

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

S.P. 145 - L.D. 512

An Act Regarding the Disposition of Mercury-added Lamps

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1672, sub-§4, ¶A, as enacted by PL 2009, c. 272, §1, is amended to read:

A. The recycling program required under this subsection must include:

- (1) Convenient collection locations located throughout the State where residents can drop off their household lamps without cost, including but not limited to municipal collection sites and participating retail establishments;
- (2) Handling and recycling equipment and practices in compliance with the universal waste rules adopted pursuant to section 1319-O, subsection 1, paragraph F, with subsection 6 if a crushing device is used and with all other applicable requirements;
- (3) Effective education and outreach, including, but not limited to, point-of-purchase signs and other materials provided to retail establishments without cost; and
- (4) An annual report to the department on the number of mercury-added lamps recycled under the manufacturer's program, the estimated percentage of mercury-added lamps available for recycling that were recycled under the program and the methodology for estimating the number of mercury-added lamps available for recycling, an evaluation of the effectiveness of the recycling program, recommendations for increasing the number of lamps recycled under the recycling program and an accounting of the costs associated with administering and implementing the recycling program.

Sec. 2. 38 MRSA §1672, sub-§6 is enacted to read:

6. Lamp crushing. A recycling program required under subsection 4 may include the use of crushing devices in accordance with the provisions of this subsection.

A. The owner of the crushing device shall:

- (1) Register the device with the department. The registration must include:

- (a) The owner's name and contact information;
 - (b) The brand of device used;
 - (c) Anticipated usage of the device; and
 - (d) A statement that the operating manual required pursuant to subparagraph (2) is in place;
- (2) Develop an operating manual specifying how to safely crush mercury-added lamps. The operating manual must be available to all operators of the device and must include:
- (a) Procedures for operation and maintenance of the device in accordance with written procedures developed by the manufacturer of the device;
 - (b) Testing and monitoring procedures;
 - (c) Information concerning mercury hazards, crushing procedures, waste handling and emergency procedures;
 - (d) An assessment of whether surrounding areas will be negatively affected, either by physical proximity or air exchange with a heating, ventilation and air conditioning system;
 - (e) Proper waste management practices;
 - (f) Procedures for operator training to ensure operators have been trained in the operation and maintenance of equipment, including, but not limited to, engineering controls to mitigate mercury releases and personal protective equipment use; and
 - (g) Procedures to address emergency situations, including, but not limited to, procedures to address mercury hazards, waste handling and equipment failure;
- (3) Document maintenance activities, retain maintenance logs, test data from the manufacturer and any additional test data acquired and make available a copy of these records to the department at its request;
- (4) Meet all federal Occupational Safety and Health Administration requirements;
- (5) Dispose of all material crushed in the device;
- (6) Maintain on file an annual report for review by the department, at the discretion of the department, indicating the:
- (a) Total volume of mercury-added lamps crushed;
 - (b) Volume and disposition of any carbon or other filter from the device; and
 - (c) Names of the destination facilities to which all crushed material was shipped; and
- (7) Maintain testing and monitoring data.

B. The crushing device may be operated only in a closed system and in such a manner that any emission of mercury from the crushing device does not exceed 0.3 micrograms per cubic meter when measured on the basis of a time-weighted average over an 8-hour period.

C. The crushing device may be operated only in a secure, ventilated area and may not be operated in an area accessible to the general public.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor