

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1. CONSUMER ELECTRONICS RECYCLING ACT

5 Section 1-1. Short title. This Act may be cited as the
6 Consumer Electronics Recycling Act. References in this Article
7 to "this Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Agency" means the Illinois Environmental Protection
10 Agency.

11 "Best practices" means standards for collecting and
12 preparing items for shipment and recycling. "Best practices"
13 may include standards for packaging for transport, load size,
14 acceptable load contamination levels, non-CED items included
15 in a load, and other standards as determined under Section 1-85
16 of this Act. "Best practices" shall consider the desired intent
17 to preserve existing collection programs and relationships
18 when possible.

19 "Collector" means a person who collects residential CEDs at
20 any program collection site or one-day collection event and
21 prepares them for transport.

22 "Computer", often referred to as a "personal computer" or

1 "PC", means a desktop or notebook computer as further defined
2 below and used only in a residence, but does not mean an
3 automated typewriter, electronic printer, mobile telephone,
4 portable hand-held calculator, portable digital assistant
5 (PDA), MP3 player, or other similar device. "Computer" does not
6 include computer peripherals, commonly known as cables, mouse,
7 or keyboard. "Computer" is further defined as either:

8 (1) "Desktop computer", which means an electronic,
9 magnetic, optical, electrochemical, or other high-speed
10 data processing device performing logical, arithmetic, or
11 storage functions for general purpose needs that are met
12 through interaction with a number of software programs
13 contained therein, and that is not designed to exclusively
14 perform a specific type of logical, arithmetic, or storage
15 function or other limited or specialized application.
16 Human interface with a desktop computer is achieved through
17 a stand-alone keyboard, stand-alone monitor, or other
18 display unit, and a stand-alone mouse or other pointing
19 device, and is designed for a single user. A desktop
20 computer has a main unit that is intended to be
21 persistently located in a single location, often on a desk
22 or on the floor. A desktop computer is not designed for
23 portability and generally utilizes an external monitor,
24 keyboard, and mouse with an external or internal power
25 supply for a power source. Desktop computer does not
26 include an automated typewriter or typesetter; or

1 (2) "Notebook computer", which means an electronic,
2 magnetic, optical, electrochemical, or other high-speed
3 data processing device performing logical, arithmetic, or
4 storage functions for general purpose needs that are met
5 through interaction with a number of software programs
6 contained therein, and that is not designed to exclusively
7 perform a specific type of logical, arithmetic, or storage
8 function or other limited or specialized application.
9 Human interface with a notebook computer is achieved
10 through a keyboard, video display greater than 4 inches in
11 size, and mouse or other pointing device, all of which are
12 contained within the construction of the unit that
13 comprises the notebook computer; supplemental stand-alone
14 interface devices typically can also be attached to the
15 notebook computer. Notebook computers can use external,
16 internal, or batteries for a power source. Notebook
17 computer does not include a portable hand-held calculator,
18 or a portable digital assistant or similar specialized
19 device. A notebook computer has an incorporated video
20 display greater than 4 inches in size and can be carried as
21 one unit by an individual. A notebook computer is sometimes
22 referred to as a laptop computer.

23 (3) "Tablet computer", which means an electronic,
24 magnetic, optical, electrochemical, or other high-speed
25 data processing device performing logical, arithmetic, or
26 storage functions for general purpose needs that are met

1 through interaction with a number of software programs
2 contained therein, and that is not designed to exclusively
3 perform a specific type of logical, arithmetic, or storage
4 function or other limited or specialized application.
5 Human interface with a tablet computer is achieved through
6 a touch screen and video display screen greater than 6
7 inches in size (all of which are contained within the unit
8 that comprises the tablet computer). Tablet computers may
9 use an external or internal power source. "Tablet computer"
10 does not include a portable hand-held calculator, a
11 portable digital assistant, or a similar specialized
12 device.

13 "Computer monitor" means an electronic device that is a
14 cathode-ray tube or flat panel display primarily intended to
15 display information from a computer and is used only in a
16 residence.

17 "County collection site" means a collection site owned or
18 operated by a county or operated by a third party on behalf of
19 a county.

20 "County recycling coordinator" means the individual who is
21 designated as the recycling coordinator for a county in a waste
22 management plan developed pursuant to the Solid Waste Planning
23 and Recycling Act.

24 "Covered electronic device" or "CED" means any computer,
25 computer monitor, television, printer, electronic keyboard,
26 facsimile machine, videocassette recorder, portable digital

1 music player that has memory capability and is battery powered,
2 digital video disc player, video game console, electronic
3 mouse, scanner, digital converter box, cable receiver,
4 satellite receiver, digital video disc recorder, or
5 small-scale server sold at retail and taken out of service from
6 a residence in this State. "Covered electronic device" does not
7 include any of the following:

8 (1) an electronic device that is a part of a motor
9 vehicle or any component part of a motor vehicle assembled
10 by or for a vehicle manufacturer or franchised dealer,
11 including replacement parts for use in a motor vehicle;

12 (2) an electronic device that is functionally or
13 physically part of a larger piece of equipment or that is
14 taken out of service from an industrial, commercial
15 (including retail), library checkout, traffic control,
16 kiosk, security (other than household security),
17 governmental, agricultural, or medical setting, including
18 but not limited to diagnostic, monitoring, or control
19 equipment; or

20 (3) an electronic device that is contained within a
21 clothes washer, clothes dryer, refrigerator, refrigerator
22 and freezer, microwave oven, conventional oven or range,
23 dishwasher, room air conditioner, dehumidifier, water
24 pump, sump pump, or air purifier. To the extent allowed
25 under federal and State laws and regulations, a CED that is
26 being collected, recycled, or processed for reuse is not

1 considered to be hazardous waste, household waste, solid
2 waste, or special waste.

3 "Manufacturer" means a person, or a successor in interest
4 to a person, under whose brand or label a CED is or was sold at
5 retail. For any CED sold at retail under a brand or label that
6 is licensed from a person who is a mere brand owner and who
7 does not sell or produce a CED, the person who produced the CED
8 or his or her successor in interest is the manufacturer. For
9 any CED sold at retail under the brand or label of both the
10 retail seller and the person that produced the CED, the person
11 that produced the CED, or his or her successor in interest, is
12 the manufacturer.

13 "Manufacturer clearinghouse" means a group of 2 or more
14 manufacturers, representing at least 50% of the manufacturers'
15 total obligations under this Act for a program year, that are
16 cooperating with one another to collectively establish and
17 operate an e-waste program for the purpose of complying with
18 this Act.

19 "Manufacturer e-waste program" means any program
20 established, financed, and operated by a manufacturer,
21 individually or as part of a manufacturer clearinghouse, to
22 transport and subsequently recycle, in accordance with the
23 requirements of this Act, residential CEDs collected at program
24 collection sites and one-day collection events in accordance
25 with best practices.

26 "Municipal joint action agency" means a municipal joint

1 action agency created under Section 3.2 of the
2 Intergovernmental Cooperation Act.

3 "One-day collection event" means a one-day event used as a
4 substitute for a program collection site pursuant to Section
5 1-15 of this Act.

6 "Person" means an individual, partnership, co-partnership,
7 firm, company, limited liability company, corporation,
8 association, joint stock company, trust, estate, political
9 subdivision, State agency, or any other legal entity; or a
10 legal representative, agent, or assign of that entity. "Person"
11 includes a unit of local government.

12 "Printer" means desktop printers, multifunction printer
13 copiers, and printer/fax combinations taken out of service from
14 a residence that are designed to reside on a work surface, and
15 include various print technologies, including without
16 limitation laser and LED (electrographic), ink jet, dot matrix,
17 thermal, and digital sublimation, and "multi-function" or
18 "all-in-one" devices that perform different tasks, including
19 without limitation copying, scanning, faxing, and printing.
20 Printers do not include floor-standing printers, printers with
21 optional floor stand, point of sale (POS) receipt printers,
22 household printers such as a calculator with printing
23 capabilities or label makers, or non-stand-alone printers that
24 are embedded into products that are not CEDs.

25 "Program collection site" means a physical location that is
26 included in a manufacturer e-waste program and at which

1 residential CEDs are collected and prepared for transport by a
2 collector during a program year in accordance with the
3 requirements of this Act. Except as otherwise provided in this
4 Act, "program collection" site does not include a retail
5 collection site.

6 "Program year" means a calendar year. The first program
7 year is 2019.

8 "Recycler" means any person who transports or subsequently
9 recycles residential CEDs that have been collected and prepared
10 for transport by a collector at any program collection site or
11 one-day collection event.

12 "Recycling" has the meaning provided under Section 3.380 of
13 the Environmental Protection Act. "Recycling" includes any
14 process by which residential CEDs that would otherwise be
15 disposed of or discarded are collected, separated, or processed
16 and returned to the economic mainstream in the form of raw
17 materials or products.

18 "Residence" means a dwelling place or home in which one or
19 more individuals live.

20 "Residential covered electronic device" or "residential
21 CED" means any covered electronic device taken out of service
22 from a residence in the State.

23 "Retail collection site" means a private sector collection
24 site operated by a retailer collecting on behalf of a
25 manufacturer.

26 "Retailer" means a person who first sells, through a sales

1 outlet, catalogue, or the Internet, a covered electronic device
2 at retail to an individual for residential use or any permanent
3 establishment primarily where merchandise is displayed, held,
4 stored, or offered for sale to the public.

5 "Sale" means any retail transfer of title for consideration
6 of title including, but not limited to, transactions conducted
7 through sales outlets, catalogs, or the Internet or any other
8 similar electronic means. "Sale" does not include financing or
9 leasing.

10 "Small-scale server" means a computer that typically uses
11 desktop components in a desktop form designed primarily to
12 serve as a storage host for other computers. To be considered a
13 small-scale server, a computer must: be designed in a pedestal,
14 tower, or other form that is similar to that of a desktop
15 computer so that all data processing, storage, and network
16 interfacing is contained within one box or product; be designed
17 to be operational 24 hours per day and 7 days per week; have
18 very little unscheduled downtime, such as on the order of hours
19 per year; be capable of operating in a simultaneous multi-user
20 environment serving several users through networked client
21 units; and be designed for an industry-accepted operating
22 system for home or low-end server applications.

23 "Television" means an electronic device (i) containing a
24 cathode-ray tube or flat panel screen the size of which is
25 greater than 4 inches when measured diagonally, (ii) that is
26 intended to receive video programming via broadcast, cable, or

1 satellite transmission or to receive video from surveillance or
2 other similar cameras, and (iii) that is used only in a
3 residence.

4 Section 1-10. Manufacturer e-waste program.

5 (a) For program year 2019 and each program year thereafter,
6 each manufacturer shall, individually or as part of a
7 manufacturer clearinghouse, provide a manufacturer e-waste
8 program to transport and subsequently recycle, in accordance
9 with the requirements of this Act, residential CEDs collected
10 at, and prepared for transport from, the program collection
11 sites and one-day collection events included in the program
12 during the program year.

13 (b) Each manufacturer e-waste program must include, at a
14 minimum, the following:

15 (1) satisfaction of the convenience standard described
16 in Section 1-15 of this Act;

17 (2) instructions for designated county recycling
18 coordinators and municipal joint action agencies to
19 annually file notice to participate in the program;

20 (3) transportation and subsequent recycling of the
21 residential CEDs collected at, and prepared for transport
22 from, the program collection sites and one-day collection
23 events included in the program during the program year; and

24 (4) submission of a report to the Agency, by January
25 31, 2020, and each January 31 thereafter, which includes:

1 (A) the total weight of all residential CEDs
2 transported from program collection sites and one-day
3 collection events throughout the State during the
4 preceding program year by CED category;

5 (B) the total weight of residential CEDs
6 transported from all program collection sites and
7 one-day collection events in each county in the State
8 during the preceding program year by CED category; and

9 (C) the total weight of residential CEDs
10 transported from all program collection sites and
11 one-day collection events in each county in the State
12 during that preceding program year and that was
13 recycled.

14 (c) The Agency shall make the instructions required under
15 paragraph (2) of subsection (b) available on the Agency's
16 website by December 1, 2017.

17 Section 1-15. Convenience standard for program collection
18 sites and one-day collection events.

19 (a) Beginning in 2019 each manufacturer e-waste program for
20 a program year must include, at a minimum, program collection
21 sites in the following quantities in counties that elect to
22 participate in the manufacturer e-waste program for the program
23 year:

24 (1) one program collection site in each county that has
25 elected to participate in the manufacturer e-waste program

1 for the program year and that has a population density that
2 is less than 250 individuals per square mile;

3 (2) two program collection sites in each county that
4 has elected to participate in the manufacturer e-waste
5 program for the program year and that has a population
6 density that is greater than or equal to 250 individuals
7 per square mile but less than 500 individuals per square
8 mile;

9 (3) three program collection sites in each county that
10 has elected to participate in the manufacturer e-waste
11 program for the program year and that has a population
12 density that is greater than or equal to 500 individuals
13 per square mile but less than 750 individuals per square
14 mile;

15 (4) four program collection sites in each county that
16 has elected to participate in the manufacturer e-waste
17 program for the program year and that has a population
18 density that is greater than or equal to 750 individuals
19 per square mile but less than 1,000 individuals per square
20 mile;

21 (5) five program collection sites in each county that
22 has elected to participate in the manufacturer e-waste
23 program for the program year and that has a population
24 density that is greater than or equal to 1,000 individuals
25 per square mile but less than 5,000 individuals per square
26 mile; and

1 (6) ten program collection sites in each county that
2 has elected to participate in the manufacturer e-waste
3 program for the program year and that has a population
4 density that is greater than or equal to 5,000 individuals
5 per square mile.

6 If a municipality with a population of over 1,000,000
7 residents notifies the program of the municipality's desire to
8 participate in the program, then that municipality shall
9 receive 15 program collection sites to be located in that
10 municipality in addition to county sites, which shall be
11 located outside of the municipality.

12 A designated county recycling coordinator may elect to
13 operate more than the required minimum number of collection
14 sites.

15 (b) Notwithstanding subsection (a) of this Section, the
16 county recycling coordinator for a county that elects to
17 participate in a manufacturer e-waste program may enter into a
18 written agreement with the operators of any manufacturer
19 e-waste program in order to do one or more of the following:

20 (1) to decrease the number of program collection sites
21 in the county for the program year;

22 (2) to substitute a program collection site in the
23 county with either (i) 4 one-day collection events in the
24 county or (ii) a different number of such events in the
25 county as may be provided in the written agreement;

26 (3) to substitute the location of a program collection

1 site in the county for the program year with another
2 location in the county; or

3 (4) to substitute the location of a one-day collection
4 in the county with another location in the county.

5 An agreement made pursuant to paragraphs (1) or (2) of this
6 subsection (b) shall be reduced to writing and included in the
7 manufacturer e-waste program plan as required under subsection
8 (a) of Section 1-25 of this Act.

9 (c) To facilitate the equitable allocation of covered
10 electronic device collection and recycling obligations among
11 manufacturers participating in a manufacturer e-waste program,
12 beginning November 1, 2018 and by November 1 of each year
13 thereafter, the Agency shall determine each manufacturer's
14 collection obligation for each CED category that takes into
15 account the market share of a manufacturer so that the
16 manufacturer's obligations are allocated based on the weight of
17 the manufacturer's sales in each CED category, divided by the
18 weight of all sales in each CED category multiplied by the
19 proportion of the weight of CEDs in each CED category collected
20 from county collection sites used in the manufacturer's e-waste
21 program in the prior program year. The manufacturer's
22 collection obligation calculated in this subsection (c) shall
23 be expressed as a percentage.

24 (d) Nothing in this Act shall prevent a manufacturer from
25 using retail collection sites to satisfy the manufacturer's
26 obligations under this Section.

1 Section 1-20. Election to participate in manufacturer
2 e-waste programs. Beginning with program year 2019, a county
3 may elect to participate in a manufacturer e-waste program by
4 having the county recycling coordinator file with the
5 manufacturer e-waste program and the Agency, on or before March
6 1, 2018, and on or before March 1 of each year thereafter for
7 the upcoming program year, a written notice of election to
8 participate in the program. The written notice shall include a
9 list of proposed collection locations likely to be available
10 and appropriate to support this program, and may include
11 locations already providing similar collection services. The
12 written notice may include a list of registered recyclers that
13 the county would prefer using for its collection sites or
14 one-day events.

15 County program coordinators may contract with registered
16 collectors to operate collection sites. Eligible registered
17 collectors are not limited to private companies and
18 non-government organizations. All collectors operating county
19 supervised programs shall abide by the standards in Section
20 1-45.

21 Should a county elect not to participate in the program, a
22 municipal joint action agency, representing residents within a
23 certain geographic area in the non-participating county can
24 elect to participate in the e-waste program on behalf of the
25 residents of the municipal joint action agency.

1 Section 1-25. Manufacturer e-waste program plans.

2 (a) By July 1, 2018, and by July 1 of each year thereafter
3 for the upcoming program year, beginning with program year
4 2019, each manufacturer shall, individually or as a
5 manufacturer clearinghouse, submit to the Agency a
6 manufacturer e-waste program plan and assume the financial
7 responsibility for bulk transportation, packaging materials
8 necessary to prepare shipments in compliance with best
9 practices, and recycling of collected CEDs, which includes, at
10 a minimum, the following:

11 (1) the contact information for the individual who will
12 serve as the point of contact for the manufacturer e-waste
13 program;

14 (2) the identity of each county that has elected to
15 participate in the manufacturer e-waste program during the
16 program year;

17 (3) for each county, the location of each program
18 collection site and one-day collection event included in
19 the manufacturer e-waste program for the program year;

20 (4) the collector operating each program collection
21 site and one-day collection event included in the
22 manufacturer e-waste program for the program year;

23 (5) the recyclers that manufacturers plan to use during
24 the program year to transport and subsequently recycle
25 residential CEDs under the program, with the updated list

1 of recyclers to be provided to the Agency no later than
2 December 1 preceding each program year; and

3 (6) an explanation of any deviation by the program from
4 the standard program collection site distribution set
5 forth in subsection (a) of Section 1-15 of this Act for the
6 program year, along with copies of all written agreements
7 made pursuant to paragraphs (1) or (2) of subsection (b) of
8 Section 1-15 for the program year.

9 (b) Within 60 days after receiving a manufacturer e-waste
10 program plan, the Agency shall review the plan and approve the
11 plan or disapprove the plan.

12 (1) If the Agency determines that the program
13 collection sites and one-day collection events specified
14 in the plan will satisfy the convenience standard set forth
15 in Section 1-15 of this Act, then the Agency shall approve
16 the manufacturer e-waste program plan and provide written
17 notification of the approval to the individual who serves
18 as the point of contact for the manufacturer. The Agency
19 shall post the approved plan on the Agency's website.

20 (2) If the Agency determines the plan will not satisfy
21 the convenience standard set forth in Section 1-15 of this
22 Act, then the Agency shall disapprove the manufacturer
23 e-waste program plan and provide written notification of
24 the disapproval and the reasons for the disapproval to the
25 individual who serves as the point of contact for the
26 manufacturer. Within 30 days after the date of disapproval,

1 the individual who serves as the point of contact for the
2 manufacturer shall submit a revised manufacturer e-waste
3 program plan that addresses the deficiencies noted in the
4 Agency's disapproval.

5 Section 1-30. Manufacturer registration.

6 (a) By April 1, 2018, and by April 1 of each year
7 thereafter for the upcoming program year, beginning with
8 program year 2019, each manufacturer who sells CEDs in the
9 State must register with the Agency by: (i) submitting to the
10 Agency a \$3,000 registration fee; and (ii) completing and
11 submitting to the Agency the registration form prescribed by
12 the Agency. Information on the registration form shall include,
13 without limitation, all of the following:

14 (1) a list of all of the brands and labels under which
15 the manufacturer's CEDs are sold or offered for sale in the
16 State; and

17 (2) the weight of all individual CEDs by category sold
18 or offered for sale under any of the manufacturer's brands
19 or labels in the United States during the calendar year 2
20 years before the applicable program year.

21 If, during a program year, any of the manufacturer's CEDs
22 are sold or offered for sale in the State under a brand that is
23 not listed in the manufacturer's registration, then, within 30
24 days after the first sale or offer for sale under that brand,
25 the manufacturer must amend its registration to add the brand.

1 All registration fees collected by the Agency pursuant to this
2 Section shall be deposited into the Solid Waste Management
3 Fund.

4 (b) The Agency shall post on its website a list of all
5 registered manufacturers.

6 (c) Beginning in program year 2019, a manufacturer whose
7 CEDs are sold or offered for sale in this State for the first
8 time on or after April 1 of a program year must register with
9 the Agency within 30 days after the date the CEDs are first
10 sold or offered for sale in the State.

11 (d) Beginning in program year 2019, manufacturers shall
12 ensure that only recyclers that have registered with the Agency
13 and meet the recycler standards set forth in Section 1-40 are
14 used to transport or recycle residential CEDs collected at any
15 program collection site or one-day collection event.

16 (e) Beginning in program year 2019, no manufacturer may
17 sell or offer for sale a CED in this State unless the
18 manufacturer is registered and operates a manufacturer program
19 either individually or as part of the manufacturer
20 clearinghouse as required in this Act.

21 (f) Beginning in program year 2019, no manufacturer may
22 sell or offer for sale a CED in this State unless the
23 manufacturer's brand name is permanently affixed to, and is
24 readily visible on, the CED.

25 Section 1-35. Retailer responsibilities.

1 (a) Beginning in program year 2019, no retailer who first
2 sells, through a sales outlet, catalogue, or the Internet, a
3 CED at retail to an individual for residential use may sell or
4 offer for sale any CED in or for delivery into this State
5 unless:

6 (1) the CED is labeled with a brand, and the label is
7 permanently affixed and readily visible; and

8 (2) the manufacturer is registered with the Agency at
9 the time the retailer purchases the CED.

10 (b) A retailer shall be considered to have complied with
11 paragraphs (1) and (2) of subsection (a) if:

12 (1) a manufacturer registers with the agency within 30
13 days of a retailer taking possession of the manufacturer's
14 CED;

15 (2) a manufacturer's registration expires and the
16 retailer ordered the CED prior to the expiration, in which
17 case the retailer may sell the CED, but only if the sale
18 takes place within 180 days of the expiration; or

19 (3) a manufacturer is no longer conducting business and
20 has no successor in interest the retailer may sell any
21 orphan CED ordered prior to the discontinuation of
22 business.

23 (c) Retailers shall not be considered collectors under the
24 convenience standard and retail collection sites shall not be
25 considered a collection site for the purposes of the
26 convenience standard pursuant to Sections 1-10, 1-15, and 1-25

1 unless otherwise agreed to in writing by the retailer,
2 operators of the manufacture e-waste program, and the county
3 coordinator. If retailers agree to participate in a county
4 program collection site, then the retailer collection site does
5 not have to collect all CEDs or register as a collector.

6 (d) Manufacturers may use retail collection sites for
7 satisfying some or all of their obligations pursuant to
8 Sections 1-10, 1-15 and 1-25.

9 (e) Nothing in this Act shall prohibit a retailer from
10 collecting a fee for each CED collected.

11 Section 1-40. Recycler responsibilities.

12 (a) By January 1, 2019, and by January 1 of each year
13 thereafter for that program year, beginning with program year
14 2019, each recycler must register with the Agency by (i)
15 submitting to the Agency a \$3,000 registration fee and (ii)
16 completing and submitting to the Agency the registration form
17 prescribed by the Agency. The registration form prescribed by
18 the Agency shall include, without limitation, the address of
19 each location where the recycler manages residential CEDs. All
20 registration fees collected by the Agency pursuant to this
21 Section shall be deposited into the Solid Waste Management
22 Fund.

23 (b) The Agency shall post on the Agency's website a list of
24 all registered recyclers and the information requested by
25 subsection (d) of Section 1-40.

1 (c) Beginning in program year 2019, no person may act as a
2 recycler of residential CEDs for a manufacturer's e-waste
3 program unless the recycler is registered with the Agency as
4 required under this Section.

5 (d) Beginning in program year 2019, recyclers must, at a
6 minimum, comply with all of the following:

7 (1) Recyclers must comply with federal, State, and
8 local laws and regulations, including federal and State
9 minimum wage laws, specifically relevant to the handling,
10 processing, and recycling of residential CEDs and must have
11 proper authorization by all appropriate governing
12 authorities to perform the handling, processing, and
13 recycling.

14 (2) Recyclers must implement the appropriate measures
15 to safeguard occupational and environmental health and
16 safety, through the following:

17 (A) environmental health and safety training of
18 personnel, including training with regard to material
19 and equipment handling, worker exposure, controlling
20 releases, and safety and emergency procedures;

21 (B) an up-to-date, written plan for the
22 identification and management of hazardous materials;
23 and

24 (C) an up-to-date, written plan for reporting and
25 responding to exceptional pollutant releases,
26 including emergencies such as accidents, spills,

1 fires, and explosions.

