

Editor’s Note: Only includes the portion implementing RDRS (pgs 92-127 of the marked-up version). Not a complete or official version of the proposed regulatory text.

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 its own separate authority granted by section 41821.5(g) of the Public Resources Code, or based upon 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 of 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 of 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 by reporting entities. If a person is required to report based on the criteria in section 18815.3 of this article, then the person shall report using the methods outlined in section 18815.9 of this article and comply with the applicable requirements for:
 - (1) Haulers in section 18815.4 of this article,
 - (2) Transfer/processors in section 18815.5 of this article,
 - (3) Disposal facilities in section 18815.6 of this article,
 - (4) Recycling and composting facilities and operations in section 18815.7 of this article, or
 - (5) Brokers and transporters in section 18815.8 of this article.
- (e) This article does not prescribe operational practices unrelated to reporting, permitting requirements for facilities, or an activity’s status in relation to recycling goals or diversion mandates.

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) “Automobile dismantler” has the same meaning as in section 17402.5(c)(1) of this division. This does not include automobile shredders, as defined in section 17402.5(c)(2) of this division.
 - (4) “Automobile shredder” or “Metal shredder” has the same meaning as in section 17402.5(c)(2) of this division. This does not include automobile dismantlers, which has the same meaning as in section 17402.5(c)(1) of this division.
 - (5) “Beneficial reuse” has the same meaning as in section 20686 of Title 27 of the California Code of Regulations and occurs at disposal facilities. Beneficial reuse does not include the use of clean or contaminated soil . For the purposes of this section, beneficial reuse includes waste-derived materials used for:
 - (A) ADC
 - (B) AIC
 - (C) Construction, for example, final cover, foundation layer, liner operations layer, leachate and landfill gas collection systems, fill, road base, wet weather operations pads, and access roads.
 - (D) Landscaping and erosion control, for example, soil amendments for erosion control, dust suppression, landscaping, and stormwater protection.
 - (6) “Biosolids” means sewage sludge that has been treated to meet the land application standards for heavy metal concentrations, pathogen and vector control as specified in Subparts B and D of Part 503 of Title 40 of the Code of Federal Regulations.
 - (7) “Broker” means a person who takes control of material from a reporting entity in California and determines the destination of the material. When used in this article, material “sent to” or “received by” a broker does not require physical possession or legal ownership of the material, but, rather, means that the broker gains control of the material as described above. Brokers are not haulers, disposal facilities, transfer/processors, recyclers, or composters. A person that arranges or facilitates the sale or transfer of materials, but does not determine the destination of the material, is not a broker.
 - (8) “Business-to-business post-industrial recycling” means a recycling activity that:
 - (A) Meets all of the following conditions:
 - (i) A commercial generator generates materials as a by-product of an industrial or manufacturing process,
 - (ii) The commercial generator separates the material at the source of generation,
 - (iii) The commercial generator sells or transfers the material directly to a recycler in a business-to-business relationship, and
 - (iv) The recycler produces an intermediate product equivalent to a specification grade raw material for use by end users.
 - (B) And does not include materials from the following sources:
 - (i) Residential generators,

- (ii) Curbside collection of recyclables,
 - (iii) Collection implemented pursuant to mandatory commercial recycling requirements section 42649 et seq. of the Public Resources Code,
 - (iv) Scavengers or collectors who did not generate the materials,
 - (v) Collection of post-consumer materials,
 - (vi) Commercial generators that do not directly generate the material as a result of an industrial or manufacturing process but whose recycling or reuse activities result in the accumulation of the material or,
 - (vii) Contract haulers, operations or facilities that are required to have an RDRS registration number.
- (9) “Carpet” has the same meaning as in section 42971(d) of the Public Resources Code.
- (10) “Chipping and grinding facility or operation” means a facility or operation that meets the requirements in section 17862.1 of this division, section 17383.3 of this division for construction and demolition wood debris-related operations, or section 17852(a)(12) of this division.
- (11) “Commercial sector” means businesses, industries, institutions, public organizations, school districts and universities, and multifamily residences of five or more units.
- (12) “Compost” has the same meaning as in section 17896.2(a)(4) of this division. For the purposes of these regulations, compost is considered an intermediate 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 of this division.
- (13) “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 this division, and includes in-vessel digestion as regulated in section 17896 of this division. A person operating a “composting operation” or “composting facility” is referred to as a “composter” in these regulations.
- (14) “Construction and demolition/inert debris” or “CDI” means any combination of construction and demolition debris as defined in section 17381(e) of this division and inert debris as defined in section 17381(k) of this division.
- (15) “Contact information” means name, mailing address, physical address, phone number, and e-mail address.
- (16) “Contract Hauler” means any person, whether through a franchise or private contract, paid to collect and move material from a generator to a reporting entity, end user, or a destination outside of the state. Any material delivered by a contract hauler is referred to as “contract-hauled” in these regulations.
- (17) “Conveyance system” means a method designed to move material from one facility or operation to another facility or operation on the same site. Examples of a conveyance system include, but are not limited to, conveyor belts, pipes, tubes, and heavy equipment, such as a front-end loader.
- (18) “Department” means the California Department of Resources Recycling and Recovery.
- (19) “Designated waste” has the same meaning as in section 13173 of the California Water Code.
- (20) “Disaster debris” has the same meaning as in section 17210.1(d) of this division.
- (21) “Direct-hauled” means material sent directly to a transfer/processor or disposal facility from either a generator or another reporting entity that is not a transfer/processor.

- (22) “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) of this division, or EMSW conversion of tires or biomass that have been separated from other solid waste prior to receipt by an EMSW conversion facility.
- (23) “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 this division.
- (24) “End user” means a person who uses a material, as defined in this section, within the following categories:
- (A) “Manufacturing and Packaging”. This includes, but is not limited to, a person who uses the material to produce consumer products, industrial products, pet or animal feed, or packaging. It also includes a person who takes finished compost from a reporting entity and blends, packages, bags or distributes it to consumers. Manufacturers who produce consumer or industrial products with recycled content and do not transfer or sell intermediate products to other entities are “end users”, not reporting entities.
 - (B) “Fuel consumers”. This includes, but is not limited to, a person who takes or uses material, including, but not limited to, biomass or tires for use as fuel . Biomass conversion is a “fuel consumer end use”. EMSW conversion of tires and biomass that have been separated from other solid waste prior to receipt by an EMSW conversion facility is a “fuel consumer end use”. A “transformation facility” as defined in subsection (a)(61) that is not considered an “EMSW facility” as defined in section 40131.2(b) of the Public Resources Code is not a “fuel consumer”.
 - (C) “Material consumers”. This includes, but is not limited to, a person who takes an intermediate product derived from organics or recyclables from a reporting entity for general consumer distribution or retail, such as compost or wood chips.
 - (D) “Construction end users”. This includes, but is not limited to, a person who takes a material and uses it in construction.
 - (E) “Land application”. This includes, but is not limited to, a person who takes an organic intermediate product and uses it for land application.
 - (F) “Inert debris fill”. This includes, but is not limited to, a person who takes inert debris and uses it for engineered fill.
- (25) “Engineered municipal solid waste conversion” or “EMSW conversion” has the same meaning as in section 40131.2 of the Public Resources Code. For the purposes of this article, EMSW conversion of solid waste shall be reported pursuant to section 18815.6(a) of this article, with the exception of tires and biomass that have been separated from other solid waste prior to receipt by an EMSW conversion facility.
- (26) “Food waste” is organic solid waste and has the same meaning as “food material” in section 17852(a)(20) of this division. “Food waste” excludes “agricultural material” and “agricultural by-product material” as defined in sections 17852(a)(4.5) and 17852(a)(5) of this division. “Food waste” does not include food redirected to edible food recovery organizations, food banks, direct animal feeding, or other applications that meet the definition of “reuse” as defined in subsection (a)(52).

