

Committee Members:

Al Allen, Chairman

Bill Howard

Paul Prince

Danny Hardee



INFRASTRUCTURE & REGULATION COMMITTEE

9:00 A.M., Tuesday, August 25, 2020

I. Invocation

II. Public Input

III. Approval of Agenda

IV. Approval of Minutes – June 23, 2020

V. Discussion Items

- a. Longs Fire Station Update / *John Barnhill*
- b. Storm Water Update / *Thom Roth*
- c. FY2020 Road Fee Payments to Municipalities/ *For Information Only*
- d. Electronic Waste Disposal Fee – Sunset / *Danny Knight*

VI. Resolutions

- a. Resolution to accept the road(s) and drainage in the following subdivisions into the Horry County Maintenance System. / *David Gilreath*
 - 1) Hidden Brooke Phase 3 (*Cypress Springs Way and Birchtree Drive*)
 - 2) The Parks at Carolina Forest Phase 1 (*Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop, and Hickory Knob Court*)
 - 3) The Parks at Carolina Forest Phase 2 (*Huger Park Avenue, Hamilton Branch Loop, and Magnolia Village Way*)
 - 4) Baron's Bluff Phase 2A (*Yeomans Drive, Grasmere Lake Circle and Barony Drive*)
 - 5) Baron's Bluff Phase 2B (*Barony Drive, Windermere Lake Circle, and Trafalgar Court*)
- b. Resolution to approve the By-Laws for the Horry County Historic Preservation Commission. / *David Schwerd*

VII. Ordinances

- a. An Ordinance to add certain properties to the Horry County Historic Property Register as Individual Historic Properties. / *David Schwerd*

VIII. Council Member Comments

IX. Executive Session

Approved 8/21/2020

David Gilreath, P.E., Asst. County Administrator/I&R Division/Date

Approved 8/21/2020

The Honorable Al Allen, Infrastructure & Regulation Chairman/Date

Approved 8/21/2020

Steven S. Gosnell, P.E., Horry County Administrator/Date

MINUTES
HORRY COUNTY COUNCIL
Infrastructure & Regulation Committee Meeting
Council Conference Room
June 23, 2020
9:00 a.m.

MEMBERS PRESENT: Al Allen Chairman; Danny Hardee; Bill Howard and Paul Prince

MEMBERS ABSENT:

OTHERS PRESENT: Steve Gosnell; Pat Hartley; David Gilreath; Council Chairman Johnny Gardner; Councilmen Johnny Vaught and Gary Loftus; Randy Haldi; David Schwerd; David Jordan; Barry Spivey and Kelly Moore

In accordance with the FOIA, notices of the meeting were provided to the press stating the time, date, and place of the meeting.

CALL TO ORDER: Mr. Allen called the meeting to order at approximately 9:00 a.m.

INVOCATION: Mr. Prince gave the invocation.

PUBLIC INPUT: None.

APPROVAL OF AGENDA CONTENTS: Mr. Allen noted they needed to move the executive session to the beginning of the meeting and requested a motion to approve the agenda. Mr. Hardee moved to approve the amended agenda contents. The motion was unanimously passed.

EXECUTIVE SESSION:

Mr. Howard moved to enter into executive session and the vote was unanimous. Mr. Howard motioned to exit executive session and the vote was unanimous.

Mr. David Jordan noted that Council had received legal advice covered by the attorney client privilege and no action or vote was taken.

APPROVAL OF MINUTES: Mr. Hardee moved to approve the minutes for February 25, 2020 as submitted. The motion was unanimously passed.

DISCUSSION ITEMS:

- a. **Abatement Program Update:** Mr. Andy Markunas distributed a handout to the committee and noted it was also in their packet. He briefly summarized the abatement program explaining how it started, what type of properties were involved and how they were assessed. They currently were investigating 87 active cases. He presented a slide of the county with locations of all active and closed cases designated. He also explained different ways each property could come to be on the list to be investigated. He referred to a list showing that there were six different groups they were working on with group six being properties that had not been presented to Council yet. The list noted the addresses for each property and the status as of 6/18/2020. Mr. Haldi mentioned that most of the properties self-abated and that the County was actively pursuing each one making sure it was cleaned up.

Mr. Howard mentioned there was one on the list that was in his district and he had gotten a lot of calls on it. Mr. Jacobs noted it was in group six and he had also received many calls about the property as well.

- b. **Splinter City Disc Golf Course MOU with City of Myrtle Beach:** Mr. Paul McCullough stated they

were discussing a proposed disc golf course at the corner of King's Hwy and Farrow Parkway. They would be working with the City of Myrtle Beach on the project and he introduced Dustin Jordan, the Director of the Myrtle Beach Parks and Recreation Center, who was present to show his support. They had previously had a course at the Loris Nature Park but there had been some vandalism and fallen tree damage. There was currently only one in the area and had a strong local club presence hosting several events throughout the year. The course would be built on an approximately 25-acre section of the Old Campground parcel at the corner of Farrow Parkway and S Kings Highway. He presented a slide to show the division of contributions from the City of MB and the County. Mr. Allen asked if there would be a charge to access it and Mr. McCullough noted that it would be no charge. Mr. Howard asked if they were talking about frisbees. Mr. McCullough confirmed and noted it would be a park area that was used so there was no need for someone to be in charge or equipment to be rented. Mr. Allen asked what the construction costs were. Mr. McCullough stated that the City's portion was about \$15,500 and the County's initial cost was \$12,800 and would have some reoccurring costs that would include upkeep and trash disposal. Mr. Allen wanted to give kudos to the Morris Graham Rec Center. A private contractor had donated (inaudible) and the parking lot was looking good.

- c. **Longs Fire Station Update:** Mr. John Barnhill stated that they were currently working with DOT for the encroachment permit and was taking longer than expected. Covid had slowed things down a bit as well. He hoped to hear from DOT within the next week or so with a go-ahead and they could get started. Mr. Allen asked if they could please schedule a groundbreaking before December 1.
- d. **Storm Water Update:** Mr. Thom Roth presented a couple of maps to update everyone on what projects they were working on throughout the County. He noted the first map presented was from February through April. He explained what the different colored dots represented and noted the green lines were the different watersheds they were working on. The next slide showed activity just for the month of May and noted the different areas they were working on. They were dealing with several beaver issues as well as the watersheds. The last slide was an elevation map and had been specifically requested by Mr. Allen. Mr. Roth explained they had used their digital elevation model and GIS which gave them a general idea of the elevation differences in the County. It also showed the flow path noting the area around Loris had the highest elevation. He noted that it would take a drop of rain in Loris to travel all the way to the Little Pee Dee which was roughly 22.8 miles. The elevation would decrease from 86 down to around 33.

Mr. Allen commented that most people in the County had no idea how flat Horry County was. Water had to have a slope in order to drain and Horry County hardly had any slope. He commented on the King tides pushing the water back up into the County's outlets and with all the extra torrential rain he questioned what could be done. He then stated there wasn't anything they could do based on the area they lived in. The map showed that the majority of the population in Horry County lived in the lowest area of Horry County. He added that the highest slope was .04% from Loris to the Little Pee Dee with the rest of the areas averaging .1% due to the distance not being as far. He stated that they really needed to work on educating the public about the geography of the County.

Mr. Prince added that most of his complaints were not from local long-time residents of the area but people that had moved into the area from other states.

Mr. Howard noted that they now had maps showing the areas that would flood but did not have them years before when subdivisions were being sold to tract builders.

Mr. Loftus noted that they were finding out that some of the places that were flooding were not some of the latest ones, but instead were areas that had been built years before there was access to the flood maps. It was noted they were built by different standards as well.

Mr. Howard mentioned North Carolina opening up and releasing water from their dams. Mr. Allen stated that North Carolina did not have dams that had gates to open up and release water. Mr. Howard commented that the Power Plant did. Mr. Allen stated that they did not and referred to Mr. Gosnell that stated Duke Power would be present at the meeting on the 14th to give a presentation on that system.

He repeated that there were no dams that released significant amounts of water to cause flooding.

Mr. Allen explained that the Carolinas were designed in such a way that all the land north of South Carolina drained all the way down to Winyah Bay and there was nothing that could be done to change that.

Mr. Gilreath commented on a rain event in the County a week or so earlier with 4-6 inches of rain, There was between 6-16 inches over most of the Pee Dee Basin. It flooded in the County after just a little more than average storm but the flooding came from the intense nature of the storm covering the Pee Dee Basin plus it came in during the King tide.

Mr. Allen requested that a copy of the map be sent to each of the Council members and for them to be prepared to present at the next Council meeting. He believed that the public needed to be educated so they could understand what the Council was facing.

- e. **Old Coquina Pit off Hwy:** Mr. Randy Haldi advised the committee that the County had received an unsolicited inquiry concerning a potential purchase of Old Coquina Pit off Hwy 9. It was not currently being used and was considered surplus property. He was requesting approval to advertise it to the public for review of any offers that could produce some additional revenue for the County by selling the parcel.

Mr. Prince stated that they had looked at several possibilities for that area in the past. Mr. Gosnell agreed that they had looked at several possible projects. Mr. Prince added that he was agreeable to selling it and he wanted to look for land to purchase for the community center if they ever planned to have one in that area. Mr. Howard reminded them that they had discussed that if the mine was ever sold, the money needed to stay in his district for recreation purposes. He agreed that it was a good idea to put it on the open market to see what offers they might receive and mentioned it was in a fast growing area with many possibilities for the parcel. There was general agreement to go forward with Mr. Haldi's request.

RESOLUTIONS:

- a. **Resolution to accept the road(s) and drainage in the following subdivisions into the Horry County Maintenance System.** Mr. David Gilreath stated the following roads were in sub-divisions that had been designed, built, inspected and all met County Standards. He recommended that they be accepted into the system. Mr. Allen reminded them that when they passed the additional roads, they were adding to the current road system. He commented that even though they were up to County Standards, sometime in the future the Council would face having to pass a big millage increase. Mr. Howard added that he had made a similar comment every time they added new roads and they were building them faster than they could count them. There was some discussion about possibly having to look at raising the road fee. Mr. Allen asked if there were some way to impose some type of fee for all the commercial traffic coming into the County that was not registered in the County nor paying any fees. Mr. Gilreath mentioned it might involve the gas tax and Mr. Gosnell added that the State had some charge for trucks. Mr. Allen wanted to know if the County received a share of that fee. Mr. Gilreath stated that the County did not receive a share.

There was no motion to approve, but there was a second from Mr. Howard. Mr. Allen suggested sending it on to Council.

- 1) Berkshire Village Block 13A (*Village Parkway, Greta Loop, Noah Avenue, and Quillen Avenue*)
- 2) Berkshire Village Block 13B (*Tweed Court and Greta Loop*)
- 3) Berkshire Village Block 15A (*Redford Drive and Ellesmere Circle*)
- 4) Berkshire Village Block 15B (*Ellesmere Circle and Tremayne Trail*)
- 5) Riverhaven Phases 1 & 2D (*Riverhaven Drive, Perch Place and Thoms Creek Court*)
- 6) Riverhaven Phase 2B (*Dawes Landing Court and Old Mary Ann Court*)
- 7) Riverhaven Phase 3A (*Honey Clover Court*)

- 8) Clear Pond Tract G Phase 2A (*Chadderton Circle and Brogdon Drive*)
- 9) Bella Vita Phase 2A1 (*Villena Drive, Wilbraham Drive, Hannon Drive, and Welford Court*)
- 10) Riverhaven Phase 3B (*Emerald Rush Court*)

- b. Resolution Granting Historic Designation to Certain Properties:** Mr. David Schwerd stated that the properties were located in the City of Myrtle Beach and had applied for the historic tax credit. They could not be on Horry County's historic register due to them being in the city limits but Council had the ability to add them and designate them as historic. The properties applying were Darden's Jewelers, Edwards Five and Dime and the Holiday Shores Hotel. They were within the City of Myrtle Beach but the tax credit was a two-part tax credit having been through the Admin Committee. The properties had been designated as historic and had passed through the tax credit part at the Admin Committee. **Mr. Howard moved to approve with a second from Mr. Prince. The vote was unanimous.**
- c. Resolution to appropriate up to \$200,000 from Sunday Liquor Sales Funds to fund a Multipurpose Pathway along Little River Neck Rd.:** Mr. Howard asked to comment before Mr. Schwerd addressed the resolution. He asked who was responsible for making the Sunday liquor sales tax part of the regular liquor license fee. He commented that South Carolina and Horry County were the only places in the world that charged for Sunday sales. Mr. Schwerd stated that there were other states that did not allow Sunday liquor sales. The money from this tax was assigned for recreation projects that were in areas that were tourist related. Mr. Howard asked if could be incorporated into the same license fee. Mr. David Jordan noted that all alcohol was through DOR for the license fee. It was passed in 1993 on the State level so it would go through DOR back to the County. It could not be changed by the County, but would have to be changed through the Legislature State Law. Mr. Howard thought it was inconvenient to business owners to have two separate permits just to accommodate Sunday sales. Mr. Schwerd explained that the project would be a multi-purpose pathway on Little River Neck Rd. Half of the jurisdiction would be the City of North Myrtle Beach and half would be Horry County. A resolution had been passed back around the beginning of April in case the money was to become available. The money had become available in the amount of \$627,900.00 of GSAT's transportation alternatives money due to another project not moving forward. He noted that the City of North Myrtle Beach and Horry County had been working on the project since around 2010. He stated that the money was now available and if not obligated by September the money would go back to the State and would not come to Horry County at all. He explained the payment structure division for North Myrtle Beach and Horry County and noted that the City of North Myrtle Beach would take over the maintenance of it. **Mr. Howard moved to approve and the vote was unanimous.**

Mr. Prince asked what was happening to the money from the casino boats. Mr. Spivey explained it was included in the General Fund Budget so was not dedicated to a particular use. Mr. Howard noted that if they went more than three miles out, they would not be considered in the country and wondered if they had to have a business license and alcohol sales permit. Mr. Spivey explained that they did pay a casino boat fee at the dock.

ORDINANCES:

An Ordinance to amend Appendix B, of the Horry County Code of Ordinances to Establish the Mining (MG) Floating Zone and Standards thereof. Mr. David Schwerd presented a slide showing the current requirements for mines. He went over the list of with a brief explanation of each item as well as any restrictions and exemptions

Mr. Howard commented that due to the fact there was so much interest in the ordinance, he recommended that it be sent back to amend the current ordinances.

Mr. Allen stated they could send it back to Council with some recommended amendments and after the second reading, they could have a workshop on it. Mr. Schwerd asked for confirmation on the amendments and the version he would present to Council to be approved at second reading as an amendment.

Mr. Howard confirmed and Mr. Schwerd noted that at that time they could decide whether to have an additional workshop. Mr. Howard agreed and urged they process it expediently. Mr. Schwerd stated that it would be ready for the next Council meeting with the proposed amendments and at that time schedule the workshop if needed.

Mr. Vaught asked Mr. Schwerd if he was still planning to have public input at third reading and Mr. Schwerd confirmed.

An Ordinance to amend Appendix B, Zoning Ordinance Article VII, Section 703 “Commercial Forest/Agricultural District” of The Horry County Code of Ordinances pertaining to Veterinary Offices, Animal Hospitals, and/or Boarding Facilities: Mr. David Schwerd explained the ordinance was very simple and under the zoning code CFA currently allowed Veterinary offices. It did not allow any outside grazing or exercise. The ordinance just amended it so that Veterinarian offices of three acres or more would be allowed to have outside grazing and exercise. **Mr. Howard moved to approve and the vote was unanimous.**

An Ordinance to establish procedures for the Comprehensive Plan Adoption and Amendment process within Chapter 15 of the Horry County Code of Ordinances. : Mr. David Schwerd stated that the ordinance addressed Article 15 and Chapter 15. Chapter 15 was the section with the long range comprehensive plan and the process for future adoption. It matched what was in State law. It also included the possibility of applying for future (inaudible) amendment. It would allow for at the exact same time one was applying for rezoning to change it to a different zone to accommodate whatever project was in process. It would add approximately two additional weeks to the process but both would go through planning simultaneously. **Mr. Howard moved to approve and the vote was unanimous.**

The next slide referred to Article XV in the zoning ordinance and showed the process in a rezoning. There was a zoning map amendment that had been brought up although most of the issues had been resolved during the committee meeting of the Planning Commission. The proposed amendment required that the zoning amendment be consistent the consolidated Plan, Capital Improvements Plan and Official Map. The issue was with the group sitting in the Planning Commission and they wanted it to read “may be” consistent but did not have to be consistent. It was explained to the committee as well as the Planning Commission the State Planning Enabling Legislation stated that the zoning ordinance “must” be in compliance with the comprehensive of plan. The consolidated plan and the official maps are actually parts of the comprehensive plan. In summary State law specifically states the zoning ordinance must be in compliance with the comprehensive plan

The ordinance being presented only simplified the criteria that needed to be included to submit a rezoning request and was just a restatement of State law. **Mr. Howard motioned to move forward and the vote was unanimous.**

An Ordinance to Amend Zoning Appendix B of the Horry County Code of Ordinances pertaining to campers and recreation vehicles used as a temporary living accommodations. Mr. David Schwerd noted that previously any property with CFA zoning allowed a camper for fifteen days. The ordinance was later changed to allow two campers but could only be on the river or west of the river. The problem was there were commercial occupant groups that were CFA east of the river that had special events but were not listed in the commercial districts. The ordinance would just add them to commercial districts. **Mr. Howard moved to approve and the vote was unanimous.**

An Ordinance to Amend Appendix B, Zoning Ordinance of the Horry County Code of Ordinances pertaining to High Bulk Retail (RE4) and Open Yard Storage: Mr. David Schwerd noted RE4 was originally intended for storage of materials, RV’s and equipment. Unfortunately, it also included salvage and it was never intended to include salvage in a RE4 district. The ordinance is to exclude the salvage yard use from RE4. Mr. Howard moved to approve and the vote was unanimous.

An Ordinance approving the County Administrator to quit claim the abandoned drainage easement at TMS# 073-00-01-357 now combined with TMS #073-00-01-323 and bearing the same, located on

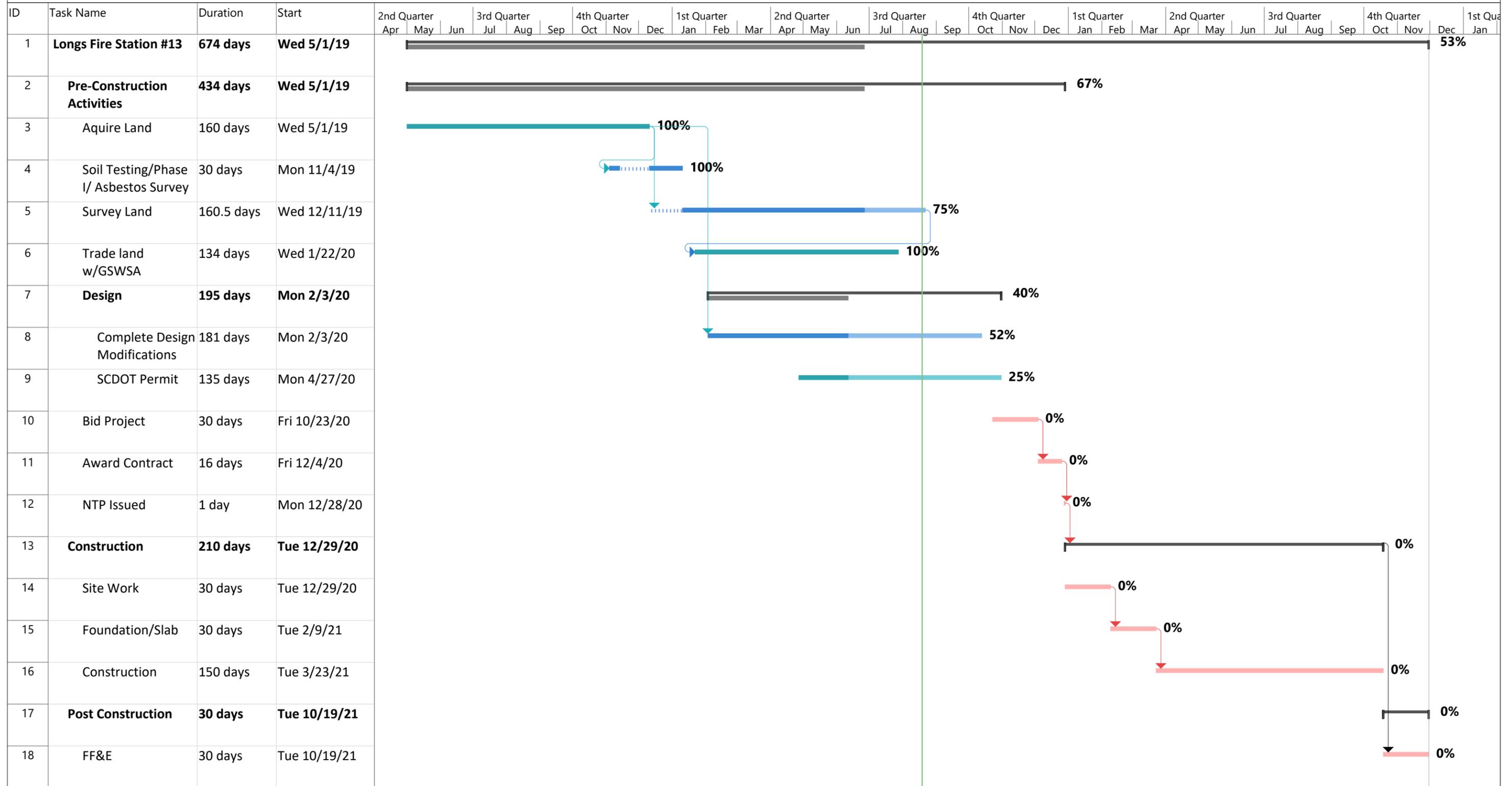
Simpson Creek Drive: Mr. Thom Roth stated that in an effort to improve some of the drainage on Simpson Creek Drive, they had obtained an easement several years prior. Recently someone bought the two lots and combined them, putting the easement in the middle of the lot. The County had requested they move the ditch to the other property so there was still an outfall on Simpson Creek Drive and the County retaining an easement to the ditch. **Mr. Howard moved to approve with a second from Mr. Prince and the vote was unanimous.**

An Ordinance approving changing the name of the Board of Architectural Review and Historical Preservation to Board of the Historical Preservation Commission: Mr. David Schwerd stated that the Board of Architectural Review and Historic Preservation wishes to change their name to more accurately reflect what they want to do. They wanted to change the name to The Historic Preservation Commission. The ordinance would change the name and would also lay out some of the provisions for the materials that would need to be submitted them in order to be reviewed when they were doing the historic tax districts. Mr. Howard moved to approve and the vote was unanimous.

COUNCIL COMMENTS: None

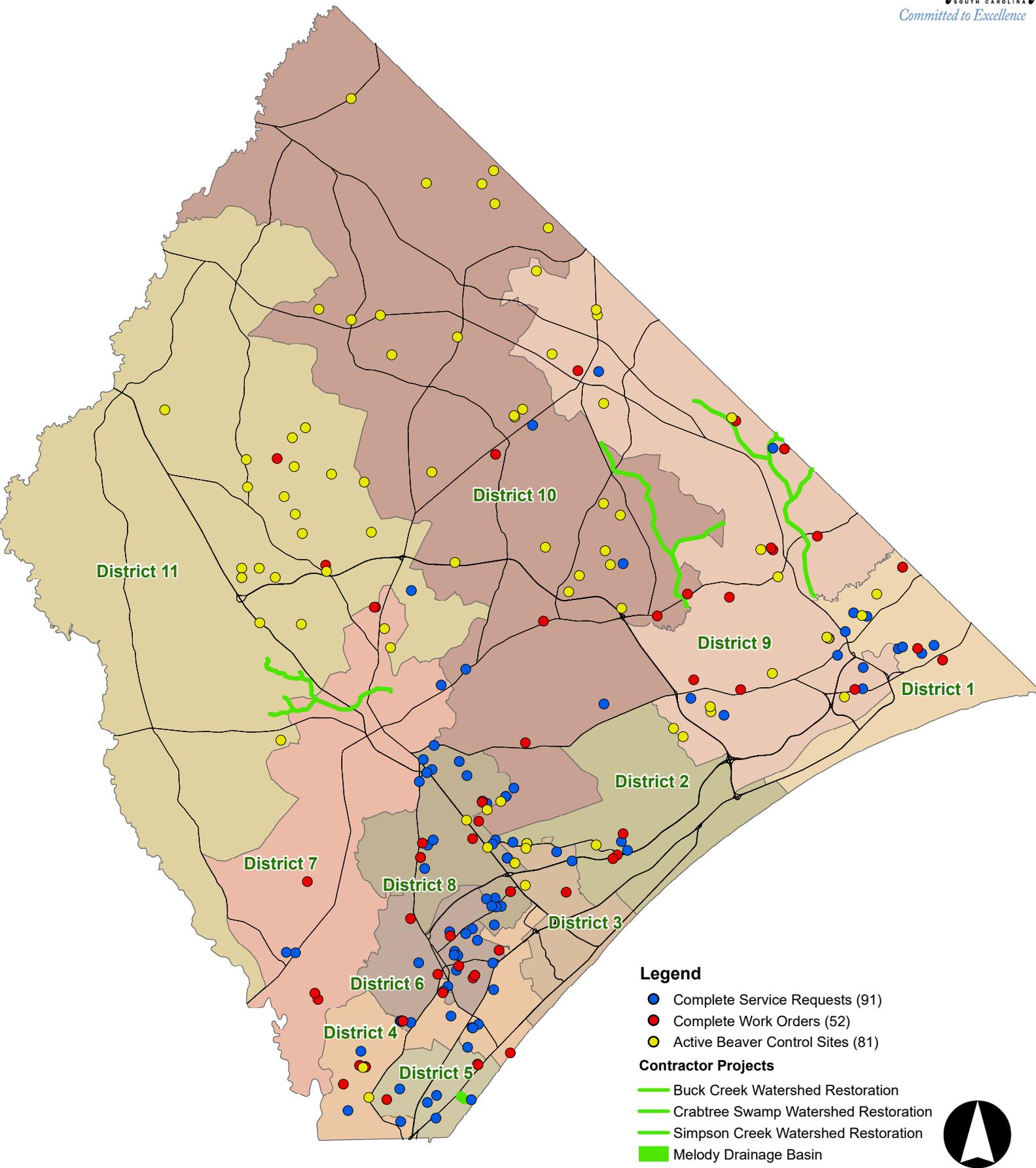
ADJOURNMENT: Mr. Howard moved to adjourn at 10:41 a.m. and the vote was unanimous.

Longs Fire Station



Horry County Construction and Maintenance Department	Critical	[Red bar]	Split	[Dotted blue bar]	Finish-only	[Blue bar]	Duration-only	[Cyan bar]	Milestone	[Diamond]	Manual Summary	[Grey bar]	Inactive Task	[White bar]
	Critical Split	[Red dotted bar]	Task Progress	[Blue bar]	Duration-only	[Cyan bar]	Baseline	[Black bar]	Summary Progress	[Grey bar]	External Tasks	[Grey bar]	Inactive Milestone	[White diamond]
	Critical Progress	[Red bar]	Manual Task	[Cyan bar]	Baseline	[Black bar]	Summary	[Black bar]	External Milestone	[White diamond]	External Summary	[Grey bar]	Inactive Summary	[White bar]
	Task	[Blue bar]	Start-only	[Cyan bar]	Baseline Split	[Black bar]	Summary	[Black bar]	External Milestone	[White diamond]	External Summary	[Grey bar]	Deadline	[Green arrow]

Stormwater Activities June 2020

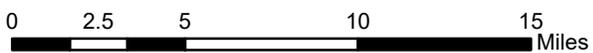


Legend

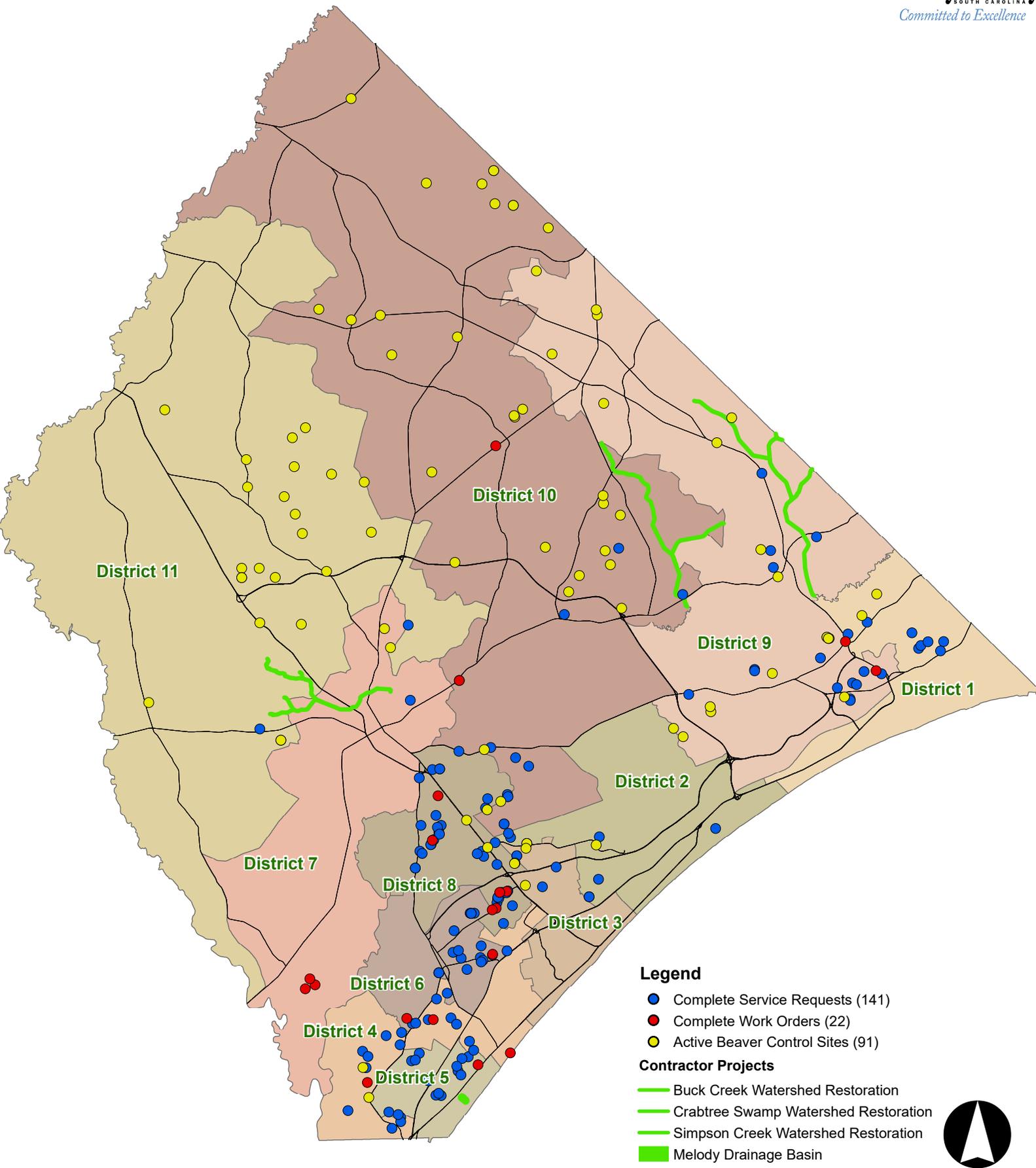
- Complete Service Requests (91)
- Complete Work Orders (52)
- Active Beaver Control Sites (81)

Contractor Projects

- Buck Creek Watershed Restoration
- Crabtree Swamp Watershed Restoration
- Simpson Creek Watershed Restoration
- Melody Drainage Basin



Stormwater Activities July 2020

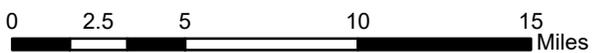


Legend

- Complete Service Requests (141)
- Complete Work Orders (22)
- Active Beaver Control Sites (91)

Contractor Projects

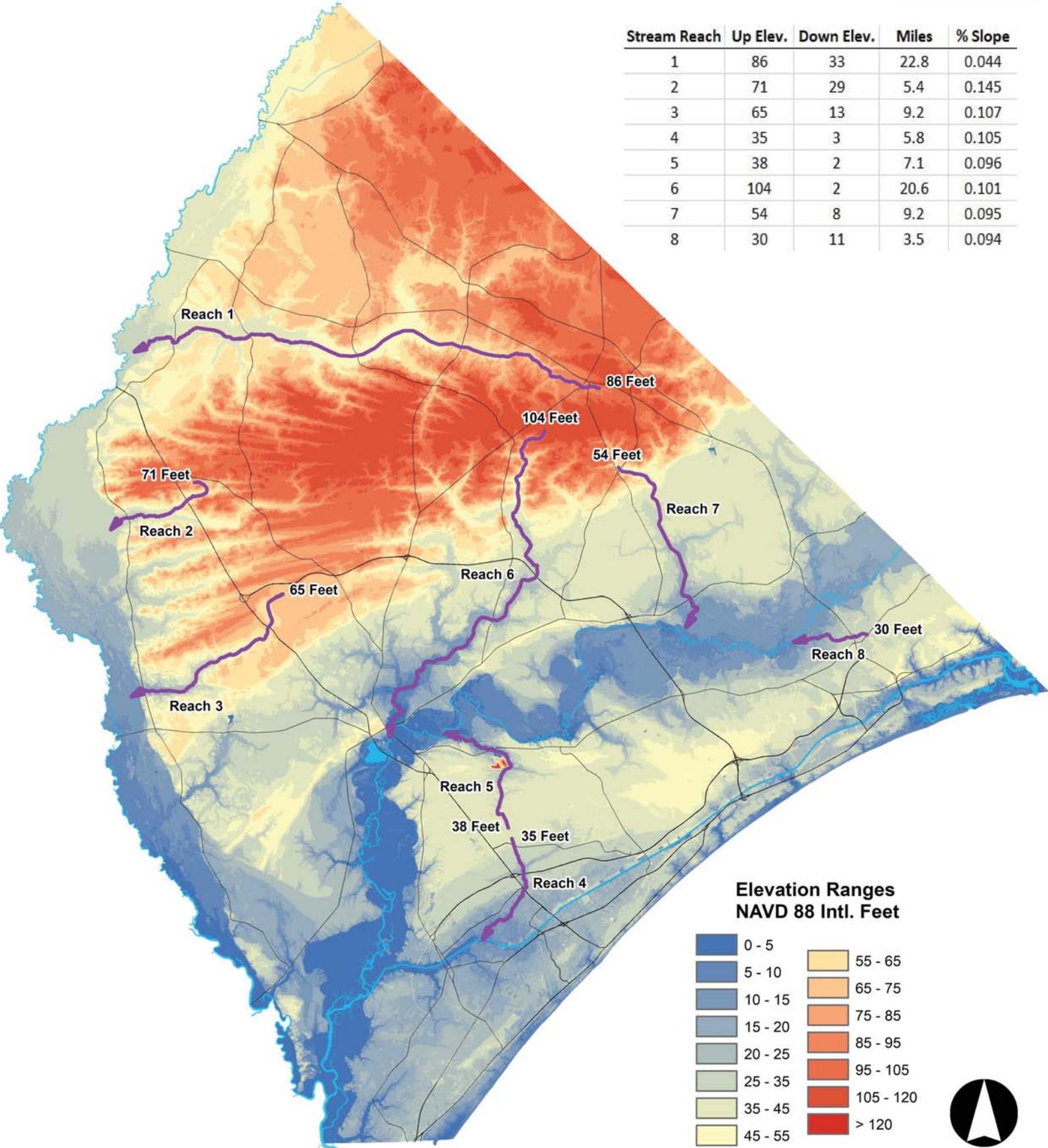
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- Simpson Creek Watershed Restoration
- Melody Drainage Basin



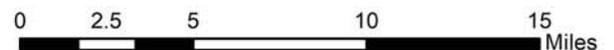
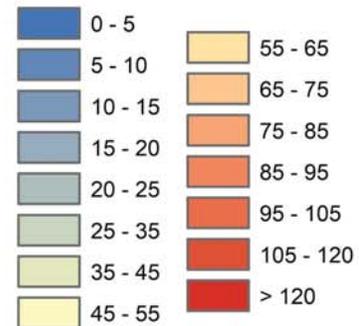
Elevation Map of Horry County, SC



Stream Reach	Up Elev.	Down Elev.	Miles	% Slope
1	86	33	22.8	0.044
2	71	29	5.4	0.145
3	65	13	9.2	0.107
4	35	3	5.8	0.105
5	38	2	7.1	0.096
6	104	2	20.6	0.101
7	54	8	9.2	0.095
8	30	11	3.5	0.094

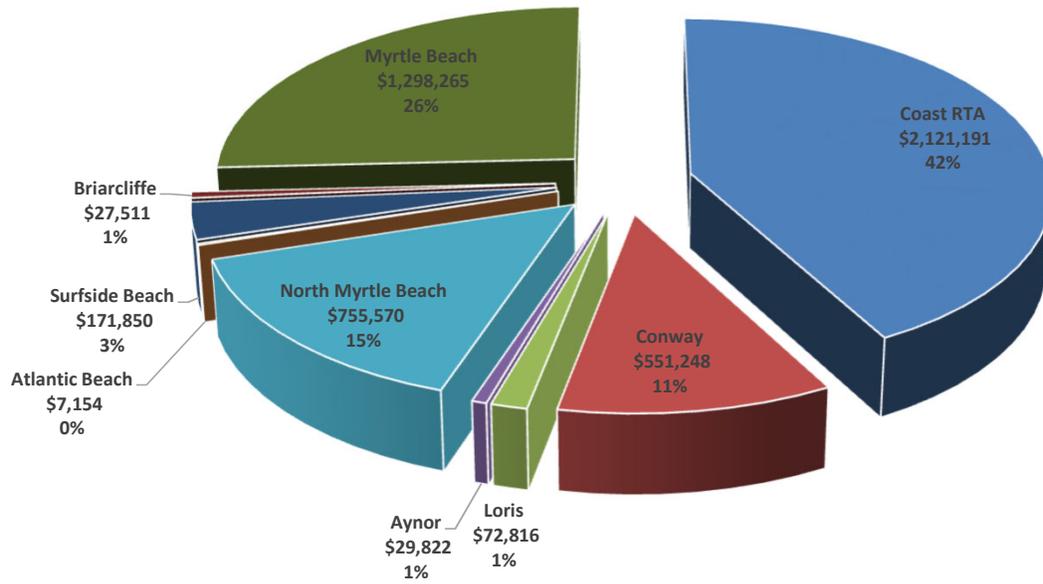


Elevation Ranges NAVD 88 Intl. Feet



Municipality/Other	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	Percentage
Coast RTA	\$560,274.00	\$492,388.00	\$514,780.50	\$553,748.00	\$2,121,190.50	42%
Conway	\$144,297.00	\$125,937.00	\$134,166.00	\$146,848.00	\$551,248.00	11%
Loris	\$17,111.00	\$16,639.00	\$19,523.00	\$19,543.00	\$72,816.00	1%
Aynor	\$6,877.00	\$7,247.00	\$7,654.00	\$8,044.00	\$29,822.00	1%
North Myrtle Beach	\$200,816.00	\$185,517.00	\$174,896.00	\$194,341.00	\$755,570.00	15%
Atlantic Beach	\$1,442.00	\$1,758.00	\$1,440.00	\$2,514.00	\$7,154.00	0%
Surfside Beach	\$48,504.00	\$40,459.00	\$34,708.00	\$48,179.00	\$171,850.00	3%
Briarcliffe	\$7,654.00	\$6,401.00	\$6,874.00	\$6,582.00	\$27,511.00	1%
Myrtle Beach	\$327,063.00	\$319,016.00	\$316,637.00	\$335,549.00	\$1,298,265.00	26%
	\$1,314,038.00	\$1,195,362.00	\$1,210,678.50	\$1,315,348.00	\$5,035,426.50	100%

Road Fee Distribution FY 2020





Electronic Waste Disposal Fee Fund 6

- **2011 - Unfunded Mandate - State Law 48-60-05 “Manufacturers Responsibility and Consumer Convenience Information Technology Equipment Collection Recover Act”**
- **2016 - Regulation 61-124**



Local Governments Prior Year Cost

Horry County	\$580,420
Conway	\$ 15,237
Myrtle Beach	\$ 2,012
N. Myrtle Beach	\$ 10,069
Total	<hr/> \$607,738

- HCSWA - 5 year cost \$3,046,929.46



Extended Producer Responsibility

- ▶ **Manufacturers/Producers Responsibility**
- ▶ **EPR - Extended Producer Responsibility**
- ▶ **Act 48-60-05 and Regulations 61-124 will sunset December 31, 2021**



Documentation Attached

- ▶ Info. On Product Stewardship Institute
- ▶ States with EPR laws
- ▶ Electronic Waste Programs
- ▶ Extended Producer Responsibility
- ▶ Vermont legislation
- ▶ Horry County's Cost of Electronic disposal



Horry County Solid Waste Authority, Inc.

"Protecting Tomorrow's Environment Today"

August 11, 2020

Mr. Steve Gosnell
Horry County Administrator
PO Box 1236
Conway, SC 29528-1236

Dear Steve:

The Horry County Solid Waste Authority Board of Directors have been overly concerned about the cost of electronics on the Horry County taxpayers through the Horry County Fund 6 special tax fund.

We will review the history of how all the counties and cities ended up funding yet another "unfunded mandate". The State Law 48-60-05 went into effect in 2011 and restricted the placement of electronics/tvs in state permitted landfills. In 2016 Regulation 61-124 was approved which set the guidelines for collection, funding, and disposal. Initial discussions of the Law 48-60-05, titled "Manufacturers Responsibility and Consumer Convenience Information Technology Equipment Collection Recover Act", were that the producers would fund the program. It took four (4) years to develop and approve the regulations, and the end product was a win for the producers/manufacturers and a loss for local governments.

The chart below shows what the local governments paid for disposal of electronics for the past fiscal year:

Horry County	\$580,420
Conway	\$ 15,237
Myrtle Beach	\$ 2,012
N. Myrtle Beach	<u>\$ 10,069</u>
Total	\$607,738

The total amount the state regulations generated in the last fiscal year was \$119,000. Over the past five (5) years our records indicate the Horry County Fund 6 costs were \$3,046,929.46.

It is the SWA Board's opinion that the manufactures/producer, should be responsible under a legislation approach known as Extended Producer Responsibility (EPR). The Extended Produce Responsibility (EPR) is a legislation approach that shifts economic and management responsibility of end-of-life

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- W. Norfleet Jones
Vice-Chairman
- Samuel T. Johnson, Jr.
Secretary
- Carl H. Schwartzkopf
Treasurer
- Amos C. Berry, Sr.
- Pam J. Creech
- Michael H. Hughes
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- Danny Knight
Executive Director

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Page Two
Letter to Steve Gosnell

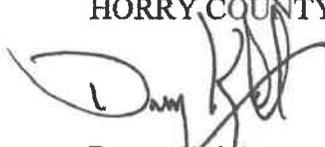
products from government to producers. EPR absorbs the cost of responsible end-of-life management into the cost of products and encourages manufacturers to incorporate environmental considerations into the design of their products and packaging.

I presented this approach to the South Carolina Association of Counties last year and they added it to their legislative agenda. I would suggest that the County request the South Carolina Association of Counties place this issue on high priority. I would also recommend that Horry County Council request a letter of recommendation from the local delegation to support this concept at the capital.

Another point of interest and concern is that Act 48-60-05, and Regulations 61-124 will sunset December 31, 2021, but the restrictions of disposal of electronics/tvs in the landfill will still be in place. We have been advised by Greenville County that their latest bid documents show a 30% increase in electronic recycling fees if the law does sunset. Our proposal is on the street at the present time, and we have requested proposals with/without the possibility of Act 48-60-05 sunseting.

Sincerely,

HORRY COUNTY SOLID WASTE AUTHORITY, INC.



Danny Knight
Executive Director

**SC Manufacture Responsibility and Consumer Convenience Information Technology
Equipment Collection Recovery Act**

A. 48-60-05 Law

1. 2010 – The Act was passed
2. 2011 – The Law went into effect
3. 2014 – The Law was amended

B. 48-60-05 Regulations

1. 2012 – The first draft was completed
2. 2016 – The regulations were approved
3. 2021 (Dec) – The regulations will sunset

The regulations were influenced heavily by the industry and their lobby forces. The Association of Counties, local governments and DHEC were pretty much shut down.

C. The regulations as written generated \$119,000 in the last fiscal year. Apple's fee was \$3,500. The Horry County Government and Horry County cities incurred a total cost of \$607,738 in the last fiscal year.

D. Greenville County incurred a cost of \$317,000.

E. Report from Amanda Nicholson - amanda@productstewardship.us

1. State with Laws – 25 laws

- a) Best performing: VT, OR, WA, WI, ME, MN, CA
Worst performing: MD, VA, MO, OK, SC, TX, WV, HI, MI, IN,
UT

2. Best State Laws/Bills to use as models:

- a) Oregon Bill
- b) Vermont Bill as enacted
- c) Washington Law

F. Scott Cassel, CEO Product Stewardship Institute – <https://www.productstewardship.us>

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LOFTIS, Dwight A. [R]—(Dist. No. 19, *Greenville Co.*)—Retired Ins. Agent; residing in Greenville; *b.* Feb. 4, 1943 in Greenville Co.; *s.* Stella M. Loftis and the late Stephen A. Loftis; *g.* North Greenville Coll. Assoc. Arts, 1966; Dec. 8, 1963 *m.* Sandra Elaine Jones, 3 children; Bd. mem. & past Pres., Crime Stoppers of Greenville; past Chair, North West Bus. Educ. Partnership School Dist. of Greenville; past mem., Leadership Council School Dist., Greenville Co.; former Greenville Co. School Trustee; prev. serv. in House Jan. 23, 1996–18.



BAILEY, William H. [R]—(Dist. No. 104, *Horry Co.*)—Retired Public Safety—Law Enforcement & Fire; residing at 4487 Lake Cir., Little River; *b.* Dec. 4, 1962 in Conway; *s.* William W., Sr. and Katherine Gause; *g.* Horry-Georgetown Tech. Coll., A.D., 1999; Coastal Carolina Univ., B.A., 2001; Webster Univ., M.S., 2004; Sept. 23, 1983 *m.* Karen Elizabeth, 2 children, Anne Marie and Christopher; City of N. Myrtle Beach, Public Safety, Off., 1990–04, Dir., 2005–10; FBI Natl. Academy, 2003; Horry Co. Airport Adv. Com., 2004–10; S.C. Supreme Court Task Force and Probate, 2009.



Scott Cassel (Moderator)

Chief Executive Officer, [Product Stewardship Institute](#)

Scott Cassel has over 30 years of experience tackling waste management issues in the public, private, and nonprofit sectors. Prior to founding the [Product Stewardship Institute](#) (PSI) in 2000, he served seven years as the Director of Waste Policy and Planning for the Massachusetts Executive Office of Environmental Affairs, where he developed and implemented solid and hazardous waste management policies and programs. Scott is a nationally renowned leader in the product stewardship movement and has experience across multiple product categories, including electronics, lamps, thermostats, pharmaceuticals, mattresses, packaging, and paint. As PSI's CEO, he developed the widely acclaimed facilitation process that the organization uses for stakeholder engagement and consensus-building—a process that resulted in the nation's first industry-run, government-mandated paint stewardship program.

Building capacity FOR EPR

**Scott Cassel, founder
and CEO of Product
Stewardship Institute,
talks about developing
an EPR movement
across the U.S.**

BY KELLY MAILE

Scott Cassel first learned about the concept of extended producer responsibility (EPR) from a speaker at North American Hazardous Materials Management Association's (NAHMMA) annual conference 20 years ago. At the time, he was the director of waste policy and planning at Massachusetts Executive Office of Energy and Environmental Affairs (EEA), where he was working to solve a financing issue for managing end-of-life products, including household hazardous waste.

"Our government did not have the money to do all that needed to be done," Cassel says. "EPR provided an answer to our funding question."

Cassel explains product stewardship is a broad term that relates to efforts to reduce the health and environmental impacts from the manufacture, sale and end-of-life management of consumer products. Related initiatives, such as Call2Recycle's battery recycling program for consumers or local legislative bans on plastic bags, can be voluntary or regulatory. EPR, a subset of product stewardship, refers to legislation that extends responsibility to manage end-of-life consumer products to manufacturers and consumers.

In 2000, Cassel held the first national product stewardship forum in Boston, drawing more than 100 government officials from 20 states. The forum led to the creation of Boston-based Product Stewardship Institute Inc. (PSI), of which Cassel is the CEO and



founder. For the first couple years, PSI's representatives spoke about EPR at conferences across the U.S.

"At that time, there were very few people using the term 'product stewardship' and nearly nobody using the term 'EPR,'" Cassel recalls, adding that how the program would work, who would fund it and what the results would be "are questions we had to answer at the outset. All of that and more is what we did the first couple of years."

Cassel's vision for PSI was to "develop a voice for state and local governments in the U.S." and help these gov-



ernments develop models to fund the management of end-of-life consumer products, which costs governments "millions and millions" of dollars per year, he says. Electronics and paint were the first products PSI focused on.

A SUCCESSFUL MODEL

Ten percent of all paint purchased in the U.S.—about 78 million gallons per year—goes unused. According to PSI, it costs an average of \$8 per gallon to recycle, which means it "costs more than \$500 million to manage" end-of-life paint in the U.S. total. In addition,

about 80 percent of the paint can be recycled into new paint.

Beginning in 2000, PSI worked with the paint industry to create a paint stewardship bill, which was signed by the U.S. Environmental Protection Agency and supported by state and local governments, recyclers and paint manufacturers, Cassel says. The legislation has been passed in 10 states, including Washington, and is pending the governor's signature in New York.

The bill is funded by an "eco-fee," which charges consumers about 75 cents per gallon. The money goes into

“

Our government did not have the money to do all that needed to be done. EPR provided an answer.”

—SCOTT CASSEL, CEO, PSI

a fund that is managed by the industry. In addition, the states enforce legislative goals for paint manufacturers to meet that include paint collection and recycling mandates as well as education and outreach benchmarks. PaintCare Inc., a program of the American Coatings Association (ACA), now manages the stewardship program and provides services, including setting up collection sites, conducting education and reporting to government agencies.

"We have more than 1,700 voluntary collection sites," Cassel says. "There's infrastructure developed and an awareness created through education, so this is really an efficient program."

The paint bill has led PSI to launch the International Paint Recycling Association (IPRA), the first organization to represent the recycled paint industry, which has recycled more than 30 million gallons of unused paint for residential and commercial markets. IPRA is also developing the IPRA Green Standard certification program to guarantee certified products meet stringent performance standards. The organization has also launched RecycledPaint.org to answer common questions about recycled paint and to connect consumers with recycled paint companies.

INCREASING INTEREST

In the U.S., 118 EPR laws have been adopted across 33 states. The laws cover 14 product areas, including electronics, pharmaceuticals, batteries, paint, mattresses and mercury-containing thermostats and lamps, among others. PSI has worked to develop EPR regulations on nearly 20 products.

Among the notable accomplishments the organization touts is that it developed the first national computer take-back program at Staples in 2004.

"Now those sites are all over the country and they're part of the infrastructure with laws regarding the collection of electronics," Cassel says. "That was a voluntary initiative."

He adds, "The paint project was the signature success of our organization early on. It showed producers and manufacturers could come together and develop a reasonable solution with government and other stakeholders. The electronics take-back showed we could develop a solution with retailers."

Another model PSI worked on was a pharmaceutical take-back program.

"Each product has its own challenge, and we have to figure that out with the experts—our members who are the state and local government officials around the country," Cassel says. "For pharmaceuticals, we needed to change the federal law."

Under the federal law, pharmaceuticals could not be collected at pharmacies or any location without law enforcement present.

"Our organization led a national effort over six years to change the federal Controlled Substances Act and also the corresponding Drug Enforcement Administration regulations to allow pharmacies to collect these controlled substances since they're the most convenient place," Cassel says.

For 15 years, PSI has also worked to develop EPR laws, and programs to manage packaging, including single-use plastics. Cassel says the "fact that government is always stuck holding the bill"

and "because there needs to be a multifaceted approach to the packaging issue," governments are "starting to wake up to the fact that this is a problem they need to deal with." EPR laws related to packaging and plastics passed this year in Maine, Vermont and Washington. Bills were also introduced in Massachusetts, Indiana, Connecticut and California, Cassel says.

"There's increasing interest in EPR, and there will be interest, I hope, from producers and manufacturers to sit down and work on a program that works for them," he says.

CONTINUING THE MOMENTUM

Today, various nonprofits and associations, including the Northeast Recycling Council and The National Waste & Recycling Association, are involved with the development of new product stewardship and EPR legislation.

"When we started, we could not get groups except the Silicon Valley Toxics Coalition to participate in our EPR efforts," Cassel says. "They didn't have the capacity for it. Now, these groups are key lobbyists. They're our partners. We work with them to help pass legislation, so that's a huge change."

Reflecting on the past 20 years, Cassel says PSI, along with the organization's partners, has been "largely responsible for building the capacity" for product stewardship and EPR legislation in the U.S. The goal now is to "continue the momentum" and create "framework" EPR models. Maine is one of the leading states in the movement, ranking within the top three states with the most EPR laws passed every year.

"Given the thousands of consumer products sold today, achieving comprehensive, successful EPR programs for a broad array of products and waste streams is an uphill battle if we are to pursue it one product at a time," Cassel says. "A framework legislative approach establishes a consistent and comprehensive process for creating and passing new EPR laws that follow best practices based on years of experience." ■

The author is the digital editor for *Waste Today* and can be contacted at kmaile@gje.net.



WHO WE ARE



Who is PSI?

The Product Stewardship Institute (PSI) safeguards the welfare of people and the planet by working to minimize the health, safety, and environmental impacts that result when consumer products and packaging enter the waste stream.

PSI is a convener, reaching across boundaries between the public and private sectors. Together with our hundreds of government members and more than 120 partners (businesses, NGOs, and academics), we research, design, implement, evaluate, and promote producer responsibility laws and voluntary programs that solve recycling and waste management issues to create a circular economy.



Our Mission

We envision a society in which consumer product producers take primary responsibility for the environmental, health, economic, and social impacts of their products. When producers design and manage their products with the environment in mind, the products we enjoy will become less toxic and more reusable and recyclable. PSI strives to achieve the following financial, social, and environmental goals with every initiative we undertake:

- Reduce waste, maximize reuse, and boost recycling while minimizing greenhouse gas emissions and the use of toxic chemicals
- Minimize waste management costs, particularly for taxpayers and government agencies
- Create safe and desirable recycling and resource management jobs

History

Founded in 2000, PSI has been the frontrunner of the product stewardship movement in the U.S. for two decades. We approach solving waste management problems by advocating for producer responsibility. PSI has passed more producer responsibility laws than any other group in the country, and is the only organization that covers all phases from research and stakeholder engagement to bill development and lobbying to implementation and evaluation.

We launched in Boston, Massachusetts by hosting the first national forum on product stewardship. We developed the nation's first Principles of Product Stewardship. Our early work paved the way for electronics producer responsibility laws in 25 states.

In the mid 2000s, we forged agreements with paint manufacturers and other stakeholders that led to consensus model legislation and now 10 paint stewardship laws. By 2013, we had passed the nation's first laws for pharmaceuticals and mattresses.

Today, more than 115 producer responsibility laws have been enacted across the United States. These numbers keep on growing as more governments and businesses alike recognize the benefits of producer responsibility programs.

Our work spans more than 20 products, and we continue to add new products like solar panels. No other organization in the U.S. is as active on so many products. This experience gives us a unique ability to understand the similarities, differences, and nuances between sectors, which proves invaluable for creating and implementing materials management solutions.

Staff



Scott Cassel, MCP
(mailto:scott@productstewardship.us)
CEO and Founder



Kristin Aldred Cheek, Ph.D.
(mailto:kristin@productstewardship.us)
Director, Policy and Programs

From: Amanda Nicholson <amanda@productstewardship.us>
nt: Tuesday, November 5, 2019 12:35 PM
to: npowell@solidwasteauthority.org
Cc: dknight@solidwasteauthority.org; Scott Cassel; Kristin Aldred Cheek
Subject: RE: Requested information
Attachments: ElementsStableElectronicsEPR_WEB.pdf; E-Scrap-Article-2.pdf; E-Scrap-Article-1.pdf; Designing_an_Effective_Electronics_Recycling_Program_3.pdf; NY Solutions Platform_FINAL.pdf

Importance: High

Hi Nannette and Danny.

Thanks for reaching out for more information on electronics EPR. We'll be interested to learn how the meeting goes and how the state decides to proceed.

I've provided answer to your questions as well as some additional information and resources we thought you'd find helpful. Scott is traveling today and hard to reach, but I have also provided the contact information for some of our Full Members who are experts in electronics and could provide additional insights and guidance. Lastly, PSI does provide facilitation, research, and technical support consulting to help our members develop bills and build support. New York Product Stewardship council has used us to engage the industry and state in discussions about improving their program, and we'd be happy to help South Carolina DHEC and Horry County with their initiative, too. Please don't hesitate to reach out.

Best,
Amanda

- 1) States with Laws – 25 laws
 - a. Best performing: VT, OR, WA, WI, ME, MN, CA
 - b. Worst performing: MD, VA, MO, OK, SC, TX, WV, HI, MI, IN, UT
 - c. Other: NY, RI, NJ, CT, NC, IL, PA
- 2) Best State Laws/Bills to use as models:
 - a. [Oregon Bill](#)
 - b. [Vermont Bill as enacted](#)
 - c. Washington Law
 - i. [Most recently amended general](#)
 - ii. [Most recent amendment re: reporting](#)
- 3) Elements of a Stable Electronics Bill (*see attached*) – this document lays out all the key elements to include in a program and bill, as well recommendations and alternatives for each element. This the foundation of a good program/bill and should serve as a good guidance and discussion document as South Carolina explores a bill.
- 4) The key lessons to consider when designing a new bill include the following:
 - a. **Convenience standards should drive performance**, not weight or collection goals. The most stable and highest performing programs rely on convenience as the key performance metric. This metric is the best way to ensure year-round collection funded by manufacturers. In programs where quantity is the

performance measurement (NY, IL, MN), manufacturers stop collecting when they reach their goal, leaving residents and local governments in the lurch.

- b. **The program must have a central coordinating and management body.** This is difficult because the electronics industry has not set up a producer responsibility organization (PRO). That is why in Oregon and Vermont, the laws require the government to contract the management of a statewide network (ERCC and NERC). In WA, the state created a quasi-public entity – the Washington Materials Managing and Financing Authority—to coordinate the program. These entities create the contracts with recyclers, manage the network, ensure convenience standards are met, an apportion fees to manufacturers.
- c. **Additional resources:**
 - i. Recommendations PSI has issued for New York's Law ([see attached](#)): PSI developed these recommendations for the NY program in collaboration with NY Product Stewardship Council. If you wanted to use a model other than OR, WA, or VT, then we'd recommend modifying other models to incorporate these recommendations.
 - ii. Designing and Effective Electronics Program Fact Sheet ([see attached](#))
 - iii. PSI authored articles ([see attached](#)) for background on the key challenges facing programs and lessons to learn/issues to avoid

5) PSI Full Members to whom you could speak for more insights and guidance are listed below. I will make email introductions, as well.

- a. Blake Bennet, OR DEQ - 503-229-5198; blake.bennett@state.or.us
- b. Mia Rothlein, VT DEC - (802) 522-5926; Mia.Roethlein@vermont.gov
- c. Kara Steward or Megan Warfield, WA Ecology - (360) 407-6250, kara.steward@ecy.wa.gov; (360) 407-6963, meth461@ecy.wa.gov
- d. Walter Willis, Lake County, IL (SWALCO) - (847) 377-4951; WWillis@swalco.org
 - i. The IL program is representative of WI, MN, NY and several others that have a quantity based performance metric, which has created issues (as noted above). Walter will be able to speak about how they are trying to address this through a clearing house concept. The clearing house concept actually originated in South Carolina, but IL developed it into a bill and now a law, so they are the test case for this alternative central body mechanism.

6) The electronics industry is currently seeking to amend many laws with the introduction of an eco-fee (similar to an advanced recycling fee but the money goes to industry not the state). This model has not been tested in any state yet, but you should be aware of the trend.

Amanda Nicholson | Director, Finance and Operations | Product Stewardship Institute, Inc. (PSI) | Fiscal Sponsor of the New York Product Stewardship Council (NYPSC), Mass Green Network, and IPRA
One Beacon Street, Suite 1500, Boston, MA 02108 | p: 617.236.4833 TTY: 711 | amanda@productstewardship.us | skype: amanda.l.nicholson
productstewardship.us | Follow our [Facebook](#), [Twitter](#) and [Blog](#)
Product Stewardship Institute, Inc. is an equal opportunity provider and employer.

From: npowell@solidwasteauthority.org <npowell@solidwasteauthority.org>

Sent: Tuesday, November 5, 2019 9:45 AM

To: Amanda Nicholson <amanda@productstewardship.us>

Cc: 'Danny Knight' <dknight@solidwasteauthority.org>

Subject: Requested information

Amanda,

The Solid Waste Authority joined the PSI recently and our Executive Director (Danny Knight) would like to ask for the following:

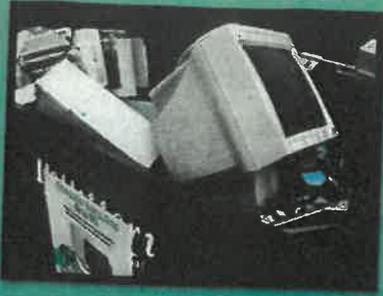
1. Can you email us the legislation that the state's use when beginning the process of putting together the extended producer responsibility (EPR) legislation. He has a meeting tomorrow and would like something to take to SC DHEC to show them what has been used.
2. Can you let us know what current state's have a EPR legislation.

Thanks so much for your assistance.

Nannette A. Powell

HR Manager
Horry County Solid Waste Authority, Inc.
Post Office Box 1664
Conway, SC 29528
843-234-7014 direct line

You are receiving this email because you are a customer of or do business with the Horry County Solid Waste Authority. If you no longer wish to receive emails from Horry County Solid Waste Authority, please reply to this email with your request to be removed from our list or call 843-347-1651 during normal business hours. We will promptly honor your request. Please do not report this email as spam.



Designing an Effective Electronics Recycling Program: Lessons Learned from Existing State Programs

The Product Stewardship Institute

developed this document to assist policy makers in establishing and strengthening electronics recycling programs in the U.S., and to provide guidance about key elements to include in model electronics recycling legislation. There are wide variations among the 25 existing electronics stewardship laws, which impact the amount of material collected, how that material is managed, the program efficiency, and the administrative burden on government officials. Although most of the country's state electronics programs are still in the early stages of implementation, it is possible to distill several key lessons learned. This document attempts to capture a few of those lessons and provide guidance on the key policy considerations and, when possible, provide a menu of policy options that can be adapted according to each state's particular circumstances. Developing more effective and efficient electronics recycling programs in the U.S. will divert valuable materials from the waste stream, pump them back into the economy, and create domestic electronics recycling jobs.

Extended Producer Responsibility (EPR) is a legislative approach that shifts economic and management responsibility of end-of-life products from government to producers. EPR absorbs the cost of responsible end-of-life management into the cost of products, and encourages manufacturers to incorporate environmental considerations into the design of their products and packaging.

What is the Problem with Electronic Waste?

Used electronic products are the world's fastest growing waste problem due to their quantity, rapid obsolescence, and toxicity. Electronic wastes contain toxic substances, including lead, mercury, cadmium, lithium, brominated flame retardants, and phosphorous coatings. These toxic materials can be released upon disposal, posing a threat to human health and the environment. Inconsistencies in worker safety and environmental protection mean potential liability concerns for those sending electronics to recycling facilities – especially if these facilities are located in developing countries.

How is Electronic Waste Currently Managed?

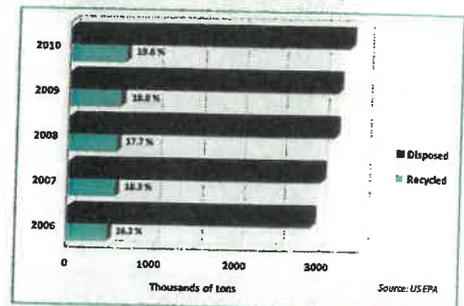
Twenty-three states have passed extended producer responsibility (EPR) laws requiring electronics manufacturers to establish collection and recycling programs for their products. California has taken a different approach, creating a state-administered and state-regulated program funded by an advanced recycling fee collected at the time of sale. Utah has passed a law requiring companies to report on their recycling activities. Twenty-one of the EPR laws have been implemented. As seen in **Figure 1**, according to the U.S. Environmental Protection Agency (US EPA) the quantity of used electronics sent to recycling facilities increased from 470 thousand tons in 2006 to 650 thousand tons in 2010, up by 38.2%. However, 1.79 million tons of used electronics were still disposed in landfills and waste to energy facilities in 2010.

EPR laws for electronics have boosted the recycling of scrap electronics, recovered precious materials that were being wasted, and created thousands of recycling jobs while saving governments millions of dollars. Each

law is different, however, and some laws have resulted in higher recycling rates and more efficient collection and recycling infrastructure.

While EPR laws have shown success in increasing electronic waste recovery rates, improvements need to be made. Most collection targets were too modest in early years, and many laws cover only a patchwork of equipment types, excluding important devices such as televisions, peripherals, and CPUs. Additionally, some laws place a greater financial or regulatory burden on manufacturers, and the lack of harmonization among state programs has led to increased complexity and compliance costs.

Figure 1: Tons of Electronics Disposed & Recycled in the US (2006-2010)



Program Scope

Which products should be included in an electronics program?

In deciding which products to include in their program, states have taken two basic approaches – some target a limited number of key devices, such as TVs and computers, to simplify the initial administrative burden of establishing the program. Others, however, accept an expansive list of products to obtain greater environmental and economic benefits. A wider scope can increase collection efficiency, apportion financial responsibility more fairly, capture more electronic materials, and simplify public messaging. Other states include only a limited number of “covered electronic devices” in their electronics law but accept a longer list of products for recycling, or ban a wider list of products from disposal. Alternatively, policy makers could opt for a phased expansion of covered products, starting with a smaller list to lighten the administrative burden of establishing the program, but expanding to a comprehensive scope of products to accrue environmental and economic benefits.

Who should be allowed to return e-waste?

All programs accept used electronics from residents. Some states such as New York also accept products from schools, nonprofits, and small businesses; and other states accept used electronics from anyone returning fewer than a certain number of units per day. States may base this decision on which sectors need the assistance and relief provided by manufacturer product stewardship programs; however, states that choose to accept non-residential material will want to raise their collection targets accordingly.

How can new electronic products be included?

Since technology changes rapidly, it can be difficult to draft legislation in a way that captures new products entering the market, such as digital tablets. Policy makers can avoid this difficulty by defining products based on their function (e.g., listing “video display device” rather than their specific name, “Cathode Ray Tube”). This allows for the scope of products to include newly developed products without the need for statutory amendment. Legislation should also be drafted in a way that allows policy makers to expand the scope of covered products by simply amending the definition of “covered electronic device.”

Table 1: Product Scope – Comparison of a Limited and a Comprehensive Approach

Scope	Limited Scope	Comprehensive Scope
Products Included	Only major products (TVs, computers, & monitors)	Most consumer electronics and peripherals (e.g., mice, keyboards, speakers, printers, DVD players, etc.)
Advantages	May simplify the initial administrative burden of establishing the program, as officials need to identify a smaller number of responsible parties.	This is the environmentally preferred option, as more material is diverted from the waste stream. This approach simplifies consumer messaging, increases collection efficiency, and more fairly apportions program costs.
Limitations	This approach has limited environmental benefits as a significant percentage of material falls outside the program and may be sent to landfills or incinerators. Also many smaller electronics contain the same toxic or precious materials found in larger electronics. This approach also provides limited economic benefits by reducing the supply of materials available to recyclers, and may not fully relieve local government management costs. This approach may also confuse or frustrate residents wishing to recycle electronics not accepted in the program. If electronics that are not part of the program are accepted anyway, these products will be a financial strain on the program.	This approach requires identifying a larger number of responsible parties at the start of the program. This challenge will diminish with time, however, as states developing or expanding their programs will be able to benefit from the work of previous states.
Lessons Learned	Many states that adopted this approach are now revising and expanding their programs to include more products. For example, Hawaii, Illinois, Maine, Maryland, North Carolina, and Oregon have already returned to their legislatures to expand their scope of products accepted through their programs.	The most recent laws, including New York, have adopted a comprehensive scope. New York was able to reduce the administrative burden of identifying responsible entities using information from the Electronics Recycling Coordination Clearinghouse.

Assigning Responsibility

Who should be financially responsible for the program?

All 23 EPR laws hold the manufacturers that placed products on the market financially responsible for safely managing used electronics. It is important to establish a clear definition of the "responsible party" in legislation, although there is not yet a consensus on a preferred definition. New York's 2010 law provides one example of a comprehensive definition of "manufacturer," although it includes exemptions for small manufacturers. Maine's program has a simpler definition of "manufacturer," which may more clearly apportion responsibility, but does not include an exception for small manufacturers. The NY definition also exempts refurbishers to ensure reuse is not discouraged by a new regulatory burden.

How can states prevent free riders?

A level playing field can only be assured when all companies that should be adhering to the law are actually doing so. To make sure this takes place, state agencies need to identify non-compliant companies and take effective enforcement action. Determining the full list of companies that are legally responsible under a state's law is a major implementation challenge. However, a list of manufacturers can be obtained from the Electronics Recycling Coordination Clearinghouse, from other states with existing programs, or through retailer audits.



How should cost be shared?

Legislators have a variety of cost-sharing options to choose from. Some states, including Connecticut, require their local municipalities to provide for collection of material, and require manufacturers to cover most of the costs associated with collection either through reimbursement or payment up front. Other states do not specify in statute which party should be responsible for the costs of collection. In these cases responsibility for collection costs is often determined in individual contracts between collectors and recyclers, though determining where collection ends and storage and transportation begin is an item of negotiation.

It is recommended that manufacturers bear the costs of collection, transportation, and recycling. The most recent state programs have apportioned these costs on the basis of market share, which many believe is an easier and more cost effective way to divide program costs (as compared to return share).

How can the government's administrative and oversight burden be reduced?

Many states require manufacturers to remit an annual state registration fee. PSI recommends that registration fees only be used to cover the government's costs of program oversight and administration, or to otherwise enhance the program (e.g., to cover the costs of public education campaigns). Annual registration fees should also allow for future adjustments to meet the actual program cost needs, and should be proportional to the company size to avoid burdening small businesses. In addition, some states with hiring freezes should consider including in legislation an authorization to hire the additional staff that will be needed to effectively implement the program.

