

December 12, 2012

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Re: Comments to Proposed Mandatory Commercial Recycling Regulations

Definitions

Do condominiums, townhomes, and mobile home parks that use individual carts rather than bins for solid waste and recycling need to be monitored and reported under this bill?

The proposed regulation seems to indicate that, public entities, including schools, special district or a federal, state, local, regional agency or facilities are included in the definition of a business. How will a local jurisdiction enforce AB341 with these entities when the local jurisdiction has no means to enforce over these entities located with the local's geographic limits?

Is there a difference between material recovery facility and mixed waste processing facility? The definitions should be clarified to indicate this.

We assume that industrial wastes will not be included as part of this requirement, please confirm. The definition should be clarified to explicitly exclude this.

Reporting Outreach Efforts

If a jurisdiction is achieving 75% diversion or greater, does the jurisdiction need to identify outreach and other "good faith efforts" (as described in 42649.3)? Is the "outreach" that needs to be reported limited to outreach that is directed at businesses and MFDs regulated under AB341?

Business/MFD Count

Will jurisdictions need to report a total number (and units per development count) for all businesses and MFDs regulated under AB341 or only a count for those that are not in compliance?

MRF Sort vs. Source Separation

In San Jose we use mixed waste processing for both our MFD and commercial entities and are very interested in learning what the final language will be on this. Because we rely heavily on these programs for high diversion and have franchise agreements and

finances based on this, the language around this is of great importance to us. Therefore, we believe that in addition to the items below a clarification to what is meant by mixed waste processing is needed.

For the purpose of determining whether a businesses and MFD regulated under AB341 is "recycling" by subscribing to a program that sorts the material at a MRF (for example), what source separation rate % will be used for the comparison?

It appears the draft language in the bill allows a jurisdiction to comply with AB341 by requiring waste to go through a mixed processing system that diverts material from disposal. However, in the FAQs it says "Subscribing to a recycling service that includes mixed waste processing as part of a system in combination with other programs, activities or processes that diverts recyclable materials from disposal and yields diversion results comparable to source separation." What is meant by "as part of a system in combination ..."

Thank you for the opportunity to provide comments to the proposed regulation. San Jose is the third largest city in the state and supports the goals of AB341. We would welcome any other opportunity to provide input to the bill and encourage you to seek us out if the need should arise. Please feel free to contact us with any questions.

Respectfully,



Kristina McCaffrey
Environmental Services Specialist
City of San Jose
November 8, 2011