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ASSEMBLY BILL 901 (GORDON), STATUTES OF 2015, CHAPTER 746

PUBLIC RESOURCES CODE, DIVISION 30, PART 2, CHAPTER 7

ARTICLE 3.

41821.5. Submission of information by facility operators; Period reports by counties; Liability

(a) Disposal facility operators shall submit information on the disposal tonnages by jurisdiction or region of origin that are disposed of at each disposal facility to the department, and to counties that request the information, in a form prescribed by the department. To enable disposal facility operators to provide that information, solid waste handlers and transfer station operators shall provide information to disposal facility operators on the origin of the solid waste that they deliver to the disposal facility.

(b) (1) Recycling and composting operations and facilities shall submit periodic information to the department on the types and quantities of materials that are disposed of, sold, or transferred to other recycling or composting facilities, end users inside of the state or outside of the state, or exporters, brokers, or transporters for sale inside of the state or outside of the state.

(2) Exporters, brokers, self-haulers, and transporters of recyclables or compost shall submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred. The department shall develop regulations implementing this section that define "self-hauler" to include, at a minimum, a person or entity that generates and transports, utilizing its own employees and equipment, more than one cubic yard per week of its own food waste to a location or facility that is not owned and operated by that person or entity.

(3) The information in the reports submitted pursuant to this subdivision may be provided to the department on an aggregated facility-wide basis and may exclude financial data, such as contract terms and conditions (including information on pricing, credit terms, volume discounts and other proprietary business terms), the jurisdiction of the origin of the materials, or information on the entities from which the materials are received. The department may provide this information to jurisdictions, aggregated by company, upon request. The aggregated information, other than that aggregated by company, is public information.

(c) The department shall adopt regulations pursuant to this section requiring practices and procedures that are reasonable and necessary to implement this section, and that provide a representative accounting of solid wastes and recyclable materials that are handled, processed, or disposed. Those regulations approved by the department shall not impose an unreasonable burden on waste and recycling handling, processing, or disposal operations or otherwise interfere with the safe handling, processing, and disposal of solid waste and recyclables. The department shall include in those regulations both of the following:

(1) Procedures to ensure that an opportunity to comply is provided prior to initiation of enforcement authorized by Section 41821.7.

(2) Factors to be considered in determining penalty amounts that are similar to those provided in Section 45016.

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(d) Any person who refuses or fails to submit information required by regulations adopted pursuant to this section is liable for a civil penalty of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(e) Any person who knowingly or willfully files a false report, or any person who refuses to permit the department or any of its representatives to make inspection or examination of records, or who fails to keep any records for the inspection of the department, or who alters, cancels, or obliterates entries in the records for the purpose of falsifying the records as required by regulations adopted pursuant to this section, is liable for a civil penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000) for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(f) Liability under this section may be imposed in a civil action, or liability may be imposed administratively pursuant to this article.

(g) (1) Notwithstanding Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code and Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, all records that the facility or operator is reasonably required to keep to allow the department to verify information in, or verification of, the reports required pursuant to subdivisions (a) and (b) and implementing regulations shall be subject to inspection and copying by the department, but shall be 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).

(2) Notwithstanding Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code and Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, an employee of a government entity may, at the disposal facility, inspect and copy records related to tonnage received at the facility on or after July 1, 2015, and originating within the government entity's geographic jurisdiction. Those records shall be limited to weight tags that identify the hauler, vehicle, quantity, date, type, and origin of waste received at a disposal facility. Those records shall be available to those government entities for the purposes of subdivision (a) and as necessary to enforce the collection of local fees, but those records shall be 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). Names of haulers using specific landfills shall not be disclosed by a government entity unless necessary as part of an administrative or judicial enforcement proceeding to fund local programs or enforce local franchises.

(3) A government entity may petition the superior court for injunctive or declaratory relief to enforce its authority under paragraph (2). The times for responsive pleadings and hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

(4) For purposes of this section, a government entity is an entity identified in Section 40145 or an entity formed pursuant to Section 40976.

(5) For purposes of this subdivision, "disposal" and "disposal facility" have the same meanings as prescribed by Sections 40120.1 and 40121, respectively.

(6) Nothing in this subdivision shall be construed to limit or expand the authority of a government entity that may have been provided by this section and implementing regulations as they read on December 31, 2015.

