

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1317*

Short Title: Amend Electronics Recycling Requirements. (Public)

Sponsors: Senators Vaughan, Kinnaird; Berger of Rockingham, Bingham, and Dorsett.

Referred to: Agriculture/Environment/Natural Resources.

May 20, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO: (1) MODIFY THE COMPUTER EQUIPMENT RECYCLING PLAN
3 REQUIREMENTS AND ASSOCIATED FEE IMPOSED ON MANUFACTURERS; AND
4 (2) MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND
5 CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT
6 OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS, AS
7 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Part 2E of Article 9 of Chapter 130A of the General Statutes is
10 repealed.

11 SECTION 2. Article 9 of Chapter 130A of the General Statutes is amended by
12 adding a new Part to read:

13 "Part 2H. Discarded Computer Equipment and Television Management.

14 "§ 130A-309.130. Findings.

15 The General Assembly makes the following findings:

- 16 (1) The computer equipment and television waste stream is growing rapidly in
17 volume and complexity and can introduce toxic materials into solid waste
18 landfills.
- 19 (2) It is in the best interests of the citizens of this State to have convenient,
20 simple, and free access to recycling services for discarded computer
21 equipment and televisions.
- 22 (3) Collection programs operated by manufacturers and local government and
23 nonprofit agencies are an efficient way to divert discarded computer
24 equipment and televisions from disposal and to provide recycling services to
25 all citizens of this State.
- 26 (4) The development of local and nonprofit collection programs is hindered by
27 the high costs of recycling and transporting discarded computer equipment
28 and televisions.
- 29 (5) No comprehensive system currently exists, either provided by electronics
30 manufacturers, retailers, or others, to adequately serve all citizens of the
31 State and to divert large quantities of discarded computer equipment and
32 televisions from disposal.
- 33 (6) Manufacturer responsibility is an effective way to ensure that manufacturers
34 of computer equipment and televisions take part in a solution to the
35 electronic waste problem.



- 1 (7) The recycling of certain discarded computer equipment and televisions
2 recovers valuable materials for reuse and will create jobs and expand the tax
3 base of the State.
- 4 (8) While some computers and computer monitors can be refurbished and
5 reused and other consumer electronics products contain valuable materials,
6 some older and bulkier consumer electronic products, including some
7 televisions, may not contain any valuable products but should nevertheless
8 be recycled to prevent the release of toxic substances to the environment.
- 9 (9) For the products covered by this Part, differences in product life expectancy,
10 market economics, residual value, and product portability necessitate
11 different approaches to recycling.
- 12 (10) In order to ensure that end-of-life computer equipment and televisions are
13 responsibly recycled, to promote conservation, and to protect public health
14 and the environment, a comprehensive and convenient system for recycling
15 and reuse of certain electronic equipment should be established on the basis
16 of shared responsibility among manufacturers, retailers, consumers, and the
17 State.

18 **§ 130A-309.131. Definitions.**

19 As used in this Part, the following definitions apply:

- 20 (1) Business entity. – Defined in G.S. 55-1-40(2a).
- 21 (2) Computer equipment. – Any desktop computer, notebook computer, monitor
22 or video display unit for a computer system, and the keyboard, mice, other
23 peripheral equipment, and a printing device such as a printer, a scanner, a
24 combination print-scanner-fax machine, or other device designed to produce
25 hard paper copies from a computer. Computer equipment does not include
26 an automated typewriter, professional workstation, server, ICI device, ICI
27 system, mobile telephone, portable handheld calculator, portable digital
28 assistant (PDA), MP3 player, or other similar device; an automobile; a
29 television; a household appliance; a large piece of commercial or industrial
30 equipment, such as commercial medical equipment, that contains a cathode
31 ray tube, a cathode ray tube device, a flat panel display, or similar video
32 display device that is contained within, and is not separate from, the larger
33 piece of equipment, or other medical devices as that term is defined under
34 the federal Food, Drug, and Cosmetic Act.
- 35 (3) Computer equipment manufacturer. – A person that manufactures or has
36 manufactured computer equipment sold under its own brand or label; sells or
37 has sold under its own brand or label computer equipment produced by other
38 suppliers; imports or has imported into the United States computer
39 equipment that was manufactured outside of the United States; or owns or
40 has owned a brand that it licenses or has licensed to another person for use
41 on computer equipment. Computer equipment manufacturer includes a
42 business entity that acquires another business entity that manufactures or has
43 manufactured computer equipment. Computer equipment manufacturer does
44 not include any existing person that does not and has not manufactured
45 computer equipment of the type that would be used by consumers.
- 46 (4) Consumer. – An occupant of a single detached dwelling unit or a single unit
47 contained within a multiple dwelling unit who used a covered device
48 primarily for personal or home business use.
- 49 (5) Covered device. – Computer equipment and televisions used by consumers
50 primarily for personal or home business use. The term does not include a
51 device that is:

- 1 a. Part of a motor vehicle or any component of a motor vehicle
2 assembled by, or for, a vehicle manufacturer or franchised dealer,
3 including replacement parts for use in a motor vehicle.
- 4 b. (i) Physically a part of or integrated within a larger piece of
5 equipment designed and intended for use in an industrial,
6 governmental, commercial, research and development, or medical
7 setting; (ii) equipment used for diagnostic, monitoring, or other
8 medical products as that term is defined under the federal Food,
9 Drug, and Cosmetic Act; (iii) equipment used for security, sensing,
10 monitoring, antiterrorism purposes, or emergency services purposes.
- 11 c. Contained within a household appliance, including, but not limited
12 to, a clothes washer, clothes dryer, refrigerator, refrigerator and
13 freezer, microwave oven, conventional oven or range, dishwasher,
14 room air conditioner, dehumidifier, air purifier, or exercise
15 equipment.
- 16 (6) Desktop computer. – An electronic, magnetic, optical, electrochemical, or
17 other high-speed data processing device that has all of the following
18 features:
- 19 a. Performs logical, arithmetic, and storage functions for general
20 purpose needs that are met through interaction with a number of
21 software programs contained in the computer.
- 22 b. Is not designed to exclusively perform a specific type of limited or
23 specialized application.
- 24 c. Achieves human interface through a stand-alone keyboard,
25 stand-alone monitor or other display unit, and a stand-alone mouse or
26 other pointing device.
- 27 d. Is designed for a single user.
- 28 e. Has a main unit that is intended to be persistently located in a single
29 location, often on a desk or on the floor.
- 30 (7) Discarded computer equipment. – Computer equipment that is solid waste
31 generated by a consumer.
- 32 (8) Discarded television. – A television that is solid waste generated by a
33 consumer.
- 34 (9) Discarded computer equipment or television collector. – A municipal or
35 county government, nonprofit agency, recycler, or retailer that knowingly
36 accepts for recycling discarded computer equipment or a television from a
37 consumer.
- 38 (10) Market share. – A television manufacturer's obligation to recycle discarded
39 televisions. A television manufacturer's market share is the television
40 manufacturer's prior year's sales of televisions as calculated by the
41 Department pursuant to G.S. 130A-309.138(4) divided by all manufacturers'
42 prior year's sales for all televisions as calculated by the Department pursuant
43 to G.S. 130A-309.138(4). Market share may be expressed as a percentage, a
44 fraction, or a decimal fraction.
- 45 (11) Notebook computer. – An electronic, magnetic, optical, electrochemical, or
46 other high-speed data processing device that has all of the following
47 features:
- 48 a. Performs logical, arithmetic, or storage functions for general purpose
49 needs that are met through interaction with a number of software
50 programs contained in the computer.

- 1 b. Is not designed to exclusively perform a specific type of limited or
2 specialized application.
- 3 c. Achieves human interface through a keyboard, video display greater
4 than four inches in size, and mouse or other pointing device, all of
5 which are contained within the construction of the unit that
6 comprises the computer.
- 7 d. Is able to be carried as one unit by an individual.
- 8 e. Is able to use external, internal, or batteries for a power source.

9 Notebook computer includes those that have a supplemental stand-alone
10 interface device attached to the notebook computer. Notebook computer
11 does not include a portable handheld calculator, a PDA, or similar
12 specialized device. A notebook computer may also be referred to as a laptop
13 computer.

14 (12) Recover. – The process of reusing or recycling covered devices.

15 (13) Recycle. – The processing, including disassembling, dismantling, and
16 shredding, of covered devices or their components to recover a usable
17 product. Recycle does not include any process that results in the incineration
18 of a covered device.

19 (14) Recycler. – A person that recycles covered devices.

20 (15) Retailer. – A person that sells computer equipment or televisions in the State
21 to a consumer. Retailer includes a computer equipment manufacturer or a
22 television manufacturer that sells directly to a consumer through any means,
23 including transactions conducted through sales outlets, catalogs, the Internet,
24 or any similar electronic means, but does not include a person that sells
25 computer equipment or televisions to a distributor or retailer through a
26 wholesale transaction.

