

# Recycling and Disposal Reporting System Permanent Rulemaking

## Proposed Regulatory Text

The following denotes proposed text:

45-Day Changes are marked with single underline for additions and ~~single-strikeout for deletions~~.

First 15-Day Changes are marked with double underline for additions and ~~double-strikeout for deletions~~.

Second 15-Day Changes are annotated with explanations in comments fixed to where the changes occur.

- **Title 14.** Natural Resources
  - **Division 7.** Department of Resources Recycling & Recovery
    - **Chapter 9.** Planning Guidelines and Procedures for Preparing and Revising Countywide Integrated Waste Management Plans
      - **Article 9.25.** Recycling and Disposal Reporting System.
        - **Section 18815.1.** through **18815.13.**
      - **Article 9.0.** Annual Report Regulations.
        - **Section 18794.2.**

### **Article 9.25.**

*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~~ Division 10 (commencing with section 7920.000) of Title 1 of the Government Code], section 40062 of the Public Resources Code, and Title 14 of California Code of Regulations [Division 7, Chapter 1, Article 4 (commencing with section 17041)].
- (d) In order to protect data quality, ensure timely reporting, and expedite the reporting process, especially when material is flowing between several reporting entities, the Department will serve as a central repository of information that is required to be reported by reporting entities. If a person is required to report based on the criteria in

section 18815.3 of this article, then the person shall report using the methods outlined in section 18815.9 of this article and comply with the applicable requirements for:

- (1) Haulers in section 18815.4 of this article,
  - (2) Transfer/processors in section 18815.5 of this article,
  - (3) Disposal facilities in section 18815.6 of this article,
  - (4) Recycling and composting facilities and operations in section 18815.7 of this article,  
or
  - (5) Brokers and transporters in section 18815.8 of this article.
- (e) This article does not prescribe operational practices unrelated to reporting, permitting requirements for facilities, or an activity's status in relation to recycling goals or diversion mandates.

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

#### *18815.2. Definitions.*

- (a) For the purposes of this article, the following terms have the meanings given below.
- (1) "Alternative daily cover" or "ADC" means a type of beneficial reuse satisfying the requirements set forth ~~has the same meaning as in~~ section 20690 of Title 27 of the California Code of Regulations.
  - (2) "Alternative intermediate cover" or "AIC" means a type of beneficial reuse satisfying the requirements set forth ~~has the same meaning as in~~ section 20700 of Title 27 of the California Code of Regulations.
  - (3) "Automobile dismantler" has the same meaning as in section 17402.5(c)(1) of this division. This does not include automobile shredders, as defined in section 17402.5(c)(2) of this division.
  - (4) "Automobile shredder" or "Metal shredder" has the same meaning as in section 17402.5(c)(2) of this division. This does not include automobile dismantlers, which has the same meaning as in section 17402.5(c)(1) of this division.
  - (5) "Beneficial reuse" has the same meaning as in section 20686 of Title 27 of the California Code of Regulations and occurs at disposal facilities. Beneficial reuse does not include the use of clean or contaminated soil. For the purposes of this article 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 for the purpose of determining and determines ~~and determines~~ the destination of the material. For the purposes of this article, a broker takes control of material by acquiring the authority to determine the destination of the material. ~~When used in this article with respect to a broker, material-the terms "sent to" or and "received by"~~ When used in this article with respect to a broker, material-the terms "sent to" or and "received by" a broker does not require physical possession or legal ownership of the material, but, rather, ~~means~~ that the broker has taken ~~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,
    - (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.
- (10.5) "Collection Method" means the method through which a reporting entity receives materials, as follows:
- (A) For material received from a hauler or generator, collection method includes, at a minimum, the source sector, pursuant to paragraph (58), material stream, and whether the material was required to be segregated for collection or receipt, and, if so, how (e.g., contract-hauled commercial mixed waste, contract-hauled residential 1-bin recycling, self-hauled residential-mixed recycling), and any collection-related information that haulers or generators otherwise must provide to reporting entities pursuant to this article.
  - (B) For material received from an entity other than a hauler or generator, collection method refers to the entity type from which the materials were received (e.g., transfer/processor).
- (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 ~~this article~~ ~~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 destination out of state, a reporting entity, or an end user, or a destination outside of the state. Any material delivered by a contract hauler is referred to as "contract-hauled" in this article these regulations.
- (17) "Conveyance system" means a method designed to move material from one facility or operation to another facility or operation on the same site. Examples of a conveyance system include, but are not limited to, conveyor belts, pipes, tubes, and heavy equipment, such as a front-end loader.
- (18) "Department" means the California Department of Resources Recycling and Recovery.
- (19) "Designated waste" has the same meaning as in section 13173 of the California Water Code.
- (20) "Disaster debris" has the same meaning as in section 17210.1(d) of this division.
- (21) "Direct-hauled" means material sent directly to a transfer/processor or disposal facility from either a generator or another reporting entity that is not a transfer/processor.
- (22) "Disposal" has the same meaning as section 40192(b) of the Public Resources Code, except that it but does not include either of the following:  
 (A) lawful land application that complies with section 17852(a)(24.5) of this division;  
 (B) , or EMSW-engineered municipal solid waste (EMSW) conversion of tires or biomass, if such materials 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)(~~6163~~) that is not considered an "EMSW facility" as

**Commented [DM1]: Second 15-Day Notice Change:** In the 45-day notice, paragraph (22) was reorganized to have two subparagraphs, (A) and (B). The subparagraph labels, (A) and (B), were not underlined on the Original 45-Day or First 15-Day Notice regulatory text as clearly indicated added language to the original regulatory text. These labels should have appeared as "(A)" and "(B)". The reorganization of paragraph (22) was discussed in the Initial Statement of Reasons (ISOR), which accompanied the Original 45-Day regulatory text.

**Commented [DM2]: Second 15-Day Notice Change:** In the 45-day notice, paragraph (22) was reorganized to have two subparagraphs, (A) and (B). The subparagraph labels, (A) and (B), were not underlined on the Original 45-Day or First 15-Day Notice regulatory text as clearly indicated added language to the original regulatory text. These labels should have appeared as "(A)" and "(B)". The reorganization of paragraph (22) was discussed in the Initial Statement of Reasons (ISOR), which accompanied the Original 45-Day regulatory text.

- 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, or who takes materials sent from a reporting entity for reuse pursuant to paragraph (53).
- (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.
- (25.5) "Export" has the same meaning as in subdivision (c) of section 41781.4 of the Public Resources Code. For purposes of this article, tribal lands within the United States or territorial holdings of the United States shall not be considered outside the United States. When determining whether material has been exported, material shall be considered exported sent to the location where the material is received by the recipient, regardless of any address or location otherwise associated with the exporting reporting sending or receiving entity.
- (26) "Food waste" is organic solid waste and has the same meaning as "food material" in section 17852(a)(20) of this division. "Food waste" excludes "agricultural material" and "agricultural by-product material" as defined in sections 17852(a)(4.5) and 17852(a)(5) of this division. "Food waste" does not include food redirected to edible food recovery organizations, food banks, direct animal feeding, or other applications that meet the definition of "reuse" as defined in subsection (a)(~~5253~~).
- (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" has the same meaning as defined in section 41821.5 of the Public Resources Code. ~~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 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.
- (38.4) "Mixed plastic waste" is a mixture of plastics and any other materials, other than solid waste and green material for potential beneficial reuse, where such mixture does not comprise only high-density polyethylene, polypropylene, polyethylene terephthalate, or a combination of those three resin types.

