



Proposed Regulations for the Used Mattress Recovery and Recycling Program

May 20, 2014
Ashley Harley





Scope of Proposed Regulations

Provide clarity and establish administrative procedures regarding:

- Definitions
- MRO plan submittal instructions
- MRO plan components
- Mattress recycling charge and annual budget
- Report components from various program participants
- Record keeping and proprietary, confidential, or trade secret information
- Enforcement provisions



CalRecycle's Responsibilities

- Appoint mattress recycling organization advisory committee
- Review and approve stewardship plans
- Review and approve annual reports and budgets
- Approve the mattress recycling charge
- Post list of compliant manufacturers
- Enforce the statute
- Set baseline and program goals



Stakeholder Concerns

As described in the Request for Approval:

- Definitions
- Budget
- False or misleading information from MRO members
- Education and outreach
- Solid waste management hierarchy
- Protection of proprietary information
- Data collection and safety
- Plan submittal timeline



§18960. Definitions.

(b) “Brand” means a name, term, symbol, design, type, Universal Registry Number (URN), or any other feature that attributes a mattress to the manufacturer of such mattress.



§18960. Definitions

(c) “Collection” means any method by which a service provider receives used mattresses from a program participant.



§18960. Definitions.

Staff deleted “Recycling fee” or “fee” to maintain consistency with statute, which uses “Recycling charge” or “charge”.



§18960. Definitions.

(e) “Significant or material change” includes a change in a required element of the used mattress recovery and recycling plan that affects the organization’s costs or revenues, such as a change that results in a modification of the recycling fee, a change that requires a party other than the mattress recycling organization to make a major change in how it participates in the program, or a change that reduces the goals set for the organization in the existing approved recycling plan.



§18962. Used Mattress Recovery and Recycling Plan.

(a)(7) Education and Outreach. Describe education and outreach efforts as required by subdivision (n) of section 42987.1 of the Public Resources Code, including methods of distribution. The plan may also include a description of education and outreach efforts to all parties affected by the program and may include additional options available for consumers to dispose of their used mattresses, such as mattress renovation.



§18962. Used Mattress Recovery and Recycling Plan.

(c) The department shall determine if the plan is complete and notify the submitting mattress recycling organization within 30 days of receipt of the plan. ...If the plan is incomplete, the department shall identify what additional information shall be submitted to make it complete and the plan shall be resubmitted within not less than 30 days or as determined by the director.



§18963. Mattress Recycling Charge and Annual Budget.

~~(b)(3) Recommended funding level. Identify a recommended funding level sufficient to cover the plan's budgeted costs and to operate the mattress recycling program over a multiyear period in a prudent and responsible manner.~~



§18964. Mattress Recycling Organization Annual Report.

(b)(6) May include a description of activities followed by program participants to ensure proper collection and management of used mattresses.



§18964. Mattress Recycling Organization Annual Report.

(b)(9)(E) Program administration costs including, but not limited to, the department's costs pursuant to subdivision (a) of section 42988.2 of the Public Resources Code, and third party legal costs. Surplus funds, if any, and detailed rationale for the specified level of surplus.



§18967. Solid Waste Landfill Annual Report.

(a) An annual report shall be submitted by a person that is engaged in business as an operator of a solid waste landfill upon request by the department.

(b)(1) Contact information. Identify the corporate officer of the solid waste landfill responsible for annual report submittal.



§18967. Solid Waste Landfill Annual Report.

(b)(2) The number of used mattresses disposed of at the site in the preceding calendar year and the number of mattresses the facility recycled, renovated, or sent away to be recycled or renovated in the preceding calendar year. Facility operators are not required to do additional sorting or processing to find a mattress that was an incidental part of a load, or that could not be counted or observed upon receipt.



Next Steps

- Staff recommends approval of the Proposed Regulations for the Used Mattress Recovery and Recycling Program
- Public input on alternatives to regulations
- Submit regulatory package to Office of Administrative Law (OAL)
- Upon approval by OAL, initiate 45-day comment period



Contact

Ashley Harley

- Ashley.Harley@calrecycle.ca.gov
- Mattresses@calrecycle.ca.gov
- (916) 341-6075

Subscribe to the listserv:

<http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=133>

Visit our website:

<http://www.calrecycle.ca.gov/Mattresses/default.htm>

Questions?