2 (3) Recyclers must maintain (i) commercial general
3 liability insurance or the equivalent corporate guarantee
4 for accidents and other emergencies with limits of not less
5 than \$1,000,000 per occurrence and \$1,000,000 aggregate
6 and (ii) pollution legal liability insurance with limits
7 not less than \$1,000,000 per occurrence for companies
8 engaged solely in the dismantling activities and
9 \$5,000,000 per occurrence for companies engaged in
10 recycling.

11 (4) Recyclers must maintain on file documentation that
12 demonstrates the completion of an environmental health and
13 safety audit completed and certified by a competent
14 internal and external auditor annually. A competent
15 auditor is an individual who, through professional
16 training or work experience, is appropriately qualified to
17 evaluate the environmental health and safety conditions,
18 practices, and procedures of the facility. Documentation
19 of auditors' qualifications must be available for
20 inspection by Agency officials and third-party auditors.

21 (5) Recyclers must maintain on file proof of workers'
22 compensation and employers' liability insurance.

23 (6) Recyclers must provide adequate assurance, such as
24 bonds or corporate guarantees, to cover environmental and
25 other costs of the closure of the recycler's facility,
26 including cleanup of stockpiled equipment and materials.

1 (7) Recyclers must apply due diligence principles to
2 the selection of facilities to which components and
3 materials, such as plastics, metals, and circuit boards,
4 from residential CEDs are sent for reuse and recycling.

5 (8) Recyclers must establish a documented
6 environmental management system that is appropriate in
7 level of detail and documentation to the scale and function
8 of the facility, including documented regular self-audits
9 or inspections of the recycler's environmental compliance
10 at the facility.

11 (9) Recyclers must use the appropriate equipment for
12 the proper processing of incoming materials as well as
13 controlling environmental releases to the environment. The
14 dismantling operations and storage of residential CED
15 components that contain hazardous substances must be
16 conducted indoors and over impervious floors. Storage
17 areas must be adequate to hold all processed and
18 unprocessed inventory. When heat is used to soften solder
19 and when residential CED components are shredded,
20 operations must be designed to control indoor and outdoor
21 hazardous air emissions.

22 (10) Recyclers must establish a system for identifying
23 and properly managing components, such as circuit boards,
24 batteries, cathode-ray tubes, and mercury phosphor lamps,
25 that are removed from residential CEDs during disassembly.
26 Recyclers must properly manage all hazardous and other

1 components requiring special handling from residential
2 CEDs consistent with federal, State, and local laws and
3 regulations. Recyclers must provide visible tracking, such
4 as hazardous waste manifests or bills of lading, of
5 hazardous components and materials from the facility to the
6 destination facilities and documentation, such as
7 contracts, stating how the destination facility processes
8 the materials received. No recycler may send, either
9 directly or through intermediaries, hazardous wastes to
10 solid non-hazardous waste landfills or to non-hazardous
11 waste incinerators for disposal or energy recovery. For the
12 purpose of these guidelines, smelting of hazardous wastes
13 to recover metals for reuse in conformance with all
14 applicable laws and regulations is not considered disposal
15 or energy recovery.

16 (11) Recyclers must use a regularly implemented and
17 documented monitoring and record-keeping program that
18 tracks total inbound residential CED material weights and
19 total subsequent outbound weights to each destination,
20 injury and illness rates, and compliance with applicable
21 permit parameters including monitoring of effluents and
22 emissions. Recyclers must maintain contracts or other
23 documents, such as sales receipts, suitable to
24 demonstrate: (i) the reasonable expectation that there is a
25 downstream market or uses for designated electronics,
26 which may include recycling or reclamation processes such

1 as smelting to recover metals for reuse; and (ii) that any
2 residuals from recycling or reclamation processes, or
3 both, are properly handled and managed to maximize reuse
4 and recycling of materials to the extent practical.

5 (12) Recyclers must employ industry-accepted
6 procedures for the destruction or sanitization of data on
7 hard drives and other data storage devices. Acceptable
8 guidelines for the destruction or sanitization of data are
9 contained in the National Institute of Standards and
10 Technology's Guidelines for Media Sanitation or those
11 guidelines certified by the National Association for
12 Information Destruction.

13 (13) No recycler may employ prison labor in any
14 operation related to the collection, transportation, and
15 recycling of CEDs. No recycler may employ any third party
16 that uses or subcontracts for the use of prison labor.

17 (e) Each recycler shall, during each calendar year,
18 transport from each site that the recycler uses to manage
19 residential CEDs not less than 75% of the total weight of
20 residential CEDs present at the site during the preceding
21 calendar year. Each recycler shall maintain on-site records
22 that demonstrate compliance with this requirement and shall
23 make those records available to the Agency for inspection and
24 copying.

25 Nothing in this Act shall prevent a person from acting as a
26 recycler independently of a manufacturer e-waste program.

1 Section 1-45. Collector responsibilities.

2 (a) By January 1, 2019, and by January 1 of each year
3 thereafter for that program year, beginning with program year
4 2019, a person acting as a collector under a manufacturer
5 e-waste program shall register with the Agency by completing
6 and submitting to the Agency the registration form prescribed
7 by the Agency. The registration form prescribed by the Agency
8 must include, without limitation, the address of each location
9 at which the collector accepts residential CEDs.

10 (b) The Agency shall post on the Agency's website a list of
11 all registered collectors.

12 (c) Manufacturers and recyclers acting as collectors shall
13 so indicate on their registration under Section 1-30 or 1-40 of
14 this Act.

15 (d) By January 31, 2020 and every January 31 thereafter,
16 each collector that operates a program collection site or
17 one-day collection event shall report its previous program year
18 data on CEDs collected to the Agency and manufacturer
19 clearinghouse to assist in satisfying a manufacturer's
20 obligation pursuant to subsection (c) of Section 1-15.

21 (e) Each collector that operates a program collection site
22 or one-day event shall ensure that the collected CEDs are
23 sorted and loaded in compliance with local, State, and federal
24 law and in accordance with best practices recommended by the
25 recycler and Section 1-85 of this Act. In addition, at a

1 minimum, the collector shall also comply with the following
2 requirements:

3 (1) all CEDs must be accepted at the collection site or
4 one-day event unless otherwise provided in this Act;

5 (2) CEDs shall be kept separate from other material and
6 shall be:

7 (A) packaged in a manner to prevent breakage; and

8 (B) loaded onto pallets and secured with plastic
9 wrap or in pallet-sized bulk containers prior to
10 shipping; and

11 (C) on average per collection site 18,000 pounds
12 per shipment, and if not then the recycler may charge
13 the collector a prorated charge on the shortfall in
14 weight, not to exceed \$600.

15 (3) CEDs shall be sorted into the following categories:

16 (A) computer monitors and televisions containing a
17 cathode-ray tube, other than televisions with wooden
18 exteriors;

19 (B) computer monitors and televisions containing a
20 flat panel screen;

21 (C) all other covered televisions;

22 (D) computers;

23 (E) all other CEDs; and

24 (F) any electronic device that is not part of the
25 manufacturer program that the collector has arranged
26 to have picked up with CEDs and for which a financial

1 arrangement has been made to cover the recycling costs
2 outside of the manufacturer program; and

3 (4) containers holding the CEDs must be structurally
4 sound for transportation.

5 (e) Except as provided in subsection (f) of this Section,
6 each collector that operates a program collection site or
7 one-day collection event during a program year shall accept all
8 residential CEDs that are delivered to the program collection
9 site or one-day collection event during the program year.

10 (f) No collector that operates a program collection site or
11 one-day collection event shall accept more than 7 residential
12 CEDs from an individual at any one time.

13 (g) Beginning in program year 2019, registered collectors
14 participating in county supervised collection programs may
15 collect a fee for each desktop computer monitor or television
16 accepted for recycling to cover costs for collection and
17 preparation for bulk shipment or cover cost for subsection (e)
18 of Section 1-45.

19 (h) Nothing in this Act shall prevent an individual from
20 acting as a collector independently of a manufacturer e-waste
21 program.

22 Section 1-50. Penalties.

23 (a) Except as otherwise provided in this Act, any person
24 who violates any provision of this Act is liable for a civil
25 penalty of \$1,000 for the violation.

1 (b) The penalties provided for in this Section may be
2 recovered in a civil action brought in the name of the people
3 of the State of Illinois by the State's Attorney of the county
4 in which the violation occurred or by the Attorney General. Any
5 penalties collected under this Section in an action in which
6 the Attorney General has prevailed shall be deposited in the
7 Environmental Protection Trust Fund, to be used in accordance
8 with the provisions of the Environmental Trust Fund Act.

9 (c) The Attorney General or the State's Attorney of a
10 county in which a violation occurs may institute a civil action
11 for an injunction, prohibitory or mandatory, to restrain
12 violations of this Act or to require such actions as may be
13 necessary to address violations of this Act.

14 (d) A fine imposed by administrative citation pursuant to
15 Section 1-55 of this Act shall be \$1,000 per violation, plus
16 any hearing costs incurred by the Illinois Pollution Control
17 Board and the Agency. Such fines shall be made payable to the
18 Environmental Protection Trust Fund to be used in accordance
19 with the Environmental Protection Trust Fund Act.

20 (e) The penalties and injunctions provided in this Act are
21 in addition to any penalties, injunctions, or other relief
22 provided under any other law. Nothing in this Act bars a cause
23 of action by the State for any other penalty, injunction, or
24 other relief provided by any other law.

25 (f) A knowing violation of subsections (a), (b), or (c) of
26 Section 1-83 of this Act by anyone other than a residential

1 consumer is a petty offense punishable by a fine of \$500. A
2 knowing violation of subsections (a), (b), or (c) of Section
3 1-83 by a residential consumer is a petty offense punishable by
4 a fine of \$25 for a first violation; however, a subsequent
5 violation by a residential consumer is a petty offense
6 punishable by a fine of \$50.

7 Section 1-55. Administrative citations.

8 (a) Any violation of a registration requirement in Sections
9 1-30, 1-40, or 1-45 of this Act, any violation of the reporting
10 requirement in paragraph (4) of subsection (b) of Section 1-10
11 of this Act, and any violation of the plan submission
12 requirement in subsection (a) of Section 1-25 of this Act shall
13 be enforceable by administrative citation issued by the Agency.
14 Whenever Agency personnel shall, on the basis of direct
15 observation, determine that any person has violated any of
16 those provisions, the Agency may issue and serve, within 60
17 days after the observed violation, an administrative citation
18 upon that person. Each citation shall be served upon the person
19 named or the person's authorized agent for service of process
20 and shall include the following:

21 (1) a statement specifying the provisions of this Act
22 that the person has violated;

23 (2) the penalty imposed under subsection (d) of Section
24 1-50 of this Act for that violation; and

25 (3) an affidavit by the personnel observing the

1 violation, attesting to their material actions and
2 observations.

3 (b) If the person named in the administrative citation
4 fails to petition the Illinois Pollution Control Board for
5 review within 35 days after the date of service, then the Board
6 shall adopt a final order, which shall include the
7 administrative citation and findings of violation as alleged in
8 the citation and shall impose the penalty specified in
9 subsection (d) of Section 1-50 of this Act.

10 (c) If a petition for review is filed with the Board to
11 contest an administrative citation issued under this Section,
12 then the Agency shall appear as a complainant at a hearing
13 before the Board to be conducted pursuant to subsection (d) of
14 this Section at a time not less than 21 days after notice of
15 the hearing has been sent by the Board to the Agency and the
16 person named in the citation. In those hearings, the burden of
17 proof shall be on the Agency. If, based on the record, the
18 Board finds that the alleged violation occurred, then the Board
19 shall adopt a final order, which shall include the
20 administrative citation and findings of violation as alleged in
21 the citation, and shall impose the penalty specified in
22 subsection (d) of Section 1-50 of this Act. However, if the
23 Board finds that the person appealing the citation has shown
24 that the violation resulted from uncontrollable circumstances,
25 then the Board shall adopt a final order that makes no finding
26 of violation and imposes no penalty.

1 (d) All hearings under this Section shall be held before a
2 qualified hearing officer, who may be attended by one or more
3 members of the Board, designated by the Chairman. All of these
4 hearings shall be open to the public, and any person may submit
5 written statements to the Board in connection with the subject
6 of these hearings. In addition, the Board may permit any person
7 to offer oral testimony. Any party to a hearing under this
8 Section may be represented by counsel, make oral or written
9 argument, offer testimony, cross-examine witnesses, or take
10 any combination of those actions. All testimony taken before
11 the Board shall be recorded stenographically. The transcript so
12 recorded and any additional matter accepted for the record
13 shall be open to public inspection, and copies of those
14 materials shall be made available to any person upon payment of
15 the actual cost of reproducing the original.