- (38.5) "Mixed waste organic collection stream" has the same meaning as in section 17402(a)(11.5) of this division.
- (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 ~~sub~~division, "agricultural by-product material" as defined in section 17852(a)(4.5) of this ~~sub~~division, 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, except that, for purposes of determining facilities' reporting obligations under this article, recycling shall also include all activities considered recycling for purposes of section 41821.5 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)(~~5253~~). For the purposes of reporting under this article, persons who are not exempt as set forth in section 18815.3(c) of this article are required to report activities that constitute recycling, as defined in this paragraph, and ~~engage in the following activities~~ shall register and report ~~those such~~ activities as recyclers, as set forth in sections 18815.3(b)(4) and 18815.7 of this article. The following are examples of activities that may constitute recycling, as defined, for particular materials:
- (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.
- (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. Solid waste includes, but is not limited to, material accepted in a mixed waste organic collection stream.
- (57.5) "Solid Waste Information System" or "SWIS" means the electronic system through which the Department assigns unique identification numbers to specific solid waste facilities and operations and records information regarding the activities conducted by such facilities and operations.
- (58) "Source sector" means one of these ~~three~~ sources from which solid waste is generated:
- (A) Contract-hauled single-family residential (e.g., houses) ~~and~~
  - (B) Contract-hauled commercial/multi-family residential (e.g., businesses and apartments) ~~and~~ or
  - (C) Self-hauled (e.g., hauled by a generator) ~~and~~ or. "Disaster debris" and "designated waste" disposal shall be assigned to the "self hauled" source sector.
  - ~~(D) Reporting entity other than contract hauler or transfer/processor. Commencing with reporting period 4 of 2024, residual disposal from, and material sent by,~~



~~recyclers, composters, brokers, transporters, and disposal facilities shall be assigned to this source sector.~~

(58.5) "Source separated organic waste collection stream" has the same meaning as in section 17402(a)(26.6) of this division.

(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.

(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.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections ~~41781.4~~, 41821.5, 41821.6, 41821.7, ~~and 41821.8 and 42355.51(d)(1)(A)~~, Public Resources Code.

### *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,
    - (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,

- (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,
    - (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.
- (10.5) A broker or transporter who determines the destination of the material but receives the material outside of California.
- (11) A person who collects material from a generator and delivers the material directly to an end user inside the state, unless the person is a contract hauler hauling material to land application pursuant to section 18815.4(d)(1) of this article.
- (12) A contract hauler who hauls ~~materials-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~~ entities, a reporting entity all reporting entities at the site, other than entities that are exempt from reporting pursuant to subdivision (h), having a common operator shall account for all cumulative tons across all activities conducted at the site by ~~that operator~~ the reporting entity, utilizing the lowest applicable tonnage threshold provided in ~~subdivision-subsection~~ (b). If the tonnages of any single reportable material handling activity conducted by the operator, or the cumulative tonnages of across all the operator's multiple aggregated activities, exceeds the lowest applicable tonnage threshold in subdivision-subsection (b), then all such reporting entities shall report all of their reportable activities, either individually or in the aggregate as provided in this subdivision. 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.
- (7) A recycling or composting facility or operation that does not register and report under the same RDRS number as another recycling or composting facility or operation, transfer/processing facility or operation, or disposal facility pursuant to paragraph (2), (5), or (6), respectively, shall register and report under their own unique RDRS registration number.
- (e) A reporting entity operating on April 1, 2019, shall register by April 30, 2019.
- (f) ~~After April 1, 2019, A~~ reporting entity who begins operation, or changes activities such that ~~their reporting requirement changes is required, after April 1, 2019,~~ shall register and report as follows: ~~within 30 days of being subject to these reporting requirements, and begin reporting for the following quarter.~~
- (1) If a reporting entity is not already registered in RDRS, then the entity shall register within 30 days of being subject to the reporting requirements of this article. If the entity became subject to this article's reporting requirements in any quarter before ~~October 1, 2024~~ January 1, 2025, then the entity shall begin reporting as of the quarter immediately following such quarter. If the entity became subject to this article's reporting requirements in a quarter ending after ~~October 1, 2024~~ January 1, 2025, then the entity shall begin reporting as of such quarter. A reporting entity's obligation to submit all quarterly reports, including for quarters prior to the date the entity registers in RDRS, shall apply as specified in this paragraph and be subject to enforcement by the Department pursuant to this article regardless of whether the entity registers in RDRS within the period specified by this paragraph.
- (2) A reporting entity that is registered in RDRS but includes its tonnages in another facility's report pursuant to subdivision (d) shall begin reporting separately as of the quarter during which the reporting entity's activity changes such that combined reporting is no longer allowed.
- (3) A reporting entity that is registered in RDRS but not reporting due to inactivity or an exemption pursuant to subdivision (g) or (h) shall resume reporting as of the quarter during which its activity changes such that reporting requirements apply to it.
- (g) A reporting entity who becomes permanently inactive or ~~had operated on a site that closed~~ shall notify the Department within 30 days ~~of such inactivity or closure taking effect~~ and request that their RDRS registration status ~~be changed accordingly~~ ~~become permanently inactivated~~. In such request, the reporting entity shall demonstrate to the Department why their status should be changed to inactive or closed. If the Department determines that the reporting entity is inactive or the site is closed, then the Department shall grant the request. ~~The Department shall act on the request within 60 days. The reporting entity shall continue to report until and unless the Department approves the inactivity or closure request. The Department shall not approve a request if the reporting entity has not submitted a report for any reporting period for which the reporting entity was required to report. If the Department approves the request, then the effective date of the approval shall not be prior to the date of the request, and the Department shall notify the reporting entity of the effective date of the approval. The reporting entity shall still be responsible for submitting reports for reporting periods before such effective date.~~

**Commented [DM3]: Second 15-Day Notice Change:** The phrase "and report as follows:" was not clearly indicated on the Original 45-Day or First 15-day notice regulatory text as added language to the original regulatory text. The addition should have appeared as "and report as follows:".

**Commented [DM4]: Second 15-Day Notice Change:** The word "closes" was not clearly indicated on the Original 45-Day or First 15-day notice regulatory text as deleted language from the original regulatory text. This deletion should have appeared as "closes".

**Commented [DM5]: Second 15-Day Notice Change:** These two sentences were not clearly indicated on the Original 45-day or the First 15-day notice regulatory text as added language to the original regulatory text. The addition should have appeared as "In such request, the reporting entity shall demonstrate to the Department why their status should be changed to inactive or closed. If the Department determines that the reporting entity is inactive or the site is closed, then the Department shall grant the request."

