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March 14, 2013

TO: Members of the MAG Solid Waste Advisory Committee

FROM: Christine Smith, Phoenix, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, March 21, 2013 - 10:00 a.m.
MAG Office, Suite 200 - Ironwood Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Solid Waste Advisory Committee has been scheduled for the time and place noted above. Members of the Solid Waste Advisory Committee may attend the meeting either in person, by videoconference or by telephone conference call. Those attending by videoconference must notify the MAG site three business days prior to the meeting. If you have any questions regarding the meeting, please contact Chair Smith or Julie Hoffman at 602-254-6300.

Please park in the garage underneath the building, bring your ticket, and parking will be validated. For those using transit, Valley Metro/Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

In 1996, the Regional Council approved a simple majority quorum for all MAG advisory committees. If the MAG Solid Waste Advisory Committee does not meet the quorum requirement, members who arrived at the meeting will be instructed a legal meeting cannot occur and subsequently be dismissed. Your attendance at the meeting is strongly encouraged. If you are unable to attend the meeting, please make arrangements for a proxy from your entity to represent you.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Jason Stephens at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

TENTATIVE AGENDA

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Call to the Audience

An opportunity will be provided to members of the public to address the Solid Waste Advisory Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Solid Waste Advisory Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

3. Approval of the October 18, 2012 Meeting Minutes

4. City of Avondale Recycling Program and Joint Household Hazardous Waste Collection Events

The City of Avondale is celebrating the 10 year anniversary of its recycling program. Since 2003, Avondale residents have recycled 50,000 tons of material through the curbside program. The City is also participating in joint household hazardous waste collection events with other West Valley communities. Several cities have entered into an Intergovernmental Agreement for regional household hazardous waste collection. A representative from the City of Avondale will provide an overview of the programs.

2. For information.

3. Review and approve the October 18, 2012 meeting minutes.

4. For information and discussion.

5. City of Phoenix "40 by 20" Solid Waste Sustainability Initiative

The City of Phoenix recently announced a citywide initiative to increase its diversion of solid waste. The goal of the "40 by 20" initiative is to reach a 40 percent diversion rate of waste from landfills by year 2020. A representative from the City of Phoenix will provide a brief overview of potential programs designed to assist in achieving this goal.

5. For information and discussion.

6. Update on the Solid Waste Best Practices in the MAG Region

On October 18, 2012, the report for the Solid Waste Best Practices in the MAG Region was presented to the MAG Solid Waste Advisory Committee. It showcased innovative projects and programs being implemented in the region to address solid waste. Following the meeting, the report was presented to the MAG Management Committee on November 7, 2012 and MAG Regional Council on December 5, 2012 for input. An update will be provided.

6. For information and discussion.

7. Update on Regional Solid Waste Management Statistics

The MAG Solid Waste Advisory Committee has expressed interest in collecting updated regional solid waste management data. The Arizona Department of Environmental Quality recently began collecting limited recycling data. At its October 18, 2012 meeting, the Committee requested that MAG staff work with the Arizona Department of Environmental Quality to ensure there would be no duplication of data collection efforts. An update will be provided.

7. For information and discussion.

8. Legislative Update

H.B. 2361 Large Electronics Recycling Program requires a manufacturer of covered electronics sold or offered for sale in the State

8. For information and discussion.

to provide for the collection, transportation and recycling of the covered electronic devices. The bill also requires the manufacturer to register, submit a plan, and pay an annual registration fee to the Arizona Department of Environmental Quality. Please refer to the enclosed material.

9. Call for Future Agenda Items

The Chair will invite the Committee members to suggest future agenda items.

10. Comments from the Committee

An opportunity will be provided for Solid Waste Advisory Committee members to present a brief summary of current events. The Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

9. For information and discussion.

10. For information.

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
SOLID WASTE ADVISORY COMMITTEE MEETING

Thursday, October 18, 2012
MAG Office Building
Phoenix, Arizona

MEMBERS ATTENDING

Christine Smith, Phoenix, Chair	Manuel Castillo, Scottsdale
* Louis Andersen, Gilbert, Vice Chair	James Swanson, Surprise
Cindy Blackmore, Avondale	John Osgood for Charlie Bladine, Tempe
# Elizabeth Biggins-Ramer, Buckeye	* Rick Austin, Wickenburg
# Shereen Sepulveda, Chandler	* Helen Heiden, Arizona Chamber of Commerce and Industry
* Robert Senita, El Mirage	Veronica Garcia, Arizona Department of Environmental Quality
Christina Betz for Frank Lomeli, Glendale	* Jill Bernstein, Keep Arizona Beautiful
Willy Elizondo, Goodyear	# Brian Kehoe, Maricopa County
* Chuck Ransom, Litchfield Park	* Dan Casiraro, Salt River Project
* Will Black, Mesa	* Alfred Gallegos, Valley Forward
Jerry Cooper for William Mead, Paradise Valley	
# Rhonda Humbles, Peoria	
Ramona Simpson, Queen Creek	
Richard Allen, Salt River	
Pima-Maricopa Indian Community	

*Those members neither present nor represented by proxy.
#Attended by telephone conference call.

OTHERS PRESENT

Julie Hoffman, Maricopa Association of Governments	Tony Miano, City of Phoenix
Kara Johnson, Maricopa Association of Governments	Daron Lawhead, City of Phoenix
Kelly Taft, Maricopa Association of Governments	

1. Call to Order

A meeting of the MAG Solid Waste Advisory Committee (SWAC) was conducted on Thursday, October 18, 2012. Christine Smith, City of Phoenix, Chair, called the meeting to order at approximately 10:15 a.m. Shereen Sepulveda, City of Chandler; Elizabeth Biggins-Ramer, Town of Buckeye; Brian Kehoe, Maricopa County; and Rhonda Humbles, City of Peoria, attended the meeting via telephone conference call.

2. Call to the Audience

Chair Smith provided an opportunity for members of the public to address the Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG or items on the agenda for discussion, but not for action. She noted that according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Chair Smith noted that no public comment cards had been received.

3. Approval of the July 24, 2012 Meeting Minutes

The Committee reviewed the minutes from the July 24, 2012 meeting. Ramona Simpson, Town of Queen Creek, moved and Cindy Blackmore, City of Avondale, seconded and the motion to approve the July 24, 2012 meeting minutes carried unanimously.

5. Same Day Trash and Recycling Collection Service

Ms. Simpson presented the Town of Queen Creek Same Day Trash and Recycling Collection Program. She stated that prior to 2010, the Town of Queen Creek was serviced by subscription solid waste services. Ms. Simpson noted that previously multiple hauling companies were providing service six days a week. In 2007, the Town of Queen Creek embarked on an intense solid waste study. Ms. Simpson indicated that the Town Council decided, based on the solid waste study, that same day trash and recycling services would best fit the needs of the community.

