
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 800 Session of
2017

INTRODUCED BY ALLOWAY, MCGARRIGLE, ARGALL, YUDICHAK, MENSCH,
BREWSTER, YAW, FOLMER, VOGEL, STEFANO, WAGNER, WHITE AND
BLAKE, JUNE 29, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 29, 2017

AN ACT

1 Establishing a recovery and management program that includes
2 recycling for certain waste electronic equipment; imposing
3 duties on manufacturers and retailers of certain electronic
4 equipment; providing for the powers and duties of the
5 Department of Environmental Protection and for enforcement;
6 establishing the Waste Electronic Equipment Fund and the
7 State Default Plan Account; prescribing penalties; and making
8 a related repeal.

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17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 CHAPTER 1

20 GENERAL PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Waste
23 Electronic Equipment Recovery Act.

24 Section 102. Purpose.

25 The General Assembly finds and declares as follows:

26 (1) Electronic equipment is a critical element to the
27 strength and growth of this Commonwealth's economic
28 prosperity and quality of life.

29 (2) Many types of electronic equipment can be
30 refurbished and many contain valuable components that can be

1 recycled.

2 (3) The Commonwealth needs to establish a comprehensive,
3 convenient and environmentally sound program for the
4 collection, refurbishment, recycling and final disposition of
5 waste electronic equipment that has reached the end of its
6 useful life.

7 (4) The program should be based on individual
8 manufacturer responsibility and shared responsibility among
9 consumers, retailers and the government of this Commonwealth.

10 CHAPTER 2

11 DEFINITIONS

12 Section 201. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Account." The State Default Plan Account established under
17 section 1002.

18 "Agent." An agency, organization, company or person
19 delegated, assigned or under contract to carry out the
20 responsibilities of this act under the supervision of the
21 department.

22 "Brand." Symbols, words or marks that identify electronic
23 equipment. The term does not include words or marks that
24 identify any of the electronic equipment's components.

25 "Collection." The act of gathering and receiving waste
26 electronic equipment from consumers.

27 "Competitive sealed bidding process." As provided in 62
28 Pa.C.S. (relating to procurement).

29 "Computer." An electronic, magnetic, optical,
30 electromechanical or other high-speed data processing device

1 performing a logical, arithmetic or storage function. The term
2 includes, but is not limited to, a computer central processing
3 unit, a desktop unit, a notebook or a tablet. The term does not
4 include an automated typewriter or typesetter, a portable
5 handheld calculator, a portable digital assistant or other
6 similar device.

7 "Computer manufacturer." A person that is a manufacturer of
8 computers.

9 "Consolidation." The aggregation of waste electronic
10 equipment for transportation and processing.

11 "Consumer." A resident of this Commonwealth who has
12 purchased or used electronic equipment primarily for personal
13 use.

14 "Contract." A type of written agreement for the procurement
15 or disposal of supplies, services or construction, executed by
16 all parties and reviewed in accordance with the act of October
17 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
18 Act.

19 "Contractor." A person that has entered into a contract
20 under this act.

21 "Convenience center." A location identified in the State
22 default plan, an individual alternative plan or a joint
23 alternative plan where waste electronic equipment is collected
24 and consolidated.

25 "CRT." Cathode Ray Tube.

26 "Department." The Department of Environmental Protection of
27 the Commonwealth.

28 "Disposal." The deposition, injection, dumping, spilling,
29 leaking, incineration or placing of solid waste into or on the
30 land or water in a manner that the solid waste or a constituent

1 of the solid waste enters the environment, is emitted into the
2 air or is discharged to the waters of this Commonwealth.

3 "Electronic equipment." The term includes televisions,
4 computers, monitors and peripherals. The term does not include:

5 (1) a device that is a part of a motor vehicle or a
6 component part of a motor vehicle assembled by or for a
7 vehicle manufacturer or franchised dealer, including
8 replacement parts for use in a motor vehicle;

9 (2) a device that is functionally or physically a part
10 of, connected to or integrated within equipment or a system
11 designed and intended for use in an industrial, governmental,
12 commercial, research and development or medical setting,
13 including, but not limited to, diagnostic, monitoring,
14 control or medical products as provided under the Federal
15 Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301
16 et seq.), or equipment used for security, sensing,
17 monitoring, antiterrorism or emergency services purposes or
18 equipment designed and intended primarily for use by
19 professionals;

20 (3) a device that is contained within a clothes washer,
21 clothes dryer, refrigerator, refrigerator and freezer,
22 microwave oven, conventional oven or range, dishwasher, room
23 air conditioner, dehumidifier, air purifier or exercise
24 equipment; or

25 (4) any of the following:

26 (i) A telephone of any type, including a mobile
27 phone.

28 (ii) A personal digital assistant.

29 (iii) A global positioning system.

30 "Financial obligation." The proportion of the total annual

1 cost for the collection, consolidation, transportation, recovery
2 and management of waste electronic equipment for which a
3 manufacturer has the responsibility to pay under this act. A
4 manufacturer's financial obligation is calculated based on a
5 formula using the manufacturer's annual market share reported to
6 the department.

7 "Fund." The Waste Electronic Equipment Fund established
8 under section 1001.

9 "Individual alternative plan." A plan in which a
10 manufacturer petitions the department to assume on a countywide
11 basis, for a specific county or counties, the full
12 administrative, financial and operating responsibility for the
13 collection, consolidation, transportation and recovery system of
14 waste electronic equipment, which would otherwise be part of the
15 State default plan.

16 "Joint alternative plan." A plan in which a group of
17 manufacturers petitions the department to assume, for specific
18 geographic areas, the full administrative, financial and
19 operating responsibility for the collection, consolidation,
20 transportation and recovery system of waste electronic
21 equipment, which would otherwise be part of the State default
22 plan.

23 "Manufacturer." A person that:

24 (1) Manufactures electronic equipment under a brand
25 that:

26 (i) the person owns; or

27 (ii) the person is licensed to use, other than under
28 a license to manufacture electronic equipment for
29 delivery exclusively to or at the order of the licensor.

30 (2) Sells electronic equipment manufactured by others

1 under a brand that:

2 (i) the person owns; or

3 (ii) the person is licensed to use, other than under
4 a license to manufacture electronic equipment for
5 delivery exclusively to or at the order of the licensor.

6 (3) Manufactures electronic equipment without affixing a
7 brand.

8 (4) Manufactures electronic equipment to which the
9 person affixes a brand that:

10 (i) the person does not own; or

11 (ii) the person is not licensed to use.

12 "Market share." An estimate of the total weight of a
13 manufacturer's sales of electronic equipment calculated by
14 multiplying the weight of the electronic equipment sold
15 nationally times the quotient of this Commonwealth's population
16 divided by the national population.

17 "Monitor." A separate video display component inclusive of
18 its case, interior wires and circuitry that does not contain a
19 tuner and has a display area greater than four inches when
20 measured diagonally. The term includes a cathode ray tube,
21 liquid crystal display, gas plasma, digital light processing or
22 other image projection technology.

23 "Monitor manufacturer." A person that is a manufacturer of
24 monitors.

25 "New electronic equipment." Electronic equipment that is
26 manufactured after the effective date of this section.

