



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

October 24, 2011

Faridoon Ferhut
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

Dear Mr. Ferhut:

COMMENTS REGARDING PROPOSED PRODUCT STEWARDSHIP FOR CARPET REGULATIONS – OCTOBER 11, 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 dated October 11, 2011, (Regulations) being prepared pursuant to Assembly Bill 2398 (Chapter 681, 2010 Statutes).

The Task Force appreciates the most recent revisions to the Regulations, which have addressed and incorporated some of our previous comments. We especially appreciate the current “diversion” definition, which acknowledges that the primary purpose 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. However, the latest version of the Regulations encompasses a number of requirements that are inconsistent with the legislative purpose of AB 2398. The following represent our area of concerns and justifications for the recommended revisions to the Regulations (shown as ~~strike through~~/underline):

- **Revise Section 18941(I) as follows:** “Transformation” has the same meaning as defined in Section 40201 of the Public Resources Code ~~means incineration, pyrolysis, distillation, or biological conversion other than composting.~~ “Transformation” ~~does not include composting, gasification, or biomass conversion.~~

While we acknowledge that the proposed definition of “transformation” is verbatim to current statute, we believe it would be more appropriate to refer to the PRC statute in order to assure consistency in the event the statute definition is revised. As an active member of the Bioenergy Interagency Working Group, CalRecycle is well aware and has been in support of legislative efforts to refine existing statutory definitions including the definition of transformation, which arbitrarily includes some conversion technologies, excludes other technologies, and makes no mention of many other conversion technology categories.

- **Revise Section 18943(a)(4)(B) as follows:** “Management 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, ~~and other forms of transformation.~~”

We are more concerned with the structure of this section, which essentially equates Carpet As Alternative Fuel (CAAF) with transformation. As explained by CalRecycle staff, CAAF is a product made from residual (unrecyclable) carpet waste while transformation is a subset of processes that can utilize CAAF. As currently drafted, this section not only fails to acknowledge various other conversion technologies not included under transformation that can also utilize CAAF but also confuses a product with a process.

- **Delete Sections 18943(a)(7)(F)(a) and 18944(a)(7)(I)(a):** “~~Funds designated for CAAF, must be supported with documentation that provides evidence of a net environmental benefit over landfilling and that without an incentive more materials would be landfilled.~~” ; **and** “~~Funds, if spent on CAAF, must be supported with documentation reporting on economic and environmental impacts and that incentives shall expire, if they no longer serve a benefit.~~”

AB 2398 specifically allows for CAAF; however, in the draft Regulations, in order to receive funding for CAAF, CalRecycle requires manufacturers to provide additional documentation that is not required for any other carpet derived product such as products generated from recycling. If these requirements for funding are in the Regulations, they should be required for all products derived from carpet, or they should not be required for any at all. There is no basis to single out CAAF for these extra documentation requirements, and thus, the Regulations go beyond the legislative intent of AB 2398. Furthermore, CalRecycle has already validated the net environmental benefits of conversion technologies in your \$1.5 million June 2007 *New and Emerging Conversion Technologies Report to the Legislature*. The full study can be found at:
http://www.socalconversion.org/pdfs/CIWMB_2007_CT_Study.pdf.

- **Delete Section 18943(a)(12):** ~~“Environmental information. Plans shall be accompanied with information to assist in completing an initial study under the California Environmental Quality Act.”~~

This requirement is vague and does not provide sufficient information to be instructive to manufacturers complying with the Regulations. It is also unclear why this section is necessary. Under this section, plans are required to be accompanied with information for the California Environmental Quality Act (CEQA) compliance. The Task Force would like clarification on what the basis is for this requirement under AB 2398. The Task Force believes CalRecycle is the responsible agency for CEQA compliance, and therefore recommends deleting the section entirely.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 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, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

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The Task Force appreciates your consideration of these additional comments. We look forward to the implementation of carpet stewardship regulations and working with CalRecycle 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 or MikeMohajer@yahoo.com.

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

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cc: Caroll Mortensen, Director, CalRecycle
CalRecycle (Mark Leary, Howard Levenson, 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
San Fernando 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