Ms. Simpson discussed the goals of the Same Day Trash and Recycling Program. She stated that one goal of the program involved the recycling diversion rate. The Town projected a recycling diversion rate of 12 percent for fiscal years 2010 and 2011. The conservative diversion rate was projected because same day collection was not being implemented at the same time for the whole Town due to differing community Home Owners Association contracts. Since the beginning of the program in 2010, the Town of Queen Creek has had a consistent recycling diversion rate of 20 percent. Ms. Simpson mentioned that the Town attributes the success to the same day trash and recycling collection. She indicated that another efficiency realized with same day collection is the trash and recycling inspections. The mandatory trash inspections for bag and tie can occur at the same time as recycling inspections for contamination. Ms. Simpson stated that the Town projected 11,250 inspections for the first year and 13,500 were achieved. She discussed that the projected inspections for fiscal years 2012 and 2013 is 32,000 since the inspector is able to do both inspections at the same time for each household. Ms. Simpson commented that the Town employs one inspector.

Ms. Simpson reviewed trash and recycling inspections. Due to the recent implementation of the program, many residents are not familiar with recycling conventions. Ms. Simpson stated that the inspector can provide specific educational outreach materials to residents that go beyond the basic information. This positive method is used to educate residents on recycling procedures and advocate recycling.

Ms. Simpson discussed inspection tracking using Geographic Information Systems (GIS). She indicated that the GIS tracking program color codes residences that have received violation warnings or notices. Ms. Simpson stated that this information is helpful to determine the most common trash and recycling issues in an easy, graphic manner. The program also provides summaries and the

history for individual households, using the varying categories of violation. Ms. Simpson discussed that the GIS inspection tracking tool helps determine the focus for the public education and outreach. She mentioned that the most frequent violation is plastic bags in the recycling bin. Overfilled receptacles was the second most common violation. The GIS inspection tracking program has been used in tandem with the same day trash and recycling program to achieve more inspections, use data to determine common issues, and designate a focus for future program effort.

Ms. Simpson discussed other efficiencies realized through the same day trash and recycling collection. She noted that scheduled street sweeping and road maintenance have become easier due to increased days when receptacles are not on the street. Ms. Simpson indicated that same day collection has also lead to a reduction of missed pickups. Another benefit realized is reduced truck traffic in residential areas. Ms. Simpson stated that work order processing and monitoring collection has become easier since each zone of the Town has a designated collection day. She discussed that since the implementation of same day service, overall resident satisfaction is high. Resident feedback has indicated appreciation for the convenience and improved community appearance with same day trash and recycling collection.

Richard Allen, Salt River Pima-Maricopa Indian Community, asked if there was any recycling prior to the implementation of same day trash and recycling collection. Ms. Simpson replied that limited curbside pickups were available to limited areas of the Town by a private service company.

James Swanson, City of Surprise, inquired if the Town noticed a reduction in cost with same day collection. Ms. Simpson responded that the Town of Queen Creek did not provide recycling services prior to the implementation of same day collection, thus there was no reduction in cost from two day collection to same day collection. She stated that the Town is able to keep rates low due to same day service. She mentioned that Queen Creek has the second lowest rates in the East Valley. Ms. Simpson commented that the reduced rates were actualized through negotiations with the contracted hauler. She stated that the hauler has since changed other contracted routes due to efficiencies realized with the Queen Creek same day collection program. Mr. Swanson asked if the request for proposals (RFP) had options for both same day and two day collection. Ms. Simpson replied that the RFP did include options for both same day and two day collection. Mr. Swanson inquired if same day collection was more costly than two day collection. Ms. Simpson responded that there was an initial investment for same day collection due to contracted rescheduled routes, however, she stated that subsequently there was no rate increase from the contracted hauler.

Chair Smith asked if the contracted hauler retains the recycling revenues to offset costs. Ms. Simpson responded that the contract is considered revenue shared. The hauler determines the optimal material recovery facility to conduct business and the hauler retains a portion of the recycling revenue.

Sheree Sepulveda, City of Chandler, inquired if the inspector uses the GIS inspection tracking program in the field. Ms. Simpson replied that the inspector does utilize a laptop in the field for work orders and other tasks. She indicated that the information from the field is then integrated into the GIS inspection tracking program. Ms. Simpson commented the next step is to utilize the GIS program in the field.

Brian Kehoe, Maricopa County, asked how the violations were issued to residents. Ms. Simpson responded that Queen Creek modeled their violation notification after the City of Chandler. She stated that the warning or violation and public education materials are placed on the receptacle handle.

Rhonda Humbles, City of Peoria, inquired if the additional inspections will be conducted by an additional inspector. Ms. Simpson stated that Queen Creek will continue operations with one inspector until inspection duties warrant an additional inspector. She stated that when the program was implemented, the inspector aided in other tasks, however, the inspector can now conduct a larger number of inspections. Ms. Humbles asked if Queen Creek has received comments from the contracted hauler that residents are placing the trash and recycling receptacles too close together. Ms. Simpson replied that the vendor has experienced this, however, public education materials that preceded the same day trash and recycling collection, as well as, public education materials placed on the receptacle address this issue. She discussed that a violation category is in place for receptacles being too close together. Ms. Simpson noted that this is not a common violation.

Chair Smith inquired if fines or other impacts are in place for a high number of violations. Ms. Simpson responded that the current design in place, based upon Council input, is centered around public outreach and education. She noted that Queen Creek does have an ordinance that allows additional levels of enforcement, however, since the program is new to residents, the Town is focusing on public education. The GIS inspection tracking program now allows Queen Creek to tailor public education and outreach efforts to the specific needs of the community. Ms. Simpson stated that the Town is currently gathering data to determine if and how increased levels of enforcement need to be applied.

Ms. Simpson thanked the Committee.

Tony Miano, City of Phoenix, presented Same Day Trash and Recycling Collection in the City of Phoenix. He stated that he is the Deputy Director of the Solid Waste Field Services Division which includes: solid waste collection; recycling collection; bulk trash collection; public outreach; vector checks; contamination; customer service; and other functions. Mr. Miano noted that the diverse Division has approximately 350 employees. He explained that the City has used managed competition for 32 years and currently 100 percent of the City of Phoenix collection belongs to the City. He stated that another success of the Public Works Department is their customer service which is ranked second in the City. Mr. Miano discussed another achievement of the Public Works Department: the City's solid waste services have not had a fee increase in four years.

Mr. Miano discussed the solid waste services prior to same day collection. He stated that last year the City Manager approached with the idea of same day collection. The City had reviewed same day collection years prior, however, it had not been the right time. Mr. Miano explained that prior to same day collection Phoenix collected refuse and recycling on two separate days. The schedule for the last 30 years of collection was four - ten hour days with Customer Contact Center hours for the public from 7:15 a.m. to 5:00 p.m. Mr. Miano noted that the Contact Center receives 800 to 1,000 calls per day. He commented that the Customer Contact Center adheres to a performance standard of answering a call in three rings and subsequently answering a question within three minutes. Mr. Miano noted that calls for various departments are serviced at the Customer Contact Center.

Mr. Miano presented the changes to the solid waste collection service. When the City began collection of refuse and recycling on the same day, the schedule changed to five - eight hour days. Mr. Miano discussed that the Customer Contact Center hours changed to 8:00 a.m. to 4:00 p.m. He indicated that the Customer Contact Center also performs functions outside public customer service. He stated that work orders from collections trucks communicate through Automatic Vehicle Location devices to the Customer Contact Center.

Mr. Miano provided an overview of statistical information for fiscal year 2010-2011. He indicated that the City of Phoenix serviced over 398,000 solid waste customers with a population of approximately 1.5 million. The City collected about 450,000 tons of refuse and 112,000 tons of recycling. Mr. Miano stated that the City is over 550 square miles which translates to 4.2 million miles driven annually by collection vehicles. He explained that the City of Phoenix is so large that the new five day schedule to accommodate same day collection optimized the collection trips.

