

[CITY & COUNTY LOGOS]

May 7, 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 represent local governments in the San Diego and Imperial Counties who are writing to request CalRecycle take immediate action to create temporary relief from specific waste reduction and recycling requirements.

While devoting resources to fight COVID-19, government agencies are now concerned with the ability to meet specific statutory obligations during and after the COVID-19 pandemic. Unprecedented budget impacts are already being felt including increased expenses, decreased revenues, and new and evolving demand for services. We anticipate that recovery from these impacts will have a negative fiscal effect on our agencies long after the COVID-19 emergency is past.

The daily changing situation makes it difficult to predict what the impacts will be on local jurisdictions in the coming weeks and months. Therefore, we ask for patience, flexibility, and most of all collaboration as we work together to prioritize and adjust to these evolving circumstances.

Equally important are the economic impacts that many of our local businesses are experiencing and will continue to experience as they try to recover from lost sales and higher costs to operate within new health guidelines. This is relevant as some impending waste reduction requirements will greatly increase costs to their operations and as we forge forward to economic recovery, elected officials might not support any new programs that negatively affect the business community. Without support of elected officials, it would be difficult if not impossible to enact new waste diversion programs that will require businesses to absorb increased operational costs.

Therefore, 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 for failure to meet AB 939 solid waste diversion requirements.**We request for CalRecycle to provide 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) and AB 1826 (Chesbro, 2014).** We request a delay in 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 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 and 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

In the spirit of cooperation, we urge CalEPA and CalRecycle to work with the undersigned government agencies and to take swift action on these short-term requests. Local governments are committed to furthering the state's waste and greenhouse gas reduction goals but need temporary flexibility and regulatory relief.

Our organizations are available to meet with you and your staff 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 and after this difficult and uncertain time.

Sincerely,

[SIGNATURES & TITLES]

cc:

Zoe Heller, Deputy Director of Policy Development, CalRecycle

Matt Henigan, Deputy Director: Materials Management and Local Assistance, CalRecycle

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

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