

AB 901 Regulation Development
Draft of Reporting Regulations for Disposal, Diversion & Enforcement
For Public Release 6/24/2016

Section X.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 an agency, district, jurisdiction, or the Department from requiring a reporting entity to supply additional information on activities related to disposal, diversion, or recycling based upon their own authority to impose requirements.

Section X.2 Definitions.

- (a) For the purposes of this Article, the following terms have the meanings given below.
 - (1) "Alternative daily cover" has the same meaning as in section 20690 of Title 27 of the California Code of Regulations.
 - (2) "Alternative intermediate cover" has the same meaning as in section 20700 of Title 27 of the California Code of Regulations.
 - (3) "Beneficial reuse" has the same meaning as in section 20686 of Title 27 of the California Code of Regulations which includes, but is not limited to, the following types: alternative daily cover, alternative intermediate cover, final cover foundation layer, liner operations layer, leachate and landfill gas collection system, construction fill, road base, wet weather operations pads and access roads, and soil amendments for erosion control and landscaping.
 - (4) "Broker" means a person or other entity who buys, arranges, or facilitates the sale, transfer or exchange of any recyclable or compostable material from facilities or entities in California.
 - (5) "Chipping and grinding" facilities or operations means a facility or operation that separates, grades, and resizes woody green wastes or used lumber.
 - (6) "Compost" has the same meaning as defined in section 40116 of the Public Resources Code.
 - (7) "Composting" has the same meaning as defined in section 40116.1 of the Public Resources Code; including but not limited to: windrow composting, in-vessel composting, in-vessel digestion, and aerated static piles.
 - (8) "Construction and Demolition (C&D) Debris" has the same meaning as in section 17381(e) of Title 14 of the California Code of Regulations.
 - (9) "DDRS Number" means the Disposal and Diversion Reporting System Number that is assigned to a reporting entity upon registration with the Department's electronic reporting system.
 - (10) "Department" means the California Department of Resources Recycling and Recovery.
 - (11) "Designated waste" has the same meaning as in section 13173 of the California Water Code.
 - (12) "Disaster debris" has the same meaning as in section 17210.1(d) in Title 14 of the California Code of Regulations.
 - (13) "Disposal" has the same meaning as section 40192 of the Public Resources Code.
 - (14) "Disposal Facility" means a facility where the final disposal of solid waste occurs in California, including, but not limited to:
 - (A) Landfills;
 - (B) Engineered Municipal Solid Waste facilities;

(C) Transformation facilities.

(15) "District" means a community service district established in accordance with Government Code section 61000 et seq., which provides solid waste handling services or implements source reduction and recycling programs. "District" also includes a sanitary district or a public utility district that provides solid waste handling services or implements source reduction and recycling programs.

(16) "Electronic Devices" means any electronic device that is a hazardous waste (with or without a Cathode Ray Tube (CRT)), including televisions, computer monitors, cell phones, VCRs, computer CPUs and portable DVD players.

(17) "End User" means the person who uses a product made from recovered material after a level of processing that has resulted in that material:

(A) Significantly resembling a virgin material (such as plastic pellets, paper pulp, metal ingots, glass cullet, etc.), or

(B) Becoming a homogenous mixture or material (such as mulch or compost or a material suitable for direct land application).

End use or End User does not mean a facility solely engaged in baling, washing, or simple size reduction for ease of transportation or processing.

(18) "Engineered municipal solid waste" or "EMSW" has the same meaning as defined in section 40131.2 of the Public Resources Code.

(19) "Franchised" means hauling of solid waste or recyclable/compostable material done by contracted or franchised waste haulers, both private and public.

(20) "Generator" means a site that is responsible for the initial creation of the mixed solid waste or mixed recyclable and compostable material.

(21) "Government entity" is an entity identified in section 40145 of the Public Resources Code or an entity formed pursuant to section 40976 of the Public Resources Code.