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(7) The records subject to inspection and copying by the department pursuant to paragraph (1) or by an employee of a government entity pursuant to paragraph (2) may be redacted by the operator before inspection to exclude confidential pricing information contained in the records, such as contract terms and conditions (including information on pricing, credit terms, volume discounts, and other proprietary business terms), if the redacted information is not information that is otherwise required to be reported to the department.

(h) Notwithstanding the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code), reports required by this section shall be submitted electronically, using an electronic reporting format system established by the department.

(i) All records provided in accordance with this section shall be subject to Section 40062.

(Added Stats 1992 ch 1292 § 44 (AB 2494). Amended Stats 1994 ch 1227 § 19 (AB 688); Stats 2000 ch 740 § 10 (SB 2202); Stats 2012 ch 728 § 160 (SB 71), effective January 1, 2013; Stats 2015 ch 746 § 1 (AB 901), effective January 1, 2016; Stats 2016 ch 443 § 1 (AB 1103), effective January 1, 2017.)

41821.6 Authority of department to conduct audits and inspections

In order to ensure that records required pursuant to this article are 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).

(Added Stats 2015 ch 746 § 3 (AB 901), effective January 1, 2016.)

41821.7 Civil liability; Independent hearing officer

(a) The department may issue an administrative complaint to any person on whom civil liability may be imposed pursuant to this article. The complaint shall allege the acts or failures to act that constitute the basis for liability and the amount of the proposed civil liability. The complaint shall be served by personal service or certified mail and shall inform the party so served that a hearing shall be conducted within 60 days after the party has been served, unless the party waives the right to a hearing.

(b) If the party waives the right to a hearing, the department shall issue an order setting liability in the amount proposed in the complaint unless the department and the party have entered into a settlement agreement, in which case the department shall issue an order setting liability in the amount specified in the settlement agreement. If the party has waived the right to a hearing or if the department and the party have entered into a settlement agreement, the order shall not be subject to review by any court or agency.

(c) Any hearing required under this section shall be conducted by an independent hearing officer according to the procedures specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except as otherwise specified in this section. *(Added Stats 2015 ch 746 § 3 (AB 901), effective January 1, 2016.)*

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41821.8 Orders setting civil liability

(a) Orders setting civil liability issued under this article shall become effective and final upon issuance thereof, and payment shall be made within 30 days of issuance. Copies of these orders shall be served by personal service or by certified mail upon the party served with the complaint and upon other persons who appeared at the hearing and requested a copy.

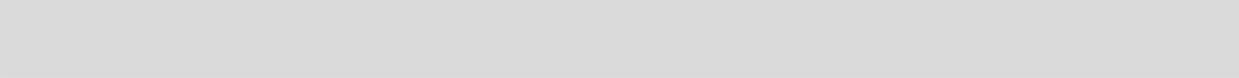
(b) Within 30 days after service of a copy of a decision, any person so served may file with the superior court a petition for writ of mandate for review of the decision. Any person who fails to file the petition within the 30-day period may not challenge the reasonableness or validity of a decision or order of the hearing officer in any judicial proceedings brought to enforce the decision or order or for other remedies.

(c) Except as otherwise provided in this section, Section 1094.5 of the Code of Civil Procedure governs any proceedings conducted pursuant to this subdivision.

(d) This section does not prohibit the court from granting any appropriate relief within its jurisdiction.

(e) All penalties collected under this article shall be deposited in the Integrated Waste Management Account created pursuant to Section 48001.

(Added Stats 2015 ch 746 § 3 (AB 901), effective January 1, 2016.)



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CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 9

ARTICLE 9.25. Recycling and Disposal Reporting System

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 this article, 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.

(New article 9.25 (sections 18815.1-11815.13) and section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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.

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(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, and 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; and

(B) 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 established in section 42649 et seq. of the Public Resources Code,

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- (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.

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(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 consumer.” 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 consumer.” 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 user.” 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

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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, and biomass at a biomass conversion facility, or

(C) Is wood chips that meet applicable industry 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

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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, and organics, as well as intermediate products derived from these materials. “Mixed materials” means 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 who are not exempt as set forth in section 18815.3(c) of this article and 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:

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(A) For materials such as paper, glass, metal, and plastics, recycling 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 and brown goods and textiles, recycling 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 sections 18815.4 through 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.

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(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 contain(s) 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 materials 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 materials from a generator is not a transporter. A driver employed or contracted by a reporting entity to deliver materials to a destination specified by the contracting reporting entity is not a transporter.

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(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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 (a)(1). Entities are not required to register and report for the activities listed in subsection (c).

