

High-Level Summary of Changes

2nd 15-day Amendment to “Additional Changes in CCR” Section

18794.2

(d)(6) added “of solid waste and green material potential beneficial reuse,” for materials sent out of state, to clarify which material types shall be included in the calculated jurisdiction disposal. Solid waste and green material potential beneficial reuse exported outside California shall be included in the calculated jurisdiction disposal. However, nothing precludes a jurisdiction from requesting a modification if the jurisdiction has more representative, granular, or accurate figures; for instance, if a jurisdiction were to determine what percentage of the green material potential beneficial reuse was accepted for beneficial reuse by an out-of-state disposal facility, they could inform the Department of this through the procedures laid out in subsection (h) of this section.

2nd 15-day Amendments to “Current Regulatory Language” Section

18800-18814

Entire section was unstruck to ensure that DRS reporting will take place until Q2 2019 reporting has been completed.

18801(f)

A sunset date was added to the current DRS regulations rather than striking the article.

2nd 15-day Amendments to “Proposed Regulatory Language” Section

18815.1

The word “~~reasonable~~” was struck from “reasonable methods”; it is now just “methods”

Added an **(f)** to emphasize that this article only governs reporting and should not result in entities needing to change any aspect of their business practices other than reporting to the Department certain data points.

18815.2(a)

(4) added “Metal shredder” to definition of “automobile shredder” to more closely align with the cross-reference.

(5) added “and stormwater protection” as an example of an application of material for beneficial reuse at landfills.

(21) added a new definition of “direct-hauled” which refers to “material sent directly to a transfer/processor or disposal facility from either a generator or another reporting entity that is not a transfer/processor.” This change was made to clarify additional new language that allows multiple activities at the same site to report as one (if they have the same operator and are not another transfer/processor or disposal facility). The reporting entity for the site will include residuals it receives from other activities on the same site as part of the direct-hauled materials it accepts and reports as an aggregated tonnage to the Department.

(22), (24)(B), (25), (33)(B), 18815.3(c)(1)(K), 18815.6(a) were conforming changes related to the clarification that tires and biomass that have been separated from other solid waste prior to receipt by an engineered municipal solid waste conversion facility are excluded from being reported.

(27) changed the word “~~transports~~” to “**hauls**” because “transporter” is defined elsewhere and has a specific meaning that is distinct from what a hauler does. Added “**an average of one cubic yard or more per week, or 6,500 pounds or more per quarter**” as additional refinements to clarify reporting thresholds for this reporting entity type. Changed “~~of a~~” to “**to be considered a**” and added “**and not a food waste self-hauler**” to provide additional clarity that those who do not meet the reporting threshold for food waste are considered a self-hauler, and not a food waste self-hauler.

(35) changed text slightly to improve clarity and capitalize RWQCB. Added clarifying language indicating that a person who land applies compost is a “material consumer” as defined in subsection (a)(24)(C) of this section. In other words, the person is not a “land application” end user as defined in subsection (a)(24)(E) of this section.

(36) clarified that a maintenance district yard need not be a permitted facility or operation. MDYs are excluded from having to report under this article pursuant to section 18815.3(c)(6).

(43) modified the definition of “recycling” to be consistent with other statutory provisions. The phrase “treating wastewater” was changed back to “wastewater treatment” in paragraph (B).

(46) added “or ‘Recycler’” to the definition of “recycling facility or operation” to clarify that this entity is referred to as a “recycler” for the purposes of this article.

(48) clarified that reporting entities shall register and report pursuant to section 18815.3 and that a reporting entity is required to report on material handling activities within one of the five categories set forth in Paragraphs (A) through (E), inclusive.

(54) added a definition of “sent” since it is frequently used throughout the proposed regulations.

(58) clarified in (C) that disaster and designated waste only require source sector when sent for disposal.

(64) clarified that a transporter is a person who takes not only physical possession but also “control”.

18815.2(b)

Added this subsection to clarify that the material category and type definitions are not intended to be exhaustive or all-inclusive.

18815.3

(a) general cleanup/refinement of mandate and cross-references. Clarified that materials excluded in subsection (c)(9) of this section do not count towards the tonnage thresholds.

(b) changed “~~deliver~~” to “haul” in (2)(C) for additional precision and clarified reporting threshold. Clarified in (3) which activities by transfer/processors count towards the tonnage threshold requiring reporting. Added a (3)**(Q)** clarifying that mixed waste processing facilities and MRFs that require a SWFP are required to report as transfer/processors. Further refined in (4), (5), and (6) the reporting thresholds and language for recycler/composters and broker/transporters. Clarified in (4)(B) that MRFs that do not have a SWFP report as recyclers

(c) added a (1)**(K)** for excluding EMSW conversion facilities that exclusively convert separated tires and biomass. Further refined the language. Minor refinements in (3). Excludes wastewater treatments from reporting if they do not sell or transfer either organic feedstock or intermediate products off-site in (5)**(B)**. Added universal waste, non-hazardous secondary materials, and reused materials to the list of excluded materials in (9). Added a (13) to exclude recyclers who use everything they recycled for their own end use.

(d) In (2) and throughout the proposed regulatory text, replaced “~~owned~~” with “operated”. Clarified that entities shall utilize the lowest tonnage threshold applicable in determining whether reporting is required for a reporting period. Struck (5) since it was unnecessary, replacing it (and adding a (6)) with language allowing transfer/processors and disposal facilities to aggregate reporting for other entities on the same site and operated by the same person provided that those other entities are not transfer/processors or disposal facilities.