27 "Nexus." A physical connection with this Commonwealth
28 established by a business that conducts any of the following
29 activities:

30 (1) Having or maintaining, either directly or through a

1 subsidiary, an office, distribution house, sales house,
2 warehouse, service enterprise or other place of business
3 irrespective of whether the place of business is located
4 permanently or temporarily or authorized to do business
5 within this Commonwealth.

6 (2) Having or maintaining an agent of general or
7 restrictive authority irrespective of whether the agent is
8 located permanently or temporarily or authorized to do
9 business within this Commonwealth.

10 (3) Maintaining a stock of goods in this Commonwealth.

11 (4) Regularly soliciting orders through a solicitor,
12 salesman, agent or representative, whether or not the orders
13 are accepted in this Commonwealth, or performing promotional
14 activities in this Commonwealth.

15 (5) Regularly engaging in the delivery of property,
16 other than by common carrier or United States mail, and
17 soliciting business, whether by means of United States mail,
18 radio, television, newspaper or otherwise in this
19 Commonwealth.

20 (6) Regularly engaging in an activity in connection with
21 the leasing or servicing of property which is located within
22 this Commonwealth.

23 "Notice to proceed." A notice issued to a manufacturer or a
24 group of manufacturers announcing the approval of an individual
25 alternative plan or a joint alternative plan for a county or
26 counties pending receipt of all required documentation and
27 executed contractual commitments outlined in the individual
28 alternative plan or joint alternative plan.

29 "Orphan electronic equipment." Electronic equipment for
30 which no manufacturer can be identified.

1 "Peripheral." A keyboard, printer, scanner, fax machine,
2 speaker or other peripheral, digital video disc player, video
3 cassette recorder and video display equipment with a screen
4 greater than six inches. The term does not include adaptive or
5 assistive technologies.

6 "Peripheral manufacturer." A person that is a manufacturer
7 of peripherals.

8 "Person." An individual, trust, firm, joint stock company,
9 business concern, corporation, government agency, partnership,
10 limited liability company or association.

11 "Processing." The term includes shredding, disassembly, size
12 reduction, separation, smelting, retorting, extraction and
13 melting.

14 "Processor." A person that processes waste electronic
15 equipment or any of its components.

16 "Procurement." Purchasing, renting, leasing, licensing or
17 otherwise acquiring supplies, services or construction. The term
18 includes all functions relating to the obtaining of any supply,
19 service or construction, including a description of
20 requirements, selection and solicitation of sources, preparation
21 and award of contract and all phases of the contract
22 administration.

23 "Purchase." The transfer of property from one to another
24 through agreement or sale.

25 "Recovery." The act of refurbishing, recycling or processing
26 waste electronic equipment to extend the use or value of the
27 original electronic equipment, its components and whatever
28 residual materials remain.

29 "Recycler." A person that performs recycling of waste
30 electronic equipment.

1 "Recycling." A method by which waste electronic equipment
2 that would otherwise become solid waste or hazardous waste is
3 collected, transported, separated and processed, including
4 disassembling, dismantling or shredding, to be returned to use
5 in the form of raw materials or products in accordance with
6 environmental standards established by the department.

7 "Refurbish" or "refurbishment." To transform used or unused
8 waste electronic equipment, including components, into fully
9 functional electronic equipment for reuse. This includes
10 cleaning, data sanitization, software and hardware changes or
11 upgrading, fixing hardware faults, replacing or removing faulty
12 or unwanted components, remanufacturing, removal of identifying
13 labels or stickers and repurposing.

14 "Refurbisher." A person that refurbishes waste electronic
15 equipment.

16 "Retailer." A person with a nexus that offers electronic
17 equipment for sale by any means in this Commonwealth, other than
18 for resale by a consumer.

19 "Retail sales." The sale of electronic equipment by a
20 retailer.

21 "Sale." A transfer for consideration of title. The term
22 includes, but is not limited to, a transaction conducted through
23 a sales outlet, catalog, the Internet or any other similar
24 electronic means. The term does not include a lease.

25 "Secretary." The Secretary of Environmental Protection of
26 the Commonwealth.

27 "Site operator." A person that operates a convenience
28 center.

29 "State default plan." The plan developed by the department,
30 or its agent, for infrastructure development, collection,

1 consolidation, transportation and recovery of waste electronic
2 equipment throughout this Commonwealth. The plan outlines
3 administrative, financial and operating duties and identifies
4 the entities responsible for each.

5 "Television." Electronic equipment which contains a tuner
6 that locks on to a selected carrier frequency and is capable of
7 receiving and displaying television or video programming via
8 broadcast, cable or satellite, including a direct view or
9 projection television with a viewable screen of four inches or
10 larger with display technology that is based on cathode ray
11 tube, plasma, liquid crystal, digital light processing, liquid
12 crystal on silicon, silicon crystal reflective display, light
13 emitting diode or similar technology marketed and intended for
14 use by a consumer primarily for personal purposes. The term does
15 not include a mobile phone.

16 "Television manufacturer." A person that is a manufacturer
17 of televisions.

18 "Transportation." The transfer of waste electronic equipment
19 from a convenience center to a recycler, refurbisher, processor
20 or end management facility.

21 "Transporter." A person that provides transportation.

22 "Treatment." A method, technique or process, including
23 neutralization, designed to change the physical, chemical or
24 biological character or composition of waste to neutralize the
25 waste or to render the waste nonhazardous, safer for transport,
26 suitable for recovery, suitable for storage or reduced in
27 volume. The term includes an activity or process designed to
28 change the physical form or chemical composition of waste to
29 render it neutral or nonhazardous.

30 "Voluntary take-back program." A self-initiated program by a

1 manufacturer that accepts waste electronic equipment for
2 recycling or refurbishment from a customer.

3 "Waste electronic equipment." A television, computer,
4 monitor or peripheral which a consumer returns to a collection
5 site or a curbside collection program that replaces a collection
6 site.

7 "Waste electronic equipment fee." A fee which is paid to a
8 retailer by the consumer at the time of original purchase of
9 electronic equipment to offset the cost of administration and
10 enforcement of this act and support the development of the
11 convenience center infrastructure.

12 CHAPTER 3

13 ENVIRONMENTALLY SOUND

14 MANAGEMENT REQUIREMENTS

15 Section 301. Management standards.

16 All waste electronic equipment under this act:

17 (1) Shall be managed in a manner that complies with all
18 applicable Federal, State and local laws, regulations and
19 ordinances.

20 (2) May not be exported out of the United States for
21 recycling, processing or disposal in a manner that poses a
22 significant risk to the public health or the environment.

23 Section 302. Disposal ban.

24 (a) General rule.--No person may place in municipal solid
25 waste any waste electronic equipment or any of its components,
26 except nonhazardous residuals produced during recycling or
27 processing in a solid waste disposal facility and as provided in
28 section 303.

29 (b) Violation.--An owner or operator of a solid waste
30 disposal facility shall not be found in violation of this

1 section if the owner or operator has:

2 (1) Made a good faith effort to comply with this
3 section.

4 (2) Posted in a conspicuous location at the facility a
5 sign stating that waste electronic equipment or any of its
6 components are not accepted at the facility.

7 (3) Notified, in writing, all collectors registered to
8 deposit solid waste at the facility that waste electronic
9 equipment or its components are not accepted at the facility.

10 (4) A program in which waste electronic equipment is
11 diverted to another area of the facility for consolidation
12 and transportation.

