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SOLID WASTE ASSOCIATION
of North America

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LEGISLATIVE TASK FORCE

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October 3, 2011

Fareed Ferhut
Materials Management and Local Assistance Division
California Department of Resources
Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812

Dear Mr. Ferhut:

**COMMENTS ON ASSEMBLY BILL 2398 (PEREZ) IMPLEMENTING
PROPOSED PRODUCT STEWARDSHIP FOR CARPET REGULATIONS**

The Solid Waste Management Association of North America (SWANA), the largest association of solid waste professionals (7,700 members), is committed to advancing the practices of environmentally and economically sound management of municipal solid waste. On behalf of the SWANA California Chapters (over 900 members) and as the Chair of their Legislative Task Force (LTF) I want to express our appreciation for the opportunity to comment on the Proposed Product Stewardship for Carpet Regulations (Carpet Stewardship Regulations), which implement Assembly Bill 2398 (Chapter 681, 2010 Statutes).

The revised proposal, dated 9/19/2011, addresses many of the concerns expressed in our letter dated 8/11/2011. However, SWANA is concerned with the inclusion of the term "disposal" in the definition of "diversion" contained in Section 18941(f). This is because "disposal", as defined in Sections 40120.1 and 40192 of the Public Resources Code, includes both transformation facilities and landfills. AB 2398 (John Perez, 2010) only requires diversion from landfills – Section 42972(a)(2) of the Public Resources Code is specific only in its reference to diversion from landfills. By including diversion from transformation sites through the definition in 18941(f), CalRecycle is exceeding the authority provided in AB 2398. We propose the following modification to the definition of "diversion" contained in the revised regulations:

"Diversion" or "divert" means any activities which reduces or eliminate the amount of solid waste disposal at permitted landfills for purposes of Division 30, Part 3, Chapter 20 ~~including Article 1~~ (commencing with Section 4178042970) ~~of 14 Chapter 6~~ of the Public Resources Code."

The LTF appreciates your consideration of our concerns and requested changes to the proposed carpet stewardship regulations. As previously stated, the proposed regulations should simply implement AB 2398 and not impose any unauthorized mandates or dictate how solid waste should be managed in California.

Respectfully,



William Merry, Chair
Legislative Task Force
Solid Waste Association of North America, California Chapters

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