

EXECUTIVE ORDER N-81-20

WHEREAS the 2020 fire season has already proven to be the most destructive fire season on record in California; and

WHEREAS on August 16, 2020, I proclaimed a State of Emergency to exist statewide due to an Extreme Heat Event, which resulted in record-breaking temperatures and dangerous fire conditions throughout the State; and

WHEREAS on August 18, 2020 I proclaimed a State of Emergency to exist statewide due to the numerous wildfires burning throughout the State, including but not limited to the LNU, CZU, and SCU Complex Fires; and

WHEREAS on September 3, 2020, I proclaimed a State of Emergency to exist statewide due to another Extreme Heat Event, which again resulted in record-breaking temperatures and dangerous fire conditions throughout the State; and

WHEREAS on September 6, 2020, I proclaimed a State of Emergency to exist in Fresno, Madera, and Mariposa counties due to the Creek Fire; in San Bernardino County due to the El Dorado Fire; and in San Diego County due to the Valley Fire; and

WHEREAS on September 10, 2020, I proclaimed a State of Emergency to exist in Siskiyou County due to numerous fires within that county, including the Slater Fire; and

WHEREAS these wildfires have collectively destroyed thousands of homes and other structures, tragically claimed 26 lives to date, damaged and destroyed critical infrastructure, burned millions of acres of land, and created a substantial amount of ash, burnt vegetation, and other such debris over large areas of communities; and

WHEREAS the wildfires have resulted in widespread hazardous debris, which contains dangerous toxins including heavy metals such as arsenic, cadmium, copper, lead, and asbestos, and which must be cautiously and expeditiously removed and properly disposed of; and

WHEREAS recovery will be ongoing and it is imperative that governmental agencies are adequately staffed to help facilitate recovery, and that protections remain in place to ensure communities impacted by these wildfires are able to fully recover; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the wildfires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. State statutes, rules, regulations and requirements are hereby suspended to the extent they would prevent, hinder, or delay the following activities:
 - a. Removal, storage, transportation, and disposal of hazardous and non-hazardous solid waste and debris resulting from the wildfires that have burned and continue to burn in areas that are subject to the jurisdiction of departments within the California Environmental Protection Agency and the California Natural Resources Agency; and
 - b. Necessary restoration and rehabilitation of timberland, streams, rivers, and other waterways. Such statutes, rules, regulations and requirements are hereby suspended only to the extent necessary for expediting the removal and cleanup of debris from the fires, and for implementing any restoration plan. Individuals who desire to conduct activities under this suspension of statutes, rules, regulations, and requirements shall first request that the appropriate Agency Secretary, or the Secretary's designee, make a determination that the proposed activities are eligible to be conducted under this suspension.

The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall use sound discretion in applying this Order to ensure that the suspension serves the purpose of accelerating cleanup and recovery, while at the same time protecting public health and the environment.

This Order shall apply to, but is not necessarily limited to: solid waste facility permits, waste discharge requirements for storage and disposal; emergency timber harvesting; stream environment zones; emergency construction activities; and waste discharge requirements and/or Water Quality Certification for discharges of fill material or pollutants. Boards, departments and offices within the California Environmental Protection Agency and the California Natural Resources Agency shall exercise their administrative discretion and expedite the granting of other authorizations, waivers or permits necessary for the removal, storage, transportation and disposal of hazardous and non-hazardous debris resulting from the fires, and for other actions necessary for the protection of public health and the environment.

2. The United States Environmental Protection Agency, the Federal Emergency Management Agency, or any other individual or entity performing work at their direction, shall have full power to provide mutual aid to the State of California and any areas affected by a local health emergency and will have the authority to enter private property in all impacted counties to remove debris that may contain hazardous

substances, and to conduct any testing appropriate to ensure the hazards are mitigated. Any section of the Health and Safety Code allowing the immediate removal of this hazardous debris, including but not limited to section 101085, shall apply to and include the actions of the United States Environmental Protection Agency, the Federal Emergency Management Agency, or any individual or entity performing work at their direction, as if those agencies were a political subdivision or state agency for all purposes related to this operation.

3. The provisions of Penal Code section 396, subdivisions (b), (c), (d), (e), and (f), prohibiting price gouging in times of emergency, will remain in effect until March 25, 2021, in Butte, Del Norte, Glenn, Humboldt, Lake, Lassen, Los Angeles, Mendocino, Monterey, Napa, Nevada, Plumas, San Mateo, Santa Clara, Santa Cruz, Sierra, Sonoma, Solano, Tehama, Trinity, Tulare, Tuolumne, Yuba, and Yolo counties as impacted by fires covered by my August 18, 2020 State of Emergency proclamation; in Fresno, Madera, Mariposa, San Bernardino, and San Diego counties as impacted by fires covered by my September 6, 2020 State of Emergency proclamation; and in Siskiyou County for fires covered by my September 10, 2020 State of Emergency proclamation. The time limitations under those subdivisions are hereby waived.
4. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief as a result of a disaster, are suspended for a period of three months after the due date of the return or payment.
5. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and business impacted by the wildfires with the extensions for filing, audits, billing, notices, assessments, and relief from subsequent penalties and interest.
6. To allow counties time to reappraise the value of property to account for fire damage, the requirement in Revenue and Taxation Code section 20622 that the homeowner file the claim with the Controller by February 10, 2021, is waived as to homeowners in the affected counties. Claims must instead be filed by June 1, 2021.
7. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. These waivers in paragraph 7 shall apply to both state and local government entities, as applicable, to ensure adequate staffing to appropriately respond to the wildfires, but the Director of the California Department of Human Resources must be notified of any individual employed by state government pursuant to these waivers. The Governor's Office of Emergency Services shall use these

waivers to ensure adequate state staffing during this emergency. Local governmental agencies shall notify CalPERS of any individual employed by its agency pursuant to this Paragraph 7.

8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of the gubernatorially proclaimed emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of the gubernatorially proclaimed emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 25th day of September 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State