

New Law Offers Local Agencies Relief From SB 1383 Penalties in 2022

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Governor Newsom recently signed **Senate Bill 619**, which enables cities and other local agencies to obtain administrative relief from stiff fines they potentially face if they fail to adopt organic waste disposal reduction measures in compliance with SB 1383 (2016) and CalRecycle's implementing regulations. Commonly known as the Short-lived Climate Pollution Act, SB 1383 is intended to reduce the impact of short-lived climate pollutants—namely methane created by the decomposition of organic waste—by requiring the diversion of organic waste from landfills. Local agencies that fail to adopt specified organic waste disposal reduction measures by January 1, 2022 will face possible fines of \$500 to \$10,000 per violation per day depending on the violation.

SB 619 was enacted in response to the difficulty many local agencies are facing meeting the deadlines for complying with SB 1383 due to the COVID 19 pandemic. SB 619 does not automatically waive the SB 1383 deadlines, but it allows local agencies to ask CalRecycle to waive fines that would otherwise apply for missing the deadlines.

To obtain relief, a local agency will need to submit to CalRecycle by March 1, 2022 a "Notification of Intent to Comply" that details a plan to remedy any SB 1383 violations in a timely manner. If the submission satisfies the statutory criteria, CalRecycle must approve it. Once the agency complies with a CalRecycle-approved plan, CalRecycle is required to waive any administrative penalties for violations occurring in 2022, as well as those commencing in 2022 and continuing into 2023.

SB 619 also authorizes CalRecycle to adopt emergency regulations to implement SB 619. It remains to be seen how CalRecycle will exercise this authority.

For more information about SB 619, please contact **Steven Flower, Robin Harris, Stephanie Cao**, or any other attorney in **RWG's Municipal and Public Agency Law Department**.