16 Section 1-60. Delegation of county rights and
17 responsibilities to municipal joint action agency. If a county
18 has delegated to a municipal joint action agency certain powers
19 or responsibilities under Section 3.2 of the Intergovernmental
20 Cooperation Act with respect to certain geographic areas of the
21 county, then the executive director of the municipal joint
22 action agency shall have, with respect to those geographic
23 areas, the rights and responsibilities that this Act would
24 otherwise afford to the county. If a county elects not to
25 participate in the program, then a municipal joint action

1 agency representing residents within the geographic area of the
2 municipal joint action agency can elect to participate in the
3 program.

4 Section 1-65. Relation to other State laws. Nothing in this
5 Act affects the validity or application of any other law of
6 this State, or regulations adopted thereunder.

7 Section 1-75. CRT Retrievable Storage. In order to further
8 the policy of the State to reduce the environmental and
9 economic impacts of transporting and managing cathode-ray tube
10 (CRT) glass, and to support (i) the beneficial use of CRTs in
11 accordance with beneficial use determinations issued by the
12 Agency under Section 22.54 of the Environmental Protection Act
13 and (ii) the storage of CRTs in retrievable storage cells at
14 locations within the State for future recovery; for the purpose
15 of this Act, a CRT shall be considered to be recycled if:

16 (1) all recyclable components are removed from the
17 device; and

18 (2) the glass from the device is either:

19 (A) beneficially reused in accordance with a
20 beneficial use determination issued under Section
21 22.54 of the Environmental Protection Act; or

22 (B) placed in a storage cell, in a manner that
23 allows it to be retrieved in the future, at a waste
24 disposal site that is permitted to accept the glass.

1 Section 1-80. Collection of CEDs outside of the
2 manufacturer e-waste program.

3 (a) Nothing in this Act prohibits a waste hauler from
4 entering into a contractual agreement with a unit of local
5 government to establish a collection program for the recycling
6 or reuse of CEDs, including services such as curbside
7 collection, home pick-up, drop-off locations, or similar
8 methods of collection.

9 (b) Nothing in this Act shall prohibit a person from
10 establishing an e-waste program independently of a
11 manufacturer e-waste program.

12 Section 1-83. Landfill ban.

13 (a) Beginning January 1, 2019, no person may knowingly
14 cause or allow the mixing of a CED, or any other computer,
15 computer monitor, printer, television, electronic keyboard,
16 facsimile machine, videocassette recorder, portable digital
17 music player, digital video disc player, video game console,
18 electronic mouse, scanner, digital converter box, cable
19 receiver, satellite receiver, digital video disc recorder, or
20 small-scale server with municipal waste that is intended for
21 disposal at a landfill.

22 (b) Beginning January 1, 2019, no person may knowingly
23 cause or allow the disposal of a CED or any other computer,
24 computer monitor, printer, television, electronic keyboard,

1 facsimile machine, videocassette recorder, portable digital
2 music player, digital video disc player, video game console,
3 electronic mouse, scanner, digital converter box, cable
4 receiver, satellite receiver, digital video disc recorder, or
5 small-scale server in a sanitary landfill.

6 (c) Beginning January 1, 2019, no person may knowingly
7 cause or allow the mixing of a CED, or any other computer,
8 computer monitor, printer, television, electronic keyboard,
9 facsimile machine, videocassette recorder, portable digital
10 music player, digital video disc player, video game console,
11 electronic mouse, scanner, digital converter box, cable
12 receiver, satellite receiver, digital video disc recorder, or
13 small-scale server with waste that is intended for disposal by
14 burning or incineration.

15 (d) Beginning January 1, 2019, no person may knowingly
16 cause or allow the burning or incineration of a CED, or any
17 other computer, computer monitor, printer, television,
18 electronic keyboard, facsimile machine, videocassette
19 recorder, portable digital music player, digital video disc
20 player, video game console, electronic mouse, scanner, digital
21 converter box, cable receiver, satellite receiver, digital
22 video disc recorder, or small-scale server.

23 Section 1-85. Best practices. By November 1, 2018 and
24 November 1 of each year thereafter, an advisory stakeholder
25 group shall submit a document, to be approved annually by a

1 majority of the stakeholder group, of agreed-to best practices
2 to be used in the following program year and made available on
3 the Agency website. The best practices stakeholder group shall
4 be made up of 8 members, appointed by the Director of the
5 Agency, including 2 representatives of county programs, 2
6 representatives of recycling companies, 2 representatives from
7 the manufacturing industry, one representative from a
8 statewide trade association representing retailers, one
9 representative of a statewide trade association representing
10 manufacturers, one representative of a statewide trade
11 association representing waste disposal companies, and one
12 representative of a national trade association representing
13 manufacturers.

14 Section 1-86. Public Reporting. Each year, the Agency shall
15 post on its website the information it receives pursuant to
16 subdivision (b)(4) of Section 1-10 showing the amounts of
17 residential CEDs being collected and recycled in each county in
18 each program year. The Agency shall notify the General Assembly
19 of the availability of this information.

20 Section 1-90. Repeal. This Article is repealed on December
21 31, 2026.

22 ARTICLE 5. AMENDATORY PROVISIONS

1 (30 ILCS 105/5.716 rep.)

2 Section 5-5. The State Finance Act is amended by repealing
3 Section 5.716.

4 Section 5-10. The Environmental Protection Act is amended
5 by changing Section 22.15 as follows:

6 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

7 Sec. 22.15. Solid Waste Management Fund; fees.

8 (a) There is hereby created within the State Treasury a
9 special fund to be known as the "Solid Waste Management Fund",
10 to be constituted from the fees collected by the State pursuant
11 to this Section, ~~and~~ from repayments of loans made from the
12 Fund for solid waste projects, from registration fees collected
13 pursuant to the Consumer Electronics Recycling Act, and from
14 amounts transferred into the Fund pursuant to this amendatory
15 Act of the 100th General Assembly. Moneys received by the
16 Department of Commerce and Economic Opportunity in repayment of
17 loans made pursuant to the Illinois Solid Waste Management Act
18 shall be deposited into the General Revenue Fund.

19 (b) The Agency shall assess and collect a fee in the amount
20 set forth herein from the owner or operator of each sanitary
21 landfill permitted or required to be permitted by the Agency to
22 dispose of solid waste if the sanitary landfill is located off
23 the site where such waste was produced and if such sanitary
24 landfill is owned, controlled, and operated by a person other

1 than the generator of such waste. The Agency shall deposit all
2 fees collected into the Solid Waste Management Fund. If a site
3 is contiguous to one or more landfills owned or operated by the
4 same person, the volumes permanently disposed of by each
5 landfill shall be combined for purposes of determining the fee
6 under this subsection.

7 (1) If more than 150,000 cubic yards of non-hazardous
8 solid waste is permanently disposed of at a site in a
9 calendar year, the owner or operator shall either pay a fee
10 of 95 cents per cubic yard or, alternatively, the owner or
11 operator may weigh the quantity of the solid waste
12 permanently disposed of with a device for which
13 certification has been obtained under the Weights and
14 Measures Act and pay a fee of \$2.00 per ton of solid waste
15 permanently disposed of. In no case shall the fee collected
16 or paid by the owner or operator under this paragraph
17 exceed \$1.55 per cubic yard or \$3.27 per ton.

18 (2) If more than 100,000 cubic yards but not more than
19 150,000 cubic yards of non-hazardous waste is permanently
20 disposed of at a site in a calendar year, the owner or
21 operator shall pay a fee of \$52,630.

22 (3) If more than 50,000 cubic yards but not more than
23 100,000 cubic yards of non-hazardous solid waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$23,790.

26 (4) If more than 10,000 cubic yards but not more than

1 50,000 cubic yards of non-hazardous solid waste is
2 permanently disposed of at a site in a calendar year, the
3 owner or operator shall pay a fee of \$7,260.

4 (5) If not more than 10,000 cubic yards of
5 non-hazardous solid waste is permanently disposed of at a
6 site in a calendar year, the owner or operator shall pay a
7 fee of \$1050.

8 (c) (Blank).

9 (d) The Agency shall establish rules relating to the
10 collection of the fees authorized by this Section. Such rules
11 shall include, but not be limited to:

12 (1) necessary records identifying the quantities of
13 solid waste received or disposed;

14 (2) the form and submission of reports to accompany the
15 payment of fees to the Agency;

16 (3) the time and manner of payment of fees to the
17 Agency, which payments shall not be more often than
18 quarterly; and

19 (4) procedures setting forth criteria establishing
20 when an owner or operator may measure by weight or volume
21 during any given quarter or other fee payment period.

22 (e) Pursuant to appropriation, all monies in the Solid
23 Waste Management Fund shall be used by the Agency and the
24 Department of Commerce and Economic Opportunity for the
25 purposes set forth in this Section and in the Illinois Solid
26 Waste Management Act, including for the costs of fee collection

1 and administration, and for the administration of (1) the
2 Consumer Electronics Recycling Act and (2) until January 1,
3 2020, the Electronic Products Recycling and Reuse Act.

4 (f) The Agency is authorized to enter into such agreements
5 and to promulgate such rules as are necessary to carry out its
6 duties under this Section and the Illinois Solid Waste
7 Management Act.

8 (g) On the first day of January, April, July, and October
9 of each year, beginning on July 1, 1996, the State Comptroller
10 and Treasurer shall transfer \$500,000 from the Solid Waste
11 Management Fund to the Hazardous Waste Fund. Moneys transferred
12 under this subsection (g) shall be used only for the purposes
13 set forth in item (1) of subsection (d) of Section 22.2.

14 (h) The Agency is authorized to provide financial
15 assistance to units of local government for the performance of
16 inspecting, investigating and enforcement activities pursuant
17 to Section 4(r) at nonhazardous solid waste disposal sites.

18 (i) The Agency is authorized to support the operations of
19 an industrial materials exchange service, and to conduct
20 household waste collection and disposal programs.

21 (j) A unit of local government, as defined in the Local
22 Solid Waste Disposal Act, in which a solid waste disposal
23 facility is located may establish a fee, tax, or surcharge with
24 regard to the permanent disposal of solid waste. All fees,
25 taxes, and surcharges collected under this subsection shall be
26 utilized for solid waste management purposes, including

1 long-term monitoring and maintenance of landfills, planning,
2 implementation, inspection, enforcement and other activities
3 consistent with the Solid Waste Management Act and the Local
4 Solid Waste Disposal Act, or for any other environment-related
5 purpose, including but not limited to an environment-related
6 public works project, but not for the construction of a new
7 pollution control facility other than a household hazardous
8 waste facility. However, the total fee, tax or surcharge
9 imposed by all units of local government under this subsection
10 (j) upon the solid waste disposal facility shall not exceed:

11 (1) 60¢ per cubic yard if more than 150,000 cubic yards
12 of non-hazardous solid waste is permanently disposed of at
13 the site in a calendar year, unless the owner or operator
14 weighs the quantity of the solid waste received with a
15 device for which certification has been obtained under the
16 Weights and Measures Act, in which case the fee shall not
17 exceed \$1.27 per ton of solid waste permanently disposed
18 of.

19 (2) \$33,350 if more than 100,000 cubic yards, but not
20 more than 150,000 cubic yards, of non-hazardous waste is
21 permanently disposed of at the site in a calendar year.

22 (3) \$15,500 if more than 50,000 cubic yards, but not
23 more than 100,000 cubic yards, of non-hazardous solid waste
24 is permanently disposed of at the site in a calendar year.

25 (4) \$4,650 if more than 10,000 cubic yards, but not
26 more than 50,000 cubic yards, of non-hazardous solid waste

1 is permanently disposed of at the site in a calendar year.

2 (5) \$\$650 if not more than 10,000 cubic yards of
3 non-hazardous solid waste is permanently disposed of at the
4 site in a calendar year.

5 The corporate authorities of the unit of local government
6 may use proceeds from the fee, tax, or surcharge to reimburse a
7 highway commissioner whose road district lies wholly or
8 partially within the corporate limits of the unit of local
9 government for expenses incurred in the removal of
10 nonhazardous, nonfluid municipal waste that has been dumped on
11 public property in violation of a State law or local ordinance.