- (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~~ exempt their RDRS number from reporting registration. In that request, the reporting entity shall demonstrate to the Department why the exemption is appropriate. ~~why they no longer should be registered.~~ If the Department determines that the reporting entity's activities have changed such that they no longer meet the reporting requirements outlined in this section, then the Department shall grant the request. ~~The burden of proof shall be on the reporting entity.~~ The Department shall act on ~~the~~ a request within 60 days. ~~The~~ A reporting entity shall continue to report until and unless the Department ~~permanently exempts the entity from reporting.~~ inactivates the RDRS registration. For example, a reporting entity whose activities have changed such that they now exclusively engage in the handling of materials described in ~~subsection paragraph~~ (c)(9), such as business-to-business post-industrial materials, may request that the Department ~~permanently exempt their RDRS number from reporting.~~ inactivate their RDRS registration status. The Department shall not approve a request if the reporting entity has not submitted a report for any reporting period for which the reporting entity was required to report. If the Department approves the request, then the effective date of the approval shall not be prior to the date of the request, and the Department shall notify the reporting entity of the effective date of the approval. The reporting entity shall still be responsible for submitting reports for reporting periods before such effective date.
- (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. The reporting entity shall not be

responsible for information provided by a third party, except as described in paragraph (5).

- (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 revise such report to correct the error and notify the Department within 10 business days. ~~If the Department notifies a reporting entity in writing of an error in a previously submitted report, then the reporting entity shall revise such report to correct the error within 10 business days, unless additional time is necessary to correct the error. In no case shall the corrections be delayed more than an additional 14 days, unless agreed to by the Department.~~
- (3) Each report to the Department shall include:
  - (A) The contact information and RDRS number of the person submitting the report;
  - (B) The contact information and RDRS number, if applicable, of each person or reporting entity receiving materials from the reporting entity, with the exception of:
    - (i) Material that may be aggregated by category and region as specified in subsections (k) and (l).
  - (C) The information required by sections 18815.4-18815.9 of this article, as applicable.
- (4) If the day of a reporting deadline is a weekend or holiday, a reporting entity shall submit the report on the next business day.
- (5) If the Department notifies reporting entities of a discrepancy between their submitted reports, or if the reporting entities discover a discrepancy themselves, then it shall be the responsibility of the reporting entities to compare relevant records and resolve the discrepancy in each of their reports within 10 business days. However, the reporting entities may notify the Department of the reasons why resolving the discrepancy cannot be completed within 10 business days, and the Department may extend the deadline up to an additional 10 business days, as necessary to accommodate such reasons. This paragraph shall not require reporting entities to share with other entities any records or information that constitute trade secrets, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that are confidential pursuant to section 18815.12 of this article, or that are otherwise not subject to disclosure by the Department under the California Public Records Act, commencing with section 7920.000 of Division 10 of Title 1 of the Government Code.
- (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, has provided inaccurate information during registration, or has filed a report with an error, then the burden of proof shall be on that person to demonstrate otherwise, through documentation such as business records, receipts, invoices, or similar records. With any notice that such proof is required, the Department shall include a written description of the information on which it bases such requirement. 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. The person shall respond to the notice and resolve the identified issues within 10 business days of receipt. Nothing in this subsection is intended to require the Department to disclose the name of, or other identifying information regarding, any individual(s) who have provided information related to this notice.

**Commented [DM6]: Second 15-Day Notice Change:** The phrase "related to this notice" was not clearly indicated on the Original 45-day and First 15-Day notice regulatory text as added language to the original regulatory text. The addition should have appeared as "related to this notice".

indicating that the person may be required to report. Nothing in this section precludes the Department from inspecting a business to verify that ~~the business is conducted in a manner that~~ meets the provisions of this ~~subsection-subdivision~~, or from taking any appropriate enforcement action pursuant to this article.

(q) Registration within RDRS shall proceed as follows:

(1) A person shall register their sites and the reporting entities contained within the sites. A single site may include multiple reporting entities only if all reporting entities within the site have the same operator and are located at the same physical address or multiple adjacent physical addresses, pursuant to paragraph (56) of subdivision (a) of section 18815.2 of this article. Each reporting entity with a different operator or located at a different location requires a different site. Sites with multiple reporting entities shall report as described in subdivision (d).

(2) During registration, a person shall provide for each site:

(A) Contact information for both the site and a representative of the site;

(B) For each reporting entity on the site:

(i) The name, activity type, and, if requested by the Department, identification numbers or other identifiers assigned to the reporting entity by the Department;

(ii) When the reporting entity became subject to reporting requirements pursuant to this article;

(iii) Beginning in reporting period ~~4 1 of 2024-2025~~, if the reporting entity is also registered in SWIS, the SWIS number and SWIS activity type associated with that specific reporting entity. Entities registered in RDRS prior to reporting period ~~4 1 of 2024-2025~~ who are also registered in SWIS shall provide their SWIS number and SWIS activity type by the end of reporting period ~~4 1 of 2024-2025~~;

(iv) Contact information for a person who has signature authority to submit the reporting entity's reports.

(3) If a person identifies an error in their registration information, then they shall correct the error and notify the Department within 10 business days of discovering such error.

(r) If a reporting entity that does not meet the reporting thresholds described in subdivision (b) sends materials to a destination reporting entity inside the state, then the sending reporting entity shall provide information to the destination reporting entity pursuant to sections 18815.4 through 18815.8 of this article.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections 41821.5 and 41821.6, Public Resources Code.

#### *18815.4. Reporting Requirements for Haulers.*

- (a) For all material delivered to a reporting entity, a self-hauler shall provide to the reporting entity the jurisdiction of origin of the material and, to the extent applicable to the self-hauler, collection method for the material for all material delivered to each transfer/processor or disposal facility. Collection method information applicable to self-haulers includes, but is not limited to, source sector and material stream. 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 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.~~
- (1) For all material hauled to a reporting entity, a hauler shall provide to each facility the jurisdictions of origin for the tons hauled.
- (2) For solid waste hauled to a transfer/processor or disposal facility, a hauler shall provide source sector information, in tons or by percentage, to the transfer/processor or disposal facility, if requested by the facility.
- (3) For all tons of material hauled to a reporting entity, a hauler shall provide to the reporting entity, pursuant to section 18815.9(l) of this article, the collection method through which the contract hauler obtained the materials.
- (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) For tons hauled ~~D~~ 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) For tons hauled ~~D~~ 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, or to brokers or transporters who receive material outside of California, the tons of each material type sent by region.
- (F) For material sent 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.
- (G) For the total aggregated tons sent to destinations for purposes other than disposal or beneficial reuse, the tons by collection method, pursuant to 18815.9(l)~~(2)~~ of this article.
- (3) Notwithstanding subparagraphs (2)(E) and (2)(F), commencing with reporting period 4 1 of 2024-2025, for tons of mixed plastic waste export, the tons of each material type sent to each destination region, and the tons sent from each jurisdiction of origin across all material types and destination regions.
- ~~(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.
  - (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.
- (f) Commencing January 1, 2022, a hauler providing an organic waste collection service pursuant to Article 3, Chapter 12 of this division shall identify, for all materials delivered to each receiving reporting entity, whether the material is:
  - (1) Collected from a "source separated organic waste collection stream" as defined in Section 17402 (a)(26.6) of this division.
  - (2) Collected from "mixed waste organics collection stream" as defined in in Section 17402 (a)(11.5) of this division that is required to be transported to a high diversion organic waste processing facility.
- (g) Notwithstanding Subdivision (b), a hauler shall provide the information required by Subdivision (f) at the time of delivery.
- (h) A hauler shall submit their report to the Department by the following due dates for each reporting period:
  - (1) Reporting period 1 due April 30,
  - (2) Reporting period 2 due July 31,
  - (3) Reporting period 3 due October 31, and
  - (4) Reporting period 4 due January 31.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections 41781.4, 41821.5, 41821.6, ~~and~~ 42652.5 and 42355.51(d)(1)(A), Public Resources Code; and Section 39730.6, Health and Safety Code.

