From: Mike Mohajer [mikemohajer@yahoo.com]
Sent: Tuesday, August 02, 2011 11:44 PM
To: Levenson, Howard
Cc: Carpet Product Stewardship; Frevert, Kathy; Carlos Ruiz ; Tranette Sanders
Subject: LA Co IWM Task Force, Mohajer, received 8-2-2011
Attachments: Carpet_Proposed_Stewardship_Regulations.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Note: The attached letter was received Aug 2, 2011 and is being considered in the formal rulemaking process.
CalRecycle Team

Hi Howard,

On behalf of the Los Angeles County IWM Task Force, I would respectfully request your written response to the Task Force letter of March 29, 2011 addressed to you, a copy attached. However, I would like to offer my apology in advance should you have already responded to the said letter. If so, I would appreciate a copy at your earliest.

Thank you,

Mike Mohajer
Member, LA County IWM Task Force
MikeMohajer@yahoo.com

CC: Members & Alternates of the LA County IWM Task Force

GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

March 29, 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:

COMMENTS REGARDING PROPOSED PRODUCT STEWARDSHIP FOR CARPET REGULATIONS – MARCH 15, 2011

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on the Proposed Product Stewardship for Carpet Regulations (Regulations) being prepared pursuant to Assembly Bill 2398 (Chapter 681, 2010 Statutes). The Task Force is a supporter of product stewardship and was actively involved to ensure the enactment of AB 2398 in 2010. With this in mind, we would like to offer the following comments for your consideration.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force previously commented on the Informal Draft Regulatory Text in a communication to CalRecycle dated February 25, 2011 (copy enclosed), which expressed the need for regulatory clarity for carpet management options. Although the draft regulations are a step in the right direction, there is still a lack of clarity regarding how various end-of-life options for carpet would be treated for the purposes of complying with AB 2398. It is important to note that the primary intent of AB 2398 is to shift responsibility for the end-of-life management of post-consumer carpet to manufacturers, and "increase the amount of postconsumer carpet that is **diverted from landfills** and recycled into secondary products **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). With this in mind the Task Force requests CalRecycle address the following remaining issues prior to the submittal of Regulations to the Office of Administrative Law:

- To be consistent with the requirements of AB 2389 and for the purpose of this Article, and in concert with Subdivision 18941(e) of the proposed Regulations, the definition of "Diversion" in Subdivision 18941(f) needs to be revised to read "Diversion means activities which reduce or eliminate the amount of postconsumer carpet from landfill disposal." AB 2389 does not require nor does it state any intent to mandate diversion of postconsumer carpet from transformation facilities. The current definition of diversion within the proposed Regulations contradicts AB 2398's stated purpose as the bill legislatively mandates diversion only from landfills. The current definition also contradicts the provisions of AB 939, which provides up to 10 percent diversion credit for solid waste managed through existing transformation facilities.

- To also be consistent with requirements of AB 2398 and in concert with the provisions of Section 42972 of the Public Resources Code (PRC), Subdivision 18943(a)(4)(A) of the proposed Regulations should be amended to read: "Proposed measures that will enable the management of post-consumer carpet in a manner consistent with the State's current 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~~." Note that PRC Section 40051 already establishes the requirement to "Maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal."

- Conversion technologies (CT) are not defined or otherwise addressed anywhere in the Regulations. As discussed above, the legislative mandate of AB 2398 is to divert postconsumer carpet from landfill disposal. Therefore, the proposed Regulations should be revised to make it clear that postconsumer carpet material managed through a CT facility would be considered diversion **for the purposes of complying with AB 2398**.

- Subdivision 18943(a)(4)(B) creates an additional accounting system that requires "[m]anagement of carpet through source reduction, reuse and recycling must be greater than, and grow at a higher rate than the management of carpet through carpet as alternative fuel, Waste-to-Energy, and incineration." There is no basis in AB 2398 to require this additional unwieldy and impractical accounting system, which seems to diminish or stifle the role of various options to divert postconsumer carpet from landfill disposal. As a result, we request the subdivision be deleted.

Again, it is worth noting that AB 2398 specifically requires carpet stewardship plans to "Include goals that, to the extent feasible based on available technology and information, increase the recycling of postconsumer carpet, increase the diversion of postconsumer carpets that cannot feasibly be recycled from **land disposal**, increase the recyclability of carpets, and incentivize the market growth of secondary products made from postconsumer carpet" (emphasis added). As such, CalRecycle should amend the proposed Regulations to identify all viable and feasible end-of-life management options including, but not limited to, CTs that divert carpet waste from landfill disposal as "diversion."

The Task Force looks forward to the next iteration of carpet stewardship regulations addressing the concerns and suggestions listed above. We appreciate your consideration of our comments and look forward to working with you in realizing our mutual goal of a more sustainable California. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

Enc.

MS/RG:ts
P:\eppub\ENGPLAN\TASK FORCE\Letters\Carpet Proposed Stewardship Regulations.doc

cc: Mark Leary, Acting Director, CalRecycle
CalRecycle (Faridoon Ferhut, Kathy Frevert, Bob Holmes)
Carpet America Recovery Effort (Georgina Sikorski)
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor and City Manager in Los Angeles County
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
California Product Stewardship Council
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force