12 A county or Municipal Joint Action Agency that imposes a
13 fee, tax, or surcharge under this subsection may use the
14 proceeds thereof to reimburse a municipality that lies wholly
15 or partially within its boundaries for expenses incurred in the
16 removal of nonhazardous, nonfluid municipal waste that has been
17 dumped on public property in violation of a State law or local
18 ordinance.

19 If the fees are to be used to conduct a local sanitary
20 landfill inspection or enforcement program, the unit of local
21 government must enter into a written delegation agreement with
22 the Agency pursuant to subsection (r) of Section 4. The unit of
23 local government and the Agency shall enter into such a written
24 delegation agreement within 60 days after the establishment of
25 such fees. At least annually, the Agency shall conduct an audit
26 of the expenditures made by units of local government from the

1 funds granted by the Agency to the units of local government
2 for purposes of local sanitary landfill inspection and
3 enforcement programs, to ensure that the funds have been
4 expended for the prescribed purposes under the grant.

5 The fees, taxes or surcharges collected under this
6 subsection (j) shall be placed by the unit of local government
7 in a separate fund, and the interest received on the moneys in
8 the fund shall be credited to the fund. The monies in the fund
9 may be accumulated over a period of years to be expended in
10 accordance with this subsection.

11 A unit of local government, as defined in the Local Solid
12 Waste Disposal Act, shall prepare and distribute to the Agency,
13 in April of each year, a report that details spending plans for
14 monies collected in accordance with this subsection. The report
15 will at a minimum include the following:

16 (1) The total monies collected pursuant to this
17 subsection.

18 (2) The most current balance of monies collected
19 pursuant to this subsection.

20 (3) An itemized accounting of all monies expended for
21 the previous year pursuant to this subsection.

22 (4) An estimation of monies to be collected for the
23 following 3 years pursuant to this subsection.

24 (5) A narrative detailing the general direction and
25 scope of future expenditures for one, 2 and 3 years.

26 The exemptions granted under Sections 22.16 and 22.16a, and

1 under subsection (k) of this Section, shall be applicable to
2 any fee, tax or surcharge imposed under this subsection (j);
3 except that the fee, tax or surcharge authorized to be imposed
4 under this subsection (j) may be made applicable by a unit of
5 local government to the permanent disposal of solid waste after
6 December 31, 1986, under any contract lawfully executed before
7 June 1, 1986 under which more than 150,000 cubic yards (or
8 50,000 tons) of solid waste is to be permanently disposed of,
9 even though the waste is exempt from the fee imposed by the
10 State under subsection (b) of this Section pursuant to an
11 exemption granted under Section 22.16.

12 (k) In accordance with the findings and purposes of the
13 Illinois Solid Waste Management Act, beginning January 1, 1989
14 the fee under subsection (b) and the fee, tax or surcharge
15 under subsection (j) shall not apply to:

16 (1) Waste which is hazardous waste; or

17 (2) Waste which is pollution control waste; or

18 (3) Waste from recycling, reclamation or reuse
19 processes which have been approved by the Agency as being
20 designed to remove any contaminant from wastes so as to
21 render such wastes reusable, provided that the process
22 renders at least 50% of the waste reusable; or

23 (4) Non-hazardous solid waste that is received at a
24 sanitary landfill and composted or recycled through a
25 process permitted by the Agency; or

26 (5) Any landfill which is permitted by the Agency to

1 receive only demolition or construction debris or
2 landscape waste.

3 (Source: P.A. 97-333, eff. 8-12-11.)

4 Section 5-15. The Electronic Products Recycling and Reuse
5 Act is amended by changing Sections 15, 20, 30, 40, 50, 55, 60,
6 and 85 and by adding Section 100 as follows:

7 (415 ILCS 150/15)

8 Sec. 15. Statewide recycling and reuse goals for all
9 covered electronic devices.

10 (a) For program year 2010, the statewide recycling or reuse
11 goal for all CEDs is the product of: (i) the latest population
12 estimate for the State, as published on the U.S. Census
13 Bureau's website on January 1, 2010; multiplied by (ii) 2.5
14 pounds per capita.

15 (b) For program year 2011, the statewide recycling or reuse
16 goal for all CEDs is the product of: (i) the 2010 base weight;
17 multiplied by (ii) the 2010 goal attainment percentage.

18 For the purposes of this subsection (b):

19 The "2010 base weight" means the greater of: (i) twice the
20 total weight of all CEDs that were recycled or processed for
21 reuse between January 1, 2010 and June 30, 2010 as reported to
22 the Agency under subsection (i) or (j) of Section 30; or (ii)
23 twice the total weight of all CEDs that were recycled or
24 processed for reuse between January 1, 2010 and June 30, 2010

1 as reported to the Agency under subsection (c) of Section 55.

2 The "2010 goal attainment percentage" means:

3 (1) 90% if the 2010 base weight is less than 90% of the
4 statewide recycling or reuse goal for program year 2010;

5 (2) 95% if the 2010 base weight is 90% or greater, but
6 does not exceed 95%, of the statewide recycling or reuse
7 goal for program year 2010;

8 (3) 100% if the 2010 base weight is 95% or greater, but
9 does not exceed 105%, of the statewide recycling or reuse
10 goal for program year 2010;

11 (4) 105% if the 2010 base weight is 105% or greater,
12 but does not exceed 110%, of the statewide recycling or
13 reuse goal for program year 2010; and

14 (5) 110% if the 2010 base weight is 110% or greater of
15 the statewide recycling or reuse goal for program year
16 2010.

17 (c) For program year 2012 and for each of the following
18 categories of electronic devices, each manufacturer shall
19 recycle or reuse at least 40% of the total weight of the
20 electronic devices that the manufacturer sold in that category
21 in Illinois during the calendar year beginning January 1, 2010:
22 computers, monitors, televisions, printers, electronic
23 keyboards, facsimile machines, video cassette recorders,
24 portable digital music players, digital video disc players,
25 video game consoles, electronic mice, scanners, digital
26 converter boxes, cable receivers, satellite receivers, digital

1 video disc recorders, and small-scale servers. To determine the
2 manufacturer's annual recycling or reuse goal, the
3 manufacturer shall use its own Illinois sales data or its own
4 national sales data proportioned to Illinois' share of the U.S.
5 population, based on the U.S. Census population estimate for
6 2009.

7 (c-5) For program year 2013 and program year 2014 and for
8 each of the following categories of electronic devices, each
9 manufacturer shall recycle or reuse at least 50% of the total
10 weight of the electronic devices that the manufacturer sold in
11 that category in Illinois during the calendar year 2 years
12 before the applicable program year: computers, monitors,
13 televisions, printers, electronic keyboards, facsimile
14 machines, video cassette recorders, portable digital music
15 players, digital video disc players, video game consoles,
16 electronic mice, scanners, digital converter boxes, cable
17 receivers, satellite receivers, digital video disc recorders,
18 and small-scale servers.

19 To determine the manufacturer's annual recycling or reuse
20 goal, the manufacturer shall use its own Illinois sales data or
21 its own national sales data proportioned to Illinois' share of
22 the U.S. population, based on the most recent U.S. Census data.

23 (c-6) For program year 2015, the total annual recycling
24 goal for all manufacturers shall be as follows:

25 (1) 30,800,000 pounds for manufacturers of televisions
26 and computer monitors; and

1 (2) 15,800,000 pounds for manufacturers of all other
2 covered electronic devices.

3 For program year 2016 and program year 2017 and program
4 year 2018, the total annual recycling goal for all
5 manufacturers shall be as follows:

6 (1) 34,000,000 pounds for manufacturers of televisions
7 and computer monitors; and

8 (2) 15,600,000 pounds for manufacturers of all other
9 covered electronic devices.

10 An individual manufacturer's annual recycling goal for
11 televisions, computer monitors, and all other covered
12 electronic devices shall be in proportion to the manufacturer's
13 market share of those product types sold in Illinois during the
14 calendar year 2 years before the applicable program year.

15 ~~For program year 2018 and thereafter, and for each of the~~
16 ~~following categories of electronic devices, each manufacturer~~
17 ~~shall recycle or reuse at least 50% of the total weight of the~~
18 ~~electronic devices that the manufacturer sold in that category~~
19 ~~in Illinois during the calendar year 2 years before the~~
20 ~~applicable program year: computers, monitors, televisions,~~
21 ~~printers, electronic keyboards, facsimile machines, video~~
22 ~~cassette recorders, portable digital music players, digital~~
23 ~~video disc players, video game consoles, electronic mice,~~
24 ~~scanners, digital converter boxes, cable receivers, satellite~~
25 ~~receivers, digital video disc recorders, and small-scale~~
26 ~~servers.~~

~~To determine the manufacturer's annual recycling or reuse goal for program year 2018 and thereafter, the manufacturer shall use its own Illinois sales data or its own national sales data proportioned to Illinois' share of the U.S. population, based on the most recent U.S. census data.~~

(d) In order to further the policy of the State of Illinois to reduce the environmental and economic impacts of transporting and managing cathode-ray tube (CRT) glass, and to support (i) the beneficial use of CRTs in accordance with beneficial use determinations issued by the Agency under Section 22.54 of the Environmental Protection Act and (ii) the storage of CRTs in retrievable storage cells at locations within the State for future recovery, the total weight of a CRT device, prior to processing, may be applied toward the manufacturer's annual recycling or reuse goal, provided that:

(1) all recyclable components are removed from the device; and

(2) the glass from the device is either:

(A) beneficially reused in accordance with a beneficial use determination issued under Section 22.54 of the Environmental Protection Act; or

(B) placed in a storage cell, in a manner that allows it to be retrieved in the future, at a waste disposal site that is permitted to accept the glass.

(Source: P.A. 99-13, eff. 7-10-15.)

1 (415 ILCS 150/20)

2 Sec. 20. Agency responsibilities.

3 (a) The Agency has the authority to monitor compliance with
4 this Act, enforce violations of the Act by administrative
5 citation, and refer violations of this Act to the Attorney
6 General.

7 (b) No later than October 1 of each program year, through
8 October 1, 2017, the Agency shall post on its website a list of
9 underserved counties in the State for the next program year.
10 The list of underserved counties for program years 2010 and
11 2011 is set forth in subsection (a) of Section 60.

12 (c) From July 1, 2009 until December 31, 2015, the Agency
13 shall implement a county and municipal government education
14 campaign to inform those entities about this Act and the
15 implications on solid waste collection in their localities.

16 (c-5) Subject to appropriation, no ~~no~~ later than February
17 1, 2012 and every February 1 thereafter, through February 1,
18 2018, the Agency shall use a portion of the manufacturer,
19 recycler, and refurbisher registration fees to provide a \$2,000
20 grant to the recycling coordinator in each county of the State
21 in order to inform residents in each county about this Act and
22 opportunities to recycle CEDs and EEDs. The recycling
23 coordinator shall expend the \$2,000 grant before December 31 of
24 the program year in which the grant is received. The recycling
25 coordinator shall maintain records that document the use of the
26 grant funds.

1 (c-10) By June 15, 2012 and by December 15, 2012, and by
2 every June 15 and December 15 thereafter through December 15,
3 2015, the Agency shall meet with associations that represent
4 Illinois retail merchants twice each year to discuss compliance
5 with Section 40.

6 (c-15) By December 15, 2012 and each December 15
7 thereafter, through December 15, 2018, the Agency shall post on
8 its website: (i) the mailing address of each collection site at
9 which collectors collected CEDs and EEDs during the program
10 year and (ii) the amount in pounds of total CEDs and total EEDs
11 collected at the collection site during the program year.

12 (d) By July 1, 2011 for the first program year, and by May
13 15 for all subsequent program years, except for program years
14 2015, 2016, ~~and~~ 2017, and 2018, the Agency shall report to the
15 Governor and to the General Assembly annually on the previous
16 program year's performance. The report must be posted on the
17 Agency's website. The report must include, but not be limited
18 to, the following:

19 (1) the total overall weight of CEDs, as well as the
20 sub-total weight of computers, the sub-total weight of
21 computer monitors, the sub-total weight of printers, the
22 sub-total weight of televisions, and the total weight of
23 EEDs that were recycled or processed for reuse in the State
24 during the program year, as reported by manufacturers and
25 collectors under Sections 30 and 55;

26 (2) a listing of all collection sites, as set forth

1 under subsection (a) of Section 55, and the addresses of
2 those sites;

3 (3) a statement showing, for the preceding program
4 year, (i) the total weight of CEDs and EEDs collected,
5 recycled, and processed for reuse by the manufacturers
6 pursuant to Section 30, (ii) the total weight of CEDs
7 processed for reuse by the manufacturers, and (iii) the
8 total weight of CEDs collected by the collectors;

9 (4) a listing of all entities or persons to whom the
10 Agency issued an administrative citation or with respect to
11 which the Agency made a referral for enforcement to the
12 Attorney General's Office as a result of a violation of
13 this Act;

14 (5) a discussion of the Agency's education and outreach
15 activities as set forth in subsection (c) of this Section;
16 and

17 (6) a discussion of the penalties, if any, incurred by
18 manufacturers for failure to achieve recycling goals, and a
19 recommendation to the General Assembly of any necessary or
20 appropriate changes to the manufacturers' recycling goals
21 or penalty provisions included in this Act.

