

**From:** Regina Gallegos [mailto:regina.gallegos@lacity.org]

**Sent:** Monday, April 13, 2015 10:24 AM

**To:** Mattress EPR

**Subject:** CORRECTED: CLA Sanitation Comments on Proposed Regulations for Mattress Recycling

Please see the attached letter from LASAN Executive office, dated 4/9/15. If you have any questions please contact Mr. Alex Helou at [\(213\) 485-2210](tel:213-485-2210).

Thank you.

# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
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April 9, 2015

Ms. Ashley Harley or Ms. Nicole Castagneto  
Materials Management and Local Assistance Division  
California Department of Resources, Recycling and Recovery  
1001 I Street  
Sacramento, CA 95812-4025

Dear Ms. Harley or Ms. Castagneto:

### **CITY OF LOS ANGELES SANITATION COMMENTS ON PROPOSED REGULATIONS FOR MATTRESS RECYCLING**

The City of Los Angeles (City) generates over 10 million tons per year of solid waste and has a robust, comprehensive recycling program, with a landfill diversion rate over 76%. Moreover, Mayor Eric Garcetti through the City's Sustainability pLAN is committed to having Los Angeles "become the first big city in the US to achieve zero waste, and recycle and reuse most of its waste locally."

The proposed regulations related to mattress recycling, directly violate the City of Los Angeles Municipal Code (LAMC). Article 6, Section 66.01 of the LAMC states the following:

#### **SEC. 66.01 - SOLID WASTE COLLECTION**

*No person shall remove or convey any solid waste upon or along any street in this City, provided, however, that the provisions of this section shall not apply to any person in the employ of this City who shall be assigned by the Board to the work of solid waste disposal or to any person with whom this City has entered into, or may hereafter enter into, a contract for the collection, removal and disposal of solid waste or to any employee of such contractor during the time his contract shall be in force, and provided further that solid waste collection and disposal contractors serving neighboring municipalities, County sanitation districts, State or Federal institutions, or any person in the employ of any such governmental agency may haul garbage over the streets of this City after having first obtained a permit therefor pursuant to Section [66.32](#), et seq.*

*zero waste • one water*

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste



All private waste haulers and recyclers operating within the City are required to obtain a Solid Waste Hauler Permit per LAMC Section 66.32. Used mattresses that are not part of Municipal Collection are considered Solid Waste and subject to Solid Waste Hauler Permit requirements set forth in Article 6 of Chapter VI of the Los Angeles Municipal Code, specifically Section 66.32.1, entitled, "Solid Waste Hauler Permit Requirements". Violation of 66.32.1 is a misdemeanor and the penalty upon conviction can include fines and/or imprisonment. Additionally, language in the Mattress Recycling Council pertaining to bounties allocated to scavengers, directly violates the City LAMC Section 66.28, as stated below:

**Per SECTION 66.28 LAMC**

*No person, other than the owner thereof, his agents or employees, or an officer or employee of this City or any person holding a contract with this City for the collection, management and/or disposal of solid waste, shall tamper with or remove any solid waste, solid waste container or the contents thereof from any location where the same had been placed by the owner thereof or his agent, whether or not such container conforms to requirements or description set forth in the rules and regulations of the Board.*

**Mattress Recycling**

The City began a mattress recycling program in 2011 and is currently evaluating proposals to implement a citywide mattress recycling program that will divert approximately 4,550 tons of mattresses per year, which is equivalent to approximately 130,000 mattresses per year from landfills. The current proposed plan places undue burden on municipalities, and LASAN recommends the following:

- **Local Laws:** Municipalities have the responsibility for solid waste management and its enforcement. It is therefore crucial that local municipal codes regarding recycling and solid waste collection be honored by the State and the MRC, and that proposed regulations not encourage scavengers to violate these local codes.
- **Cost reimbursement:** The plan in its current format reimburses the cost to MRC members and the State to manage the program. The cost of the program for municipalities to provide collection of illegally abandoned mattresses via street clean-up and recycling programs needs to be addressed in the plan.
- **Bounties for scavengers:** This has to be eliminated. Under the City's present citation process scavengers are subject to criminal conviction with penalties that may include probation, fines, and jail.
- **Financial:** Financial grants should be set-up for municipalities to implement and improve mattress collection programs and recycling efficiencies.
- **Block Grants:** The Plan should include block grants to cities in the State based on population.
- **The Used Mattress Recovery and Recycling Plan** shall be made available for viewing on the MRC website upon submission of the Plan to CalRecycle and open to public comment.

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- Public Education: A comprehensive education and outreach effort in coordination with local municipalities should be implemented. This will eliminate confusion and mixed messaging.

LASAN is available to work closely with CalRecycle and the Mattress Recycling Council to help improve the plan and address conflict with the City's municipal code which may subject unpermitted haulers, and scavengers to local enforcement and/or fines.

If you have any questions, please contact Alex E. Helou of my staff at (213) 485-2210.

Sincerely,



ENRIQUE C. ZALDIVAR, Director  
LA Sanitation

NI/RP

c: Jerry Brown, State of California Governor  
Greg Good, Mayor's Office  
Caroll Mortensen, CalRecycle  
Howard Levenson, CalRecycle  
Mark Patti, Mattress Recycling Council  
Mimi Soto, SEIU  
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