*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 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. If a reporting transfer/processor accepts solid waste or green material for potential beneficial reuse from another transfer/processor and the destinations to which the reporting transfer/processor will send those materials vary depending on the materials' respective jurisdictions of origin, then the reporting transfer/processor shall report the solid waste or green material for potential beneficial reuse as having been received via direct haul pursuant to subparagraph (B), using origin information provided by the facility from whom the reporting transfer/processor accepted the tons, pursuant to subdivision (h).
    - (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)(45) 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~~ a jurisdiction of origin determined pursuant to section 18815.9(b)(2.4) of this article.
    - (D) For materials that are processed for purposes other than disposal or potential beneficial reuse, report the tons by collection method, pursuant to section 18815.9(l) of this article.
  - (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, if the broker or transporter receives the material within California, then 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.
      - (iii) In cases where the final destination of the material is not determined by the reporting transfer/processor, and if the broker or transporter receives the material outside California, then report tons of each material type, pursuant to section 18815.9(a) of this article, by region.
    - (D) To a recycling or composting facility or operation with the same RDRS number, report pursuant to section 18815.9(h) of this article.

- (E) To a recycling or composting facility or operation outside California, report the tons of each material type by region.
- (3) ~~For all tons sent to transfer/processors or disposal facilities inside or outside California of each of the following streams: For materials of the recycling and composting, solid waste, disaster debris, designated waste, green material potential beneficial reuse, and non-green material for all other potential beneficial reuse streams, the tons of each stream sent to transfer/processors or disposal facilities inside or outside California shall be reported as follows:~~
- (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)(~~1~~)(C) of this article, and the facility's contact information and RDRS number, if applicable.
- (D) For material sent for recycling or composting 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 or composting to each transfer/processor or disposal facility outside California, report the tons by material type and region.
- (4) Notwithstanding paragraphs (2) and (3), commencing with reporting period 4.1 of 2024-2025, for all tons of mixed plastic waste export, report the tons of each material type sent to each destination region, and report the tons sent from each jurisdiction of origin across all material types and destination regions.
- (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.
- (d) Commencing with the first reporting period in 2022, and in each subsequent reporting period thereafter:

- (1) ~~A reporting receiving facility that~~ A transfer/processing facility permitted pursuant to Article 1, commencing with section 44000.5, of Chapter 3 of Part 4 of Division 30 of the Public Resources Code that receives material from a "mixed waste organic collection stream" as defined in Section 17402 (a)(11.5) of this division shall, for the purposes of determining the annual average organic content recovery rate for organic waste received from the mixed waste organic collection stream as specified in Sections 18984.3 and 17409.5.1 of this division, report the following to the Department:
- (A) The sum of outgoing weights of organic waste recovered from the mixed waste organic collection stream as determined pursuant to Section 17409.5.1(c)(1) of this division.
  - (B) The sum of outgoing weights of organic waste removed from the mixed waste organic collection stream that is sent to disposal as determined pursuant to Section 17409.5.1(c)(2) of this division.
  - (C) The sum of records in Sections 17414.2(a)(2), 17414.2(a)(3), and 17414.2(a)(6) of outgoing and incoming weights of material from the mixed waste organic collection stream.
- (2) ~~A reporting receiving facility that~~ A transfer/processing facility permitted pursuant to Article 1, commencing with section 44000.5, of Chapter 3 of Part 4 of Division 30 of the Public Resources Code that receives material from a "source separated organic waste collection stream" as defined in Section 17402(a)(26.6) shall report the following to the Department:
- (A) The sum of outgoing weights of organic waste recovered from the source separated organic collection stream as determined pursuant to Section 17409.5.1(d)(1) of this division.
  - (B) The sum of outgoing weights of organic waste ~~recovered~~ removed from the source separated organic collection stream that is sent to disposal as determined pursuant to Section 17409.5.1(d)(2) of this division.
  - (C) The sum of weights required to be recorded pursuant to Sections 17414.2 (a)(4), 17414.2(a)(5), and 17414.2 (a)(7) of outgoing and incoming weights of material from the source separate organic waste collection stream.
- (e) The Department shall determine if a facility meets or exceeds the recovery efficiency percentages as specified in the definition of a "high diversion organic waste processing facility" in Section 18982(a)(33) in the following manner:
- (1) The Department shall determine ~~the quarterly~~ recovery efficiency by dividing the total weight of recovered organic waste ~~from the mixed waste organic collection stream~~ reported in Subdivision (d)(1)(A) [Recovered Organics (RO)] by the combined total weight of recovered organic and disposed organic (DO) waste reported in Subdivision (d)(1)(A) and Subdivision (d)(1)(B) [RO + DO - Total Available Mixed Waste Organics (TAMWO):  $RO / (RO + DO) - TAMWO = \text{Mixed waste organic content recovery rate}$  [Recovery Efficiency].
  - (2) For the purposes of section 18984.3 of this division, a facility's annual average mixed waste organic content recovery rate shall be the recovery efficiency, calculated using The Department shall use the total weights across for the immediately previous four quarters whose due dates pursuant to subdivision (b) have most recently elapsed. To determine the facility's annual recovery efficiency which shall constitute the annual average mixed waste organic content recovery rate for the purposes of section 18984.3 of this division. If the facility has not conducted and reported measurements for one or more of these four quarters due to a waiver granted pursuant to section 18984.13 of this division, then the Department may calculate the annual average mixed waste organic content recovery rate with the last four reported quarters. A new annual average shall be calculated each quarter.

- (3) ~~The annual average mixed waste organic content recovery rate shall be determined by using the last four quarterly rates. A new annual average shall be calculated each quarter.~~
- (f) The Department shall determine if a facility meets or exceeds the annual average source separated organic content recovery rates specified for a "designated source separated organic waste facility" as defined in Section 18982(a)(14.5) of this division in the following manner:
- (1) The Department shall determine ~~the quarterly~~ recovery efficiency by dividing the total weight of recovered organic waste from the source separated organic collection stream reported in Subdivision (d)(2)(A) [Recovered Organics (RO)] by the combined total weight of recovered organic and disposed organic (DO) waste reported in Subdivision (d)(2)(A) and Subdivision (d)(2)(B)  $\frac{RO + DO}{\text{Total Available Source Separated Organic Waste (TASSOW)}}$ :  $RO / (RO + DO) \times \text{TASSOW} = \text{Source separated organic content recovery rate [Recovery Efficiency]}$ .
  - (2) For the purposes of sections 18982(a)(14.5) and 18998.1 of this division, a facility's annual average source separated organic content recovery rate shall be the recovery efficiency, calculating using ~~The Department shall use the total weights across for the immediately previous four quarters whose due dates pursuant to subdivision (b) have most recently elapsed, to determine the facility's annual recovery efficiency, which shall constitute the annual average source separated organic content recovery rate for the purposes of Sections 18982(a)(14.5) and 18998.1 of this division. If the facility has not conducted and reported measurements for one or more of these four quarters due to a waiver granted pursuant to section 18984.13 of this division, then the Department may calculate the annual average mixed waste organic content recovery rate with the last four reported quarters. A new annual average shall be calculated each quarter.~~
- (g) A reporting receiving facility subject to the requirements of Section 17409.5.7 shall report the following to the Department:
- (1) The ~~average~~ ratio of remnant organic waste to non-organic waste measured in the gray container waste evaluation samples performed by the facility pursuant to Section 17409.5.7.
- (h) A transfer/processor shall provide the following information to a destination reporting entity for tons sent, using the methods in section 18815.9 of this article:
- (1) For solid waste and green material for potential beneficial reuse tons sent to a transfer/processor or disposal facility inside California, provide to the destination facility the jurisdiction of origin for those tons, if requested by the destination facility.
  - (2) For all material sent for recycling or composting to a recycler, composter, transfer/processor, or disposal facility inside California, and for all material sent to a broker or transporter, provide to the destination facility the jurisdiction of origin for those tons, if requested by the destination facility.
  - (3) Notwithstanding paragraph (2), commencing with reporting period ~~4 1 of 2024~~ 2025, for all tons of mixed plastic waste sent to each reporting entity, provide the jurisdictions of origin for those tons to the destination facility.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections ~~41781.4~~, 41821.5, 41821.6, 42355.51(d)(1)(A) and 42652.5, Public Resources Code; and Section 39730.6, Health and Safety Code.

