



Sen. Susan Garrett

Filed: 4/10/2008

09500SB2313sam002

LRB095 19031 RCE 49379 a

1 AMENDMENT TO SENATE BILL 2313

2 AMENDMENT NO. _____. Amend Senate Bill 2313, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Electronic Products Recycling and Reuse Act.

7 Section 5. Findings and purpose.

8 (a) The General Assembly finds all of the following:

9 (1) Electronic products are the fastest growing
10 portion of the solid waste stream. In 2005, 2,600,000 tons
11 of electronic products became obsolete yet only 13% of
12 those products were recycled.

13 (2) Many electronic products contain lead, mercury,
14 cadmium, hexavalent chromium, and other materials that
15 pose environmental and health risks that must be managed.

16 (3) Many obsolete electronic products can be recycled

1 or refurbished for reuse and then returned to the economic
2 mainstream in the form of raw materials or products.

3 (4) Electronic products contain metals, plastics, and
4 leaded glass that have resale value. The reuse of these
5 components conserves natural resources and energy, and the
6 reuse also reduces air and water pollution and greenhouse
7 gas emissions.

8 (5) A management is necessary to place the reuse and
9 recycling of obsolete residential electronic products as
10 the preferred management strategy over incineration and
11 landfill disposal.

12 (6) The Illinois Recycling Economic Information Study
13 of 2001 estimates that the total economic impact of
14 establishing statewide recycling and reuse programs for
15 residential electronic products may result in the creation
16 of nearly 4,000 new jobs and \$740 million in annual
17 receipts.

18 (7) The State-appointed Computer Equipment Disposal
19 and Recycling Commission issued a final report in May 2006
20 recommending legislative, regulatory, or other actions to
21 properly address the recycling and reuse of obsolete
22 residential electronic products.

23 (b) The purpose of this Act is to set forth procedures by
24 which the recycling and processing for reuse of covered
25 electronic devices will be accomplished in Illinois.

1 Section 10. Definitions. As used in this Act:

2 "Agency" means the Environmental Protection Agency.

3 "Cathode-ray tube" means a vacuum tube or picture tube used
4 to convert an electronic signal into a visual image, such as a
5 television or computer monitor.

6 "Collector" means a person who receives covered electronic
7 devices or eligible electronic devices directly from a
8 residence for recycling or processing for reuse. "Collector"
9 includes, but is not limited to, manufacturers, recyclers, and
10 refurbishers who receive CEDs or EEDs directly from the public.

11 "Computer", often referred to as a "personal computer" or
12 "PC", means a desktop or notebook computer as further defined
13 below and used only in a residence, but does not mean an
14 automated typewriter, electronic printer, mobile telephone,
15 portable hand-held calculator, portable digital assistant
16 (PDA), MP3 player, or other similar device. "Computer" does not
17 include computer peripherals, commonly known as cables, mouse,
18 or keyboard. "Computer" is further defined as either:

19 (1) "Desktop computer", which means an electronic,
20 magnetic, optical, electrochemical, or other high-speed
21 data processing device performing logical, arithmetic, or
22 storage functions for general purpose needs that are met
23 through interaction with a number of software programs
24 contained therein, and that is not designed to exclusively
25 perform a specific type of logical, arithmetic, or storage
26 function or other limited or specialized application.

1 Human interface with a desktop computer is achieved through
2 a stand-alone keyboard, stand-alone monitor, or other
3 display unit, and a stand-alone mouse or other pointing
4 device, and is designed for a single user. A desktop
5 computer has a main unit that is intended to be
6 persistently located in a single location, often on a desk
7 or on the floor. A desktop computer is not designed for
8 portability and generally utilizes an external monitor,
9 keyboard, and mouse with an external or internal power
10 supply for a power source. Desktop computer does not
11 include an automated typewriter or typesetter; or

12 (2) "Notebook computer", which means an electronic,
13 magnetic, optical, electrochemical, or other high-speed
14 data processing device performing logical, arithmetic, or
15 storage functions for general purpose needs that are met
16 through interaction with a number of software programs
17 contained therein, and that is not designed to exclusively
18 perform a specific type of logical, arithmetic, or storage
19 function or other limited or specialized application.
20 Human interface with a notebook computer is achieved
21 through a keyboard, video display greater than 4 inches in
22 size, and mouse or other pointing device, all of which are
23 contained within the construction of the unit that
24 comprises the notebook computer; supplemental stand-alone
25 interface devices typically can also be attached to the
26 notebook computer. Notebook computers can use external,

1 internal, or batteries for a power source. Notebook
2 computer does not include a portable hand-held calculator,
3 or a portable digital assistant or similar specialized
4 device. A notebook computer has an incorporated video
5 display greater than 4 inches in size and can be carried as
6 one unit by an individual. A notebook computer is sometimes
7 referred to as a laptop computer.

8 "Computer monitor" means an electronic device that is a
9 cathode-ray tube or flat panel display primarily intended to
10 display information from a computer and is used only in a
11 residence.

12 "Covered electronic device" or "CED" means any computer,
13 computer monitor, television, or printer that is taken out of
14 service from a residence in this State regardless of purchase
15 location. "Covered electronic device" does not include any of
16 the following:

17 (1) an electronic device that is a part of a motor
18 vehicle or any component part of a motor vehicle assembled
19 by or for a vehicle manufacturer or franchised dealer,
20 including replacement parts for use in a motor vehicle;

21 (2) an electronic device that is functionally or
22 physically part of a larger piece of equipment or that is
23 taken out of service from an industrial, commercial
24 (including retail), library checkout, traffic control,
25 kiosk, security (other than household security),
26 governmental, agricultural, or medical setting, including

1 but not limited to diagnostic, monitoring, or control
2 equipment; or

3 (3) an electronic device that is contained within a
4 clothes washer, clothes dryer, refrigerator, refrigerator
5 and freezer, microwave oven, conventional oven or range,
6 dishwasher, room air conditioner, dehumidifier, water
7 pump, sump pump, or air purifier.

8 To the extent allowed under federal and State laws and
9 regulations, a CED that is being collected, recycled, or
10 processed for reuse is not considered to be hazardous waste,
11 household waste, solid waste, or special waste.

12 "Developmentally disabled" means having a severe
13 disability, as defined by the Office of Rehabilitation Services
14 of the Illinois Department of Human Services, that can be
15 expected to result in death or that has lasted, or is expected
16 to last, at least 12 months and that prevents working at a
17 "substantial gainful activity" level.