Mr. Miano reviewed solid waste service areas for the City of Phoenix. The City is divided into 10 service areas (labeled A through J) and four service centers. Sections C, I, and J are serviced by the Union Hills Service Center. The Glenrosa Service Center services Sections A and B. Sections G and H are serviced by the Salt River Service Center. The Okemah Service Center services Sections D, E, and F.

Mr. Miano outlined the efficiencies of same day collection. The two day collection schedule that utilized four - ten hour days managed 2.5 loads per day which equated to 3 trips to the transfer station per day. This schedule achieved approximately 1,992 loads per week for the City. Mr. Miano stated that this schedule was inefficient for the outskirts of the Phoenix because trucks were making trips without full trucks. However, with the five - eight hour days, two loads were collected per day which equates to only two trips per day to the transfer station. The reduced number of trips saves time traveling to the transfer stations. This schedule achieves approximately 1,540 loads per week. The five day schedule saves 452 trips. Mr. Miano stated that the efficiencies realized lead to the downsizing of 12 trucks and 12 drivers. He indicated cost savings of \$1.4 million have been realized through same day collection.

Mr. Miano discussed the advantages of same day collection which include: enhanced customer service; enhanced community environment; customer convenience (residents only have to remember one day for all their refuse and recycling needs); reduced operating and maintenance costs; balances workloads at Transfer Stations (workload spread across five days instead of four); and reduced rush hour traffic congestion with large trucks. Mr. Miano commented that the operation and maintenance costs constituted much of the cost savings. He explained that since operating hours are shorter, many heat related maintenance situations (air conditioning, blown tires, fluids heating) are bypassed.

Mr. Miano presented the challenges for same day collection. He stated that the transition from two to one day collection was a cultural shift for customers and staff. Mr. Miano noted that the City worked with the employee union to make the transition with no grievances. He added that the operators voted on holiday schedules. The only days where City of Phoenix collection service is not provided are Thanksgiving Day, Christmas Day, and New Years Day. Mr. Miano mentioned that the last holiday was hectic for collection staff, however, future planned public outreach will aid in reducing confusion. He indicated that the City utilized many forms of media to alert residents to the change of same day collection. Newspaper, radio, television, community meetings, and mailings were just some of the tools Phoenix utilized to alert the public on same day collection. Mr. Miano stated that in June of 2012, one month before implementation, a survey was sent regarding same day collection. He noted that 82 percent of people surveyed knew the implementation date of same day collection. Mr. Miano mentioned that operations were back to normal merely two weeks after same day collection was implemented. He stated that the implementation of same day collection ran seamlessly due to collaboration between various Public Works divisions.

Mr. Miano reviewed additional challenges of same day collection. He stated that approximately 8,000 residents were not converted to same day collection due to compact neighborhoods. Residents not on same day collection are serviced under special operations twice a week. Mr. Miano noted that

these communities are being evaluated for potential efficiencies or alternative collection methods. He commented that city-wide rerouting and maintaining service levels during transition were also challenges of same day collection.

Mr. Miano discussed areas that are transitioning to same day collection. He stated that California and Texas both have major metropolitan areas being serviced by same day collection. In Arizona, the City of Glendale, City of Prescott, Town of Queen Creek, City of Tucson and the City of Phoenix utilize same day trash and recycling collection. Mr. Miano indicated that some cities do not realize cost savings benefits, however, customer service benefits and other efficiencies are advantages of converting to same day collection.

Elizabeth Biggins-Ramer, Town of Buckeye, inquired if the 12 eliminated trucks were shifted to other routes and if the City purchased any additional vehicles for the same day collection implementation. Mr. Miano responded that the annual replacement schedule is 35 new trucks, however last year the City purchased 23 new trucks (12 fewer than previous years). He indicated that 12 operator positions were lost to attrition and new vacancies were not filled. Mr. Miano mentioned that two trucks service communities separately, one for refuse and one for recycling, to avoid mixing of materials. Additional vehicles were not purchased for the implementation of same day collection. Mr. Miano discussed that additional trucks could have been reduced, however, those trucks are being utilized by the transfer facilities while they transition maintenance operations from the previous four day schedule, to the new five day schedule.

Mr. Miano stated that the Public Works Department has undergone two audits during the same day collection process to ensure cost savings. He stated that there are additional cost savings, however, those savings and materials are going toward other programs in the City of Phoenix.

Mr. Swanson asked if long term savings were realized for transfer facilities. Mr. Miano replied that there have been efficiencies realized with the transfer stations, however, an additional transfer station may be beneficial to the routes. He noted that the transfer facilities provide excellent customer service through timely servicing. Chair Smith indicated that transfer facilities are being evaluated for additional long term savings in the form of modifying operational hours, since the collection vehicle hours have changed. She noted that after evaluation, modifications would likely be made in six months time.

Willy Elizondo, City of Goodyear, inquired if the Customer Contact Center was still under contract. Mr. Miano responded that the Customer Contact Center is no longer under contract, which has translated into additional cost savings.

Mr. Miano discussed the preparation effort that occurred prior to same day collection. He stated that the Solid Waste Field Services Division staff planned for various scenarios and what-if situations for the implementation of same day collection. Mr. Miano indicated that staff also conducted a courtesy collection on July 7, 2012 to provide seamless customer service during same day collection implementation.

He stated that the staff preparations prior to implementation were useful. Mr. Miano discussed that their computer system crashed the day of same day implementation. However, due to prior preparations by staff, service was provided seamlessly. Mr. Miano stated that the conversion to same day collection was one of the most well executed projects performed by the Solid Waste Division. Despite routes being reconfigured, the labor management relations created a successful transition

for internal operations as well. He indicated that the seamless transition was successful for both internal and external customers.

Mr. Swanson asked if a courtesy collection was provided to customers that had a long period between collections during the transition. Mr. Miano replied yes, a special collection was provided to approximately 40,000 customers. Mr. Kehoe inquired if the City provided courtesy collections prior to same day collection and if a fee was charged for special collections. Mr. Miano responded that the City has and continues to provide courtesy collections. The Division is currently going to Council to explore the option of implementing a service fee for return trips. Mr. Miano stated that if a fee was instated the City would provide one courtesy collection per year, but the fee would then apply for return trips.

Christina Betz, City of Glendale, asked what options the City is investigating for residents on two day collection. Mr. Miano replied that each community may have different needs, however, front load collection and a community tipper are two alternative methods that have been considered. Ms. Betz inquired if cost savings have been analyzed for communities on two day collection schedules. Mr. Miano responded that potential cost savings for these communities are being evaluated.

Mr. Allen asked if trucks were running on Wednesdays during the four - ten hour day schedules. Chair Smith replied that trucks were running on Wednesdays since commercial accounts and some residential collection occurred on those days. Chair Smith stated that the new five day schedule has aided the current contractor, MBI, and transfer station operations.

Ms. Biggins-Ramer inquired if the City changed its variance plans with Maricopa County. Mr. Miano responded that a variance plan was submitted in November 2011 to Maricopa County. He indicated that the variance plan included same day collection and a caveat for issuing new cans to residents who had reoccurring issues of leaving their receptacles open. Ms. Biggins-Ramer asked if the variance plan was well received. Mr. Miano replied yes.

