

1 AN ACT concerning safety.

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

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 5, 10, 15, 20, 30, 50, 55, 60,
6 65, 80, and 95 as follows:

7 (415 ILCS 150/5)

8 Sec. 5. Findings and purpose.

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

10 (1) Electronic products are the fastest growing
11 portion of the solid waste stream. In 2007, 3,000,000 ~~2005,~~
12 ~~2,600,000~~ tons of electronic products became obsolete yet
13 only 14% ~~13%~~ of those products were recycled.

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

17 (3) Obsolete ~~Many obsolete~~ electronic products can be
18 recycled or refurbished for reuse and then returned to the
19 economic mainstream in the form of raw materials or
20 products.

21 (4) Electronic products contain metals, plastics, and
22 leaded glass that have resale value. The reuse of these
23 components conserves natural resources and energy, and the

1 reuse also reduces air and water pollution and greenhouse
2 gas emissions.

3 (5) The A management of obsolete residential products
4 is necessary to prioritize ~~place~~ the reuse and recycling of
5 these obsolete residential electronic products as the
6 preferred management strategy over incineration and
7 landfill disposal.

8 (6) The 2010 Recycling Economic Information Study
9 Update for Illinois estimates that the total economic
10 impact of recycling and reusing obsolete electronic
11 products resulted in the creation of nearly 8,000 jobs and
12 \$622 million in annual receipts. ~~The Illinois Recycling~~
13 ~~Economic Information Study of 2001 estimates that the total~~
14 ~~economic impact of establishing statewide recycling and~~
15 ~~reuse programs for residential electronic products may~~
16 ~~result in the creation of nearly 4,000 new jobs and \$740~~
17 ~~million in annual 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.

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

1 (415 ILCS 150/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Agency" means the Environmental Protection Agency.

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

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

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

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

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

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

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

10 (3) "Tablet computer", which means an electronic,
11 magnetic, optical, electrochemical, or other high-speed
12 data processing device performing logical, arithmetic, or
13 storage functions for general purpose needs that are met
14 through interaction with a number of software programs
15 contained therein, and that is not designed to exclusively
16 perform a specific type of logical, arithmetic, or storage
17 function or other limited or specialized application.
18 Human interface with a tablet computer is achieved through
19 a touch-screen and video display screen greater than 6
20 inches in size (all of which are contained within the unit
21 that comprises the tablet computer). Tablet computers may
22 use an external or internal power source. "Tablet computer"
23 does not include a portable hand-held calculator, a
24 portable digital assistant, or a similar specialized
25 device.

26 "Computer monitor" means an electronic device that is a

1 cathode-ray tube or flat panel display primarily intended to
2 display information from a computer and is used only in a
3 residence.

4 "Covered electronic device" or "CED" means any computer,
5 computer monitor, television, ~~or~~ printer, electronic keyboard,
6 facsimile machine, videocassette recorder, portable digital
7 music player that has memory capability and is battery powered,
8 digital video disc player, video game console, electronic
9 mouse, scanner, digital converter box, cable or satellite
10 receiver, digital video disc recorder, or small-scale server
11 sold at retail, provided that the item is taken out of service
12 from a residence in this State regardless of purchase location.

13 "Covered electronic device" does not include any of the
14 following:

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

19 (2) an electronic device that is functionally or
20 physically part of a larger piece of equipment or that is
21 taken out of service from an industrial, commercial
22 (including retail), library checkout, traffic control,
23 kiosk, security (other than household security),
24 governmental, agricultural, or medical setting, including
25 but not limited to diagnostic, monitoring, or control
26 equipment; or

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

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

10 "Developmentally disabled", as defined by the Illinois
11 Department of Human Services, Division of Developmental
12 Disabilities Program Manual, means having mental retardation
13 or a related condition. For the purposes of this Act:

14 (1) "Mental retardation" means significantly
15 subaverage general intellectual functioning as well as
16 deficits in adaptive behavior that manifested before age
17 18. A person's general intellectual functioning is
18 significantly subaverage if that person has an
19 intelligence quotient (IQ) of 70 or below on standardized
20 measures of intelligence. This upper limit, however, may be
21 extended upward depending on the reliability of the
22 intelligence test used.

23 (2) "Related condition" means a severe, chronic
24 disability that (i) is attributable to cerebral palsy,
25 epilepsy, or any other condition, other than mental
26 illness, (ii) is found to be closely related to mental

1 retardation because the condition results in impairment of
2 general intellectual functioning or adaptive behavior
3 similar to that of a person with mental retardation, and
4 (iii) requires treatment or services similar to those
5 required for persons with mental retardation. ~~means having~~
6 ~~a severe disability, as defined by the Office of~~
7 ~~Rehabilitation Services of the Illinois Department of~~
8 ~~Human Services, that can be expected to result in death or~~
9 ~~that has lasted, or is expected to last, at least 12 months~~
10 ~~and that prevents working at a "substantial gainful~~
11 ~~activity" level.~~

12 "Dismantling" means the demanufacturing and shredding of a
13 CED.