*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 solid waste 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)(56) of this article, in the total tons accepted as direct-hauled, assigning the tons to ~~the jurisdiction within which the site is located~~ a jurisdiction of origin determined pursuant to section 18815.9(b)(2.4) of this article.
- (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. If a disposal facility receives and directly transfers material that is not solid waste, designated waste, disaster debris, or material for potential beneficial reuse to another reporting entity inside or outside California, then that material is considered as having been generated by the disposal facility.
- (1) For solid waste and material for potential beneficial reuse 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:
      - (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, and if the broker or transporter receives the material within California, then 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.

(iii) In cases where the final destination of the material is not determined by the reporting disposal facility, and if the broker or transporter receives the material outside California, then report tons of each material type, pursuant to section 18815.9(a) of this article, by region.

(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 solid waste, designated waste, disaster debris, or material for potential beneficial reuse 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, and this section shall not apply to such material. The sending disposal facility shall register as a transfer/processor and follow all requirements for that material as specified ~~report on that material according to the requirements~~ for transfer/processors in section 18815.5 of this article.

(4) Notwithstanding paragraph (2), commencing with reporting period ~~4 1 of 2024~~ 2025, for all tons of mixed plastic waste export, report the tons of each material type sent to each destination region, and report the tons sent from each jurisdiction of origin across all material types and destination regions.

(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.

(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.

**Commented [DM7]: Second 15-Day Notice Change:** The word "takes" is deleted from this proposed section as its inclusion results in a grammatical error and introduces confusion in the meaning of this clause.



- (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.
- (f) In their report to the Department, a disposal facility shall provide tons by collection method for all tons accepted for purposes other than disposal or potential beneficial reuse, pursuant to section 18815.9(l) of this article.
- (g) A disposal facility shall provide the following information to a destination facility for tons sent, using the methods in section 18815.9 of this article:
- (1) For solid waste and green material for potential beneficial reuse tons sent to a transfer/processor or disposal facility inside California, provide to the destination facility the jurisdiction of origin for those tons, if requested by the destination facility.
  - (2) For all material sent for recycling or composting to a recycler, composter, transfer/processor, or disposal facility inside California, and for all material sent to a broker or transporter, provide to the destination facility the jurisdiction of origin for those tons, if requested by the destination facility.
  - (3) Notwithstanding paragraph (2), commencing with reporting period ~~4 1 of 2024-2025~~, for all tons of mixed plastic waste sent to each reporting entity, provide the jurisdictions of origin for those tons to the destination facility.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections ~~41781.4, 41821.5, and 41821.6~~ and 42355.51(d)(1)(A), Public Resources Code.

*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.
- (B) In cases where the final destination of the material is not determined by the reporting recycling or composting facility or operation, and if the broker or transporter receives the material within California, then 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.
- (C) In cases where the final destination of the material is not determined by the reporting recycling or composting facility or operation, and if the broker or transporter receives the material outside California, then report tons of each material type, pursuant to section 18815.9(a) of this article, by region.
- (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.
- (7) For all tons accepted for recycling or composting, report the tons by collection method, pursuant to 18815.9(l).
- (8) Notwithstanding paragraphs (4), (5), and (6), commencing with reporting period ~~4.1 of 2024~~ 2025, for all tons of mixed plastic waste export, report the tons of each material type sent to each destination region, and report the tons sent from each jurisdiction of origin across all material types and destination regions.
- (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.
- (f) Commencing with first reporting period in 2022, and in each subsequent reporting period thereafter:
  - (1) A recycling or compost facility or operation shall, if applicable, additionally report the following to the Department:
    - (A) The percentage of organic waste contained in materials sent to landfill disposal as calculated pursuant to Section 17869(e)(1) or 17896.45(a)(1).

(g) A recycling or composting facility shall provide the following information to a destination reporting entity for tons sent, using the methods described in section 18815.9 of this article:

(1) For all tons sent as described in subparagraphs (A) and (B), the facility may elect to identify and provide the jurisdiction of origin to the destination. If the sending facility chooses to provide jurisdiction of origin, then the jurisdiction of origin shall be determined using the methods of section 18815.9 of this article.

(A) Tons sent to transfer/processors or disposal facilities inside California in either the solid waste or green material for beneficial reuse streams.

(B) Tons sent for recycling or composting to a recycler, composter, transfer/processor, or disposal facility inside California, and tons sent to a broker or transporter.

(2) Notwithstanding paragraph (1), commencing with reporting period ~~4 1 of 2024-2025~~, for all tons of mixed plastic waste sent to each reporting entity, provide the jurisdictions of origin for those tons to the destination facility.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections ~~41781.4~~, 41821.5, 41821.6, ~~42355.51(d)(1)(A)~~ and 42652.5, Public Resources Code; and 39730.6, Health and Safety Code.

#### *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.

(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, and if the receiving broker or transporter receives the material within California, then 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.

(C) In cases where the final destination of the material is not determined by the reporting broker or transporter, and if the receiving broker or transporter receives the material outside California, then report tons of each material type, pursuant to section 18815.9(a) of this article, by region.

- (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.
- (6) For all tons sent for purposes other than disposal or potential beneficial reuse, report the tons by collection method, pursuant to section 18815.9(l) of this article.
- (7) Notwithstanding paragraphs (3), (4), and (5), commencing with reporting period ~~4-1 of 2024-2025~~, for all tons of mixed plastic waste export, report the tons of each material type sent to each destination region, and report the tons sent from each jurisdiction of origin across all material types and destination regions.
- (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.
- (d) A broker or transporter shall provide the following information to a destination reporting entity for tons sent, using the methods described in section 18815.9 of this article:
- (1) For all tons sent as described in subparagraphs (A) and (B), the facility may elect to identify and provide the jurisdiction of origin to the destination. If the sending facility chooses to provide jurisdiction of origin, then the jurisdiction of origin shall be determined using the methods of section 18815.9 of this article.
    - (A) Tons sent to transfer/processors or disposal facilities inside California in either the solid waste or green material for potential beneficial reuse streams.
    - (B) Tons sent for recycling or composting to a recycler, composter, transfer/processor, or disposal facility inside California, and tons sent to a broker or transporter.
  - (2) Notwithstanding paragraph (1), commencing with reporting period ~~4-1 of 2024-2025~~, for all tons of mixed plastic waste sent to each reporting entity, provide the jurisdictions of origin for those tons to the destination facility.