13 (c) Definition.--For purposes of this section, the term
14 "facility" shall have the same meaning given to it in section
15 103 of the act of July 7, 1980 (P.L.380, No.97), known as the
16 Solid Waste Management Act. The term does not include a transfer
17 station.

18 Section 303. Glass management.

19 (a) Leaded glass.--Leaded glass resulting from the
20 processing and recycling of waste electronic equipment may be
21 managed by a facility permitted for the management, storage or
22 disposal of discarded materials provided that the leaded glass
23 meets the waste acceptance plan or processing criteria specified
24 in the facility's permit conditions.

25 (b) Limitation.--For land disposal, dedicated retrievable
26 cells or alternate cover, the leaded glass must not exceed the
27 United States Environmental Protection Agency's lead
28 concentration limits for Sub-Title D facilities.

29 (c) Other hazardous or toxic metals.--When design and
30 technological changes in the glass utilized in electronic

1 equipment result in other hazardous or toxic metals of equal
2 environmental concern as lead, as determined by the department,
3 subsections (a) and (b) shall apply for each.

4 Section 304. Operating requirements.

5 (a) General rule.--An entity shall comply with all Federal,
6 State and local laws and obtain all permits, licenses and
7 authorizations necessary for the entity's operations to engage
8 in the collection, consolidation, transportation, refurbishment,
9 recycling, processing and disposal of waste electronic
10 equipment.

11 (b) General permit.--Recyclers of waste electronic equipment
12 shall obtain the applicable general permit from the department
13 or, if located in another state, meet the same standards
14 required in the department's general permit.

15 (c) Convenience centers.--Convenience centers shall meet the
16 operating and safety standards established by the department.

17 CHAPTER 4

18 CONSUMER FEES AND CHARGES

19 Section 401. Discarded electronic equipment.

20 No consumer shall be charged for the collection,
21 consolidation, transportation and recovery of waste electronic
22 equipment returned except as provided in sections 503(c)(1)(iii)
23 (A) and (d)(3)(ii)(A) and 511(b)(3).

24 Section 402. Waste electronic equipment fee.

25 For all purchases of electronic equipment, a seller shall
26 collect a waste electronic equipment fee at the time of sale.
27 The fee shall be equal to 0.5% of the full retail purchase
28 price, excluding sales tax, and will be used for the purposes
29 provided in this act.

30 CHAPTER 5

1 WASTE ELECTRONIC EQUIPMENT MANAGEMENT SYSTEM

2 Section 501. Applicability.

3 The collection, consolidation, transportation and recovery
4 provisions of this act shall apply to waste electronic equipment
5 used by and collected from a consumer residing in this
6 Commonwealth.

7 Section 502. Existing infrastructure.

8 (a) Use.--The collection, consolidation, transportation and
9 recovery system under this section shall use, if possible, the
10 existing collection, consolidation, transportation and recovery
11 infrastructure operating within this Commonwealth for handling
12 waste electronic equipment, including:

13 (1) Electronic recyclers and refurbishers.

14 (2) Local governments, not-for-profit corporations and
15 other suitable operations engaged in collection,
16 consolidation or transportation of waste electronic
17 equipment.

18 (b) Local governments.--Counties, municipalities and
19 municipal authorities are not required to act as collectors and
20 consolidators, but may enter agreements to serve in that
21 capacity.

22 Section 503. State default plan.

23 (a) Development.--The department, or a person delegated,
24 assigned or with a contract to perform duties relating to the
25 disposal of waste electronic equipment under the supervision of
26 the department, shall develop a system, known as the State
27 default plan, for collection, consolidation, transportation,
28 processing and final management of waste electronic equipment.

29 (b) Provision of services.--The State default plan shall
30 provide services to all counties not covered under an approved

1 individual alternative plan or joint alternative plan under this
2 act.

3 (c) Convenience centers.--

4 (1) The State default plan shall include the following
5 requirements:

6 (i) One convenience center location in each county
7 of this Commonwealth.

8 (ii) A convenience center shall collect all waste
9 electronic equipment without restriction as to type or
10 manufacturer.

11 (iii) A convenience center shall be open to accept
12 all waste electronic equipment at hours convenient to the
13 public at a minimum of once per month throughout the full
14 program year and may provide:

15 (A) Pickup of waste electronic equipment at a
16 consumer's home on an as-needed basis. A service fee
17 may be charged, which shall not include the cost of
18 recycling and processing.

19 (B) Pickup of waste electronic equipment
20 collected at a municipal satellite center.

21 (iv) A convenience center shall be sufficiently
22 staffed for and designed to accept waste electronic
23 equipment and facilitate safe access and unloading of
24 consumer vehicles.

25 (v) A convenience center shall be sufficiently
26 staffed for the consolidation of the waste electronic
27 equipment and to prepare it for transportation.

28 (vi) A convenience center shall be designed to allow
29 for safe loading of transport trailers or other long-haul
30 transport vehicles appropriate for the location and to

1 provide proper storage of a minimum of a full truckload
2 of the waste electronic equipment.

3 (vii) A convenience center must be publicized in
4 sufficient detail and frequency to allow consumers to
5 learn how to return waste electronic equipment. Print,
6 radio and television advertising shall specify an
7 Internet website address or toll-free telephone number
8 that provides information about the location, hours of
9 operation and the items accepted for collection.

10 (2) Where the collection of waste electronic equipment
11 is anticipated to be low in volume, a county may, rather than
12 operate a convenience center:

13 (i) Operate a satellite center for the collection of
14 waste electronic equipment under subsection (d).

15 (ii) Enter into an intergovernmental agreement with
16 a convenience center in a neighboring county to accept
17 waste electronic equipment from the satellite center.

18 (iii) Transport the waste electronic equipment from
19 the satellite center to the convenience center.

20 (iv) Enter into an agreement with a convenience
21 center, a municipality, an authority or a nonprofit
22 organization to operate a satellite center.

23 (d) Municipal satellite centers and curbside collection
24 programs.--

25 (1) The State default plan shall not prevent a
26 municipality from operating a satellite center or a curbside
27 collection program for the collection of waste electronic
28 equipment.

29 (2) Satellite centers shall meet all the criteria for a
30 convenience center in subsection (c) except subsection (c)(1)

1 (v) and (vi) regarding material handling. The following shall
2 apply:

3 (i) materials from the satellite center shall be:

4 (A) delivered by the municipality to the
5 convenience center for consolidation and
6 transportation;

7 (B) removed from the satellite center and
8 transferred to the convenience center for
9 consolidation and transportation by the convenience
10 center site operator; or

11 (C) if agreed to in advance, delivered by the
12 municipality directly to the contractor designated
13 for the county under either the State default plan,
14 individual alternative plan or a joint alternative
15 plan.

16 (ii) (Reserved).

17 (3) A municipality may implement a curbside collection
18 program that:

19 (i) Collects all waste electronic equipment without
20 restriction to type, brand, size or manufacturer.

21 (ii) Provides throughout the calendar year a minimum
22 of one regularly scheduled collection per month. The
23 following shall apply:

24 (A) A collection service fee for each item of
25 waste electronic equipment collected may be charged
26 to the consumer for the curbside pickup.

27 (B) The service fee shall be established in
28 advance.