(1) Reportable material categories:

- (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) Entities required to register and report:

(1) Permitted disposal facilities that dispose of 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,

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- (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 or more tons of materials described in subsection (a)(1) out-of-state per quarter,
 - (B) Contract haulers who haul 50 or more tons 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.
- (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 transfer or process 100 or more tons 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,
 - (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 that exclusively process CDI and sell or transfer 2,500 or more tons of CDI per quarter, or sell or transfer 100 or more tons of materials described in subsection (a)(1) per quarter, including, but 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,

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- (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 that sell or transfer 100 or more tons 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, and
 - (C) In-vessel digestion facilities and operations.
- (6) Brokers/transporters who sell or transfer, and control and determine the destination of, 100 or more tons of materials described in subsection (a)(1) per quarter.
- (c) Entities not required to register and report:
- (1) End users performing activities 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,

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- (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.
- (3) A recycler who only recycles materials they have generated.
- (4) A thrift store, automobile dismantler, building supply reclaimer or reuser, and any other person whose primary business is resale for reuse of an object or material and 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.
- (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. 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 40 Code of Federal Regulations part 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.

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(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.

(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 at 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 the reporting entity, utilizing 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 lowest 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 at 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 at 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 why 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

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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, may request that the Department permanently inactivate their RDRS registration status.

(i) A reporting entity who is registered but has cumulative tonnages below reporting thresholds for a reporting period shall notify the Department that 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;

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(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 subsection is intended to require the Department to disclose the name or other identifying information regarding any individual(s) who have provided information indicating that the person may be required to report. Nothing in this section precludes the Department from 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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 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 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 described in section 18815.9 of this article. A hauler shall provide the information at the time of delivery, unless both the hauler and receiving

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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 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 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 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 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 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 regarding 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.

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(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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 described 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. Report 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 subsection (1)(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.

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(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 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 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 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 regarding the identities of individual haulers when providing jurisdiction of origin, or source sector information to the Department as part of a quarterly report. The Department shall not require a transfer/processor to submit information regarding 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.

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(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 tons of solid waste disposed from each jurisdiction of origin.

(B) 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.

(C) For direct-hauled disaster debris not commingled with other solid waste, report the tons disposed.

(D) For direct-hauled designated waste not commingled with other solid waste, report the tons disposed.

(E) 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, assigning the tons to the jurisdiction within which the site is located.

(b) In their 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 California, report the 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, pursuant to 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:

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(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 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 their report to the Department, a disposal facility shall provide the following information for the total 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 tons of each material type accepted for use as ADC.

(B) Report the tons of each material type accepted for use as AIC.

(C) Report the tons of each material type accepted for use in construction.

(D) Report the 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 tons by jurisdiction of origin accepted for use as ADC.

(B) Report the tons by jurisdiction of origin accepted for use as AIC.

(C) Report the tons by jurisdiction of origin accepted for use in construction.

(D) Report the 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 tons of each material type accepted for use as ADC.

(B) Report the tons of each material type accepted for use as AIC.

(C) Report the tons of each material type accepted for use in construction.

(D) Report the tons of each material type accepted for use in landscaping and erosion control.

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(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 regarding 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 regarding 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 that a disposal facility submit this information in lieu of an audit, or as part of an audit or administrative proceeding.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

18815.7. Reporting Requirements for Recycling and Composting Facilities and Operations

(a) In their 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 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.

(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 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:

(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.

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(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 regarding 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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 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 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.

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(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 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 regarding 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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 entities reporting 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.

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- (A) Food waste self-haulers shall report pursuant to section 18815.4(b) of this article.
- (B) Recycling and composting facilities and operations shall report by material type pursuant to subsection (a)(2) for residuals and separated materials sent to a disposal facility.
- (C) Entities reporting potential beneficial reuse material shall report pursuant to subsection (a)(3).
 - (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 (e.g., HDPE, aluminum, concrete, or mulch).
 - (B) A reporting entity shall report combinations of various materials within a single material category based on applicable industry standards (e.g., 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 applicable 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:

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(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 other 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. At minimum, a gatehouse attendant must be present during all business hours of one week per quarter. If this requirement is not met, 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 the survey week(s) 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 jurisdictional 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

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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 vehicle 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 source sector based on 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 the driver delivering each incoming load.

(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 based on vehicle 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 based on 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.”

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(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) Assigning disaster debris and designated waste as “self-hauled.”