27 (16) Television. – Any electronic device that contains a tuner that locks on to a
28 selected carrier frequency and is capable of receiving and displaying of
29 television or video programming via broadcast, cable, or satellite, including,
30 without limitation, any direct view or projection television with a viewable
31 screen of nine inches or larger whose display technology is based on cathode
32 ray tube (CRT), plasma, liquid crystal display (LCD), digital light
33 processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective
34 display (SXR), light emitting diode (LED), or similar technology marketed
35 and intended for use by a consumer primarily for personal purposes. The
36 term does not include computer equipment.

37 (17) Television manufacturer. – A person that: (i) manufactures for sale in this
38 State a television under a brand that it licenses or owns; (ii) manufactures for
39 sale in this State a television without affixing a brand; (iii) resells into this
40 State a television under a brand it owns or licenses produced by other
41 suppliers, including retail establishments that sell a television under a brand
42 that the retailer owns or licenses; (iv) imports into the United States or
43 exports from the United States a television for sale in this State; (v) sells at
44 retail a television acquired from an importer that is the manufacturer as
45 described in sub-subdivision (iv) of this subdivision, and the retailer elects to
46 register in lieu of the importer as the manufacturer of those products; (vi)
47 manufactures a television for or supplies a television to any person within a
48 distribution network that includes wholesalers or retailers in this State and
49 that benefits from the sale in this State of the television through the
50 distribution network; or (vii) assumes the responsibilities and obligations of
51 a television manufacturer under this Part. In the event the television

1 manufacturer is one that manufactures, sells, or resells under a brand it
2 licenses, the licensor or brand owner of the brand shall not be considered to
3 be a television manufacturer under (i) or (iii) of this subdivision.

4 **"§ 130A-309.132. Responsibility for recycling discarded computer equipment and**
5 **televisions.**

6 In addition to the specific requirements of this Part, discarded computer equipment and
7 television collectors and computer equipment manufacturers and television manufacturers share
8 responsibility for the recycling of discarded computer equipment and televisions and the
9 education of citizens of the State as to recycling opportunities for discarded computer
10 equipment and televisions.

11 **"§ 130A-309.133. Data security.**

12 Computer equipment manufacturers, television manufacturers, discarded computer
13 equipment and television collectors, recyclers, and retailers shall not be liable in any way for
14 data or other information left on a covered device that is collected or recovered pursuant to the
15 provisions of this Part.

16 **"§ 130A-309.134. Requirements for computer equipment manufacturers.**

17 (a) Registration Required. – Each computer equipment manufacturer, before selling or
18 offering for sale computer equipment in North Carolina, shall register with the Department.

19 (b) Manufacturer Label Required. – A computer equipment manufacturer shall not sell
20 or offer to sell computer equipment in this State unless a visible, permanent label clearly
21 identifying the manufacturer of that equipment is affixed to the equipment.

22 (c) Computer Equipment Recycling Plan Required. – Each computer equipment
23 manufacturer shall develop, submit to the Department, and implement one of the following
24 plans to provide a free and reasonably convenient recycling program to take responsibility for
25 computer equipment discarded by consumers:

26 (1) Tier I Recycling Plan. – A computer equipment manufacturer shall submit a
27 recycling plan for reuse or recycling of computer equipment discarded by
28 consumers in the State produced by the manufacturer. The manufacturer
29 shall submit a proposed plan to the Department within 120 days of
30 registration as required by subsection (a) of this section. The plan shall:

31 a. Provide that the manufacturer will take responsibility for discarded
32 computer equipment it manufactured.

33 b. Describe any direct take-back program to be implemented by the
34 manufacturer. Collection methods that are deemed to meet the
35 requirements of this subdivision include one or more of the
36 following:

37 1. A process offered by the computer equipment manufacturer
38 or the manufacturer's designee for consumers to return
39 discarded computer equipment by mail.

40 2. A physical collection site operated and maintained by the
41 computer equipment manufacturer or the manufacturer's
42 designee to receive discarded computer equipment from
43 consumers, which is available to consumers during normal
44 business hours.

45 3. A collection event hosted by the computer equipment
46 manufacturer or the manufacturer's designee at which a
47 consumer may return computer equipment.

48 c. Include a detailed description as to how the manufacturer will
49 implement the plan.

50 d. Provide for environmentally sound management practices to
51 transport and recycle discarded computer equipment.

