

From: Teresa Bui <teresabui@cawrecycles.org>
Sent: Wednesday, September 21, 2011 1:33 PM
To: Frevert, Kathy; Ferhut, Faridoon
Cc: Levenson, Howard; Nick Lapis; Mark Murray
Subject: Comments on Carpet Regulation Released on Sept 19, 2011

Kathy and Fareed,

As you know we've submitted some broad comments regarding the carpet regulation, opposing funding for CAAF. In addition, we have a few specific question/comments on CAAF / transformation changes that were made to the regulation released this Saturday:

- As we've mentioned before, we do not see a need for defining diversion and transformation in this regulation. What is the value of defining transformation when there will be no funding for transformation? Why define diversion when funding should be based on recycling?
- The regulation seems contradictory in terms of what CAAF is. CAAF is explicitly defined a diversion in the definition, yet on Section 18943 Criteria for Plan Approval (4)(B) page 7, line 1, the following sentence implies that CAAF is transformation : "through CAAF and other forms of transformation".
- **Section 18943 Criteria for Plan Approval (4)(C)** regarding transformation, and front-end methods does not seem to make sense in the case of the carpet regulations. What is the purpose of this section?
The first sentence states, correctly, that this regulation does not change the statute regarding transformation, but it is unclear what the relevancy of this is to the regulations. The second sentence appears to be further attempting to restate existing statute, but outside the context of local disposal accounting might actually be creating a new regulatory requirement. The requirement for front-end separation applies to local governments that want to reduce their "disposal" accounting for waste sent to a transformation facilities and is not a requirement imposed on transformation facilities more broadly. More importantly, whether or not something counts for disposal is immaterial for this regulation.
- There seems to be inconsistency in several parts of the regs regarding diversion and transformation. For example:
"Section 18944 Annual Report Compliance Criteria (a) (4)(C) (5)(A)(8) Describe efforts to increase diversion of post-consumer carpet from landfills. "

It should, at a minimum, say "Describe efforts to increase diversion of post-consumer carpet ~~from landfills~~"

Or "Describe efforts to increase diversion of post-consumer carpet from landfills and transformation"

But to be consistent with the intent of the statute it should really read: "Describe efforts to increase recycling of post-consumer carpet"

There are several other places that also say "divert from landfill" or "diversion from landfill," and this comment applies there as well.

Thank you and I appreciate your time and consideration on this.

Teresa Bui
Policy Associate

[Californians Against Waste](#)

916-443-5422 (office)

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