(22) "Hauler" means a person who collects solid waste or recyclable/compostable material from a generator and delivers the waste to a facility or directly to an end use. "Hauler" includes public contract haulers, jurisdictions, districts, private companies, self-haulers, and local governments who perform this function. "Hauler" does not include a person who transports solid waste or recyclable/compostable material from one facility to another facility.

(23) "Inerts" means concrete, asphalt, asphalt roofing, aggregate, brick, rubble, and soil.

(24) "Jurisdiction" 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 other than the State of California, jurisdiction means the state or Indian country in which that place is located. For places located in a country other than the United States of America, jurisdiction means the country in which that place is located.

(25) "Landfill" has the same meaning as defined in section 18720(a)(50) of Title 14 of the California Code of Regulations.

(26) "Material recovery facility" or "MRF" means a facility which sorts and processes materials for the purpose of recovery of recyclable and/or compostable materials, by moving materials through a processing line which includes a mechanized conveyance system, and separating or sorting materials by machinery or by hand, in order to aggregate materials by type or grade, and produce materials for sale to various markets or end users. The facility may or may not have a Solid Waste Facility Permit, and the incoming material may be commingled recyclables that have been segregated from solid waste, or mixed municipal solid waste which includes recyclable materials.

(27) "Material category" is the kind material that recycling and composting operations must report, pursuant to this article. Material categories include:

(A) Paper

(B) Plastics

- (C) Glass
- (D) Metals
- (E) Organics
- (F) Construction and demolition debris and inerts
- (G) Target products including carpet, mattresses, white goods, furniture, electronics, textiles, household batteries, architectural paint, used tires
- (H) Mixed recyclable or compostable materials containing less than 10% residual non-recyclable materials
- (I) Mixed solid waste which may contain recyclable materials but also contain greater than 10% residual non-recyclable materials

(28) "Municipal Solid Waste" or "MSW" has the same meaning as defined in section 18720 (a)(40) of Title 14 of the California Code of Regulations.

(29) "Operator" means a person who owns or manages a solid waste, recycling or composting facility or operation, or is otherwise authorized by an owner or manager.

(30) "Person" has the same meaning as defined in section 40170 of the Public Resources Code.

(31) "Recyclable/Compostable" means materials that have the potential and intention to be recycled or composted.

(32) "Recycle" or "recycling" has the same meaning as defined in section 40180 of the Public Resources Code. This includes both traditionally recycled commodities, recycled organics, and other recycled materials and products.

- (A) For traditional commodity recyclables such as paper, glass, metal, and plastics: this includes but is not limited to sorting, baling, shredding, pulping, crushing, cullet making, smelting, flaking, and pelletizing.
- (B) For non-composted recycled organics such as food waste and green waste, this includes but is not limited to mulching, chipping and grinding.
- (C) For recycled construction and demolition material, this includes but is not limited to: crushing, grinding, shredding, sizing or other processing of asphalt, concrete, lumber, brick, carpet and gypsum board.
- (D) For other targeted products, this includes but is not limited to: sorting, baling, cutting, shearing, renovating, deconstruction, and removal of components from products including mattresses, furniture, appliances, textiles, electronics, etc.

(33) "Recycling facility or operation" means any operation or facility in California that accepts or separates materials for recycling or composting.

(34) "Reporting Entity" means a person who is required to report pursuant to this Article, including but not limited to the following categories:

- (A) Haulers
- (B) Transfer Stations and Material Recovery Facilities
- (C) Recycling and Composting Operations
- (D) Disposal Facilities
- (E) Transporters and Brokers

(35) "Reporting Period" means the period of time for which a report must be submitted to the Department. Reporting periods shall be defined as follows:

- (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

(36) "Residual(s)" means the solid waste which remains after the extraction or processing of recyclable and compostable materials from solid waste or mixed recyclable or compostable materials.

(37) "Self-hauler" means a person who hauls their own waste or recyclable/compostable material, and transports the waste to a solid waste facility, recycling facility, or end user. This includes anyone other than a contracted, franchised, or municipal hauler.

(38) "Soil" includes clean or contaminated soil.