Program Transparency & Reporting Requirements

State agencies require manufacturers to submit information about their recycling programs to the agency in both the initial program plan and in annual reports. At a minimum, PSI recommends that the following requirements be explicitly included in legislation to ensure transparency: (1) stipulate an opportunity for public comment prior to the state's approval of manufacturer stewardship plans, and (2) require annual reporting to ensure adequate performance and the ability to improve program design. Gathering these data is particularly important during the initial program years to identify problems and implement necessary reforms. Reporting requirements will vary depending on the performance metrics used, but should generally include the following aspects:

- Estimated quantity of e-waste available for collection.
- Quantity of material collected and level of convenience offered, compared to collection and convenience targets.
- Overview and evaluation of education and outreach efforts.
- Recyclers and processors used.

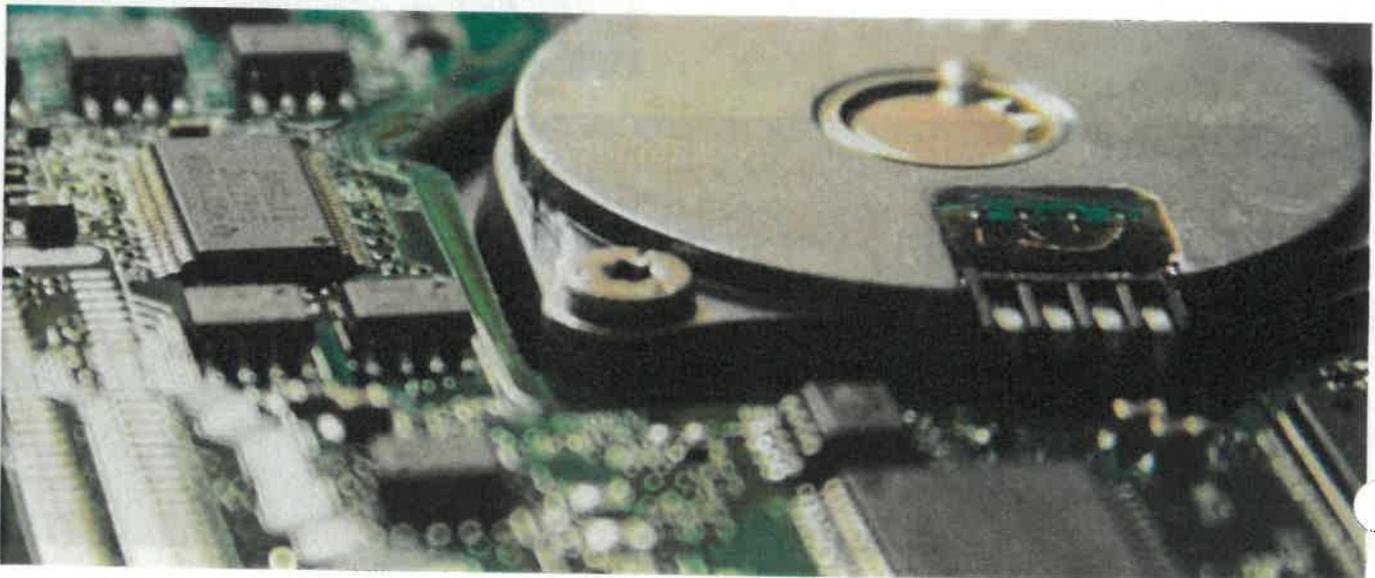
Public Education and Outreach

Who should be responsible for education and outreach?

The success of any recycling program hinges on public participation. Educating the public about the importance of recycling their old electronics requires a concerted effort from both the public and private sectors. While all stakeholders have a role to play, there are advantages to assigning primary responsibility to one sector. The advantages and challenges of assigning responsibility to the various stakeholders are outlined below.

- **Manufacturers** are ultimately responsible for ensuring that high rates of scrap electronics are collected and recycled. Therefore, most states hold manufacturers responsible for education and outreach efforts, which can include financial and/or other incentives for consumers to return used equipment. Manufacturers also have the capacity to create statewide advertising campaigns if they coordinate their efforts. In addition, these companies have the necessary expertise, experience, and resources to effectively educate their customers. States report, however, that it is difficult to measure the effectiveness of these efforts and difficult to enforce legal requirements.
- **Retailers** have a great opportunity to educate consumers about the problems associated with the improper disposal of scrap electronics because they have the most direct contact with consumers at the point of sale. It is difficult to enforce laws requiring retailer involvement in public education due to the large number of individual entities.
- **Governments** have developed and provided outreach materials in most state programs. While most states with laws require manufacturers to bear primary responsibility for education and outreach, state agencies can be particularly effective in distributing consistent materials throughout the state and ensuring effective consumer messaging. Washington, for example, has created E-Cycle Washington, which uses a consistent brand, images, and language (see Figure 2). The state also keeps a centralized list of electronics take-back locations. Some states prefer to operate their own education and outreach program because they find it burdensome to review and approve multiple manufacturer outreach plans. Certain states also allow manufacturers with an approved educational program to “opt-out” of a default state-run education program. On the other hand, placing this responsibility on government can strain staff time and resources unless additional funding is provided.

Figure 2: E-cycle Washington

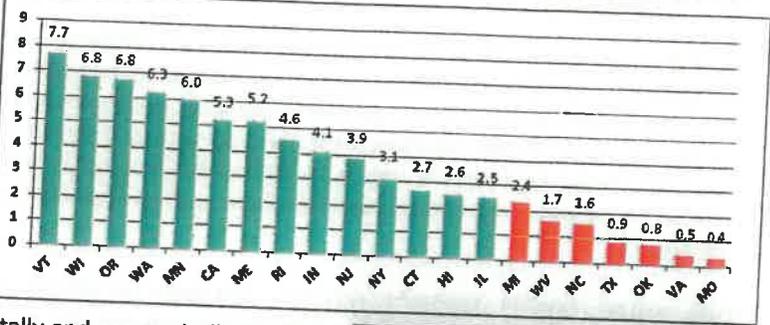


Measuring Performance

Why measure performance?

The most important lesson learned from existing programs is that establishing performance targets and measuring performance are critical to increase reuse and recycling. States with strong performance requirements have been more successful in collecting and recycling a larger quantity of material than programs with weak requirements, as seen in Figure 3. While there are other contributing factors, such as the age of the recycling program, the states without performance targets (shown in red) have achieved significantly lower recycling rates. Strong performance targets motivate manufacturers to collect an environmentally and economically significant volume of material. Additionally, in states without collection requirements, manufacturers have shared the collection burden unequally. In Texas, for example, just four manufacturers (out of 78) recycled 92 percent of all e-waste collected in 2009, and 36 manufacturers collected no e-waste at all. Establishing clear, achievable, and strong performance targets creates a more level playing field and reduces the free-rider problem.

Figure 3: Pounds of Used Electronics Collected Per Capita in Select State Programs (2012) Source: Electronics Recycling Coordination Clearinghouse, June 2013



Additional Performance Metrics

Program performance should also be measured in terms of how collected material is handled, including the amount of material diverted for reuse and refurbishment, the use of responsible recycling facilities, and the recycling efficiency (the total weight reused and recycled as a percentage of the amount captured). A disposal ban is an important policy tool that will help divert material from the waste stream. In addition, states may require manufacturers to measure the effectiveness of their education and outreach initiatives to ensure consumers know where and how to recycle their e-waste.

How should performance be measured?

The most effective performance targets are those that set high standards, are easy to understand, and are adaptable to changing market conditions. Most importantly, they must be widely accepted and based on transparent and accessible data. Most states use one or both of the following types of performance metrics: collection targets and convenience requirements. Ideally, programs will include both metrics to ensure that a high percentage of the waste stream is collected (as specified in the collection targets), and that the program serves residents from all parts of the state throughout the year (as specified in the convenience requirements). There are exemplary programs that use only one of these metrics, such as Washington State, which established only convenience requirements. Despite the success of this particular program, PSI recommends state programs include both convenience and collection requirements to fairly apportion responsibility for the program and ensure high performance. Table 2 provides an overview of the two types of metrics.

Table 2: Collection and Convenience Standards

	Mandatory Collection Targets	Mandatory Convenience Metrics
Description	Establishes a minimum amount of material to be collected and can be measured in pounds per capita or as an overall collection rate (e.g., the amount collected compared to the amount available for collection). If measuring the collection rate by the quantity of products sold in the state, sales data should be provided to the state, and sales from previous years should be used to account for product life span.	Establishes a minimum number of collection sites or services (by area or population) that must be available to residents. Some programs have specified the minimum number of days or hours that collection sites must be open. Washington and New York, for example, require a collection site in every county, and also in every city or town larger than 10,000 people.
Advantages	Establishing collection targets can ensure that a minimum amount of material is collected.	This approach is more adaptable to changing volumes of e-waste than fixed per capita targets. The amount collected at specific locations will fluctuate with the amount of waste generated.
Limitations	Collection rates are more difficult to measure and enforce than a fixed collection target, but are more adaptable to changing market conditions. Fixed per capita targets may be difficult to adjust to rising generation rates.	If convenience targets are not paired with collection targets, government agencies or nonprofit organizations could bear the burden of increasing resident participation in the program.
Lessons Learned	Many states lacking targets have had low collection rates. If convenience standards are not in place as well, manufacturers may stop collecting after achieving their goals. An alternative is to assign a recycling share of all that is collected to manufacturers based on their market shares.	Programs without strong convenience metrics have often left rural communities without adequate collection options.

Promoting Responsible Recycling

What Standards Can Be Used to Ensure Environmentally-Sound Recycling?

The best programs should go beyond focusing solely on collecting high volumes of waste and should also encourage reuse and increased recycling efficiency (the percentage of material collected that is actually recycled). Most importantly, programs should ensure that materials are refurbished or recycled using environmentally sound methods. This can be done by incorporating existing recycling standards into legislation or by developing unique standards through regulation. Minimum environmental standards should be clearly established in statute to ensure that material is recycled in a safe, environmentally sound manner and not exported to nations where dangerous techniques such as open-air burning and acid baths may be used to recover valuable components.

Using existing recycling standards presents less of an initial administrative burden and can support the widespread adoption of best management practices. However, state agencies do not maintain control over the content of the standards as they are changed and updated.



There are two prominent standards states can adopt:

e-Stewards: This standard is a project of the Basel Action Network, a non-profit organization. The e-Stewards certification strictly prohibits exporting hazardous e-waste to developing countries and prohibits the use of prison labor. Rhode Island has elected to use only e-Stewards certified recyclers for services contracted under its state-run program.

Responsible Recycling (R2) Practices: This standard is overseen by R2 Solutions, which is a non-profit organization established to house the R2 Practices. The R2 Practices shares many of the same requirements as the e-Stewards standard. However, it does not require a licensing fee, and does not prohibit the use of prison labor nor the export of e-waste components to developing countries.



Developing new standards presents a greater initial administrative burden for an agency, but allows the state to retain control over specific requirements. For example, Connecticut has developed its own regulation based on the U.S. EPA's Plug-in to eCycling standard. These standards require minimal use of incineration and landfilling, as well as the licensing and implementation of environmental management systems for related facilities. They also allow only products intended for reuse or refurbishment to be exported. The adoption of numerous state-specific standards, however, could increase company compliance costs.

Encouraging Reuse

Reusing electronics provides the greatest environmental benefit and should be aggressively encouraged. It is important to closely monitor these activities, however, because many units officially designated for "resale" are actually exported and irresponsibly discarded in developing nations. To prevent this practice, California and Washington allow only onsite refurbishment. To encourage reuse, some states have adopted a policy that provides additional collection credits for units that are reused rather than recycled. For example, manufacturers could be credited 1.5 to 2.0 pounds for every pound that is refurbished or reused. To provide a further financial incentive to encourage reuse, Washington allows collectors and manufacturers to resell fully functional units collected.

Preventing Irresponsible Export

The Basel Convention, which has been ratified by 175 countries, restricts the export of hazardous materials to countries without the infrastructure to manage it in an environmentally sound manner. Since the United States is not a signatory to this treaty, however, the export of hazardous e-waste from the U.S. to developing countries is not prohibited under this convention. Since the authority to ban the export of hazardous materials rests with the

federal government, states cannot restrict the export of e-waste. Legislation is currently pending in the U.S. House and Senate that, if passed, it would dramatically restrict the export of hazardous e-waste to countries that are not members of the Organization of Economic Co-operation and Development (OECD). This legislation has been supported by a consortium of companies, known as the Coalition for American Electronics Recycling. In the

interim, several states have taken steps to mitigate the risk of irresponsible export, including restricting the export of all material collected for credit in the state program, unless a recycler meets certain criteria. For example, New Jersey has prohibited exports that pose a significant risk to public health and the environment. However, these laws may be difficult to enforce at the state level.

Acknowledgements

PSI would like to thank the representatives from the following state environmental agencies for their input on this document: Wisconsin Department of Environmental Resources, Maine Department of Environmental Protection, Vermont Department of Environmental Conservation, Washington Department of Ecology, Oregon Department of Environmental Quality, New York Department of Environmental Conservation, New Jersey Department of Environmental Protection, Connecticut Department of Energy and Environmental Protection, and the Minnesota Pollution Control Agency. PSI would also like to thank the myriad other organizations and companies that helped to shape this document.



References:

- ["Electronics Waste Management in the United States Through 2009."](#) U.S. Environmental Protection Agency Office of Resource Conservation and Recovery, May 2011.
- ["Making Take Back Work in Texas"](#) Texas Campaign for the Environment. February 2011.
- ["Best Practices for Measuring the Performance Of State Electronics Recycling Programs"](#) Electronics Recycling Coordination Clearinghouse.
- The Responsible Electronics Recycling Act of 2011 (HR 2284 and S.1270).
- ["WEEEELABEX Project"](#) Waste Electrical and Electronic Equipment (WEEE).

About The Product Stewardship Institute

The Product Stewardship Institute (PSI) is a national non-profit membership-based organization located in Boston, Massachusetts. PSI works with state and local government agencies to partner with manufacturers, retailers, environmental groups, federal agencies, and other key stakeholders to reduce the health and environmental impacts of consumer products. PSI takes a unique product stewardship approach to solving waste management problems by encouraging product design changes and mediating stakeholder dialogues.

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WHAT IS PRODUCT STEWARDSHIP?

The growing product stewardship movement in the U.S. seeks to ensure that those who design, manufacture, sell, and use consumer products take responsibility for reducing negative impacts to the economy, environment, public health, and worker safety. These impacts can occur throughout the lifecycle of a product and its packaging, and are associated with energy and materials consumption; waste generation; toxic substances; greenhouse gases; and other air and water emissions. In a product stewardship approach, manufacturers that design products and specify packaging have the greatest ability, and therefore greatest responsibility, to reduce these impacts by attempting to incorporate the full lifecycle costs into the cost of doing business.



The terms product stewardship and extended producer responsibility (EPR) are often used differently. However, by speaking the same language, we can have a constructive public discussion. PSI developed the nation's first Principles of Product Stewardship in 2001 and updated them in 2011 to harmonize terminology in the U.S. to help streamline the development of policies, legislation, and other initiatives:

Product stewardship is the act of minimizing the health, safety, environmental, and social impacts of a product and its packaging throughout all lifecycle stages, while also maximizing economic benefits. The manufacturer, or producer, of the product has the greatest ability to minimize adverse impacts, but other stakeholders, such as suppliers, retailers, and consumers, also play a role. Stewardship can be either voluntary or required by law.

Extended producer responsibility (EPR) is a mandatory type of product stewardship that includes, at a minimum, the requirement that the manufacturer's responsibility for its product extends to post-consumer management of that product and its packaging. There are two related features of EPR policy: (1) shifting financial and management responsibility, with government oversight, upstream to the manufacturer and away from the public sector; and (2) providing incentives to manufacturers to incorporate environmental considerations into the design of their products and packaging.

Related Resources

- ~~Endorsers~~ of ~~these~~ ~~principles~~ (https://www.productstewardship.us/resource/resmgr/Docs/2015.02.27.EPR_Endorsements.pdf)
- PSI's original Principles of Product Stewardship ([/resource/resmgr/Docs/2001_2012_Principles_of_Prod.pdf](resource/resmgr/Docs/2001_2012_Principles_of_Prod.pdf)), developed in 2001 with our founding Board of Directors.
- PSI's updated Product Stewardship and Extended Producer Responsibility Definitions and Principles (http://www.productstewardship.us/resource/resmgr/PSI_Reports/PPI-PSI-CPSC_PS-EPR-Principl.pdf), developed in 2011.
 * ^{update} attached

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PRODUCT STEWARDSHIP AND EXTENDED PRODUCER RESPONSIBILITY

Reducing Economic, Environmental, Health, and Safety Impacts from Consumer Products

The growing product stewardship movement in the United States seeks to ensure that those who design, manufacture, sell, and use consumer products take responsibility for reducing negative impacts to the economy, environment, public health, and worker safety. These impacts can occur throughout the lifecycle of a product and its packaging, and are associated with energy and materials consumption; waste generation; toxic substances; greenhouse gases; and other air and water emissions. In a product stewardship approach, manufacturers that design products and specify packaging have the greatest ability, and therefore greatest responsibility, to reduce these impacts by attempting to incorporate the full lifecycle costs into the cost of doing business.

The terms *product stewardship* and *extended producer responsibility (EPR)* are often used differently by stakeholders involved in the product stewardship movement. The purpose of this document is to harmonize terminology in the U.S. and to guide development of policies, legislation, and other initiatives by governments, companies, and other organizations. By speaking the same language, we can have a constructive public discussion.

We use the following definitions for product stewardship and EPR. Since we define EPR as a legislative approach, we believe it requires further clarification and therefore developed the subsequent *Principles of Extended Producer Responsibility*.

Product Stewardship is the act of minimizing health, safety, environmental and social impacts, and maximizing economic benefits of a product and its packaging throughout all lifecycle stages. The producer of the product has the greatest ability to minimize adverse impacts, but other stakeholders, such as suppliers, retailers, and consumers, also play a role. Stewardship can be either voluntary or required by law.

Extended Producer Responsibility (EPR) is a mandatory type of product stewardship that includes, at a minimum, the requirement that the producer's responsibility for their product extends to post-consumer management of that product and its packaging. There are two related features of EPR policy: (1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and (2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging.

PRINCIPLES OF EXTENDED PRODUCER RESPONSIBILITY

The following EPR Principles include key elements that should be included in all EPR legislation. Although these Principles will be applied differently by different jurisdictions, they are aspirational and considered best practice to achieve maximum results.

- **Producer Responsibility**
 - Producers are required to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale. These programs may or may not use existing collection and processing infrastructure. Programs should cover all products in a given category, including those from companies no longer in business and from companies that cannot be identified.
- **Level Playing Field**
 - All producers within a particular product category have the same requirements, whether they choose to meet them individually or jointly with other producers.
- **Results-based**
 - Producers have flexibility to design the product management system to meet the performance goals established by government, with minimum government involvement.
 - Producer-managed systems must follow the resource conservation hierarchy of reduce, reuse, recycle, and beneficially use, as appropriate.
 - Products must be managed in a manner that is protective of human health and the environment.
 - Producers design and implement public education programs to ensure achievement of performance goals and standards established by government.
 - All consumers have convenient access to collection opportunities without charge.
- **Transparency and Accountability**
 - Government is responsible for ensuring that producer programs are transparent and accountable to the public.
 - Producer programs, including their development and the fate of products managed, provide opportunity for input by all stakeholders.
- **Roles for Government, Retailers and Consumers**
 - Government is responsible for ensuring a level playing field for all parties in the product value chain to maintain a competitive marketplace with open access to all, for setting and enforcing performance goals and standards, for supporting industry programs through procurement, and for helping educate the public.
 - Retailers only sell brands within a covered product category that are made by producers participating in an industry program, and are responsible for providing information to consumers on how to access the programs.
 - Consumers have a responsibility to reduce waste, reuse products, use take-back and other collection programs, and make appropriate purchasing decisions based on available information about product impacts and benefits.

No. 79. An act relating to the recycling and disposal of electronic waste.

(S.77)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE FINDINGS

The general assembly finds:

(1) According to the U.S. Environmental Protection Agency, discarded computers, computer monitors, televisions, and other consumer electronics—collectively referred to as e-waste—are the fastest growing portion of the waste stream, growing by approximately eight percent from 2004 to 2005.

(2) Televisions, computers, computer monitors, and printers are prevalent in modern society and contribute significantly to the waste generated in Vermont.

(3) Televisions, computers, computer monitors, and printers contain lead, mercury, and other hazardous substances that pose a threat to human health and the environment if improperly disposed of at the end of the useful life of these products.

(4) The state of Vermont has committed to providing its citizens with a safe and healthy environment and has actively undertaken efforts such as mercury reduction programs to reduce the potential for contamination.

(5) The appropriate recycling of televisions, computers, computer monitors, and printers protects public health and the environment by reducing the potential for the release of heavy metals and mercury from landfills into the

environment, consistent with other state initiatives, and also conserving valuable landfill space.

(6) The establishment of a system to provide for the collection and recycling of televisions, computers, computer monitors, and printers in Vermont is consistent with the state's duty to protect the health, safety, and welfare of its citizens; maintain and enhance the quality of the environment; conserve natural resources; prevent pollution of air, water, and land; and stimulate economic growth.

Sec. 2. 10 V.S.A. chapter 166 is added to read:

CHAPTER 166. COLLECTION AND RECYCLING
OF ELECTRONIC DEVICES

§ 7551. DEFINITIONS

For the purposes of this chapter:

(1) "Agency" means the agency of natural resources.

(2) "Cathode-ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

(3) "Collection" means the aggregation of electronic waste from covered entities and includes all the activities up to the time the electronic waste is delivered to a recycler.

(4) "Collector" means a public or private entity that receives covered electronic devices from covered entities and arranges for the delivery of the devices to a recycler.

(5) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, including a laptop computer, desktop computer, and central processing unit. "Computer" does not include an automated typewriter or typesetter or other similar device.

(6) "Computer monitor" means a display device without a tuner that can display pictures and sound and is used with a computer.

(7) "Computer peripheral" means a keyboard or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

(8) "Covered electronic device" means a: computer; computer monitor; device containing a cathode ray tube; printer; or television sold to a covered entity. "Covered electronic device" does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development, or commercial setting; security or anti-terrorism equipment; monitoring and control instruments or systems; thermostats; hand-held transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device;

commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term “device” is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

(9) “Covered entity” means any household, charity, or school district in the state; or a business in the state that employs ten or fewer individuals.

(10) “Electronic waste” means a: computer; computer monitor; computer peripheral; device containing a cathode ray tube; printer; or television sold to a covered entity. “Electronic waste” does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, library, research and development, or commercial setting; security or antiterrorism equipment; monitoring and control instruments or systems; thermostats; handheld transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the

term "device" is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

(11) "Manufacturer" means a person who:

(A) Manufactures or manufactured a covered electronic device under its own brand or label for sale in the state;

(B) Sells in the state under its own brand or label covered electronic devices produced by another supplier;

(C) Owns a brand that it licenses or licensed to another person for use on a covered electronic device sold in the state;

(D) Imports into the United States for sale in the state a covered electronic device manufactured by a person without a presence in the United States;

(E) Manufactures covered electronic devices for sale in the state without affixing a brand name; or

(F) Assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (A) through (E) of this subdivision (11), provided that the secretary may enforce the requirements of this chapter against a manufacturer if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

(12) "Market share" means a "manufacturer's market share" which shall be the manufacturer's percentage share of the total weight of covered electronic devices sold in the state as determined by the best available

information, which may include an estimate of the aggregate total weight of the manufacturer's covered electronic devices sold in the state during the previous program year based on national sales data.

(13) "Printer" means desktop printers, multifunction printer copiers, and printer fax combinations taken out of service that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that perform different tasks, including copying, scanning, faxing, and printing. "Printer" does not include floor-standing printers, printers with an optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or nonstand-alone printers that are embedded into products that are not covered electronic products.

