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October 4, 2011

Fareed Ferhut  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
PO Box 4025  
Sacramento, CA 95812-4025

RE: Notice of Changes to the Proposed Product Stewardship for Carpet Regulations

Dear Mr. Ferhut:

On behalf of our twenty-two member counties, the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) would like to again express our appreciation to the Department of Resources Recycling and Recovery (CalRecycle) for their efforts to develop regulations to implement AB 2398, the new carpet stewardship statute. While the ESJPA supports the proposed regulations, we believe the language in Section 18943 (a)(5)(E) is a particularly important aspect of the criteria for plan approval to our organization.

The revised language now reads:

“Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have reasonably convenient ~~an opportunity~~ ~~ies~~ to ~~conveniently~~ ~~and properly~~ manage their post-consumer carpet.”

As you are aware, the ESJPA and six counties (five of which are ESJPA members) have agreed to participate in a “rural pilot project” to establish and evaluate different options for collecting and transporting carpet to recycling processors. Waste management is economically challenging in the rural counties due to the economy of scale and distances to markets. The purpose of the pilot project is to find the most economically feasible carpet recycling alternatives that can be replicated in the other rural counties within the state. Since all carpet purchasers now pay into the carpet stewardship program, it is imperative that our rural counties receive a direct benefit from the program and are able to provide opportunities for carpet recycling at no additional cost to our counties.

The ESJPA and the pilot project counties are concerned with the interpretation of “reasonably convenient” in the above provision. It is our collective belief that “reasonably convenient” means there is some opportunity provided in (preferably) retail facilities in each county. The retailers and consumers in our counties pay the fee and deserve to receive a direct benefit. Our counties are nonetheless willing to cooperate and consider facilitating these opportunities at their public solid waste collection facilities by providing space for collection. However, our counties should not and cannot expend additional funds to make this endeavor work.

We suggest that the above provision be amended to read:

“Description of how each consumer that pays a carpet stewardship assessment, including but not limited to those in rural areas, will have a reasonably convenient ~~an~~ opportunity(ies) located in each county that has a carpet retailer or desires to conveniently and properly manage their post-consumer carpet.”

AB 2398 Section 42972.5 (b) provides that CARE shall spend revenues from the assessment to implement early action measures that are designed to achieve measurable improvements in the landfill diversion and recycling of post consumer carpet. The rural pilot project should qualify as an early action measure so that the infrastructure and transportation costs are determined and paid for by the program. This information is crucial to then determine the necessary assessment per unit that cumulatively will adequately fund the plan into the future. If consumers in the rural counties are not afforded a local opportunity to recycle carpet, then these counties should be exempt from the fee (tax).

Again, the ESJPA would like to express our gratitude to you and all the staff for your continued efforts to understand the rural county constraints. We will continue to work with CalRecycle and CARE staff in outreach efforts and implementation of the carpet stewardship program. Thank you for your consideration.

Sincerely,



Mary Pitto  
ESJPA Program Manager



Kristina Miller  
ESJPA Technical Advisory Committee Chair, and  
Tehama County Sanitary Landfill Agency Program Manager

cc: ESJPA Board of Directors  
Regional Council of Rural Counties (RCRC) Board of Directors  
Heidi Sanborn, Executive Officer, CA Product Stewardship Council