22 For program years 2015, 2016, ~~and 2017~~, and 2018, the
23 Agency shall make available on its website the information
24 described in paragraphs (1) through (6) in whatever format it
25 deems appropriate.

26 (e) Through program year 2018, the ~~The~~ Agency shall post on

1 its website: (1) a list of manufacturers that have paid the
2 current year's registration fee as set forth in subsection (b)
3 of Section 30; (2) a list of manufacturers that failed to pay
4 the current year's registration fee as set forth in subsection
5 (b) of Section 30; and (3) a list of registered collectors, the
6 addresses of their collection sites, their business telephone
7 numbers, and a link to their websites.

8 (f) In program years 2012, 2013, and 2014, and at its
9 discretion thereafter, the Agency shall convene and host an
10 Electronic Products Recycling Conference. The Agency may host
11 the conferences alone or with other public entities or with
12 organizations associated with electronic products recycling.

13 (g) No later than October 1 of each program year, through
14 October 1, 2017, the Agency must post on its website the
15 following information for the next program year: (i) the
16 individual recycling and reuse goals for each manufacturer, as
17 set forth in subsections (c) and (c-5) of Section 15, as
18 applicable, and (ii) the total statewide recycling goal,
19 determined by adding each individual manufacturer's annual
20 goal.

21 (h) By April 1, 2011, and by April 1 of all subsequent
22 years, through April 1, 2019, the Agency shall award those
23 manufacturers that have met or exceeded their recycling or
24 reuse goals for the previous program year with an Electronic
25 Industry Recycling Award. The award shall acknowledge that the
26 manufacturer has met or exceeded its recycling goals and shall

1 be posted on the Agency website and in other media as
2 appropriate.

3 (i) By March 1, 2011, and by March 1 of each subsequent
4 year, through March 1, 2019, the Agency shall post on its
5 website a list of registered manufacturers that have not met
6 their annual recycling and reuse goal for the previous program
7 year.

8 (j) By July 1, 2015, the Agency shall solicit written
9 comments regarding all aspects of the program codified in this
10 Act, for the purpose of determining if the program requires any
11 modifications.

12 (1) Issues to be reviewed by the Agency are, but not
13 limited to, the following:

14 (A) Sufficiency of the annual statewide recycling
15 goals.

16 (B) Fairness of the formulas used to determine
17 individual manufacturer goals.

18 (C) Adequacy of, or the need for, continuation of
19 the credits outlined in Section 30(d)(1) through (3).

20 (D) Any temporary rescissions of county landfill
21 bans granted by the Illinois Pollution Control Board
22 pursuant to Section 95(e).

23 (E) Adequacy of, or the need for, the penalties
24 listed in Section 80 of this Act, which are scheduled
25 to take effect on January 1, 2013.

26 (F) Adequacy of the collection systems that have

1 been implemented as a result of this Act, with a
2 particular focus on promoting the most cost-effective
3 and convenient collection system possible for Illinois
4 residents.

5 (2) By July 1, 2015, the Agency shall complete its
6 review of the written comments received, as well as its own
7 reports on the preceding program years. By August 1, 2015,
8 the Agency shall hold a public hearing to present its
9 findings and solicit additional comments. All additional
10 comments shall be submitted to the Agency in writing no
11 later than October 1, 2015.

12 (3) The Agency's final report, which shall be issued no
13 later than February 1, 2016, shall be submitted to the
14 Governor and the General Assembly and shall include
15 specific recommendations for any necessary or appropriate
16 modifications to the program.

17 (k) Through December 31, 2019, any ~~Any~~ violation of this
18 Act shall be enforceable by administrative citation. Whenever
19 the Agency personnel or county personnel to whom the Agency has
20 delegated the authority to monitor compliance with this Act
21 shall, on the basis of direct observation, determine that any
22 person has violated any provision of this Act, the Agency or
23 county personnel may issue and serve, within 60 days after the
24 observed violation, an administrative citation upon that
25 person or the entity employing that person. Each citation shall
26 be served upon the person named or the person's authorized

1 agent for service of process and shall include the following:

2 (1) a statement specifying the provisions of this Act
3 that the person or the entity employing the person has
4 violated;

5 (2) a copy of the inspection report in which the Agency
6 or local government recorded the violation and the date and
7 time of the inspection;

8 (3) the penalty imposed under Section 80; and

9 (4) an affidavit by the personnel observing the
10 violation, attesting to their material actions and
11 observations.

12 (1) If the person named in the administrative citation
13 fails to petition the Illinois Pollution Control Board for
14 review within 35 days after the date of service, the Board
15 shall adopt a final order, which shall include the
16 administrative citation and findings of violation as alleged in
17 the citation and shall impose the penalty specified in Section
18 80.

19 (m) If a petition for review is filed with the Board to
20 contest an administrative citation issued under this Section,
21 the Agency or unit of local government shall appear as a
22 complainant at a hearing before the Board to be conducted
23 pursuant to subsection (n) of this Section at a time not less
24 than 21 days after notice of the hearing has been sent by the
25 Board to the Agency or unit of local government and the person
26 named in the citation. In those hearings, the burden of proof

1 shall be on the Agency or unit of local government. If, based
2 on the record, the Board finds that the alleged violation
3 occurred, it shall adopt a final order, which shall include the
4 administrative citation and findings of violation as alleged in
5 the citation, and shall impose the penalty specified in Section
6 80 of this Act. However, if the Board finds that the person
7 appealing the citation has shown that the violation resulted
8 from uncontrollable circumstances, the Board shall adopt a
9 final order that makes no finding of violation and imposes no
10 penalty.

11 (n) All hearings under this Act shall be held before a
12 qualified hearing officer, who may be attended by one or more
13 members of the Board, designated by the Chairman. All of these
14 hearings shall be open to the public, and any person may submit
15 written statements to the Board in connection with the subject
16 of these hearings. In addition, the Board may permit any person
17 to offer oral testimony. Any party to a hearing under this
18 subsection may be represented by counsel, make oral or written
19 argument, offer testimony, cross-examine witnesses, or take
20 any combination of those actions. All testimony taken before
21 the Board shall be recorded stenographically. The transcript so
22 recorded and any additional matter accepted for the record
23 shall be open to public inspection, and copies of those
24 materials shall be made available to any person upon payment of
25 the actual cost of reproducing the original.

26 (o) Through December 31, 2019, counties ~~Counties~~ that have

1 entered into a delegation agreement with the Agency pursuant to
2 subsection (r) of Section 4 of the Illinois Environmental
3 Protection Act for the purpose of conducting inspection,
4 investigation, or enforcement-related functions may conduct
5 inspections for noncompliance with this Act.

6 (Source: P.A. 98-714, eff. 7-16-14; 99-13, eff. 7-10-15.)

7 (415 ILCS 150/30)

8 Sec. 30. Manufacturer responsibilities.

9 (a) Prior to April 1, 2009 for the first program year, and
10 by October 1 for program year 2011 and each program year
11 thereafter, through program year 2018, manufacturers who sell
12 computers, computer monitors, printers, televisions,
13 electronic keyboards, facsimile machines, videocassette
14 recorders, portable digital music players, digital video disc
15 players, video game consoles, electronic mice, scanners,
16 digital converter boxes, cable receivers, satellite receivers,
17 digital video disc recorders, or small-scale servers in this
18 State must register with the Agency. The registration must be
19 submitted in the form and manner required by the Agency. The
20 registration must include, without limitation, all of the
21 following:

22 (1) a list of all of the manufacturer's brands of
23 computers, computer monitors, printers, televisions,
24 electronic keyboards, facsimile machines, videocassette
25 recorders, portable digital music players, digital video

1 disc players, video game consoles, electronic mice,
2 scanners, digital converter boxes, cable receivers,
3 satellite receivers, digital video disc recorders, and
4 small-scale servers to be offered for sale in the next
5 program year;

6 (2) (blank); and

7 (3) a statement disclosing whether any of the
8 manufacturer's computers, computer monitors, printers,
9 televisions, electronic keyboards, facsimile machines,
10 videocassette recorders, portable digital music players,
11 digital video disc players, video game consoles,
12 electronic mice, scanners, digital converter boxes, cable
13 receivers, satellite receivers, digital video disc
14 recorders, or small-scale servers sold in this State exceed
15 the maximum concentration values established for lead,
16 mercury, cadmium, hexavalent chromium, polybrominated
17 biphenyls (PBBs), and polybrominated diphenyl ethers
18 (PBDEEs) under the RoHS (restricting the use of certain
19 hazardous substances in electrical and electronic
20 equipment) Directive 2002/95/EC of the European Parliament
21 and Council and any amendments thereto and, if so, an
22 identification of the aforementioned electronic device
23 that exceeds the directive.

24 If, during the program year, any of the manufacturer's
25 aforementioned electronic devices are sold or offered for sale
26 in Illinois under a new brand that is not listed in the

1 manufacturer's registration, then, within 30 days after the
2 first sale or offer for sale under the new brand, the
3 manufacturer must amend its registration to add the new brand.

4 (b) Prior to July 1, 2009 for the first program year, and
5 by the November 1 preceding each program year thereafter,
6 through program year 2018 ~~years 2011 and later,~~ all
7 manufacturers whose computers, computer monitors, printers,
8 televisions, electronic keyboards, facsimile machines,
9 videocassette recorders, portable digital music players,
10 digital video disc players, video game consoles, electronic
11 mice, scanners, digital converter boxes, cable receivers,
12 satellite receivers, digital video disc recorders, or
13 small-scale servers are offered for sale in the State shall
14 submit to the Agency, at an address prescribed by the Agency,
15 the registration fee for the next program year. The
16 registration fee for program year 2010 is \$5,000. The
17 registration fee for program year 2011 is \$5,000, increased by
18 the applicable inflation factor as described below. In program
19 year 2012, if, in program year 2011, a manufacturer sold 250 or
20 fewer of the aforementioned electronic devices in the State,
21 then the registration fee for that manufacturer is \$1,250. In
22 each program year after 2012, if, in the preceding program
23 year, a manufacturer sold 250 or fewer of the aforementioned
24 electronic devices in the State, then the registration fee is
25 the fee that applied in the previous year to manufacturers that
26 sold that number of the aforementioned electronic devices,

1 increased by the applicable inflation factor as described
2 below. In program year 2012, if, in the preceding program year
3 a manufacturer sold 251 or more of the aforementioned
4 electronic devices in the State, then the registration fee for
5 that manufacturer is \$5,000. In each program year after 2012
6 through program year 2018, if, in the preceding program year, a
7 manufacturer sold 251 or more of the aforementioned electronic
8 devices in the State, then the registration fee is the fee that
9 applied in the previous year to manufacturers that sold that
10 number of the aforementioned electronic devices, increased by
11 the applicable inflation factor as described below. For program
12 year 2011, program year 2013, and each program year thereafter,
13 through program year 2018, the applicable registration fee is
14 increased each year by an inflation factor determined by the
15 annual Implicit Price Deflator for Gross National Product, as
16 published by the U.S. Department of Commerce in its Survey of
17 Current Business. The inflation factor must be calculated each
18 year by dividing the latest published annual Implicit Price
19 Deflator for Gross National Product by the annual Implicit
20 Price Deflator for Gross National Product for the previous
21 year. The inflation factor must be rounded to the nearest
22 1/100th, and the resulting registration fee must be rounded to
23 the nearest whole dollar. No later than October 1 of each
24 program year, through October 1, 2017, the Agency shall post on
25 its website the registration fee for the next program year.

