haulers, which provide jurisdiction of origin and source sector for the materials they deliver
 - (3) For disaster debris not commingled with other solid waste, report the total tons disposed from each jurisdiction of origin.
 - (4) For designated waste not commingled with other solid waste, report the total 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:
 - (1) For materials generated on-site (such as ash) sent to another disposal facility, broker, or transporter inside or outside of California, report the total tons sent to each facility and the facility's contact information, and RDRS number if the facility has one.
 - (2) If recycling and composting activities on site do not surpass the reporting thresholds set forth in section 18815.3(b)(2), report the tons sent for recycling or composting inside or outside of California by material type, pursuant to section 18815.9(a), sent to each person and their contact information, and RDRS number if the facility has one.
 - (3) If production of end products on site does not surpass the reporting thresholds set forth in section 18815.3(b)(2), report the tons of end products sent to each end user category by region, pursuant to section 18815.3(i) by material type pursuant to section 18815.9(a).
 - (4) If a disposal facility sorts, recycles or composts material above the reporting thresholds set forth in section 18815.3(b)(2), the recycling and composting activities shall be reported pursuant to

- the Recycling and Composting Operations requirements set forth in section 18815.7, under a separate RDRS number.
- (5) If a disposal facility receives material that it cannot or chooses not to dispose, and sends that material to another person inside or outside of California, that disposal facility shall report on that material according to the requirements for transfer/processors in section 18815.5.
- (c) In its report to the Department, a disposal facility shall provide the following information for all tons accepted for beneficial reuse, using the reasonable methods in section 18815.9:
- (1) For waste-derived material accepted for beneficial reuse from a transfer/processor or another disposal facility, report the tons of each material used from each transfer/processor or disposal facility, and their contact information, and RDRS number if the facility has one.
- (2) For green waste material accepted for beneficial reuse from all haulers collectively (including those bringing waste from recyclers, composters, and brokers or transporters):
- (A) Report the total tons by jurisdiction of origin of each material type accepted for use as ADC,
- (B) Report the total tons by jurisdiction of origin of each material type accepted for use as AIC,
- (C) Report the total tons by jurisdiction of origin of each material type used for construction, which includes final cover, foundation layer, liner operations layer, leachate and landfill gas collection systems, fill, road base, wet weather operations pads, and access roads.
- (D) Report the total tons by jurisdiction of origin of each material type used for landscaping and erosion control, which includes soil amendments for erosion control, dust suppression, and landscaping.
- (3) For waste-derived material, other than green waste, accepted for beneficial reuse from all haulers collectively (including those bringing waste from recyclers, composters, and brokers or transporters):
- (A) Report the total tons of each material type accepted for use as ADC,
- (B) Report the total tons of each material type accepted for use as AIC,
- (C) Report the total tons of each material type used for construction, which includes final cover, foundation layer, liner operations layer, leachate and landfill gas collection systems, fill, road base, wet weather operations pads, and access roads.
- (D) Report the total tons of each material type used for landscaping and erosion control, which includes soil amendments for erosion control, dust suppression, and landscaping.
- (4) Disposal facilities shall report beneficial reuse material types as approved by the enforcement agency, which include, but are not limited to:
- (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 enforcement agency.
- (d) A disposal facility 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 RDRS reporting, the Department shall not require a disposal facility to submit information on the identities of individual haulers (except for haulers who fail to provide required information) when providing jurisdiction of origin, material type, or source sector information to the Department as part of a quarterly report.
 - (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may request this information in lieu of an audit, or as part of an audit.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5 and 41821.6 Public Resources Code.

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 or beneficial reuse to a transfer/processor, broker, transporter, or disposal facility inside or outside of California, report the total tons of each material type, pursuant to section 18815.9(a) of this Article, sent to each person and their contact information, and RDRS number if the person or facility has one.
 - (2) For materials sent for recycling or composting to recycler, composter, broker, or transporter inside or outside of California, report the tons of each material type, pursuant to section 18815.9(a), sent to each person and their contact information, and RDRS number if the person or facility has one.
 - (3) For end products sent to end users inside or outside of California, report the tons of each material type, pursuant to section 18815.9(a) of this Article, 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 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 RDRS reporting, the Department shall not require a recycling and composting facility or operation to submit information on the identities of individual end users, suppliers, or customers (with the exception of other reporting entities) when providing material type information to the Department as part of a quarterly report.
 - (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may request this information in lieu of an audit, or as part of an audit.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5 and 41821.6 Public Resources Code.