18 "Dismantling" means the demanufacturing and shredding of a
19 CED.

20 "Eligible electronic device" or "EED" means any of the
21 following electronic products taken out of service from a
22 residence in this State regardless of purchase location: mobile
23 telephone; computer cable, mouse, or keyboard; stand-alone
24 facsimile machine; MP3 player; portable digital assistant
25 (PDA); video game console, video cassette recorder/player,
26 digital video disk player, or similar video device; zip drive;

1 or scanner. To the extent allowed under federal and state laws
2 and regulations, an EED that is being collected, recycled, or
3 processed for reuse is not considered to be hazardous waste,
4 household waste, solid waste, or special waste.

5 "Low income children and families" mean those children and
6 families that are subject to the most recent version of the
7 United States Department of Health and Human Services Federal
8 Poverty Guidelines.

9 "Manufacturer" means a person, or a successor in interest
10 to a person, under whose brand or label a CED is or was sold at
11 retail. For CEDs sold at retail under a brand or label that is
12 licensed from a person who is a mere brand owner and who does
13 not sell or produce the CED, the person who produced the CED or
14 his or her successor in interest is the manufacturer. For CEDs
15 sold that were at retail under the brand or label of both the
16 retail seller and the person that produced the CED, the person
17 that produced the CED, or his or her successor in interest, is
18 the manufacturer. A retail seller of CEDs may elect to be the
19 manufacturer of one or more CEDs if the retail seller provides
20 written notice to the Agency that it is accepting
21 responsibility as the manufacturer of the CED under this Act
22 and identifies the CEDs for which it is electing to be the
23 manufacturer.

24 "Orphan CEDs" means those CEDs that are returned for
25 recycling, or processing for reuse, whose manufacturer cannot
26 be identified, or whose manufacturer is no longer conducting

1 business and has no successor in interest.

2 "Person" means any individual, partnership,
3 co-partnership, firm, company, limited liability company,
4 corporation, association, joint stock company, trust, estate,
5 political subdivision, State agency, or any other legal entity,
6 or a legal representative, agent, or assign of that entity.

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

20 "Processing for reuse" means any method, technique, or
21 process by which CEDs or EEDs that would otherwise be disposed
22 of or discarded are instead separated, processed, and returned
23 to their original intended purposes or to other useful purposes
24 as electronic devices.

25 "Program Year" means a calendar year. The first program
26 year is 2010.

1 "Recycler" means a person who engages in the recycling of
2 CEDs or EEDs, but does not include telecommunications carriers,
3 telecommunications manufacturers, or commercial mobile service
4 providers with an existing recycling program.

5 "Recycling" means any method, technique, or process by
6 which CEDs or EEDs that would otherwise be disposed of or
7 discarded are instead collected, separated, or processed and
8 are returned to the economic mainstream in the form of raw
9 materials or products. "Recycling" includes the collection,
10 transportation, dismantling, and shredding of the CEDs or EEDs.

11 "Refurbisher" means any person who processes CEDs or EEDs
12 for reuse, but does not include telecommunications carriers,
13 telecommunications manufacturers, or commercial mobile service
14 providers with an existing recycling program.

15 "Residence" means a dwelling place or home in which one or
16 more individuals live.

17 "Retailer" means a person who sells, rents, or leases,
18 through sales outlets, catalogues, or the Internet, computers,
19 computer monitors, or televisions at retail to individuals in
20 this State. For purposes of this Act, sales to individuals at
21 retail are considered to be sales for residential use.
22 "Retailer" includes, but is not limited to, manufacturers who
23 sell computers, computer monitors, or televisions at retail
24 directly to individuals in this State.

25 "Sale" means any retail transfer of title for consideration
26 of title including, but not limited to, transactions conducted

1 through sales outlets, catalogs, or the Internet or any other
2 similar electronic means but does not mean financing or
3 leasing.

4 "Television" means an electronic device (i) containing a
5 cathode-ray tube or flat panel screen the size of which is
6 greater than 4 inches when measured diagonally, (ii) that is
7 intended to receive video programming via broadcast, cable, or
8 satellite transmission or to receive video from surveillance or
9 other similar cameras, and (iii) that is used only in a
10 residence.

11 Section 15. Statewide recycling and reuse goals for all
12 covered electronic devices.

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

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

21 For the purposes of this subsection (b):

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

1 twice the total weight of all CEDs that were recycled or
2 processed for reuse between January 1, 2010 and June 30, 2010
3 as reported to the Agency under subsection (c) of Section 55.

4 The "2010 goal attainment percentage" means:

5 (1) 90% if the 2010 base weight is less than 90% of the
6 statewide recycling or reuse goal for program year 2010;

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

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

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

16 (5) 110% if the 2010 base weight is 110% or greater of
17 the statewide recycling or reuse goal for program year
18 2010.

19 (c) For program years 2012 and thereafter, the statewide
20 recycling or reuse goal for all CEDs is the product of: (i) the
21 base weight; multiplied by (ii) the goal attainment percentage.

22 For the purposes of this subsection (c):

23 The "base weight" means the greater of: (i) the total
24 weight of all CEDs recycled or processed for reuse during the
25 previous program year as reported to the Agency under
26 subsection (k) or (l) of Section 30; or (ii) the total weight

1 of all CEDs recycled or processed for reuse during the previous
2 program year as reported to the Agency under subsection (d) of
3 Section 55.

4 The "goal attainment percentage" means:

5 (1) 90% if the base weight is less than 90% of the
6 statewide recycling or reuse goal for the previous program
7 year;

8 (2) 95% if the base weight is 90% or greater, but does
9 not exceed 95%, of the statewide recycling or reuse goal
10 for the previous program year;

11 (3) 100% if the base weight is 95% or greater, but does
12 not exceed 105%, of the statewide recycling or reuse goal
13 for the previous program year;

14 (4) 105% if the base weight is 105% or greater, but
15 does not exceed 110%, of the statewide recycling or reuse
16 goal for the previous program year; and

17 (5) 110% if the base weight is 110% or greater of the
18 statewide recycling or reuse goal for the previous program
19 year.

20 Section 16. Statewide recycling or reuse goals for all
21 television manufacturers.

22 (a) For program year 2010, the statewide recycling or reuse
23 goal for television manufacturers is 53% of the statewide goal
24 for all CEDs under subsection (a) of Section 15.