- 1 e. Include a consumer recycling education program on the laws
2 governing the recycling and reuse of discarded computer equipment
3 under this Part and on the methods available to consumers to comply
4 with those requirements. The manufacturer shall operate a toll-free
5 telephone number to answer questions from consumers about
6 computer recycling options.
- 7 (2) Tier II Recycling Plan. – A computer equipment manufacturer shall submit a
8 recycling plan for reuse or recycling of computer equipment discarded by
9 consumers in the State produced by the manufacturer and by other
10 manufacturers. The manufacturer shall submit a proposed plan to the
11 Department within 120 days of registration as required by subsection (a) of
12 this section. The plan may offer additional options to collect other types of
13 electronic equipment that do not constitute discarded computer equipment,
14 as that term is defined under G.S. 130A-309.131, and may allow for
15 assessment of a nominal fee for collection of these other types of electronic
16 equipment that are not discarded computer equipment. The plan shall
17 include all of the elements set forth in subdivision (1) of subsection (c) of
18 this section. In addition the plan shall:
- 19 a. Provide that the manufacturer will take responsibility for computer
20 equipment discarded by consumers that was manufactured by other
21 manufacturers, as well as computer equipment that it manufactured.
- 22 b. Provide that the manufacturer shall: (i) maintain physical collection
23 sites to receive discarded computer equipment from consumers in 10
24 of the most populated municipalities in the State. The physical
25 collection sites shall be available to consumers during normal
26 business hours, at a minimum; and (ii) host at least two collection
27 events annually within the State.
- 28 (3) Tier III Recycling Plan. – A computer equipment manufacturer shall submit
29 a recycling plan for reuse or recycling of computer equipment discarded by
30 consumers in the State produced by the manufacturer and by other
31 manufacturers. The manufacturer shall submit a proposed plan to the
32 Department within 120 days of registration as required by subsection (a) of
33 this section. The plan may offer additional options to collect other types of
34 electronic equipment that do not constitute discarded computer equipment,
35 as that term is defined under G.S. 130A-309.131, and may allow for
36 assessment of a nominal fee for collection of these other types of electronic
37 equipment that are not discarded computer equipment. The plan shall
38 include all of the elements set forth in subdivision (1) of subsection (c) of
39 this section. In addition the plan shall:
- 40 a. Provide that the manufacturer will take responsibility for computer
41 equipment discarded by consumers that was manufactured by other
42 manufacturers, as well as computer equipment that it manufactured.
- 43 b. Provide that the manufacturer shall: (i) maintain physical collection
44 sites to receive discarded computer equipment from consumers in 50
45 of the State's counties, of which 10 of those counties shall be the
46 most populated counties in the State. The physical collection sites
47 shall be available to consumers during normal business hours, at a
48 minimum; and (ii) host at least two collection events annually within
49 the State.
- 50 (d) Fee Required. – Within 90 days of registration as required in subsection (a) of this
51 section, a computer equipment manufacturer shall pay an initial registration fee to the

1 Department. A computer equipment manufacturer that has registered shall pay an annual
2 renewal registration fee to the Department, which shall be paid each year no later than July 1.
3 The proceeds of these fees shall be credited to the Electronics Management Account
4 established pursuant to 130A-309.137. A manufacturer of computer equipment that sells 1,000
5 items of computer equipment or fewer per year is exempt from the requirement to pay the
6 registration fee and the annual renewal fee imposed by this subsection. The amount of the fee a
7 computer equipment manufacturer shall pay shall be determined on the basis of the plan the
8 manufacturer develops, submits, and implements pursuant to subsection (c) of this section, as
9 follows:

- 10 (1) A computer equipment manufacturer who develops, submits, and
11 implements a Tier I recycling plan pursuant to subdivision (1) of subsection
12 (c) of this section shall pay an initial registration fee of fifteen thousand
13 dollars (\$15,000) and an annual renewal fee of fifteen thousand dollars
14 (\$15,000) to the Department.
- 15 (2) A computer equipment manufacturer who develops, submits, and
16 implements an Tier II recycling plan pursuant to subdivision (2) of
17 subsection (c) of this section shall pay an initial registration fee of ten
18 thousand dollars (\$10,000) and an annual renewal fee of seven thousand five
19 hundred dollars (\$7,500) to the Department.
- 20 (3) A computer equipment manufacturer who develops, submits, and
21 implements an Tier III recycling plan pursuant to subdivision (3) of
22 subsection (c) of this section shall pay an initial registration fee of ten
23 thousand dollars (\$10,000) and an annual renewal fee of two thousand five
24 hundred dollars (\$2,500) to the Department.