Mr. Miano thanked the Committee.

4. Solid Waste Best Practices in the MAG Region

Julie Hoffman, Maricopa Association of Governments, provided an overview of the Solid Waste Best Practices in the MAG Region. She stated that in October 2011, the MAG Management Committee expressed interest in reconvening the MAG Solid Waste Advisory Committee to share ideas on best practices. Since the first meeting in February 2012, the Committee has heard a number of presentations on successful solid waste projects and programs that have been implemented in the region. Ms. Hoffman indicated that in August 2012, a questionnaire was distributed to the members of the MAG Management Committee requesting assistance in compiling a list of solid waste best practices. She noted that responses were received from 12 jurisdictions and 24 best practices have been submitted.

Ms. Hoffman discussed the best practices received. She noted the number of household hazardous waste and recycling best practices that were submitted. She added that the best practices also cover a variety of other areas in the solid waste industry. Ms. Hoffman indicated that the report highlights the innovative ways MAG member agencies are addressing some of the challenges associated with solid waste. She thanked the Committee for their work on the report and the communities for their commitments to protecting residents and the environment by providing effective solid waste and

recycling services. Ms. Hoffman stated that the Solid Waste Best Practices in the MAG Region report will be presented to the MAG Management Committee in November.

Chair Smith thanked the Committee for their submissions to the report. She mentioned that the report conveys the effort and thought put into the best practices to address needs of the communities. Chair Smith stated that the report will demonstrate the best practice projects and programs from a regional perspective for the MAG Management Committee. Ms. Hoffman indicated that there is still an opportunity to submit best practices. It was requested that additional submissions to the best practice report be provided to MAG staff by Tuesday, October 23, 2012, to ensure inclusion in the report for the MAG Management Committee agenda mailout. Chair Smith commented that the contact information included in the best practices report is beneficial for the region as well. Chair Smith thanked the Committee for their efforts in collaborating on the Solid Waste Best Practices in the MAG Region report.

6. Regional Solid Waste Management Statistics

Ms. Hoffman provided an update on the regional solid waste management statistics. She indicated that the Solid Waste Advisory Committee Survey conducted in March identified an interest in updating data included in the MAG Regional Solid Waste Management Plan. Ms. Hoffman reviewed potential categories of information in the Plan that could be updated, which included: facilities; programs offered; and solid waste generation. She noted that additional tables of information that could be collected have been drafted based on feedback from the Committee. Ms. Hoffman noted that the draft tables were provided at each place.

Ms. Hoffman discussed the draft tables provided to the Committee. The information on the draft tables included: residential recycling; commercial recycling; solid waste rates and services; and tables from the MAG Regional Solid Waste Management Plan containing 2002 data. Ms. Hoffman stated that the residential and commercial recycling tables would include information on materials collected for recycling, recycling tonnage, and diversion rate. The solid waste rates and services table requests information on services provided and the current rates for those services. Ms. Hoffman mentioned that the remaining tables are from the 2005 MAG Regional Solid Waste Management Plan. However, the table labeled *Member Agency Solid Waste Management Plan* was updated to include two new line items - plastic bag recycling and green waste collection. Ms. Hoffman requested feedback on the draft tables.

Ms. Simpson stated that Queen Creek would not be able to produce much of this information due to contract work. She stated that the Town does not operate a landfill, own a Materials Recovery Facility, or have a completed solid waste survey to utilize for the information on the tables. Ms. Simpson inquired what the end goal is for the information included on the tables. Ms. Hoffman noted that information included in the Solid Waste Management Plan is from 2002 and interest has been expressed in updating the data to provide a regional picture. She indicated that feedback is requested on whether collecting the information included on the tables is helpful to the member agencies. Chair Smith mentioned that the City of Phoenix will not be able to provide all of the information on the tables either; it is understood that agencies may not be able to produce completed tables. She commented that the tables produced are a stepping stone actualized from Committee dialogue. Chair Smith stated that some of the tables may be scaled back depending on what information jurisdictions find beneficial and are able to provide.

Cindy Blackmore, City of Avondale, stated that the City of Avondale would be able to provide how the materials are collected and the total tonnage. She indicated that if the preceding information is adequate, the provided tables are acceptable. Chair Smith commented that the total tonnage is acceptable.

John Osgood, City of Tempe, stated that the City of Tempe does possess pieces of the information from contracted vendors, however, the information is not as detailed as the tables. Chair Smith asked if broad categories would better suit jurisdictions. Chair Smith also inquired if commercial and residential recycling categories should be separated or if a combined total recycling tonnage data is as valuable.

Mr. Osgood explained that the City of Tempe can provide the breakdown of information that is received from their contracted vendors. He indicated that Tempe is currently working toward a diversion rate goal. Mr. Osgood stated that the City is interested in specifically defining the diversion rate and how this definition correlates regionally. He discussed that the City of Tempe has a high percentage of multi-family dwelling units which presents challenges to the recycling program. Mr. Osgood discussed that nearly 40 percent of Tempe residents live in dwellings that are above five units. He noted that the City will be analyzing both commercial and residential recycling.

Ms. Sepulveda inquired what the Committee intends to accomplish with the data collected. She mentioned that the Arizona Department of Environmental Quality (ADEQ) collects similar data to the information on the tables. Ms. Sepulveda expressed concern that the information collected will not have continuity between jurisdictions, especially on topics like diversion rates and participation rates. She stated that the information provided ought to be beneficial for the region.

Chair Smith responded that the idea of developing definitions to ensure continuity between data from jurisdictions across the region has been discussed by the Committee. She indicated that this collection effort would create a baseline for information. Chair Smith commented that the information collected may not be comprehensive, however, the hope is that the information can aid future discussion and information sharing.

Veronica Garcia, Arizona Department of Environmental Quality, stated that minimal information collection has recently been conducted by ADEQ and that information collection performed by ADEQ is not mandatory. She indicated that she will investigate what information is available from ADEQ. However, she noted that the data is not current and limited. Ms. Garcia added that the ADEQ recycling program has not been maintained in recent years.

Ms. Sepulveda asked if ADEQ was continuing the annual report on solid waste. Ms. Garcia replied that ADEQ is currently not producing the report.

Ms. Sepulveda commented that staff time is dedicated to provide the information requested, the information provided ought to be utilized and useful to others.

Chair Smith inquired if the information on the tables would be of value to others. She indicated that the information collection would provide baseline information for recycling in order to attain a regional perspective for recycling.

Ms. Sepulveda replied that the Valleywide Recycling Partnership (VRP) purpose is for municipalities to come together, discuss, and share information with regard to recycling. She

commented that VRP has executed excellent work in the Valley with regard to recycling. Ms. Sepulveda indicated that VRP has information from communities that participate in VRP. She discussed that some of the information to be collected from the tables may duplicate information already collected by VRP. Ms. Sepulveda suggested that the Committee work with VRP to determine what information from the region is available.

Chair Smith explained that based on discussions with VRP, informal discussions have occurred and VRP has collected pieces of information with regard to recycling. However, she commented that a comprehensive data collection for the entire region has not been conducted by VRP.