(e) and **(f)** changed the registration start date from ~~December 1, 2018~~ to **April 1, 2019** and the initial registration deadline for existing facilities from ~~December 31, 2018~~ to **April 30, 2019**.

(h) updated the cross-reference which was not accurate.

(m) changed the reporting start date from ~~January 1, 2019~~ to **July 1, 2019**.

(n) added “, **other than that which was provided by a third party,**” to clarify that reporting entities will not be penalized for bad data provided to them by a third party. Added in (2) language clarifying reporting entity obligations to correct errors. Added a (3)(B)(i) stating that material sent to end users or out-of-state recyclers/composters does not require the reporting of contact information or RDRS number.

(p) changed “~~complained about~~ the person” to “**provided information indicating the person may be required to report**” to make language more formal and precise.

18815.4

(b), and for all reporting entities that send material to out-of-state recycling facilities – removed the requirement to provide contact information—only tons of each material type and region.

(d)(2) added (B), (C), and (D) to provide more clarity on how to report specific streams of material.

(e)(2), and for all reporting entity types – appended “as part of an audit” with “**or administrative proceeding**”.

18815.5

(a) Added language in (1) and (2) clarifying that transfer/processors report tonnages received for each of the following streams: solid waste, disaster debris, designated waste, green material potential beneficial reuse, all other potential beneficial reuse, and all other material accepted for transfer or processing. Replaced “~~delivering~~” with “**sending**”. For direct-hauled waste (in (2)) those streams must be accompanied with jurisdiction of origin information for solid waste and green material beneficial reuse. Replaced duplicative language in paragraph (1)(C) with a requirement that transfer/processors reporting for recycler/composters report residuals from those operations as direct-hauled inflows. Replaced “~~known~~” with “**determined**” in (2)(C) (and in all other sections with this same language) for material sent to a broker/transporter to determine who is supposed to report on the final destination of the material sent via a broker/transporter. Clarified in (3) that material sent out from a transfer/processor must also be reported by specific material streams leaving the facility or operation. The sending transfer/processor must specify the total percentage of solid waste and green material potential beneficial reuse sent that were received from direct-haul and provide jurisdiction of origin and source sector information for that material. Clarified in (3)(C) that only direct-hauled solid waste tons are to be assigned to a source sector. Struck (4) and (5) since they were no longer necessary (the above language already clarified that designated waste and disaster debris are reportable streams). (6) became (3)(D) because it applies to material sent out of the facility for potential beneficial reuse and makes more sense as a sub of 3 than its own standalone paragraph.

18815.6

(a) made some minor modifications to the language to parallel the structure of section 18815.5(a) discussing the reporting of specific streams. (b) clarified on-site generation by adding the phrase, “**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.**” Clarified the requirements for material generated on site and sent to other facilities in (1) and (2). Clarified that disposal facilities engaging in the direct transfer of materials, rather than the disposal of those materials, must register and report according to the requirements for transfer/processors in section 18815.5 of this article.

18815.7 and 18815.8

Only conforming changes specified above, such as eliminating the requirement for out-of-state contact information, and the clause about information needing to be submitted as part of an administrative proceeding.

18815.9

(a) Added in (1) that potential beneficial reuse material shall also be reported by material type and not as solid waste. Clarified that recycling and composting facilities and operations sending residuals to a disposal facility shall report the material at the level of segregation when it was sold or transferred according to Paragraph (2). Clarified in (2)(C) that the intent is for mixed materials or commingled recyclables to be reported “**based on industry standards**” Added a (2)(D) stating that solid waste mixed with other materials is to be reported as solid waste.

(b) added “or for green material beneficial reuse” to the jurisdiction of origin methodology section to clarify that that this material also requires jurisdiction tracking. Improved the logic of (b)(2) which provides guidance about how facilities record/estimate jurisdiction of origin. Added a (4) clarifying that the jurisdiction of origin for material sent to a disposal facility by a recycler, composter, broker, transporter, or disposal facility shall be the jurisdiction within which that facility or operation is located. Added a (5) and (6) indicating that disaster debris, designated waste, and residuals shall be assigned to the “self-hauled” source sector.

(d) clarified that the responsibilities outlined in this subsection only pertain to a contract hauler.

(e) clarified that a transfer/processor or disposal facility may only estimate source sector if they lack an attendant and clarified how to estimate and report this information to the Department. The former procedure wherein a transfer/processor or disposal facility requests to use an alternate method has been struck.

(g) clarified in Paragraph (3)(D) that any reporting entity that sells or transfers materials—other than solid waste—by volume may use material-specific conversion factors to estimate tons for the purposes of reporting. Clarified that Paragraph (3)(E) pertains to entities with a different RDRS number located on the same site.

(h) clarified reporting responsibilities for estimating and recording tonnages for material that flows within or between reporting entities on the same site.

Added **(j)** to clarify how specific outflow streams of material are to be reported, as well as how to report specific streams when unsure where a material is headed or for what purpose.

18815.10

Changed "~~person~~" to "**reporting entity**" in Penalty Table I and throughout the section. Replaced "~~The number of violations~~" shall be multiplied by the number of days" in (c)(1) with "**Each violation** shall be multiplied by the number of days". Replaced "~~infraction~~" with "**violation**" to provide further clarification and to match the use of "violation" throughout the draft proposed regulation. Replaced "~~finer~~" with "**penalties**" in the caption for Penalty Table I to match the use of "penalty" throughout the proposed regulatory text. Added a phrase in **(g)** requiring the Department to notify a jurisdiction when the Department identifies an impact of incomplete or inaccurate information reported by a hauler or other third party that affects a specific jurisdiction.

18815.11, 18815.12, 18815.13

Minor clarifications.