



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

March 2, 2011

File No. 31R-10.10

Mr. Howard Levenson
Deputy Director
CalRecycle
1001 I Street
Sacramento, CA 95812

Dear Mr. Levenson:

Comments on Informal Draft Regulatory Text for Product Stewardship for Carpets

The Sanitation Districts of Los Angeles County appreciate the opportunity to comment on the *Informal Draft Regulatory Text, Product Stewardship for Carpets Program* and related *Discussion Draft* which were discussed at a CalRecycle Public Workshop on February 22, 2011.

We are particularly concerned with the definition of “diversion” contained in Section 18941(e) of the *Informal Draft Regulatory Text*. That definition now reads:

“Section 18941(e) “Diversion” means any combination of waste prevention (source reduction), recycling, reuse, and composting activities that reduces waste disposed at permitted landfills and transformation facilities. Transformation is not diversion for the purpose of this Article. (emphasis added)”

We would respectfully submit that this definition conflicts with the enabling legislation. Specifically, Section 42970 of the Public Resources Code as enacted by AB 2396 reads as follows:

“42970. The purpose of this chapter is to increase the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products or otherwise managed in a manner that is consistent with the state’s hierarchy for waste management practices pursuant to Section 40051. (emphasis added)”

The obvious intent and effect of this statutory construction is to place the highest priority on diverting post-consumer carpet from landfills and into the recycling of secondary products. It, however, also recognizes that other management practices such as transformation that are consistent with the state’s hierarchy for waste management may be appropriate for some portion of the material diverted from landfills. In essence, this statutory construction creates a clear distinction between landfills and transformation.

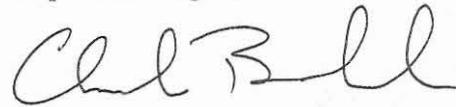
Further, in accordance with Public Resources Code Section 41783, jurisdictions are allowed to receive up to 10 percent of their AB 939 diversion credit as transformation provided there is front-end recovery of recyclable materials. A significant percentage of carpet waste is not recyclable. Because of this, transformation is a post-recycling alternative to landfilling where energy is produced from end-of-the-line wastes containing virtually no recyclables and which have no other beneficial use. Without transformation, these end-of-line wastes would be landfilled.

In summary, the proposed definition of "diversion" fails to recognize the statutory distinction between landfills and transformation by treating landfills and transformation in an identical fashion. Further, the proposed definition is inconsistent with statutes that recognize, within specified limits, transformation for purposes of diversion credit. Therefore, there are clear conflicts between the statute definition and the proposed definition of "diversion" in the *Draft Regulatory Text*.

Thank you for the opportunity to comment on the informal draft regulatory text. Your consideration of our comments and concerns is very much appreciated.

Very truly yours,

Stephen R. Maguin

A handwritten signature in black ink, appearing to read "Charles Boehmke". The signature is fluid and cursive, with the first name "Charles" written in a larger, more prominent script than the last name "Boehmke".

Charles Boehmke
Assistant Department Head
Facilities Planning Department

CB:DN:ddg