- (27) “Food waste self-hauler” means a person who generates and hauls, utilizing their own employees and equipment, an average of one cubic yard or more per week, or 6,500 pounds or more per quarter of their own food waste to a location or facility that is not owned and operated by that person. A person who self-hauls food waste but does not meet the criteria to be considered a “food waste self-hauler” is a “self-hauler”, and not a “food waste self-hauler”.
- (28) “Furniture” means large, bulky objects used to enhance a residence, business, or other space for living or working. This includes, but is not limited to, couches, chairs, dressers, tables, desks, and bed frames. Furniture does not include mattresses, as defined by section 42986(g) of the Public Resources Code.
- (29) “Generator” means a person whose activities result in the initial creation of material.
- (30) “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.
- (31) “Government entity” means an entity identified in section 40145 of the Public Resources Code or an entity formed pursuant to section 40976 of the Public Resources Code.
- (32) “Hauler” means a person who collects 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.
- (33) “Intermediate product” means a material or feedstock derived from organics or recyclables that:
- (A) Either replaces or substitutes for a virgin material in a manufacturing, construction, or agricultural process, including, but not limited to, plastic pellets, plastic flake, paper pulp, crushed/baled/shredded metal, and glass cullet, or
 - (B) Replaces or substitutes for a virgin material in the production of energy, including but not limited to tires that have been separated from other solid waste prior to EMSW conversion, biomass that has been separated from other solid waste prior to EMSW conversion, biomass at a biomass conversion facility, or
 - (C) Is wood chips that meet the standards for use in playgrounds, landscaping, erosion control, and by biomass conversion facilities, or
 - (D) Is compost, or
 - (E) Is a suitable homogeneous mixture used for direct land application or fill, such as aggregate or crushed miscellaneous base, or organics, including biosolids and biochar.
- (34) “Jurisdiction of origin” means the place where a material is initially 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 or tribal lands in which a material was generated.
- (35) “Land application” has the same meaning as in section 17852(a)(24.5) of this division, and includes biosolids applied under the purview of the United States Environmental Protection Agency, the statewide waste discharge requirements, also known as a general order, or

individual waste discharge requirements issued by a Regional Water Quality Control Board. A person who applies “compost” as defined in subsection (a)(12) is a “material consumer” end user as defined in subsection (a)(24)(C).

- (36) “Maintenance District Yard” means a transfer/processor that has been issued a Solid Waste Identification System (SWIS) number by the Department, and is directly operated by a municipality, sanitation district, county, state, or federal public works or sanitation agency, including the United States Forest Service. A “maintenance district yard” also means an unpermitted facility or operation whose primary purpose is to receive waste collected from road maintenance activities, such as sweeping public thoroughfares, litter abatement, and maintaining street trees.
- (37) “Material(s)” means solid waste, recyclables, organics, as well as intermediate products derived from these materials. “Mixed materials” is a combination of different material types.
- (38) “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.
- (39) “Organics” means material originated from living organisms and their metabolic waste products. This includes, but is not limited to, food, “agricultural material” as defined in section 17852(a)(5) of this subdivision, “agricultural by-product material” as defined in section 17852(a)(4.5) of this subdivision, green material, landscape and pruning waste, nonhazardous lumber and dimensional wood, manure, compostable paper, digestate, biosolids, and biogenic sludges; and any product manufactured or refined from these materials, including compost, and wood chips.
- (40) “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.
- (41) “Person” has the same meaning as in section 40170 of the Public Resources Code.
- (42) “Plastic” means a material made from a wide range of polymers, which can be used to make rigid and flexible plastic products. This includes, but is not limited to, packaging, such as bags, bottles, caps, clamshells, containers, cups, films, and lids; household and bulky rigid items, such as buckets, crates, toys, and tubs; agricultural products, such as drip tape, film, and greenhouse covers; and other products, such as electronics housing, carpet fibers, automobile plastics, and bioplastics.
- (43) “Recycle” or “recycling” has the same meaning as defined in section 40180 of the Public Resources Code. A person who engages in recycling is referred to as a “recycler” in these regulations. Recycling does not include “reuse” as defined in subsection (a)(52). For the purposes of reporting under this article, persons that are not exempt as set forth in section 18815.3(c) of this article who engage in the following activities shall register and report those activities as recyclers, as set forth in sections 18815.3(b)(4) and 18815.7 of this article:
- (A) For materials such as paper, glass, metal, and plastics, this includes but is not limited to sorting, cleaning, baling, shredding, pulping, crushing, cullet making, flaking, and pelletizing.
- (B) For organics that are not composted, recycling includes, but is not limited to, wastewater treatment, producing mulch, 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).
- (44) “Recycling and disposal reporting system” or “RDRS” means the Department’s electronic system for reporting pursuant to this article.
- (45) “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.
- (46) “Recycling facility or operation” or “Recycler” means any facility or operation that recycles material, as defined in this article. Recycling facilities or operations include entities that meet the definition of “Recycling Center” set forth in section 17402.5(d) of this division. This also includes chipping and grinding operations, and CDI recycling centers as described in section 17381.1 of this division.
- (47) “Report” means the quarterly report submitted to the Department by a reporting entity.
- (48) “Reporting entity” means a person who engages in reportable activities. A “reporting entity” is required to register and report pursuant to section 18815.3 of this article. A “reporting entity” is required to report on material handling activities pursuant to section 18815.4 through section 18815.8 of this article, as applicable, within the following reporting entity categories:
- (A) Haulers
 - (B) Transfer/processors
 - (C) Recycling and composting facilities and operations
 - (D) Disposal facilities
 - (E) Brokers and transporters
- (49) “Reporting period” or “Quarter” means the time period for which a report must be submitted to the Department. The four reporting periods or four quarters 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
- (50) “Residential sector” means single-family residences and multifamily residences of less than 5 units.
- (51) “Residual” has the same meaning as in section 17402.5(b)(1) of this division.
- (52) “Resale for Reuse” means selling a used object or material again, to a person who will use it either for its original purpose or for a closely-related purpose, not as a raw material, but without significantly altering the physical form of the object or material. This does not include beneficial reuse.
- (53) “Reuse” means the utilization of an object or material again by a person for its original purpose or for a closely-related purpose, not as a raw or intermediate material, but without significantly altering the physical form of the object or material.
- (54) “Sent” means sold or transferred. “Sent” is further defined as the collection, transportation or delivery of material by a person to or from a generator, reporting entity, or an end user.
- (55) “Self-hauler” means a person who hauls material they have generated to another person. “Food waste self-haulers” are a type of self-hauler.
- (56) “Site” means one physical address or assessor parcel number, or multiple adjacent addresses or assessor parcel numbers, that contains one or more facilities, operations, or activities.

