

# Process for Submitting Notification of Intent to Comply with SB 1383 Regulations

Jurisdictions that are struggling to implement the regulations due to the COVID-19 pandemic, and are facing continuing violations and administrative civil penalties, may submit to CalRecycle a Notification of Intent to Comply (notification) by March 1, 2022. The notification should include:

- An application form
- A resolution adopted by the jurisdiction's governing body

Jurisdictions may submit notifications to [NOIC@calrecycle.ca.gov](mailto:NOIC@calrecycle.ca.gov).

## Notification Content

A jurisdiction shall, at minimum, include the following in its notification:

1. A detailed description of the continuing violations.
2. A detailed explanation of the reasons, supported by documentation, why the jurisdiction is unable to comply.
3. A description of the impacts of the COVID-19 pandemic on compliance.
4. A description of the proposed actions the jurisdiction will take to remedy the violations within the timelines established in 14 CCR section 18996.2 with a proposed schedule for doing so. The proposed actions shall be tailored to remedy the violations in a timely manner.

## Resolution

The governing body of a jurisdictions shall adopt a resolution affirming the contents and timeline of its Notification of Intent to Comply in order to avoid administrative civil penalties [see PRC section 145652.5(a)(1) and (5)].

## Approval Process

CalRecycle will review each request within 45 business days of receiving a notification of intent to comply to ensure that it is complete and accurate. If the notification is not complete or accurate, CalRecycle will contact the person submitting the notification for clarification.

CalRecycle will respond in writing to a jurisdiction within 45 business days of receiving a notification of intent to comply with one of the following responses:

1. Approval
2. Disapproval
  - a. If CalRecycle disapproves the notification, CalRecycle will include the reasons for disapproval.
3. Request for additional information

4. Timeline for a decision on approval or disapproval.

When CalRecycle approves a jurisdiction's notification, the jurisdiction may be eligible for both of the following:

1. Administrative civil penalty relief for the 2022 calendar year pursuant to 14 CCR 42652.5(d).
2. A corrective action plan pursuant to 14 CCR section 18996.2.
  - a. CalRecycle may address through a corrective action plan any violations disclosed in a jurisdiction's notification that will take more than 180 days to correct. In this situation, the proposed actions and schedule in the jurisdiction's approved notification will be in effect until a corrective action plan is issued.

CalRecycle may establish any maximum compliance deadline in a corrective action plan that it determines to be necessary and appropriate under the circumstances for the correction of a violation of the regulations.

CalRecycle may address through a corrective action plan any violations disclosed in a jurisdiction's notification that may take more than 180 days to correct.

### **Waiving Administrative Civil Penalties**

CalRecycle may waive administrative civil penalties for the violations if the jurisdiction implements the actions proposed in the notification to remedy the violations.

For violations that commence during the 2022 calendar year and continue into the 2023 calendar year, administrative civil penalties may begin accruing as of January 1, 2023.

Those administrative civil penalties accruing on and after January 1, 2023, shall be waived upon complete compliance with the terms of a corrective action plan (see 14 CCR section 18996.2).

Note: If a jurisdiction fails to adhere to the proposed actions and schedule described in the approved notification, then CalRecycle may revoke its approval and impose administrative civil penalties for violations occurring during the 2022 calendar year retroactive to the date of violation.