Ms. Sepulveda mentioned that VRP does promotional work with regard to recycling on common, similar trends throughout the region. She stated that in years past, ADEQ has collected similar information, perhaps ADEQ's collection format could be useful for this collection effort. Ms. Sepulveda indicated that ADEQ's previous solid waste reports were the foundation of information for the region.

Ms. Garcia commented that she was not sure when the last solid waste report was generated. She stated that ADEQ is aiming to recover the ADEQ Recycling Program noting that the Recycling Fund has been swiped for the past few years. Ms. Garcia mentioned that the recycling program has not been active other than some electronic recycling events that were coordinated through the Public Information Office. She noted that ADEQ is now seeking appropriations for the recycling funds that have been acquired. Ms. Garcia indicated that a letter will be sent out once appropriations for the funding is approved to reinstate the Recycling Advisory Committee. She discussed that ADEQ is interested in diversion rates for the region. Ms. Garcia stated that following appropriations for the recycling funds, ADEQ will produce the annual solid waste report.

Ms. Betz replied that she recently reviewed a letter from ADEQ requesting information. She indicated that the letter requested recycling data for previous years. The City of Glendale is in the process of submitting data to ADEQ. Ms. Betz mentioned that perhaps the information being collected is for the annual solid waste report. She discussed that the data being collected by ADEQ and the potential MAG information collection effort may be a duplication on some fronts. However, she stated that there is value in the MAG information collection in that it would present a formal, comprehensive data set.

Ms. Biggins-Ramer responded that a duplication of information gathering processes is not beneficial, however, she stated that a comprehensive perspective on solid waste and recycling is not currently available. She indicated that the collection effort can be lead by either ADEQ, MAG, Maricopa County, or another agency, however, the ultimate goal is to provide a comprehensive regional perspective on solid waste and recycling on a consistent basis. She commented that the outdated data currently available is not useful.

Ms. Sepulveda noted that the information collected could be valuable outside the county boundaries, ADEQ has the reach to make this information useful to the state as a whole. She indicated that the City of Chandler will provide data to whichever agency takes the lead on the information collection and that information will continue to be provided to ADEQ for the solid waste report. Ms. Sepulveda discussed that the information collected can act as a foundation of information for others throughout the state.

Ms. Hoffman responded that the update of the regional solid waste management statistics can be placed on hold until the information collection effort by ADEQ can be reviewed to ensure no duplication of collection efforts and also to further review the categories of collection.

Ms. Sepulveda stated that ADEQ does not need to spearhead the collection efforts, however, when great effort is placed into solid waste and recycling programs, it is beneficial for the state to be aware of such efforts. The knowledge could benefit the state in both best management practices and advocacy. Ms. Sepulveda mentioned that most recycling and waste reduction programs are based on best management practices and volunteerism. She commented that collection responsibilities performed on a state level make advocacy and legislative matters easier.

Chair Smith stated that Ms. Hoffman will work with ADEQ to evaluate the information provided in the collection efforts based on the feedback from the Committee. This topic will be discussed at the next meeting. She indicated that if the Committee has any questions or comments with regard to this agenda item emails can be placed to MAG staff or herself.

7. Regional Recycling Video

Chair Smith discussed the production of a regional recycling video. She indicated that this idea has been generated from Committee discussion and the high level of interest in recycling.

Ms. Hoffman stated that the idea for a regional recycling video has been discussed by Committee members as the next activity following the Solid Waste Best Practices report. MAG maintains a Video Outreach Program in which a range of videos are produced for the region. The videos are placed on the MAG website and are also utilized by Channel 11 and member agency websites. Ms. Hoffman stated that the differing recycling programs present a challenge, however, the video could focus on the importance of recycling, advocating recycling participation, and similarities of recycling programs in the region. She inquired if the Committee is interested in creating a regional recycling video, making sure not to duplicate any efforts of the Valleywide Recycling Partnership.

Ms. Blackmore replied that a MAG produced regional recycling video could be a duplication of effort and resources put forth by the Valleywide Recycling Partnership. She noted that VRP has produced regional recycling messages and resources. Ms. Blackmore inquired about showing support for the work that VRP is conducting either through representation at their meetings or an ad hoc representative on the MAG Solid Waste Advisory Committee. She mentioned a collaborative effort in lieu of creating a separate recycling message.

Ms. Sepulveda asked if the video would showcase recycling programs or promote similarities of recycling programs. Ms. Hoffman responded that the video could highlight recycling from a regional perspective. She indicated that personal stories could be used to showcase how recycling benefits families and the environment. Ms. Hoffman noted that the video would likely not discuss every Valley recycling program, but take a more general perspective on waste reduction and recycling. Ms. Sepulveda commented on a recycling video being a duplication of VRP resources available. She indicated that a video showcasing the wide varieties of programs offered in the Valley would be challenging due to the differences among the programs. Ms. Sepulveda stated that VRP has been active in the region for over 10 years and has many accomplishments. VRP has partnered with many agencies to utilize resources efficiently and to promote resources that benefit the Valley as a whole. Ms. Sepulveda indicated that the idea of displaying families that recycle is a constructive example, however, VRP has previously done excellent work in creating similar public service announcements.

She noted that VRP has also made sure that their resources and tools are available to the region in multiple formats. Ms. Sepulveda encouraged support for VRP from communities and the Committee.

Chair Smith proposed the idea of creating a small group that may assist and support information sharing with Valleywide Recycling Partnership. She indicated that the Committee does not wish to shadow VRP's accomplishments, but rather compliment their efforts achieved in the Valley. Chair Smith inquired if anyone would like to volunteer to work collaboratively with VRP. She noted that not every member agency is partnered with VRP, however, there is value in collaboration. Ms. Blackmore, Ms. Sepulveda, Mr. Elizondo, Ms. Garcia, and Ms. Simpson volunteered to assist with MAG/VRP collaboration efforts.

Ms. Simpson stated that she agrees on collaborating with VRP. She indicated that the informal discussions with members of the Committee initiated by MAG have been informative. Ms. Simpson noted that some individuals of the solid waste community are not aware of the public education and outreach efforts taking place in the Valley. Focus needs to be placed on the available resources and how to make the available resources more present in communities. Ms. Simpson indicated that VRP and the Arizona Recycling Coalition have put forth a great effort to provide activities and resources, but the question of why people are not aware of these efforts should be addressed. She added that she would be willing to assist in collaboration with VRP to bring recycling efforts in the region to light and work on how support can be provided to these recycling efforts.

Chair Smith thanked the volunteers. She stated that the collaboration should prove to be valuable.

8. Next Steps for the MAG Solid Waste Advisory Committee

Chair Smith reviewed the next steps for the MAG Solid Waste Advisory Committee. She indicated that she had asked Committee members at the last meeting to speak with their City Managers on future activities for the Solid Waste Advisory Committee. She requested feedback from the Committee. No comments were received.

9. Call for Future Agenda Items

Chair Smith asked the Committee for suggestions on future agenda items.

Mr. Swanson suggested further discussion on who will lead the information collection efforts. He commented that data collection efforts should be performed by the Committee in order to share recycling efforts, how jurisdictions are doing, and further best practices. Mr. Swanson stated that ADEQ's role is to regulate and seek compliancy, not to determine the region's best practices. Mr. Swanson encouraged that further discussion occur to determine agency boundaries, roles, and what functions each agency will perform to avoid duplication of efforts and uncertainty.