29 (C) The service fee shall not include the cost
30 of recycling and processing.

1 (D) A consumer that does not place items at the
2 curbside for collection shall not be charged.

3 (iii) A municipality that opts to offer curbside
4 collection using a commercial service provider shall
5 conduct its own competitive bid process to establish the
6 fee for the collection services.

7 (iv) The items collected under a municipality's
8 curbside collection program shall be:

9 (A) delivered by the collector to the
10 convenience center of the county in which the
11 municipality is located; or

12 (B) if agreed to in advance, directly delivered
13 to the contractor designated for the county under
14 either the State default plan, individual alternative
15 plan or a joint alternative plan.

16 (4) Nothing in this section shall prevent a county,
17 municipal authority or municipality to conduct one-day
18 collection events for waste electronic equipment, provided it
19 meets the criteria of subsection (c)(1)(iv) and section 401.

20 (5) A manufacturer shall have no financial obligation to
21 compensate a county, municipal authority or municipality for
22 the cost of the programs and services under paragraph (2),
23 (3) or (4).

24 (6) Materials under paragraph (2)(i)(A), (B) and (C) and
25 (3)(iv)(A) and (B) shall be factored into the manufacturers'
26 financial obligation for the cost of collection,
27 consolidation, transportation, recovery, recycling and
28 processing whether the county convenience center is part of
29 the State default plan, individual alternative plan or a
30 joint alternative plan.

1 Section 504. Grant funding for convenience center development.

2 (a) Grant program.--To support the creation of a Statewide
3 collection and consolidation infrastructure for waste electronic
4 equipment, a grant program shall be offered and funded through
5 money in the fund.

6 (b) Eligibility.--Grant funding shall be limited to the
7 following:

8 (1) The initial development, construction or renovation
9 of land and structures owned by a county, municipal authority
10 or municipality to establish a convenience center in the
11 county.

12 (2) Start-up and replacement equipment for
13 consolidating, moving, lifting, loading and weighing waste
14 electronic equipment.

15 (3) Vehicles to collect waste electronic equipment from
16 satellite centers.

17 (4) To repair or expand convenience centers once
18 established.

19 (5) When and if sufficient money is available in the
20 fund, improvements to satellite centers.

21 Section 505. Convenience Center Network.

22 (a) Establishment.--To establish the network of convenience
23 centers in the State default plan, within 90 days of the
24 effective date of this section, the department or its agent
25 shall issue to counties and municipal authorities a Request for
26 Expression of Interest (RFEI) to host and operate a convenience
27 center required by this act.

28 (b) Based on the responses to the RFEI, the department or
29 its agent shall:

30 (1) Identify the location of land or buildings owned by

1 a county, municipal authority or municipality that meet or
2 could be renovated to meet the site design and operating
3 criteria for convenience centers.

4 (2) Determine the convenience centers which will be
5 operated by the local government and those that will be owned
6 by local government but operated by a contractor. A county or
7 a municipal authority may designate a nonprofit organization
8 to operate a convenience center.

9 (3) Identify the municipalities desiring to establish
10 satellite centers or implement curbside collection programs.

11 (4) Where no local-government-owned property is
12 available, determine sites that meet the design and operating
13 criteria for convenience centers and that could be
14 established by nonprofit organizations, retailers or private
15 businesses.

16 Section 506. Transportation and recovery of waste electronic
17 equipment from convenience centers.

18 The State default plan shall include:

19 (1) A method of transportation and resources sufficient
20 to handle the volume and frequency of consolidated waste
21 electronic equipment from the convenience centers to the
22 point of recycling or processing in a timely manner.

23 (2) The name, address and contact information of the
24 transporter that will provide the services.

25 (3) A recovery method for processing, treatment,
26 recycling or refurbishment, and a final management and
27 resources and capacity sufficient to receive and handle the
28 volume and frequency of consolidated waste electronic
29 equipment transported from convenience centers.

30 (4) The names, addresses and contact information of the

1 recyclers, processors, refurbishers and other management
2 facilities that will provide the services utilized.

3 Section 507. Procurement of services for State default plan.

4 (a) Duties of department.--The department or its agent shall
5 develop the service specifications to procure services necessary
6 to operate the State default plan.

7 (b) Invitation to bid.--By August 30, 2018, and on the same
8 date every three years thereafter, in coordination with the
9 Department of General Services, the department shall issue an
10 invitation to bid in accordance with 62 Pa.C.S. § 512 (relating
11 to competitive sealed bidding) to collect, transport and recycle
12 and process the waste electronic equipment collected at
13 convenience centers, including the management of residuals
14 resulting from the process.

15 (c) Services.--Site operation, transportation, processing
16 and recovery shall be considered integrated services for bidding
17 purposes.

18 (d) Rates.--

19 (1) When a county or municipal authority is the operator
20 of a convenience center, the county or municipality shall be
21 considered a contractor with the same flat rate per pound for
22 site operation. The county's rate shall be shown as a
23 separate line item not factored into the bidder's price. The
24 county or municipal authority assigned rate will be added to
25 the successful bidder's price to calculate the total cost per
26 pound and the projected total cost per site. The total
27 projected cost per site will be used to calculate the initial
28 manufacturer's financial obligation.

29 (2) The county's flat rate per pound will be determined
30 by an independent committee of waste electronic equipment

1 stakeholders selected by the department and will be based on
2 the average industry cost calculated to provide the minimum
3 standard site operating criteria established under this act.
4 Any additional cost for collecting and transferring waste
5 electronic equipment from a satellite center to a convenience
6 center shall not be included and may be negotiated between
7 the convenience center and the satellite center.

8 (e) Solicitation of bids.--The department may solicit bids
9 for the integrated services on a per-county or regional basis
10 depending on needs and circumstances. Single bids to provide
11 Statewide service shall not be solicited.

12 (f) Requirements.--Qualified contractors and subcontractors
13 shall meet the same standards and criteria required under
14 section 506.

15 (g) Awarding bids.--Bids shall be awarded as provided under
16 62 Pa.C.S. § 512 for one-third of the sites no later than
17 October 30, 2018, for one-third of the sites no later than
18 November 30, 2018, and for the final one-third of the sites no
19 later than December 30, 2018, and on the same day every three
20 years thereafter.

21 (h) Commencement of services.--Service shall commence on
22 January 1, 2019, for contracts awarded on October 30, on
23 February 1, 2019, for contracts awarded on November 30 and on
24 March 1, 2019, for contracts awarded on December 30, 2019, and
25 on the same day every three years thereafter.

26 Section 508. Qualifications of service providers.

27 (a) Requirements.--A contractor and its subcontractors must
28 have the skills, experience, qualifications and resources to
29 perform the duties required under this act.

30 (b) Site operators.--Site operators shall:

1 (1) Meet all Federal, State and local laws and maintain
2 current registrations, licenses and insurances.

3 (2) Have sufficient equipment in good working order and
4 trained personnel to provide reliable and timely collection
5 and consolidation of waste electronic equipment at
6 convenience centers.

7 (c) Transporters.--Transporters shall:

8 (1) Meet all Federal, State and local laws and maintain
9 current registrations, licenses and insurances.

10 (2) Have sufficient equipment in good working order and
11 trained personnel to provide reliable and timely transfer of
12 waste electronic equipment collected and consolidated at
13 convenience centers.

