

# WASTE & RECYCLING NEWS

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## CARE plans webinar on Calif. carpet law Oct. 22

Oct. 6 – The Carpet America Recovery Effort will hold a free webinar discussing the new California Carpet Stewardship laws and how the laws may impact carpet recycling in that state and across the country.

The webinar will take place at 3 p.m. Oct. 22 and is expected to last approximately one hour. The webinar will be presented by Georgina Sikorski, CARE Executive Director.

The discussion will include an overview of the law, development of the product stewardship plan, the role of CARE in the process and requirements of manufacturers under the new law.

To listen in by phone, call 605-475-4333, Access Code: 993348. A webcast will be available at [www.readytalk.com](http://www.readytalk.com), Access Code: 4282127.

For more information contact Jeremy Stroop at [jstroop@carpetrecovery.org](mailto:jstroop@carpetrecovery.org).

Contact Waste & Recycling News reporter Amanda Smith-Teutsch at 330-865-6166 or [asmith-teutsch@crain.com](mailto:asmith-teutsch@crain.com)

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## **GFI to open two new carpet recycling facilities in Calif.**

Oct. 7 – The Carpet Recyclers, a new division of GF Industries, will open two new carpet recycling facilities to serve both northern and southern markets in California.

Two new carpet recycling facilities, each using "zero waste to landfills" technology, will be built in Oakland and La Mirada, Calif.

GFI provides recycling and beneficial reuse services for industrial waste. Services include foundry sand recycling, hazardous waste management and other services.

"Since 1992, GF Industries has been turning waste into resources through our innovative waste recovery, beneficial reuse and recycling solutions that reduce costs for our customers and help the environment," said Larry Fink, president of GFI. "We are excited to add our expertise to carpet recycling with the opening of our first two The Carpet Recyclers facilities and creating 50 green jobs."

The Carpet Recyclers company is a member of the Carpet America Recovery Effort.

For more information, [click here](#) or [here](#).

Contact Waste & Recycling News reporter Amanda Smith-Teutsch at 330-865-6166 or [asmith-teutsch@crain.com](mailto:asmith-teutsch@crain.com)

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## **KAB to sponsor America Recycles Day Nov. 15**

Sept. 24 -- America Recycles Day has been set for Nov. 15.

Keep America Beautiful is sponsoring the program for the second year, hoping to get American households to recycle more at home, at work, and on the go.

America Recycles Day 2009 featured 750 registered organizations conducting 2,375 events that involved 7,700 participating groups.

The program has a new theme and graphics this year, a refreshed website at [www.americarecyclesday.org](http://www.americarecyclesday.org), and online resources.

KAB has partnered with [Earth911.com](http://Earth911.com) and Disney's Friends for Change to help promote and expand the event.

For more information, visit [americarecyclesday.org](http://americarecyclesday.org).

Contact Waste & Recycling News reporter Amanda Smith-Teutsch at 330-865-6166 or [asmith-teutsch@crain.com](mailto:asmith-teutsch@crain.com)

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**Public Workshop on**  
**Mercury Thermostat Recovery Regulation**

August 24, 2010

**Questions and Answers from Workshop Discussion**

**Question 1. What are the key factors that DTSC must consider when developing the methodology to determine the number of mercury-containing thermostats that become waste annually?**

- A 1.01 Time to start is now!
- A 1.02 Skumatz study good enough for initial effort; perhaps re-evaluate in the future
- A 1.03 Spending time on how much or how many thermostats are out there really does not matter. Need to develop program that will get best bang for your buck
- A 1.04 Plan the plan & implement the plan, rather than plan to death
- A 1.05 DTSC as a whole has moved forward with developing workplans as opposed to spending so much time on planning the plan.
- A 1.06 Estimate/data on # [number] tstats [thermostats] is difficult to obtain/extract & imperfect; additional sales data unnecessary
- A 1.07 You may not have reliable sales data for decades prior to 2006
- A 1.08 Any Hg thermostats going to landfill is violation of law

**Question 2. Should the rate of collection be fixed or variable, and if variable, what would it look like?**

- A 2.01 Boost collections now.
- A 2.02 I would look at US. Air Conditioning collection rates in CA because they pay \$5 bounty so that would be a good place to start of knowing what current collect % [percent] is possible
- A 2.03 Collection rate should start high; difficult to know whether rates are even being achieved so % [percent] is not as important/easy to determine
- A 2.04 Start collection strong w/ [with] fast growth- must be variable until 100% & maintain at or near 100% as we have a 100% disposal ban [contributor's name]
- A 2.05 Targets need to be reasonably achievable & consider outliers
- A 2.06 Late 90's early 2000- much development was being done and a lot of thermostats have already been thrown in the trash.