- (57) “Solid waste” has the same meaning as in section 18720(a)(40) of this chapter.
- (58) “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). “Disaster debris” and “designated waste” disposal shall be assigned to the “self-hauled” source sector.
- (59) “Textiles” means items made of natural or synthetic thread, yarn, fabric, or cloth, including clothing, fabric trimmings, and draperies, but excluding carpet.
- (60) “Tire-derived rubber” means rubber from the processing of waste tires as defined in section 42807 of the Public Resources Code.
- (61) “Ton”, also referred to as “short ton” or “net ton”, means 2,000 pounds . Weight of material shall be reported as handled.
- (62) “Transfer/processor” has the same meaning as “Transfer/processing facilities” and “transfer/processing operations,” as defined in sections 17402(a)(30-31) of this division, as well as CDI processing operations and facilities as defined in sections 17383.5 through 17383.8 of this division, which receive, temporarily store, convert, process, and transfer materials for recycling, composting, or disposal, but do not meet the requirements of a “Recycling Center” set forth in in section 17402.5(d) of this division.
- (63) “Transformation Facility” has the same meaning as in section 40201 of the Public Resources Code.
- (64) “Transporter” means a person who takes physical possession and control, and determines the destination of material or intermediate products from a reporting entity, and transports those materials to another person inside or outside the state . A person who collects and moves material from a generator is not a transporter. A driver employed or contracted by a reporting entity to deliver material(s) to a destination specified by the contracting reporting entity is not a transporter.
- (65) “Wastewater treatment plant” has the same meaning as in section 3671 of Title 23 of the California Code of Regulations. For the purposes of these regulations, it is a recycling facility.
- (66) “White and brown goods” means discarded major appliances and small home appliances of any color, including, but not limited to, washing machines, clothes dryers, water heaters, stoves, refrigerators, microwaves, and toasters.
- (b) The material category and type definitions herein are meant to be illustrative, and not intended to be an exhaustive listing of all materials, grades, or specifications.

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) A reporting entity meeting the criteria in subsection (b) shall register and report on the materials or mixtures or combinations thereof listed in subsection (1). Entities are not required to register and report for their activities listed in subsection (c) of this section.

- (1) The following material categories and associated definitions in section 18815.2(a) of this article are provided as examples of the types of materials upon which a person would be required to register and report :
- (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 and brown goods
- (2) The materials listed in subsection (c)(9) shall not be reported or included in the tonnage thresholds for determining reporting status.
- (b) The following entities shall register and report under this article for the materials listed in subsection (a)(1):
- (1) Permitted disposal facilities that dispose or beneficially reuse any tonnage with a Registration, Standardized, or Full Permit, including, but not limited to:
- (A) Solid waste landfills,
 - (B) Engineered municipal solid waste (EMSW) conversion facilities,
 - (C) Transformation facilities,
 - (D) Inert debris Type A/Type B disposal facilities,
 - (E) CDI waste disposal facilities,
 - (F) Industrial waste co-disposal facilities, and
 - (G) Waste tire disposal facilities.
- (2) Haulers, including, but not limited to:
- (A) Contract haulers who haul 100 tons or more of materials described in subsection (a)(1) out-of-state per quarter,
 - (B) Contract haulers who haul 50 tons or more of organics for direct land application per quarter in accordance with section 17852(a)(24.5) of this division, and
 - (C) "Food waste self-haulers" as defined in section 18815.2(a)(27) of this article .
- (3) Transfer/processing facilities and operations, including Enforcement Agency Notification, Registration, Standardized, and Full Permit, that exclusively transfer or process 2,500 or more tons of CDI per quarter, or transfers or processes 100 tons or more of other materials described in subsection (a)(1) per quarter, including, but not limited to:
- (A) Contaminated soil operations,
 - (B) Inert debris processing facilities Type A,
 - (C) Inert debris processing facilities Type B,
 - (D) Inert debris type a processing operations,
 - (E) Nonhazardous ash transfer/processing operations,
 - (F) Small volume CDI debris processing operations,
 - (G) Medium volume CDI debris processing facilities,
 - (H) Large volume CDI debris processing facilities,

- (I) Limited volume transfer/processing operations,
 - (J) Small volume transfer stations,
 - (K) Medium volume transfer/processing facilities,
 - (L) Large volume transfer/processing facilities,
 - (M) Secondary material processing facilities and operations,
 - (N) Glass container processing operations,
 - (O) Direct transfer facilities, and
 - (P) Sealed container transfer operations, and
 - (Q) Mixed waste processing facilities, and material recovery facilities, that require a solid waste facilities permit.
- (4) Recycling facilities and operations, including: those that exclusively process CDI and sell or transfer 2,500 or more tons of CDI per quarter; or sell or transfer 100 tons or more of materials described in subsection (a)(1) per quarter. This includes, but is not limited to:
- (A) A recycler that handles business-to-business post-industrial materials, but also handles materials that do not meet the criteria in section 18815.2(a)(8) of this article,
 - (B) Material recovery facilities that do not require a solid waste facilities permit,
 - (C) Recycling centers,
 - (D) Wastewater treatment plants,
 - (E) Paper pulpers,
 - (F) Textile fiber reclaimers,
 - (G) Plastic reclaimers, shredders, grinders, flakers, and pelletizers,
 - (H) Metal shredders, sorters, and processors,
 - (I) Glass cullet manufacturers/beneficiators,
 - (J) Beverage container recycling program recyclers or processors,
 - (K) Carpet collectors and recyclers,
 - (L) Construction, demolition & inert debris (CDI) recyclers,
 - (M) Construction and demolition recyclers,
 - (N) Inert debris recyclers,
 - (O) Chipping and grinding facilities or operations,
 - (P) Medium volume construction and demolition wood debris chipping and grinding facilities,
 - (Q) Construction and demolition wood debris chipping and grinding operations, and
 - (R) Automobile shredders.
- (5) Composting facilities and operations as defined in section 18815.2(a)(13) of this article that sell or transfer 100 tons or more of materials described in subsection (a)(1) per quarter and are not excluded by section 17855 of this subdivision for composting operations or by section 17896.6 of this subdivision for in-vessel digestion operations, including, but not limited to:
- (A) Compostable material handling facilities and operations
 - (B) Composting research operations
 - (C) In-vessel digestion facilities and operations
- (6) Brokers/transporters who sell or transfer 100 tons or more of materials described in subsection (a)(1) per quarter for which they control and determine its destination.
- (c) The following are not required to register or report under this article, for their activities as:
- (1) An end user, including but not limited to:
 - (A) Asphalt plants or concrete or Portland cement manufacturing facilities,
 - (B) Biomass conversion facilities,

