



April 29, 2020

Secretary Jared Blumenfeld
California Environmental Protection Agency (CalEPA)
P.O. Box 2815
Sacramento, CA, 95812

Acting Director Ken DaRosa
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812

RE: Local Government Regulatory Relief in Response to COVID-19 Pandemic

Dear Secretary Blumenfeld and Acting Director DaRosa,

The undersigned organizations representing California local governments are writing to request CalRecycle take immediate action to grant limited grace periods and temporary relief from specific requirements related to solid waste and recycling.

With the onset of the COVID-19 global pandemic, local governments across California are on the front lines helping battle this virus and keep the public safe. This has meant shifting staff and duties away from normal operations and into new areas to help residents, develop physical distancing measures, and implement stay-at-home orders. While devoting resources to fight COVID-19, some cities, counties, and special districts are now concerned with the ability to meet specific statutory obligations during the COVID-19 pandemic.

Thank you for issuing recent guidance to jurisdictions on recycling during the COVID-19 pandemic. We appreciate CalRecycle recognizing that some changes to standard operations will be needed in the short term and their consideration of “good faith” efforts. Additionally, we appreciate CalEPA issuing a press release on April 15, 2020 recognizing that some regulated entities may need additional compliance assistance as a result of the COVID-19 pandemic.

However, more clarification and relief are needed, particularly since it is still unclear whether operations, such as California Redemption Value (CRV) buyback centers, are considered essential services. Local governments need the flexibility to devote staff and limited resources to protecting the health and safety of our essential workers and the general public, while not knowing the full scope of the relief our solid waste management and recycling operations can expect in the coming weeks. Some – if not most – jurisdictions are also experiencing unprecedented budget impacts due to the crisis, including increased expenses, decreased

revenues, and new and evolving demand for services, including in the solid waste sector (e.g., more residential waste to manage, less commercial waste generation). Recovery from these impacts will be felt long after the COVID-19 emergency is past. The rapidly changing situation makes it difficult to predict what the impacts on local jurisdictions will be in the coming months. We ask for patience, flexibility, and collaboration as we work together to prioritize and adjust to these evolving circumstances.

We seek regulatory relief for the following actions in the short term in response to the unprecedented COVID-19 pandemic to allow local governments and associated industries to continue to focus on serving the public and maintaining public health:

- Temporary relief from the imposition of penalties or issuance of compliance orders because of a jurisdiction's failure to meet AB 939 solid waste diversion requirements or because of backsliding due to the COVID-19 emergency by providing clear guidance on jurisdiction COVID-19-related response measures that will be automatically acceptable, rather than requiring every jurisdiction to develop a specific rationale, while preserving the opportunity to submit other requests for review in accordance with individual jurisdiction situations;
- Temporary relief from penalties for failure to meet mandatory commercial recycling and organic waste recycling mandates pursuant to AB 341 (Chesbro, 2012), AB 827 (McCarty, 2019), and AB 1826 (Chesbro, 2014);
- Delay implementation of any new major regulations until at least six months after the COVID-19 emergency is deemed over by the State of California, including delaying implementation of new organics diversion mandates pursuant to SB 1383 (Lara, 2016) for a period of time commensurate with the duration of the COVID-19 emergency;
- Extend comment periods, for at least 60 days, for all pending rulemakings that are continuing to progress during the COVID-19 emergency;
- Extend time frames, for at least 60 days, for the submission of reports to CalRecycle, including the suspension of any penalties that would normally apply for late submissions;
- Continue extending grant and loan application periods and terms/timeframes to allow additional time to apply and complete the scope of services;
- Increase flexibility for solid waste haulers and facilities, including, but not limited to:
 - 1) Allowing facility operating hours to be extended to facilitate the safe processing of material;
 - 2) Allowing facilities to safely store more recyclable material on-site for longer periods of time than currently authorized; and
 - 3) Waiving daily tonnage, vehicle, and other limits as necessary to ensure material can move safely through the collection, processing, and disposal system.
- Provide explicit guidance to local enforcement agencies (LEAs) to use existing emergency waiver tools as necessary, as well as a commitment to swiftly developing additional tools should those existing measures prove inadequate; and
- Provide guidance on how to deal with illegal dumping. CalRecycle's Illegal Dumping Technical Advisory Committee meeting that was scheduled for March has been canceled and not rescheduled.

In these unprecedented times, local governments are stepping up to do their part to flatten the curve and save lives. In doing so, limited resources and staff are being diverted away from other local government operations. In the spirit of working together, we urge CalEPA and CalRecycle to work with us to consider these short-term requests. Local governments are committed to

furthering the state's solid waste and recycling goals, but need temporary flexibility and regulatory relief in order to keep operations going.

Our organizations formally request to meet with you and your staff to elaborate more on our request and illustrate the challenges we are facing due to COVID-19. We appreciate your time and attention to this important issue, and we look forward to continuing our work together as we strive to meet California's environmental goals during this difficult and uncertain time.

Sincerely,



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League of California Cities



Alyssa Silhi
Legislative Representative
California Special Districts Association



Staci Heaton
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Rural County Representatives of California



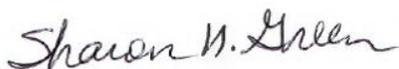
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cc: Christine Hironaka, Deputy Cabinet Secretary, Office of Governor Gavin Newsom
Melissa Immel, Deputy Legislative Secretary & Chief of Legislative Operations, Office of Governor Gavin Newsom
Caroline Godkin, Deputy Secretary for Environmental Policy and Emergency Response, California Environmental Protection Agency
Zoe Heller, Deputy Director of Policy Development, CalRecycle