(39) "Solid waste" or "waste" has the same meaning as defined in section 40191 of the Public Resources Code. This includes mixed residual material after processing.

(40) "Source sector" means the source from which solid waste is generated, described as:

- (A) Franchised Residential, Single-family
- (B) Franchised Residential, Multi-family
- (C) Franchised Commercial
- (D) Self-hauled Residential
- (E) Self-hauled Commercial

(41) "Ton," also referred to as short ton or net ton, means 2000 pounds (lbs.).

(42) "Transfer station" has the same meaning as transfer/processing facilities and transfer processing operations, as defined in sections 17402(a)(30 and 31) of Title 14 of the California Code of Regulations, which receives, temporarily stores, and ships unprocessed waste and/or materials for recycling or composting.

(43) "Transformation facility" has the same meaning as in section 40201 of the Public Resources Code.

(44) "Transporter" means a person who transports waste, recyclable/compostable material, or recycled material from a facility to another facility or end user.

Section X.3 Registration, Reporting and Exemptions.

- (a) All reporting entities shall register with and obtain a DDRS Number from the Department's electronic reporting system.
 - (1) Entities which never handle, manage, transfer, sell, or accept an aggregated total of 10 tons of recyclable materials, and/or solid waste during a reporting period, are not required to register or report with the Department's electronic reporting system.
 - (2) Entities which have had to register with and report to the Department within the previous 6 reporting periods but meet the conditions in X.3(a)(1) for the current reporting period must notify the Department that they do not meet the requirements to report during the current quarter.
 - (A) Notification will no longer be required after 6 consecutive reporting periods.
 - i. Registration will expire at the end of the 6 consecutive reporting periods and will have to be renewed if the conditions in X.3(a)(1) are not met during future reporting periods.
 - (3) Entities which handle compostable materials only, and which are excluded facilities per Title 14, California Code of Regulations, Section 17855, are not required to register or report.
 - (4) End users of recycled or composted materials are not required to register or report.
- (b) All registered reporting entities shall file a Report for each reporting period using the Department's electronic reporting system, and ensure that the information provided and any required supporting documentation is accurate, complete, and entered electronically.
- (c) Each Report shall include:

- (1) The name, address, phone number, electronic mail address, contact person name, and DDRS number of the reporting entity;
 - (2) The name, address, phone number, electronic mail address, contact person name, and DDRS number (when applicable) of each person receiving recyclable/compostable materials or solid waste, regardless of the receiver's location or activity.
 - (3) The information required by sections X.4-X.8.
- (d) The Report must be submitted to the Department no later than:
- (1) For Disposal Facilities: 45 calendar days after the end of the reporting period
 - (2) For all other reporting entities: 30 calendar days after the end of the reporting period.
- (e) Reports shall be submitted by the operator, or a person with signature authority as designated by the operator.
- (f) A recycling or composting facility that has multiple operations at one physical location may file one Report for the reporting period for all activities at that location.
- (g) If a reporting entity is unable to record the weight of material subject to reporting, it may use a reasonable conversion factor but shall retain documentation on the factor, its basis and its usage.
- (1) If after review, the Department determines that volumetric conversion factors are not satisfactory, it may require the reporting entity to collect new weight data to establish new volumetric conversion factors and revise their reports.

Section X.4 Reporting Requirements for Haulers.