**Question 3. What are the challenges and limitations to what is realistically attainable?**

- A 3.01** Large number of program players are new to HW [hazardous waste] regs [regulations] & don't understand requirements
- A 3.02** Limited incentives to participate
- A 3.03** Focus resources on active outreach & enforcement until collection rate substantially improve
- A 3.04** Wholesaler outreach – not just passive- active phone calls, site visits to ensure they have bins & PR materials to educate contractors. Also do trainings to Apartment Managers Association to get on-site managers & property maintenance staff
- A 3.05** Pro-actively enforce law for wholesalers, contractors, manufacturers
- A 3.06** Talk to Dan [Fogt] at CSLB [Contractor's State Licensing Board] about having Hg [thermostat] questions on test for C-20 [HVAC] contractors
- A 3.07** Go to Dept of Real Estate & determine the number of homes that could potentially have thermostats & pull location (?) permits in specific area to determine how many HVAC's permits have been pulled
- A 3.08** Attend [industry] trade show(s) in Las Vegas (Western) and Long beach (IHACI) in November

**Key Points from Workshop Discussion**

- KP 1.** Skumatz adequate for current needs
- KP 2.** Time to start is now
- KP 3.** Estimates in sales data is difficult to extract & imperfect
- KP 4.** May not have reliable [sales data] for decades prior to 2006
- KP 5.** Additional sales data is unnecessary
- KP 6.** Don't forget that 100%- any mercury thermostat → [that doesn't get collected goes to] landfill. There is nothing that can replace personal contact [for enforcement]
- KP 7.** Boost collections now & proactively enforce law for wholesalers and manufacturers
- KP 8.** Don't plan the plan- Implementation Now!

- KP 9. Focus on active vs. passive enforcement
- KP 10. Focus on developing & implementing rather than "planning to death"
- KP 11. Implementation vs. Planning to Death
- KP 12. Law will be ineffective for 2.5 years by the time requirements (rate) go into effect- argument vs. "go slow"
- KP 13. Start collection rate strong with fast growth
- KP 14. Collection rate should start high
- KP 15. Percent is not as important as collection rate
- KP 16. If variable [rate] [range ?] up to or near 100%- 100% disposal ban- emphasize
- KP 17. Difficult to know if rate is being achieved and not reached
- KP 18. US AC collection rates in CA → \$5 bounty- [use as?] benchmark [to set CA rates?]
- KP 19. Look at current CA rebate programs to see what's possible [and] being done
- KP 20. State of Maine- best performance, has \$[x] bounty
- KP 21. Take outliers into consideration (statistical anomaly)
- KP 22. Target reasonable & achievable
- KP 23. Wholesaler outreach- not just passive but active outreach
- KP 24. Proactively enforce law- wholesalers, contractors, manufacturers, demolition
- KP 25. Very few people deal with thermostats- need to understand what to do with mercury thermostats → [vis-à-vis] licensing board
- KP 26. 85% [of thermostats] removed by contractors
- KP 27. Contractor channel is diffuse- big, hard to reach
- KP 28. Large number of stakeholders are new & don't understand- [need] more outreach
- KP 29. More outreach needed
- KP 30. Limited incentives to participate
- KP 31. However, by the time rate goes into effect it will be out for 2.5 years
- KP 32. Apartment associations- do own turnouts, reach them [provide outreach]- Lots of opportunity
- KP 33. Use Dept. of Real Estate data [to determine] number of homes with thermostats [and] number of permits pulled in those locations



# Solid Waste Industry Group

**Sanitation Districts of Los Angeles County  
San Bernardino County Department of Public Works Solid Waste Division  
Recology  
Ventura Regional Sanitation District  
OC Waste & Recycling  
Rural Counties' Environmental Services Joint Powers Authority  
Waste Management  
Republic Services  
Riverside County Waste Management Department  
Waste Connections  
Salinas Valley Solid Waste Authority  
Kern County Waste Management Department  
Fresno County Public Works & Planning**

May 17, 2010

Mr. Robert Holmes  
Branch Manager  
CalRecycle  
1001 I Street  
P.O. Box 4025  
Sacramento, CA 95812

Dear Mr. Holmes:

## **Comments on Draft Regulatory Guidance Document for Proactive Monitoring**

The Solid Waste Industry Group (SWIG) appreciates the opportunity to comment on CalRecycle's draft regulatory guidance document pertaining to proactive monitoring. The document outlines the requirements for a proactive monitoring program (PMP) and its intended use by CalRecycle as a criterion for granting a reduction or "step down" in the landfill operator's financial assurance level. SWIG, which represents much of the solid waste management infrastructure in California, is concerned that the PMP will essentially be used as a vehicle to deny step downs rather than function as a tool that provides the landfill operator and regulators increased knowledge regarding the stabilization of the closed landfill over time. The draft guidance document suggests that results of the PMP will be the basis for issuing an enforcement order, thereby disqualifying operators from a step down. Several of the signatories to this letter expressed concerns about this potential misuse during the rulemaking process and CalRecycle's response was that "approval of step down is not contingent upon the results of the [PMP] analysis." We are simply requesting that CalRecycle honor this previously stated commitment.