25 (e) Computer Equipment Recycling Plan Revision. – A computer equipment
26 manufacturer may prepare a revised plan and submit it to the Department at any time as the
27 manufacturer considers appropriate in response to changed circumstances or needs. The
28 Department may require a manufacturer to revise or update a plan if the Department finds that
29 the plan is inadequate or out-of-date.

30 (f) Payment of Costs for Plan Implementation. – Each computer equipment
31 manufacturer is responsible for all costs associated with the development and implementation
32 of its plan. A computer equipment manufacturer shall not collect a fee from a consumer or a
33 local government for the management of discarded computer equipment at the time the
34 equipment is discarded.

35 (g) Joint Computer Equipment Recycling Plans. – A computer equipment manufacturer
36 may fulfill the requirements of subsection (c) of this section by participation in a joint recycling
37 plan with other manufacturers. A joint plan shall meet the requirements of subsection (c) of this
38 section.

39 (h) Annual Report. – Each computer equipment manufacturer shall submit a report to
40 the Department by October 1 of each year stating the total weight of all computer equipment
41 collected for recycling or reuse in the previous fiscal year. The report shall also include a
42 summary of actions taken to comply with the requirements of subsection (c) of this section.

43 **"§ 130A-309.135. Requirements for television manufacturers.**

44 (a) Registration and Fee Required. – Each television manufacturer, before selling or
45 offering for sale televisions in the State, shall register with the Department and, at the time of
46 registration, shall pay an initial registration fee of two thousand five hundred dollars (\$2,500) to
47 the Department. An initial registration shall be valid from the day of registration through the
48 last day of the fiscal year in which the registration fee was paid. A television manufacturer that
49 has registered shall pay an annual renewal registration fee of two thousand five hundred dollars
50 (\$2,500) to the Department. The annual renewal registration fee shall be paid to the Department
51 each fiscal year no later than June 30 of the previous fiscal year. The proceeds of these fees

1 shall be credited to the Electronics Management Account. A television manufacturer that sells
2 1,000 televisions or fewer per year is exempt from the requirement to pay the registration fee
3 and the annual renewal fee imposed by this subsection.

4 (b) **Manufacturer Label Required.** – A television manufacturer shall not sell or offer to
5 sell any television in this State unless a visible, permanent label clearly identifying the
6 manufacturer of that device is affixed to the equipment.

7 (c) **Recycling of Market Share Required.** – The obligation to recycle televisions shall be
8 allocated to each television manufacturer based on the television manufacturer's market share.
9 A television manufacturer must annually recycle or arrange for the recycling of its market share
10 of televisions pursuant to this section.

11 (d) **Due Diligence and Compliance Assessments.** – A television manufacturer shall
12 conduct and document due diligence assessments of the recyclers the manufacturer contracts
13 with, including an assessment of compliance with environmentally sound recovery standards
14 adopted by the Department.

15 (e) **Contact Information Required.** – A television manufacturer shall provide the
16 Department with contact information for the manufacturer's designated agent or employee
17 whom the Department may contact for information related to the manufacturer's compliance
18 with the requirements of this section.

19 (f) **Joint Television Recycling Plans.** – A television manufacturer may fulfill the
20 requirements of this section either individually or in participation with other television
21 manufacturers.

22 (g) **Annual Report.** – A television manufacturer shall report to the Department by
23 October 1 of each year the total weight of televisions the manufacturer collected and recycled
24 in the State during the previous fiscal year.

25 **"§ 130A-309.136. Requirements applicable to retailers.**

26 (a) **A manufacturer must not sell or offer for sale or deliver to retailers for subsequent**
27 sale new computer equipment or televisions unless: (i) the covered device is labeled with the
28 manufacturer's brand, which label is permanently affixed and readily visible; and (ii) the
29 manufacturer has filed a registration with the Department and is otherwise in compliance with
30 the requirements of this Part, as indicated on the list developed and maintained by the
31 Department pursuant to G.S. 130A-309.138(1).

32 (b) **A retailer is not responsible for an unlawful sale under this section if the**
33 manufacturer's registration expired or was revoked and the retailer took possession of the
34 covered device prior to the expiration or revocation of the manufacturer's registration and the
35 unlawful sale occurred within six months after the expiration or revocation.

36 **"§ 130A-309.137. Electronics Management Account.**

37 (a) **Creation.** – The Electronics Management Account is created as a nonreverting
38 account within the Department. The Account consists of revenue credited to the Account from
39 the proceeds of the fee imposed on computer equipment manufacturers under
40 G.S. 130A-309.134 and television manufacturers under G.S. 130A-309.135.

41 (b) **Use and Distribution.** – Funds in the Account shall be used by the Department to
42 implement the provisions of this Part concerning discarded computer equipment and
43 televisions. The Department may retain up to ten percent (10%) of the fees collected for
44 administration of the requirements of this Part. Funds remaining shall be distributed annually
45 by the Department to eligible local governments designated pursuant to subsection (c) of this
46 section on or before February 15 of each year, based on each local government's pro rata share
47 of the funds to be distributed to all eligible designated local governments.

48 (c) **Eligibility.** – Except as provided in subsection (d) of this section, no more than one
49 unit of local government per county, including the county itself, may receive funding pursuant
50 to this section for a program to manage discarded computer equipment, televisions, and other
51 electronic devices. In order to be eligible for funding, a unit of local of government shall:

- 1 (1) Submit a comprehensive solid waste management plan required pursuant to
2 G.S. 130A-309.09A, amended as necessary to include the following criteria:
3 a. Information on existing programs within the jurisdiction to recycle or
4 reuse discarded computer equipment, televisions, and other
5 electronic devices, or information on a plan to begin such a program
6 on a date certain. This information shall include a description of the
7 implemented or planned practices for collection of the equipment;
8 and a description of the types of equipment to be collected and how
9 the equipment will be marketed for recycling.
10 b. Information on a public awareness and education program
11 concerning the recycling and reuse of discarded computer equipment,
12 televisions, and other electronic devices.
13 c. Information on methods to track and report total tonnage of computer
14 equipment, televisions, and other electronic devices collected and
15 recycled in the jurisdiction.
16 d. Information on interactions with other units of local government to
17 provide or receive services concerning disposal of discarded
18 computer equipment, televisions, and other electronic devices.
19 e. Information on how the unit of local government will account for the
20 expenditure of funds received pursuant to this section.
21 (2) Establish a separate local budget account for the receipt and expenditure of
22 funds received pursuant to this section.
23 (3) Contract with a recycler, as defined in G.S. 130A-309.131, to process the
24 discarded computer equipment, televisions, and other electronic devices the
25 unit of local government collects that is certified as adhering to Responsible
26 Recycling ('R2') practices or that is certified as an e-Steward recycler
27 adhering to the e-Stewards Standard for Responsible Recycling and Reuse of
28 Electronic Equipment®.
29 (d) Local Government Designation. – If more than one unit of local government in a
30 county, including the county itself, requests funding pursuant to this section, the units of local
31 government in question may: (i) enter into interlocal agreements for provision of services
32 concerning disposal of discarded computer equipment and televisions, and distribution of funds
33 received pursuant to this section among the parties to the agreement; or (ii) submit separate and
34 distinct comprehensive solid waste management plans pursuant to G.S. 130A-309.09A, with
35 the information set forth in subdivisions (1) through (5) of subsection (c) of this section. In the
36 case of (ii), the Department shall distribute funds to the local governments determined to be
37 eligible based on the percentage of the county's population to be served under each eligible
38 local government's program.
39 (e) Report. – Information regarding permanent recycling programs for discarded
40 computer equipment and televisions for which funds are received pursuant to this section, and
41 information on operative interlocal agreements executed in conjunction with funds received, if
42 any, shall be included in the annual report required under G.S. 130A-309.09A.
43 **§ 130A-309.138. Responsibilities of the Department.**
44 In addition to its other responsibilities under this Part, the Department shall:
45 (1) Develop and maintain a current list of manufacturers that are in compliance
46 with the requirements of G.S. 130A-309.134 and G.S. 130A-309.135, post
47 the list to the Department's Web site, and provide the current list to the
48 Office of Information Technology Services each time that the list is updated.
49 (2) Develop and implement a public education program on the laws governing
50 the recycling and reuse of discarded computer equipment and televisions
51 under this Part and on the methods available to consumers to comply with

1 those requirements. The Department shall make this information available
2 on the Internet and shall provide technical assistance to manufacturers to
3 meet the requirements of G.S. 130A-309.134(c)(1)(e.). The Department shall
4 also provide technical assistance to units of local government on the
5 establishment and operation of discarded computer equipment and television
6 collection centers and in the development and implementation of local public
7 education programs.

