



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

October 4, 2011

Mr. Howard Levenson
Deputy Director
CalRecycle
1001 I Street
Sacramento, CA 95814

Dear Mr. Levenson:

Comments on Assembly Bill 2398 (Perez) Implementing Proposed Products Stewardship for Carpet Regulations

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to further comment on the proposed Product Stewardship for Carpet Regulations which is intended to implement Assembly Bill (AB) 2398, now in statute. The Sanitation Districts previously commented on the proposed regulations on March 2, 2011, and August 26, 2011. CalRecycle has been kind enough to post these letters on its web site and to revise the proposed regulations consistent with selected comments. However, the Sanitation Districts strongly propose that, for consistency with the stated intent of the enabling legislation, one additional revision be made to the proposed regulations.

Requested Change to Proposed Regulations – Definition of Diversion

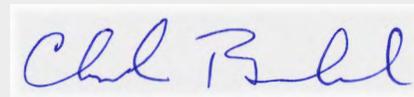
As clearly stated in AB 2398, the purpose of the legislation is to “increase the amount of postconsumer carpet that is diverted from landfills and recycled into secondary markets or otherwise managed in a manner that is consistent with the state’s hierarchy for waste management practices pursuant to [PRC] Section 40051” (emphasis added). The proposed definition of “diversion” found in Section 18941(f) of the carpet stewardship regulations needs to be changed to be consistent with the legislation. PRC Division 30, Sections 40124, 40190.1, and 40192(b), define “diversion” as reducing “disposal” defined as the management of solid waste through landfill disposal or transformation. This is clearly not the intent of the legislation. PRC Section 40192(b) allows for alternative definitions of “disposal” when appropriate such as for consistency with legislative intent. Therefore, we request that the proposed definition be modified as shown below:

“(f) “Diversion” or “divert” means activities which reduce or eliminate the amount of solid waste disposed at permitted landfills, for purposes of Division 30, including Article 1 (commencing with Section 41780) of Chapter 6 of the Public Resources Code, or is otherwise managed in a manner consistent with the state’s hierarchy for waste management practices pursuant to Section 40051.”

We are aware that other stakeholders have made comments objecting to the proposed definition of “diversion” and references to “diversion from landfills” in the proposed regulations. The Sanitation Districts strongly recommend, for consistency with the legislation, that this definition and references remain in the proposed regulations.

The Sanitation Districts appreciate your consideration of our concerns and requested change to the proposed carpet stewardship regulations. As previously stated, the proposed regulations should implement AB 2398 and not impose any unauthorized mandates. If you should have any questions, please contact Mr. Glenn Acosta at (562) 908-4288, extension 2723.

Very truly yours,
Stephen R. Maguin



Charles Boehmke
Assistant Department Head
Facilities Planning Department

CB:CRS:DN:ddg

cc: Mark Leary, Acting Director, CalRecycle
Faridoon Ferhut, CalRecycle
Kathy Frevert, CalRecycle
Bob Holmes, CalRecycle
Honorable John Perez, Speaker of the California State Assembly