

May 17, 2010

H 1761. AMEND ELECTRONICS RECYCLING REQUIREMENTS. Filed 5/17/10. TO: (1) *MODIFY THE COMPUTER EQUIPMENT RECYCLING PLAN REQUIREMENTS AND ASSOCIATED FEE IMPOSED ON MANUFACTURERS; AND (2) MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Repeals Part 2E of Article 9 of GS Chapter 130A (*Discarded Computer Equipment and Television Management*). Enacts new Part 2H to recodify, with several changes, the *Discarded Computer Equipment and Television Management* provisions. Includes, in the definition of *Computer equipment*, notebook computers, printers, scanners, combination printer-scanner-fax machines, and other similar equipment. Also adds to items excluded from the definition. Provides detailed definitions for *Desktop computers* and *Notebook computers*. Clarifies that recycling the device cannot include any process of incineration. Provides that manufacturers, collectors, recyclers, and retailers will not be responsible for information left on a discarded device. Describes the three recycling plans available to computer equipment manufacturers, distinguished by the number of physical collection sites maintained in the state (current law describes single recycling plan). Reorganizes and adjusts fee requirements for computer equipment manufacturers to correspond to each of the three tiers of recycling plans (current law provides one fee schedule). A manufacturer is prohibited from selling, offering for sell, or delivering to retailers new computer equipment or televisions without proper labels affixed, and without complying with all registration requirements. Makes this provision effective July 1, 2011, provided that no penalty will be imposed during the first year, but the Department will issue a notice to the retailer upon first violation.

Electronic Management Account. Creates the Electronic Management Account (Account) to collect fees from computer equipment and television manufacturers. Directs the Department of Environment and Natural Resources (Department) to distribute a portion of the Account's funds to eligible local governments on a pro rata basis on or before February 15 of each year. Provides that, with two exceptions, only one local government unit per county, including the county itself, is eligible to receive funding from the Account. Requires that the local government unit, in order to be eligible to receive funds: (1) submit a comprehensive solid waste management plan that includes specified components; (2) establish a separate local account to manage funds received from the Account; and (3) contract with a certified recycler. Provides two exceptions to the local government unit limitation: (1) allow multiple local government units to enter into interlocal agreements or (2) allow different units to submit separate, distinct comprehensive solid waste management plans. Requires that reports submitted under GS 130A-309.09A (local government solid waste responsibilities) include information on permanent recycling programs and interlocal agreements, if applicable. Requires changes to the solid waste management plan to be submitted by December 1, 2010.

Makes other conforming, clarifying, and technical changes.

Directs the Environmental Review Commission (Commission), in association with the Department, to study the feasibility of requiring recycling for various types of devices. Also directs the Commission and the Department to further study the fee schedule imposed on computer equipment manufacturers under this bill. Requires the Commission to report its findings and recommendations to the 2011 Regular Session of the General Assembly.

Directs the Commission, in association with the Department, to study recycling programs in other states, and to report its findings to the General Assembly periodically.

Unless otherwise indicated, effective when the act becomes law.

Intro. by Gibson, Harrison.

GS 130A, 147