14 (d) Recyclers, processors and refurbishers.--Recyclers,
15 processors and refurbishers shall:

16 (1) Demonstrate proof of certifications, permits,
17 licenses or other authorizations equivalent to those required
18 by this Commonwealth for service providers to perform
19 activities under this act.

20 (2) Provide a detailed description of the processes that
21 will be used to recycle, process or refurbish the waste
22 electronic equipment.

23 (3) Provide a specific plan to manage CRT leaded glass.
24 The following shall apply:

25 (i) The plan shall provide for processing, treatment
26 recycling or, alternatively, final management in
27 accordance with all applicable Federal and State laws,
28 within one year.

29 (ii) If direct use of the glass is to be used in a
30 manufacturing process, the department shall approve or

1 disapprove this end use and provide public notification
2 of the same.

3 (iii) The plan shall identify each service provider
4 in the chain of management of the CRT leaded glass.

5 (iv) The name, location and contact information of
6 the service provider.

7 (v) Proof of certifications, permits, licenses or
8 other authorizations required for the service provider to
9 perform activities under this act.

10 (vi) A detailed description of the processes that
11 will be used to recycle, process, treat or manage CRT
12 leaded glass.

13 (vii) When design and technological changes in the
14 glass utilized in electronic equipment result in other
15 hazardous or toxic metals of equal environmental concern
16 as lead, as determined by the department, the plan shall
17 also include a description of how they will be managed.

18 Section 509. Alternatives to State default plan.

19 (a) Other plans.--Beginning on January 1, 2018, and no later
20 than March 15, 2018, and on the same dates every three years
21 thereafter, a manufacturer or a group or groups of manufacturers
22 may petition the department with an individual alternative plan
23 or a joint alternative plan to fully fund and operate the
24 collection, consolidation, transportation and recovery systems
25 on a countywide basis in a specific county provided the county
26 has given consent and expressed an intent to enter an agreement
27 with a manufacturer. The following shall apply:

28 (1) For an individual alternative plan, the petition
29 must include a statement executed by an officer or authorized
30 representative of the manufacturer which commits the

1 manufacturer to operate and fund the individual alternative
2 plan and the remaining share of the State default plan.

3 (2) For a joint alternative plan, the petition must
4 include a legally binding agreement that establishes the
5 commitment of each participant in the joint alternative plan
6 to operate and fund the joint alternative plan and the
7 remaining share of the State default plan.

8 (3) An agreement for a joint alternative plan must be
9 executed by an officer or an authorized representative of
10 each of the manufacturers participating in the joint
11 alternative plan.

12 (b) Participation requirements.--An individual manufacturer
13 with less than a 10% market share and who is not part of a joint
14 alternative plan with a combined participant market share of 10%
15 must fully participate in the State default plan.

16 (c) Liability.--A manufacturer participating in an
17 individual alternative plan or joint alternative plan
18 individually and collectively assumes the full environmental and
19 pollution liability for collection, consolidation,
20 transportation, recycling, processing and final management of
21 the waste electronic equipment collected under the individual
22 alternative plan or joint alternative plan.

23 (d) Plan criteria.--Individual alternative plans and joint
24 alternative plans shall follow the same three-year cycle as the
25 State default plan and shall meet all the criteria of the State
26 default plan and meet the following conditions:

27 (1) Each plan shall specify each county giving consent
28 and approval of the individual alternative plan or joint
29 alternative plan which would assume responsibility of
30 operation in the county.

1 (2) Where identified by the department's RFEI, the
2 individual alternative plan or joint alternative plan shall
3 enter a legally binding agreement with the county or
4 municipal authority to do the following:

5 (i) Pay the county or municipal authority for the
6 cost in operating the convenience center or compensate
7 the county or municipal authority for use of the
8 convenience center and perform the duties with other site
9 operators.

10 (ii) At no cost to the county or municipal
11 authority, remove, transport, recycle and process all
12 waste electronic equipment received and consolidated at
13 the convenience center.

14 (iii) Compensate the county or municipal authority
15 for the cost to deliver waste electronic equipment from
16 satellite centers to a convenience center.

17 (3) Where county or municipal authority sites are not
18 available, the individual alternative plan or joint
19 alternative plan will be responsible for all costs associated
20 with establishing and operating a convenience center,
21 compensating a municipality for waste electronic equipment
22 delivered from satellite centers and removing, transporting,
23 recycling and processing all waste electronic equipment
24 received and consolidated at a convenience center.

25 (4) For each county, the individual alternative plan or
26 joint alternative plan shall identify the specific service
27 providers and each service provider's role in handling waste
28 electronic equipment from that county, as well as the
29 information required under sections 504 and 506.

30 (5) The individual alternative plan or joint alternative

1 plan shall also include information demonstrating the process
2 by which the individual alternative plan or joint alternative
3 plan will attain and document in the first year the minimum
4 pounds per capita recovery goal for waste electronic
5 equipment established by the department for each specified
6 county.

7 (e) Discount.--If the individual alternative plan or joint
8 alternative plan meets or exceeds the minimum per capita
9 recovery goals for the county established by the department, the
10 manufacturer or group of manufacturers shall receive the
11 discount under section 607(b) credited toward its financial
12 obligations for the State default plan in the next year.

13 Section 510. Approval of alternative plans.

14 (a) Department review.--The department shall review an
15 individual alternative plan or joint alternative plan submitted
16 under section 509 and, within 60 days of receipt of the plan,
17 determine whether the plan complies with the provisions of
18 Chapter 5.

19 (b) Notice to proceed.--If the department approves the
20 individual alternative plan or joint alternative plan, the
21 department shall notify the manufacturer or group of
22 manufacturers with a notice to proceed.

23 (c) Multiple submissions.--If more than one individual
24 alternative plan or joint alternative plan is submitted for the
25 same county, the department shall rate the proposed plans based
26 on the quality and methodology to meet the criteria under
27 Chapter 5 and to attain the desired goals. The individual
28 alternative plan or joint alternative plan with the highest
29 rating will be issued a notice to proceed.

30 (d) Submission of agreements.--Within 60 days of receipt of

1 the notice to proceed, the manufacturer or group of
2 manufacturers of the individual alternative plan or joint
3 alternative plan shall submit to the department copies of
4 executed agreements with all collection, consolidation,
5 transportation and recovery service providers listed in the
6 individual alternative plan or joint alternative plan.

7 (e) Rejection.--If the department rejects the individual
8 alternative plan or joint alternative plan, the department shall
9 notify the manufacturer or group of manufacturers and provide
10 the reasons for the plan's rejection. Rejection of a plan shall
11 be based on the plan's failure to meet the criteria under this
12 subsection. The following shall apply:

13 (1) Within 30 days after receipt of the department's
14 rejection, the manufacturer or group of manufacturers may
15 revise and resubmit the individual alternative plan or joint
16 alternative plan to the department for approval.

17 (2) The department shall review and approve or deny the
18 revised individual alternative plan or joint alternative plan
19 within 30 days of receipt of resubmission.

20 Section 511. Take-back programs.

21 (a) General rule.--A manufacturer may implement a voluntary
22 take-back program in which a consumer may return waste
23 electronic equipment for recycling or refurbishment. A voluntary
24 take-back program is not a substitute for, nor does it qualify
25 as, an individual or joint alternative plan.

