

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 575

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Recycling” insert “Pilot”; in line 3, after “of” insert “authorizing a county to address methods for the separate collection and recycling of computers in a certain recycling plan; requiring certain reductions in a county’s solid waste stream attributable to the implementation of certain methods to count towards certain required reductions;”; in the same line, after “Recycling” insert “Pilot”; in line 5, strike “authorizing” and substitute “requiring”; in line 6, strike the first “a”; in the same line, strike “date,” and substitute “dates, certain”; strike beginning with “environmental” in line 7 down through “State” in line 14 and substitute “registration and fee; establishing a computer manufacturer registration fee; requiring the fee to be deposited into the State Recycling Trust Fund; providing for the administration of the Fund; requiring certain balances in the Fund to revert to the General Fund; authorizing certain expenditures from the Fund; requiring, on or before a certain date, the Department to conduct a certain study regarding the disposal and recycling of cathode ray tubes and review the effectiveness of the Program established by this Act and submit a certain report to certain committees; providing for the termination of certain provisions of this Act”; in line 19, after “Section” insert “9-1701,”; in the same line, after “9-1702(d)” insert “, 9-1703, and 9-1707(f)”; in line 24, strike “9-1731” and substitute “9-1730, inclusive,”; and in lines 16 and 25, in each instance, after “Recycling” insert “Pilot”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“9-1701.

(a) In this subtitle the following words have the meanings indicated.

(b) “Compost” means the product of composting in accordance with the standards established by the Secretary of Agriculture under § 6-221 of the Agriculture Article.

(Over)

(c) “Composting” means the controlled biological decomposition of organic waste material in accordance with the standards established by the Secretary under this title.

(D) (1) “COMPUTER” MEANS A DESKTOP PERSONAL COMPUTER OR LAPTOP COMPUTER, INCLUDING THE COMPUTER MONITOR.

(2) “COMPUTER” DOES NOT INCLUDE:

(I) A PERSONAL DIGITAL ASSISTANT DEVICE;

(II) A COMPUTER PERIPHERAL DEVICE, INCLUDING:

1. A MOUSE OR OTHER SIMILAR POINTING DEVICE;

2. A PRINTER; OR

3. A DETACHABLE KEYBOARD.

(E) “COMPUTER TAKEBACK PROGRAM” MEANS A PROGRAM, ESTABLISHED BY A COMPUTER MANUFACTURER, FOR THE COLLECTION AND RECYCLING, REFURBISHING, OR REUSE OF A COMPUTER LABELED WITH THE NAME OF THE MANUFACTURER OR THE MANUFACTURER’S BRAND LABEL, INCLUDING:

(1) PROVIDING, AT NO COST TO THE RETURNER, A METHOD OF RETURNING A COMPUTER TO THE MANUFACTURER, INCLUDING POSTAGE PAID MAILING PACKAGES OR DESIGNATED COLLECTION POINTS THROUGHOUT THE STATE;

(2) CONTRACTING WITH A RECYCLER, LOCAL GOVERNMENT, OTHER MANUFACTURER, OR ANY OTHER PERSON; OR

(3) ANY OTHER PROGRAM APPROVED BY THE DEPARTMENT.

[(d)] (F) “Director” means the Director of the Office of Recycling.

(G) “MANUFACTURER” MEANS THE CORPORATION OR OTHER LEGAL

ENTITY THAT IS THE BRAND OWNER OR IMPORTER OF A COMPUTER SOLD IN THE STATE.

[(e)] (H) (1) “Natural wood waste” means tree and other natural vegetative refuse.

(2) “Natural wood waste” includes tree stumps, brush and limbs, root mats, logs, and other natural vegetative material.

[(f)] (I) (1) “Natural wood waste recycling facility” means a facility where recycling services for natural wood waste are provided.

(2) “Natural wood waste recycling facility” does not include a collection or processing facility operated by:

(i) A nonprofit or governmental organization located in the State; or

(ii) A single individual or business that provides recycling services for its own employees or for its own recyclable materials generated on its own premises.

[(g)] (J) “Office” means the Office of Recycling within the Department.

[(h)] (K) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

[(i)] (L) (1) “Recycling” means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

(Over)

~~[(j)]~~ (M) “Recycling services” means the services provided by persons engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

~~[(k)]~~ (N) “Resource recovery facility” means a facility in existence as of January 1, 1988 that:

(1) Processes solid waste to produce valuable resources, including steam, electricity, metals, or refuse-derived fuel; and

(2) Achieves a volume reduction of at least 50 percent of its solid waste stream.

~~[(l)]~~ (O) (1) “Solid waste stream” means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system located in this State.

(2) “Solid waste stream” does not include:

(i) Hospital waste;

(ii) Rubble;

(iii) Scrap material;

(iv) Land clearing debris;

(v) Sewage sludge; or

(vi) Waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity’s waste.