8 (3) Maintain the confidentiality of any information that is required to be
9 submitted by a manufacturer under this Part that is designated as a trade
10 secret, as defined in G.S. 66-152(3) and that is designated as confidential or
11 as a trade secret under G.S. 132-1.2.

12 (4) The Department shall use national televisions sales data available from
13 commercially available analytical sources to calculate the generation of
14 discarded televisions and to determine each television manufacturer's
15 recovery responsibilities for televisions based on the manufacturer's market
16 share. The Department shall extrapolate data for the State from national data
17 on the basis of the State's share of the national population.

18 **§ 130A-309.139. Enforcement.**

19 This Part may be enforced as provided by Part 2 of Article 1 of this Chapter.

20 **§ 130A-309.140. Annual report.**

21 No later than January 15 of each year, the Department shall submit a report on the recycling
22 of discarded computer equipment and televisions in the State under this Part to the
23 Environmental Review Commission. The report must include an evaluation of the recycling
24 rates in the State for discarded computer equipment and televisions, a discussion of compliance
25 and enforcement related to the requirements of this Part, and any recommendations for any
26 changes to the system of collection and recycling of discarded computer equipment, televisions,
27 or other electronic devices.

28 **§ 130A-309.141. Local government authority not preempted.**

29 Nothing in this Part shall be construed as limiting the authority of any local government to
30 manage computer equipment and televisions that are solid waste."

31 **SECTION 3.(a)** G.S. 130A-309.09A(b)(6) reads as rewritten:

32 "(6) Include an assessment of current programs and a description of intended
33 actions with respect to:

34 ...

35 e. For each county and each municipality with a population in excess of
36 25,000, collection of discarded computer equipment and televisions,
37 as defined in G.S. 130A-309.131. ~~130A-309.91."~~

38 **SECTION 3.(b)** G.S. 130A-309.09A(d) is amended by adding a new subdivision

39 to read:

40 "(d) In order to assess the progress in meeting the goal set out in G.S. 130A-309.04, each
41 unit of local government shall report to the Department on the solid waste management
42 programs and waste reduction activities within the unit of local government by 1 September of
43 each year. At a minimum, the report shall include:

44 ...

45 (8) Information regarding permanent recycling programs for discarded computer
46 equipment and televisions for which funds are received pursuant to
47 G.S. 130A-309.137, and information on operative interlocal agreements
48 executed in conjunction with funds received, if any."

49 **SECTION 4.(a)** G.S. 130A-309.10(f) reads as rewritten:

50 "(f) No person shall knowingly dispose of the following solid wastes in landfills:

51 (1) Repealed by Session Laws 1991, c. 375, s. 1.

- 1 (2) Used oil.
 2 (3) Yard trash, except in landfills approved for the disposal of yard trash under
 3 rules adopted by the Commission. Yard trash that is source separated from
 4 solid waste may be accepted at a solid waste disposal area where the area
 5 provides and maintains separate yard trash composting facilities.
 6 (4) White goods.
 7 (5) Antifreeze (ethylene glycol).
 8 (6) Aluminum cans.
 9 (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition on
 10 disposal of whole scrap tires in landfills applies to all whole pneumatic
 11 rubber coverings, but does not apply to whole solid rubber coverings.
 12 (8) Lead-acid batteries, as provided in G.S. 130A-309.70.
 13 (9) Beverage containers that are required to be recycled under G.S. 18B-1006.1.
 14 (10) Motor vehicle oil filters.
 15 (11) Recyclable rigid plastic containers that are required to be labeled as provided
 16 in subsection (e) of this section, that have a neck smaller than the body of the
 17 container, and that accept a screw top, snap cap, or other closure. The
 18 prohibition on disposal of recyclable rigid plastic containers in landfills does
 19 not apply to rigid plastic containers that are intended for use in the sale or
 20 distribution of motor oil or pesticides.
 21 (12) Wooden pallets, except that wooden pallets may be disposed of in a landfill
 22 that is permitted to only accept construction and demolition debris.
 23 (13) Oyster shells.
 24 (14) Discarded computer equipment, as defined in G.S. 130A-309.131.
 25 ~~G.S. 130A-309.91.~~
 26 (15) Discarded televisions, as defined in G.S. 130A-309.131. ~~130A-309.91.~~"

27 **SECTION 4.(b)** G.S. 130A-309.10(f) reads as rewritten:

28 "(f1) No person shall knowingly dispose of the following solid wastes by incineration in
 29 an incinerator for which a permit is required under this Article:

- 30 (1) Antifreeze (ethylene glycol) used solely in motor vehicles.
 31 (2) Aluminum cans.
 32 (3) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 17.
 33 (4) White goods.
 34 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.
 35 (6) Beverage containers that are required to be recycled under G.S. 18B-1006.1.
 36 (7) Discarded computer equipment, as defined in G.S. 130A-309.131.
 37 ~~130A-309.91.~~
 38 (8) Discarded televisions, as defined in G.S. 130A-309.131. ~~130A-309.91.~~"

39 **SECTION 4.(c)** Section 16.6(b) of S.L. 2007-550, as amended by Section 16(a) of
 40 S.L. 2009-484, reads as rewritten:

41 "**SECTION 16.6.(b)** Section 16.2 of this act becomes effective July 1, 2010. Sections 16.3
 42 and 16.4 of this act become effective ~~January~~ July 1, 2011. Section 16.5 of this act becomes
 43 effective July 1, 2010. Subsection (b) of Section 16.1 of this act, Section 16.6 of this act, and
 44 any other provision of Section 16 of this act for which an effective date is not specified become
 45 effective July 1, 2010."

46 **SECTION 5.** G.S. 147-33.104 reads as rewritten:

47 "**§ 147-33.104. Purchase by State agencies and governmental entities of certain computer
 48 equipment prohibited.**

- 49 (a) The exemptions set out in G.S. 147-33.80 do not apply to this section.
 50 (b) No State agency, political subdivision of the State, or other public body shall
 51 purchase computer equipment or televisions, as defined in G.S. ~~130A-309.91,~~ 130A-309.131 or

1 enter into a contract with ~~from~~ any manufacturer that the Secretary determines is not in
2 compliance with the requirements of G.S. ~~130A-309.93-130A-309.134~~ or G.S. ~~130A-309.93A~~
3 ~~130A-309.135~~ as determined from the list provided by the Department of Environment and
4 Natural Resources pursuant to G.S. ~~130A-309.95(1)-130A-309.138~~. The Secretary shall issue
5 written findings upon a determination of noncompliance. A determination of noncompliance by
6 the Secretary is reviewable under Article 3 of Chapter 150B of the General Statutes.

7 (c) The Office of Information Technology Services shall make the list available to
8 political subdivisions of the State and other public bodies. A manufacturer that is not in
9 compliance with the requirements of G.S. ~~130A-309.93-130A-309.134~~ shall not sell or offer for
10 sale computer equipment or televisions to the State, a political subdivision of the State, or other
11 public body."

12 **SECTION 6.** The Environmental Review Commission, with the assistance of the
13 Department of Environment and Natural Resources, shall conduct a study to determine the
14 feasibility of requiring recycling of: (i) computer equipment discarded by small businesses; and
15 (ii) other electronic equipment, including, but not limited to: automated typewriters,
16 professional workstations, servers, ICI devices, ICI systems, mobile telephones, portable
17 handheld calculators, PDAs, MP3 players, copy machines, VCRs, stereos, radios, tape players,
18 CD players, telephones, fax machines, electronic games, power and network cables, network
19 hubs, switching boxes, controllers, modems, docking stations, CD-ROMs, hard drives, printed
20 circuit boards, uninterruptible power supplies, routers, and rechargeable batteries. The
21 Environmental Review Commission, with the Assistance of the Department of Environment
22 and Natural Resources, shall also study the fee structure for computer manufacturers imposed
23 under this act. The Environmental Review Commission shall report its findings and
24 recommendations, including any legislative proposals, to the 2011 Regular Session of the
25 General Assembly upon its convening.

26 **SECTION 7.** The Environmental Review Commission, with the assistance of the
27 Department of Environment and Natural Resources, shall monitor and review electronic
28 recycling programs in other states on an ongoing basis and shall report its findings and
29 recommendations to the General Assembly periodically.

30 **SECTION 8.** Notwithstanding the provisions of G.S. 130A-309.136, as enacted by
31 Section 2 of this act, during the first year after the effective date of this act, no penalty shall be
32 imposed for a first violation of G.S. 130A-309.136. The Department shall, however, issue a
33 notice of violation to the retailer in conjunction with the first violation.

34 **SECTION 9.** This act is effective when it becomes law, except that: (i)
35 G.S. 130A-309.136, as enacted by Section 2 of this act, is effective July 1, 2011; and (ii)
36 changes required to comprehensive solid waste management plans in accordance with
37 G.S. 130A-309.137, as enacted by Section 2 of this act, shall be submitted to the Department of
38 Environment and Natural Resources on or before December 1, 2010.