- (C) Glass bottle, container, fiberglass, or construction material producers other than those included in subsection (b),
 - (D) Inert Debris Engineered Fill Operations,
 - (E) Metal foundries,
 - (F) Metal smelters,
 - (G) Paper converting plants,
 - (H) Paper mills,
 - (I) Plastic injection molders, blow molders, and extruders,
 - (J) Rendering plants, and
 - (K) EMSW conversion facilities that exclusively convert tires or biomass that have been separated from other solid waste prior to receipt by an EMSW conversion facility.
- (2) A generator who is not a food waste self-hauler as defined in section 18815.2(a)(27) of this article,
- (3) A recycler who only recycles materials they have generated,
- (4) A thrift store, automobile dismantler, building supply reclaiming or reuser, and any other person whose primary business is resale for reuse of an object or material who 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.
- (5) A wastewater treatment plant that:
- (A) Only sends material to other wastewater treatment plants, or
 - (B) Does not sell or transfer organic feedstock or intermediate products off-site.
- (6) A Maintenance District Yard as defined in section 18815.2(a)(36) of this article,
- (7) An Emergency Transfer/Processing Operation,
- (8) An Emergency CDI Processing Operation,
- (9) A person who exclusively handles:
- (A) Household Hazardous Waste,
 - (B) Hazardous waste and universal waste,
 - (C) Electronic waste,
 - (D) Medication and sharps,
 - (E) Used oil,
 - (F) Paint,
 - (G) Mattresses,
 - (H) Business-to-business post-industrial materials, as defined in section 18815.2(a)(8) of this article. Business-to-business post-industrial recyclers shall self-certify that they are exempt from registration and reporting utilizing RDRS,
 - (I) Non-hazardous secondary materials excluded from solid waste pursuant to Part 40 of the U.S. Code of Federal Regulations section 241.4, and
 - (J) Materials that are reused as defined in section 18815.2(a)(53) of this article.
- (10) A broker or transporter who moves or facilitates transactions of material from a reporting entity, but does not determine the destination of the material,

- (11) A person who collects material from a generator and delivers the material directly to an end user inside the state, unless the person is a contract hauler hauling material to land application pursuant to section 18815.4(d)(1) of this article,
- (12) A contract hauler who hauls solid waste to a reporting entity inside the state. A contract hauler shall provide information to the reporting entity pursuant to section 18815.4 of this article, and
- (13) A recycler who exclusively uses material for their own end use and does not sell or transfer reportable material.
- (d) For a site with multiple activities:
- (1) Each disposal facility and transfer/processor located on the same site shall register for a separate RDRS number and file a separate report that provides information specific to that facility.
- (2) All recycling and composting facilities or operations operated by the same person and located 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 pursuant to section 18815.9(h) of this article.
- (3) Each recycling and composting facility or operation not operated by the same person and located at the same site shall register for a separate RDRS number and file a separate report that provides information specific to that facility.
- (4) For determining registration status or reporting status for an individual reporting entity, a reporting entity shall account for all cumulative tons across all activities conducted at the site by this reporting entity, pursuant to the lowest applicable tonnage threshold provided in subsection (b). If any single reportable material handling activity, or the cumulative tonnages of multiple aggregated activities, exceeds the applicable tonnage threshold in subsection (b), the reporting entity shall report all reportable activities conducted by this reporting entity.
- (5) A recycling or composting facility or operation operated by the same person and located on the same site as a transfer/processing facility or operation may register and report under the RDRS registration number of the transfer/processing facility or operation. The reporting transfer/processor shall report pursuant to section 18815.9(h)(4) of this article.
- (6) A recycling or composting facility or operation operated by the same person and located on the same site as a disposal facility may register and report under the RDRS registration number of the disposal facility. The reporting disposal facility shall report pursuant to section 18815.9(h)(5) of this article.
- (e) A reporting entity operating on April 1, 2019 shall register by April 30, 2019.
- (f) A reporting entity who begins operation, or changes activities such that reporting is required, after April 1, 2019 shall register within 30 days of being subject to these reporting requirements, and begin reporting for the following quarter.
- (g) A reporting entity who becomes permanently inactive or closes shall notify the Department within 30 days and request that their RDRS registration status become permanently inactivated.
- (h) A reporting entity who has registered and has an RDRS number, but whose activities have permanently changed such that they no longer meet the reporting requirements outlined in this section, may request that the Department permanently inactivate their RDRS registration. In that request, the reporting entity shall demonstrate to the Department that they no longer should be registered. The burden of proof shall be on the reporting entity. The Department shall act on a

request within 60 days. A reporting entity shall continue to report until and unless the Department permanently inactivates the RDRS registration. For example, a reporting entity whose activities have changed such that they now exclusively engage in the handling of materials described in subsection (c)(9), such as business-to-business post-industrial materials, they may request that the Department permanently inactivate their RDRS registration status.

- (i) A reporting entity that is registered but has cumulative tonnages below reporting thresholds for a reporting period shall notify the Department they have nothing to report for the reporting period.
- (j) A reporting entity shall comply with the applicable requirements specified in sections 18815.4 through 18815.8 of this article.
- (k) A reporting entity who transfers, sells or sends intermediate 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.
 - (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 or tribal lands.
 - (2) Reporting entities shall report end user categories as defined in section 18815.2(a)(24) of this article.
 - (3) A reporting entity may aggregate end users in small vehicles (automobiles, pickups, and small trailers) who pick up material from their facility or operation and assign them to the county in which the site is located.
- (l) If a reporting entity sends material to a person and cannot determine if the person is an end user inside or outside California, a reporting entity inside California, or a recycler or composter outside California, then 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.
- (m) Reporting entities shall commence filing reports using RDRS for the reporting period beginning July 1, 2019.
- (n) A registered reporting entity shall file a report for each reporting period using RDRS, and ensure that the information they submit, other than that which was provided by a third party, 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 the required information from a person, either directly or through RDRS, then the reporting entity shall submit all available information in their 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, then they shall correct the error and notify the Department within 10 business days, unless additional time is necessary to correct the error. In no case shall the corrections be delayed more than an additional 14 days, unless agreed to by the Department.
 - (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:
 - (i) Material that may be aggregated by category and region as specified in subsections (k) and (l).
 - (C) The information required by sections 18815.4-18815.9 of this article, as applicable.