(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 described in 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 who 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 who 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 they 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 they 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 they 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 they 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 at the same site using a conveyance system without scales, shall estimate and report tonnages transferred by using volume-to-weight-conversion factors, flow rates, or belt scales.

(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 does not allow for the adequate operation and maintenance of scales.

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(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 at the same site shall be recorded and reported as described below. Refer to subsection (g) 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 at 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 to 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 prescribed in subsections (a), (b) and (c).

(4) A transfer/processor shall include the total 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)(C) of this article.

(5) A disposal facility shall include the total 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)(2)(E) 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)(1).

(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.

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(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 subsections (j)(6) and (j)(7).

(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 subsection (j)(1).

(B) For material sent to a recycler or composter, report pursuant to subsection (j)(6).

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

18815.10. Procedure for Imposing Civil Liabilities

(a) The Department shall impose administrative civil penalties 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. 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) Notification that if the alleged violation or compliance failure is corrected by the deadline, then no further enforcement will be pursued by the Department.

(5) Notification that if there are extenuating circumstances, then the Department can extend the compliance deadline.

(c) Civil penalties set forth in Penalty Table I may be imposed 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

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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.

<i>Authority</i>	<i>Description of Violation</i>	<i>1st Violation</i>	<i>2nd Violation</i>	<i>3rd and Subsequent Violation(s)</i>
Public Resources Code 41821.5(d)	A reporting entity fails to submit information on time as required by this article.	\$500	\$1,000	\$5,000
Public Resources Code 41821.5(d)	A reporting entity refuses to submit information required by this article.	\$1,000-\$5,000	\$1,000-\$5,000	\$5,000
Public Resources Code 41821.5(e)	A reporting entity knowingly or willfully files a false report, or a reporting entity alters, cancels, or obliterates entries in the records for the purpose of falsifying the records as required by this article.	\$500-\$10,000	\$2,500-\$10,000	\$5,000-\$10,000
Public Resources Code 41281.5(e)	A reporting entity fails to keep any records for inspection as required by this article.	\$500	\$500-\$2,500	\$1,000-\$5,000

(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 using the same service procedures 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.

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(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 that 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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

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 10 business days, unless additional time is necessary to search for, collect, and examine records to respond to the

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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 a 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, shall not be subject to disclosure under the California Public Records Act [Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code], and shall 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

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compliance procedures outlined in sections 18815.10, 18815.11 and 18815.12 of this article.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)

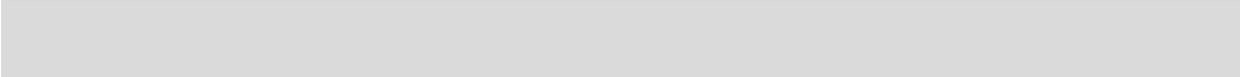
18815.13. Complaints Regarding Non-Compliance

(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 them 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.

(New section filed 3-5-2019; operative 3-5-2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 10).)



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HELPFUL DEFINITIONS (All from 14 CCR, Div. 7, Ch. 3, Articles 5.9 and 5.95)

17381. Definitions

(e) "**Construction and Demolition Debris**", or "**C&D Debris**" is solid waste that is a portion of the waste stream defined as "construction and demolition wastes," as defined in Section 17225.15 of Article 4 of this Chapter, and means source separated or separated for reuse solid waste and recyclable materials, including commingled and separated materials, that result from construction work, that are not hazardous, as defined in CCR, Title 22, section 66261.3 et seq., and that contain no more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes do not constitute a nuisance, as determined by the EA.

(1) C&D debris includes only the following items which meet the above criteria:

(A) components of the building or structure that is the subject of the construction work including, but not limited to, lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, plastic pipe, concrete, fully cured asphalt, heating, ventilating, and air conditioning systems and their components, lighting fixtures, appliances, equipment, furnishings, and fixtures;

(B) tools and building materials consumed or partially consumed in the course of the construction work including material generated at construction trailers, such as blueprints, plans, and other similar wastes;

(C) cardboard and other packaging materials derived from materials installed in or applied to the building or structure or from tools and equipment used in the course of the construction work; and

(D) plant materials resulting from construction work when commingled with dirt, rock, inert debris or C&D debris.

(2) C&D debris expressly excludes, commingled office recyclables and, except as provided in subdivision 17381 (e) above, commingled commercial solid waste and commingled industrial solid waste as they are defined in Title 27, CCR section 20164.