25 (b) For program year 2011, the statewide recycling or reuse

1 goal for television manufacturers is the product of: (i) an
2 amount equal to the total weight of televisions that were
3 recycled or processed for reuse between January 1, 2010 and
4 June 30, 2010, as reported under subsection (i) of Section 30,
5 divided by the total weight of all CEDs that were recycled or
6 processed for reuse between January 1, 2010 and June 30, 2010,
7 as reported under subsection (i) of Section 30; multiplied by
8 (ii) the statewide recycling or reuse goal for all CEDs under
9 subsection (b) of Section 15.

10 (c) For program years 2012 and thereafter, the statewide
11 recycling or reuse goal for television manufacturers is the
12 product of: (i) an amount equal to the total weight of
13 televisions recycled or processed for reuse during the previous
14 program year, as reported under subsection (d) of Section 20,
15 divided by the total weight of all CEDs recycled or processed
16 for reuse, as reported under subsection (d) of Section 20;
17 multiplied by (ii) the statewide recycling or reuse goal for
18 all CEDs under subsection (c) of Section 15.

19 Section 17. Statewide recycling or reuse goals for all
20 computer, computer monitor, and printer manufacturers.

21 (a) For program year 2010, the statewide recycling or reuse
22 goal for computer, computer monitor, and printer manufacturers
23 is 47% of the statewide goal for all CEDs under subsection (a)
24 of Section 15.

25 (b) For program year 2011, the statewide recycling or reuse

1 goal for computer, computer monitor, and printer manufacturers
2 is the product of: (i) an amount equal to the total weight of
3 computers, computer monitors, and printers that were recycled
4 or processed for reuse between January 1, 2010 and June 30,
5 2010, as reported under subsection (j) of Section 30, divided
6 by the total weight of all CEDs that were recycled or processed
7 for reuse between January 1, 2010 and June 30, 2010, as
8 reported under subsection (j) of Section 30; multiplied by (ii)
9 statewide recycling or reuse goal for all CEDs under subsection
10 (b) of Section 15.

11 (c) For program years 2012 and thereafter, the statewide
12 recycling or reuse goal for computer, computer monitor, and
13 printer manufacturers is the product of: (i) an amount equal to
14 the total weight of computers, computer monitors, and printers
15 recycled or processed for reuse during the previous program
16 year, as reported under subsection (d) of Section 20, divided
17 by the total weight of all CEDs recycled or processed for
18 reuse, as reported under subsection (d) of Section 20;
19 multiplied by (ii) statewide recycling or reuse goal for all
20 CEDs under subsection (c) of Section 15.

21 Section 18. Determination of market shares and return
22 shares.

23 (a) The recycling or reuse goal for each television
24 manufacturer is based upon that manufacturer's market share.
25 The market share for each television manufacturer is the

1 following:

2 (1) For program year 2010, the quotient of: (i) the
3 total weight of the manufacturer's televisions that were
4 sold at retail in this State to individuals between October
5 1, 2008 and March 31, 2009, as reported under subsection
6 (h) of Section 30; divided by (ii) the total weight of all
7 televisions that were sold at retail in this State to
8 individuals between October 1, 2008 and March 31, 2009, as
9 reported under subsection (h) of Section 30.

10 (2) For program year 2011, the quotient of: (i) the
11 total weight of the manufacturer's televisions that were
12 sold at retail in this State to individuals between January
13 1, 2010 and June 30, 2010, as reported under subsection (i)
14 of Section 30; divided by (ii) the total weight of all
15 televisions that were sold at retail in this State to
16 individuals between January 1, 2010 and June 30, 2010, as
17 reported under subsection (i) of Section 30.

18 (3) For program years 2012 and thereafter, the quotient
19 of: (i) the total weight of the manufacturer's televisions
20 that were sold at retail in this State to individuals
21 during the previous program year, as reported under
22 subsection (k) of Section 30; divided by (ii) the total
23 weight of all televisions sold at retail in this State to
24 individuals during the previous program year, as reported
25 under subsection (k) of Section 30.

26 (b) The recycling or reuse goals for each manufacturer of

1 computers, computer monitors, or printers is based upon that
2 manufacturer's return share. The return share for each
3 manufacturer of computers or computer monitors is the
4 following:

5 (1) For program year 2010, the return share for each
6 manufacturer shall be determined using the information the
7 Florida Department of Environmental Protection used to
8 create its October 5, 2007, report entitled "Quantifying
9 Electronic Product Brand Market Share as a Metric for
10 Apportioning Manufacturer Share of Recycling System
11 Costs". Using the same information that was used to
12 generate Tables 6 and 9 of the report, a manufacturer's
13 return share shall be equal to the quotient of: (i) the sum
14 of the number of the manufacturer's computers received for
15 recycling plus the number of the manufacturer's computer
16 monitors received for recycling, plus the number of the
17 manufacturer's printers received for recycling, divided by
18 (ii) the sum of the total number of computers received for
19 recycling plus the total number of computer monitors
20 received for recycling, plus the sum of the total number of
21 printers received for recycling.

22 (2) For program year 2011, the quotient of: (i) the
23 total weight of the manufacturer's computers, computer
24 monitors, and printers that were taken out of service from
25 a residence in this State and recycled or processed for
26 reuse between January 1, 2010 and June 30, 2010, as

1 reported under subsection (j) of Section 30; divided by
2 (ii) the total weight of all computers, computer monitors,
3 and printers that were taken out of service from a
4 residence in this State and recycled or processed for reuse
5 between January 1, 2010 and June 30, 2010, as reported
6 under subsection (j) of Section 30.

7 (3) For program years 2012 and thereafter, the quotient
8 of: (i) the total weight of the manufacturer's computers,
9 computer monitors, and printers that were taken out of
10 service from a residence in this State and recycled or
11 processed for reuse during the previous program year, as
12 reported under subsection (l) of Section 30; divided by
13 (ii) the total weight of all computers, computer monitors,
14 and printers that were taken out of service from a
15 residence in this State and recycled or processed for reuse
16 during the previous program year, as reported under
17 subsection (l) of Section 30.

18 Section 19. Recycling or reuse goals for individual
19 manufacturers.

20 (a) The individual recycling and reuse goal for each
21 television manufacturer is the product of (i) the statewide
22 goal for the recycling and reuse for all television
23 manufacturers under Section 16; multiplied by (ii) that
24 manufacturer's market share under subsection (a) of Section 18.

25 (b) The individual recycling and reuse goal for each

1 manufacturer of computers, computer monitors, or printers is
2 the product of (i) the statewide goal for the recycling and
3 reuse for all all computer, computer monitor, and printer
4 manufacturers under Section 17; multiplied by (ii) that
5 manufacturer's return share under subsection (b) of Section 18.

