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Sent: Friday, July 17, 2015 12:01 PM
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Cc: Frank Chin (FCHIN@dpw.lacounty.gov) <FCHIN@dpw.lacounty.gov>
Subject: Inconsistency in Law, Draft Plan, & Solid Waste Facilities Contract

Brenda & Ashley;

I have come across an potential inconsistency between SB 254, the MRC Draft Plan, and the MRC Contract with Solid Waste Facilities. In SB 254, the term "individual" is used when referencing who can drop off a mattress for free. In the Plan, "consumer" is used. Finally, in the Contract, "California Resident" is used. This may be problematic on many fronts. I will be following up with Mike O'Donnell on his expectations of verifying "California Resident" status. I am concerned that we may have someone coming into a facility with, say, 5 mattresses, but can't prove, or won't prove residency. What if those five mattresses were from his/her parent's house who resided in California, but the children cleaning out the house do not? What if it is 1-800-GOT-JUNK? They are a business, not a resident, that will absolutely be collecting California generated mattresses.

Thoughts?

I have included snippets of each reference below:

In SB 254, Section 42987.1 (o), it states the following:

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(n) Providing outreach efforts and education to consumers, manufacturers, and retailers, for the purpose of promoting the recycling of used mattresses and options available to consumers for the free dropoff of used mattresses.

(o) A provision that allows an individual to drop off, at no charge, a mattress at a mattress recycling center, permitted solid waste facility, or other municipal facility that accepts mattresses, and that provides for the payment to a municipal or solid waste facility that accepts mattresses a reasonable amount for accepting, collecting, storing, transporting, and handling used mattresses.

(p) Ensuring that the impact of Article XIII C of the California Constitution is addressed for local governments participating in the program.

In the July 1, 2015 draft Plan from the MRC, it states the following:

4. No-cost business recycling: Business or large-volume mattress consumers (such as hotels, dormitories, nursing homes, etc.) generating discarded mattresses may provide

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these units to an MRC-contracted recycling facility at no-cost. This should reduce the quantity of discarded mattresses that such entities dispose of through solid waste facilities that are often dumped in landfills.

5. No-cost consumer drop offs at solid waste facilities: The Act provides that consumers may drop off mattresses at participating solid waste facilities throughout California at no-cost. This provision is expected to reduce the quantity of mattresses that consumers might illegally dump rather than pay for curbside collection, disposal or recycling.
6. Consumer incentive: MRC will offer California residents that deliver discarded

In the June 5, 2015 version of the draft Contract between the MRC and Solid Waste Facilities, it reads as follows:

(redline/strikeouts reflect changes from MRC draft of 02/19/15 to draft of 06/05/15)

3.5 The Service Provider is responsible for and will manage, at its sole expense, any and all Non-Program Products it collects at the Collection Facilities or places in Collection Containers. MRC ~~in no way~~ accepts no responsibility for such Non-Program Products, and ~~shall~~will not pay Service Provider any consideration in connection with such Non-Program Products.

3.6 The Service Provider ~~shall~~will not charge a per-unit fee to California ~~individuals that reside in California and residents~~ that drop off Program Products with the Service Provider. This section does not preclude the Service Provider from charging fees for curbside collection or services other than Program Product drop off. Nothing in this Agreement prohibits the Service Provider from charging fees

to California residents, businesses, or other entities for dropping off Non-Program Products.

~~3.7 The Service Provider shall~~The Service Provider will inspect each Unit before placing it in a Collection Container to confirm whether it is a Program Product. Service Provider will separate and document Non-Conforming Units from individual residents, will invoice MRC for such Units at rates listed in Appendix A

Thanks;

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