

Revisions to Product Stewardship for Carpet Regulation

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[http://www.calrecycle.ca.gov/Laws/
Rulemaking/Carpet/](http://www.calrecycle.ca.gov/Laws/Rulemaking/Carpet/)

Purpose of Regulation

- Clarify existing statute
- Establish administrative procedures
- Provide uniform competitive business environments

Overview of Regulatory Process

1. Scoping Sessions
2. Initial draft
3. Informal workshop
4. File proposed regulations and CEQA docs
5. Public comment
6. Public hearing
7. Revisions and public comment
8. Public meeting (conf call) (Oct 7)
9. Revisions and public comment (Oct 10-25)
10. Adoption at public meeting (Nov - tentative)
11. File final rulemaking with OAL
12. OAL approves/disapproves (Jan 2012)

Outline of Proposed Regulation

- Purpose
- **Definitions**
- **Submittals**
- **Criteria for Plan Approval**
- **Annual Report Compliance Criteria**
- **Civil Penalties**
- Record Retention
- Proprietary, Confidential, or Trade Secret Information
- Service Payments to Dept of Resources Recycling and Recovery

Red = change made in section

Section 18941. Definitions

The following definitions shall only apply to this Article,
and ~~E~~except as otherwise noted, the definitions of this
Article supplement and are governed by the definitions
set forth in Chapter 20 (commencing with §42970),
Part 3, Division 30 of the Public Resources Code:

- (1) "Must" or "shall" means a provision is mandatory.
- (2) "May" means a provision is permissive.

Section 18941. Definitions

(f) “Diversion” or “divert” means ~~any combination of waste prevention (source reduction), recycling, reuse, and composting activities that~~ which reduces or eliminates the amount of solid waste disposed at landfills at permitted landfills and transformation facilities in a manner consistent with the state’s hierarchy for waste management pursuant to Section 40051. for purposes of Division 30, including Article 1 (commencing with Section 41780) of Chapter 6 of the Public Resources Code. Nothing in this definition is intended to change the definition of diversion that applies to jurisdictions pursuant to section 40192(b) of the Public Resources Code or the applicability of that definition through Part 2 of Division 7 of the Public Resources Code (commencing with section 40900).

Section 18941. Definitions

(f) “Diversion ” or “divert” means activities which reduce or eliminate the amount of solid waste disposed at landfills in a manner consistent with the state’s hierarchy for waste management pursuant to Section 40051. Nothing in this definition is intended to change the definition of diversion that applies to jurisdictions pursuant to section 40192(b) of the Public Resources Code or the applicability of that definition through Part 2 of Division 7 of the Public Resources Code (commencing with section 40900).

Section 18942. Submittals.

(b)(2) The department may approve, disapprove, or conditionally approve a stewardship plan. A manufacturer or stewardship organization has 60 days to resubmit a plan or any supplemental information requested by the department when a plan is disapproved or conditionally-approved.

Section 18943. Criteria for Plan Approval

(a)(3)(A)(6) Increases in the discharge of air contaminants or emissions, including greenhouse gases, due to transformation or gasification processes, must be accompanied by documentation that demonstrates the activity will achieve a net benefit to air quality

Section 18943. Criteria for Plan Approval

(a)(4)(C) This Article does not modify or abrogate in any manner existing provisions of Section 41783 of the Public Resources Code related to transformation that allow jurisdictions to reduce their per-capita disposal rate by no more than 10 percent. ~~Materials sent to transformation facilities must meet the requirement of Section 41783(a)(2) of the Public Resources Code regarding front-end methods or program to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.~~

Section 18943. Criteria for Plan Approval

(a)(5)(E) Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have reasonably convenient ~~an~~ opportunity~~s~~(ies) located in each county that has a carpet retailer or desires ~~to conveniently and properly~~ manage their post-consumer carpet.

Section 18943. Criteria for Plan Approval

(a)(5)(E) Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have reasonably convenient opportunity(ies) located in each county that has a carpet retailer or desires to manage their post-consumer carpet.

Section 18943. Criteria for Plan Approval.

(a)(7)(F) An allocation of funds that support the solid waste management hierarchy and program goals identified in the stewardship plan.

a. Funds designated for CAAF, must be supported with documentation that provides evidence of a net environmental benefit over landfilling and that without an incentive more materials would be landfilled.

Section 18944. Annual Report Compliance Criteria.

(a)(7)(I) Amount of the assessment, aggregate assessment funds collected, how spent and amounts of each major expenditure.

a. Funds, if spent on CAAF , must be supported with documentation reporting on economic and environmental impacts and that incentives shall expire, if they no longer serve a benefit.

Section 18944. Annual Report Compliance Criteria

(a) (9) (E) If after conducting further review of the audit, the Department deems it to be necessary, the Department may conduct its own audit.

Section 18945. Civil Penalties

Base Penalty Table I: For Stewardship Organizations and Manufacturers

<u>14 CCR</u> <u>18942(b)(</u> <u>2)</u>	<u>Failure to resubmit a stewardship plan</u> <u>within 60 days after receiving a</u> <u>conditional approval from the</u> <u>Department</u>	<u>Level 1</u>
PRC 42973(b)	Failure to obtain Department approval of a stewardship plan	Level 3

What wasn't included?

- As noted, CalRecycle does not have the authority to eliminate the use of CAAF.
- Please see the “Overview of Comments, 15-day comment period”

Questions?

- Thank you for your participation in this process.
- The next revisions to be posted Oct 10, 2011
- <http://www.calrecycle.ca.gov/Laws/Rulemaking/Carpet/>