26 (c) Through program year 2018, a ~~A~~ manufacturer whose

1 computers, computer monitors, printers, televisions,
2 electronic keyboards, facsimile machines, videocassette
3 recorders, portable digital music players, digital video disc
4 players, video game consoles, electronic mice, scanners,
5 digital converter boxes, cable receivers, satellite receivers,
6 digital video disc recorders, or small-scale servers are sold
7 or offered for sale in this State on or after January 1 of a
8 program year must register with the Agency within 30 days after
9 the first sale or offer for sale in accordance with subsection
10 (a) of this Section and submit the registration fee required
11 under subsection (b) of this Section prior to the
12 aforementioned electronic devices being sold or offered for
13 sale.

14 (d) Through program year 2018, each ~~Each~~ manufacturer shall
15 recycle or process for reuse CEDs and EEDs whose total weight
16 equals or exceeds the manufacturer's individual recycling and
17 reuse goal set forth in Section 15 of this Act. Individual
18 consumers shall not be charged a fee when bringing their CEDs
19 and EEDs to collection locations, unless a financial incentive
20 of equal or greater value, such as a coupon, is provided.
21 Collectors may charge a fee for premium services such as
22 curbside collection, home pick-up, or a similar method of
23 collection.

24 When determining whether a manufacturer has met or exceeded
25 its individual recycling and reuse goal set forth in Section 15
26 of this Act, all of the following adjustments must be made:

1 (1) The total weight of CEDs processed by the
2 manufacturer, its recyclers, or its refurbishers for reuse
3 is doubled.

4 (2) The total weight of CEDs is tripled if they are
5 donated for reuse by the manufacturer to a primary or
6 secondary public education institution the majority of
7 whose students are considered low income or
8 developmentally disabled or to low-income children or
9 families or to assist the developmentally disabled in
10 Illinois. This subsection applies only to CEDs for which
11 the manufacturer has received a written confirmation that
12 the recipient has accepted the donation. Copies of all
13 written confirmations must be submitted in the annual
14 report required under Section 30.

15 (3) The total weight of CEDs collected by manufacturers
16 free of charge in underserved counties is doubled. This
17 subsection applies only to CEDs that are documented by
18 collectors as being collected or received free of charge in
19 underserved counties. This documentation must include,
20 without limitation, the date and location of collection or
21 receipt, the weight of the CEDs collected or received, and
22 an acknowledgement by the collector that the CEDs were
23 collected or received free of charge. Copies of the
24 documentation must be submitted in the annual report
25 required under subsection (h), (i), (j), (k), or (l) of
26 Section 30.

1 (4) If an entity (i) collects, recycles, or refurbishes
2 CEDs for a manufacturer, (ii) qualifies for non-profit
3 status under Section 501(c)(3) of the Internal Revenue Code
4 of 1986, and (iii) at least 75% of its employees are
5 developmentally disabled, then the total weight of CEDs
6 will be tripled. A manufacturer that uses such a recycler
7 or refurbisher shall submit documentation in the annual
8 report required under Section 30 identifying the name,
9 location, and length of service of the entity that
10 qualifies for credit under this subsection.

11 (e) (Blank).

12 (f) Through program year 2018, manufacturers ~~Manufacturers~~
13 shall ensure that only recyclers and refurbishers that have
14 registered with the Agency are used to meet the individual
15 recycling and reuse goals set forth in this Act.

16 (g) Through program year 2018, manufacturers ~~Manufacturers~~
17 shall ensure that the recyclers and refurbishers used to meet
18 the individual recycling and reuse goals set forth in this Act
19 shall, at a minimum, comply with the standards set forth under
20 subsection (d) of Section 50 of this Act. By November 1, 2011
21 and every November 1 thereafter, through November 1, 2017,
22 manufacturers shall submit a document, as prescribed by the
23 Agency, listing each registered recycler and refurbisher that
24 will be used to meet the manufacturer's annual CED recycling
25 and reuse goal and certifying that those recyclers or
26 refurbishers comply with the standards set forth in subsection

1 (d) of Section 50.

2 (h) By September 1, 2012 and every September 1 thereafter,
3 through September 1, 2017, manufacturers of computers,
4 computer monitors, printers, televisions, electronic
5 keyboards, facsimile machines, videocassette recorders,
6 portable digital music players, digital video disc players,
7 video game consoles, electronic mice, scanners, digital
8 converter boxes, cable receivers, satellite receivers, digital
9 video disc recorders, or small-scale servers shall submit to
10 the Agency, in the form and manner required by the Agency, a
11 report that contains the total weight of the aforementioned
12 electronic devices sold under each of the manufacturer's brands
13 to individuals in this State as calculated under subsection (c)
14 and (c-5) of Section 15, as applicable. Each manufacturer shall
15 indicate on the report whether the total weight of the
16 aforementioned electronic devices was derived from its own
17 sales records or national sales data. If a manufacturer's
18 weight for aforementioned electronic devices is derived from
19 national sales data, the manufacturer shall indicate the source
20 of the sales data.

21 (i) (Blank).

22 (j) (Blank).

23 (k) (Blank).

24 (l) On or before January 31, 2013 and on or before every
25 January 31 thereafter, through January 31, 2019, manufacturers
26 of computers, computer monitors, printers, televisions,

1 electronic keyboards, facsimile machines, videocassette
2 recorders, portable digital music players, digital video disc
3 players, video game consoles, electronic mice, scanners,
4 digital converter boxes, cable receivers, satellite receivers,
5 digital video disc recorders, and small-scale servers shall
6 submit to the Agency, on forms and in a format prescribed by
7 the Agency, a report that contains all of the following
8 information for the previous program year:

9 (1) The total weight of computers, the total weight of
10 computer monitors, the total weight of printers, facsimile
11 machines, and scanners, the total weight of televisions,
12 the total weight of the remaining CEDs, and the total
13 weight of EEDs recycled or processed for reuse.

14 (2) The identification of all weights that are adjusted
15 under subsection (d) of this Section. For all weights
16 adjusted under item (2) of subsection (d), the manufacturer
17 must include copies of the written confirmation required
18 under that subsection.

19 (3) A list of each recycler, refurbisher, and collector
20 used by the manufacturer to fulfill the manufacturer's
21 individual recycling and reuse goal set forth in
22 subsections (c) and (c-5) of Section 15 of this Act.

23 (4) A summary of the manufacturer's consumer education
24 program required under subsection (m) of this Section.

25 (m) Through program year 2018, manufacturers ~~Manufacturers~~
26 must develop and maintain a consumer education program that

1 complements and corresponds to the primary retailer-driven
2 campaign required under Section 40 of this Act. The education
3 program shall promote the recycling of electronic products and
4 proper end-of-life management of the products by consumers.

5 (n) Beginning January 1, 2012, and through December 31,
6 2018, no manufacturer may sell a computer, computer monitor,
7 printer, television, electronic keyboard, facsimile machine,
8 videocassette recorder, portable digital music player, digital
9 video disc player, video game console, electronic mouse,
10 scanner, digital converter box, cable receiver, satellite
11 receiver, digital video disc recorder, or small-scale server in
12 this State unless the manufacturer is registered with the State
13 as required under this Act, has paid the required registration
14 fee, and is otherwise in compliance with the provisions of this
15 Act.

16 (o) Beginning January 1, 2012, and through December 31,
17 2018, no manufacturer may sell a computer, computer monitor,
18 printer, television, electronic keyboard, facsimile machine,
19 videocassette recorder, portable digital music player, digital
20 video disc player, video game console, electronic mouse,
21 scanner, digital converter box, cable receiver, satellite
22 receiver, digital video disc recorder, or small-scale server in
23 this State unless the manufacturer's brand name is permanently
24 affixed to, and is readily visible on, the computer, computer
25 monitor, printer, or television.

26 (Source: P.A. 97-287, eff. 8-10-11; 98-714, eff. 7-16-14.)

1 (415 ILCS 150/40)

2 Sec. 40. Retailer responsibilities.

3 (a) Through program year 2018, retailers ~~Retailers~~ shall be
4 a primary source of information about end-of-life options to
5 residential consumers of computers, computer monitors,
6 printers, and televisions. At the time of sale, the retailer
7 shall provide each residential consumer with information from
8 the Agency's website that provides information detailing where
9 and how a consumer can recycle a CED or return a CED for reuse.

10 (b) Beginning January 1, 2010, and through December 31,
11 2018, no retailer may sell or offer for sale any computer,
12 computer monitor, printer, or television in or for delivery
13 into this State unless:

14 (1) the computer, computer monitor, printer, or
15 television is labeled with a brand and the label is
16 permanently affixed and readily visible; and

17 (2) the manufacturer is registered with the Agency and
18 has paid the required registration fee as required under
19 Section 20 of this Act.

20 This subsection (b) does not apply to any computer, computer
21 monitor, printer, or television that was purchased prior to
22 January 1, 2010.

23 (c) By July 1, 2009, retailers shall report to each
24 television manufacturer, by model, the number of televisions
25 sold at retail to individuals in this State under each of the

1 manufacturer's brands during the 6-month period from October 1,
2 2008 through March 31, 2009.

3 (d) (Blank).

4 (e) (Blank).

5 (f) Notwithstanding any other provision in this Act, a
6 retailer may collect a fee for any CED or EED accepted.

7 (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

8 (415 ILCS 150/50)

9 Sec. 50. Recycler and refurbisher registration.

10 (a) Prior to January 1 of each program year, through
11 program year 2018, each recycler and refurbisher must register
12 with the Agency and submit a registration fee pursuant to
13 subsection (b) for that program year. Registration must be on
14 forms and in a format prescribed by the Agency and shall
15 include, but not be limited to, the address of each location
16 where the recycler or refurbisher manages CEDs or EEDs and
17 identification of each location at which the recycler or
18 refurbisher accepts CEDs or EEDs from a residence.

19 (b) The registration fee for program year 2010 is \$2,000.
20 For program year 2011, if a recycler's or refurbisher's annual
21 combined total weight of CEDs and EEDs is less than 1,000 tons
22 per year, the registration fee shall be \$500. For program year
23 2012 and for all subsequent program years, through program year
24 2018, both registration fees shall be increased each year by an
25 inflation factor determined by the annual Implicit Price

1 Deflator for Gross National Product as published by the U.S.
2 Department of Commerce in its Survey of Current Business. The
3 inflation factor must be calculated each year by dividing the
4 latest published annual Implicit Price Deflator for Gross
5 National Product by the annual Implicit Price Deflator for
6 Gross National Product for the previous year. The inflation
7 factor must be rounded to the nearest 1/100th, and the
8 resulting registration fee must be rounded to the nearest whole
9 dollar. No later than October 1 of each program year, through
10 October 1, 2017, the Agency shall post on its website the
11 registration fee for the next program year.

12 (c) Through program year 2018, ~~no~~ person may act as a
13 recycler or a refurbisher of CEDs for a manufacturer obligated
14 to meet goals under this Act unless the recycler or refurbisher
15 is registered with the Agency and has paid the registration fee
16 as required under this Section. Beginning in program year 2016,
17 and through program year 2018, all recycling or refurbishing
18 facilities used by collectors of CEDs and EEDs shall be
19 accredited by the Responsible Recycling (R2) Practices or
20 e-Stewards certification programs or any other equivalent
21 certification programs recognized by the United States
22 Environmental Protection Agency. Manufacturers of CEDs and
23 EEDs shall ensure that recycling or refurbishing facilities
24 used as part of their recovery programs meet this requirement.

25 (c-5) Through program year 2018, a ~~A~~ registered recycler or
26 refurbisher of CEDs and EEDs for a manufacturer obligated to

1 meet goals under this Act may not charge individual consumers
2 or units of local government acting as collectors a fee to
3 recycle or refurbish CEDs and EEDs, unless the recycler or
4 refurbisher provides (i) a financial incentive, such as a
5 coupon, that is of greater or equal value to the fee being
6 charged or (ii) premium service, such as curbside collection,
7 home pick-up, or similar methods of collection. Local units of
8 government serving as collectors of CEDs and EEDs shall not
9 charge a manufacturer for collection costs and shall offer the
10 manufacturer or its representative all CEDs and EEDs collected
11 by the local government at no cost. Nothing in this Act
12 requires a local unit of government to serve as a collector.

13 (c-10) Nothing in this Act prohibits any waste hauler from
14 entering into a contractual agreement with a unit of local
15 government to establish a collection program for the recycling
16 or reuse of CEDs or EEDs, including services such as curbside
17 collection, home pick-up, drop-off locations, or similar
18 methods of collection.

19 (d) Through program year 2018, recyclers ~~Recyclers~~ and
20 refurbishers must, at a minimum, comply with all of the
21 following:

22 (1) Recyclers and refurbishers must comply with
23 federal, State, and local laws and regulations, including
24 federal and State minimum wage laws, specifically relevant
25 to the handling, processing, refurbishing and recycling of
26 residential CEDs and must have proper authorization by all

1 appropriate governing authorities to perform the handling,
2 processing, refurbishment, and recycling.

