

AMENDED IN SENATE APRIL 13, 2021  
AMENDED IN SENATE MARCH 10, 2021

**SENATE BILL**

**No. 619**

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**Introduced by Senator Laird**

February 18, 2021

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An act to amend Section 42652.5 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 619, as amended, Laird. Organic waste: reduction regulations.

Existing law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. Existing law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Existing law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance. Existing law provides that those regulations shall take effect on or after January 1, 2022, except that the imposition of penalties by local jurisdictions pursuant to the regulations shall not take effect until 2 years after the effective date of the regulations.

~~This bill would delay the effective date of the regulations from January 1, 2022, to January 1 of an unspecified year, and would provide that~~

~~the operative date of each of the requirements in the regulations in effect as of December 31, 2021, shall be an unspecified amount of years after the operative date identified in the regulations. The bill would delay the imposition of penalties by local jurisdictions and the department pursuant to the regulations to January 1 of an unspecified year and would authorize the department to develop tools and incentives that encourage and reward early action by local jurisdictions.~~

*This bill, until January 1, 2023, would require the department to only impose a penalty on a local jurisdiction, and would require a penalty to only accrue, for a violation of the regulations if the local jurisdiction did not make a reasonable effort, as determined by the department, to comply with the regulations.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 42652.5 of the Public Resources Code is  
2     amended to read:

3     42652.5. (a) The department, in consultation with the State  
4     Air Resources Board, shall adopt regulations to achieve the organic  
5     waste reduction goals for 2020 and 2025 established in Section  
6     39730.6 of the Health and Safety Code. The regulations shall  
7     comply with all of the following:

8     (1) May require local jurisdictions to impose requirements on  
9     generators or other relevant entities within their jurisdiction and  
10    may authorize local jurisdictions to impose penalties on generators  
11    for noncompliance.

12    (2) Shall include requirements intended to meet the goal that  
13    not less than 20 percent of edible food that is currently disposed  
14    of is recovered for human consumption by 2025.

15    (3) Shall not establish a numeric organic waste disposal limit  
16    for individual landfills.

17    (4) May include different levels of requirements for local  
18    jurisdictions and phased timelines based upon their progress in  
19    meeting the organic waste reduction goals for 2020 and 2025  
20    established in Section 39730.6 of the Health and Safety Code. The  
21    department shall base its determination of progress on relevant  
22    factors, including, but not limited to, reviews conducted pursuant  
23    to Section 41825, the amount of organic waste disposed compared

1 to the 2014 level, per capita disposal rates, the review required by  
2 Section 42653, and other relevant information provided by a  
3 jurisdiction.

4 (5) May include penalties to be imposed by the department for  
5 noncompliance. If penalties are included, they shall not exceed  
6 the amount authorized pursuant to Section 41850.

7 (6) Shall take effect on or after January 1, 2022, except the  
8 imposition of penalties pursuant to paragraph (1) shall not take  
9 effect until two years after the effective date of the regulations.

10 (b) *Until January 1, 2023, the department shall only impose, in*  
11 *accordance with the enforcement procedures specified in Section*  
12 *18996.2 of Title 14 of the California Code of Regulations, a penalty*  
13 *on a local jurisdiction, and a penalty shall only accrue, for a*  
14 *violation of the regulations if the local jurisdiction did not make*  
15 *a reasonable effort, as determined by the department, to comply*  
16 *with the regulations.*

17 (b)

18 (c) A local jurisdiction may charge and collect fees to recover  
19 the local jurisdiction's costs incurred in complying with the  
20 regulations adopted pursuant to this section.

21 ~~SECTION 1. Section 42652.5 of the Public Resources Code~~  
22 ~~is amended to read:~~

23 ~~42652.5. (a) The department, in consultation with the State~~  
24 ~~Air Resources Board, shall adopt regulations to achieve the organic~~  
25 ~~waste reduction goals for 2020 and 2025 established in Section~~  
26 ~~39730.6 of the Health and Safety Code. The regulations shall~~  
27 ~~comply with all of the following:~~

28 (1) ~~May require local jurisdictions to impose requirements on~~  
29 ~~generators or other relevant entities within their jurisdiction and~~  
30 ~~may authorize local jurisdictions to impose penalties on generators~~  
31 ~~for noncompliance.~~

32 (2) ~~Shall include requirements intended to meet the goal that~~  
33 ~~not less than 20 percent of edible food that is currently disposed~~  
34 ~~of is recovered for human consumption by 2025.~~

35 (3) ~~Shall not establish a numeric organic waste disposal limit~~  
36 ~~for individual landfills.~~

37 (4) ~~May include different levels of requirements for local~~  
38 ~~jurisdictions and phased timelines based upon their progress in~~  
39 ~~meeting the organic waste reduction goals for 2020 and 2025~~  
40 ~~established in Section 39730.6 of the Health and Safety Code. The~~

1 department shall base its determination of progress on relevant  
2 factors, including, but not limited to, reviews conducted pursuant  
3 to Section 41825, the amount of organic waste disposed compared  
4 to the 2014 level, per capita disposal rates, the review required by  
5 Section 42653, and other relevant information provided by a  
6 jurisdiction.

7 (5) May include penalties to be imposed by the department for  
8 noncompliance. If penalties are included, they shall not exceed  
9 the amount authorized pursuant to Section 41850.

10 (6) Shall take effect on or after January 1, \_\_\_\_\_. The operative  
11 date of each of the requirements in the regulations in effect as of  
12 December 31, 2021, shall be \_\_\_\_\_ years after the operative date  
13 identified in the regulations. The imposition of penalties shall not  
14 take effect until January 1, \_\_\_\_\_. The department may develop  
15 tools and incentives that encourage and reward early action by  
16 local jurisdictions.

17 (b) A local jurisdiction may charge and collect fees to recover  
18 the local jurisdiction's costs incurred in complying with the  
19 regulations adopted pursuant to this section.