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SB 619 - Temporary Relief from CalRecycle Penalties

This bill will provide some relief to local jurisdictions facing the challenges of meeting requirements imposed by SB 1383 to address short-lived climate pollutants such as black carbon, fluorinated gases, and methane by the January 1, 2022 deadline.

SB 619 would authorize a local jurisdiction facing continuing violations of the regulations^[1], adopted by the Department of Resources Recycling and Recovery (CalRecycle) pursuant to SB 1383, to submit a notice of intent to comply to containing specified information. For example, the notice of intent must include, among other things, a specific description of the continuing violations and a detailed explanation of the reasons, supported by documentation, why the local jurisdiction is unable to comply.

CalRecycle will then review the notice of intent to determine it meets all of the applicable requirements. The notice of intent must be filed with CalRecycle no later than March 1, 2022. Once received, CalRecycle must respond to the local jurisdiction within 45 business days of receiving a notice an intent with an approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval.

If the notice of intent is approved by CalRecycle, the local jurisdiction is eligible for both of the following: administrative civil penalty relief for the 2022 calendar year and a corrective action plan. SB 619 would require CalRecycle to waive administrative civil penalties for noncompliance during the 2022 calendar year for those violations of the regulations that are disclosed in an approved notice of intent. For violations that may take more than 180 days to correct, CalRecycle can address those violations through a corrective action plan.

CalRecycle could later revoke its approval of the notice of intent and impose administrative civil penalties for violations occurring during the 2022 calendar year, retroactive to the date of violation, if a local jurisdiction fails to adhere to the proposed actions.

SB 619 also authorizes CalRecycle to adopt emergency regulations to implement and enforce its provisions.

^[1] 14 Cal. Code of Regs. Division 7, Chapter 12.