3 (2) Recyclers and refurbishers must implement the
4 appropriate measures to safeguard occupational and
5 environmental health and safety, through the following:

6 (A) environmental health and safety training of
7 personnel, including training with regard to material
8 and equipment handling, worker exposure, controlling
9 releases, and safety and emergency procedures;

10 (B) an up-to-date, written plan for the
11 identification and management of hazardous materials;
12 and

13 (C) an up-to-date, written plan for reporting and
14 responding to exceptional pollutant releases,
15 including emergencies such as accidents, spills,
16 fires, and explosions.

17 (3) Recyclers and refurbishers must maintain (i)
18 commercial general liability insurance or the equivalent
19 corporate guarantee for accidents and other emergencies
20 with limits of not less than \$1,000,000 per occurrence and
21 \$1,000,000 aggregate and (ii) pollution legal liability
22 insurance with limits not less than \$1,000,000 per
23 occurrence for companies engaged solely in the dismantling
24 activities and \$5,000,000 per occurrence for companies
25 engaged in recycling.

26 (4) Recyclers and refurbishers must maintain on file

1 documentation that demonstrates the completion of an
2 environmental health and safety audit completed and
3 certified by a competent internal and external auditor
4 annually. A competent auditor is an individual who, through
5 professional training or work experience, is appropriately
6 qualified to evaluate the environmental health and safety
7 conditions, practices, and procedures of the facility.
8 Documentation of auditors' qualifications must be
9 available for inspection by Agency officials and
10 third-party auditors.

11 (5) Recyclers and refurbishers must maintain on file
12 proof of workers' compensation and employers' liability
13 insurance.

14 (6) Recyclers and refurbishers must provide adequate
15 assurance (such as bonds or corporate guarantee) to cover
16 environmental and other costs of the closure of the
17 recycler or refurbisher's facility, including cleanup of
18 stockpiled equipment and materials.

19 (7) Recyclers and refurbishers must apply due
20 diligence principles to the selection of facilities to
21 which components and materials (such as plastics, metals,
22 and circuit boards) from CEDs and EEDs are sent for reuse
23 and recycling.

24 (8) Recyclers and refurbishers must establish a
25 documented environmental management system that is
26 appropriate in level of detail and documentation to the

1 scale and function of the facility, including documented
2 regular self-audits or inspections of the recycler or
3 refurbisher's environmental compliance at the facility.

4 (9) Recyclers and refurbishers must use the
5 appropriate equipment for the proper processing of
6 incoming materials as well as controlling environmental
7 releases to the environment. The dismantling operations
8 and storage of CED and EED components that contain
9 hazardous substances must be conducted indoors and over
10 impervious floors. Storage areas must be adequate to hold
11 all processed and unprocessed inventory. When heat is used
12 to soften solder and when CED and EED components are
13 shredded, operations must be designed to control indoor and
14 outdoor hazardous air emissions.

15 (10) Recyclers and refurbishers must establish a
16 system for identifying and properly managing components
17 (such as circuit boards, batteries, CRTs, and mercury
18 phosphor lamps) that are removed from CEDs and EEDs during
19 disassembly. Recyclers and refurbishers must properly
20 manage all hazardous and other components requiring
21 special handling from CEDs and EEDs consistent with
22 federal, State, and local laws and regulations. Recyclers
23 and refurbishers must provide visible tracking (such as
24 hazardous waste manifests or bills of lading) of hazardous
25 components and materials from the facility to the
26 destination facilities and documentation (such as

1 contracts) stating how the destination facility processes
2 the materials received. No recycler or refurbisher may
3 send, either directly or through intermediaries, hazardous
4 wastes to solid waste (non-hazardous waste) landfills or to
5 non-hazardous waste incinerators for disposal or energy
6 recovery. For the purpose of these guidelines, smelting of
7 hazardous wastes to recover metals for reuse in conformance
8 with all applicable laws and regulations is not considered
9 disposal or energy recovery.

10 (11) Recyclers and refurbishers must use a regularly
11 implemented and documented monitoring and record-keeping
12 program that tracks inbound CED and EED material weights
13 (total) and subsequent outbound weights (total to each
14 destination), injury and illness rates, and compliance
15 with applicable permit parameters including monitoring of
16 effluents and emissions. Recyclers and refurbishers must
17 maintain contracts or other documents, such as sales
18 receipts, suitable to demonstrate: (i) the reasonable
19 expectation that there is a downstream market or uses for
20 designated electronics (which may include recycling or
21 reclamation processes such as smelting to recover metals
22 for reuse); and (ii) that any residuals from recycling or
23 reclamation processes, or both, are properly handled and
24 managed to maximize reuse and recycling of materials to the
25 extent practical.

26 (12) Recyclers and refurbishers must comply with

1 federal and international law and agreements regarding the
2 export of used products or materials. In the case of
3 exports of CEDs and EEDs, recyclers and refurbishers must
4 comply with applicable requirements of the U.S. and of the
5 import and transit countries and must maintain proper
6 business records documenting its compliance. No recycler
7 or refurbisher may establish or use intermediaries for the
8 purpose of circumventing these U.S. import and transit
9 country requirements.

10 (13) Recyclers and refurbishers that conduct
11 transactions involving the transboundary shipment of used
12 CEDs and EEDs shall use contracts (or the equivalent
13 commercial arrangements) made in advance that detail the
14 quantity and nature of the materials to be shipped. For the
15 export of materials to a foreign country (directly or
16 indirectly through downstream market contractors): (i) the
17 shipment of intact televisions and computer monitors
18 destined for reuse must include only whole products that
19 are tested and certified as being in working order or
20 requiring only minor repair (e.g. not requiring the
21 replacement of circuit boards or CRTs), must be destined
22 for reuse with respect to the original purpose, and the
23 recipient must have verified a market for the sale or
24 donation of such product for reuse; (ii) the shipments of
25 CEDs and EEDs for material recovery must be prepared in a
26 manner for recycling, including, without limitation,

1 smelting where metals will be recovered, plastics recovery
2 and glass-to-glass recycling; or (iii) the shipment of CEDs
3 and EEDs are being exported to companies or facilities that
4 are owned or controlled by the original equipment
5 manufacturer.

6 (14) Recyclers and refurbishers must maintain the
7 following export records for each shipment on file for a
8 minimum of 3 years: (i) the facility name and the address
9 to which shipment is exported; (ii) the shipment contents
10 and volumes; (iii) the intended use of contents by the
11 destination facility; (iv) any specification required by
12 the destination facility in relation to shipment contents;
13 (v) an assurance that all shipments for export, as
14 applicable to the CED manufacturer, are legal and satisfy
15 all applicable laws of the destination country.

16 (15) Recyclers and refurbishers must employ
17 industry-accepted procedures for the destruction or
18 sanitization of data on hard drives and other data storage
19 devices. Acceptable guidelines for the destruction or
20 sanitization of data are contained in the National
21 Institute of Standards and Technology's Guidelines for
22 Media Sanitation or those guidelines certified by the
23 National Association for Information Destruction;

24 (16) No recycler or refurbisher may employ prison labor
25 in any operation related to the collection,
26 transportation, recycling, and refurbishment of CEDs and

1 EEDs. No recycler or refurbisher may employ any third party
2 that uses or subcontracts for the use of prison labor.

3 (Source: P.A. 99-13, eff. 7-10-15.)

4 (415 ILCS 150/55)

5 Sec. 55. Collector responsibilities.

6 (a) No later than January 1 of each program year, through
7 program year 2018, collectors that collect or receive CEDs or
8 EEDs for one or more manufacturers, recyclers, or refurbishers
9 shall register with the Agency. Registration must be in the
10 form and manner required by the Agency and must include,
11 without limitation, the address of each location where CEDs or
12 EEDs are received and the identification of each location at
13 which the collector accepts CEDs or EEDs from a residence.
14 Beginning January 1, 2016, and through December 31, 2018,
15 collectors shall work only with certified recyclers and
16 refurbishers as provided in subsection (c) of Section 50 of
17 this Act.

18 (b) Through program year 2018, manufacturers
19 ~~Manufacturers,~~ recyclers, refurbishers also acting as
20 collectors shall so indicate on their registration under
21 Section 30 or 50 and not register separately as collectors.

22 (c) No later than August 15, 2010, collectors must submit
23 to the Agency, on forms and in a format prescribed by the
24 Agency, a report for the period from January 1, 2010 through
25 June 30, 2010 that contains the following information: the

1 total weight of computers, the total weight of computer
2 monitors, the total weight of printers, the total weight of
3 televisions, and the total weight of EEDs collected or received
4 for each manufacturer.

5 (d) By January 31 of each program year, through January 31,
6 2019, collectors must submit to the Agency, on forms and in a
7 format prescribed by the Agency, a report that contains the
8 following information for the previous program year:

9 (1) The total weight of computers, the total weight of
10 computer monitors, the total weight of printers, facsimile
11 machines, and scanners, the total weight of televisions,
12 the total weight of the remaining CEDs collected, and the
13 total weight of EEDs collected or received for each
14 manufacturer during the previous program year.

15 (2) A list of each recycler and refurbisher that
16 received CEDs and EEDs from the collector and the total
17 weight each recycler and refurbisher received.

18 (3) The address of each collector's facility where the
19 CEDs and EEDs were collected or received. Each facility
20 address must include the county in which the facility is
21 located.

22 (e) Through program year 2018, collectors ~~Collectors~~ may
23 accept no more than 10 CEDs or EEDs at one time from individual
24 members of the public and, when scheduling collection events,
25 shall provide no fewer than 30 days' notice to the county waste
26 agency of those events.

1 (f) Through program year 2018, no ~~no~~ collector of CEDs and
2 EEDs may recycle, or refurbish for reuse or resale, CEDs or
3 EEDs to a third party unless the collector registers as a
4 recycler or refurbisher pursuant to Section 50 and pays the
5 registration fee pursuant to Section 50.

6 (Source: P.A. 98-714, eff. 7-16-14; 99-13, eff. 7-10-15.)

7 (415 ILCS 150/60)

8 Sec. 60. Collection strategy for underserved counties.

9 (a) For program year 2010 and 2011, all counties in this
10 State except the following are considered underserved:
11 Champaign, Clay, Clinton, Cook, DuPage, Fulton, Hancock,
12 Henry, Jackson, Kane, Kendall, Knox, Lake, Livingston,
13 Macoupin, McDonough, McHenry, McLean, Mercer, Peoria, Rock
14 Island, St. Clair, Sangamon, Schuyler, Stevenson, Warren,
15 Will, Williamson, and Winnebago.

16 (b) For program year 2012 and each program year thereafter,
17 through program year 2018, underserved counties shall be those
18 counties within the State of Illinois with a population density
19 of 190 persons or less per square mile based on the most recent
20 U.S. Census population estimate.

21 (Source: P.A. 97-287, eff. 8-10-11.)

22 (415 ILCS 150/85)

23 Sec. 85. Electronics Recycling Fund. The Electronics
24 Recycling Fund is created as a special fund in the State

1 treasury. The Agency shall deposit all registration fees
2 received under this Act into the Fund. All amounts held in the
3 Fund shall be invested at interest by the State Treasurer. All
4 income earned from the investments shall be deposited into the
5 Electronics Recycling Fund no less frequently than quarterly.
6 Pursuant to appropriation, all moneys in the Electronics
7 Recycling Fund may be used by the Agency for its administration
8 of this Act and the Consumer Electronics Recycling Act. Any
9 moneys appropriated from the Electronics Recycling Fund, but
10 not obligated, shall revert to the Fund. On July 1, 2018, the
11 Comptroller shall order transferred, and the Treasurer shall
12 transfer, all unexpended moneys in the Electronics Recycling
13 Fund into the Solid Waste Management Fund. On December 31,
14 2019, the Comptroller shall order transferred, and the
15 Treasurer shall transfer, any remaining balance in the
16 Electronics Recycling Fund into the Solid Waste Management
17 Fund.

18 (Source: P.A. 95-959, eff. 9-17-08.)

19 (415 ILCS 150/100 new)

20 Sec. 100. Repeal. This Act is repealed on January 1, 2019.

21 ARTICLE 98. SEVERABILITY

22 Section 98-5. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

1

ARTICLE 99. EFFECTIVE DATE

2

Section 99-999. Effective date. This Act takes effect upon
3 becoming law, except that Section 5-5 takes effect on January
4 1, 2020.