**Commented [DM8]: Second 15-Day Notice Change:** The "s" from "sections" is deleted as only one section is referenced in this paragraph and is a nonsubstantive change to the proposed language.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections ~~41781.4, 41821.5, and 41821.6~~ and 42355.51(d)(1)(A), Public Resources Code.

#### 18815.9. Methods.

- (a) When required by this article, a reporting entity shall use the following methods to report material streams and types:
- (0.4) If a reporting entity sends materials to a disposal facility for disposal, then those materials shall be classified within the solid waste stream, unless the materials are purely designated waste or disaster debris, in which case the materials shall be classified as designated waste or disaster debris.

- (0.5) A reporting entity shall classify materials mixed with solid waste within the solid waste stream, including, but not limited to, source-separated recycling that is contaminated to an extent such that the material may not be received by a "recycling center" pursuant to section 17402.5(d) of this division.
- (1) ~~Material type reporting shall vary with the type of reporting entity and material stream. 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.~~
- (A) ~~Food waste self-haulers shall report pursuant to section 18815.4(b) of this article.~~
- (B) ~~With the exception of material sent for beneficial reuse, R-recycling-Recycling and composting facilities and operations, brokers, and transporters-operations shall report by material type pursuant to paragraph (2)-subsection (a)(2) for all material sent to each destination, including residuals and separated materials sent to a disposal facility.~~
- (C) ~~Entities reporting potential beneficial reuse material shall report pursuant to subsection (a) paragraph (3). Disposal facilities reporting inflows of materials that are used for beneficial reuse shall report material type pursuant to paragraph (3). Reporting entities reporting potential beneficial reuse shall report material type pursuant to paragraph (2). No reporting entity shall include tons of clean or contaminated soil in the tons of potential beneficial reuse.~~
- (D) ~~With the exception of material sent for beneficial reuse, contract-Contract haulers, transfer/processors, and disposal facilities shall report material type as follows:~~
- (i) ~~Materials in the solid waste, designated waste, or disaster debris stream shall be reported, respectively, as solid waste, designated waste, or disaster debris, and facilities are not required to further sort or characterize such material.~~
- (ii) ~~Except as described in subparagraph (C), all ~~all~~ other material shall be reported pursuant to paragraph (2).~~
- (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 bottles, aluminum cans, flint glass bottles, 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, crushed 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.~~
- (D) Commencing with reporting period ~~4-1 of 2024-2025~~, if a reporting entity reports material that is not homogenous or not an individual grade of material type, then the reporting entity shall identify the specific materials within that mixture unless the reporting entity certifies that they cannot do so because they do not have information on specific materials. False certification shall be subject to penalties pursuant to this article.

(E) Notwithstanding subparagraphs (A) through (D), entities reporting green material for potential beneficial reuse shall report material type as green 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 reporting information pursuant to this article, a reporting entity shall use the following methods to determine jurisdiction of origin for material sent to disposal or for green material beneficial reuse:~~

(1) A hauler shall provide the jurisdiction of origin information at the time of delivery, unless both the hauler and receiving facility have agreed to periodic reports in lieu of providing information at the time of delivery. The hauler shall provide the periodic report to the receiving reporting entity within 30 days of the end of the reporting period. The hauler shall use any of the following sources of information to estimate the percentage of ~~tons 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 if approved by the Department pursuant to subdivision (m), 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.
- (2.4) A transfer/processor or disposal facility shall determine the jurisdiction of origin for material generated on-site by the facility as follows:
- (A) If the facility reasonably can track jurisdictions of origin for the generated materials based on the jurisdictions of origin of the accepted materials, then the facility shall determine jurisdictions of origin for the generated materials according to such tracking.
  - (B) If the facility reasonably cannot track jurisdictions of origin for the generated materials but obtains jurisdiction of origin information for accepted materials, then jurisdictions of origin shall be assigned proportionally among the generated materials according to the jurisdictions of origin of the accepted materials.
  - (C) If the facility does not determine jurisdictions of origin pursuant to subparagraph (A) or (B), then the facility shall determine the jurisdiction of origin as the jurisdiction within which the facility is located.
- (2.5) A recycler, composter, broker, or transporter shall determine the jurisdiction of origin for each load of material accepted by requesting such information from the person bringing materials at the time of delivery, using periodic reports from the entities delivering materials, using other methods approved by the Department pursuant to subdivision (m), or, if jurisdiction of origin reasonably cannot be determined by any other method (e.g., if no gate attendant is ever present), then by assigning the tons either to the jurisdiction in which the recycling or composting facility is located or to the jurisdiction within which the material is located when the receiving broker or transporter received the material.
- (2.6) If a recipient reporting entity accepts materials from another sending reporting entity, and if the sending reporting entity does not provide jurisdiction of origin for the materials, then:
- (A) If the recipient reporting entity is a broker or transporter, then determine the jurisdiction of origin as the jurisdiction within which the material is located when the receiving broker or transporter received the material.
  - (B) If the recipient reporting entity is not a broker or transporter, and if the sending reporting entity is a transfer/processor, recycler/composter, or disposal facility, then determine the jurisdiction of origin as the jurisdiction within which the sending reporting entity is located.
  - (C) If the recipient reporting entity is not a broker or transporter, and if the sending reporting entity is a hauler, broker, or transporter, then determine the jurisdiction of origin as the jurisdiction within which the receiving reporting entity is located.
  - (D) Report to the Department any sending reporting entity who failed to provide required jurisdiction of origin information pursuant to section 18815.13 of this article.
- (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 reporting entity that determines jurisdiction of origin for tons sent pursuant to this article shall determine the jurisdiction of origin based on allocations of inbound materials. A transfer/processor reporting entity may adjust the allocations

of inbound percentages from facilities or haulers based on facility-specific practices, such as tracking and sorting individual loads, segregating the flows from different jurisdictions, or gathering other relevant information on the composition and recoverability of the materials from each facility or jurisdiction. Allocations of inbound materials shall be used to determine jurisdiction of origin for tons sent as follows:

- (A) Tracking and sorting individual loads, If the facility reasonably can track jurisdictions of origin for tons sent to each destination based on the jurisdictions of origin of the accepted materials, then the facility shall determine jurisdictions of origin for the tons sent according to such tracking.
- (B) Segregating the flows from different jurisdictions, or If the facility reasonably cannot track jurisdictions of origin for tons sent but obtains jurisdiction of origin information for accepted materials, then jurisdictions of origin shall be assigned proportionally among the tons sent to a destination facility according to the jurisdictions of origin of the accepted materials.
- (C) Gathering other relevant information on the composition and recoverability of the materials from each facility or jurisdiction. If the facility does not determine jurisdictions of origin pursuant to subparagraph (A) or (B), then the facility shall determine the jurisdiction of origin by assigning the tons either to the jurisdiction in which the recycling, composting, or disposal facility is located or to the jurisdiction within which the material is located when the broker or transporter received the material.

