



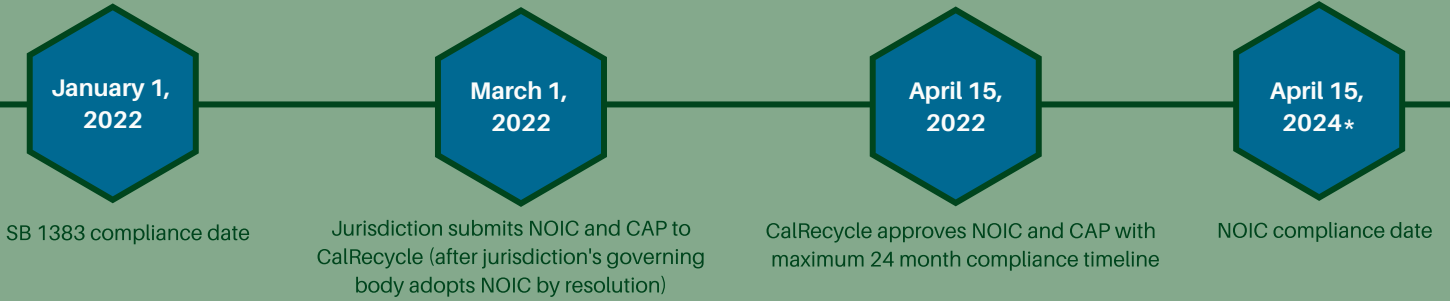
# SB 619 and SB 1383 Non-Compliance Remedies Comparison

Understanding the Notification of Intent to Comply (NOIC) and Corrective Action Plan (CAP) process

## SB 619: The Basics

- ✓ SB 619 allows jurisdictions to submit a NOIC and resolution to CalRecycle by March 1, 2022 if it will not be compliant with the SB 1383 regulations.
- ✓ Upon NOIC approval by CalRecycle, administrative civil penalties that may have occurred in 2022 will be waived and will begin accruing in 2023. A jurisdiction will not be subject to the administrative civil penalties that accrue in 2023 if it complies with its CAP.
- ✓ If a jurisdiction does not meet the timeline for milestones established in its CAP, CalRecycle may assess administrative civil penalties retroactively.

## SB 619 NOIC Compliance Process Example Timeline



## SB 1383 Compliance Process Example Timeline



\*The NOIC compliance date indicated above (April 15, 2024) was arbitrarily selected based off a maximum compliance timeline of 24 months. CalRecycle may establish any maximum compliance deadline in a CAP that it determines to be necessary and appropriate under the circumstances for the correction of the violation of the regulations.  
 \*\*This date of the compliance evaluation and assessment of a NOV (June 1, 2022) was arbitrarily selected for visual purposes. The following dates in the SB 1383 compliance deadline are hypothetical dates based off the arbitrary compliance evaluation date. CalRecycle has not indicated when it will conduct compliance evaluations for each jurisdiction.  
 \*\*\*CalRecycle may establish any maximum compliance deadline in a CAP that it determines to be necessary and appropriate under the circumstances for the correction of the violation of the regulations.



## Potential Benefits of SB 619 NOIC

- The jurisdiction specifies CAP action items and timeline for each item whereas CalRecycle develops CAP action items and timeline under the SB 1383 enforcement process.
- A jurisdiction is not required to demonstrate a "substantial effort" to be eligible for a CAP through the NOIC process. This differs from the SB 1383 compliance process.
- CalRecycle will waive administrative civil penalties for the 2022 calendar year for violation(s) disclosed in a jurisdictions approved NOIC, if the jurisdiction implements the proposed action(s) to remedy the violation(s) in accordance with the timeline in the NOIC. This would particularly benefit a jurisdiction facing continued "major violations" after March 1, 2022.

## Helpful Hints

- This summary is based on HF&H's best current understanding of the compliance processes for both SB 1383 and SB 619. We recommend consulting your CalRecycle LAMD representative before deciding to submit a NOIC.
- If a jurisdiction will comply with SB 1383 regulations by April or May 2022, a NOIC may not be necessary because the jurisdiction will be compliant before CalRecycle conducts its SB 1383 compliance review in mid-2022.
- CalRecycle has indicated that the SB 619 NOIC process may not be necessary to address noncompliance with the recovered organic waste product procurement requirements of SB 1383. Please contact your CalRecycle LAMD representative if this applies to your jurisdiction.