(14) "Program year" means the period from July 1 through June 30.

(15) "Recycler" means a person who accepts electronic waste from covered entities and collectors for the purpose of recycling. A person who takes products solely for reuse, refurbishment, or repair is not a recycler.

(16) "Recycling" means the process of collecting and preparing electronic wastes for use in manufacturing processes or for recovery of useable materials followed by delivery of such materials for use. Recycling does not include destruction by incineration; waste-to-energy incineration, or other such processes; or land disposal.

(17) "Retailer" means a person who sells, rents, or leases covered electronic devices to a person in the state, through any means, including sales outlets, catalogues, the telephone, the Internet, or any electronic means.

(18) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales contract of a covered electronic device to a person in the state. "Sell" or "sale" does not include the sale, resale, lease, or transfer of used covered electronic devices or a manufacturer's or a distributor's wholesale transaction with a distributor or a retailer.

(19) "Television" means any telecommunications system or device containing a cathode ray tube or other type of display system with a viewable area of greater than four inches when measured diagonally that can broadcast or receive moving pictures and sound over a distance and includes a television tuner or a display device peripheral to a computer that contains a television tuner.

(20) "Transporter" means a person that moves electronic waste from a collector to a recycler.

§ 7552. STANDARD ELECTRONIC WASTE RECYCLING PLAN

(a) Standard plan adoption. Beginning January 1, 2011, the secretary shall adopt a plan for the collection and recycling of all electronic waste in the state. In developing the plan, the secretary shall evaluate existing electronic waste collection opportunities and services in each county to determine whether such opportunities and services are adequate. In making an adequacy

determination, the secretary shall consider the geography, population, and population density of each county. If, after completion of an adequacy review, the secretary determines that the collection opportunities in a county are:

(1) inadequate, the secretary may require additional collection activities in that county. Additional collection activities may include additional collection facilities, collection events, or other collection activities identified by the secretary as necessary to achieve the statewide recycling goal. If the secretary requires additional collection activities, the secretary shall consider, as one of the criteria reviewed in selecting additional collection activities, the cost effectiveness of the additional collection activities in achieving the objective of convenient service.

(2) adequate, and that additional collection opportunities are not required.

(b) Standard plan minimum requirements. The standard plan shall:

(1) Site at least three permanent facilities in each county for the collection of electronic waste from covered entities, unless the secretary determines that existing or proposed collection opportunities are not required, but in no case shall the secretary reduce the number of permanent facilities below one.

(2) Site at least one permanent facility in each city or town with a population of 10,000 or greater for the collection of electronic waste from covered entities.

(3) Require electronic waste collection facilities to accept electronic waste at no cost to covered entities.

(4) Ensure that each recycler used in implementing the plan complies with the recycling standards established under section 7559 of this title.

(5) Ensure that during plan implementation a public information and outreach effort takes place to inform consumers about how to recycle their electronic waste at the end of the product's life.

(6) Require electronic waste collection facilities to be staffed, open on an ongoing basis, and open to the public at a frequency needed to meet the needs of the area being served.

(7) Prohibit a collection facility from refusing to accept electronic waste delivered to the facility for recycling from a covered entity.

(c) Plan evaluation. The secretary shall annually review and analyze the standard plan to determine if implementation of the standard plan achieves the statewide collection and recycling goal set forth under section 7555 of this title. The secretary may modify the plan based upon the results of that review.

(d) Plan term. The secretary shall revise and adopt the standard plan every five years.

(e) Public review and consultation. Prior to the approval or modification of the standard plan, the agency shall make the proposed standard plan available for public review and comment for at least 30 days. The agency shall consult with interested persons, including manufacturers, recyclers, collectors.

retailers, solid waste districts, and environmental groups.

(f) Applicability. A collector, transporter, or recycler not included in a plan approved under this section or under a plan approved under section 7554 of this title shall not be subject to the requirements of this section or section 7554.

§ 7553. SALE OF COVERED ELECTRONIC DEVICES:

MANUFACTURER REGISTRATION

(a) Sale prohibited. Beginning July 1, 2010, no manufacturer shall sell or offer for sale or deliver to a retailer for subsequent sale a covered electronic device unless:

(1) the manufacturer has filed the registration required by this section;

(2)(A) beginning July 1, 2010, and annually thereafter, the manufacturer has paid the fee required by subsection (g) of this section; and

(B) beginning July 1, 2011, and annually thereafter, if the manufacturer is covered under the standard plan, the manufacturer has paid the fee required by subsection (h) of this section.

(3) the covered electronic device is labeled with the manufacturer's brand or registered trademark and the label or trademark is permanently affixed and readily visible.

(b) Manufacturer registration requirements.

(1) The manufacturer shall file a registration form with the secretary. The secretary shall provide the registration form to a manufacturer. The registration form shall include:

(A) a list of the manufacturer's brands of covered electronic devices offered for sale by the manufacturer in this state;

(B) the name, address, and contact information of a person responsible for ensuring the manufacturer's compliance with this chapter;

(C) beginning July 1, 2011 and annually thereafter, a certification that the manufacturer is seeking coverage under the standard plan set forth under subsection (a) of this section or, under a plan approved under section 7554 of this title, is opting out of the standard plan; and

(D) an estimate of the aggregate total weight of the manufacturer's covered electronic devices sold during the previous program year based on national sales data. A manufacturer shall submit with the report required under this subsection a description of how the estimate was calculated. The data submitted under this subdivision shall be considered a trade secret for the purposes of subdivision 317(c)(9) of Title 1.

(2) A renewal of a registration without changes may be accomplished through notifying the agency of natural resources on a form provided by the agency.

(c) Registration prior to sale. A manufacturer who begins to sell or offer for sale covered electronic devices and has not filed a registration under this section or section 7554 of this title shall submit a registration to the agency of natural resources within ten days of beginning to sell or offer for sale covered electronic devices.

(d) Amendments to registration. A registration shall be amended within ten days after a change to any information included in the registration submitted by the manufacturer under this section.

(e) Effective date of registration. A registration is effective upon receipt by the agency of natural resources of a complete registration form and payment of fees required by this section. Registration under this chapter shall be renewed annually.

(f) Agency review of registration application. The agency of natural resources shall notify the manufacturer of any required information that is omitted from the registration. Upon receipt of a notification from the agency, the manufacturer shall submit a revised registration providing the information noted by the agency.

(g)(1) Registration fee. Each manufacturer of a covered electronic device registered under this section shall pay to the secretary a fee:

(A) For the program year beginning July 1, 2010, for manufacturers who sell in Vermont no more than 100 covered electronic devices, the fee shall be \$1,250.00 and for all other manufacturers, the fee shall be \$5,000.00.

(B) For the program year beginning July 1, 2011 and annually thereafter, the fee shall be determined by multiplying the manufacturer's market share by the cost to the agency of administering the electronic waste collection program under this chapter.

(2) The fees collected under this subsection shall be deposited into the

electronic waste collection and recycling account of the waste management assistance fund.

(h) Implementation fee.

(1) For the program year of July 1, 2011, through June 30, 2012, each manufacturer that seeks coverage under the standard plan shall pay to the secretary an implementation fee that shall be assessed on a quarterly basis and that shall be determined by multiplying the manufacturer's market share by the prior quarter's cost of implementing the electronic waste collection and recycling program adopted under the standard plan. For purposes of this section, the electronic waste and recycling program includes collection, transportation, recycling, and the reasonable cost of contract administration.

(2) Beginning with the program year starting July 1, 2012, a proposed methodology for calculating the implementation fee for manufacturers seeking coverage under the standard plan shall be included in the executive branch fee report and approved by the general assembly according to the requirements of subchapter 6 of chapter 7 of Title 32.

(3) The fee collected under this subsection shall be deposited into the electronic waste collection and recycling account of the waste management assistance fund.

(4) For purposes of reimbursing the solid waste management account in full for all funds transferred to the electronic waste collection and recycling assistance account for implementation of the electronic waste collection and

recycling program, the secretary, under subdivision (1) or (2) of this subsection, may assess against a manufacturer registered and operating under the standard plan set forth in section 7552 of this title a charge in addition to the manufacturer's prorated share of the costs of implementing the electronic waste collection and recycling program.

(5) At the end of each program year, the secretary shall review the total costs of collection and recycling for the program year and shall reappropriate the implementation fee assessed under this subsection to accurately reflect the actual cost of the program and the manufacturer's market share of covered electronic devices sold in the state during the program year.

(i) Exemption. A manufacturer who sells less than 20 covered electronic devices in Vermont in a program year is exempt from the requirements of this section.

§ 7554. MANUFACTURER OPT-OUT; INDIVIDUAL PLAN

(a) Opt-out of standard plan. A manufacturer or group of manufacturers may elect not to seek coverage under the standard plan established under section 7552 of this title, provided that the manufacturer or group of manufacturers complies with the requirements of subdivisions 7553(a)(1)–(3) and submits an individual plan to the secretary for approval that:

(1) Provides for each county the number of collection methods identified in the standard plan adopted under section 7552 of this title.

(2) Describes the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(A) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services, to fulfill its program goal under this section:

(B) Fairly compensate collectors for providing collection services:
and

(C) Fairly compensate recyclers for providing recycling services.

(3) Describes how the plan will provide service to covered entities.

(4) Describes the processes and methods used to recycle electronic waste, including a description of the processing that will be used and the facility location.

(5) Documents the audits of each recycler used in the plan and compliance with recycling standards established under section 7559 of this title.

(6) Describes the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share.

(7) Includes a time line describing start-up, implementation, and progress toward milestones with anticipated results.

(8) Includes a public information campaign to inform consumers about how to recycle their electronic waste at the end of the product's life.

(b) Manufacturer program goal. An individual plan submitted under this section shall be implemented to ensure satisfaction of the manufacturer's electronic waste program goal. The electronic waste recycling program goal for a manufacturer that submits a plan under this section shall be the product of the relevant statewide recycling goal set forth in subsection 7555(a) of this title multiplied by the manufacturer's market share of covered electronic devices. A manufacturer that submits a plan under this section may only count electronic waste received from covered entities toward the program goal set forth in this section.

(c) Collection from covered entities. A manufacturer that submits a plan under this section or a collector operating on behalf of a manufacturer that submits a plan under this section shall not charge a fee to covered entities for the collection, transportation, or recycling of electronic waste.

(d) Public review and consultation. Prior to approval of a plan under this section, the agency shall make the manufacturer's proposed plan available for public review and comment for at least 30 days.

(e) Collection facilities. If a manufacturer that submits a plan under this section is required to implement a collection facility, the collection facility shall be staffed, open on an ongoing basis, and open to the public at a frequency approved by the secretary in order to meet the needs of the area being served. A collection facility implemented under this section shall be prohibited from refusing or rejecting acceptance of electronic waste delivered

to the facility for recycling.

(f) Annual report. Beginning August 1, 2012, a manufacturer that submits a plan under this section shall report by August 1, and annually thereafter, to the secretary the following:

(1) the type of electronic waste collected;

(2) the aggregate total weight of electronic waste the manufacturer recycled by type during the preceding program year;

(3) a list of recyclers utilized by the manufacturer;

(4) a description of the processes and methods used to recycle the electronic waste; and

(5) a summary of the educational and outreach activities undertaken by the manufacturer.

(g)(1) Parity surcharge. A manufacturer that submits a plan under this section shall be assessed a surcharge if the lesser of the following occurs:

(A) the manufacturer accepts less than the program goal set forth in subsection (b) of this section; or

(B) the manufacturer accepts less than its market share portion of the total of electronic waste collected in the state.

(2) The surcharge shall be calculated by multiplying the average per pound of cost to the secretary for the current program year to implement the standard plan plus 20 percent by the number of additional pounds of electronic waste that should have been accepted by the manufacturer. The surcharges

collected under this section shall be deposited into the electronic waste collection and recycling account of the waste management assistance fund and used to offset the costs of program implementation.

(h) Effective date of plan approval. A plan submitted under this section shall not be approved until the secretary determines that the plan will provide a functionally equivalent level of electronic waste collection and recycling as the standard plan and that all the requirements of this section have been met.

(i) Amendments to plan. An amendment to an individual plan approved under this section shall not take effect until approved by the secretary.

(j) Opt-in to standard plan. At the completion of any program year, a manufacturer approved under this section may seek coverage under the standard plan adopted under section 7552 of this title.

§ 7555. STATEWIDE RECYCLING GOAL

(a) Statewide recycling goal.

(1) For the program year of July 1, 2011, to June 30, 2012, the statewide recycling goal for electronic waste shall be the product of the U.S. Census Bureau's 2010 population estimate for the state multiplied by 5.5 pounds.

(2) For the program year of July 1, 2012, to June 30, 2013, the statewide recycling goal for electronic waste shall be the product of the U.S. Census Bureau's 2010 population estimate for the state multiplied by 6.0 pounds.

(3) For the program year of July 1, 2013, to June 30, 2014, and annually thereafter, the statewide recycling goal for all electronic waste shall be the

product of the base weight multiplied by the goal attainment percentage.

(b) Base weight. For purposes of this section, "base weight" means the average weight of all electronic waste reported as collected under this chapter during the previous two program years.

(c) Goal attainment percentage. For purposes of this section, "goal attainment percentage" means, for each type of product:

(1) 90 percent if the base weight is less than 90 percent of the statewide recycling goal for the previous calendar year;

(2) 95 percent if the base weight is 90 percent or greater, but not more than 95 percent of the statewide recycling goal for the previous calendar year;

(3) 100 percent if the base weight is 95 percent or greater, but not more than 105 percent of the statewide recycling goal for the previous calendar year;

(4) 105 percent if the base weight is 105 percent or greater, but not more than 110 percent of the statewide recycling goal for the previous calendar year;

or

(5) 110 percent if the base weight is 110 percent or greater of the statewide recycling goal.

§ 7556. RETAILER OBLIGATIONS

(a) Sale prohibited. Beginning July 1, 2010, no retailer shall sell or offer for sale a covered electronic device unless the covered electronic device is labeled by the manufacturer as required by subdivision 7553(a)(3) of this title, and the retailer has reviewed the website required in subdivision 7559(6) of

this title to determine that the labeled manufacturers of all new covered electronic devices that the retailer is offering for sale are registered with the agency of natural resources.

(b) Expiration or revocation of manufacturer registration. A retailer shall not be responsible for an unlawful sale under this subdivision if the manufacturer was not registered or the manufacturer's registration expired or was revoked if the retailer took possession of the covered electronic device prior to July 1, 2010 or prior to the expiration or revocation of the manufacturer's registration, and the unlawful sale occurred within six months after the expiration or revocation.

(c) Customer information. Beginning July 1, 2011, a retailer who sells new covered electronic devices shall provide information to customers describing where and how they may recycle electronic waste and advising them of opportunities and locations for the convenient collection of electronic waste for the purpose of recycling. This requirement may be met by the posting of signs provided under the standard plan or a plan approved under section 7554 of this title that includes a warning that electronic waste shall not be disposed of in a solid waste facility and that provides a toll-free number or website address regarding proper disposal of covered electronic devices.

§ 7557. RECYCLER PROGRAM RESPONSIBILITY

(a)(1) Recycler registration. Beginning July 1, 2011, no person may recycle electronic waste at a facility located within the state unless that person

has submitted a registration with the agency of natural resources on a form prescribed by the agency. A registration is effective upon receipt by the agency and is valid for a period not to exceed five years. An electronics recycling facility registered under this section is not required to obtain a solid waste certification pursuant to chapter 159 of this title. Registration information shall include:

(A) the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive electronic waste;

(B) evidence that the financial assurance requirements of section 6611 of this title have been satisfied.

(2) A registration shall be amended within ten days after a change to any information included in the registration submitted by the recycler under this section.

(b) Recycler's reporting requirements. Beginning August 1, 2012, a recycler of electronic waste shall report by August 1, and annually thereafter, to the agency of natural resources on a form provided by the agency: the type of electronic waste collected; the total weight of electronic waste recycled during the preceding program year; and whether electronic waste was collected under the standard or an approved individual plan. In the annual report, the recycler shall certify that the recycler has complied with the electronic management guidelines developed under subdivision 7559(7) of this title.

§ 7558. COLLECTOR AND TRANSPORTER PROGRAMRESPONSIBILITY

(a)(1) Collector and transporter registration. Beginning July 1, 2011, no person may operate as a collector or transporter of electronic waste unless that person has submitted a registration with the agency of natural resources on a form prescribed by the agency. A registration is effective upon receipt by the agency and is valid for a period not to exceed five years. An electronics collector or transporter registered under this section shall not be required to obtain a solid waste certification or a solid waste hauler permit pursuant to chapter 159 of this title.

(2) A registration shall be amended within ten days after a change to any information included in the registration submitted by the collector under this section.

(3) Beginning August 1, 2012, a collector of electronic waste shall report by August 1, and annually thereafter, to the agency of natural resources on a form provided by the agency: the type of electronic waste collected; the total weight of electronic waste recycled during the preceding program year; and whether electronic waste was collected under the standard or an approved individual plan.

(b) Transporter reporting requirements. Beginning August 1, 2012, a transporter of electronic waste not destined for recycling in Vermont shall report annually by August 1 to the agency of natural resources the total pounds

of electronic waste collected and whether electronic waste was collected under the standard or an approved individual plan.

§ 7559. AGENCY OF NATURAL RESOURCES RESPONSIBILITIES

The agency of natural resources shall:

(1) Adopt and administer the standard plan required under section 7552 of this title.

(2) Establish procedures for:

(A) the registration and certifications required under this chapter; and

(B) making the registrations and certifications required under this chapter easily available to manufacturers, retailers, and members of the public.

(3) Collect the data submitted under this chapter.

(4) Annually review data submitted under this chapter to determine whether any of the variables in the statewide recycling goal should be changed.

The agency shall submit recommended changes to the senate and house committees on natural resources and energy.

(5) Beginning February 15, 2012, annually report to the senate and house committees on natural resources and energy, the house committee on ways and means, the senate committee on finance, and the senate and house committees on appropriations regarding the implementation of this chapter. Prior to submitting this report, the secretary shall share it with interested persons. For each program year, the report shall provide the total weight of electronic waste recycled. The report shall also summarize the various

collection programs used to collect electronic waste; information regarding electronic waste that is being collected by persons outside a plan approved under this chapter; and information about electronic waste, if any, being disposed of in landfills in this state. The report shall include an accounting of the cost of the program, the governor's estimated budget for the program for the next relevant fiscal year, and a summary of the funding sources for the program. The agency may include in its report other information regarding the implementation of this chapter and may recommend additional incentives to increase the rate of recycling.

(6) Maintain a website that includes the names of manufacturers with current, valid registrations; the manufacturers' brands listed in registrations filed with the agency. The agency shall update the website information within 10 days of receipt of a complete registration.

(7) In consultation with interested parties, establish guidelines for the environmentally sound management of consumer electronics, including specific requirements for collectors, transporters, and recyclers.

(8) Identify approved transporters, collectors, and recyclers.

§ 7560. ADMINISTRATION OF ELECTRONIC WASTE RECYCLING PROGRAM

(a) The secretary of natural resources may contract for implementation and administration of the standard plan required under section 7552 of this title

and, in so doing, shall comply with the agency of administration's current contracting procedures.

(b) In contracting for implementation and administration of the standard plan, the secretary shall review the costs incurred by similar electronic waste collection and recycling programs in other states. The secretary in his or her discretion may reopen the standard plan if bids received in response to a request for proposal exceed the average cost of collection and recycling incurred by similar electronic waste collection and recycling programs in other states.

§ 7561. OTHER RECYCLING PROGRAMS

A municipality or other public agency may not require covered entities to use public facilities to recycle their electronic waste to the exclusion of other lawful programs available. A municipality and other public agencies are encouraged to work with manufacturers to assist them in meeting their recycling obligations under this chapter. Nothing in this chapter prohibits or restricts the operation of any program recycling electronic waste in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling electronic waste, provided that those persons are registered as required under this chapter.

§ 7562. MULTISTATE IMPLEMENTATION

The agency of natural resources or a contracted entity under section 7560 of this title is authorized to participate in the establishment of a regional

multistate organization or compact to assist in carrying out the requirements of this chapter.

§ 7563. LIMITATIONS

If a federal law or combination of federal laws takes effect that is applicable to all covered electronic devices sold in the United States and establishes a program for the collection and recycling or reuse of covered electronic devices that is applicable to all covered electronic devices, the agency shall evaluate whether the federal law provides a solution that is equal to or better than the program established under this chapter. The agency shall report its findings to the general assembly.

§ 7564. RULEMAKING

The secretary of natural resources may adopt rules to implement the requirements of this chapter.

Sec. 3. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the state treasury a fund to be known as the waste management assistance fund, to be expended by the secretary of the agency of natural resources. The fund shall have ~~two~~ three accounts: one for solid waste management assistance ~~and~~, one for hazardous waste management assistance, and one for electronic waste collection and recycling assistance.

The hazardous waste management assistance account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A.

chapter 237, as established by the secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the general assembly. In no event shall the amount of the hazardous waste tax which is deposited to the hazardous waste management assistance account exceed 40 percent of the annual tax receipts. The solid waste management assistance account shall consist of the franchise tax on waste facilities assessed under the provisions of subchapter 13 of chapter 151 of Title 32, and appropriations of the general assembly. The electronic waste collection and recycling account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the fund accounts at the end of any fiscal year shall be carried forward and remain a part of the fund accounts, except as provided in subsection (e) of this section. Interest earned by the fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the state treasurer on warrants drawn by the commissioner of finance and management.

* * *

(d) The secretary shall annually allocate from the fund accounts the amounts to be disbursed for each of the functions described in subsections (b) and (c), and (f) of this section. The secretary, in conformance with the priorities established in this chapter, shall establish a system of priorities within each function when the allocation is insufficient to provide funding for all eligible applicants.

* * *

Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

(a) In accordance with the following schedule, no person shall knowingly dispose of the following solid waste in landfills:

* * *

(8) Banned electronic devices. After January 1, 2011, computers; peripherals; computer monitors; cathode ray tubes; televisions; printers; personal electronics such as personal digital assistants and personal music players; electronic game consoles; printers; fax machines; wireless telephones; telephones; answering machines; videocassette recorders; digital versatile disc players; digital converter boxes; stereo equipment; and power supply cords (as used to charge electronic devices).

Sec. 5. 10 V.S.A. § 8003(a) is amended to read:

(a) The secretary may take action under this chapter to enforce the following statutes:

* * *

(18) 10 V.S.A. chapter 164, relating to comprehensive mercury management; ~~and~~

(19) 24 V.S.A. chapter 61, subchapter 10, relating to salvage yards; ~~and~~

(20) 10 V.S.A. chapter 166, relating to collection and recycling of electronic waste.

Sec. 6. 10 V.S.A. § 8503(a) is amended to read:

(a) This chapter shall govern all appeals of an act or decision of the secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(P) chapter 166 (collection and recycling of electronic waste).

Sec. 6a. SUNSET

10 V.S.A. § 7559(5) (ANR annual report to general assembly regarding electronic waste collection and recycling program) shall be repealed February 16, 2014.

Sec. 6b. ELECTRONIC WASTE COLLECTION AND RECYCLING
PROGRAM FUNDING

(a) Beginning in fiscal year 2012, the governor's proposed budget for the agency of natural resources shall include a line item, including the source of the funds, for the electronic waste collection and recycling activities required under chapter 166 of Title 10.

(b) The secretary of natural resources may transfer funds within the waste management assistance fund from the solid waste management assistance account to the electronic waste collection and recycling assistance account to pay the initial costs incurred by the agency of natural resources in the first

quarter of the program year beginning July 1, 2011, in implementing the electronic waste collection and recycling requirements of chapter 166 of Title 10. In no case shall the unencumbered balance of the solid waste management assistance account following a transfer under this subsection be less than \$300,000.00.