Section 18815.8 Reporting Requirements for Transporters and Brokers.

- (a) A person who does not take legal ownership of materials and does not decide the destination for the material, but merely facilitates a sale or transfer, is not required to report the transaction to the Department.
- (b) In its report to the Department, transporter or broker shall provide the following information for all tons they legally possess, using the reasonable methods described in section 18815.9 of this Article:
 - (1) For materials sent for disposal or beneficial reuse to a transfer/processor, broker, transporter, or disposal facility inside or outside of California, report the total tons of each material type, pursuant to section 18815.9(a) of this Article, sent to each person and their contact information, and RDRS number if the person or facility has one.
 - (2) For materials sent for recycling or composting to recycler, composter, broker, or transporter inside or outside of California, report the tons of each material type, pursuant to section 18815.9(a), sent to each person and their contact information, and RDRS number if the person or facility has one.
 - (3) For end products sent to end users inside or outside of California, report the tons of each material type, pursuant to section 18815.9(a) of this Article, sent to each end user category by region pursuant to section 18815.3(i) of this Article.
- (c) A transporter or broker 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
- (d) For the purposes of RDRS reporting, the Department shall not require a transporter or broker to submit information on the identities of customers (with the exception of other reporting entities), or end users when providing jurisdiction of origin, material type or source sector information to the Department as part of a quarterly report.
 - (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may request this information in lieu of an audit, or as part of an audit.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5 and 41821.6 Public Resources Code.

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 all material sent for disposal, including residuals, 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, or mulch.
 - (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, or rigid plastics. 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 or commingled 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 for material sent to disposal:
- (1) A hauler shall provide the jurisdiction or origin 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. The hauler shall provide the periodic report to the receiving reporting entity within 30 days of the end of the reporting period. The hauler shall use 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 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 not 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. Jurisdiction percentages obtained during survey week shall be applied to tonnages for the entire reporting period.
 - (3) A transfer/processor shall determine jurisdiction of origin for material sent for disposal based on allocations of inbound materials. A transfer/processor may adjust the allocations of inbound percentages from facilities or haulers, based on facility-specific practices such as:
 - (A) Tracking and/or sorting individual loads,
 - (B) Segregating the flows from different jurisdictions, or
 - (C) Gathering other relevant information on the composition and recoverability of the materials from each facility or jurisdiction.
- (c) When required by this Article, a reporting entity shall estimate the overall tonnages or percentages from each source sector for materials sent for disposal, using any of the following methods:
- (1) Assigning source sector based on truck type:
 - (A) Small vehicles (autos, pickups and small trailers) and flat beds as “self-hauled.”
 - (B) Side loaders as “contract-hauled single-family residential.”
 - (C) Front loaders and rear loaders as “contract-hauled commercial/multi-family.”
 - (2) Assigning sources sector by using billing records:
 - (A) Cash accounts as “self-hauled.”
 - (B) Accounts with jurisdictions or their haulers for residential routes as “contract-hauled single-family residential.”
 - (C) Accounts with jurisdictions or their haulers for commercial routes as “contract-hauled commercial/multi-family.”

- (3) Using periodic reports from contract haulers on the source sectors of their routes. A transfer/processor or disposal facility may request but not require periodic reports from a hauler.
- (4) Asking all incoming loads if they are bringing waste from residential routes, commercial routes or as a self-hauler.
- (d) If asked for information on source sector, 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 these cases, a hauler shall provide the periodic report to the receiving reporting entity within 30 days of the end of the reporting period. When providing source sector information, a hauler shall use any of the following methods to estimate the overall tonnages or percentages of disposal from each source sector sent to the receiving facility:
 - (1) Assigning source sector by truck type as follows:
 - (A) Side loaders as “contract-hauled single-family residential.”
 - (B) Front loaders and rear loaders as “contract-hauled commercial/multi-family.”
 - (2) Assigning source sector by using billing records as follows:
 - (A) Accounts with jurisdictions for residential routes as “contract-hauled single-family residential.”
 - (B) Accounts with jurisdictions for commercial routes as “contract-hauled commercial/multi-family.”
 - (C) Accounts with businesses and apartments as “contract-hauled commercial/multi-family.”
 - (3) Assigning source sector by using dispatcher records of hauling routes, total bin volumes from each source sector, or total weights from each source sector.
- (e) 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 and either approve or disapprove of the method within 90 days.
- (f) 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.
- (g) When required by this Article, a reporting entity shall use the following methods to report tonnages:
 - (1) A reporting entity that uses scales to measure 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, unless they meet one of the following exceptions:
 - (A) If a transfer/processor or disposal facility records self-haul loads by volume, then it may estimate disposal tonnages using volume to weight conversion factors.
 - (B) If a transfer/processor 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 accepts an annual average of less than 100 tons of material per operating day, or less than 200 tons per operating day for transfer/processors located in a rural city or county, as set forth in sections 40183 and 40184 of the Public Resources Code, it may use volume to weight conversion factors, or report tonnages weighed at the receiving facility.
 - (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 to estimate tons.