We have the following specific comments on the draft guidance document:

**PMP is a Performance Monitoring Tool, Not an Enforcement Vehicle**

As presented to stakeholders and as stated in the final statement of reasons (page 16) for the Phase II financial assurance regulations, the purpose of the PMP is to determine the overall condition of the landfill and monitor and confirm the stabilization of the landfill over time. Data would be gathered from landfills in postclosure so that performance trends for the primary components (leachate, landfill gas, groundwater, surface water, and final cover) could be established. Using the PMP to issue enforcement orders, as suggested on page 5, is contrary to CalRecycle's reassurance to stakeholders found in the response to comments during the Phase II second comment period (August 20-October 5, 2009), where CalRecycle states "approval of a step down is not contingent upon the results of the analysis."

The PMP should be a program that encourages operators to continue proper postclosure maintenance (PCM) and correct any deficiencies identified. Just as the State Minimum Standards and local air quality regulations allow landfill operators to correct any deficiencies or perimeter landfill gas detections without an enforcement order, so should the PMP. This includes providing a reasonable timeframe to correct deficiencies after being given proper notification by the local enforcement agency of noncompliance before resorting to an enforcement order. Landfill operators that have corrected or addressed any deficiencies identified through the PMP or while performing PCM should not be disqualified from a step down if done prior to or during the 5-year review.

Additionally, as specified in the regulations, the issuance of an enforcement order is not automatic grounds for denying a step down or immediate cause for a step up. The regulations provide exemptions for operators that remedy an environmental issue within the timeframes specified in an enforcement order. Consequently, step downs should be granted to landfill operators that fulfill the requirements of these exemptions, which are in place to encourage landfill operators to promptly address environmental issues.

**Revisions to the PMP Should Not be Continuous**

The draft guidance document indicates (on page 4) that revisions to the PMP may be required by any of the regulatory agencies. These revisions would occur at least every five years. This could be an "open checkbook" for regulators to increase monitoring requirements even when there is no technical justification or cause. Increased monitoring does not necessarily mean increased performance. Often simply monitoring key parameters can provide an indication of performance. Once approved by the appropriate regulatory agencies, the PMP should not be altered unless there is good cause for such a change. Only during the 5-year review process should the PMP be revisited and adjusted should that be technically warranted.

**New Regulatory Performance Standard Applied is Unwarranted and Undefined**

The intent of the PMP is to aggregate information for each media (final cover, groundwater, leachate, and landfill gas) to provide an overall assessment of landfill's

Mr. Robert Holmes

stabilization over time. The type and extent of monitoring data is prescribed by the existing regulations or standards for each media. The draft guidance document strongly suggests that new regulatory performance standards will be applied to essentially all media, which we believe is beyond CalRecycle's scope and authority. The PMP should assess the information that is collected based on existing technical standards and not create a new standard that has yet to be defined in regulation or statute, and that may go beyond the State Minimum Standards or any other existing regulatory standards. Additionally, CalRecycle should not make judgments or assessments on data outside their jurisdiction, such as water and air, or where performance trends have yet to be uniformly and clearly established. The appropriate regulatory agency should make that assessment and then implement within the corresponding body of regulations.

The guidance document mentions (on page 5) that an enforcement order could be issued if the "proactive monitoring indicates the landfill is not performing adequately." We suggest that this term be replaced with "in compliance with state minimum standards." Making a finding of "adequate" performance can be very subjective, potentially going beyond the existing technical or regulatory standards codified in statute or regulation. It is important that CalRecycle staff discuss with stakeholders how they plan to judge performance or landfill integrity based on the monitoring data provided. This should be done prior to finalizing the guidance document.

**PMP Costs Should be Handled Separately from the PCM Costs**

Given that the PMP is a new and voluntary program, there is no historical data available to help landfill operators develop a reasonably accurate cost estimate for its implementation or gauge how these costs change over time. Therefore, the PMP costs should be treated separately from the PCM costs and the approval of a step down in financial assurance should not be contingent upon the fluctuation of PMP costs. It is the PCM cost estimate that directly relates to the landfill's care and maintenance during postclosure.

Your consideration of our comments and concerns is very much appreciated.

Yours very truly,

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