6 Section 20. Agency responsibilities.

7 (a) The Agency has the authority to monitor compliance with
8 this Act and to refer violations of this Act to the Attorney
9 General.

10 (b) No later than October 1 of each program year, the
11 Agency shall post on its website a list of underserved counties
12 in the State for the next program year. The list of underserved
13 counties for the first program year is set forth in subsection
14 (a) of Section 60.

15 (c) By July 1, 2009, the Agency shall implement a county
16 and municipal government education campaign to inform those
17 entities about this Act and the implications on solid waste
18 collection in their localities.

19 (d) By July 1, 2011 for the first program year, and by
20 April 1 for all subsequent program years, the Agency shall
21 report to the Governor and to the General Assembly annually on
22 the previous program year's performance. The report must be
23 posted on the Agency's website. The report must include, but
24 not be limited to, the following:

25 (1) the total overall weight of CEDs, as well as the

1 sub-total weight of computers, the sub-total weight of
2 computer monitors, the sub-total weight of printers, the
3 sub-total weight of televisions, and the total weight of
4 EEDs that were recycled or processed for reuse in the State
5 during the program year, as reported by manufacturers and
6 collectors under Sections 30 and 55;

7 (2) a listing of all collection sites as set forth
8 under subsection (e) of Section 55;

9 (3) a statement of the manufacturers' progress toward
10 achieving the statewide recycling goal set forth in Section
11 15 (calculated from the manufacturer reports pursuant to
12 Section 30 and the collector reports pursuant to Section
13 55) and any identified State actions that may help expand
14 collection opportunities to help manufacturers achieve the
15 statewide recycling goal;

16 (4) a listing of any manufacturers whom the Agency
17 referred to the Attorney General's Office for enforcement
18 as a result of a violation of this Act;

19 (5) a discussion of the Agency's education and outreach
20 activities; and

21 (6) a discussion of the penalties, if any, incurred by
22 manufacturers for failure to achieve recycling goals, and a
23 recommendation to the General Assembly of any necessary or
24 appropriate changes to the statewide recycling goals,
25 manufacturer's recycling goals, or penalty provisions
26 included in this Act.

1 (e) The Agency shall post on its website a list of
2 registered collectors to whom Illinois residents can bring CEDs
3 and EEDs for recycling or processing for reuse, including links
4 to the collectors' websites and the collectors' phone numbers.

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

10 (g) No later than October 1 of each program year, the
11 Agency must post on its website the following information for
12 the next program year:

13 (1) The overall statewide recycling and reuse goal for
14 CEDs, as well as the sub-goals for televisions, and
15 computers, computer monitors, and printers as set forth in
16 Section 15.

17 (2) The market shares of television manufacturers and
18 the return shares of computer, computer monitor, and
19 printer manufacturers, as set forth in Section 18, and

20 (3) The individual recycling and reuse goals for each
21 manufacturer, as set forth in Section 19.

22 (h) By April 1, 2011, and by April 1 of all subsequent
23 years, the Agency shall recognize those manufacturers that have
24 met or exceeded their recycling or reuse goals for the previous
25 program year. Such recognition shall be the awarding to all
26 such manufacturers of an Electronic Industry Recycling Award,

1 which shall be recognized on the Agency website and other media
2 as appropriate.

3 (i) By April 1, 2012, the Agency shall solicit written
4 comments regarding all aspects of the program codified in this
5 Act, for the purpose of determining if the program requires any
6 modifications that would take effect as of January 1, 2013.

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

9 (A) Sufficiency of the annual statewide recycling
10 goals.

11 (B) Fairness of the formulas used to determine
12 individual manufacturer goals.

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

15 (D) Any temporary recissions of county landfill
16 bans granted by the Illinois Pollution Control Board
17 pursuant to Section 95(e).

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

21 (F) Adequacy of the collection systems that have
22 been implemented as a result of this Act, with a
23 particular focus on promoting the most cost-effective
24 and convenient collection system possible for Illinois
25 residents.

26 (2) By June 1, 2012, the Agency shall complete its

1 review of the written comments received, as well as its own
2 reports on program years 2010 and 2011, and hold a public
3 hearing to present its findings and solicit additional
4 comments.

5 (3) The Agency's final report, which shall be issued no
6 later than September 1, 2012, shall be submitted to the
7 Governor and the General Assembly and shall include
8 specific recommendations for any necessary or appropriate
9 modifications to the program.

10 Section 30. Manufacturer responsibilities.

11 (a) Prior to April 1, 2009 for the first program year, and
12 by October 1 for program year 2011 and thereafter,
13 manufacturers whose computers, computer monitors, printers, or
14 televisions are sold in this State must register with the
15 Agency. The registration must be submitted in the form and
16 manner required by the Agency. The registration must include,
17 without limitation, all of the following:

18 (1) a list of all of the manufacturer's brands of
19 computers, computer monitors, printers, or televisions to
20 be offered for sale in the next program year;

21 (2) for manufacturers of both televisions and
22 computers, computer monitors, or printers, an
23 identification of whether, for residential use, (i)
24 televisions or (ii) computers, computer monitors, and
25 printers, represent the larger number of units sold for the

1 manufacturer; and

2 (3) a statement disclosing whether:

3 (A) any computer, computer monitor, printer, or
4 television sold in this State exceeds the maximum
5 concentration values established for lead, mercury,
6 cadmium, hexavalent chromium, polybrominated biphenyls
7 (PBBs), and polybrominated diphenyl ethers (PBDEEs)
8 under the RoHS (restricting the use of certain
9 hazardous substances in electrical and electronic
10 equipment) Directive 2002/95/EC of the European
11 Parliament and Council and any amendments thereto and,
12 if so, an identification of that computer, computer
13 monitor, or television; or

14 (B) the manufacturer has received an exemption
15 from one or more of those maximum concentration values
16 under the RoHS Directive that has been approved and
17 published by the European Commission.

18 If, during the program year, a manufacturer's computer,
19 computer monitor, printer, or television is sold or offered for
20 sale under a new brand that is not listed in the manufacturer's
21 registration, then, within 30 days after the first sale or
22 offer for sale under the new brand, the manufacturer must amend
23 its registration to add the new brand.

24 (b) Prior to July 1, 2009 for the first program year, and
25 by the November 1 preceding program years 2011 and later, all
26 manufacturers whose computers, computer monitors, or

1 televisions are sold in the State shall submit to the Agency,
2 at an address prescribed by the Agency, the registration fee
3 for the next program year. The registration fee for program
4 year 2010 is \$5,000.