(4) If the day of a reporting deadline is a weekend or holiday, a reporting entity shall submit the report on the next business day.

- (o) A reporting entity shall designate a person who has signature authority to submit the report.
- (p) If the Department has reason to believe that a person has not registered or reported as required by this article, then 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 they are 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 provided information indicating the person may be required to report. 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) A self-hauler shall provide the jurisdiction of origin for all material delivered to each transfer/processor or disposal facility. A self-hauler does not have to report to the Department, unless they are a food waste self-hauler.
- (b) "Food waste self-haulers", as defined in section 18815.2(a)(27) of this article, shall report to the Department the tons of food waste sent as follows:
 - (1) To a reporting entity inside California, report the tons of each material type, pursuant to section 18815.9 of this article, and their contact information and RDRS number.
 - (2) To an end user inside or outside California, report the tons of each material type, pursuant to section 18815.9 of this article, sent to each end user category, by region, pursuant to section 18815.3(k) of this article.
 - (3) To a recycling or composting facility or operation outside California, report the tons of each material type, pursuant to section 18815.9 of this article, by region, pursuant to section 18815.3(l) of this article.
 - (4) To each transfer/processor or disposal facility outside California, report the total tons of each material type, pursuant to section 18815.9 of this article, sent to each person, and their contact information.
- (c) A contract hauler shall provide the following information to a receiving reporting entity for all tons delivered, using the 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 previously 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 hauled:
 - (A) A hauler shall provide the jurisdiction of origin for all material sent to each transfer/processor or disposal facility; and

- (B) If requested by a transfer/processor or disposal facility, then a hauler shall provide the source sector for all material delivered to each broker or transporter, transfer/processor, or disposal facility, in tons or by percentage using the methods provided in section 18815.9 of this article.
- (d) A contract hauler who takes material directly from a generator and hauls it to land application or to a person outside of the state shall report to the Department. In their report to the Department, a contract hauler shall provide the following information for tons hauled, using the methods described in section 18815.9 of this article:
- (1) Directly from a generator to land application, the tons of each material type sent by region pursuant to section 18815.3(k) 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 a disposal facility or transfer/processor, their contact information, and an estimate of the overall source sector tons or percentages for waste sent .
- (B) For green material sent to each transfer/processor or disposal facility for potential beneficial reuse, the total tons by jurisdiction of origin, and the contact information of the receiving facility.
- (C) For non-green material sent to each transfer/processor or disposal facility for potential beneficial reuse, the total tons by material type pursuant to section 18815.9, and the contact information of the receiving facility.
- (D) For disaster debris and designated waste sent to each transfer/processor or disposal facility, the total tons of each stream, and the contact information of the receiving facility.
- (E) For material sent to recycling or composting facilities or operations, the tons of each material type sent by region .
- (F) To end users, the tons of each material sent to each end user category by region pursuant to section 18815.3(k) of this article.
- (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, and
- (D) Reporting period 4 due January 31.
- (e) 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 require a hauler to submit this information in lieu of an audit, or as part of an audit or administrative proceeding.

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 their report to the Department, a transfer/processor shall provide the following information, using the methods in section 18815.9 of this article:
- (1) For all tons accepted:
- (A) From another transfer/processor , report the tons of each of the following streams: solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all other potential beneficial reuse accepted from each facility and the sending facility’s contact information and RDRS number, if applicable.
- (B) , For direct-hauled material, report the total aggregated tons of each of the following streams: solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all other potential beneficial reuse. The tonnages for solid waste and green material potential beneficial reuse shall be further divided by jurisdiction of origin.
- (C) Include accepted residuals generated by a recycling or composting facility or operation that is reporting under the same RDRS number as a transfer/processing facility or operation pursuant to section 18815.3(d)(4) of this article in the total tons accepted as direct-hauled, pursuant to paragraph (B), assigning the tons to the jurisdiction within which the site is located.
- (2) For all tons sent to recyclers, composters, brokers, transporters, or end users pursuant to section 18815.9 of this article:
- (A) To a recycling or composting facility or operation, with a different RDRS number inside California, report the tons by material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS number, if applicable.
- (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(k) of this article.
- (C) To a broker or transporter:
- (i) In cases where the final destination of the material is determined by the reporting transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B), and (a)(2)(E).
- (ii) In cases where the final destination of the material is not determined by the reporting transfer/processor, report tons of each material type, pursuant to section 18815.9(a) of this article, sent to each broker or transporter and their contact information and RDRS number, if applicable.
- (D) To a recycling or composting facility or operation with the same RDRS number, report pursuant to section 18815.9(h) of this article.
- (E) To a recycling or composting facility or operation outside California, report the tons of each material type by region.
- (3) For all tons sent to transfer/processors or disposal facilities inside or outside of California of each of the following streams: recycling and composting, solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all other potential beneficial reuse :
- (A) To each transfer/processor or disposal facility, report the total tons of each stream , and their contact information and RDRS number, if applicable. Report the percentage of solid waste and green material potential beneficial reuse received from each transfer/processor; and the total percentage of materials that were direct-hauled pursuant to subsection

- (a)(1)(B) . The percentage that was direct-hauled pursuant to subsection (a)(1)(B) shall be further divided into the jurisdictions of origin of solid waste and green material potential beneficial reuse.
- (B) For all tons of solid waste, the percentage that was direct-hauled pursuant to subsection (a)(1)(B) 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.
- (C) For all other material sent for potential beneficial reuse to a landfill or other transfer/processor inside or outside California, report the tons sent to each facility by material type pursuant to section 18815.9(a)(3) of this article, and the facility’s contact information and RDRS number, if applicable.
- (D) For material sent for recycling to each transfer/processor or disposal facility with a different RDRS number inside California, report the tons by material type, and the facility’s contact information and RDRS number, if applicable.
- (E) For material sent for recycling to each transfer/processor or disposal facility outside California, report the tons by material type and region.
- (b) A transfer/processor shall report to the Department by 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, and
 - (4) Reporting period 4 due February 28.
- (c) With the exception of reporting entities who fail to provide required information, for the purposes of RDRS reporting, the Department shall not require a transfer/processor to submit information on the identities of individual haulers when providing jurisdiction of origin, or source sector information to the Department as part of their report. The Department shall not require a transfer/processor to submit information on the identities of individual end users when providing material type or region to the Department as part of their /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 require a transfer/processor to submit this information in lieu of an audit or as part of an audit or administrative proceeding.