- (a) A Hauler shall provide the following information to a receiving reporting entity for all tons handled:
- (1) For solid waste hauled: The jurisdiction of origin and source sector for all solid waste delivered to each reporting entity, in tons or by percentage.
 - (2) For recyclable/compostable materials hauled: The jurisdiction of origin and source sector in tons or by percentage for recyclable/compostable materials sent or delivered to a Reporting Entity, such that they may properly allocate tons of residuals to their source sector.
 - (A) This information will not be provided to the Department except on an aggregated basis.
- (b) This information pursuant to X.4(a) must be provided to the receiving reporting entity no later than 15 days after the end of the reporting period.
- (c) A Hauler shall provide in its Report to the Department the following information for tons hauled:
- (1) Directly from a Generator to and End User:
 - (A) For recyclable/compostable materials or land application material: Tons of recyclable/compostable material for each material type sent to each person.
 - (2) For solid waste exported outside of the state:
 - (A) The total amount, jurisdiction of origin, and source sector for all solid waste sent to each facility for disposal, in tons or by percentage.
 - (3) For recyclable/compostable materials exported outside of the state:
 - (A) The tons of recyclable/compostable material for each material type sent to each person.
 - (4) Materials shall be reported at the level of segregation of the material at the time it was sold or transferred.
 - (A) If it is a homogenous material or individual grade of material, then it shall be reported at the material type level.
 - (B) If it is a combination of various material types within a material category, then it shall be reported at the material category level.

- (C) If it is mixed recyclables or mixed solid waste, then it shall be reported as that residual category.
- (5) The Report shall be submitted to the Department no later than 30 calendar days after the end of the reporting period.
- (d) A Hauler shall use reasonable methodology to estimate the jurisdiction of origin and source sector, including but not limited to:
 - (1) Using company dispatcher records of hauling routes and generator locations,
 - (2) Billing records,
 - (3) Or other relevant records, such as:
 - (A) The number of bins emptied from each jurisdiction and sector,
 - (B) The total capacity of bins emptied from each jurisdiction and sector, or
 - (C) The actual tons collected from each jurisdiction and sector.
- (e) For the purposes of DDRS reporting, haulers shall not be required to submit information on specific collection locations or customers when providing jurisdiction of origin, material type or source sector information to other reporting entities.
 - (1) This does not preclude a jurisdiction from requiring this information to be provided through franchise agreements, contracts, local ordinances, etc.
- (f) Haulers shall not be required to submit information on specific collection locations or customers when providing jurisdiction of origin, material type or source sector information to the department as part of a Report.

Section X.5 Reporting Requirements for Transfer Stations and Material Recovery Facilities

- (A) A transfer station or material recovery facility shall provide in its Report all of the following information for all tons handled:
 - (1) For solid waste and/or residuals sent to a person inside or exported outside of the state:
 - (A) The total amount, jurisdiction of origin, and source sector for all solid waste sent to each facility for disposal, in tons or by percentage.
 - (2) For recyclable/compostable material sent to a person inside or exported outside the state:
 - (A) The tons of recyclable/compostable material for each material type sent to each person;
 - (B) Materials shall be reported at the level of segregation of the material at the time it was sold or transferred.
 - i. If it is a homogenous material or individual grade of material, then it shall be reported at the material type level.
 - ii. If it is a combination of various material types within a material category, then it shall be reported at the material category level.
 - iii. If it is mixed recyclables or mixed solid waste, then it shall be reported as that residual category.
- (b) Transfer stations and MRFs shall use the information provided by the haulers as the basis to determine the jurisdiction of origin and source sector for residuals sent to disposal. A transfer station or MRF may use the information on inbound loads to assign residuals to jurisdiction of origin and source sector. If a transfer station or MRF reports different information it shall use a reasonable methodology, and report the use of that methodology to the Department, to adjust the jurisdiction of origin and source sector of residuals sent to disposal for differences in recovery rates between sources, such as:
 - (A) Tracking and sorting individual loads,
 - (B) Segregating the flows from a jurisdiction, or

- (C) Other relevant information on the composition and recoverability of the materials from each jurisdiction or source sector.