~~(3.5) A transfer/processor shall determine the jurisdiction of origin for material sent to a recycler, a composter, another transfer/processor, or a disposal facility for recycling or composting, or for material sent to a broker or transporter, based on allocations of incoming materials.~~

~~(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 recyclers, composters, disposal facilities, brokers, and transporters that determine jurisdiction of origin pursuant to this article, the jurisdiction of origin for tons sent shall be determined based on allocations of inbound materials as follows: the jurisdiction within which the reporting entity supplying the material is located.~~

~~(A) If the facility reasonably can track jurisdictions of origin for tons sent to each destination based on the jurisdictions of origin of the accepted materials, then the facility shall determine jurisdictions of origin for the tons sent according to such tracking.~~

~~(B) If the facility reasonably cannot track jurisdictions of origin for tons sent but obtains jurisdiction of origin information for accepted materials, then jurisdictions of origin shall be assigned proportionally among the tons sent to a destination facility according to the jurisdictions of origin of the accepted materials.~~

~~(C) If the facility does not determine jurisdictions of origin pursuant to subparagraph (A) or (B), then the facility shall determine the jurisdiction of origin by assigning the tons either to the jurisdiction in which the recycling, composting, or disposal facility is located or to the jurisdiction within which the material is located when the broker or transporter received the material.~~

~~(5) Commencing with reporting period 4 of 2024, a reporting entity shall determine the jurisdiction of origin for all exported mixed plastic waste based on allocations of inbound materials.~~

- (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. Source sector shall be assigned using any of the following methods listed in this



subdivision, except that, if a particular method is required according to paragraphs (5) through (6)(7), then such method shall be used.†

(1) Assigning source sector based on vehicle type, such as:

- (A) ~~Prior to reporting period 4 of 2024, C small~~ 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, and roll-off trucks~~ as "contract-hauled commercial/multi-family."

~~(D) Commencing with reporting period 4 of 2024:~~

- (i) ~~Small vehicles, such as automobiles, pickups and small trailers, and flat beds, with a commercial emblem or commercial license plate as "self-hauled commercial."~~
- (ii) ~~Small vehicles, such as automobiles, pickups and small trailers, and flat beds, without a commercial emblem or commercial license plate as "self-hauled residential."~~

(2) Assigning source sector based on billing records, such as:

- (A) ~~Prior to reporting period 4 of 2024, C cash~~ 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."

~~(D) Commencing with reporting period 4 of 2024, cash accounts shall be asked whether the material is commercial or residential and shall be assigned accordingly to "self-hauled commercial" or "self-hauled residential."~~

(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: ~~Commencing with reporting period 4 of 2024, drivers who are assigned to the "self-hauled" sector shall be further separated into "self-hauled commercial" or "self-hauled residential."~~

(5) ~~Assigning disaster debris and designated waste as "self-hauled." Disaster debris and designated waste shall not be assigned to a source sector, separated into "self-hauled residential" and "self-hauled commercial."~~

(6) ~~Prior to reporting period 4 of 2024, A assigning~~ Assigning residual disposal from, and material sent by, recyclers, composters, brokers, transporters, and disposal facilities to the "self-hauled" source sector.

~~(7) Commencing with reporting period 4 of 2024, assigning residual disposal from, and material sent by recyclers, composters, brokers, transporters, and disposal facilities to the "reporting entity other than contract hauler and transfer/processor" source sector.~~

~~(8) (7) An alternative method approved by the Department pursuant to subdivision (m).~~

(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."
- (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." Disaster debris and designated waste shall not be assigned a source sector.~~
- (e) If a transfer/processor or disposal facility lacks an attendant and is unable to estimate source sector using one of the methods in this section, then the reporting entity shall assign all tonnage to the sector that makes up most of the delivered material based on operator observations of the site traffic or material disposed.
- (f) If a method in this section is used, then inaccuracies or errors in source sector reporting shall not be subject to penalties 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.
- (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.
  - (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<sub>7</sub> and RDRS number and contact information of the receiving facility or operation, if applicable.
- (6) Recycling and composting, which requires material type<sub>7</sub> and RDRS number and contact information of the receiving facility or operation, if applicable.
- (7) Broker or transporter, which requires material type<sub>7</sub> 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.
- (8.5) Mixed plastic waste export, which requires tons of each material type sent to each destination region, and tons sent from each jurisdiction of origin across all material types and destination regions.
- (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).
- (k) When required by this article to report tons accepted, a reporting entity shall categorize tons accepted into streams and report to the Department information for each stream in the manner described below.
  - (1) A reporting entity required to report tons accepted shall categorize inbound materials into one or more of the following streams and report information about the materials as follows:
    - (A) Solid waste, which requires jurisdiction of origin, source sector, and RDRS number and contact information of the sending facility or operation, if applicable.
    - (B) Disaster debris, which requires RDRS number and contact information of the sending facility or operation, if applicable.
    - (C) Designated waste, which requires RDRS number and contact information of the sending facility or operation, if applicable.
    - (D) Green material for potential beneficial reuse, which requires jurisdiction of origin and RDRS number and contact information of the sending facility or operation, if applicable.
    - (E) Non-green material for potential beneficial reuse, which requires material type and RDRS number and contact information of the sending facility or operation, if applicable.
  - (2) Reporting entities shall not report material accepted for recycling or composting, with the exception that reporting entities shall categorize and report tons accepted for recycling as solid waste if these materials are contaminated to an extent such that the material may not be received by a "recycling center" pursuant to section 17402.5(d) of this division.
  - (3) If material is accepted and sent without processing or sorting, then categorize the accepted materials into the stream of the tons sent.
  - (4) If material is accepted but processed or sorted prior to being sent, then categorize the accepted materials as follows:
    - (A) If residual solid waste is generated from tons accepted as solid waste, or if residual green material for potential beneficial reuse is generated from tons

- accepted as green material for beneficial reuse, then the residual tons shall be reported as part of the original accepted tonnage.
- (B) If the materials are sent as one material stream, then categorize the accepted materials into the stream of the tons sent. For example, if residential curbside green waste is accepted for the explicit purpose of conversion into "processed green material" for potential beneficial reuse, as defined in paragraph (3) of subdivision (b) of section 20690 of Title 27 of the California Code of Regulations, and no residuals are generated, then categorize this inflow stream as green material for potential beneficial reuse.
- (C) If the processing or sorting generates two or more streams, then, except as described in subparagraph (D), categorize the accepted materials into the most representative stream type, excluding recycling and composting from the tonnage. For example, if a reporting entity accepts a mixed material stream, which is segregated into 75 percent non-green material for potential beneficial reuse and 25 percent recycling by weight, then the reporting entity shall report accepting non-green material for potential beneficial reuse, ignoring the tons contributed by the recycling.
- (D) If the processing or sorting generates solid waste or green material for potential beneficial reuse, then:
- (i) Categorize generated green material into the green material for potential beneficial reuse stream.
  - (ii) If the accepted materials contain 10 percent or more solid waste by weight, then categorize all accepted tons into the solid waste stream, except those processed into green material for potential beneficial reuse.
  - (iii) If the accepted materials do not contain 10 percent or more solid waste by weight, then include the residual solid waste in tons accepted from direct haul. Include the other tons as described elsewhere in this subdivision.
- (l) Commencing with reporting period ~~4-1 of 2024~~ 2025, when required by this article, collection method shall be determined as follows:
- (1) A contract hauler who sends materials to a reporting entity shall provide to the receiving facility the collection method for those tons 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 facility within 30 days of the end of the reporting period.
  - (2) A contract hauler shall use any of the following sources of information to determine collection method:
    - (A) Contract agreements.
    - (B) Billing records for customers.
    - (C) Company dispatcher records of hauling routes.
    - (D) An alternative method approved by the Department pursuant to subdivision (m).
  - (3) A reporting entity other than a hauler shall determine collection method as follows:
    - (A) If the facility received the materials from a contract hauler, then the facility shall use the collection method as provided by the contract hauler in 18815.9(l)(1).
    - (B) If the facility received the materials from a reporting entity other than a contract hauler, then the facility shall assign the collection method as the type of reporting entity from which the tons were received.
    - (C) If the facility received the materials from a generator, then the facility shall determine the collection method as follows:
      - (i) The material shall be considered self-hauled ~~residential or self-hauled commercial, using the methods described in subdivision (e).~~
      - (ii) The material stream and segregation shall be determined based on how the facility accepts the material (e.g., accepting material for recycling within mixed recycling bins).