5 For program years 2011 and later, the registration fee is
6 increased each year by an inflation factor determined by the
7 annual Implicit Price Deflator for Gross National Product, as
8 published by the U.S. Department of Commerce in its Survey of
9 Current Business. The inflation factor must be calculated each
10 year by dividing the latest published annual Implicit Price
11 Deflator for Gross National Product by the annual Implicit
12 Price Deflator for Gross National Product for the previous
13 year. The inflation factor must be rounded to the nearest
14 1/100th, and the resulting registration fee must be rounded to
15 the nearest whole dollar. No later than October 1 of each
16 program year, the Agency shall post on its website the
17 registration fee for the next program year.

18 (c) A manufacturer whose computers, computer monitors,
19 printers, or televisions are first sold or offered for sale in
20 this State on or after January 1 of a program year must
21 register with the Agency in accordance with subsection (a) of
22 this Section and submit the registration fee required under
23 subsection (b) of this Section prior to the manufacturer's
24 computers, computer monitors, printers, or televisions being
25 sold or offered for sale.

26 (d) Each manufacturer shall recycle or process for reuse

1 CEDs and EEDs whose total weight equals or exceeds the
2 manufacturer's individual recycling and reuse goal set forth in
3 Section 19 of this Act. Individual consumers may not be charged
4 an end-of-life fee when bringing their CEDs and EEDs to
5 permanent or temporary collection locations, unless a
6 financial incentive of equal or greater value, such as a
7 coupon, is provided. Collectors may charge a fee for premium
8 services such as curbside collection, home pick-up, or a
9 similar method of collection.

10 When determining whether a manufacturer has met or exceeded
11 its individual recycling and reuse goal set forth in Section 19
12 of this Act, all of the following adjustments must be made:

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

16 (2) The total weight of CEDs is tripled if they are
17 donated for reuse by the manufacturer to a primary or
18 secondary public education institution or to a
19 not-for-profit entity that is established under Section
20 501(c)(3) of the Internal Revenue Code of 1986 and whose
21 principal mission is to assist low-income children or
22 families or to assist the developmentally disabled in
23 Illinois. This subsection applies only to CEDs for which
24 the manufacturer has received a written confirmation that
25 the recipient has accepted the donation. Copies of all
26 written confirmations must be submitted in the annual

1 report required under Section 30.

2 (3) The total weight of CEDs collected by manufacturers
3 free of charge in underserved counties is doubled. This
4 subsection applies only to CEDs that are documented by
5 collectors as being collected or received free of charge in
6 underserved counties. This documentation must include,
7 without limitation, the date and location of collection or
8 receipt, the weight of the CEDs collected or received, and
9 an acknowledgement by the collector that the CEDs were
10 collected or received free of charge. Copies of the
11 documentation must be submitted in the annual report
12 required under subsection (h), (i), (j), (k), or (l) of
13 Section 30.

14 (e) Manufacturers of computers, computer monitors, or
15 printers, either individually or collectively, shall hire an
16 independent third-party auditor to perform statistically
17 significant return share samples of CEDs received by recyclers
18 and refurbishers for recycling or processing for reuse. Each
19 third-party auditor shall perform a return share sample of CEDs
20 for at least one 8-hour period, once a quarter during the
21 program year at the facility of each registered recycler and
22 refurbisher under contract with the manufacturer or group of
23 manufacturers that has hired the auditor. The audit shall
24 contain the following data:

25 (1) the number and weight of CEDs, sorted by brand name
26 and product type, including a category for orphan CEDs;

- 1 (2) the total weight of the sample by product type;
- 2 (3) the date, location, and time of the sampling;
- 3 (4) the name or names of the manufacturer for whom the
4 recycler is performing activities under this Act; and
- 5 (5) a certification by the third-party auditor that the
6 sampling is statistically significant and, if not, an
7 explanation as to what occurred to render the sampling
8 insignificant.

9 The manufacturer shall notify the Agency 30 days prior to
10 the third-party auditor's return share sampling by providing
11 the Agency with the time and date on which the third-party
12 auditor will perform the return share sample. The Agency may,
13 at its discretion, be present at any sampling event and may
14 audit the methodology and the results of the third-party
15 auditor.

16 No less than 30 days after the close of each calendar
17 quarter, the manufacturer shall submit to the Agency the
18 results of the third-party samplings conducted during the
19 quarter. The results shall be submitted in the form and manner
20 required by the Agency.

21 (f) Manufacturers shall ensure that only recyclers and
22 refurbishers that have registered with the Agency are used to
23 meet the individual recycling and reuse goals set forth in this
24 Act.

25 (g) Manufacturers shall ensure that the recyclers and
26 refurbishers used to meet the individual recycling and reuse

1 goals set forth in this Act shall, at a minimum, comply with
2 the standards set forth under subsection (d) of Section 50 of
3 this Act.

4 (h) By August 15, 2009, television manufacturers shall
5 submit to the Agency, in the form and manner required by the
6 Agency, a report that contains the total weight of televisions
7 sold under each of the manufacturer's brands to individuals at
8 retail in this State, as set forth in the reports to
9 manufacturers by retailers under subsection (c) of Section 40.

10 (i) No later than September 1, 2010, television
11 manufacturers must submit to the Agency, in the form and manner
12 required by the Agency, a report for the period January 1, 2010
13 through June 30, 2010 that contains the following information:

14 (1) the total weight of televisions sold under each of
15 the manufacturer's brands to individuals at retail in this
16 State, as set forth in the reports submitted under
17 subsection (d) of Section 40; and

18 (2) the total weight of computers, the total weight of
19 computer monitors, the total weight of printers, the total
20 weight of televisions, and the total weight of EEDs
21 recycled or processed for reuse.

22 (j) By August 15, 2010, computer, computer monitor, and
23 printer manufacturers shall submit to the Agency, on forms and
24 in a format prescribed by the Agency, a report for the period
25 January 1, 2010 through June 30, 2010 that contains the total
26 weight of computers, the total weight of computer monitors, the

1 total weight of printers, the total weight of televisions, and
2 the total weight of EEDs, recycled or processed for reuse.