Section X.6 Reporting Requirements for Disposal Facilities

- (a) A disposal facility shall provide in its Report all of the following information for all tons handled:
 - (1) For solid waste disposed of at the facility:
 - (A) The tons, jurisdiction of origin and source sector for all solid waste disposed at the facility.
 - (B) The tons, jurisdiction of origin and source sector for construction and demolition debris.
 - (2) For solid waste used on-site for beneficial reuse:
 - (A) The tons of each material type, jurisdiction of origin and source sector for all solid waste by each type of beneficial reuse.
 - (B) A disposal facility shall not report on the use of clean or contaminated soil segregated prior to receipt by a landfill.
 - (3) For recyclable/compostable materials sent off-site or exported for disposal:
 - (A) The total amount, jurisdiction of origin and source sector for all solid waste sent to each facility for disposal, in tons or by percentage.
 - (4) For recyclable/compostable material sent off-site or exported:
 - (A) The tons of recyclable/compostable material for each material type sent to each person.
 - (B) Materials shall be reported at the level of segregation of the material at the time it was sold or transferred.
 - i. If it is a homogenous material or individual grade of material, then it shall be reported at the material type level.
 - ii. If it is a combination of various material types within a material category, then it shall be reported at the material category level.
 - iii. If it is mixed recyclables or mixed solid waste, then it shall be reported as that residual category.

Section X.7 Reporting Requirements for Recycling and Composting Operations

- (a) A recycling or composting facility shall provide in its Report all of the following information for all tons handled:
 - (1) For all solid waste and/or residuals sent off-site for disposal inside or exported outside of the state:
 - (A) The total tons of material sent to each disposal facility.
 - (B) The jurisdiction of origin and source sector for material sent to a disposal facility if the following two conditions are met:
 - i. More than 10% of the material entering the facility is sent to a disposal facility per month; and,
 - ii. More than 100 tons per month of the material entering the facility is sent to a disposal facility.
 - (2) For all recyclable/compostable material sent to a person inside or exported outside of the state:
 - (A) The total tons of each material type sent to each person.
 - (B) Materials shall be reported at the level of segregation of the material at the time it was sold or transferred.
 - i. If it is a homogenous material or individual grade of material, then it shall be reported at the material type level.

- ii. If it is a combination of various material types within a material category, then it shall be reported at the material category level.
 - iii. If it is mixed recyclables or mixed solid waste, then it shall be reported as that residual category.
- (b) The recycler or composteer may aggregate the information provided in its Report for those end users who receive less than 1 ton of material each.
 - (1) Aggregated data shall be reported as total tons per material type sent to small destination end users during the reporting period.
 - (2) All material sent in quantities larger than 1 ton shall not be aggregated and shall be reported for each destination.

Section X.8 Reporting Requirements for Transporters and Brokers

- (a) If a transporter or broker takes physical or legal possession of solid waste or recyclable/compostable material from a reporting entity, it shall provide in its Report all of the following information for all tons handled:
 - (1) For solid waste transported, sold or exported:
 - (A) The total tons, jurisdiction of origin and source sector for all solid waste sent to each person inside and outside of the state.
 - (2) For recyclable/compostable materials transported, sold or exported:
 - (A) The total tons of each material type sent to each person inside or outside of the state.
 - (B) Materials shall be reported at the level of segregation of the material at the time it was sold or transferred.
 - i. If it is a homogenous material or individual grade of material, then it shall be reported at the material type level.
 - ii. If it is a combination of various material types within a material category, then it shall be reported at the material category level.
 - iii. If it is mixed recyclables or mixed solid waste, then it shall be reported as that residual category.
- (b) The transporter, broker, or exporter may aggregate the information provided in its quarterly report for those end users that receive less than 1 ton of material each.
 - (1) Aggregated data shall be reported as total tons per material type sent to small destination end users during the reporting period.
 - (2) All recyclable/compostable material sent in quantities than 1 ton shall not be aggregated and shall be reported for each destination.