~~[(m)]~~ (P) “White goods” includes:

(1) Refrigerators;

- (2) Stoves;
- (3) Washing machines;
- (4) Dryers;
- (5) Water heaters; and
- (6) Air conditioners.

[(n)] (Q) (1) “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.

(2) “Yard waste” includes leaves, garden waste, lawn cuttings, weeds, and prunings.”;

after line 13, insert:

“9-1703.

(a) Each county shall submit a recycling plan to the Secretary for approval when the county submits its county plan to the Secretary in accordance with the provisions of § 9-505 of this title.

(b) In preparing the recycling plan as required in § 9-505 of this title, the county shall address:

- (1) Methods to meet the solid waste stream reduction;
- (2) The feasibility of source separation of the solid waste stream generated within the county;
- (3) The recyclable materials to be separated;

(Over)

- (4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost-effective use of recycling centers;
- (5) Methods of financing the recycling efforts proposed by the county;
- (6) Methods for the separate collection and composting of yard waste;
- (7) The feasibility of a system for the composting of mixed solid wastes;
- (8) The feasibility of a system for the collection and recycling of white goods;
- (9) The separate collection of other recyclable materials; and
- (10) Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.

(C) (1) IN PREPARING THE RECYCLING PLAN AS REQUIRED UNDER § 9-505 OF THIS TITLE, THE COUNTY MAY ADDRESS METHODS FOR THE SEPARATE COLLECTION AND RECYCLING OF COMPUTERS, INCLUDING EFFORTS BY THE COUNTY TO ESTABLISH PARTNERSHIPS WITH COMPUTER MANUFACTURERS, RECYCLERS, RETAILERS, OR OTHER LOCAL GOVERNMENTS FOR THE COLLECTION AND RECYCLING OF COMPUTERS.

(2) IF A COUNTY ELECTS TO ADDRESS METHODS FOR THE SEPARATE COLLECTION AND RECYCLING OF COMPUTERS IN ITS RECYCLING PLAN, ANY REDUCTION IN THE COUNTY'S SOLID WASTE STREAM ATTRIBUTABLE TO THE IMPLEMENTATION OF THE METHODS SHALL COUNT TOWARDS THE COUNTY'S REQUIRED REDUCTION THROUGH RECYCLING OF THE SOLID WASTE STREAM UNDER § 9-505 OF THIS TITLE.

[c] (D) A county that achieves a reduction of at least 5 percent in the volume of its waste through the utilization of 1 or more resource recovery facilities in operation as of January 1, 1988 shall be considered to have achieved a reduction by recycling of 5 percent of the solid waste stream.

[(d)] (E) In preparing a recycling plan, a county may not calculate a tax or mandatory deposit on any beverage container that is enacted by a county or municipality to achieve the recycling goals required under § 9-505 of this title.

[(e)] (F) For the purpose of determining weight, the Department may not preclude the use of portable weigh scales.

9-1707.

(f) (1) There is a State Recycling Trust Fund.

(2) The Fund shall consist of [net proceeds from the]:

(i) [Newsprint] THE NEWSPRINT recycling incentive fee; [and]

(ii) [Telephone] THE TELEPHONE directory recycling incentive fee collected under § 9-1709 of this subtitle;

(III) THE COMPUTER MANUFACTURER REGISTRATION FEE COLLECTED UNDER § 9-1728 OF THIS SUBTITLE;

(IV) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(V) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(3) The Secretary shall administer the Fund.

(4) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

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(5) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL FUND OF THE STATE IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

[(4)] (6) [The] IN ACCORDANCE WITH THE STATE BUDGET, THE Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans; [and]

(II) TO PROVIDE GRANTS TO COUNTIES THAT HAVE ADDRESSED METHODS FOR THE SEPARATE COLLECTION AND RECYCLING OF COMPUTERS IN ACCORDANCE WITH § 9-1703(C)(1) OF THIS SUBTITLE;

(III) TO PROVIDE GRANTS TO MUNICIPALITIES TO BE USED BY THE MUNICIPALITIES TO IMPLEMENT LOCAL COMPUTER RECYCLING PROGRAMS; AND

[(ii)] (IV) To carry out the purposes of the Office of Recycling under this subtitle.

(7) (I) THE TREASURER SHALL INVEST THE MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.”.

AMENDMENT NO. 3

On page 2, after line 15, insert:

“PART IV. STATEWIDE COMPUTER RECYCLING PILOT PROGRAM.

9-1727.

(A) THIS SECTION APPLIES TO A MANUFACTURER THAT MANUFACTURED AN AVERAGE OF MORE THAN 1,000 COMPUTERS PER YEAR IN THE IMMEDIATELY PRECEDING 3-YEAR PERIOD.