26 (b) Programs.--A voluntary take-back program:

27 (1) May receive waste electronic equipment from a
28 consumer at brick and mortar locations or through the United
29 States Postal Service or other commercial delivery services.

30 (2) May establish its own operating hours and frequency

1 of collection.

2 (3) May collect a handling fee from a consumer who
3 utilizes the voluntary take-back program to manage the
4 consumer's waste electronic equipment.

5 (4) Shall accept all waste electronic equipment
6 regardless of type, brand, manufacturer or size.

7 (c) Restrictions.--Waste electronic equipment collected in a
8 take-back program:

9 (1) May not be delivered to a satellite center or a
10 convenience center for consolidation and transportation.

11 (2) May not be factored into the manufacturer's
12 financial obligation under the State default plan.

13 (3) Shall be managed in accordance with all Federal,
14 State and local laws and regulations.

15 (d) Discount.--Up to 10% of the waste electronic equipment
16 received through the voluntary take-back program and for which
17 there was no handling fee may be calculated under section 607
18 (b) (2). To be eligible for a discount under section 607 (b) (2)
19 (ii), proof is required for the consumer transactions and for
20 the waste electronic equipment documentation of transportation
21 and recovery, both in the format established by the department.

22 CHAPTER 6

23 RESPONSIBILITIES OF MANUFACTURERS

24 Section 601. Registration.

25 (a) Requirement.--Before a manufacturer may offer electronic
26 equipment for sale in this Commonwealth, the manufacturer must
27 register with the department.

28 (b) Filing.--On or before September 1, 2017, or six months
29 after the effective date of this section, whichever is later, if
30 a manufacturer has not previously filed a registration under the

1 act of November 23, 2010 (P.L.1083, No.108), known as the
2 Covered Device Recycling Act. The manufacturer shall file a
3 registration as prescribed by the department 60 days prior to
4 any offer for sale or delivery of the manufacturer's new
5 electronic equipment.

6 (c) Renewal.--A registered manufacturer shall submit an
7 annual renewal of its registration as prescribed by the
8 department on or before September 1 each year. The registration
9 and each annual renewal shall include a list of all brands the
10 manufacturer is using on its electronic equipment regardless of
11 whether the manufacturer owns or licenses the brand and shall be
12 effective upon receipt by the department.

13 Section 602. Brands with multiple manufacturers.

14 (a) Multiple manufacturers.--Where more than one person may
15 be deemed the manufacturer of a brand of electronic equipment in
16 accordance with this act, any one or more persons may assume
17 responsibility for and satisfy the obligations of a manufacturer
18 with respect to waste electronic equipment bearing that brand.

19 (b) No responsible person.--If no person assumes
20 responsibility for and satisfies the obligations of a
21 manufacturer under this act with respect to electronic equipment
22 bearing that brand, for purposes of compliance with these
23 provisions, the responsible party shall be the person who
24 satisfies the definition of manufacturer under Chapter 2 or the
25 electronic equipment will be deemed by the department to be
26 orphan waste electronic equipment.

27 (c) Liability.--Nothing in this act shall be construed to
28 exempt a person from liability that a person would otherwise
29 have under applicable law.

30 Section 603. Brand identification.

1 No manufacturer or retailer may sell new electronic equipment
2 unless it is labeled with the manufacturer's brand, whether
3 owned or licensed.

4 Section 604. Declaration of plan participation.

5 (a) Participation requirement.--A manufacturer shall
6 participate in a State default plan, established by the
7 department or its agent, or enter an individual alternative plan
8 or joint alternative plan that meets the requirements for the
9 collection, consolidation, transportation and recovery systems
10 under Chapter 5.

11 (b) Declaration of intent.--At the time of registration and
12 renewal or by June 1, whichever comes sooner, during the year
13 pending the expiration of the three-year service provider
14 contracts for the State default plan, each manufacturer shall
15 declare its intent for the upcoming three-year cycle to
16 participate in a State default plan, or enter an individual
17 alternative plan or a joint alternative plan.

18 Section 605. Financial obligation of manufacturer.

19 (a) Costs.--A manufacturer shall cover the full cost under
20 the State default plan for collection, consolidation,
21 transportation, recovery and final management of all waste
22 electronic equipment used by and collected from consumers except
23 as provided for in sections 402 and 503(c)(1)(iii)(A) and (d).

24 (b) Determination.--The total costs shall be determined by a
25 competitive sealed bidding process.

26 (c) Allocation.--The total costs shall be allocated
27 proportionately to each manufacturer as follows:

28 (1) Manufacturers shall submit the total approximate
29 weight of electronic equipment which they sold nationally in
30 the previous calendar year.

1 (2) The department shall establish the percentage of the
2 total population of the United States that is represented by
3 Pennsylvania.

4 (3) Using the population as an indicator of sales, the
5 percentage calculated in paragraph (2) shall be applied to
6 the weight of each manufacturers total sales to determine the
7 weight of the waste electronic equipment sold in
8 Pennsylvania.

9 (4) Each manufacturer's weights shall be added together
10 to determine the cumulative weight of waste electronic
11 equipment sold.

12 (5) The financial obligation for each manufacturer shall
13 be allocated based on its percentage of the cumulative total
14 weight of all manufacturers' waste electronic equipment.

15 (6) The financial obligation includes the costs for
16 collection, consolidation, transportation, recovery and final
17 management for all waste electronic equipment regardless of
18 type, brand or manufacturer, including orphan electronic
19 equipment for which the manufacturer may no longer exist.

20 Section 606. Methods and schedule of payments for State default
21 plan.

22 (a) Deposit of funds.--Funds for the State default plan
23 shall be submitted to the department and deposited into the
24 account.

25 (b) Payments.--The following shall apply:

26 (1) On or before February 15, 2019, a manufacturer shall
27 submit for deposit 35% of its allotted financial obligation
28 for the total estimated cost of the geographic areas
29 remaining in the State default plan for the next program
30 year, as determined by the department or its agent.

1 (2) On or before May 15, 2019, and on the same day every
2 year thereafter, a manufacturer shall submit for deposit 35%
3 of its allotted financial obligation for the total estimated
4 cost of the State default plan as determined by the
5 department or its agent.

6 (3) On or before August 15, 2019, and on the same day
7 every year thereafter, a manufacturer shall submit for
8 deposit 15% of its allotted financial obligation for the
9 total estimated cost of the State default plan as determined
10 by the department or its agent.

11 (4) On or before November 15, 2019, and on the same day
12 every year thereafter, a manufacturer shall submit for
13 deposit 15% of its allotted financial obligation for the
14 total estimated cost of the State default plan as determined
15 by the department or its agent.

16 (5) On or before January 15, 2020, and on the same day
17 every year thereafter, the department or its agent will
18 determine whether a deficit or an overage will occur in the
19 account and shall notify the manufacturer of any adjustments
20 that will be due in its February 15 payment installment or
21 any amounts that may be credited toward the next program
22 year.

23 (6) On or before February 15, 2020, and every year
24 thereafter, a manufacturer shall submit for deposit 35% of
25 the manufacturer's allotted financial obligation for the
26 total estimated cost of the State default plan for the next
27 program year, based on the cost of pounds collected in the
28 previous year plus or minus any adjustments, as determined by
29 the department.