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 permitted disposal facilities shall report each quarter to the Department. In their report to the Department, a disposal facility shall provide the following information for all tons disposed, with the exception of tires and biomass that have been separated from other solid waste prior to receipt by an EMSW conversion facility, using the methods in section 18815.9 of this article:
- (1) For all tons received for disposal from a transfer/processor, report the tons of each stream disposed, including solid waste, disaster debris, and designated waste from each transfer/processor, and their contact information and RDRS number, if applicable.

- (2) For all direct-hauled material, report the total aggregated tons of each of the following streams: solid waste, disaster debris, and designated waste. :
 - (A) Report the total tons of solid waste disposed from each jurisdiction of origin.
 - (3) Report an estimate of the aggregated tons, or overall percentage, from each source sector, using methods described in section 18815.9(c) of this article. For direct-hauled disaster debris not commingled with other solid waste, report the total tons disposed .
 - (4) For direct-hauled designated waste not commingled with other solid waste, report the total tons disposed .
 - (5) Include accepted residuals generated by a recycling or composting facility or operation that is reporting under the same RDRS number as a disposal facility pursuant to section 18815.3(d)(5) of this article in the total tons accepted as direct-hauled, pursuant to paragraph (2), assigning the tons to the jurisdiction within which the site is located.
- (b) In its report to the Department, a disposal facility shall provide the following information for all tons sent off-site, using the methods in section 18815.9 of this article. If materials are created, separated, or recovered as a result of on-site activities, then they are considered as having been generated by the disposal facility.
- (1) For solid waste generated on-site and sent to a disposal facility or transfer/processor inside or outside of California, report the total tons sent for disposal or potential beneficial reuse to each facility by material type, pursuant to section 18815.9(a) of this article, and the facility's contact information and RDRS number, if applicable.
 - (2) For material generated by the disposal facility, report pursuant to section 18815.9 of this article for tons sent:
 - (A) To each recycling or composting facility or operation with a different RDRS number, or for recycling at each transfer/processor with a different RDRS number inside California, by material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS number, if applicable.
 - (B) To an end user, by each end user category by region as defined in section 18815.3(k) of this article, and by material type, pursuant to section 18815.9(a)(2) of this article.
 - (C) To a broker or transporter:
 - (i) In cases where the final destination of the material is determined by the reporting disposal facility, report pursuant to subsections (b)(2)(A) and (b)(2)(B).
 - (ii) In cases where the final destination of the material is not determined by the reporting disposal facility, report tons of each material type, pursuant to section 18815.9(a) of this article, sent to each broker or transporter and their contact information and RDRS number, if applicable.
 - (D) To a recycling or composting facility or operation with the same RDRS number , report pursuant to section 18815.9(h) of this article.
 - (E) To a recycling or composting facility or operation outside California, or for recycling at each transfer/processor with a different RDRS number outside California, report the tons of each material type by region.
 - (3) If a disposal facility receives material and directly transfers that material to a transfer/processor or another disposal facility inside or outside of California, then that material is not considered as

- having been generated on-site. The sending disposal facility shall register and report on that material according to the requirements for transfer/processors in section 18815.5 of this article.
- (c) In its report to the Department, a disposal facility shall provide the following information for all tons accepted for beneficial reuse, using the methods in section 18815.9 of this article:
- (1) For waste-derived material accepted for beneficial reuse from a transfer/processor , report the tons of each material accepted for use from each transfer/processor and their contact information and RDRS number, as follows:
 - (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 accepted for use in construction.
 - (D) Report the total tons of each material type accepted for use in landscaping and erosion control.
 - (2) For direct-hauled green material accepted for beneficial reuse :
 - (A) Report the total tons by jurisdiction of origin accepted for use as ADC.
 - (B) Report the total tons by jurisdiction of origin accepted for use as AIC.
 - (C) Report the total tons by jurisdiction of origin accepted for use in construction.
 - (D) Report the total tons by jurisdiction of origin accepted for use in landscaping and erosion control.
 - (3) For direct-hauled waste-derived material, other than green material, accepted for beneficial reuse :
 - (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 accepted for use in construction.
 - (D) Report the total tons of each material type accepted for use in landscaping and erosion control.
- (d) A disposal facility shall report to the Department by 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, and
 - (4) Reporting period 4 due March 31.
- (e) With the exception of reporting entities who fail to provide required information, for the purposes of RDRS reporting, the Department shall not require a disposal facility to submit information on the identities of individual reporting entities when providing jurisdiction of origin, material type, or source sector information to the Department as part of a quarterly report. The Department shall not require a disposal facility to submit information on the identities of individual end users when providing material type or region 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 require that a disposal facility submit this information in lieu of an audit, or as part of an audit or administrative proceeding.

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 methods described in section 18815.9 of this article:
- (1) For materials sent for disposal or potential beneficial reuse to each transfer/processor or disposal facility with a different RDRS number inside or outside of California, report the total tons of each material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS number, if applicable.
 - (2) For materials sent to each recycling or composting facility or operation with a different RDRS number, or for recycling at each transfer/processor with a different RDRS number inside California, report the tons of each material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS number, if applicable.
 - (3) For materials sent to a recycling or composting facility or operation with the same RDRS number, report pursuant to section 18815.9(h) of this article.
 - (4) For intermediate 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(k) of this article.
 - (5) For materials sent to a broker or transporter, report:
 - (A) In cases where the final destination of the material is determined by the reporting recycling or composting facility or operation, report pursuant to subsections (a)(1), (a)(2), (a)(4), and (a)(6) as applicable.
 - (B) In cases where the final destination of the material is not determined by the reporting recycling or composting facility or operation, report tons of each material type, pursuant to section 18815.9(a) of this article, sent to each broker or transporter and their contact information and RDRS number, if applicable.
 - (6) For materials sent to each recycling or composting facility or operation outside California, or for recycling at a transfer/processor outside California, report the tons of each material type by region.
- (b) A recycling or composting facility or operation is not required to report on material sold for reuse or transferred for reuse.
- (c) A recycler who handles business-to-business post-industrial materials, but also handles materials that do not meet the criteria in section 18815.2(a)(8) of this article, shall:
- (1) Report as a recycler pursuant to this section for all materials that do not meet the criteria for business-to-business post-industrial recycling, and
 - (2) Not include information or tonnages associated with the business-to-business post-industrial materials recycled as defined in section 18815.2(a)(8) of this article.
- (d) A recycling or composting facility or operation shall report to the Department by 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, and
 - (4) Reporting period 4 due February 28.

- (e) With the exception of other reporting entities, 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 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 require that a recycler/composter submit this information in lieu of an audit, or as part of an audit or administrative proceeding.

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 Brokers and Transporters.