(3) Notwithstanding anything to the contrary in this Article, C&D debris includes material, whether or not from construction work, that is generally similar to C&D debris and that is separated for reuse, that is not hazardous, that contains no putrescible wastes and that can be processed without generating any residual, provided that the material is generated by an activity that is similar to, or is directly or indirectly related to, construction work, including without limitation: manufacturing materials for use in construction work, such as wood products, clay or ceramic products, plumbing systems, electrical equipment, metal work and HVAC systems.

(k) "**Inert Debris**" means solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste (as defined in CCR, Title 22, section 66261.3 et. seq.) or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste. Inert debris may not contain more than 1% putrescible wastes by volume calculated on a monthly basis and the putrescible wastes shall not constitute a nuisance, as determined by the EA. Gravel,

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rock, soil, sand and similar materials, whether processed or not, that have never been used in connection with any structure, development, or other human purpose are not inert debris and may be commingled with inert debris.

(1) "Type A inert debris" includes but is not limited to concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. Type A inert debris is waste that does not contain soluble pollutants at concentrations in excess of water quality objectives and has not been treated in order to reduce such pollutants. The board, upon consultation with the State Water Resources Control Board, will determine on a case by case basis whether materials not listed in this subdivision qualify as Type A inert debris.

(2) "Type B inert debris" is solid waste that is specifically determined to be inert by the applicable RWQCB, such as treated industrial wastes and de-watered bentonite-based drilling mud, but excluding Type A inert debris.

(m) "**Inert Debris Processing Facility**" means a site that receives 1500 tons or more per operating day of any combination of Type A and Type B inert debris, or any amount of Type B inert debris, for storage, handling, transfer, or processing.

(n) "**Inert Debris Type A Disposal Facility**" means a site where only Type A inert debris is disposed to land. Inert debris Type A disposal facilities do not include inert debris engineered fill operations.

(o) "**Inert Debris Type A Processing Operation**" means a site that receives less than 1500 tons per operating day of only Type A inert debris for storage, handling, transfer, or processing.

(q) "**Large Volume Construction and Demolition/Inert (CDI) Debris Processing Facility**" means a site that receives 175 tons or more of any combination of C&D debris and Type A inert debris per operating day for the purposes of storage, handling, transfer, or processing.

(t) "**Medium Volume Construction and Demolition/Inert (CDI) Debris Processing Facility**" means a site that receives at least 25 tons per operating day and less than 175 tons per operating day of any combination of C&D debris and Type A inert debris for the purposes of storage, handling, transfer, or processing.

(v) "**Processing**" means controlled separation, recovery, volume reduction, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting; chipping, grinding, shredding or baling; the use of vehicles for spreading of waste for the purpose of recovery; and the use of conveyor belts, sorting lines or volume reduction equipment.

(w) "**Putrescible Wastes**" means solid wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(x) "**Residual**" means the solid waste destined for disposal, further transfer/processing as defined in section 17402(a)(30) or (31) of Article 6.0, or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials. Notwithstanding, for purposes of this Article, "residual" excludes any inert debris that is destined for or disposed in an inert debris

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engineered fill operation. Further notwithstanding, for purposes of this Article, "further transfer/processing" does not include processing that occurs at a CDI recycling center or an inert debris recycling center, as described in Section 17381.1(a) of this Article, or at a recycling center as defined at Section 17402.5(d) of Article 6.0 of this Chapter.

(y) "**Separated for Reuse**" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated".

(cc) "**Small Volume Construction and Demolition/Inert (CDI) Debris Processing Operation**" means a site that receives less than 25 tons of any combination of C&D debris and Type A inert debris per operating day for the purposes of storage, handling, transfer, or processing.

(dd) "**Source Separated**" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

17381.1 **Activities That Are Not Subject to the Construction and Demolition/Inert Debris Regulatory Requirements**

(Inert Debris Recycling Center)

(a) A site that receives only construction and demolition debris and inert debris (CDI) and which meets the requirements of this section shall be classified as a CDI recycling center. A site that receives only inert debris and which meets the requirements of this section shall be classified as an inert debris recycling center. CDI recycling centers and inert debris recycling centers shall not be subject to any other requirements of this Article except as specified in this section.

(1) The CDI debris that a CDI recycling center receives shall have been separated at the point of generation.

(A) For the purposes of this section, "separated at the point of generation" means that the material has been separated from the solid waste stream by the generator of that material or by a processor prior to receipt at a CDI recycling center and has not been commingled with other solid waste or recyclable materials. For example, each material type must be transferred in separate containers to the recycling center. Notwithstanding, cardboard, lumber and metal may be commingled in a single container.