(B) ON OR AFTER JANUARY 1, 2006, A MANUFACTURER MAY NOT SELL OR OFFER FOR SALE TO ANY PERSON IN THE STATE A NEW COMPUTER UNLESS:

(1) THE COMPUTER IS LABELED WITH THE NAME OF THE MANUFACTURER OR THE MANUFACTURER'S BRAND LABEL; AND

(2) THE MANUFACTURER HAS REGISTERED WITH AND SUBMITTED A REGISTRATION FEE TO THE DEPARTMENT AS PROVIDED UNDER THIS PART.

9-1728.

(A) A COMPUTER MANUFACTURER'S REGISTRATION SHALL INCLUDE:

(1) THE BRAND NAMES UNDER WHICH THE MANUFACTURER SELLS OR OFFERS FOR SALE COMPUTERS IN THE STATE;

(2) WHETHER THE MANUFACTURER HAS IMPLEMENTED A COMPUTER TAKEBACK PROGRAM;

(3) IF THE MANUFACTURER HAS IMPLEMENTED A COMPUTER TAKEBACK PROGRAM:

(I) A TOLL-FREE NUMBER OR WEBSITE ADDRESS THAT PROVIDES INFORMATION ABOUT THE TAKEBACK PROGRAM, INCLUDING A DETAILED DESCRIPTION OF HOW A PERSON MAY RETURN A COMPUTER FOR RECYCLING, REFURBISHING, OR REUSE; AND

(II) ONE YEAR AFTER THE IMPLEMENTATION OF THE

(Over)

PROGRAM AND EACH YEAR THEREAFTER, A REPORT ON THE IMPLEMENTATION OF THE PROGRAM DURING THE PRIOR YEAR, INCLUDING:

1. THE TOTAL WEIGHT OF THE COMPUTERS RECEIVED BY THE PROGRAM FROM MARYLAND DURING THE PRIOR YEAR;

2. THE TOTAL NUMBER OF COMPUTERS FROM MARYLAND RECYCLED, REFURBISHED, AND REUSED DURING THE PRIOR YEAR; AND

3. THE PROCESSES AND METHODS USED TO RECYCLE, REFURBISH, OR REUSE THE COMPUTERS RECEIVED FROM MARYLAND; AND

(4) ANY ADDITIONAL INFORMATION REQUIRED BY THE DEPARTMENT IN REGULATION.

(B) THE REGISTRATION SHALL:

(1) BE SUBMITTED TO THE DEPARTMENT BY JANUARY 1 OF EACH YEAR; AND

(2) IF THE MANUFACTURER HAS IMPLEMENTED A COMPUTER TAKEBACK PROGRAM, BE UPDATED PRIOR TO ANY SIGNIFICANT CHANGE IN THE PROGRAM.

(C) THE COMPUTER MANUFACTURER REGISTRATION FEE IS:

(1) \$5,000 FOR THE INITIAL REGISTRATION BY THE MANUFACTURER;

(2) (I) \$5,000 FOR EACH SUBSEQUENT ANNUAL REGISTRATION BY A MANUFACTURER THAT DID NOT HAVE AN IMPLEMENTED COMPUTER TAKEBACK PROGRAM IN THE PRIOR YEAR; OR

(II) \$500 FOR EACH SUBSEQUENT ANNUAL REGISTRATION BY A MANUFACTURER THAT HAD AN IMPLEMENTED COMPUTER TAKEBACK PROGRAM IN THE PRIOR YEAR;

AND (3) SUBMITTED TO THE DEPARTMENT BY JANUARY 1 OF EACH YEAR;

(4) PAID INTO THE STATE RECYCLING TRUST FUND.

(D) (1) THE DEPARTMENT SHALL:

(I) REVIEW THE REGISTRATION SUBMITTED UNDER THIS SECTION; AND

(II) IF THE REGISTRATION DOES NOT MEET THE REQUIREMENTS OF THIS SECTION AND THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE, NOTIFY THE MANUFACTURER OF THE INSUFFICIENCY.

(2) WITHIN 60 DAYS AFTER RECEIPT OF A NOTICE OF INSUFFICIENCY, THE MANUFACTURER SHALL SUBMIT A REVISED REGISTRATION THAT ADDRESSES THE INSUFFICIENCIES NOTED BY THE DEPARTMENT.

9-1729.

THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE, INCLUDING THE REQUIRED COMPONENTS OF A COMPUTER TAKEBACK PROGRAM.

9-1730.

THE PROVISIONS AND PENALTIES OF § 9-342 OF THIS TITLE SHALL BE USED AND SHALL APPLY TO ENFORCE VIOLATIONS OF THIS PART.”.

On pages 2 through 6, strike in their entirety the lines beginning with line 16 on page 2 through line 3 on page 6.

(Over)

On page 6, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall study and compare the environmental and public health impacts of disposing of and recycling cathode ray tubes and review the effectiveness of the Program established under Part IV of Subtitle 9 of the Environment Article in diverting computers and computer monitors from disposal in landfills in the State and, on or before December 1, 2008, report the findings to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005. Section 1 of this Act shall remain effective for a period of 5 years and 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.”;

and in line 4, strike “2.” and substitute “4.”.