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SOLID WASTE ASSOCIATION
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LEGISLATIVE TASK FORCE

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October 25, 2011

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

**RE: Proposed Product Stewardship for Carpet Regulations
10/11/2011 Revision**

Dear Mr. Ferhut:

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).

Thank you for the opportunity to comment on the 10/11/2011 revisions to the proposed regulations for the creation of a product stewardship program for post-consumer carpet. The SWANA LTF supports the current definition of "diversion", which properly acknowledges that the primary purpose of the Carpet Product Stewardship regulations is to shift responsibility for the end-of-life management of carpet products to the manufacturers and increase the amount of post-consumer carpet that is diverted from landfills.

The LTF is concerned with new requirements in Sections 18493 (a)(7)(F)(a) and 18944(a)(7)(I)(a) that single out funds designated and spent on CAAF for additional documentation requirements. There are several reasons that this new requirement should be removed from the proposed regulations:

1. CalRecycle has already validated the net environmental benefits of conversion technologies in the *New and Emerging Conversion Technologies Report* (CalRecycle, 2007). The required documentation contained in the sections identified above is redundant and unnecessary.

2. Documenting the “net environmental” benefit as required by the revised regulations will require the unnecessary expenditure of resources. Depending on how CalRecycle ultimately implements this requirement, and what type of documentation is deemed acceptable, the cost could be prohibitive.
3. The regulations contain no description of the criteria that would be used to confirm that CAAF does indeed provide a net environmental benefit over landfilling. Without this type of guidance the requirement simply serves as a roadblock to the effective and convenient utilization of CAAF.
4. AB 2398 contains no basis for singling out CAAF for additional, potentially prohibitive, documentation requirements. If this requirement to provide documentation of the “net environmental benefit” is to be included in the regulations, which we do not believe it should be, it should be applied to all products derived from carpet.

The LTF is also concerned with the addition of Section 18943(a)(12), which requires the submission of “information to assist in completing an initial study under the California Environmental Quality Act”. This requirement is vague and does not provide sufficient information for compliance. In addition to being vague, the LTF believes that CalRecycle is the responsible agency for CEQA compliance and that the requirement should be deleted entirely.

The SWANA LTF appreciates your consideration of these additional comments.

Respectfully,



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

cc: Carol Mortensen, Director, CalRecycle
Honorable John Perez, Speaker of the California State Assembly