- (D) If the facility generated the materials through a recycling or composting facility or operation that is reporting under the same RDRS registration number as the reporting facility, then determine collection method pursuant to subparagraph (A), (B), or (C), based on how the recycler or composter obtained the materials.
- (E) If the facility generated the materials through on-site activities, excluding recycling or composting facilities reporting under the same RDRS registration number as the reporting facility, then assign collection method as the type of generating facility.
- (4) If a load of material represents a mixture of collection methods, then the following shall apply:
- (A) The entire load shall be assigned to the most aggregated collection method that applies to the load. For example, if a load is a mixture of residential 1-bin and 2-bin recycling, then the load would be assigned to residential 1-bin recycling. If a load is a mixture of solid waste and other materials, then the load shall be assigned to a solid waste material stream collection method.
- (B) The portion of the load from each source sector shall be estimated using the methods described in subdivision (c). If the source sector portions cannot be estimated, then the entire load shall be assigned to the self-haul sector, unless the reporting entity determines that the load is 50 percent or more of a single sector, in which case that sector shall apply.
- (m) Commencing with reporting period 1 of 2024, where this article requires the Department to approve a method for collecting data:
- (1) The reporting entity shall submit a request to the Department to approve the method. The request shall include the following information: reporting entity name, RDRS registration number, name of the method, value that the method will assess, documentation proving that the method accurately measures the value, and justification for why an alternative method is required. The burden of proof shall fall upon the reporting entity.
- (2) The Department shall have 60 days to review and approve the method. Until the Department approves the method, the reporting entity shall use one of the established methods.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections ~~41781.4~~, 41821.5, 41821.6, 41821.7, ~~and 41821.8 and 42355.51(d)(1)(A)~~, Public Resources Code.

*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 for loads of material for which jurisdiction of origin is required to be reported by this article, 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.

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections 41821.5, 41821.6, 41821.7 and 41821.8, Public Resources Code.

*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 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 Division 10 (commencing with section 7920.000) 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. For purposes of this subdivision, tonnages of any type of recyclable materials sent shall not constitute information from which the identity of any source or transferee of

recyclable material may be reasonably ascertained if the information is aggregated by jurisdiction, regardless of the number of reporting entities that are the source or transferee of such materials.

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

Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference: Sections 41821.5, 41821.6, 41821.7 and 41821.8, Public Resources Code.

## **Article 9.0.**

### *18794.2. Reporting Requirements for Calculations.*

- (a) Jurisdictions who were incorporated prior to January 1, 1995 and who submit their first annual report in 1997 or later, shall include their disposal reduction calculations for 1995, in addition to their disposal reduction calculations for the current reporting year.
- (b) If a jurisdiction is a member of a Regional Agency, then a single combined report of the information shall be made for all the members of the Regional Agency.
- (c) The Department shall calculate jurisdiction disposal using information provided by the Recycling and Disposal Reporting System specified in sections 18815.1-18815.13 of this chapter by determining the tons of solid waste disposed from January 1 to December 31 in each year. This amount shall be the sum of solid waste from the jurisdiction, including:
  - (1) the tons disposed at each permitted landfill,
  - (2) the tons disposed at each engineered municipal solid waste conversion facility as defined in section 40131.2 of the Public Resources Code,
  - (3) the tons that underwent transformation at a permitted solid waste facility in excess of 10% of a jurisdiction's adjusted base-year generation, and pursuant to section 41783 of the Public Resources Code,
  - (4) For tons used on or after January 1, 2020, the tons of green material alternative daily cover used at permitted landfills pursuant to section 41781.3(a)(2)(A) of the Public Resources Code ~~as of January 1, 2020,~~
  - (5) potential alternative daily cover, alternative intermediate cover, and other beneficial reuse material which is not used in accordance with the conditions set forth in sections 20686, 20690, 20700, and 20695 of Title 27 of the California Code of Regulations, unless it is otherwise diverted, ~~and~~



- (6) the tons of solid waste and green material potential beneficial reuse exported from California, minus any portion of the waste that the jurisdiction proves was diverted, and-
- (7) For tons exported on or after October-January 1, 2024-2025, the tons of mixed plastic waste, as defined in section 18815.2 of this chapter, that are considered disposal pursuant to section 41781.4 of the Public Resources Code.
- (d) In addition to the information required by this section, a jurisdiction may also submit in its annual report any other information it wishes the Department to consider relating to the base-year waste generation tonnage amounts, adjustment factors, or calculations. The additional information may include a discussion of why the disposal rate calculation may not fully represent a jurisdiction's local conditions, and what additional adjustments would be needed.
- (e) If a jurisdiction made an adjustment in its reporting year disposal tonnages because of a regional medical waste treatment facility or regional diversion facility located within its borders, it shall provide the Department with documentation demonstrating it meets the criteria specified in PRC section 41782 for making such an adjustment.
- (f) If a jurisdiction made an adjustment in its reporting year disposal tonnages because of a disaster, it shall provide the Department with documentation demonstrating that:
- (1) the tonnages subtracted resulted from the disaster;
  - (2) the jurisdiction implemented to the extent feasible, diversion programs to maximize diversion through reuse, recycling, or composting of disaster-related solid waste; and,
  - (3) the tonnages subtracted are consistent with the additional tonnages reported by the facilities where the solid waste was disposed.
- (g) A jurisdiction may also provide additional information related to the tons of waste disposed in California including waste assigned to them pursuant to section 18815.9(b)(2)(B). A jurisdiction may also provide additional information related to the tons of solid waste or green material potential beneficial reuse exported from California that was reported in the Recycling and Disposal Reporting System, and was later diverted. The jurisdiction shall describe how this additional information was obtained.
- (h) If a jurisdiction's disposal reduction goal has not been met, then a jurisdiction shall discuss in its annual report what possible problems may have prevented it from reaching its goal. Problems may include, but are not limited to:
- (1) calculations of the equivalent per capita disposal rate;
  - (2) disposal reporting problems;
  - (3) changes in a jurisdiction's waste stream beyond the jurisdiction's control; or
  - (4) changes in the overall waste management system that may hinder achievement of the disposal reduction goals.

Note: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41780, 41780.1, 41782, 41813, 41821, 41821.5 and 41850, Public Resources Code.