

MAINE STATE LEGISLATURE

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Date: 5/23/11

L.D. 981
(Filing No. H-315)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 725, L.D. 981, Bill, "An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics"

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation increases the functions electronics demanufacturing facilities may undertake, which will enable such facilities to expand and it is important that the legislation take effect as soon as possible due to Maine's economy and the need for job expansion; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting after the enacting clause the following:

Sec. 1. 38 MRSA §1319-R, sub-§1, ¶D is enacted to read:

D. If the commissioner determines based on documentation received from an electronics demanufacturing facility licensed by the department that the facility meets the provisions of this paragraph, the commissioner may allow the facility to undertake the controlled breakage of cathode ray tubes. If the commissioner does not approve or deny the facility's request to undertake controlled breakage of cathode ray tubes within 30 calendar days of receiving the documentation, the facility may undertake controlled breakage of cathode ray tubes in accordance with the provisions of this paragraph.

(1) The facility shall ensure that no crushing or treatment of universal waste or hazardous subcomponents occurs other than dismantling except that controlled

COMMITTEE AMENDMENT

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breakage of cathode ray tubes may be performed in a manner protective of public health and safety and the environment. Controlled breakage of cathode ray tubes may occur only in a dedicated space with ventilation equipment that prevents the release of fugitive emissions to adjacent areas. Lead and cadmium concentrations immediately outside the dedicated space may not significantly exceed background levels of lead and cadmium concentrations or current ambient air quality standards for the State. The facility shall determine background levels through monitoring. The facility shall meet the conditions listed in 40 Code of Federal Regulations, Section 261.39 (2010). As used in this subparagraph, "fugitive emissions" has the same meaning as in section 582, subsection 7-C.

(2) The facility shall obtain certification from an environmental and safety program approved by the department and submit proof of certification to the department, except that if a facility has not completed certification, controlled breakage of cathode ray tubes may begin prior to certification if:

(a) The facility provides information to the department on its process of achieving certification, including a detailed gap analysis; and

(b) The controlled breakage is monitored by an environmental professional to ensure environmental and safety standards are met.

(3) The facility shall develop a written operating manual specifying how to safely break cathode ray tubes. The operating manual must be available to all employees at the facility and include:

(a) Operating and maintenance procedures developed in accordance with any related manufacturer's specifications;

(b) Procedures for testing and monitoring of equipment;

(c) Procedures to address emergency situations, including, but not limited to, procedures to address lead and cadmium hazards, waste handling and equipment failure;

(d) Procedures to assess whether surrounding areas will be negatively affected either by physical proximity to or air exchange with a heating, ventilation and air conditioning system;

(e) Procedures for proper waste management practices; and

(f) Procedures for employee training to ensure employees have been trained in operation and maintenance of equipment, including, but not limited to, engineering controls to mitigate hazardous waste releases and personal protective equipment use.

The department shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by inserting after section 1 the following:

1 **'Sec. 2. 38 MRSA §1610, sub-§2, ¶B-2** is enacted to read:

2 B-2. "Covered entity" means a household in this State, a business or nonprofit
3 organization exempt from taxation under the United States Internal Revenue Code,
4 Section 501(c)(3) that employs 100 or fewer individuals, a primary school or a
5 secondary school.'

6 Amend the bill by striking out all of section 3 and inserting the following:

7 **'Sec. 3. 38 MRSA §1610, sub-§5, ¶A,** as amended by PL 2009, c. 397, §7, is
8 further amended to read:

9 A. Each municipality that chooses to participate in the state collection and recycling
10 system shall ensure that computer monitors, televisions, desktop printers and video
11 game consoles generated as waste from households covered entities within that
12 municipality's jurisdiction are delivered to a consolidation facility in this State. A
13 municipality may meet this requirement through collection at and transportation from
14 a local or regional solid waste transfer station or recycling facility, by contracting
15 with a disposal facility to accept waste directly from the municipality's residents or
16 through curbside pickup or other convenient collection and transportation system.

17 **Sec. 4. 38 MRSA §1610, sub-§5, ¶A-1** is enacted to read:

18 A-1. A covered entity may deliver no more than 7 covered electronic devices at one
19 time to a municipal collection site or consolidator collection event, unless the
20 municipal collection site or consolidator is willing to accept additional covered
21 electronic devices.'

22 Amend the bill in section 4 in paragraph B by striking out all of subparagraphs (1)
23 and (1-A) (page 1, lines 22 to 32 in L.D.) and inserting the following:

24 (1) A consolidator shall identify the manufacturer of each waste computer
25 monitor and desktop printer delivered to a consolidation facility and identified as
26 generated by a household covered entity in this State and shall maintain an
27 accounting of the number of waste ~~household~~ computer monitors and desktop
28 printers by manufacturer. By March 1st each year, a consolidator shall provide
29 this accounting by manufacturer to the department.

30 (1-A) A consolidator shall maintain a written log of the total weight of
31 televisions and video game consoles delivered each month to the consolidator
32 and identified as generated by a household covered entity in the State. By March
33 1st each year, a consolidator shall provide this accounting to the department.'

34 Amend the bill in section 5 in paragraph D in subparagraph (1) in the 5th line (page
35 2, line 21 in L.D.) by striking out the following: "households and small universal waste
36 generators" and inserting the following: 'households covered entities'

37 Amend the bill in section 5 in paragraph D in subparagraph (1) in the 9th and 10th
38 lines (page 2, lines 25 and 26 in L.D.) by striking out the following: "households and
39 small universal waste generators" and inserting the following: 'households covered
40 entities'

41 Amend the bill by adding before the summary the following:

1 'Emergency clause. In view of the emergency cited in the preamble, this
2 legislation takes effect when approved.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
4 section number to read consecutively.

5 **SUMMARY**

6 Current law covers only households in the State's electronic waste recycling laws.
7 The bill expands that by covering small universal waste generators as well as households.
8 The amendment removes the bill's coverage of small universal waste generators and
9 expands current coverage to small businesses and nonprofit organizations that employ
10 100 or fewer individuals and primary and secondary schools.

11 The amendment adds a provision that limits the number of covered electronic devices
12 that may be dropped off at municipal collection sites or consolidator-sponsored collection
13 events to 7 devices, unless the municipal collection site or consolidator is willing to
14 accept additional devices.

15 The amendment adds a provision that allows for the controlled breakage of cathode
16 ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to
17 the Department of Environmental Protection that they meet specified environmental
18 health and safety standards.

19 The amendment adds an emergency preamble and emergency clause to the bill.

FISCAL NOTE REQUIRED
(See Attached)



Approved: 05/17/11 *mac*

125th MAINE LEGISLATURE

LD 981

LR 1327(02)

An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds
Minor revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

Requiring manufacturers to recycle covered electronic devices received at collection sites and events from covered entities and to register and pay a registration fee according to a tiered fee system, subject to certain fee exemptions for historic manufacturers, and to monitor and review the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities may result in minor increased costs that can be absorbed by the Department of Environmental Protection (DEP) within existing budgeted resources and minor revenue losses to the DEP resulting from the tiered fee system.