

From: Acosta, Glenn [mailto:GAcosta@lacsds.org]

Sent: Tuesday, February 10, 2015 12:39 PM

To: Harley, Ashley@CalRecycle

Cc: Mortensen, Carroll@CalRecycle; Levenson, Howard@CalRecycle

Subject: Comments on CalRecycle's Proposed Regulations for the Used Mattresses Recovery and Recycling Program

Hi Ashley.

Please find attached our comments on CalRecycle's proposed regulations for the Used Mattress Recovery and Recycling Program.

Best regards,

Glenn

GLENN ACOSTA, P.E. | Senior Engineer | Facilities Planning and Regulatory & Legislative Affairs
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GRACE ROBINSON HYDE
Chief Engineer and General Manager

February 10, 2015

Ms. Ashley Harley
Materials Management and Local Assistance Division
CalRecycle
P.O. Box 4025
Sacramento, CA 95814

Dear Ms. Harley:

Proposed Regulations for the Used Mattress Recovery and Recycling Program

The Sanitation Districts of Los Angeles County (Districts) appreciate the opportunity to comment on CalRecycle's proposed regulations to implement the Used Mattress Recovery and Recycling Act (SB 254, and subsequent clean-up legislation, SB 1274).

The Act requires that a mattress recycling organization (MRO) be established and that a fee be imposed on every mattress sold in California to fund a statewide recycling program that would allow an individual to drop off a mattress, at no charge, to a mattress recycling center, permitted solid waste facility, or other municipal facility that accepts mattresses. The facility would be reimbursed for the costs of accepting, collecting, storing, transporting, and handling used mattresses. The amount of reimbursement would be established or negotiated between the facility and the MRO. The proposed regulations do not specify a methodology for determining "reasonable" reimbursement costs, leaving the MRO to make such determination. We believe that the proposed regulations need to address the following areas of concern:

- **Time Limit for Reimbursement** – The proposed regulations do not set a time limit for the MRO to reimburse the solid waste facility operator. We suggest 60 days as a time limit for reimbursing the operator.
- **Arbitration/Appeal Should Reimbursement Costs Be Disputed** – The MRO could reject the solid waste facility operator's reimbursement request if it disagrees with the amount. There is no administrative appeal process proposed to resolve this. We believe an appeal process needs to be included in the proposed regulations.
- **Single Reimbursement Fee Does Not Account for Varied Transportation Costs** – A single, fixed reimbursement fee applied to all solid waste facilities in the state would not account for the widely varying hauling distances between the facility and the mattress recycler. If the solid waste facility is expected to transport the mattresses to the recyclers, then the reimbursement for transportation costs needs to be commensurate with the distance traveled.

In accordance with the Act, the MRO is required to submit a plan to CalRecycle detailing the statewide recycling program, including anticipated revenue and costs for outreach, program administration, and end-of-life used mattress management costs. We believe the plan needs to address the availability of mattress recycling facilities near the solid waste facilities receiving the used mattresses. Additionally, these recycling facilities need to be open for business on a regular basis and during normal business hours. If, for example, the recycling facilities are only open one day per quarter, this will cause solid waste facilities to stockpile mattresses for an extended period of time until they are open for business. This would be an undue burden imposed on the solid waste facilities. Lastly, given that the proposed regulations would impose new reporting and recordkeeping requirements on the solid waste facilities receiving used mattresses, the plan should provide for the reimbursement of such costs.

Thank you for considering our comments. Should you have any questions, please feel free to contact Mr. Glenn Acosta at (562) 908-4288, extension 2723.

Very truly yours,

Grace Robinson Hyde



Christopher R. Salomon
Supervising Engineer
Planning Section

CRS:GA:el

cc: Howard Levenson, Deputy Director, CalRecycle
Caroll Mortensen, Director, CalRecycle