- (a) In their report to the Department, a broker or transporter shall provide the following information for all tons of material for which they determined the destination, using the reasonable methods described in section 18815.9 of this article:
 - (1) For materials sent for disposal or potential beneficial reuse to each transfer/processor 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, and their contact information and RDRS number, if applicable.
 - (2) For materials sent to each recycling or composting facility or operation, or for recycling at each transfer/processor with a different RDRS number inside California, report the tons of each material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS number, if applicable.
 - (3) For intermediate 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(k) of this article.
 - (4) For materials sent to another broker or transporter:
 - (A) In cases where the final destination of the material is determined by the reporting broker or transporter, report pursuant to subsections (a)(1), (a)(2), and (a)(3), as applicable.
 - (B) In cases where the final destination of the material is not determined by the reporting broker or transporter, report tons of each material type, pursuant to section 18815.9(a) of this article, sent to each receiving broker or transporter and their contact information and RDRS number, if applicable.
 - (5) To each recycling or composting facility or operation outside California, or for recycling at each transfer/processor with a different RDRS number outside California report the tons of each material type by region.
- (b) A broker or transporter shall report to the Department by 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, and
 - (4) Reporting period 4 due February 28.

(c) With the exception of other reporting entities, for the purposes of RDRS reporting, the Department shall not require a broker or transporter to submit information on the identities of customers or destinations 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 require that a broker/transporter submit this information in lieu of an audit, or as part of an audit or administrative proceeding.

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

Section 18815.9 Methods.

(a) When required by this article, a reporting entity shall use the following methods to report material types:

(1) With the exception of food waste self-haulers, recycling and composting facilities and operations, and potential beneficial reuse material, a reporting entity shall report all material, including residuals, sent to a disposal facility as solid waste and is not required to further sort or characterize this material. Recycling and composting facilities and operations shall report by material type pursuant to paragraph (2) of this subsection for residuals and separated materials sent to a disposal facility. The material type for potential beneficial reuse material shall be reported pursuant to paragraph (3) of this subsection.

(2) A reporting entity shall report materials at the level of segregation at the time they were 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 based on industry standards. A reporting entity is not required to further sort or characterize this material.

(D) A reporting entity shall report solid waste mixed with other materials as solid waste. A reporting entity is not required to further sort or characterize this material.

(3) A reporting entity shall:

(A) Report all ADC and AIC by the following material types:

(i) Ash and cement kiln dust materials,

(ii) Construction and demolition wastes and materials,

(iii) Compost materials, which include residuals left over from the composting process,

(iv) Green material,

(v) Contaminated sediment, dredge spoils, foundry sands, energy resource exploration, and production wastes,

(vi) Processed construction and demolition wastes and materials,

(vii) Shredded tires,

- (viii) Sludge and sludge-derived materials,
 - (ix) Treated automobile shredder waste, and
 - (x) Other material types approved for beneficial reuse by the enforcement agency, such as materials left over after the material recovery process. The reporting entity shall specify the approved material type in their report to the Department.
 - (B) Report all materials used for construction, landscaping, and erosion control on site by material type, pursuant to subsection (a)(2).
 - (C) Not include tons of clean or contaminated soil used as cover material or for other uses at a landfill.
- (b) When required by this article, a reporting entity shall use the following methods to determine jurisdiction of origin for material sent to disposal or for green material beneficial reuse:
- (1) A hauler shall provide the jurisdiction of 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.
 - (D) Company dispatcher records of hauling routes and generator locations.
 - (2) A transfer/processor or disposal facility shall determine the jurisdiction of origin for each load of material accepted by asking each person bringing materials at the time of delivery, using periodic reports from the entities delivering materials, or using methods to capture the information on each load as it arrives, unless it meets one of the following criteria:
 - (A) A transfer/processor or disposal facility without a gatehouse attendant present during all business hours shall collect jurisdiction of origin information on each load for all hours in which an attendant is present. If a gatehouse attendant is not present during all business hours for at least one week during the quarter, then a facility shall additionally conduct an origin survey no less frequently than once per reporting period and for at least one week in duration. During the survey week(s), the facility shall survey every load of material received to determine the jurisdiction of origin. A facility shall apply the jurisdiction percentages obtained during survey week to tonnages that have not been assigned to a jurisdiction of origin in the reporting period.
 - (B) A transfer/processor or disposal facility without a gatehouse attendant present during any business hours that only accepts material from specified jurisdictions may assign the solid waste to those jurisdictions based on facility usage agreements and restrictions, property records or other records that are representative of the jurisdiction breakdown of the material received.
 - (C) A transfer/processor or disposal facility without a gatehouse attendant present during any business hours that has no representative basis for determining jurisdiction of origin may assign the solid waste to the jurisdiction in which the facility is located.
 - (3) A transfer/processor shall determine jurisdiction of origin for solid waste and green material potential beneficial reuse sent to a disposal facility or another transfer/processor 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 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.
- (4) A recycler, composter, broker, transporter, or disposal facility shall provide the jurisdiction of origin for all solid waste or green material potential beneficial reuse sent to each transfer/processor or disposal facility. The jurisdiction of origin of this material shall be the jurisdiction within which the recycler, composter, or disposal facility is located. For brokers and transporters, the jurisdiction of origin shall be the jurisdiction within which the reporting entity supplying the material is located.
- (c) When required by this article, a transfer/processor or disposal facility 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, such as:
 - (A) Small vehicles, such as automobiles, 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, such as:
 - (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.
 - (5) Assigning disaster debris and designated waste as “self-hauled.”
 - (6) Assigning residual disposal from, and material sent by, recyclers, composters, brokers, transporters and disposal facilities to the “self-hauled” source sector.
- (d) If asked for information on source sector, then a contract hauler shall provide the information at the time of delivery, unless both the contract hauler and receiving facility have previously agreed to periodic reports in lieu of providing information at the time of delivery. In these cases, a contract 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 , such as:
 - (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 such as:
 - (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.
 - (4) Disaster debris and designated waste shall be assigned to the “self-hauled” source sector.

- (e) If a transfer/processor or disposal facility lacks an attendant and is unable to estimate source sector using one of the methods in this section, then the reporting entity shall assign all tonnage to the sector that makes up most of the delivered material based on operator observations of the site traffic or material disposed.
- (f) If a 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 certified scales to measure a transaction by weight shall use that measurement, and not an estimate based on volume, when compiling and submitting their report to the Department.
 - (2) A reporting entity that does not use certified scales, but uses non-certified scales to measure a transaction by weight shall use that measurement, and not an estimate based on volume, when compiling and submitting their report to the Department.
 - (3) 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. If a transfer/processor or a disposal facility records self-haul loads by vehicle size and/or type, then it may estimate the disposal tonnages using weight estimates for each vehicle size and/or type.
 - (B) If a transfer/processor weighs total inbound contract-hauled tons and the total tons sent to disposal, then 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 if located in a rural city or county, as set forth in sections 40183 and 40184 of the Public Resources Code, then it may use volume to weight conversion factors, or report tonnages weighed at the receiving facility.
 - (D) If a reporting entity sells or transfers materials, other than solid waste, based on volume, then they may use material-specific volume to weight conversion factors to estimate tons.
 - (E) When required by subsection (h), a reporting entity, who sends material to another reporting entity with a different RDRS number located on the same site using a conveyance system without scales, shall estimate and report tonnages transferred by using volume to weight conversion factors, flow rates, belt scales, or another method approved by the Department.
 - (4) 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 debris.
 - (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.
 - (5) A reporting entity shall indicate in their report if conversion factors were used to estimate tons, 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) Tonnages of material transferred within a reporting entity or between reporting entities located on the same site shall be recorded and reported as described below. Refer to subsection (g) of this

article for situations in which volume-to-weight conversion factors are allowed to estimate material tonnages.