30 Section 607. Adjustments and credits.

1 (a) Adjustments.--Adjustments for section 606(b)(5) shall be
2 based on the following:

3 (1) The actual cost of collecting waste electronic
4 equipment in the State default plan throughout the year.

5 (2) Reductions in financial obligations credited to
6 individual alternative plan or joint alternative plan
7 participants.

8 (3) Increases in financial obligations to State default
9 plan participants that may result from individual alternative
10 plan or joint alternative plan credits.

11 (b) Credits.--Credits from section 509(e) shall be applied
12 as follows:

13 (1) If the individual alternative plan or joint
14 alternative plan meets the per capita goals for its county
15 established by the department, the manufacturer or group of
16 manufacturers will receive a discount toward its financial
17 obligation for the State default plan.

18 (2) The discount shall be determined by the following:

19 (i) Totaling all pounds of waste electronic
20 equipment collected in this Commonwealth from the State
21 default plan, all individual alternative plans and all
22 joint alternative plans.

23 (ii) Dividing the pounds from the individual
24 alternative plan or the joint alternative plan by the
25 total tons collected to determine each plan's percentage
26 of the total.

27 (iii) The percentage represented by the individual
28 alternative plan or the joint alternative plan shall be
29 applied as a deduction to the original financial
30 obligation allotted to the manufacturer or the group of

1 manufacturers for the State default plan.

2 (c) Costs.--The manufacturer or group of manufacturers in
3 the individual alternative plan or joint alternative plan shall
4 be responsible for covering the cost of whatever remaining
5 percentage of the manufacturer's original allotted financial
6 obligation remains to the State default plan after the discount
7 has been applied.

8 Section 608. Reporting.

9 (a) General rule.--The manufacturer shall submit an annual
10 report to the department with its initial registration and on or
11 before March 1 each year thereafter.

12 (b) Brands.--The manufacturer's annual report shall include
13 information for all brands under which its electronic equipment
14 is offered for sale, regardless of whether the manufacturer owns
15 or licenses the brand.

16 (c) National sales data.--The report shall consist of an
17 estimate of the total weight of the manufacturer's electronic
18 equipment sold to consumers nationally during the previous year.
19 National sales data submitted by a manufacturer to the
20 department to determine and fulfill its obligations shall be
21 exempt from disclosure under the provisions of the act of
22 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
23 and shall not be disclosed by the department unless otherwise
24 required by law or court order.

25 (d) Quarterly reports.--When a manufacturer or group of
26 manufacturers participates in an individual alternative plan or
27 joint alternative plan, the manufacturer or group of
28 manufacturers shall submit a quarterly report to the department
29 on or before February 1, May 1, August 1, December 1 and on the
30 same day each year thereafter. The reports shall be organized by

1 county and provide the following:

2 (1) The total weight for each type of waste electronic
3 equipment collected during the previous quarter in each
4 county.

5 (2) Documentation verifying the date and the weight
6 waste electronic equipment transported from the convenience
7 center.

8 (3) Documentation verifying date, name and location of
9 the recycler or processor and the weight of the waste
10 electronic equipment received.

11 CHAPTER 7

12 RESPONSIBILITIES OF RETAILERS

13 Section 701. Duty of retailers to consult list.

14 (a) General rule.--Beginning no later than 12 months after
15 the effective date of this section, a retailer of new electronic
16 equipment to be offered for sale in this Commonwealth shall
17 consult the list prior to selling new electronic equipment in
18 this Commonwealth.

19 (b) Compliance.--A retailer shall be considered to have
20 complied with subsection (a) if, on the date that the new
21 electronic equipment was ordered by the retailer, the brand was
22 on the list of registered manufacturers and is posted on the
23 publicly accessible Internet website identified in section
24 801(a)(1).

25 (c) Collection of fee.--Retailers shall collect the waste
26 electronic equipment fee under section 402.

27 (d) Submission of fees.--No later than the 15th day of each
28 month, a retailer shall submit the total fees collected for
29 electronic equipment sold in the previous month, less 1¢ per
30 item for the retailer's cost in administering the fee. Retailers

1 shall submit the fees to the department to be deposited into the
2 fund.

3 (e) Quarterly report.--On or before January 31, April 30,
4 July 31 and October 31 a retailer shall submit a quarterly
5 report to the department or its agent that includes the
6 quantities of each type of electronic equipment sold in the
7 previous quarter and the fees collected for each.

8 CHAPTER 8

9 RESPONSIBILITIES OF

10 DEPARTMENT OF ENVIRONMENTAL PROTECTION

11 Section 801. Duties of department.

12 (a) General rule.--The department shall perform the
13 following duties:

14 (1) Compile and maintain a list of each registered
15 manufacturer, the brands of all waste electronic equipment
16 reported in each manufacturer's registration and the brands
17 of waste electronic equipment for which no manufacturer has
18 registered and post the list on the department's publicly
19 accessible Internet website. The list shall be updated within
20 60 days after receipt of a new manufacturer registration or
21 the manufacturer's annual renewal.

22 (2) Encourage the use of the existing collection and
23 consolidation infrastructure for handling waste electronic
24 equipment to the extent that the infrastructure is accessible
25 on a regular basis to the entire population of this
26 Commonwealth, is cost effective and meets the environmentally
27 sound management requirements under Chapter 3.

28 (3) Develop and implement the State default plan for
29 collection, consolidation, transportation and recovery under
30 Chapter 5.

1 (b) Delegation of duties.--The department may assign,
2 delegate to or contract with another person, agency or
3 organization to perform one or more of the duties related to the
4 development and implementation of the State default plan under
5 the supervision of the department, including, but not limited
6 to, the following:

7 (1) identifying existing or potential locations for
8 convenience centers and satellite centers;

9 (2) identifying how counties, municipalities, nonprofit
10 organizations and other service providers may be utilized as
11 part of the collection, consolidation, transportation and
12 recovery system;

13 (3) designing specifications, contracts and service
14 agreements;

15 (4) coordinating the solicitation and making
16 recommendations to the department for awarding bids for
17 services needed to implement the collection, consolidation,
18 transportation and recovery system;

19 (5) serving as the primary liaison between the
20 convenience centers and the transporters and the recyclers
21 and processors to the collection, consolidation,
22 transportation and recovery system;

23 (6) reviewing and making recommendations to the
24 department for all individual alternative plans and joint
25 alternative plans submitted by a manufacturer or group of
26 manufacturers for the collection, consolidation,
27 transportation and recovery of waste electronic equipment;
28 and

29 (7) coordinating the implementation of all approved
30 individual alternative plans and joint alternative plans and

1 informing the department when action is required to ensure
2 compliance with approved plans.

3 Section 802. Annual report.

4 (a) General rule.--The department shall prepare and submit
5 annually to the General Assembly and post on its publicly
6 accessible Internet website a report that includes:

7 (1) The total weight of waste electronic equipment
8 collected in this Commonwealth during the previous calendar
9 year.

10 (2) A complete listing of all convenience centers,
11 satellite centers and curbside collection programs operating
12 in this Commonwealth during the prior calendar year, whether
13 they were part of the State default plan or an individual
14 alternative plan or a joint alternative plan, the parties
15 that operated them and the types and amounts of material by
16 weight collected at each.