- (E) If a reporting entity creates end products which are liquids or gases, they shall use material-specific conversion factors to estimate tons.
- (3) A disposal facility may use volume to weight conversion factors under the following conditions:
 - (A) The disposal facility does not have access to scales and does not receive more than 4,000 tons of solid waste per year from contract-haulers, not including disaster waste.
 - (B) The disposal facility is located in an area prone to inclement weather for three or more months of the year, which would not allow for the adequate operation and maintenance of scales.
 - (C) The disposal facility is so remote that the availability of an electric utility to power the scales is prohibitive.
- (4) A reporting entity shall indicate in their Report if conversion factors were used to estimate tons, and retain documentation on the basis and usage of any volume to weight conversion factors, and update the factors every three (3) years. The Department may require a reporting entity to revise the factors and reports if the Department determines that volumetric conversion factors are not satisfactory.
- (h) In its report to the Department, a reporting entity shall identify which methods set forth in this section they used in the preparation of the report.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

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 Public Resources Code 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.
 - (4) If the alleged violation or compliance failure is corrected by the deadline, no further enforcement will be pursued by the Department.
 - (5) If there are extenuating circumstances the Department can extend the compliance deadline.
- (c) Civil penalties may be imposed as set forth in Penalty Table I as follows:
 - (1) The number of violations shall be multiplied by the number of days the business was in violation. 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. If the infraction is not corrected per subsection (b) then the following table applies.

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

<u>Authority</u>	<u>Description of Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd and subsequent Offense</u>
<u>Public Resources Code 41821.5 (d)</u>	<u>Any person who fails to submit information as required by this Article on time.</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Public Resources Code 41821.5 (d)</u>	<u>Any person who refuses to submit information required by this Article.</u>	<u>\$1,000 – \$5,000</u>	<u>\$1,000 - \$5,000</u>	<u>\$5,000</u>
<u>Public Resources Code 41821.5 (e)</u>	<u>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.</u>	<u>\$500 - \$10,000</u>	<u>\$2,500 - \$10,000</u>	<u>\$5,000- \$10,000</u>
<u>Public Resources Code 41821.5 (e)</u>	<u>Any person who refuses to allow the Department or any of its representatives to inspect or examine records as required by this Article.</u>	<u>\$500- \$2,500</u>	<u>\$2,500- \$5,000</u>	<u>\$5,000</u>
<u>Public Resources Code 41821.5 (e)</u>	<u>Any person who fails to keep any records for inspection as required by this Article.</u>	<u>\$500</u>	<u>\$500 - \$2500</u>	<u>\$1,000 - \$5,000</u>

- (d) Once a potential penalty range from Penalty Table I is determined, the Department shall take the following factors into consideration in determining the total penalty amount to be requested in an Administrative Accusation:
- (1) Whether the violation(s) were intentional.
 - (2) Whether the violation(s) demonstrate a chronic pattern of noncompliance with the regulations set forth in this Article.
 - (3) Whether the violation(s) were due to circumstances beyond the reasonable control of the person or were unavoidable under the circumstances.
 - (4) Whether the person acted in good faith to comply, including correcting the violations in a timely fashion.
 - (5) Whether the violation(s) 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(s).
- (e) The Administrative Accusation 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 RDRS system, the mailing address(es) provided at the time of registration will be used. Proof of service of the Administrative 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 to provide data or provided incorrect data, as required by section 18815.3(l) of this Article.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

Section 18815.11 Record Retention Requirements for a Reporting Entity.