Ms. Garcia agreed with Mr. Swanson. She stated that ADEQ is not looking to pressure agencies in any way regarding best practices. Ms. Garcia discussed ADEQ serving as a repository of information. She clarified that ADEQ is not looking to instruct on what best management practices to implement.

Ms. Simpson noted that with the MAG Air Quality Technical Advisory Committee (AQTAC) many agencies on the AQTAC perform different roles and compliancy efforts, however, the AQTAC

comes together to discuss regional efforts as well. Ms. Simpson referred to the members of the MAG Solid Waste Advisory Committee and stated that there are many differences between municipality programs and operations, however, discussion can occur on what efforts can be taken regionally. She indicated that collaboration may be challenging due to differences in operations, however, there are common threads and areas for collaboration. Despite differences between municipalities, the region is trying to accomplish similar goals with regard to diversion rate and pollution. Ms. Simpson stated that she would like to see this Committee collaborate on regional goals.

Ms. Blackmore commented on a successful regional effort. The City of Goodyear reached out to other Southwest Valley Cities and Towns to hold a joint Household Hazardous Waste Collection Day. The City of Goodyear, the City of Avondale, City of Litchfield Park and the City of Tolleson have now established an Intergovernmental Agreement (IGA) to participate in joint Household Hazardous Waste Days. The IGA stands for three year periods, with a three year renewal period.

10. Comments from the Committee

Chair Smith asked for any comments from the Committee. With no further comments, Chair Smith thanked the Committee for participating and called for adjournment of the meeting at approximately 11:55 a.m.

REFERENCE TITLE: large electronics recycling program.

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2361

Introduced by
Representatives Mendez: Alston, Gallego, Gonzales, McCune Davis

AN ACT

AMENDING TITLE 49, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11;
RELATING TO THE LARGE ELECTRONICS RECYCLING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 11, to read:

4 ARTICLE 11. LARGE ELECTRONICS RECYCLING PROGRAM

5 49-891. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "COLLECTOR" MEANS AN ENTITY THAT COLLECTS COVERED ELECTRONIC
8 DEVICES AS PART OF A MANUFACTURER PROGRAM.

9 2. "COVERED ELECTRONIC DEVICE":

10 (a) MEANS:

11 (i) A COMPUTER MONITOR OF ANY TYPE HAVING A VIEWABLE AREA GREATER THAN
12 FOUR INCHES MEASURED DIAGONALLY.

13 (ii) A DESKTOP COMPUTER OR PORTABLE COMPUTER.

14 (iii) A TELEVISION OF ANY TYPE HAVING A VIEWABLE AREA GREATER THAN
15 FOUR INCHES MEASURED DIAGONALLY.

16 (b) DOES NOT INCLUDE:

17 (i) ANY PART OF A MOTOR VEHICLE.

18 (ii) ANY PART OF A LARGER PIECE OF EQUIPMENT DESIGNED AND INTENDED FOR
19 USE IN AN INDUSTRIAL, COMMERCIAL OR MEDICAL SETTING, SUCH AS DIAGNOSTIC,
20 MONITORING OR CONTROL EQUIPMENT.

21 (iii) TELEPHONES OR PERSONAL DIGITAL ASSISTANTS OF ANY TYPE UNLESS THE
22 TELEPHONE OR PERSONAL DIGITAL ASSISTANT CONTAINS A VIEWABLE AREA GREATER THAN
23 FOUR INCHES MEASURED DIAGONALLY.

24 (iv) ANY PART OF A CLOTHES WASHER, CLOTHES DRYER, REFRIGERATOR,
25 FREEZER, MICROWAVE OVEN, CONVENTIONAL OVEN OR RANGE, DISHWASHER, ROOM AIR
26 CONDITIONER, DEHUMIDIFIER OR AIR PURIFIER.

27 3. "COVERED ENTITY" MEANS ANY HOUSEHOLD OR BUSINESS.

28 4. "HOUSEHOLD" MEANS AN OCCUPANT OF A SINGLE DETACHED DWELLING UNIT OR
29 A SINGLE UNIT OF A MULTIPLE DWELLING UNIT LOCATED IN THIS STATE WHO HAS USED
30 A COVERED ELECTRONIC DEVICE AT A DWELLING UNIT PRIMARILY FOR PERSONAL USE.

31 5. "MANUFACTURER":

32 (a) MEANS ANY PERSON THAT EITHER:

33 (i) MANUFACTURES COVERED ELECTRONIC DEVICES UNDER A BRAND THAT THE
34 PERSON OWNS OR IS LICENSED TO USE.

35 (ii) SELLS COVERED ELECTRONIC DEVICES MANUFACTURED BY OTHERS UNDER A
36 BRAND THAT THE SELLER OWNS.

37 (iii) MANUFACTURES COVERED ELECTRONIC DEVICES WITHOUT AFFIXING A
38 BRAND.

39 (iv) MANUFACTURES COVERED ELECTRONIC DEVICES TO WHICH THE PERSON
40 AFFIXES A BRAND THAT THE PERSON DOES NOT OWN.

41 (v) ON WHOSE ACCOUNT COVERED ELECTRONIC DEVICES MANUFACTURED OUTSIDE
42 THE UNITED STATES ARE IMPORTED INTO THE UNITED STATES.

43 (b) DOES NOT INCLUDE:

44 (i) A PERSON WITH A LICENSE TO MANUFACTURE COVERED ELECTRONIC DEVICES
45 FOR DELIVERY EXCLUSIVELY TO OR AT THE ORDER OF THE LICENSOR.

1 (ii) A SMALL BUSINESS AS DEFINED IN SECTION 41-1001.

2 6. "MANUFACTURER PROGRAM" MEANS A STATEWIDE PLAN FOR COLLECTING,
3 TRANSPORTING AND RECYCLING COVERED ELECTRONIC DEVICES THAT IS PROVIDED BY A
4 MANUFACTURER OR MANUFACTURERS PURSUANT TO SECTION 49-891.02.

5 7. "PORTABLE COMPUTER" MEANS ANY OF THE FOLLOWING THAT HAS A VIEWABLE
6 AREA GREATER THAN FOUR INCHES MEASURED DIAGONALLY AND THAT CAN BE CARRIED AS
7 ONE UNIT BY AN INDIVIDUAL:

8 (a) A LAPTOP COMPUTER.

9 (b) A NOTEBOOK COMPUTER.

10 (c) A NOTEPAD COMPUTER.

11 8. "RECYCLING":

12 (a) MEANS EITHER OF THE FOLLOWING:

13 (i) PROCESSING THROUGH DISASSEMBLING, DISMANTLING, SHREDDING,
14 TRANSFORMING OR REMANUFACTURING COVERED ELECTRONIC DEVICES, COMPONENTS AND
15 BY-PRODUCTS INTO USABLE OR MARKETABLE RAW MATERIALS OR PRODUCTS IN A MANNER
16 SUCH THAT THE ORIGINAL PRODUCTS MAY LOSE THEIR IDENTITY.

17 (ii) SMELTING MATERIALS FROM COMPONENTS REMOVED FROM COVERED
18 ELECTRONIC DEVICES TO RECOVER METALS FOR REUSE IN CONFORMANCE WITH APPLICABLE
19 LAWS AND RULES.