3 (k) No later than April 1 of program years 2011 and
4 thereafter, television manufacturers shall submit to the
5 Agency, in the form and manner required by the Agency, a report
6 that contains the following information for the previous
7 program year:

8 (1) the total weight of televisions sold under each of
9 the manufacturer's brands to individuals at retail in this
10 State, as set forth in the reports submitted under
11 subsection (e) of Section 40;

12 (2) the total weight of computers, the total weight of
13 computer monitors, the total weight of printers, the total
14 weight of televisions, and the total weight of EEDs
15 recycled or processed for reuse;

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

21 (4) a list of each recycler, refurbisher, and collector
22 used by the manufacturer to fulfill the manufacturer's
23 individual recycling and reuse goal set forth in Section 19
24 of this Act;

25 (5) a summary of the manufacturer's consumer education
26 program required under subsection (m) of this Section.

1 (1) No later than April 1 of program years 2011 and
2 thereafter, computer, computer monitor, and printer
3 manufacturers shall submit to the Agency, on forms and in a
4 format prescribed by the Agency, a report that contains the
5 following information for the previous program year:

6 (1) the total weight of computers, the total weight of
7 computer monitors, the total weight of printers, the total
8 weight of televisions, and the total weight of EEDs
9 recycled or processed for reuse;

10 (2) the identification of all weights that are adjusted
11 under subsection (d) of this Section. For all weights
12 adjusted under item (2) of subsection (d), the manufacturer
13 must include copies of the written confirmation required
14 under that subsection;

15 (3) a list of each recycler, refurbisher, and collector
16 used by the manufacturer to fulfill the manufacturer's
17 individual recycling and reuse goal set forth in subsection
18 (c) of Section 15 of this Act; and

19 (4) a summary of the manufacturer's consumer education
20 program required under subsection (m) of this Section.

21 (m) Manufacturers must develop and maintain a consumer
22 education program that complements and corresponds to the
23 primary retailer-driven campaign required under Section 40 of
24 this Act. The education program shall promote the recycling of
25 electronic products and proper end-of-life management of the
26 products by consumers.

1 (n) Beginning January 1 2010, no manufacturer may sell a
2 computer, computer monitor, printer, or television in this
3 State unless the manufacturer is registered with the State as
4 required under this Act, has paid the required registration
5 fee, and is otherwise in compliance with the provisions of this
6 Act.

7 (o) Beginning January 1, 2010, no manufacturer may sell a
8 computer, computer monitor, printer, or television in this
9 State unless the manufacturer's brand name is permanently
10 affixed to, and is readily visible on, the computer, computer
11 monitor, printer, or television.

12 Section 40. Retailer responsibilities.

13 (a) Retailers shall be a primary source of information
14 about end-of-life options to residential consumers of
15 computers, computer monitors, printers, and televisions. At
16 the time of sale, the retailer shall provide each residential
17 consumer with information from the Agency's website that
18 provides information detailing where and how a consumer can
19 recycle a CED or return a CED for reuse.

20 (b) Beginning January 1, 2010, no retailer may sell or
21 offer for sale any computer, computer monitor, printer, or
22 television in or for delivery into this State unless:

23 (1) the computer, computer monitor, printer, or
24 television is labeled with a brand and the label is
25 permanently affixed and readily visible; and

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

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

7 (c) By July 1, 2009, retailers shall report to each
8 television manufacturer, by model, the number of televisions
9 sold at retail to individuals in this State under each of the
10 manufacturer's brands during the 6-month period from October 1,
11 2008 through March 31, 2009.

12 (d) By August 1, 2010, retailers shall report to each
13 television manufacturer, by model, the number of televisions
14 sold at retail to individuals in this State under each of the
15 manufacturer's brands between January 1, 2010 and June 30,
16 2010.

17 (e) No later than February 15 of each program year,
18 retailers shall report to each television manufacturer, by
19 model, the number of televisions sold at retail to individuals
20 in this State under each of the manufacturer's brands during
21 the previous program year.

22 Section 50. Recycler and refurbisher registration.

23 (a) Prior to January 1 of each program year, each recycler
24 and refurbisher must register with the Agency and submit a
25 registration fee pursuant to subsection (b) for that program

1 year. Registration must be on forms and in a format prescribed
2 by the Agency and shall include, but not be limited to, the
3 address of each location where the recycler or refurbisher
4 manages CEDs or EEDs and identification of each location at
5 which the recycler or refurbisher accepts CEDs or EEDs from a
6 residence.

7 (b) The registration fee for program year 2010 is \$2,000.
8 For program years 2011 and thereafter, the registration fee is
9 increased each year by an inflation factor determined by the
10 annual Implicit Price Deflator for Gross National Product as
11 published by the U.S. Department of Commerce in its Survey of
12 Current Business. The inflation factor must be calculated each
13 year by dividing the latest published annual Implicit Price
14 Deflator for Gross National Product by the annual Implicit
15 Price Deflator for Gross National Product for the previous
16 year. The inflation factor must be rounded to the nearest
17 1/100th, and the resulting registration fee must be rounded to
18 the nearest whole dollar. No later than October 1 of each
19 program year, the Agency shall post on its website the
20 registration fee for the next program year.

21 (c) No person may act as a recycler or a refurbisher of
22 CEDs for a manufacturer obligated to meet goals under this Act
23 unless the recycler or refurbisher is registered and has paid
24 the registration fee as required under this Section.

25 (d) Recyclers and refurbishers must, at a minimum, comply
26 with all of the following:

1 (1) Recyclers and refurbishers must comply with
2 federal, State, and local laws and regulations, including
3 federal and State minimum wage laws, specifically relevant
4 to the handling, processing, refurbishing and recycling of
5 residential CEDs and must have proper authorization by all
6 appropriate governing authorities to perform the handling,
7 processing, refurbishment, and recycling.

8 (2) Recyclers and refurbishers must implement the
9 appropriate measures to safeguard occupational and
10 environmental health and safety, through the following:

11 (A) environmental health and safety training of
12 personnel, including training with regard to material
13 and equipment handling, worker exposure, controlling
14 releases, and safety and emergency procedures;

15 (B) an up-to-date, written plan for the
16 identification and management of hazardous materials;
17 and

18 (C) an up-to-date, written plan for reporting and
19 responding to exceptional pollutant releases,
20 including emergencies such as accidents, spills,
21 fires, and explosions.

22 (3) Recyclers and refurbishers must maintain (i)
23 commercial general liability insurance or the equivalent
24 corporate guarantee for accidents and other emergencies
25 with limits of not less than \$1,000,000 per occurrence and
26 \$1,000,000 aggregate and (ii) pollution legal liability

1 insurance with limits not less than \$1,000,000 per
2 occurrence for companies engaged solely in the dismantling
3 activities and \$5,000,000 per occurrence for companies
4 engaged in recycling.