- (a) A reporting entity shall retain a copy of all reports and supporting records that were used in creating those reports 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, 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, either electronically or on paper.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

Section 18815.12 Confidentiality of Reports and Records and 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, 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) of the Public Resources Code, 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.
- (e) Pursuant to section 41821.5(g)(1) of the Public Resources Code, 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 Public Resources Code, the records provided to the Department in accordance with this section may be exempt from disclosure as provided in Public Resources Code section 40062 and implementing regulations.
- (g) For purposes of this Article, whether retained by a reporting entity or submitted to the Department as part of a report required by this Article or as part of an audit or in lieu of an audit, the following types of records shall be deemed to be confidential and not subject to disclosure, whether or not the record is identified as such by the person furnishing the information to the Department, without the need to follow the procedure set forth in section 17046(c):
 - (1) Weight tickets
 - (2) Customer lists
 - (3) Pricing or similar financial data
 - (4) Any other information, from which the identity of any account, customer, vendor, buyer, supplier, end user, or other source or transferee of recyclable material may be reasonably ascertained, such as name, address, or other identifying information.
- (h) Pursuant to section 41821.6 of the Public Resources Code, 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) and shall also be deemed confidential and not subject to disclosure according to subsection (g).
- (i) Government entity requests for inspections or records shall be subject to the provisions of Public Resources Code 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.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

Section 18815.13 Complaints Regarding Non-Compliance.

(a) 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. Affected or involved parties may report specific allegations of non-compliance by a reporting entity. The party reporting the alleged non-compliance shall identify the reporting entity and the facts that their allegation is based upon so the Department may investigate appropriately.

Authority cited: Sections 40502, and 41821.5(c), Public Resources Code, Reference: Sections 41821.5, 41821.6, 41821.7, 41821.8, 41821.9, Public Resources Code.

TITLE 27	ENVIRONMENTAL PROTECTION
DIVISION 2	SOLID WASTE
CHAPTER 3.	CRITERIA FOR ALL WASTE MANAGEMENT UNITS, FACILITIES, AND DISPOSAL SITES
SUBCHAPTER 4.	CRITERIA FOR LANDFILLS AND DISPOSAL SITES
ARTICLE 1.	CIWMB - OPERATING CRITERIA
SECTION 20510.	CIWMB - DISPOSAL SITE RECORDS. (T14: SECTION 17258.29, 17636, 17637, 17638, 17639)

- (a) Each site operator shall maintain records of weights or volumes accepted in a form and manner approved by the EA. Such records shall be submitted to the EA upon request, accurate to within 10 percent and adequate for overall planning purposes and forecasting the rate of site filling.
- (b) Each site operator shall maintain records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties.
- (c) Each site operator shall maintain a daily log book or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage accidents, explosions, receipt or rejection of unpermitted wastes, flooding, and other unusual occurrences.
- (d) Each site operator shall maintain a record of personnel training as required in section 20610.
- (e) Each site operator shall maintain a copy of written notification to the EA, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site as required in section 20615.
- (f) Disposal site records, including MSWLF unit records, shall be available for inspection by authorized representatives of the EA, the local health agency and the CIWMB Department during normal business hours and retained near the site in an operating record or in an alternative location approved by the EA.
- (g) ~~Each site shall maintain records for the Disposal Reporting System as required by Title 14 California Code of Regulations section 18800 et seq.~~ Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, 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 Local Enforcement Agency.

Note:

Authority cited: Section 40502 [Public Resources Code](#).

Reference: Sections 43020, 43021 and 43103, [Public Resources Code](#).

TITLE 27	ENVIRONMENTAL PROTECTION
DIVISION 2	SOLID WASTE
CHAPTER 3.	CRITERIA FOR ALL WASTE MANAGEMENT UNITS, FACILITIES, AND DISPOSAL SITES
SUBCHAPTER 4.	CRITERIA FOR LANDFILLS AND DISPOSAL SITES
ARTICLE 2.	ALTERNATIVE DAILY COVER MATERIAL AND BENEFICIAL REUSE
SECTION 20686.	BENEFICIAL REUSE

Beneficial reuse of solid wastes at a solid waste landfill shall include, but not be limited to, the following: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping. Alternative daily cover reuse shall comply with the requirements of section 20690. Alternative intermediate cover reuse shall comply with the requirements of section 20700. Other beneficial reuse shall comply with the following requirements:

- (a) Beneficial reuse shall be restricted to those solid wastes appropriate for the specific use and in accordance with engineering, industry guidelines, or other standard practices specified in the Report of Disposal Site Information as required by section 21600(b)(6).
- (b) Beneficial reuse shall be restricted to quantities of solid wastes no more than necessary to meet the minimum requirements of (a). Should the ~~CIWMB~~ Department determine that an owner or operator violated this standard, the owner or operator shall revise the applicable reports to reflect the overuse as disposal, and pay the required Board of Equalization (BOE) disposal tipping fees for the amount of overuse.
- (c) Storage and handling of solid waste and derived materials for beneficial reuse shall be conducted in a manner to protect public health and safety and the environment, and control vectors, fires, odors, and nuisances.
- (d) The owner or operator shall maintain a record of beneficial reuse in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section ~~18800~~ 18815.1 et seq. The records shall be available for inspection by authorized representatives of the EA, the local health agency, and the ~~CIWMB~~ Department during normal business hours and retained in the operating record near the site or in an alternative location approved by the EA.

Note:

Authority cited: Sections 40502, 41781.3, 43020, 43021, 43030 and 43103, [Public Resources Code](#).

Reference: Sections 40508, 42245, 43020 and 43021, [Public Resources Code](#); and [Title 40 Code of Federal Regulations Section 25](#)

TITLE 27	ENVIRONMENTAL PROTECTION
DIVISION 2	SOLID WASTE

CHAPTER 3. CRITERIA FOR ALL WASTE MANAGEMENT UNITS, FACILITIES, AND DISPOSAL SITES
SUBCHAPTER 4. CRITERIA FOR LANDFILLS AND DISPOSAL SITES
ARTICLE 2. CIWMB - DAILY AND INTERMEDIATE COVER
SECTION 20690. CIWMB - ALTERNATIVE DAILY COVER. (T14: SECTION 17682, 17258.21(B))

(a) General Requirements

(1) Alternative materials of alternative thickness for daily cover (other than at least six inches of earthen material) for municipal solid waste landfill units may be approved by the EA with concurrence by the CIWMB Department, if the owner or operator demonstrates that the alternative material and thickness control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.

(2) Alternative daily cover alone, or in combination with compacted earthen material, shall be placed over the entire working face at the end of each operating day or at more frequent intervals to control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. For the purposes of this section, the operating day shall be defined as the hours of operation specified in the solid waste facility permit, and may extend for more than 24 hours if operations are continuous. Waste-derived alternative daily cover shall be processed prior to spreading and compacting on the working face and applied and compacted to ensure that all exposed waste is completely covered by ADC and that there are no open voids within the cover material or in contact with the underlying wastes. Waste materials used as ADC that already meet the grain-size specifications of these regulations, or an alternative grain size approved by the EA and CIWMB Department pursuant to this section, need not be processed if the EA determines that the material as received at the landfill is adequate to perform the functions of daily cover and meets the appropriate specifications.

(3) Should the application of alternative daily cover become impracticable or contribute to conditions hazardous to public health and safety and the environment, the owner or operator shall terminate such use and revert to the use of compacted earthen cover material in accordance with section 20680. For the purposes of this section, impracticable conditions are those which make placement of alternative daily cover difficult due to adverse climatic or other conditions such that the performance requirements of (a)(2) cannot be met.

(4) The owner or operator shall place compacted earthen material over the entire working face at the end of any operating day preceding a period of time greater than 24 hours when the facility is closed, unless procedures as required by the EA are in place to ensure that the requirements of (a)(2) and (a)(3) are met. A stockpile of earthen cover material and required equipment shall be available to ensure a corrective response to violation of (a)(2) and (a)(3). Whenever an EA determines that an application of ADC is not meeting the requirements of this standard, the EA may direct the operator to immediately cover the ADC with soil. The continuing use of ADC that has been determined by the EA as not meeting the requirements of this section may become the basis for the EA to take enforcement action to seek compliance with the requirements of this section.

(5) The owner or operator shall maintain a record of waste derived alternative daily cover in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, section 18800 et. Seq section 18815.1 et. seq. The records shall be available for inspection by authorized representatives of

the EA, the local health agency, and the CIWMB Department during normal business hours and retained in the operating record near the site or in an alternative location approved by the EA.

(6) For waste classification, composition, and liquid percolation requirements of alternative daily cover, refer to the SWRCB requirements set forth in section 20705.