Section X.9 Procedure for Imposing Civil Liabilities

- (a) The Department shall impose administrative civil penalties authorized by sections 41821.5 through 41821.8 of the Public Resources Code in accordance with the procedures set forth in this Section.
- (b) In any case in which it is determined that more than one reporting entity is responsible and liable for a violation, each such reporting entity may be held jointly and severally liable for an administrative civil penalty.
- (c) For first offenses, the Department will, prior to the issuance of an accusation imposing administrative civil penalties, issue a written notice of violation including; a description and dates of the violation(s) and a compliance deadline to remedy the violation(s). The Department will notice the reporting entity of the potential penalties for failure to comply prior to the compliance deadline date.
- (d) Civil penalties may be imposed administratively in accordance with the following:

- (1) Potential penalties will be calculated based on Penalty Table I and the following:
- (A) Determine what violation(s) have occurred
 - (B) Determine the number of violations and number of offenses that have occurred.
 - (C) Total potential penalties will be calculated for each violation and multiplied by the number of days the business was in violation. For first offenses, the number of days the violation occurred will begin one day after the Notice of Violation compliance due date.

Penalty Table I

Authority	Description of Violation	1st Offense/	2nd Offense	3rd Offense
PRC 41821.5 (d)	Any person who fails to submit information as required by this Article on time.	\$500	\$1,000	\$5,000
PRC 41821.5 (d)	Any person who refuses to submit information required by this Article.	\$1,000 – \$5,000	\$1,000 - \$5,000	\$5,000
PRC 41821.5 (e)	Any person who knowingly or willfully files a false report or any person who alters, cancels, or obliterates entries in the records for the purpose of falsifying the records as required this Article.	\$500 - \$10,000	\$2,500 - \$10,000	\$5,000- \$10,000
PRC 41821.5 (e)	Any person who refuses to permit the department or any of its representatives to make inspection or examination of records as required by this Article.	\$500-\$2,500	\$2,500- \$5,000	\$5,000
PRC 41821.5 (e)	Any person who fails to keep any records for the inspection of the department as required by this Article.	\$500	\$500 - \$2500	\$1,000 - \$5,000

(e) Once a potential penalty amount is determined, the department may take the following factors into consideration in determining the penalty to be requested in the accusations:

- (1) Whether the violations or conditions giving rise to the violation were intentional.
- (2) Whether the violations demonstrate a chronic pattern of noncompliance with this division, the regulations adopted pursuant to this division.
- (3) Whether the violations or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the violator or were unavoidable under the circumstances.
- (4) Whether the violator acted in good faith to comply, including correcting the violations in a timely fashion.
- (5) Whether the violations were voluntarily and promptly reported to appropriate authorities prior to the commencement of an investigation by the enforcement agency.
- (6) The circumstances, extent, and gravity of any violation or any condition giving rise to the violation and the various remedies and penalties that are appropriate in the given circumstances.

(f) The accusation and all accompanying documents may be served on the respondent by the following means:

- (1) Personal service.
- (2) Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.
- (3) Certified Mail: For respondents who are registered with the department's electronic DDRS system, the mailing address(es) provided at the time of registration will be used. Proof of service of the accusation shall be the certified mail receipts or registered mail receipts proving the accusation and accompanying materials were sent to respondent by certified mail or registered mail. For other respondents that have not provided addresses to the department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at section 11505(c) of the Government Code applies.

Section X.10 Record Retention Requirements for a Reporting Entity.

- (a) A reporting entity shall retain a copy of all reports it submits at its place of business for five (5) years.
- (b) Records to be retained include, but are not limited to:
 - (1) The specific generator locations of a load of solid waste to verify the jurisdiction of origin for disposed waste.
 - (2) Bills of lading, receipts, and monthly billing statements between reporting entities, and the 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 hauler, transfer or other loads that identify the hauler, vehicle, vehicle type, quantity, date, type, and origin of material delivered, transported or received.
 - (5) All base data, methods and calculations used to derive information in a Report.
- (c) A reporting entity shall maintain the documentation described in this section in a usable format, such as on electronic media (computer files) or paper copies.

Section X.11 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 copies of specific records are requested, either prior to, in lieu of, or after inspection, a reporting entity shall respond to the request for copies within ten business days, unless additional time is necessary to search for, collect, and examine records to respond to the request. In no case shall the copies be delayed more than an additional 14 days, unless agreed to by the Department.
- (c) A reporting entity may redact the records before inspection or submittal, to exclude confidential pricing information contained in the records, such as contract terms and conditions (including information on pricing, credit terms, volume discounts, and other proprietary business terms), if the redacted information is not information that is otherwise required to be reported to the Department.
- (d) 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).
- (e) The records maintained by a reporting entity and provided to the Department in accordance with this section shall be subject to Public Resources Code section 40062 and implementing regulations.