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

16 (5) Recyclers and refurbishers must maintain on file
17 proof of workers' compensation and employers' liability
18 insurance.

19 (6) Recyclers and refurbishers must provide adequate
20 assurance (such as bonds or corporate guarantee) to cover
21 environmental and other costs of the closure of the
22 recycler or refurbisher's facility, including cleanup of
23 stockpiled equipment and materials.

24 (7) Recyclers and refurbishers must apply due
25 diligence principles to the selection of facilities to
26 which components and materials (such as plastics, metals,

1 and circuit boards) from CEDs and EEDs are sent for reuse
2 and recycling.

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

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

20 (10) Recyclers and refurbishers must establish a
21 system for identifying and properly managing components
22 (such as circuit boards, batteries, CRTs, and mercury
23 phosphor lamps) that are removed from CEDs and EEDs during
24 disassembly. Recyclers and refurbishers must properly
25 manage all hazardous and other components requiring
26 special handling from CEDs and EEDs consistent with

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

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

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

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

15 (13) Recyclers and refurbishers that conduct
16 transactions involving the transboundary shipment of used
17 CEDs and EEDs shall use contracts (or the equivalent
18 commercial arrangements) made in advance that detail the
19 quantity and nature of the materials to be shipped. For the
20 export of materials to a foreign country (directly or
21 indirectly through downstream market contractors): (i) the
22 shipment of intact televisions and computer monitors
23 destined for reuse must include only whole products that
24 are tested and certified as being in working order or
25 requiring only minor repair (e.g. not requiring the
26 replacement of circuit boards or CRTs), must be destined

1 for reuse with respect to the original purpose, and the
2 recipient must have verified a market for the sale or
3 donation of such product for reuse; (ii) the shipments of
4 CEDs and EEDs for material recovery must be prepared in a
5 manner for recycling, including, without limitation,
6 smelting where metals will be recovered, plastics recovery
7 and glass-to-glass recycling; or (iii) the shipment of CEDs
8 and EEDs are being exported to companies or facilities that
9 are owned or controlled by the original equipment
10 manufacturer.

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

21 (15) Recyclers and refurbishers must employ
22 industry-accepted procedures for the destruction or
23 sanitization of data on hard drives and other data storage
24 devices. Acceptable guidelines for the destruction or
25 sanitization of data are contained in the National
26 Institute of Standards and Technology's Guidelines for

1 Media Sanitation or those guidelines certified by the
2 National Association for Information Destruction;

3 (16) No recycler or refurbisher may employ prison labor
4 in any operation related to the collection,
5 transportation, recycling, and refurbishment of CEDs and
6 EEDs. No recycler or refurbisher may employ any third party
7 that uses or subcontracts for the use of prison labor.

8 Section 55. Collector responsibilities.

9 (a) No later than January 1 of each program year,
10 collectors that collect or receive CEDs or EEDs for one or more
11 manufacturers, recyclers, or refurbishers shall register with
12 the Agency. Registration must be in the form and manner
13 required by the Agency and must include, without limitation,
14 the address of each location where CEDs or EEDs are received
15 and the identification of each location at which the collector
16 accepts CEDs or EEDs from a residence.

17 (b) Manufacturers, recyclers, refurbishers also acting as
18 collectors shall so indicate on their registration under
19 Section 30 or 50 and not register separately as collectors.

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

1 of EEDs collected or received for each manufacturer.

2 (d) No later than May 1 of each program year, collectors
3 must submit to the Agency, on forms and in a format prescribed
4 by the Agency, a report that contains the following information
5 for the previous program year:

6 (1) the total weight of computers, the total weight of
7 computer monitors, the total weight of televisions, and the
8 total weight of EEDs collected or received for each
9 manufacturer during the program year.

10 (2) a list of each recycler and refurbisher that
11 received CEDs and EEDs from the collector and the total
12 weight each recycler and refurbisher received.

13 (3) the address of each collector's facility where the
14 CEDs and EEDs were collected or received. Each facility
15 address must include the county in which the facility is
16 located.

17 (e) Collectors may accept no more than 10 CEDs or EEDs at
18 one time from individual members of the public and, when
19 scheduling collection events, shall provide no fewer than 30
20 days' notice to the county waste agency of those events.

21 Section 60. Collection strategy for underserved counties.

22 (a) For program year 2010, all counties in this State
23 except the following are considered underserved: Champaign,
24 Clay, Clinton, Cook, DuPage, Fulton, Hancock, Henry, Jackson,
25 Kane, Kendall, Knox, Lake, Livingston, Macoupin, McDonough,

1 McHenry, McLean, Mercer, Peoria, Rock Island, St. Clair,
2 Sangamon, Schuyler, Stevenson, Warren, Will, Williamson, and
3 Winnebago.

4 (b) For program years 2011 and later, underserved counties
5 shall be counties in this State that, during the program year 2
6 years prior, were not served by a minimum of one collection
7 site that (i) accepted all types of CEDs and EEDs and (ii) was
8 open for a minimum of 8 hours on at least one day per month of
9 that program year. For the purposes of this subsection (b),
10 2009 shall be considered to have been a program year, and for
11 the program year 2012 the determination of whether a county is
12 underserved shall be based on the criteria of this subsection
13 (b) instead of the county's inclusion in the list set forth in
14 subsection (a) of this Section.

15 Section 65. State government procurement.

16 (a) The Department of Central Management Services shall
17 ensure that all bid specifications and contracts for the
18 purchase or lease of desktop computers, laptop or notebook
19 computers, and computer monitors, by State agencies under a
20 statewide master contract require that the electronic products
21 have a Bronze performance tier or higher registration under the
22 Electronic Product Environmental Assessment Tool ("EPEAT")
23 operated by the Green Electronics Council.

24 (b) The Department of Central Management Services shall
25 ensure that bid specifications and contracts for the purchase

1 or lease of televisions and printers by State agencies under a
2 statewide master contract require that the televisions have a
3 Bronze performance tier or higher registration under EPEAT if
4 the Department determines that there are an adequate number of
5 the televisions registered under EPEAT to provide a
6 sufficiently competitive bidding environment.

7 (c) This Section applies to bid specifications issued, and
8 contracts entered into, on or after January 1, 2010.

9 Section 70. Relation to federal law. Following the adoption
10 of a federal law or regulation that establishes mandated
11 recycling goals for CEDs that equal or exceed the goals set
12 forth in this Act, the Agency shall notify the General Assembly
13 of the federal law or regulation and recommend the repeal of
14 this Act.