(c) On or before January 15, 2012, the secretary of natural resources shall reimburse the solid waste management account in full for all funds transferred from the solid waste management account to the environmental contingency fund under 10 V.S.A. § 6618(f) for implementation of the electronic waste collection and recycling program under chapter 166 of Title 10.

(d) On or before February 15, 2011, the secretary of natural resources shall provide the house and senate committees on natural resources, the house committee on ways and means, the senate committee on finance, and the senate and house committees on appropriations with a summary of the status of the secretary's development of the electronic waste collection and recycling standard plan under 10 V.S.A. § 7552 and of the status of any request for proposal to implement the standard plan.

Sec. 6c. ANR DISBURSEMENTS; APPROPRIATIONS

(a) In fiscal years 2011 and 2012, the secretary of natural resources may authorize disbursements from the electronic waste collection and recycling account within the waste management assistance fund for the purpose of

paying the costs of administering and implementing the electronic waste collection program set forth under chapter 166 of Title 10.

(b) In addition to any other funds appropriated to the agency of natural resources in fiscal year 2011, there is appropriated from the general fund to the agency \$50,000.00 in fiscal year 2011 for the purpose of administering and implementing the electronic waste collection and recycling program under chapter 166 of Title 10.

Sec. 7. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: April 19, 2010

Banned Items - Tonnage/Costs - FY2020

(As of June 30, 2020)

	Lead-Acid Batteries ¹			Used Oil ²			Tires ³			White Goods ⁴			Electronic Waste		
	# of Batt	Cost	Revenue	Tonnage	Cost	Rebate/Revenue	Tonnage	Tipping Fee	Rebate	Tonnage	Tipping Fee	Rebate/Revenue	Tonnage	Tipping Fee	Rebate/Revenue
Horry County Gov	545	0	\$ 1,635.00				412.22	0					953.06	\$ 580,420.00	
Atlantic Beach															
Aynor															
Briarcliff Acres															
Conway							5.45	0					25.16	\$ 15,237.00	
Loris							2.95	0							
Myrtle Beach													3.34	\$ 2,012.00	
North Myrtle Beach													16.7	\$ 10,069.00	
Surfside Beach															
HCSWA									\$ 172,325.16						
Totals	545	0	\$ 1,635.00				420.62	0	\$ 172,325.16				998.26	\$ 607,738.00	

1 - Lead-Acid Batteries are picked up from the recycling centers by Interstate Batteries at no cost. Interstate pays \$3 for each battery. The disposal tax charged when purchasing lead-acid batteries makes up a portion of the "Solid Waste" grant, which County's can apply for funding for equipment, public education, etc.

2 - Horry County Recycling Centers collect used oil from residents. The oil is collected from the recycling centers by Santee Cooper at no cost to the County or SWA. There is no revenue generated from used oil disposal. The disposal tax charged when purchasing oil makes up a portion "Used Oil" grant, which County's can apply for funding for disposal, equipment, etc.

3 - Residential car tires are disposed of at the landfill at no cost to the County or municipalities. The disposal tax charged when purchasing tires makes up the "Waste Tire Fund", through which County's can apply for grant funding for disposal, equipment, public education, etc. In addition, the SWA receives a rebate (FY2020 = \$172,325.16) directly from the Tire Fund to assist with the cost to dispose of tires.

4 - White Goods are mixed in and included in Scrap Metal loads from both the County Recycling Centers and the municipalities. There is no way to estimate the amount of "White Goods" only that come in these loads. Scrap metal is charged as C&D at a tipping fee of \$28.00 per ton. Scrap metal is sold to a local dealer. The disposal tax charged when purchasing new appliances makes up a portion of the "Solid Waste" grant which County's can apply for funding for special programs, equipment, etc.

Miscellaneous Items - Tonnage/Costs - FY2020

(Not Banned From Landfill Disposal)

	Household Hazardous Waste			Textiles		
	Tonnage	Cost	Rebate/Revenue	Tonnage	Cost	Revenue
Horry County Gov				163.75	0	\$ 6,550.90
Atlantic Beach						
Aynor						
Briarcliff Acres						
Conway						
Loris						
Myrtle Beach						
North Myrtle Beach						
Surfside Beach						
HCSWA	209.97	\$ 54,483.81	0			
Totals	209.97	\$ 54,483.81	0	163.75	0	\$ 6,550.90

**County Council Decision Memorandum
Horry County, South Carolina**

Date: August 12, 2020
From: David Gilreath, P.E.
Division: Infrastructure & Regulation
Prepared By: Alisha Johnson, Plan Expediter
Cleared By: David Gilreath, P.E.
Committee: Infrastructure & Regulation
Issue: Acceptance into the Horry County Maintenance System

ISSUE

The developers Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive) = 0.21 miles in length (1,108.80') request the road and drainage be dedicated to Horry County.

PROPOSED ACTION

- OPTION A:** Approve acceptance into the County maintenance system of Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive).
OPTION B: Do not approve acceptance.

RECOMMENDATION:

Staff recommends **OPTION A**.

BACKGROUND

The developers have provided the Engineering Department with fully executed dedication documents and a cash bond for Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive). The roads and drainage have been constructed to Horry County standards and inspected and approved by the Engineering Department.

COUNTY OF HORRY
STATE OF SOUTH CAROLINA

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)

RESOLUTION R- -20

A RESOLUTION TO ACCEPT DEDICATION OF THE ROADS AND DRAINAGE OF HIDDEN BROOKE PHASE 3 (CYPRESS SPRINGS WAY & BIRCHTREE DRIVE) INTO THE COUNTY ROAD SYSTEM:

WHEREAS, the developers Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive) request the roads and drainage be dedicated to Horry County; and

WHEREAS, they have provided the Engineering Department with fully executed dedication documents and a cash bond guaranteeing a three-year warranty; and

WHEREAS, the roads and drainage of Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive) have been constructed to Horry County standards and inspected by the Engineering Department; and

WHEREAS, it is the intent of Horry County Council to accept the roads and drainage Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive) in the County system.

NOW, THEREFORE, Horry County Council resolves to accept the roads and drainage Hidden Brooke Phase 3 (Cypress Springs Way & Birchtree Drive) and begin their three-year warranty period on the date of said acceptance.

AND IT IS SO RESOLVED this 1st day of September, 2020.

HORRY COUNTY COUNCIL

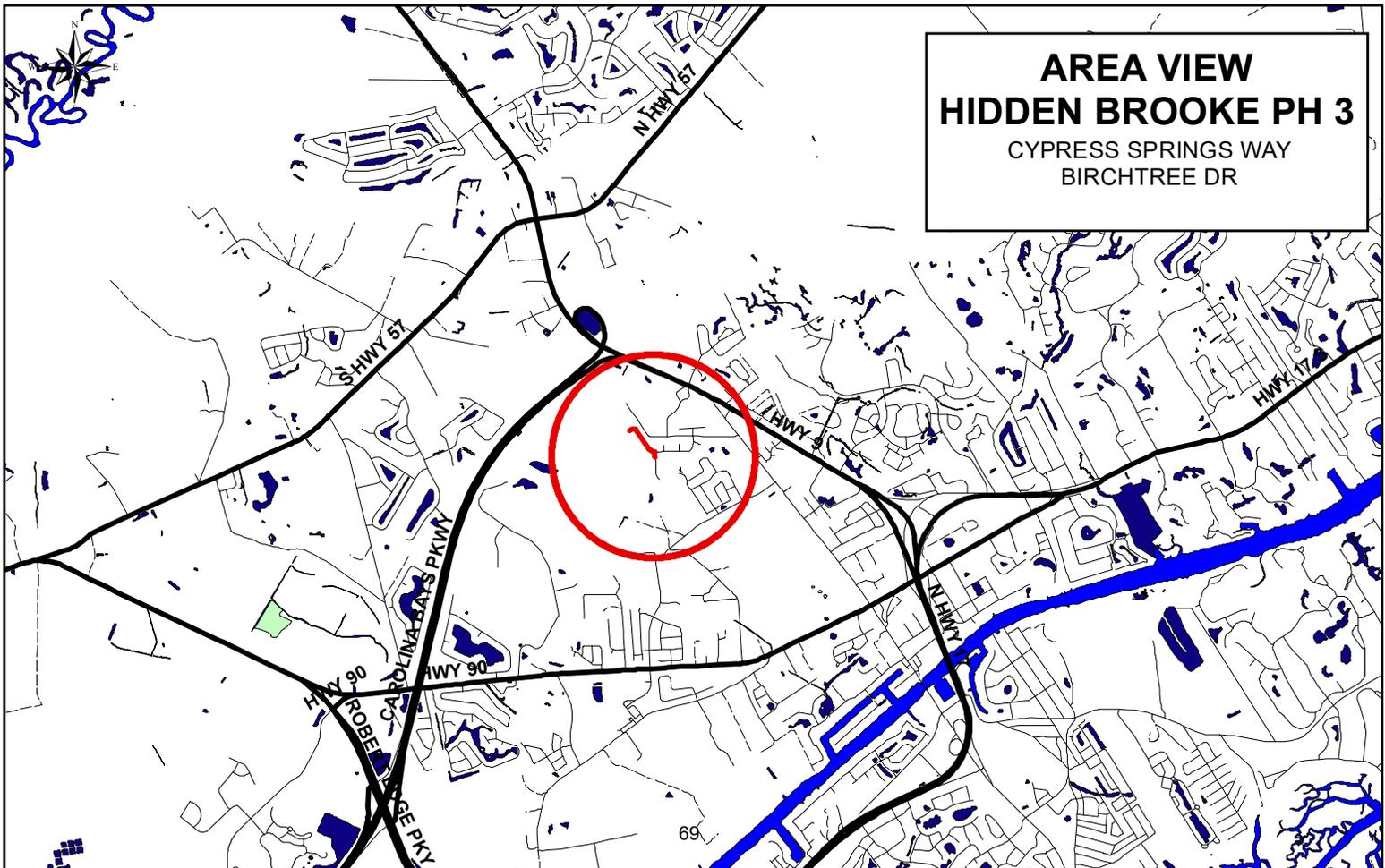
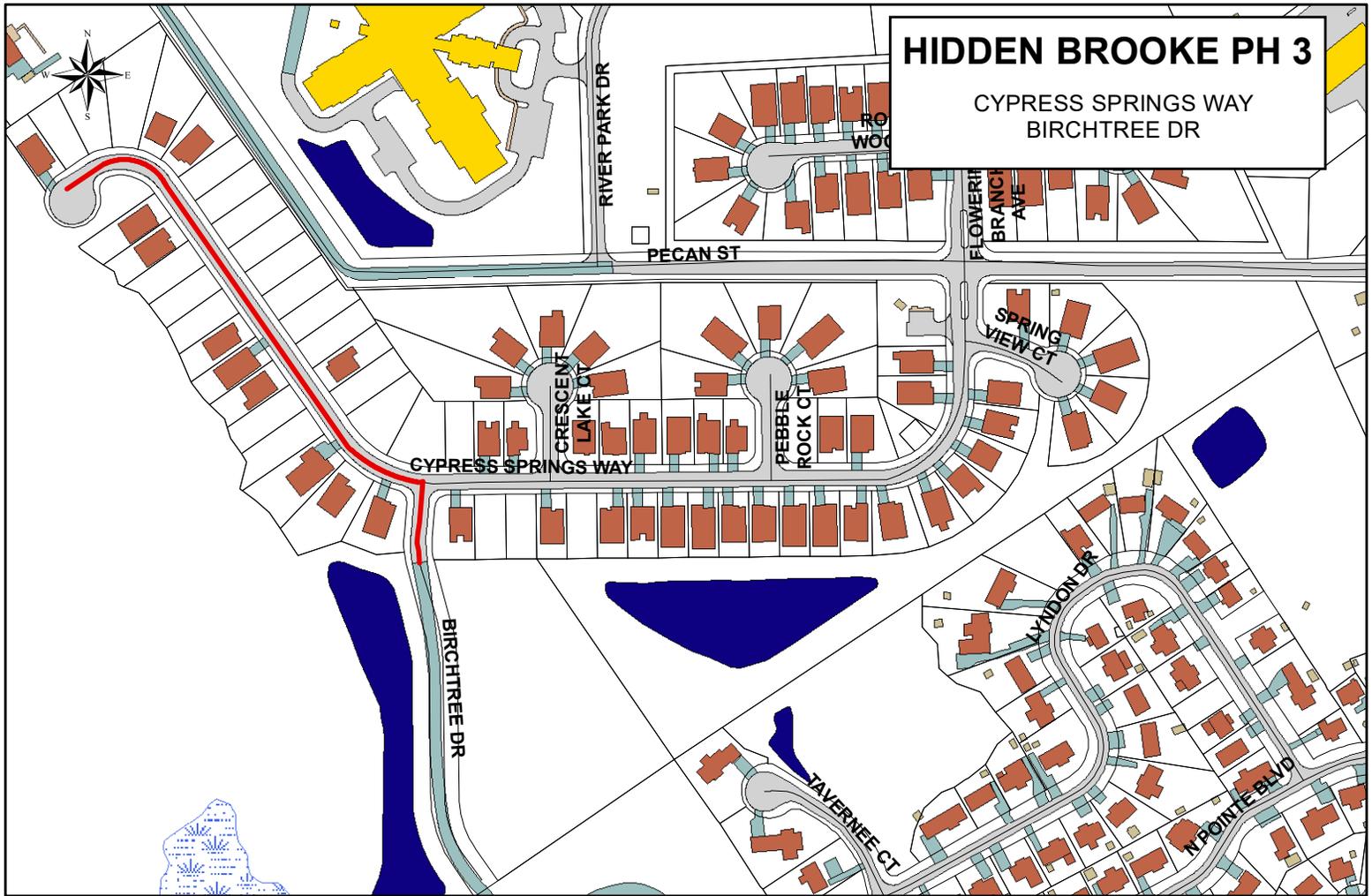
Johnny Gardner, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
Dennis DiSabato, District 3
Gary Loftus, District 4
Tyler Servant, District 5
Cam Crawford, District 6

Orton Bellamy, District 7
Johnny Vaught, District 8
W. Paul Prince, District 9
Danny Hardee, District 10
Al Allen, District 11

Attest:

Patricia S. Hartley, Clerk to Council



**County Council Decision Memorandum
Horry County, South Carolina**

Date: August 12, 2020
From: David Gilreath, P.E.
Division: Infrastructure & Regulation
Prepared By: Alisha Johnson, Plan Expediter
Cleared By: David Gilreath, P.E.
Committee: Infrastructure & Regulation
Issue: Acceptance into the Horry County Maintenance System

ISSUE

The developers The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop, & Hickory Knob Court) = 0.75 miles in length (3,960') request the road and drainage be dedicated to Horry County.

PROPOSED ACTION

- OPTION A:** Approve acceptance into the County maintenance system of The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop, & Hickory Knob Court).
- OPTION B:** Do not approve acceptance.

RECOMMENDATION:

Staff recommends **OPTION A**.

BACKGROUND

The developers have provided the Engineering Department with fully executed dedication documents and a cash bond for The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop, & Hickory Knob Court). The roads and drainage have been constructed to Horry County standards and inspected and approved by the Engineering Department.

COUNTY OF HORRY
STATE OF SOUTH CAROLINA

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)

RESOLUTION R- -20

A RESOLUTION TO ACCEPT DEDICATION OF THE ROADS AND DRAINAGE OF THE PARKS AT CAROLINA FOREST PHASE 1 (HUGER PARK AVENUE, LAURENS MILL DRIVE, CALHOUN FALLS DRIVE, CROSS KEYS COURT, WAVERING PLACE LOOP, BERKLEY VILLAGE LOOP AND HICKORY KNOB COURT) INTO THE COUNTY ROAD SYSTEM:

WHEREAS, the developers The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop and Hickory Knob Court) request the roads and drainage be dedicated to Horry County; and

WHEREAS, they have provided the Engineering Department with fully executed dedication documents and a cash bond guaranteeing a three-year warranty; and

WHEREAS, the roads and drainage of The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop and Hickory Knob Court) have been constructed to Horry County standards and inspected by the Engineering Department; and

WHEREAS, it is the intent of Horry County Council to accept the roads and drainage The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop and Hickory Knob Court) in the County system.

NOW, THEREFORE, Horry County Council resolves to accept the roads and drainage The Parks at Carolina Forest Phase 1 (Huger Park Avenue, Laurens Mill Drive, Calhoun Falls Drive, Cross Keys Court, Wavering Place Loop, Berkley Village Loop and Hickory Knob Court) and begin their three-year warranty period on the date of said acceptance.

AND IT IS SO RESOLVED this 1st day of September, 2020.

HORRY COUNTY COUNCIL

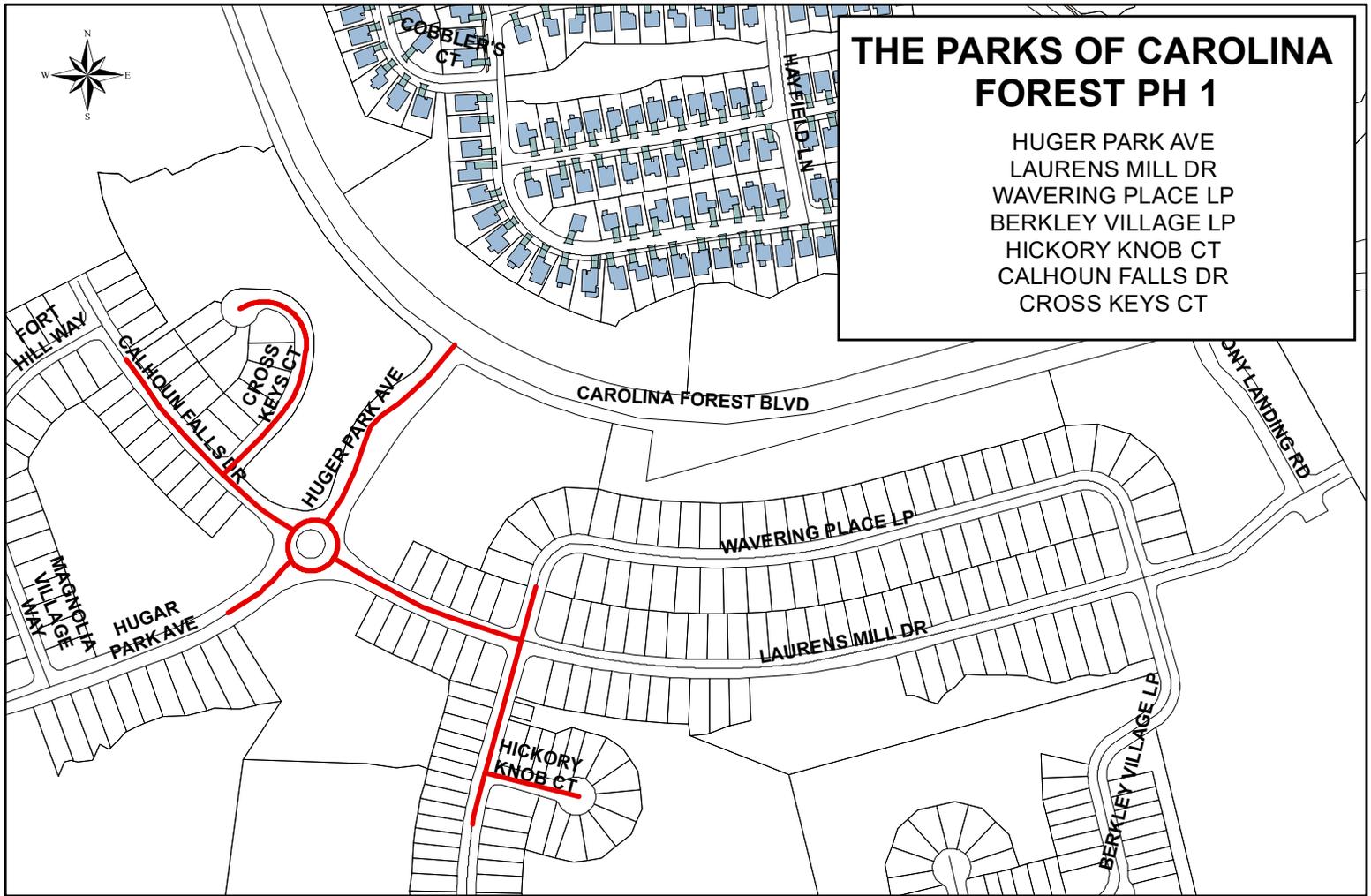
Johnny Gardner, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
Dennis DiSabato, District 3
Gary Loftus, District 4
Tyler Servant, District 5
Cam Crawford, District 6

Orton Bellamy, District 7
Johnny Vaught, District 8
W. Paul Prince, District 9
Danny Hardee, District 10
Al Allen, District 11

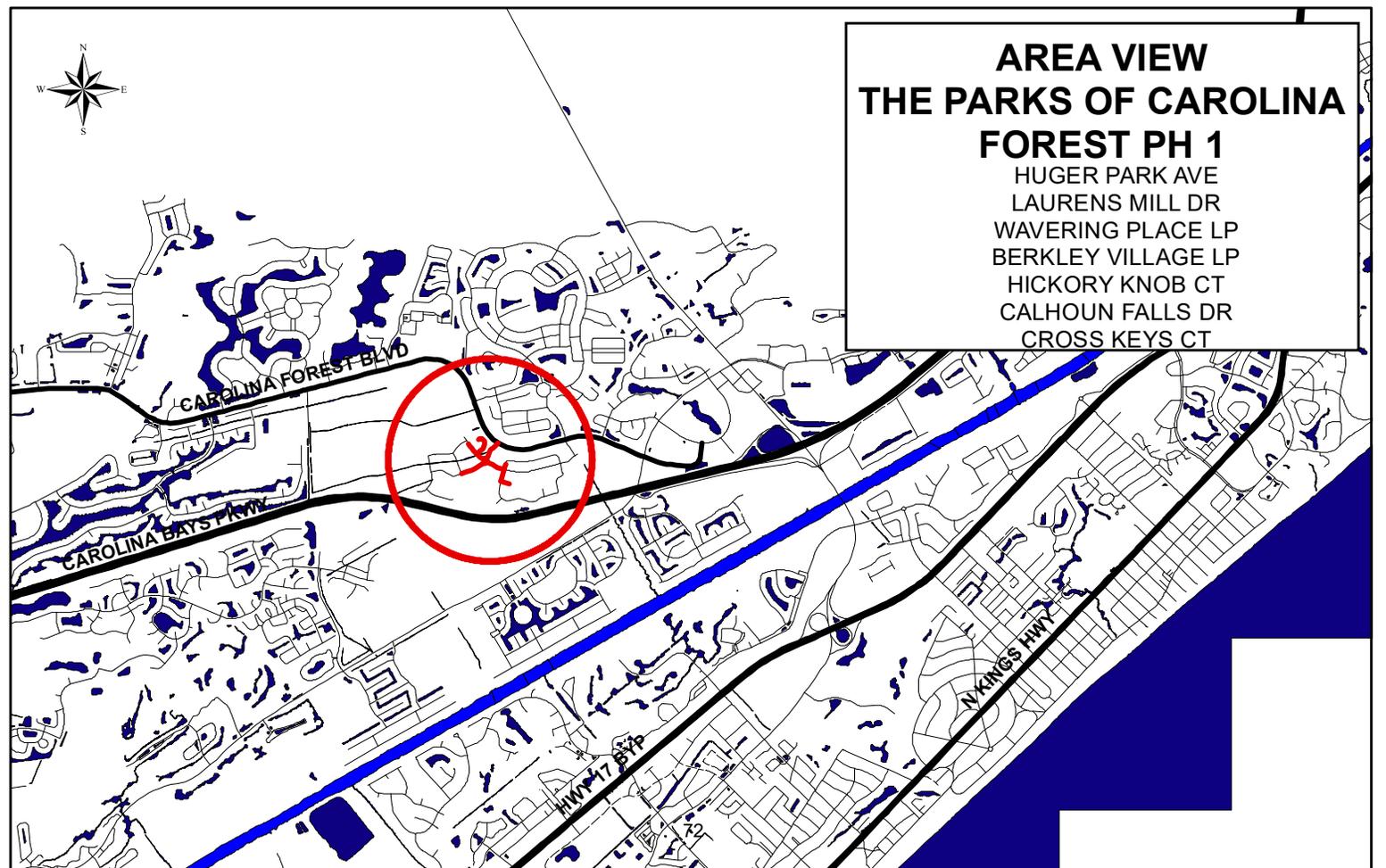
Attest:

Patricia S. Hartley, Clerk to Council



**THE PARKS OF CAROLINA
FOREST PH 1**

- HUGER PARK AVE
- LAURENS MILL DR
- WAVERING PLACE LP
- BERKLEY VILLAGE LP
- HICKORY KNOB CT
- CALHOUN FALLS DR
- CROSS KEYS CT



**AREA VIEW
THE PARKS OF CAROLINA
FOREST PH 1**

- HUGER PARK AVE
- LAURENS MILL DR
- WAVERING PLACE LP
- BERKLEY VILLAGE LP
- HICKORY KNOB CT
- CALHOUN FALLS DR
- CROSS KEYS CT

**County Council Decision Memorandum
Horry County, South Carolina**

Date: August 12, 2020
From: David Gilreath, P.E.
Division: Infrastructure & Regulation
Prepared By: Alisha Johnson, Plan Expediter
Cleared By: David Gilreath, P.E.
Committee: Infrastructure & Regulation
Issue: Acceptance into the Horry County Maintenance System

ISSUE

The developers The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way) = 0.40 miles in length (2,112') request the road and drainage be dedicated to Horry County.