20 (b) DOES NOT INCLUDE LANDFILL DISPOSAL OR INCINERATION OF COVERED
21 ELECTRONIC DEVICES OR ENERGY RECOVERY OR ENERGY GENERATION BY MEANS OF
22 COMBUSTING COVERED ELECTRONIC DEVICES, COMPONENTS AND BY-PRODUCTS WITH OR
23 WITHOUT OTHER WASTE.

24 9. "RETAILER" MEANS A PERSON WHO SELLS, RENTS OR LEASES THROUGH SALES
25 OUTLETS, CATALOGS OR THE INTERNET COVERED ELECTRONIC DEVICES TO A HOUSEHOLD
26 AND NOT FOR RESALE IN ANY FORM.

27 10. "SALE" OR "SELL" MEANS ANY TRANSFER FOR CONSIDERATION OF TITLE OR
28 OF THE RIGHT TO USE, BY LEASE OR SALES CONTRACT INCLUDING TRANSACTIONS
29 CONDUCTED THROUGH SALES OUTLETS, CATALOGS OR THE INTERNET OR ANY OTHER
30 SIMILAR ELECTRONIC MEANS EITHER INSIDE OR OUTSIDE OF THIS STATE, BY A PERSON
31 WHO CONDUCTS THE TRANSACTION AND CONTROLS DELIVERY OF A COVERED ELECTRONIC
32 DEVICE TO A CONSUMER IN THIS STATE, BUT DOES NOT INCLUDE A MANUFACTURER'S OR
33 DISTRIBUTOR'S WHOLESALE TRANSACTION WITH A DISTRIBUTOR OR RETAILER.

34 49-891.01. Prohibition on sale; registration with department;
35 fees

36 A. BEGINNING JANUARY 1, 2014, A MANUFACTURER OR RETAILER MAY NOT SELL
37 OR OFFER FOR SALE ANY COVERED ELECTRONIC DEVICE IN OR FOR DELIVERY IN THIS
38 STATE UNLESS BOTH OF THE FOLLOWING APPLY:

39 1. THE COVERED ELECTRONIC DEVICE IS LABELED WITH A BRAND AND THE LABEL
40 IS PERMANENTLY AFFIXED AND READILY VISIBLE.

41 2. THE BRAND IS INCLUDED IN THE PLAN THAT IS FILED WITH THE DEPARTMENT
42 PURSUANT TO SECTION 49-891.02.

43 B. ON OR BEFORE JANUARY 1, 2014 AND EACH YEAR THEREAFTER, A
44 MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR SALE IN THIS

1 STATE SHALL REGISTER WITH THE DEPARTMENT, FOR A PERIOD TO COVER THE UPCOMING
2 CALENDAR YEAR, ON A FORM PROVIDED BY THE DEPARTMENT.

3 C. A MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR
4 SALE IN THIS STATE SHALL PAY TO THE DEPARTMENT AN ANNUAL REGISTRATION FEE
5 DETERMINED BY THE DEPARTMENT BY RULE.

6 D. IF A MANUFACTURER CEASES TO MANUFACTURE, SELL OR IMPORT COVERED
7 ELECTRONIC DEVICES AND COVERED ELECTRONIC DEVICES MANUFACTURED, SOLD OR
8 IMPORTED BY THE MANUFACTURER ARE COLLECTED FOR RECYCLING UNDER A MANUFACTURER
9 PROGRAM, THE MANUFACTURER SHALL REGISTER WITH THE DEPARTMENT AND PAY A
10 REGISTRATION FEE DETERMINED BY THE DEPARTMENT BY RULE.

11 E. A MANUFACTURER THAT BEGINS TO SELL OR OFFER FOR SALE COVERED
12 ELECTRONIC DEVICES TO HOUSEHOLDS AFTER JANUARY 1, 2014 AND THAT HAS NOT FILED
13 A REGISTRATION PURSUANT TO THIS SECTION SHALL SUBMIT A REGISTRATION TO THE
14 DEPARTMENT WITHIN TEN DAYS AFTER BEGINNING TO SELL OR OFFER FOR SALE COVERED
15 ELECTRONIC DEVICES TO HOUSEHOLDS.

16 F. A MANUFACTURER SHALL UPDATE ITS REGISTRATION WITHIN TEN DAYS AFTER
17 A CHANGE IN THE MANUFACTURER'S BRANDS OF COVERED ELECTRONIC DEVICES SOLD OR
18 OFFERED FOR SALE TO HOUSEHOLDS.

19 49-891.02. Manufacturer program; plan

20 A. A MANUFACTURER SHALL SUBMIT A PLAN TO THE DEPARTMENT AT THE TIME OF
21 PAYMENT OF THE ANNUAL REGISTRATION FEE REQUIRED UNDER SECTION 49-891.01. THE
22 MANUFACTURER'S PLAN MUST DESCRIBE HOW THE MANUFACTURER WILL:

23 1. FINANCE, MANAGE AND CONDUCT A STATEWIDE PROGRAM TO COLLECT COVERED
24 ELECTRONIC DEVICES FROM COVERED ENTITIES IN THIS STATE.

25 2. PROVIDE FOR ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES TO COLLECT,
26 TRANSPORT AND RECYCLE COVERED ELECTRONIC DEVICES.

27 3. PROVIDE FOR ADVERTISING AND PROMOTION OF COLLECTION OPPORTUNITIES
28 STATEWIDE AND ON A REGULAR BASIS.

29 4. INCLUDE CONVENIENT SERVICE IN EVERY COUNTY IN THIS STATE AND AT
30 LEAST ONE COLLECTION SITE FOR ANY CITY WITH A POPULATION OF AT LEAST FIFTY
31 THOUSAND PERSONS. CONVENIENT SERVICE MAY INCLUDE ONE OR MORE PERIODIC
32 OPPORTUNITIES TO DROP OFF COVERED ELECTRONIC DEVICES AT ONE OR MORE
33 LOCATIONS. CONVENIENT SERVICE DOES NOT REQUIRE HOUSEHOLD PICKUP OF COVERED
34 DEVICES. A COLLECTION SITE FOR A COUNTY MAY BE THE SAME AS A COLLECTION SITE
35 FOR A CITY IN THE COUNTY. COLLECTION SITES SHALL BE STAFFED AND OPEN TO THE
36 PUBLIC AT A FREQUENCY ADEQUATE TO MEET THE NEEDS OF THE AREA BEING SERVED. A
37 PROGRAM MAY PROVIDE COLLECTION SERVICE JOINTLY WITH ANOTHER PROGRAM.

38 B. THE PLAN MUST INCLUDE INFORMATION ON HOW AND WHERE TO RETURN THE
39 MANUFACTURER'S COVERED ELECTRONIC DEVICES. THE MANUFACTURER:

40 1. SHALL INCLUDE COLLECTION, RECYCLING AND REUSE INFORMATION ON THE
41 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE.

42 2. SHALL PROVIDE COLLECTION, RECYCLING AND REUSE INFORMATION TO THE
43 DEPARTMENT.

1 3. MAY INCLUDE COLLECTION, RECYCLING AND REUSE INFORMATION IN THE
2 PACKAGING FOR OR IN OTHER MATERIALS THAT ACCOMPANY THE MANUFACTURER'S COVERED
3 ELECTRONIC DEVICES WHEN THE DEVICE IS SOLD.