(7) Waste derived materials used as alternative daily cover shall be restricted to quantities no more than necessary to meet the performance requirements of ¶(a)(2), or as specified in subdivision (b) of this section. Should the CIWMB Department determine after consulting with the EA that an owner or operator violated this standard, the owner or operator shall revise the applicable reports to reflect the overuse as disposal, and pay the required Board of Equalization (BOE) disposal tipping fees for the amount of overuse. EAs shall not be responsible for making such determinations.

(8) Compost, co-compost, and chemically fixed sewage sludge and water treatment sludge only, that meet the performance standards for cover material, shall be limited to up to 25 percent of landfill cover materials or landfill cover extenders as required under Public Resources Code (PRC) 42245. For the purposes of this section, "chemically fixed sewage sludge" means solid and semisolid residue generated during the treatment of domestic sewage. The 25 percent limit shall apply on a quarterly basis to the total daily and intermediate cover or cover extender use. For the purposes of this section, landfill cover extenders shall mean compost, co-compost, or chemically fixed sewage sludge blended or mixed with soil.

(9) Storage and handling of waste derived materials at the landfill for use as alternative daily cover shall be conducted in a manner to protect public health and safety and the environment, and control vectors, fires, odors, blowing litter, scavenging, and nuisances.

(10) The EA shall apply this section to disposal facilities other than municipal solid waste landfill units as necessary to control vectors, fires, odors, blowing litter, scavenging, and nuisances without presenting a threat to human health and the environment. This requirement shall also apply to municipal solid waste landfills which qualify for a delay in the general compliance date or additional flexibility as specified in 40 CFR Part 258.

(11) The owner or operator shall implement a program described in the Report of Disposal Site Information as required by section 21600(b)(6) to minimize contamination of alternative daily cover with wastes not included within the individual alternative daily cover material types specified in subdivision (b) of this section and wastes that would conflict with the performance requirements of (a)(2).

(b) Specific Requirements

All types of ADC must be approved by the EA in writing prior to use at solid waste landfills as consistent with Title 27, California Code of Regulations, section 21570 through section 21686. Proposed uses of alternative daily cover materials not specified shall be subject to site specific demonstration projects approved by the EA with concurrence by the CIWMB Department to establish suitability as daily cover. Unless otherwise specified in this section, alternative daily cover use by blending listed materials other than using side-by-side on the working face, or layering on top of one another listed materials, shall require site-specific demonstration projects approved by the EA with concurrence by the CIWMB Department as required by subsection (a)(1). Site specific demonstration projects are not required for the following materials used as specified and in accordance with subdivision (a) of this section.

(1) Geosynthetic Fabric or Panel Products (Blankets)

(A) Geosynthetic blanket products shall be removed from the waste and the waste shall be covered with new waste or approved cover materials within 24 hours of product placement, unless the product is intended to be nonreusable, or has been approved by the EA for continuous use beyond 24 hours.

(2) Foam Products

(A) Foam products shall not be applied when there is precipitation or when there is a local forecast of greater than 40% chance of precipitation within 8 hours of application time in the vicinity of the landfill.

(B) Foam products shall be covered with waste or other approved cover materials within 72 hours of application, unless a shorter time period is required by the EA to meet the requirements of ¶(a)(2) and (a)(3) of this section.

(3) Processed Green Material

(A) For the purposes of this section, processed green material means any plant material that is either separated at the point of generation, or separated at a centralized facility that employs methods to minimize contamination. Green material includes, but is not limited to, yard trimmings, untreated wood wastes, paper products, and natural fiber products. Green material does not include treated wood waste, mixed demolition or mixed construction debris, manure and plant waste from the food processing industry, alone or blended with soil. Processed green material may include varying proportions of wood waste from urban and other sources and shall be ground, shredded, screened, source separated for grain size, or otherwise processed.

(B) Green material used for alternative daily cover shall be processed prior to being applied to the working face unless the green material to be used as alternative daily cover already meets the grain size specifications. Prior to spreading and compacting on the working face, processed green material shall comply with a grain size specification by volume of 95 percent less than 6 inches. Alternative processing and grain size specification requirements may be approved by the EA if the EA determines that the alternative meets the performance requirements of ¶(a)(2) and (a)(3) of this section and the CIVMB Department concurs.

(C) Processed green material shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than or equal to 12 inches.

(D) Processed green material placed as cover shall not be exposed for greater than 21 days.

(4) Sludge and Sludge-Derived Materials

(A) Public contact with sludge or sludge-derived materials, either alone or blended with soil, ash, processed green material, or stabilization agents such as lime, lime kiln dust, or cement kiln dust, shall be prohibited. This prohibition shall apply to staging, processing, tipping, and cover placement areas.