PROPOSED ACTION

- OPTION A:** Approve acceptance into the County maintenance system of The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way).
OPTION B: Do not approve acceptance.

RECOMMENDATION:

Staff recommends **OPTION A**.

BACKGROUND

The developers have provided the Engineering Department with fully executed dedication documents and a cash bond for The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way). The roads and drainage have been constructed to Horry County standards and inspected and approved by the Engineering Department.

COUNTY OF HORRY
STATE OF SOUTH CAROLINA

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RESOLUTION R- -20

A RESOLUTION TO ACCEPT DEDICATION OF THE ROADS AND DRAINAGE OF THE PARKS AT CAROLINA FOREST PHASE 2 (HUGER PARK AVENUE, HAMILTON BRANCH LOOP AND MAGNOLIA VILLAGE WAY) INTO THE COUNTY ROAD SYSTEM:

WHEREAS, the developers The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way) request the roads and drainage be dedicated to Horry County; and

WHEREAS, they have provided the Engineering Department with fully executed dedication documents and a cash bond guaranteeing a three-year warranty; and

WHEREAS, the roads and drainage of The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way) have been constructed to Horry County standards and inspected by the Engineering Department; and

WHEREAS, it is the intent of Horry County Council to accept the roads and drainage The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way) in the County system.

NOW, THEREFORE, Horry County Council resolves to accept the roads and drainage The Parks at Carolina Forest Phase 2 (Huger Park Avenue, Hamilton Branch Loop and Magnolia Village Way) and begin their three-year warranty period on the date of said acceptance.

AND IT IS SO RESOLVED this 1st day of September, 2020.

HORRY COUNTY COUNCIL

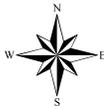
Johnny Gardner, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
Dennis DiSabato, District 3
Gary Loftus, District 4
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Cam Crawford, District 6

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W. Paul Prince, District 9
Danny Hardee, District 10
Al Allen, District 11

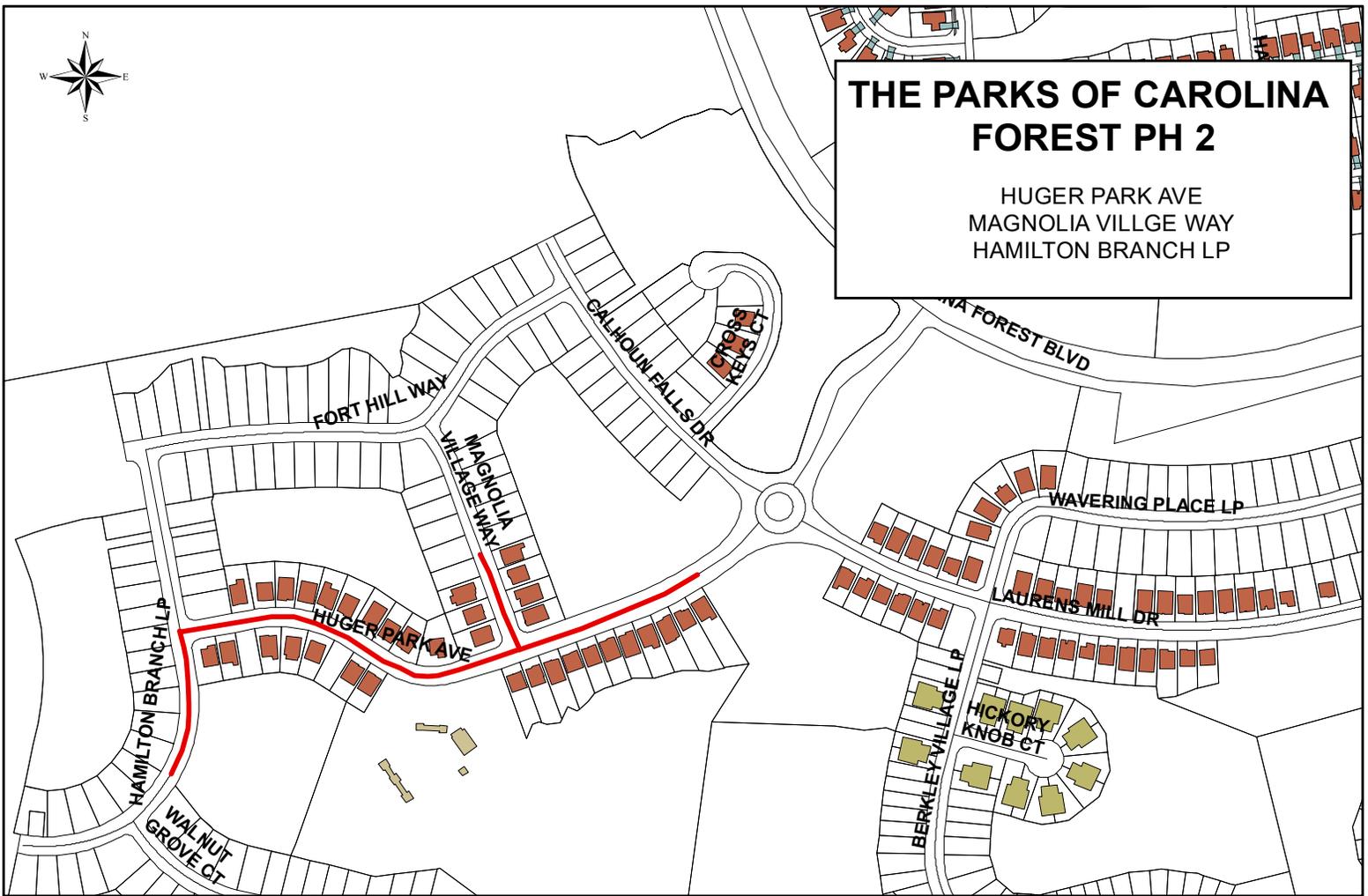
Attest:

Patricia S. Hartley, Clerk to Council



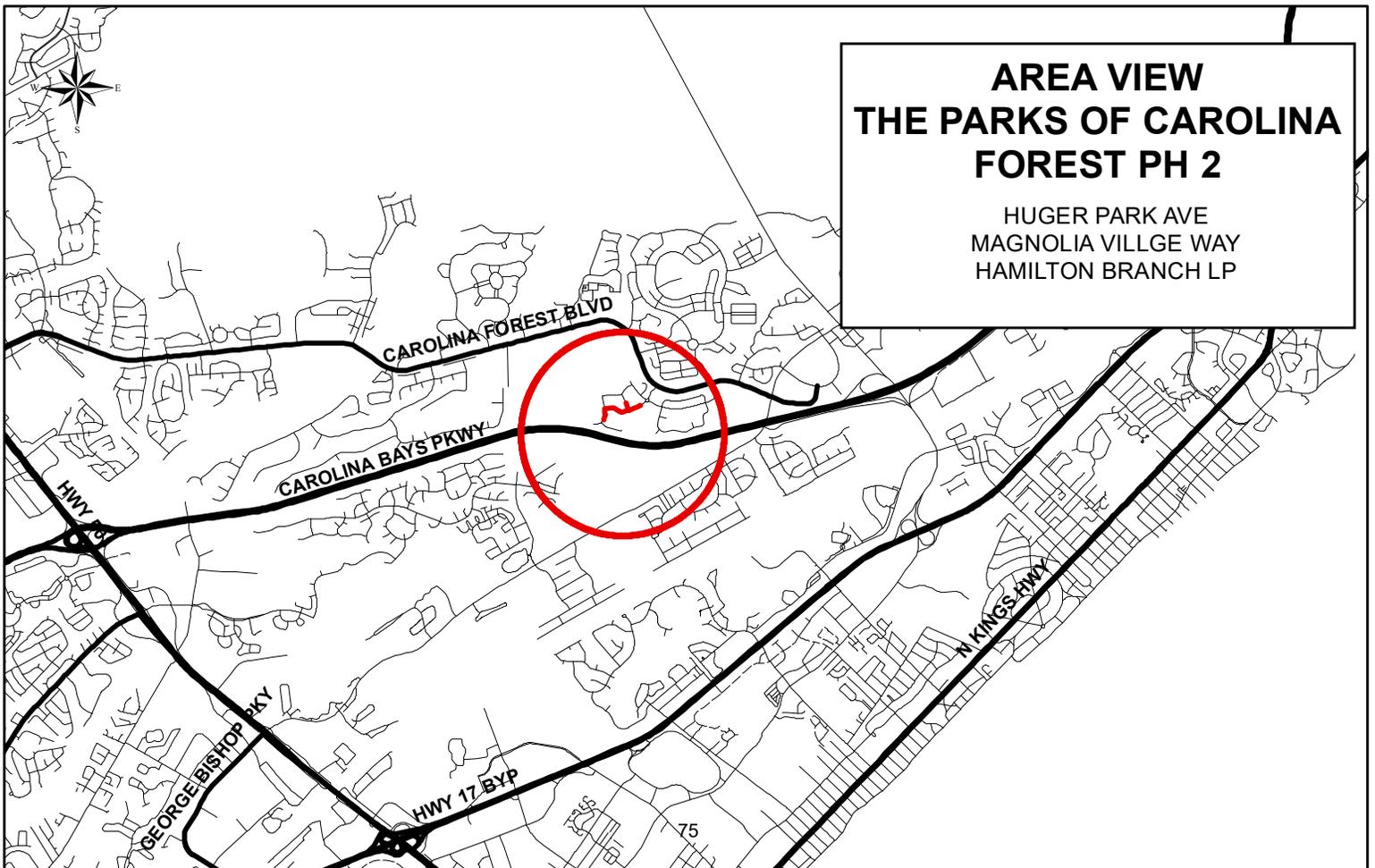
THE PARKS OF CAROLINA FOREST PH 2

HUGER PARK AVE
MAGNOLIA VILLGE WAY
HAMILTON BRANCH LP



AREA VIEW THE PARKS OF CAROLINA FOREST PH 2

HUGER PARK AVE
MAGNOLIA VILLGE WAY
HAMILTON BRANCH LP



**County Council Decision Memorandum
Horry County, South Carolina**

Date: August 17, 2020
From: David Gilreath, P.E.
Division: Infrastructure & Regulation
Prepared By: Alisha Johnson, Plan Expediter
Cleared By: David Gilreath, P.E.
Committee: Infrastructure & Regulation
Issue: Acceptance into the Horry County Maintenance System

ISSUE

The developers Baron's Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive) = 0.37 miles in length (1,953.60') request the road and drainage be dedicated to Horry County.

PROPOSED ACTION

- OPTION A:** Approve acceptance into the County maintenance system of Baron's Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive).
OPTION B: Do not approve acceptance.

RECOMMENDATION:

Staff recommends **OPTION A**.

BACKGROUND

The developers have provided the Engineering Department with fully executed dedication documents and a letter of credit for Baron's Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive). The roads and drainage have been constructed to Horry County standards and inspected and approved by the Engineering Department.

COUNTY OF HORRY
STATE OF SOUTH CAROLINA

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)

RESOLUTION R- -20

A RESOLUTION TO ACCEPT DEDICATION OF THE ROADS AND DRAINAGE OF BARON’S BLUFF PHASE 2A (YEOMANS DRIVE, GRASMERE LAKE CIRCLE, & BARONY DRIVE) INTO THE COUNTY ROAD SYSTEM:

WHEREAS, the developers Baron’s Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive) request the roads and drainage be dedicated to Horry County; and

WHEREAS, they have provided the Engineering Department with fully executed dedication documents and a letter of credit guaranteeing a three-year warranty; and

WHEREAS, the roads and drainage of Baron’s Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive) have been constructed to Horry County standards and inspected by the Engineering Department; and

WHEREAS, it is the intent of Horry County Council to accept the roads and drainage Baron’s Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive) in the County system.

NOW, THEREFORE, Horry County Council resolves to accept the roads and drainage Baron’s Bluff Phase 2A (Yeomans Drive, Grasmere Lake Circle, & Barony Drive) and begin their three-year warranty period on the date of said acceptance.

AND IT IS SO RESOLVED this 1st day of September, 2020.

HORRY COUNTY COUNCIL

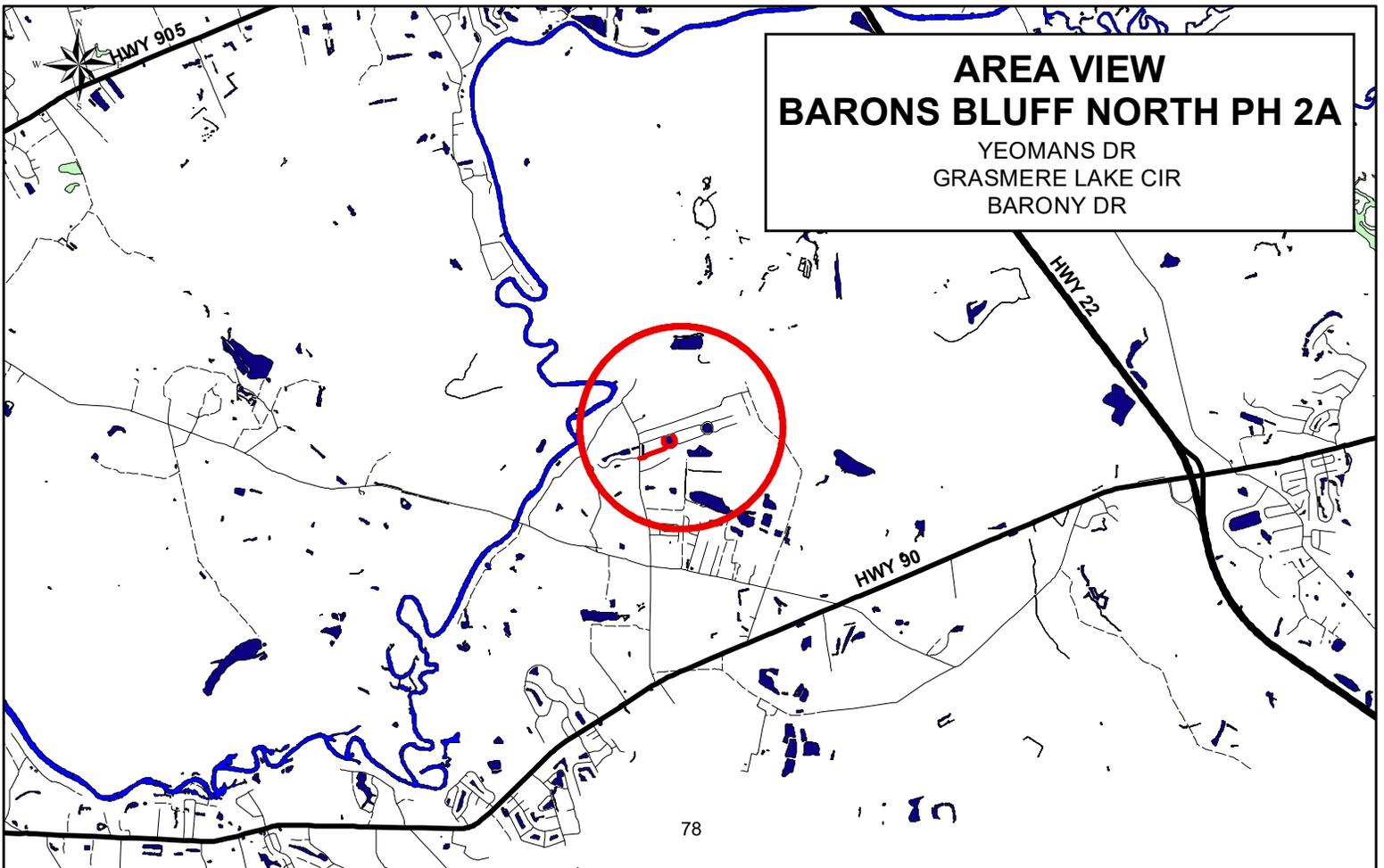
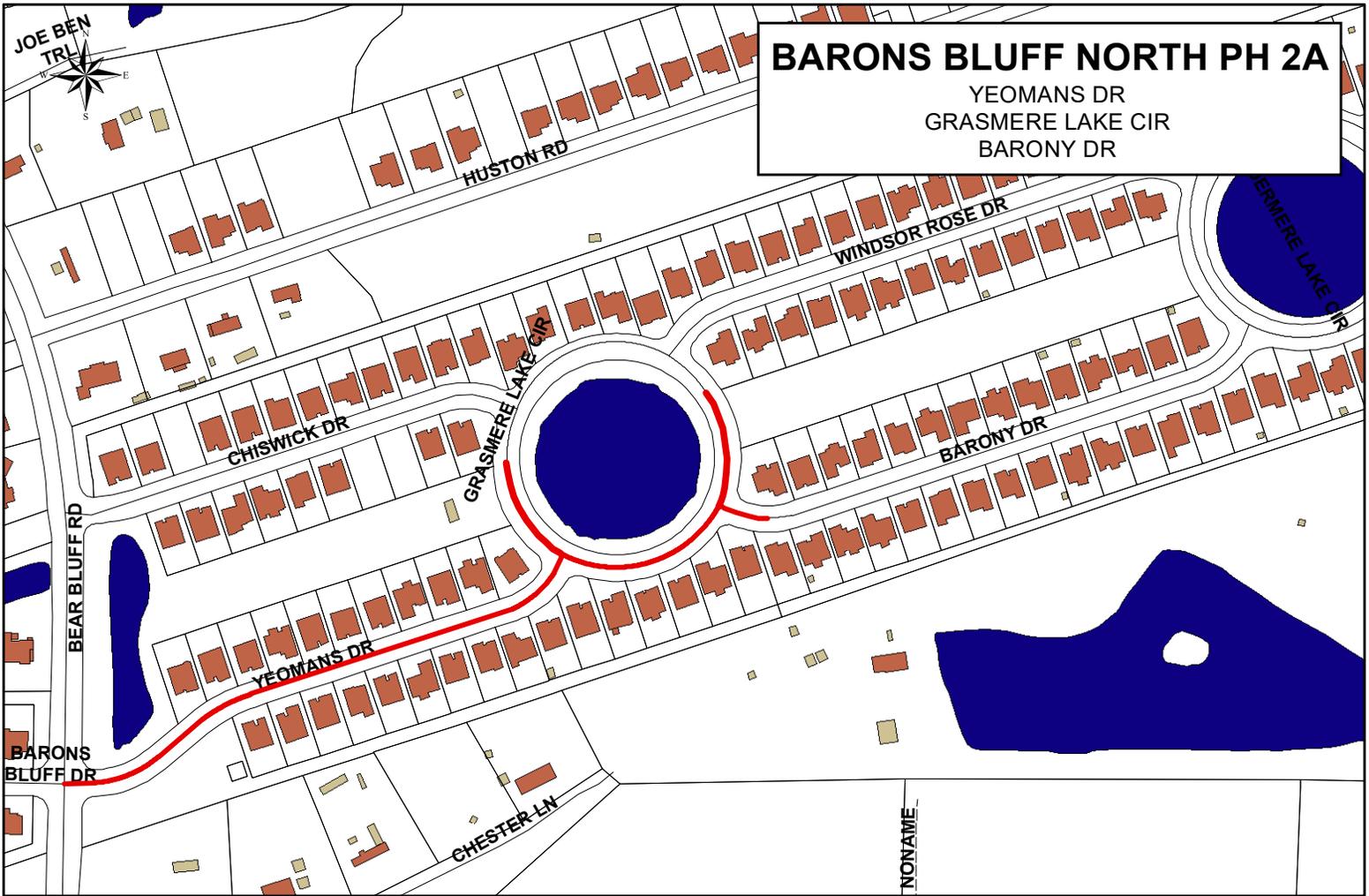
Johnny Gardner, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
Dennis DiSabato, District 3
Gary Loftus, District 4
Tyler Servant, District 5
Cam Crawford, District 6

Orton Bellamy, District 7
Johnny Vaught, District 8
W. Paul Prince, District 9
Danny Hardee, District 10
Al Allen, District 11

Attest:

Patricia S. Hartley, Clerk to Council



**County Council Decision Memorandum
Horry County, South Carolina**

Date: August 17, 2020
From: David Gilreath, P.E.
Division: Infrastructure & Regulation
Prepared By: Alisha Johnson, Plan Expediter
Cleared By: David Gilreath, P.E.
Committee: Infrastructure & Regulation
Issue: Acceptance into the Horry County Maintenance System

ISSUE

The developers Baron's Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court) = 0.50 miles in length (2,640') request the road and drainage be dedicated to Horry County.

PROPOSED ACTION

- OPTION A:** Approve acceptance into the County maintenance system of Baron's Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court).
OPTION B: Do not approve acceptance.

RECOMMENDATION:

Staff recommends **OPTION A**.

BACKGROUND

The developers have provided the Engineering Department with fully executed dedication documents and a letter of credit for Baron's Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court). The roads and drainage have been constructed to Horry County standards and inspected and approved by the Engineering Department.

COUNTY OF HORRY
STATE OF SOUTH CAROLINA

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)

RESOLUTION R- -20

A RESOLUTION TO ACCEPT DEDICATION OF THE ROADS AND DRAINAGE OF BARON’S BLUFF PHASE 2B (BARONY DRIVE, WINDERMERE LAKE CIRCLE, & TRAFALGAR COURT) INTO THE COUNTY ROAD SYSTEM:

WHEREAS, the developers Baron’s Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court) request the roads and drainage be dedicated to Horry County; and

WHEREAS, they have provided the Engineering Department with fully executed dedication documents and a letter of credit guaranteeing a three-year warranty; and

WHEREAS, the roads and drainage of Baron’s Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court) have been constructed to Horry County standards and inspected by the Engineering Department; and

WHEREAS, it is the intent of Horry County Council to accept the roads and drainage Baron’s Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court) in the County system.

NOW, THEREFORE, Horry County Council resolves to accept the roads and drainage Baron’s Bluff Phase 2B (Barony Drive, Windermere Lake Circle, & Trafalgar Court) and begin their three-year warranty period on the date of said acceptance.

AND IT IS SO RESOLVED this 1st day of September, 2020.

