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December 13, 2011

Teri Wion
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

RE: Proposed Mandatory Commercial Recycling Regulation

Dear Ms. Wion:

On behalf of our twenty-two member counties, the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) would like to express our appreciation to the Department of Resources Recycling and Recovery (CalRecycle) for their efforts to develop regulations to implement the mandatory commercial recycling requirement of AB 341. The ESJPA especially appreciates and supports CalRecycle staff's efforts in recognizing the difficulties faced by rural jurisdictions.

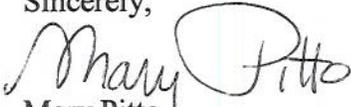
Recycling is significantly limited in rural jurisdictions due to the "small geographic size, low population density or distance to markets". Section §18839 (b) (7) recognizes these circumstances in consideration of a rural jurisdiction's good faith efforts. We suggest that the evaluation of good faith efforts in §18839 (c) also reference the requirements of Public Resources Code (PRC) commencing with Section 41850 that identifies additional parameters related to good faith efforts.

Our counties have expressed concern with the monitoring requirements of Section 18838 (a) (2) and Section 18839 (b) (4). Monitoring of all businesses would require additional staff resources, which is not feasible; especially since most jurisdictions have had to reduce staff during these economic times. It is our understanding that the proposed language in Section 18838 (a), "...each jurisdiction shall implement a commercial recycling program appropriate for that jurisdiction...", is intended to allow jurisdictions to implement programs that meet local needs and work within existing infrastructures and resources. The ESJPA has previously discussed with CalRecycle staff alternative strategies for rural areas that include requesting businesses to self report compliance, phased in implementation, and that a jurisdiction can still achieve compliance or good faith efforts even if it cannot demonstrate that all businesses have been monitored.

The ESJPA has committed to work with CalRecycle staff to assist in the preparation of a model rural commercial recycling program that would satisfy the minimum requirements for consideration of a rural jurisdiction's good faith efforts. We expect that as the recycling market and infrastructure expand making recycling in rural areas more feasible, the overall recycling rates in rural areas will improve, including in the commercial sector.

Again, the ESJPA would like to express our support and gratitude to all the CalRecycle staff for their continued efforts to understand the rural county constraints. We will continue to work with CalRecycle staff and our member counties in the implementation of the mandatory commercial recycling regulations. Thank you for your consideration.

Sincerely,



Mary Pitto
ESJPA Program Manager

- cc: ESJPA Board of Directors
- RCRC Board of Directors
- Caroll Mortensen, Director, CalRecycle
- Howard Levinson, Deputy Director, CalRecycle
- Cara Morgan, Branch Chief, CalRecycle