



August 17, 2011

Howard Levenson, Deputy Director
Materials Management and Local Assistance Division
California Department of Resources
Recycling and Recovery (CalRecycle)
801 K Street, MS 19-01
Sacramento, CA 95814

Dear Mr. Levenson:

RE: COMMENTS ON PROPOSED PRODUCT STEWARDSHIP FOR CARPET REGULATIONS

On behalf of Stanislaus County, I am pleased to comment on the Proposed Product Stewardship for Carpet Regulations (Carpet Stewardship Regulations), which implement Assembly Bill 2398 (Chapter 681, 2010 Statutes). Since commencing operations in 1989, the Stanislaus Waste-to-Energy facility produces clean, renewable energy by transforming approximately 800 tons of municipal waste daily to produce 22.5 megawatts of electricity, which meets the power needs of 16,000 homes while servicing the disposal needs of over half a million people. Together with the nation's 86 other transformation facilities, the Stanislaus facility is committed to reducing its reliance on landfills in order to ultimately decrease greenhouse gases.

We are concerned that with respect to transformation, the proposed carpet stewardship regulations go beyond the intent and the provisions in AB 2398, now in statute. AB 2398 specifically calls for diverting postconsumer carpet from landfills. Nowhere in the bill does it mandate or mention diverting carpet from transformation facilities. In fact, the bill does not contain the word "transformation," therefore; including it in the proposed regulations would give CalRecycle the authority to limit transformation in favor of reduction, reuse, and recycling. This, however, is what CalRecycle has proposed in the draft regulations. This is a departure from the legislative intent of the bill and its provisions, and as a consequence, is a deviation from what the bill authorized. We request that CalRecycle revert back to the exact provisions contained in AB 2398 and delete transformation from the regulations. It is important that the carpet stewardship regulations not abrogate the provisions of AB 939, which provides up to 10 percent diversion credit for solid waste managed through existing transformation facilities.

Definition of Diversion

As clearly stated in AB 2398, the purpose of the bill is to "increase the amount of postconsumer carpet that is diverted from landfills and recycled into secondary markets or otherwise managed in a manner that is consistent with the state's hierarchy for waste management practices pursuant to [PRC] Section 40051"(emphasis added). The definition of "diversion" in the carpet stewardship regulations needs to be changed so that it is

Mr. Howard Levenson
August 17, 2011
Page 2

consistent with the bill. Therefore, Section 18941(f) of the proposed regulations should be modified as follows:

“(f) “Diversification” means any combination of waste prevention (source reduction), recycling, reuse, and composting activities that reduces waste disposed at permitted landfills and ~~transformation facilities or otherwise managed in a manner that is consistent with the state's hierarchy for waste management practices pursuant to Section 40051.~~”

Solid Waste Management Hierarchy

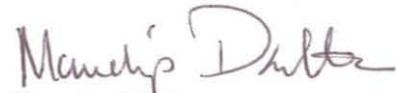
The proposed regulations appear to direct how solid waste should be managed in California rather than following the provisions in AB 2398 which simply reference the existing solid waste management hierarchy. AB 2398 states that the proposed measures in the bill “will enable the management of postconsumer carpet in a manner consistent with the state’s solid waste management hierarchy, including, but not limited to source reduction, source separation and processing to segregate and recover recyclable materials, and environmentally safe management of materials that cannot feasibly be recycled.” Again, there is no mention of diversion from transformation facilities in the bill. Therefore, Section 18943(a)(4) should be revised to be consistent with AB 2398, as follows:

~~“(A) Proposed measures that will enable the management of post-consumer carpet in a manner consistent with the state’s solid waste management hierarchy pursuant to PRC Section 40051 and demonstrate that over time source reduction, reuse, and recycling will increase, over environmentally safe transformation and land disposal.~~

~~“(B) Management of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than management of carpet through carpet as alternative fuel, Waste to Energy, and incineration.”~~

We appreciate your consideration of our concerns and requested changes to the proposed carpet stewardship regulations. If you have any questions, please feel free to contact me at (209) 525-6786 or mdhillon@envres.org.

Respectfully,



Mandip Dhillon
Solid Waste Program Manager
Stanislaus County Department of Environmental Resources

cc: Jami Aggers, Assistant Director