HORRY COUNTY COUNCIL

Johnny Gardner, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
Dennis DiSabato, District 3
Gary Loftus, District 4
Tyler Servant, District 5
Cam Crawford, District 6

Orton Bellamy, District 7
Johnny Vaught, District 8
W. Paul Prince, District 9
Danny Hardee, District 10
Al Allen, District 11

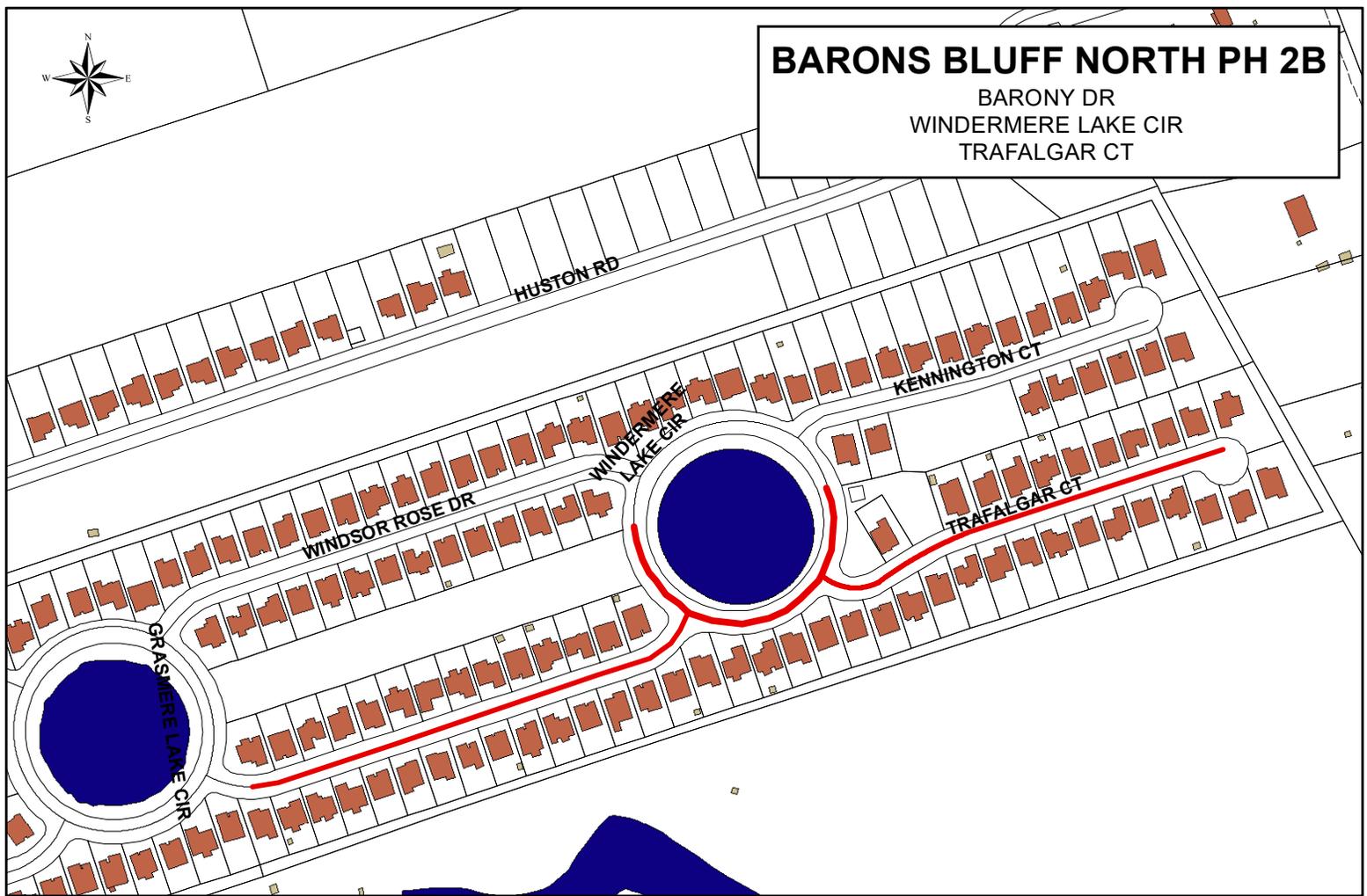
Attest:

Patricia S. Hartley, Clerk to Council



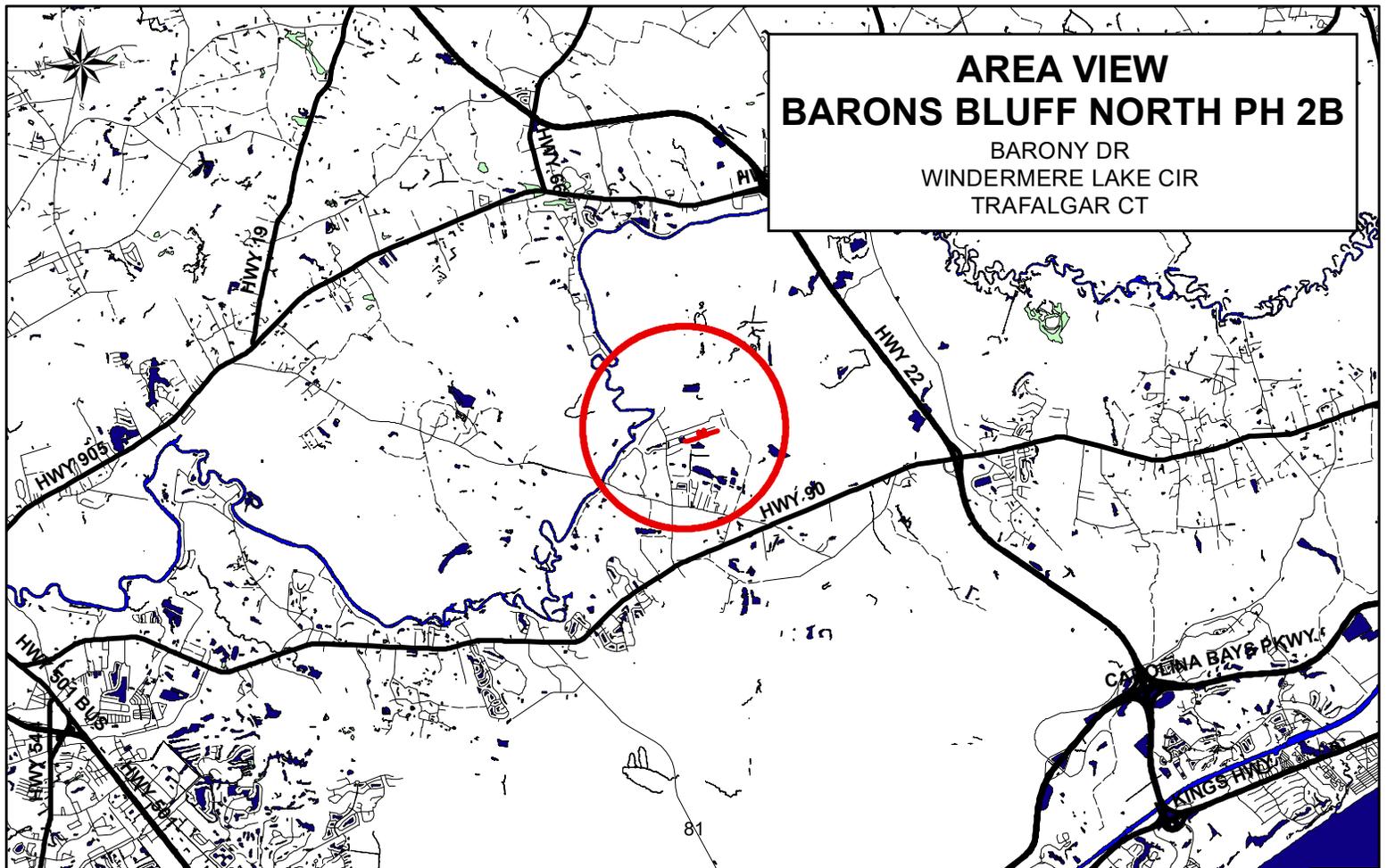
BARONS BLUFF NORTH PH 2B

BARONY DR
WINDERMERE LAKE CIR
TRAFALGAR CT



AREA VIEW BARONS BLUFF NORTH PH 2B

BARONY DR
WINDERMERE LAKE CIR
TRAFALGAR CT



**Planning Commission Decision Memorandum
Horry County, South Carolina**

Date: July 21, 2020
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Lou Conklin, Senior Planner
Cleared By: Leigh Kane, Principal Planner
Regarding: Horry County Historic Preservation Commission

ISSUE:

Should Horry County approve By-Laws for the Horry County Historic Preservation Commission?

PROPOSED ACTION:

Vote on the By-Laws for the Horry County Historic Preservation Commission.

RECOMMENDATION

Staff recommends approval.

BACKGROUND:

In accordance with Chapter 2 – Administration, Article VI, Section 2-75 (c) of the Horry County Code of Ordinances, the Horry County Historic Preservation Commission has updated the by-laws. However, Section 2-75 (c) of the Horry County Code of Ordinances authorizes changes to the by-laws or rules of procedure for various boards only if there is County Council approval.

ANALYSIS:

The by-laws for the Historic Preservation Commission were updated to reflect the name change. In addition small changes were made to the by-laws to reflect the language in Chapter 2 - Administration, Article VI, Sections 2-74 and 2-75 of the Horry County Code of Ordinances. During the June 16, 2020 meeting the Horry County Historic Preservation Commission voted to accept the update to the By-Laws.

COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)

RESOLUTION NO. _____

A RESOLUTION TO ADOPT THE BY-LAWS FOR THE HORRY COUNTY HISTORIC PRESERVATION COMMISSION.

WHEREAS, in accordance with Chapter 2 – Administration, Article VI, Section 2-75 (c) of the Horry County Code of Ordinances, the Horry County Historic Preservation Commission, formerly known as the Board of Architectural Review and Historic Preservation established in 1987, has set forth by-laws; and

WHEREAS, the Horry County Historic Preservation Commission in its set of by-laws has a specific mission and objectives as well as a member-appointed board, with officers, specific duties, regular meetings, and subcommittees; and,

WHEREAS, the Horry County Historic Preservation Commission shall recruit citizens and volunteers to serve on its board and subcommittees to protect the historic resources of the County; and,

WHEREAS, the Horry County Historic Preservation Commission shall collaborate with both civic and institution organizations in achieving the aforementioned, with the assistance of county staff to serve both as coordinator and secretary to the board; and,

WHEREAS, the Horry County Preservation Commission has recommended approval of the Horry County Historic Preservation Commission By-Laws.

NOW THEREFORE, Horry County Council resolves to approve the by-laws as recommended for approval by the Horry County Historic Preservation Commission.

AND IT SO RESOLVED. This _____ day of _____, 2020.

**HORRY COUNTY HISTORIC PRESERVATION COMMISSION
BY-LAWS**

ADOPTED THIS 16th DAY OF June, 2020, BY THE HORRY COUNTY HISTORIC PRESERVATION COMMISSION.

ARTICLE I.
NAME

The name of this county agency is the Horry County Historic Preservation Commission.

ARTICLE II.
ORDINANCE AND STATUS OF HORRY COUNTY
HISTORIC PRESERVATION COMMISSION

The Horry County Historic Preservation Commission (HPC) is an agency of Horry County Government as established by County Ordinance No. 02-87 and adopted March 3, 1987, revised with Ordinance No. 04-04 and adopted April 6th, 2004, and revised again with Ordinance No. ___-2020 on _____, 2020. The County Ordinance and any amendments thereto shall be the Constitution or the Chartering document of the Horry County Historic Preservation Commission and shall take precedence over the Commission's By-Laws in the event there is any question or problem of interpretation.

ARTICLE III.
PURPOSE

The purpose of the Horry County Historic Preservation Commission shall be to:

Provide a mechanism to identify, protect, and preserve the distinctive historical and architectural characteristics of Horry County, which represent the County's cultural, social, economic, political, and architectural history;

Foster civic pride in the beauty and accomplishments of the past as represented in Horry County's historic places;

Conserve, and improve the value of property designated as historic structures or properties or within designated historic districts;

Foster and encourage preservation, restoration, rehabilitation of structures, areas, neighborhoods, and help to prevent blight; and,

Encourage new developments reflecting and compatible with the historic character of the County.

ARTICLE IV.
GOAL

To declare a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. To preserve significant buildings, land areas, or districts having important historical, architectural, archaeological, or cultural interest and values that reflect the heritage of the County where unprecedented growth in population, economic functions, and land-use activities in the County have increasingly threatened to uproot or destroy these values, and once uprooted or destroyed, their distinctiveness is forever gone.

ARTICLE V.
DUTIES AND AUTHORITY

The duties and authority of the Horry County Historic Preservation Commission shall be those in the Ordinance and any amendments thereto.

ARTICLE VI.
MEMBERSHIP OF THE COMMISSION AND TERMS OF MEMBERSHIP

The Historic Preservation Commission shall consist of not more than ten (10) members. Members shall be appointed by Horry County Council.

At least five (5) members shall have demonstrated interest, competence, or knowledge in historic preservation. Five members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, or related disciplines (to include but not limited to urban planning, American studies, American civilization, cultural geography, cultural anthropology, engineering, or real estate) to the extent that such professionals are available in Horry County. The other members shall be appointed from one or

more of the following categories: lawyer, developer, construction contractor, or property owner.

Members shall be appointed to serve staggered four-year terms. The first members appointed shall be appointed for a term of two, three or four years. All terms shall commence July 1st and end June 30th of the appropriate year. Members shall serve until their successors are elected and qualify. Vacancies shall be filled for the duration of the term in the manner prescribed for the original appointment due to membership resignation or in the event a member moves from Horry County. All vacancies shall be filled within sixty (60) days, where possible. Newly appointed members shall be installed at the first regular meeting after their appointment.

Any member of the commission may be recommended for removal for cause by a vote of two-thirds (2/3) majority of the commission. Written notice of the recommendation shall be given to the county administrator within five (5) days of the meeting in which the recommendation is officially made. Removal will be by a majority vote of the county council after written notice to the member concerned. A written statement of the reasons for such removal shall be provided.

Members are expected to attend meetings. An attendance roster, including the names of members who attended and who did not attend, shall be included in the minutes of each meeting. Absence by any member from three (3) consecutive meetings without a valid reason, such as illness or pressing personal commitments, shall be considered a voluntary resignation by the member. In the event that three consecutive meetings are missed for any reason, valid or not, a letter shall be sent from the Chairperson of the Commission to the non-attending member to inquire their intention of continued service to the Commission. The non-attending member shall respond to this letter in writing with their intentions or shall be considered to have voluntarily withdrawn from service to the Commission.

All members must report to the Staff Liaison if they anticipate that they will be unable to attend a duly called meeting so that the Staff Liaison can determine whether a quorum will be present for the meeting.

The Secretary shall notify the County Administrator of any resignations due to absence from meetings and other resignations and vacancies caused by death, disability, transfer or residence

outside of the county or other causes, within thirty (30) days of the effective date thereof.

ARTICLE VII.
OFFICERS

At the first meeting subsequent to July 1st of each year, the offices of Chairman and Vice-Chairman shall be elected from the HPC voting membership and shall serve one-year terms or until their successors are elected. The Secretary shall be a County official or employee of the County and keep accurate records of the proceedings of the HPC meetings. The Secretary shall not be a voting member of the HPC.

ARTICLE VIII.
DUTIES OF OFFICERS

The duties of the officers shall be those usually related to the positions, as outlined by the parliamentary authority adopted by these By-Laws, with the following conditions:

Chairman - Shall give leadership to the Commission, act as a liaison between the Commission and County Council, preside over all meetings and represent the Commission when the Commission is not in session, and shall be responsible, per the Ordinance and amendments thereto, to the Horry County Council for the conduct and management of the Historic Preservation Commission. The Chairman shall serve as Ex-Officio on all committees.

Vice-Chairman - Shall perform the duties of the Chairman in his/her absence.

Secretary - Shall ensure that accurate records of each meeting are kept and that all correspondence directed by the HPC is accomplished, keep accurate files required by the HPC, and be responsible for the monthly financial report which will list the disbursements made in behalf of the HPC.

ARTICLE IX:
CONFLICT OF INTEREST

No member shall take any action with regard to a matter before the HPC which action would be in violation of state laws and regulations concerning ethics and government accountability. A member who is faced with a conflict of interest under state law shall prepare a written statement describing the matter and

the nature of the potential conflict of interest and shall furnish a copy of that statement to the chairman. The chairman shall then cause the statement to be printed in the minutes of the meeting and require that the member be excused from any votes, deliberations, and other actions on the matter.

ARTICLE X:
COMMITTEES

The Executive Committee shall consist of the officers of the HPC. The Committee may appoint any committee(s), sub-committee(s) and/or advisory committees as stipulated in the Ordinance and any amendments thereto.

ARTICLE XI:
MEETINGS

The regular meeting date of the Commission shall be the third Tuesday of each calendar month.

Special meetings may be called by any two (2) members of the Commission after not less than three (3) days notice to each member. The place of the meeting shall be determined by the Chairman.

All meetings shall be held in a place accessible and open to the general public. Meetings and actions of the Commission shall be governed by the requirements of the South Carolina Freedom of Information Act.

All meetings shall be advertised with notice posted on the bulletin board in the County Council office at least twenty-four (24) hours prior to the scheduled meeting.

All meetings at which public hearings are to be conducted must be advertised at least once in a newspaper of general circulation in Horry County minimally fifteen (15) days prior to the date scheduled for the public hearing in addition to normal meeting notices or additional noticing requirements defined within the Horry County Code of Ordinances.

ARTICLE XII:
RULES OF ORDER

The Rules contained in the most current edition of "Robert's Rules of Order" shall govern the Commission in all cases to which they are applicable and in which they do not

conflict with the provision of these By-Laws, the Ordinance and any of its amendments or with county, state, or national law.

The Commission is the final authority on interpretation of parliamentary authority by majority vote of the required quorum.

ARTICLE XIII.
QUORUM

All meetings must have a majority fifty (50) percent plus one (1) of the membership present to conduct business.

ARTICLE XIV.
MINUTES

Minutes and other official records of all meetings and actions shall be kept. A record of the vote of each member on all business and recommendations shall be recorded as part of the minutes of each meeting. The chairman shall vote on each issue brought before the Commission.

ARTICLE XV.
FINANCES

Budget requests shall be submitted according to the schedule and format of the annual Horry County budget manual. Budget requests shall be accompanied by a line-item justification, a statement of goals and objectives for the use of the county funds, and any other information required by the County Administrator and County Council.

For expenditures of County funds not under the County's financial management system, an audit report and management letter if provided by the external auditor shall be submitted to the County Administrator by September 30th of each year for the last previous fiscal year in which County funds were obtained.

Purchasing policies of Horry County, at minimum, will be followed for all bidding and other procurements.

ARTICLE XVI.
ANNUAL REPORT

The Commission shall present to the County Council in January of each year an annual report of activities along with recommendations for improvements or changes desired.

ARTICLE XVII.
MEMBERS AND PERSONNEL SUBJECT TO STATE STATUTES
AND COUNTY ORDINANCES

Members and staff shall be subject to and governed by the statutes of the State of South Carolina, the ordinances of Horry County, and all rules and regulations promulgated pursuant thereto, relating to County departments, agencies, boards and commissions and members, employees or personnel thereof. These entities are responsible to the County Administrator for compliance with general administrative requirements.

ARTICLE XIX.
AMENDMENTS

No amendment may be made relative to the substance of the Ordinance creating the Horry County Historic Preservation Commission. Suggested amendments or changes to the By-Laws shall be presented to the Chairman in writing who shall then submit it, in writing, to the Commission members in the notice of the Meeting at which the vote is to be taken. Amendments to and/or changes of the By-Laws shall require a two-thirds vote of the voting members.

The above and foregoing having come for consideration by the Horry County Historic Preservation Commission, having been discussed and agreed upon this 16th day of June, 2020.

County Council Decision Memorandum
Horry County, South Carolina

Date: July 21, 2019
From: Planning and Zoning
Division: Infrastructure & Regulation
Prepared By: Lou Conklin, Senior Planner
Cleared By: David Schwerd, Planning Director
Committee: Infrastructure & Regulation
Regarding: Horry County Historic Property Register

ISSUE:

Should Horry County Council add the following properties be added to the Horry County Historic Property Register?

1. Mt. Pisgah Baptist Church Cemetery
2. Pine Island Community Cemetery
3. Averett & Harriet Floyd Strickland Burial Site
4. Calvary Freewill Baptist Church
5. Cane Branch AME Church

PROPOSED ACTION:

Add the referenced historic properties to the Historic Property Register.

RECOMMENDATION:

The Board of Architectural Review and Historic Preservation recommended approval at their June 16, 2020 meeting.

BACKGROUND:

Horry County has recognized the need to preserve the County's local heritage as an irreplaceable asset through the creation of a list of designated individual properties, sites and landmarks, known as the Horry County Historic Property Register.

Horry County has established the prerequisites for a property to be added to the Register, those being, the Property:

- a. Has significant inherent character, interest, history, or value as part of the community or heritage of the community, state or nation; or
- b. Is the site of an event significant in history; or
- c. Is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation; or
- d. Exemplifies the cultural, political, economic, social, ethnic or historic heritage of the community, state or nation; or
- e. Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering; or

- f. Is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
- g. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- h. Is part of or related to a square or other distinctive element of community planning; or
- i. Represents an established and familiar visual feature of the neighborhood or community; or
- j. Has yielded, or may be likely to yield, information important in pre-history or history.

The Horry County Board of Architectural Review and Historic Preservation (BAR) has been charged with the responsibility of identifying and recommending to County Council the addition of properties meeting the above standards to the Horry County Historic Property Register.

ANALYSIS:

After conducting a public hearing, the Board of Architectural Review has unanimously determined that each of the historic sites numbered 1 through 5 above, meets the requirements of Section 1706.1 of the Horry County Zoning Ordinance, *Criteria for Historic Designation*. Each of the proposed sites is a minimum of fifty (50) years old in addition to meeting other standards. The Board of Architectural Review recommends adding the referenced properties to the Horry County Historic Property Register.

COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)

ORDINANCE NO.

AN ORDINANCE TO ADD CERTAIN PROPERTIES TO THE HORRY COUNTY HISTORIC PROPERTY REGISTER AS INDIVIDUAL HISTORIC PROPERTIES.

WHEREAS Horry County has recognized the need to preserve the County’s local heritage as an irreplaceable asset thru the creation of a list of designated individual properties, sites and landmarks; and,

WHEREAS The Mt. Pisgah Church Cemetery contains at least 80 gravesites, dating to at least 1964, and contains veterans from World War II, the Korean War, and the Vietnam War; and,

WHEREAS The Pine Island Community Cemetery contains at least 731 gravesites, dating to at least 1936, and contains veterans from World War I, World War II, the Korean War, the Vietnam War, and the Persian Gulf War; and,

WHEREAS The Averett & Harriet Floyd Strickland Burial Site contains at least 6 gravesites, dating to at least 1896, and contains a veteran from the Civil War; and,

WHEREAS The Calvary Freewill Baptist Church was founded in in 1937 with eight members and Brother Benton as the pastor. The existing church structure dates to 1938; and

WHEREAS The Cane Branch AME Church was founded in 1838 with a deed for one acre of property with the building and “the privilege of timber adjoining the land that may be necessary in order to keep the building erected.” The recorded price for the parcel was twenty five cents; and,

NOW THEREFORE by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that;

Mt. Pisgah Church Cemetery, Pine Island Community Cemetery, Averett & Harriet Floyd Strickland Burial Site, Calvary Freewill Baptist Church and the Cane Branch AME Church be added to the Horry County Historic Property Register.

AND IT IS SO ORDAINED, ENACTED AND ORDERED

Dated this _____ day of _____, 2019.