(2) An inert debris recycling center shall receive only Type A inert debris that is source separated or separated for reuse. The inert debris may be commingled in a single container.

(b) CDI recycling centers and inert debris recycling centers shall meet the following requirements:

(1) The residual shall be less than 10% by weight of the amount of debris received at the site, calculated on a monthly basis. Recycling center operators may report their residual percentage to the EA and the Department on Form CIWMB 607 (see Appendix A).

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(2) The amount of putrescible wastes in the CDI debris received at the site shall be less than 1% by volume of the amount of debris received at the site, calculated on a monthly basis, and the putrescible wastes shall not constitute a nuisance, as determined by the EA.

(c) Chipping and grinding of any material, or the receipt of chipped and ground material, is prohibited at CDI recycling centers.

(d) The following storage time limits apply to CDI recycling centers:

(1) CDI debris stored for more than 30 days that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) CDI debris that has been processed and sorted for resale or reuse, but remains stored on-site for more than 90 days, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to CDI recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.

(4) At the EA's discretion, storage time limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(5) CDI recycling center storage time limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(e) The following storage limits apply to inert debris recycling centers:

(1) Inert debris stored for more than 6 months that has not been processed and sorted for resale or reuse shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(2) Inert debris that has been processed and sorted for resale, or reuse, but remains stored on-site for more than 12 months, shall be deemed to have been unlawfully disposed and therefore subject to enforcement action, including the use of a Notice and Order as provided in section 18304.

(3) Storage time limits do not apply to Type A inert debris recycling centers which are located at an inert debris engineered fill operation, an inert debris Type A disposal facility, or at a material production facility.

(4) Storage time limits do not apply to Type A inert debris recycling centers where a financial assurance mechanism pursuant to section 17384(c) has been approved by the Department.

(5) At the EA's discretion, storage limits for sorted and processed materials may be extended to the time specified in a land use entitlement for the site that has an express time limit for the storage of materials.

(6) Inert debris recycling center storage limits may be extended for a specified period, if the operator submits to the EA a storage plan as described in section 17384(b) and if the EA finds, on the basis of substantial evidence, that the additional time does not increase the potential harm to public health, safety and the environment. The EA may consult with other

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public agencies in making this determination. The extended storage term, any applicable conditions the EA imposes and the EA's findings shall be in writing.

(f) Nothing in this section precludes the EA or the Department from inspecting a site to verify that it is and has been operating in a manner that meets the requirements of this section, or from taking any appropriate enforcement action, including the use of a Notice and Order as provided in section 18304.

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17388 Definitions

(d) "**CDI Waste Disposal Facility**" means a facility at which C&D waste, C&D waste together with inert debris (Type A or B) or inert debris (Type B) only is disposed.

(l) "**Inert Debris Engineered Fill Operation**" means an activity exceeding one year in duration in which only the following inert debris may be used: fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil. Those materials are spread on land in lifts and compacted under controlled conditions to achieve a uniform and dense mass which is capable of supporting structural loading, as necessary, or supporting other uses such as recreation, agriculture and open space in order to provide land that is appropriate for an end use consistent with approved local general and specific plans (e.g., roads, building sites, or other improvements) where an engineered fill is required to facilitate productive use(s) of the land. Filling above the surrounding grade shall only be allowed upon the approval of all governmental agencies having jurisdiction. The engineered fill shall be constructed and compacted in accordance with all applicable laws and ordinances and in accordance with specifications prepared and certified at least annually by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California and maintained in the operating record of the operation. The operator shall also certify under penalty of perjury, at least annually, that only approved inert debris has been placed as engineered fill, and specifying the amount of inert debris placed as fill. These determinations may be made by reviewing the records of an operation or by on-site inspection. Certification documents shall be maintained in the operating records of the operation and shall be made available to the EA during normal business hours. Acceptance of other Type A inert debris or shredded tires pursuant to Waste Discharge Requirements prior to the effective date of this Article does not preclude an activity from being deemed an inert debris engineered fill operation, provided that the operation meets all the requirements of this Article once it takes effect. Where such materials have been deposited, the operator must specify in the operation plan the type of waste previously accepted, a diagram of the fill area, and estimations of the depth of the fill material previously accepted. Inert debris placed in an Inert Debris Engineered Fill Operation is not counted as diversion or disposal for a given jurisdiction.