4 C. INFORMATION REGARDING COLLECTION, RECYCLING AND REUSE THAT IS ON A
5 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE DOES NOT CONSTITUTE A DETERMINATION
6 BY THE DEPARTMENT THAT THE MANUFACTURER'S RECOVERY PLAN OR ACTUAL PRACTICES
7 ARE IN COMPLIANCE WITH THIS ARTICLE OR ANY OTHER LAW.

8 D. A MANUFACTURER SHALL:

9 1. MEET OR EXCEED THE REQUIREMENTS FOR COLLECTION SITES DESCRIBED IN
10 SUBSECTION A OF THIS SECTION.

11 2. PROVIDE FOR COLLECTION, TRANSPORTATION AND RECYCLING OF COVERED
12 ELECTRONIC DEVICES FOR COVERED ENTITIES FREE OF CHARGE, EXCEPT THAT A
13 MANUFACTURER THAT PROVIDES PREMIUM SERVICE FOR A COVERED ENTITY MAY CHARGE
14 FOR THE ADDITIONAL COST OF THAT PREMIUM SERVICE. PREMIUM SERVICE MAY INCLUDE
15 PICKUP SERVICE AT INDIVIDUALLY SCHEDULED TIMES AND LOCATIONS AND MAY INCLUDE
16 MINIMUM REQUIREMENTS FOR THE QUANTITY OF COVERED ELECTRONIC DEVICES TO BE
17 PICKED UP.

18 3. IMPLEMENT THE PLAN REQUIRED UNDER THIS SECTION.

19 E. A GROUP OF MANUFACTURERS MAY CHOOSE TO IMPLEMENT A MANUFACTURER
20 PROGRAM AS ONE ENTITY.

21 49-891.03. Prohibition on consumer fees; exception

22 A. EXCEPT AS AUTHORIZED IN SUBSECTION B, A MANUFACTURER PROGRAM OR A
23 COLLECTOR PARTICIPATING IN A MANUFACTURER PROGRAM MAY NOT CHARGE A FEE TO
24 COVERED ENTITIES FOR THE COLLECTION, TRANSPORTATION OR RECYCLING OF COVERED
25 ELECTRONIC DEVICES.

26 B. A COLLECTOR THAT PROVIDES A PREMIUM SERVICE TO A COVERED ENTITY MAY
27 CHARGE FOR THE ADDITIONAL COST OF PROVIDING THE PREMIUM SERVICE.

28 49-891.04. Duties of department; rules

29 THE DEPARTMENT SHALL:

30 1. MAINTAIN AND MAKE AVAILABLE ON ITS WEBSITE, WHICH MUST BE UPDATED
31 ON OR BEFORE THE FIRST DAY OF EACH CALENDAR QUARTER AFTER JULY 1, 2014, A
32 LIST OF REGISTERED MANUFACTURERS AND THEIR BRANDS THAT IDENTIFIES WHICH
33 MANUFACTURERS ARE IN COMPLIANCE WITH THIS ARTICLE.

34 2. REVIEW AND APPROVE MANUFACTURER PLANS THAT COMPLY WITH SECTION
35 49-891.02 AND THAT ARE SUBMITTED ANNUALLY BY MANUFACTURERS.

36 3. ADVERTISE AND PROMOTE COLLECTION OPPORTUNITIES STATEWIDE AND ON A
37 REGULAR BASIS.

38 4. REVIEW EACH REGISTRATION AND NOTIFY THE MANUFACTURER OF ANY
39 INFORMATION REQUIRED BY THIS SECTION THAT IS OMITTED FROM THE REGISTRATION.
40 WITHIN THIRTY DAYS AFTER RECEIPT OF A NOTIFICATION FROM THE DEPARTMENT, THE
41 MANUFACTURER SHALL SUBMIT A REVISED REGISTRATION PROVIDING THE INFORMATION
42 NOTED BY THE DEPARTMENT.

43 5. MAINTAIN AND UPDATE THE WEBSITE REGISTRATION INFORMATION AT LEAST
44 EACH CALENDAR QUARTER. THE WEBSITE SHALL CONTAIN PROMINENT LANGUAGE STATING
45 THAT THE LAW REQUIRING REGISTRATION IS DIRECTED AT HOUSEHOLD EQUIPMENT AND

1 THE MANUFACTURERS' BRANDS LIST IS NOT A LIST OF MANUFACTURERS WHO ARE
2 QUALIFIED TO SELL TO INDUSTRIAL, COMMERCIAL OR OTHER MARKETS THAT ARE
3 IDENTIFIED AS EXEMPT FROM THE REQUIREMENTS.

4 6. MAINTAIN ON ITS WEBSITE INFORMATION ON COLLECTION OPPORTUNITIES FOR
5 COVERED ELECTRONIC DEVICES, INCLUDING COLLECTION SITE LOCATIONS AND HOURS.
6 THE INFORMATION MUST BE MADE AVAILABLE IN A PRINTABLE FORMAT FOR RETAILERS.

7 7. BEGINNING DECEMBER 31, 2015 AND BIENNIALLY THEREAFTER, COMPILE
8 INFORMATION FROM MANUFACTURERS AND ISSUE A REPORT TO THE LEGISLATURE
9 REGARDING THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

10 8. ADOPT RULES AS NECESSARY TO IMPLEMENT THIS ARTICLE.

11 49-891.05. Covered electronic devices fund

12 A. THE COVERED ELECTRONIC DEVICES FUND IS ESTABLISHED. THE DIRECTOR
13 SHALL ADMINISTER THE FUND. THE FUND CONSISTS OF MONIES FROM THE FOLLOWING
14 SOURCES:

- 15 1. FEES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS ARTICLE.
- 16 2. GIFTS, GRANTS AND DONATIONS.
- 17 3. LEGISLATIVE APPROPRIATIONS.
- 18 4. UNTIL JULY 1, 2016, MONIES FROM THE RECYCLING FUND PURSUANT TO
19 SECTION 49-837, SUBSECTION B, EXCEPT THAT NO MORE THAN FIVE HUNDRED THOUSAND
20 DOLLARS FROM THE RECYCLING FUND MAY BE TRANSFERRED TO THE COVERED ELECTRONIC
21 DEVICES FUND IN ANY FISCAL YEAR.

22 B. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND
23 DIVEST MONIES IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED
24 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

25 C. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT
26 AND MAY BE USED ONLY TO PAY THE COSTS OF IMPLEMENTING AND ENFORCING THIS
27 ARTICLE.

- 28 D. MONIES IN THE FUND SHALL BE USED FOR THE FOLLOWING PURPOSES:
- 29 1. FOR ALL REASONABLE AND NECESSARY COSTS TO IMPLEMENT THIS ARTICLE.
 - 30 2. FOR THE REASONABLE AND NECESSARY COSTS OF ADMINISTERING THE FUND.

31 49-891.06. Enforcement

32 A MANUFACTURER OR RETAILER THAT FAILS TO COMPLY WITH THIS ARTICLE IS
33 SUBJECT TO ENFORCEMENT UNDER ARTICLE 5 OF THIS CHAPTER.

34 49-891.07. Program termination

35 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2023 PURSUANT
36 TO SECTION 41-3102.