(B) Sludge or sludge-derived materials, either alone or blended with soil, processed green material, ash, or stabilization agents such as lime, lime kiln dust, or cement kiln dust, shall form a compacted material which can be placed without forming open voids or causing material to be tracked off the working face area.

(C) Sludge or sludge-derived materials shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than or equal to 12 inches.

(5) Ash and Cement Kiln Dust Materials

(A) Ash and Cement Kiln Dust, either alone or blended with earthen material or stabilization agents, shall form a compacted material which can be placed without forming open voids or causing material to be tracked off the working face area. For the purposes of this section ash means the nonhazardous residue

from the combustion of material or the hazardous residue which may be managed as a nonhazardous waste in accordance with Title 22 California Code of Regulations sections 66260.200(f) or 66260.210.

(B) Ash and Cement Kiln Dust, either alone or blended with earthen material or stabilization agents shall be used as alternative daily cover in a manner to minimize the creation of dust.

(C) Ash and Cement Kiln Dust, either alone or blended with earthen material or stabilization agents, shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than 12 inches.

(6) Treated Auto Shredder Waste

(A) Auto shredder waste shall be treated pursuant Title 22, California Code of Regulations, section 66268.106(a)(1).

(B) Treated auto shredder waste used for alternative daily cover shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than 24 inches.

(7) Contaminated Sediment, Dredge Spoils, Foundry Sands, Energy Resource Exploration and Production Wastes

(A) Contaminated sediment, dewatered dredge spoils, foundry sands, or processed energy resource exploration and production wastes shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than 12 inches. Such materials shall form a compacted material which can be placed without forming open voids or causing material to be tracked off the working face area.

(8) Compost Materials

(A) Except as provided in ¶(b)(8)(B), of this section, compost shall meet the environmental health standards of Title 14, California Code of Regulations, Division 7, Chapter 3.1, Article 7.

(B) Public contact shall be precluded from cover staging, processing, tipping, and placement areas for compost which does not meet the environmental health standards of Title 14, California Code of Regulations, Division 7, Chapter 3.1, Article 7.

(C) Compost materials shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than or equal to 12 inches. Compost materials shall comply with a grain size specification by volume of 95 percent less than 6 inches.

(9) Processed Construction and Demolition Wastes and Materials

(A) Processed construction and demolition wastes and materials shall be ground, pulverized, shredded, screened, source separated, or otherwise processed, alone or mixed with soil in a manner to provide a compacted material free of open voids when applied to meet the performance requirements as alternative daily cover.

(B) Processed construction and demolition wastes and materials used as alternative daily cover shall be restricted to the following materials: rock, concrete, brick, sand, soil, ceramics, cured asphalt, lumber and wood, wood products, roofing material, plastic pipe, plant material when commingled from construction work, and fines derived from processing the above materials.

(C) Construction and demolition wastes shall be processed prior to being applied to the working face. Prior to spreading and compacting on the working face, these materials shall comply with a grain size specification by volume of 95 percent less than 12 inches and 50 percent less than 6 inches as determined by the EA. The ~~CIWMB~~ Department shall provide technical assistance in making this determination if requested by the EA. Alternative processing and grain size specification requirements

may be approved by the EA if the EA determines that the alternative meets the performance requirements of ¶(a)(2) and (a)(3) of this section and the ~~CWMB~~ Department concurs.

(D) Construction and demolition wastes shall be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than 18 inches.

(10) Shredded Tires

(A) Shredded tires used as daily cover alone or mixed with soil shall be shredded such that 50% by volume is smaller than 6 inches in length and no individual pieces are greater than 12 inches in length.

(B) Shredded tires used as alternative daily cover without admixed soil shall not be applied when there is precipitation or when there is a local forecast of greater than 40% chance of precipitation within 8 hours of application time in the vicinity of the landfill.

(11) Spray Applied Cementitious Products

(A) Such products shall not be applied when there is a local forecast of greater than 40 percent chance of precipitation within 8 hours of application time in the vicinity of the landfill.

Note:

Authority cited: Sections 40502, 41781.3, 43020, 43021, 43030 and 43103, [Public Resources Code](#).

Reference: Sections 40508, 42245, 43020 and 43021, [Public Resources Code](#); and [Title 40 Code of Federal Regulations Section 258.21](#).