15 Section 75. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 80. Penalties.

18 (a) Except as otherwise provided in this Act, any person
19 who violates any provision of this Act or fails to perform any
20 duty under this Act is liable for a civil penalty not to exceed
21 \$1,000 for the violation and an additional civil penalty not to
22 exceed \$1,000 for each day the violation continues and is
23 liable for a civil penalty not to exceed \$5,000 for a second or

1 subsequent violation and an additional civil penalty not to
2 exceed \$1,000 for each day the second or subsequent violation
3 continues.

4 (b) A manufacturer that is not registered with the Agency
5 as required under this Act, or that has not paid the
6 registration fee as required under this Act, is liable for a
7 civil penalty not to exceed \$10,000 for the violation and an
8 additional civil penalty not to exceed \$10,000 for each day the
9 violation continues.

10 (c) A manufacturer in violation of subsection (d) of
11 Section 30 of this Act in program year 2012 or thereafter is
12 liable for a civil penalty equal to the following:

13 (1) In program year 2012, if the total weight of CEDs
14 and EEDs recycled or processed for reuse by the
15 manufacturer is less than 60% of the manufacturer's
16 individual recycling or reuse goal set forth in Section 19
17 of this Act, the manufacturer shall pay a penalty equal to
18 the product of: (i) \$0.70 per pound; multiplied by (ii) the
19 difference between the manufacturer's individual recycling
20 or reuse goal and the total weight of CEDs and EEDs
21 recycled or processed for reuse by the manufacturer during
22 the program year.

23 (2) In program year 2013, and each year thereafter, if
24 the total weight of CEDs and EEDs recycled or processed for
25 reuse by the manufacturer less than 75% of the
26 manufacturer's individual recycling or reuse goal set

1 forth in Section 19 of this Act, the manufacturer shall pay
2 a penalty equal to the product of: (i) \$0.70 per pound;
3 multiplied by (ii) the difference between the
4 manufacturer's individual recycling or reuse goal and the
5 total weight of CEDs and EEDs recycled or processed for
6 reuse by the manufacturer during the program year.

7 (d) Beginning January 1, 2010, a manufacturer in violation
8 of subsection (e), (h), (i), (j), (k), or (l) of Section 30 is
9 liable for a civil penalty not to exceed \$5,000 for the
10 violation.

11 (e) Any person in violation of Section 50 of this Act is
12 liable for a civil penalty not to exceed \$5,000 for the
13 violation.

14 (f) A knowing violation of subsections (a) and (c) of
15 Section 95 of this Act is a petty offense punishable by a fine
16 of \$100.

17 (g) The penalties provided for in this Act may be recovered
18 in a civil action brought by the Attorney General on behalf of
19 the Agency and the People of the State of Illinois. Any moneys
20 collected under this Section in which the Attorney General has
21 prevailed shall be deposited into the Electronic Recycling
22 Fund, established under this Act.

23 (h) The Attorney General, at the request of the Agency or
24 on his or her own motion, institute a civil action for an
25 injunction, prohibitory or mandatory, to restrain violations
26 of this Act or to require such actions as may be necessary to

1 address violations of this Act.

2 (i) The penalties and injunctions provided in this Act are
3 in addition to any penalties, injunctions, or other relief
4 provided under any other law. Nothing in this Act bars a cause
5 of action by the State for any other penalty, injunction, or
6 relief provided by any other law.

7 Section 85. Electronics Recycling Fund. The Electronics
8 Recycling Fund is created as a special fund in the State
9 treasury. The Agency shall deposit all registration fees
10 received under this Act into the Fund. All amounts held in the
11 Fund shall be invested at interest by the State Treasurer. All
12 income earned from the investments shall be deposited into the
13 Electronics Recycling Fund no less frequently than quarterly.
14 Pursuant to appropriation, all moneys in the Electronics
15 Recycling Fund may be used by the Agency for its administration
16 of this Act. Any moneys appropriated from the Electronics
17 Recycling Fund, but not obligated, shall revert to the Fund.

18 Section 90. Relation to other State laws. Nothing in this
19 Act affects the validity or application of any other law of
20 this State, or regulations adopted thereunder.

21 Section 95. Landfill ban.

22 (a) Beginning January 1, 2012, no person may knowingly
23 cause or allow the mixing of a CED, or any other computer,

1 computer monitor, printer, or television with municipal waste
2 that is intended for disposal at a landfill.

3 (b) Beginning January 1, 2012, no person may knowingly
4 cause or allow the disposal of a CED or any other computer,
5 computer monitor, printer, or television in a sanitary
6 landfill.

7 (c) Beginning January 1, 2012, no person may knowingly
8 cause or allow the mixing of a CED, or any other computer,
9 computer monitor, printer, or television with waste that is
10 intended for disposal by burning or incineration.

11 (d) Beginning January 1, 2012, no person may knowingly
12 cause or allow the burning or incineration of a CED, or any
13 other computer, computer monitor, printer, or television.

14 (e) Beginning April 1, 2012 through December 31, 2013, the
15 Illinois Pollution Control Board (Board) is granted the
16 authority to review petitions from any unit of local government
17 in the State regarding the unit of local government's financial
18 ability to collect the volume of CEDs and EEDs generated once
19 the manufacturer's recycling and collection funds in that unit
20 of local government's jurisdiction are exhausted.

21 (1) The Board shall consider the following criteria
22 when reviewing a county's petition:

23 (A) total weight of CEDs and EEDs collected in the
24 county during all preceding program years;

25 (B) total weight of CEDs and EEDs collected in the
26 county during the year in which the petition is filed;

1 (C) the projected difference in weight between
2 prior program years and the year in which the petition
3 is filed; and

4 (D) funds budgeted by the unit of local government
5 for solid waste removal in prior program years and the
6 year in which the petition is filed.

7 (2) Based on these data, the Board shall determine if a
8 county's landfill ban is eligible for temporary rescission
9 for the remainder of the program year in which the petition
10 is filed.

11 The Board shall inform the Agency in writing of any
12 temporary rescission that is granted. Pursuant to Section 20,
13 the Agency in 2012 shall consider all rescissions granted in its
14 review of modifications needed to the program.

15 Section 900. The State Finance Act is amended by adding
16 Section 5.708 as follows:

17 (30 ILCS 105/5.708 new)

18 Sec. 5.708. The Electronics Recycling Fund.

19 Section 999. Effective date. This Act takes effect upon
20 becoming law."