- (1) Except as provided in subsections (h)(4) and (h)(5), facilities and operations reporting with the same RDRS number and located on the same site are not required to report the tonnages of material transferred between each facility or operation to the Department.
 - (2) A reporting entity who sends separated recyclables or separated organics to another reporting entity with a different RDRS number located at the same site with the same operator is not required to report the tonnages of separated recyclable or organic material transferred between each facility or operation to the Department. The reporting entity responsible for the off-site sale or transfer of the aggregated material shall report the appropriate tonnages to the Department.
 - (3) A reporting entity who sends solid waste or material for potential beneficial reuse at a transfer/processor or disposal facility with a different RDRS number located at the same site shall report this information to the Department in the same manner as though it were sent off-site.
 - (4) A transfer/processor shall include the tons of solid waste generated on-site by recyclers and composters under the same RDRS number and accepted by the transfer/processor in the total tons accepted pursuant to section 18815.5(a)(1)(D) of this article.
 - (5) A disposal facility shall include the tons of solid waste generated on-site by recyclers and composters under the same RDRS number and accepted by the disposal facility in the total tons accepted pursuant to section 18815.6(a)(5) of this article.
- (i) In their report to the Department, a reporting entity shall identify which methods set forth in this section they used in the preparation of the report.
- (j) When required by this article, a reporting entity shall categorize material sent to each person or end user category into one or more of the following streams, and report to the Department in the manner described below:
- (1) Solid waste disposal, which requires jurisdiction of origin, source sector, and RDRS number and contact information of the receiving facility or operation, if applicable. Recyclers, composters, and food waste self-haulers shall additionally report material type pursuant to subsection (a).
 - (2) Disaster debris disposal, which requires RDRS number and contact information of the receiving facility or operation, if applicable.
 - (3) Designated waste disposal, which requires RDRS number and contact information of the receiving facility or operation, if applicable.
 - (4) Green material potential beneficial reuse, which requires jurisdiction of origin, and RDRS number and contact information of the receiving facility or operation, if applicable.
 - (5) Non-green material potential beneficial reuse, which requires material type, and RDRS number and contact information of the receiving facility or operation, if applicable.
 - (6) Recycling and composting, which requires material type, and RDRS number and contact information of the receiving facility or operation, if applicable.
 - (7) Broker or transporter, which requires material type, and RDRS number and contact information of the receiving facility or operation, if applicable.
 - (8) End user, which requires material type by end user category and region pursuant to section 18815.3(k) of this article. Reporting entities are not required to provide the contact information of individual end users in their reports to the Department.
 - (9) If the person to whom material was sent is located outside California, and is not obligated to report to the Department, a reporting entity is not required to provide the contact information of that person to the Department for material streams described in paragraphs (6) and (7) of this subsection.

- (10) Except for material sent to a broker, transporter, or end user, if a reporting entity is unsure or does not know into which stream a material being sent should be categorized, they shall report that material stream based on the following defaults:
- (A) For material sent to a transfer/processor or disposal facility, report pursuant to paragraph (1) of this subsection.
- (B) For material sent to a recycler or composter, report pursuant to paragraph (6) of this subsection.

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 alleged 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 alleged compliance failures.
 - (2) A compliance deadline that allows for reasonable time to remedy.
 - (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, then no further enforcement will be pursued by the Department.
 - (5) If there are extenuating circumstances, then the Department can extend the compliance deadline.
- (c) Civil penalties may be imposed as set forth in Penalty Table I as follows:
- (1) Each violation shall be multiplied by the number of days the reporting entity 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 an alleged failure to comply to the reporting entity. If the violation is not corrected pursuant to subsection (b), then the following table applies:

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

<u>Authority</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation (s)</u>
<u>Public Resources Code 41821.5(d)</u>	<u>Any reporting entity who fails to submit information on time as required by this article.</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Public Resources Code 41821.5(d)</u>	<u>Any reporting entity 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 reporting entity who knowingly or willfully files a false report or any reporting entity who alters, cancels, or obliterates</u>	<u>\$500 - \$10,000</u>	<u>\$2,500 - \$10,000</u>	<u>\$5,000- \$10,000</u>

	<u>entries in the records for the purpose of falsifying the records as required by this article.</u>			
<u>Public Resources Code 41821.5(e)</u>	<u>Any reporting entity 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 reporting entity 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 non-compliance with the regulations set forth in this article.
 - (3) Whether the violation(s) were due to circumstances beyond the reasonable control of the reporting entity or were unavoidable under the circumstances.
 - (4) Whether the reporting entity acted in good faith to comply, including correcting the violation(s) in a timely manner.
 - (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 RDRS , the mailing address or addresses 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 reporting entity may be held jointly and severally liable for an administrative civil penalty.
- (g) Reports 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 information provided by a hauler or other third party. If a reporting entity is aware that a third party has failed to provide information or has provided incorrect information, then the reporting entity shall identify the third party and the alleged error or omission, as required by section 18815.3(n)(1)

of this article. To the extent the Department identifies an impact of incomplete or inaccurate information reported by a hauler or other third party on a specific jurisdiction, the Department shall notify that jurisdiction.

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 their place of business for five (5) years.
- (b) As applicable to the type of reporting entity, records to be retained shall 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 an inspection, then 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 searchable 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, a reporting entity may designate information as trade secret and request that the records provided to the Department in accordance with this section be exempt from disclosure. The Department will review the request 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 by the Department, 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, or
 - (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]. They also 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) In their quarterly report to the Department, a reporting entity shall inform the Department of specific allegations of non-compliance by another reporting entity who fails to provide them with

the information required by this article. The reporting entity shall provide the relevant and specific details for each occurrence reported.

- (b) In their quarterly report to the Department, a reporting entity shall inform the Department if they have evidence suggesting the information provided to it by another reporting entity, as required by this article, is inaccurate. The reporting entity shall provide the relevant and specific details for each occurrence reported.
- (c) Affected or involved parties who are not reporting entities, such as jurisdictions, 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 upon which their allegation is based 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.