- (f) In order to ensure that records required pursuant to this article are accurate and properly maintained, in addition to inspecting all relevant records, the Department may conduct audits, perform site inspections, observe facility operations, and otherwise investigate the recordkeeping and reporting of persons subject to the requirements of this article. Any records, reports, notes, studies, drawings, schematics, photographs, or trade secrets, as defined in Section 3426.1 of the Civil Code, obtained, produced, or created by the Department in connection with or arising from such audits, inspections, or observations are confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).
- (g) Government entity requests for inspections or records shall be subject to the provisions of Public Resources Code section 41821.5(g) and shall not be subject to the Department's compliance procedures.

Section X.12 Complaints Regarding Non-Compliance.

- (a) Using an electronic reporting process established by the Department, reporting entities shall inform the Department of specific allegations of non-compliance by another reporting entity who fails to provide it with the information required by this article.
- (b) The Department shall establish an electronic process so that affected or involved parties may report specific allegations of non-compliance by a reporting entity. The party reporting the alleged non-compliance shall provide sufficient documentation so the Department may investigate appropriately.

NOTE: FACILITY AND OPERATIONS STATE MINIMUM STANDARDS FOR RECORDING KEEPING WILL NEED TO BE UPDATED TO INCLUDE NEW REPORTING AND RECORDING REQUIREMENTS. EXAMPLES OF SUCH SECTIONS NEEDING ADDITIONAL LANGUAGE WILL INCLUDE BUT ARE NOT LIMITED TO: • 27 CCR SECTION 18810 DISPOSAL REPORTING REQUIREMENTS FOR A LANDFILL • 27CCR SECTION 18809. DISPOSAL REPORTING REQUIREMENTS FOR A STATION • 27 CCR SECTION 20510 (g) CIWMB-DISPOSAL SITE RECORDS • 27 CCR SECTION 20686 BENEFICIAL REUSE (d) • 27 CCR SECTION 20690 CIWMB-ALTERNATIVE DAILY COVER • 14 CCR SECTION 17869 GENERAL RECORD KEEPING REQUIREMENTS(a) (d) • 14 CCR SECTION 17414 RECORD KEEPING REQUIREMENTS(a) (b) (c) (h) • 14 CCR SECTION 17379.0 GENERAL RECORD KEEPING REQUIREMENTS (e) • 14 CCR SECTION 17383.3 C&D WOOD DEBRIS CHIPPING AND GRINDING OPERATIONS AT FACILITIES(k) • 14 CCR SECTION 17383.4 SMALL VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES(i) • 14 CCR SECTION 17383.5 MEDIUM VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES (l) • 14 CCR SECTION 17383.6 LARGE VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES (j) • 14 CCR SECTION 17383.7 INERT DEBRIS TYPE A PROCESSING OPERATIONS (j) • 14 CCR SECTION 17383.8 INERT DEBRIS TYPE A AND TYPE B RPROCESSING FACILITIES(i).

UPDATED LANGUAGE WILL LOOK SIMILAR TO: EACH SITE SHALL MAINTAIN RECORDS FOR THE DDRS IN ACCORDANCE WITH TITLE XXXX, CALIFORNIA CODE OF REGULATIONS, SECTION 18801 et. seq. THE RECORDS SHALL BE AVILABLE FOR INSPECTION BY AUTHORIZED REPRESENTATIVES OF THE EA, THE LOCAL HEALTH AGENCY, AND THE CWIMB/CALRECYCLE DURING NORMAL BUSINESS HOURS AND RETAINED IN THE OPERATING RECORD NEAR THE SITE OR IN AN ALTERNATIVE LOCATION APPROVED BY THE EA.