

House Bill 4080

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Energy, Environment and Water)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires collectors that do not currently hold solid waste permit with Department of Environmental Quality to register with department.

Becomes operative January 1, 2013. Continuously appropriates moneys from registration fees to department for purposes of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to collectors of covered electronic devices; appropriating money; and declaring an emer-
3 gency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS 459A.305 to**
6 **459A.355.**

7 **SECTION 2. (1) A collector that does not have a permit issued by the Department of**
8 **Environmental Quality under ORS 459.205 must register with the department.**

9 **(2) To register with the department under this section, a collector must:**

10 **(a) Pay a registration fee adopted by the department by rule.**

11 **(b) Give written permission to the department, under which an authorized representative**
12 **of the department may access the collection site during normal business hours and inspect**
13 **the premises of the site and any operations or records related to storing, transferring or**
14 **otherwise processing covered electronic devices.**

15 **(c) Submit an explanation of how the collector's operations comport with federal and**
16 **state requirements that restrict the disposal of covered electronic devices for purposes of**
17 **protecting the environment and ensuring public health and safety. An explanation submitted**
18 **under this paragraph must contain, at a minimum:**

19 **(A) The collector's normal hours of operation;**

20 **(B) A description of the collector's employee training processes;**

21 **(C) A description of the methods the collector uses to store and transfer covered elec-**
22 **tronic devices;**

23 **(D) A description of the measures the collector uses to mitigate any health hazards or**
24 **nuisances caused by the collector's operations;**

25 **(E) A plan for closing the collection site at the time that operations cease, including all**
26 **measures that will be taken to mitigate any health hazards or nuisances that will be caused**
27 **by the closure; and**

28 **(F) A description of the collector's record keeping processes.**

29 **(d) Provide, by February 1 of each year, proof of sufficient finances to fund the closure**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of the site and to ensure against the abandonment of any covered electronic devices, com-
2 ponents of covered electronic devices or materials used to store, transfer or otherwise pro-
3 cess covered electronic devices. Such proof may be in the form of a bond, a letter of credit
4 issued by an insured institution, as defined in ORS 706.008, a copy of a balance sheet for a
5 trust fund established for the purpose of the closure or any other similar instrument or
6 proof.

7 (3) The registration fee adopted under subsection (2) of this section must be an amount
8 that is as close as reasonably possible to fund the registration of collectors and the investi-
9 gation of collection sites without exceeding that amount.

10 (4) All moneys collected under this section shall be deposited in the General Fund and
11 credited to an account of the department. Such moneys are continuously appropriated to the
12 department to carry out the purposes set forth in this section.

13 **SECTION 3.** (1) Sections 1 and 2 of this 2012 Act become operative on January 1, 2013.

14 (2) Notwithstanding the operative date specified in subsection (1) of this section, the
15 Department of Environmental Quality may take any action before the operative date that is
16 necessary to enable the department to exercise, on and after the operative date specified in
17 subsection (1) of this section, all the duties, functions and powers conferred on the depart-
18 ment by sections 1 and 2 of this 2012 Act.

19 **SECTION 4.** This 2012 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
21 on its passage.

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