17 (3) An evaluation of the effectiveness of the education
18 and outreach program conducted by the convenience centers,
19 satellite centers, curbside collection programs and the
20 department.

21 (4) An evaluation of the existing collection,
22 consolidation, transportation and recovery infrastructure.

23 (b) Recommendations.--Every three years, the annual report
24 shall include recommendations for the following:

25 (1) Any improvements to the program.

26 (2) The inclusion of additional electronic equipment.

27 (c) Analysis of recommendations.--Recommendations shall be
28 accompanied by an analysis of the positive and negative aspects
29 along with a cost benefit analysis of the recommendations.

30 Section 803. Additional duties.

1 The department shall do the following:

2 (1) Maintain a publicly accessible Internet website and
3 a toll-free telephone number complete with up-to-date
4 listings of where consumers may take waste electronic
5 equipment for recovery under this act.

6 (2) No more than annually and no less than biennially,
7 review the amount of the waste electronic equipment fee. The
8 Environmental Quality Board may promulgate regulations to
9 adjust fees so that the fees generate sufficient revenue
10 reasonably necessary to administer the provisions of this
11 act.

12 CHAPTER 9

13 ENFORCEMENT AND PENALTIES

14 Section 901. Judicial action.

15 (a) Enforcement.--This Commonwealth, through the Attorney
16 General or the department, may initiate independent action to
17 enforce any provision of this act.

18 (b) Expenses.--Any funds awarded by a court shall be used
19 first to offset enforcement expenses. Money in excess of the
20 enforcement expenses shall be deposited into the fund when
21 appropriate and used to support activities under this act.

22 Section 902. Penalties.

23 (a) Failure to label.--A manufacturer who fails to label its
24 new electronic equipment with a brand, as required by section
25 603, or who fails to register with the department under sections
26 601 and 602, or who fails to submit payments in accordance with
27 the criteria and schedule under section 606 may be assessed a
28 penalty of up to \$10,000 for the first violation and up to
29 \$25,000 for the second and each subsequent violation in addition
30 to paying for any fees, payments and penalties imposed under

1 this act. For a violation of section 606, a late fee of 5% of
2 the amount due may be assessed in addition to the other
3 penalties.

4 (b) Violations.--Except as otherwise provided under
5 subsection (a), a person, including a retailer, who violates a
6 requirement of this act may be assessed a penalty of up to
7 \$1,000 for the first violation and up to \$2,000 for the second
8 and each subsequent violation, in addition to paying for any
9 fees, payments and penalties imposed under this act.

10 (c) Plan criteria.--A manufacturer participating in approved
11 individual alternative plans or joint alternative plans that
12 fails to meet the criteria of the approved individual
13 alternative plan or joint alternative plan shall:

14 (1) Forfeit any credits or discounts that may have been
15 applied to their obligations for the State default plan.

16 (2) Be assessed a fee equal to the quantity of the unmet
17 portion, in pounds, plus an additional 10% of that quantity,
18 multiplied by the cost per pound for collection,
19 consolidation, transportation and recovery of waste
20 electronic equipment established in the State default plan.

21 (d) Payments.--Payments of fees shall be as follows:

22 (1) Payments collected under subsection (c)(2) shall be
23 deposited into the account and shall be used to fund the cost
24 of reestablishing the geographic area into the State default
25 plans and collecting the unmet portion of pounds proposed in
26 the individual alternative plans or joint alternative plan.

27 (2) Penalty money collected under subsections (a) and
28 (b) shall be deposited into the account and used to support
29 the activities under this act.

30 (e) Injunctive relief.--A violation of the sales

1 prohibitions of this act may be enjoined in an action in the
2 name of this Commonwealth, brought by the department or the
3 Attorney General.

4 Section 903. Regulations.

5 The Environmental Quality Board may adopt rules and
6 regulations as shall be necessary for the purpose of
7 administering this act. The regulations shall be promulgated in
8 accordance with the act of June 25, 1982 (P.L.633, No.181),
9 known as the Regulatory Review Act.

10 CHAPTER 10

11 PROGRAM FUNDING

12 Section 1001. Waste Electronic Equipment Fund.

13 (a) Establishment.--The Waste Electronic Equipment Fund is
14 established in the State Treasury.

15 (b) Deposit of proceeds.--All proceeds from penalties,
16 judicial actions and the waste electronic equipment fee under
17 this act shall be deposited into the fund.

18 (c) Uses.--The department may expend the money of the fund
19 for the purpose of:

20 (1) carrying out the duties imposed on the department or
21 its agent under this act;

22 (2) compensation for another person, organization or
23 agency delegated with some of the department's duties under
24 the act; or

25 (3) to support a grant program for the initial cost of
26 developing, constructing or renovating property owned by a
27 county, municipality or municipal authority and acquiring
28 related equipment to meet the minimum criteria for
29 convenience centers for waste electronic equipment under
30 section 504.

1 Section 1002. State Default Plan Account.

2 (a) Establishment.--The State Default Plan Account is
3 established in the Waste Electronic Equipment Fund.

4 (b) Deposit of proceeds.--All payments from a manufacturer's
5 obligation to fund the State default plan, including penalties
6 for failure to comply with an approved individual alternative
7 plan or a joint alternative plan, shall be paid into the
8 account.

9 (c) Uses.--The department or its agent may expend the money
10 from the account for the purpose of:

11 (1) Paying providers for services rendered under the
12 State default plan.

13 (2) Paying for services required due to failure of
14 individual alternative plans or joint alternative plans.

15 CHAPTER 11

16 MISCELLANEOUS PROVISIONS

17 Section 1101. Multistate implementation.

18 The department may participate in the establishment and
19 implementation of a regional, multistate organization or compact
20 to assist in carrying out the requirements of this act.

21 Section 1102. Expiration.

22 (a) Federal law.--The secretary shall monitor the enactment
23 of laws by the Congress of the United States to determine if a
24 law has been enacted that establishes a program directed at the
25 collection and recovery of waste electronic equipment.

26 (b) Notice.--If a law is enacted under subsection (a), the
27 secretary shall publish notice in the Pennsylvania Bulletin. The
28 notice shall include a statement that the effect of the notice
29 is the immediate expiration of this act.

30 (c) Expiration.--This act shall expire on the date a

1 determination by the secretary under subsection (a) is published
2 in the Pennsylvania Bulletin.

3 Section 1103. Repeal.

4 The act of November 23, 2010 (P.L.1083, No.108), known as the
5 Covered Device Recycling Act, is repealed.

6 Section 1104. Notice.

7 The Department of Environment Protection shall transmit
8 notice of the first contracted day of service of the State
9 default plan to the Legislative Reference Bureau for publication
10 in the Pennsylvania Bulletin.

11 Section 1105. Transfer.

12 Upon the effective date of the repeal under section 1103, all
13 money not expended, encumbered or committed in the Electronic
14 Materials Recycling Account established under section 510 of the
15 act of November 23, 2010 (P.L.1083, No.108), known as the
16 Covered Device Recycling Act, shall be transferred immediately
17 to the State Default Plan Account established under section
18 1002.

19 Section 1106. Effective date.

20 This act shall take effect as follows:

21 (1) The repeal under section 1103 shall take effect upon
22 publication of notice under section 1104.

23 (2) The remainder of this act shall take effect
24 immediately.