14 "Eligible electronic device" or "EED" means any of the
15 following electronic products sold at retail and taken out of
16 service from a residence in this State ~~regardless of purchase~~
17 ~~location:~~ mobile telephone; computer cable, ~~mouse, or~~
18 ~~keyboard; stand alone facsimile machine; MP3 player; portable~~
19 ~~digital assistant (PDA); or video game console, video cassette~~
20 ~~recorder/player, digital video disk player, or similar video~~
21 ~~device; zip drive; or scanner.~~ To the extent allowed under
22 federal and state laws and regulations, an EED that is being
23 collected, recycled, or processed for reuse is not considered
24 to be hazardous waste, household waste, solid waste, or special
25 waste.

26 "Low income children and families" mean those children and

1 families that are subject to the most recent version of the
2 United States Department of Health and Human Services Federal
3 Poverty Guidelines.

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

19 "Municipal joint action agency" means a municipal joint
20 action agency created under Section 3.2 of the
21 Intergovernmental Cooperation Act.

22 "Orphan CEDs" means those CEDs that are returned for
23 recycling, or processing for reuse, whose manufacturer cannot
24 be identified, or whose manufacturer is no longer conducting
25 business and has no successor in interest.

26 "Person" means any individual, partnership,

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

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

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

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

26 "Recycler" means a person who engages in the recycling of

1 CEDs or EEDs, but does not include telecommunications carriers,
2 telecommunications manufacturers, or commercial mobile service
3 providers with an existing recycling program.

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

10 "Recycling coordinator" means the person designated by
11 each county waste management plan to administer the county
12 recycling program, as set forth in the Solid Waste Management
13 Act.

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

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

20 "Retailer" means a person who sells, rents, or leases,
21 through sales outlets, catalogues, or the Internet, computers,
22 computer monitors, printers, ~~or~~ televisions, electronic
23 keyboards, facsimile machines, videocassette recorders,
24 portable digital music players that have memory capability and
25 are battery powered, digital video disc players, video game
26 consoles, electronic mice, scanners, digital converter boxes,

1 cable or satellite receivers, digital video disc recorders, or
2 small-scale servers at retail to individuals in this State. For
3 purposes of this Act, sales to individuals at retail are
4 considered to be sales for residential use. "Retailer"
5 includes, but is not limited to, manufacturers who sell
6 computers, computer monitors, printers, ~~or~~ televisions,
7 electronic keyboards, facsimile machines, videocassette
8 recorders, portable digital music players that have memory
9 capability and are battery powered, digital video disc players,
10 video game consoles, electronic mice, scanners, digital
11 converter boxes, cable or satellite receivers, digital video
12 disc recorders, or small-scale servers at retail directly to
13 individuals in this State.

14 "Sale" means any retail transfer of title for consideration
15 of title including, but not limited to, transactions conducted
16 through sales outlets, catalogs, or the Internet or any other
17 similar electronic means but does not mean financing or
18 leasing.

19 "Small-scale server" means a computer that typically uses
20 desktop components in a desktop form designed primarily to
21 serve as a storage host for other computers. To be considered a
22 small-scale server, a computer must: be designed in a pedestal,
23 tower, or other form that is similar to that of a desktop
24 computer so that all data processing, storage, and network
25 interfacing is contained within one box or product; be designed
26 to be operational 24 hours per day and 7 days per week; have

1 very little unscheduled downtime (on the order of hours per
2 year); be capable of operating in a simultaneous multi-user
3 environment serving several users through networked client
4 units; and be designed for an industry accepted operating
5 system for home or low-end server applications.

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

13 "Underserved counties" means those counties so identified
14 in Section 60.

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

16 (415 ILCS 150/15)

17 Sec. 15. Statewide recycling and reuse goals for all
18 covered electronic devices.

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

24 (b) For program year 2011, the statewide recycling or reuse
25 goal for all CEDs is the product of: (i) the 2010 base weight;

1 multiplied by (ii) the 2010 goal attainment percentage.

2 For the purposes of this subsection (b):

3 The "2010 base weight" means the greater of: (i) twice the
4 total weight of all CEDs that were recycled or processed for
5 reuse between January 1, 2010 and June 30, 2010 as reported to
6 the Agency under subsection (i) or (j) of Section 30; or (ii)
7 twice the total weight of all CEDs that were recycled or
8 processed for reuse between January 1, 2010 and June 30, 2010
9 as reported to the Agency under subsection (c) of Section 55.

10 The "2010 goal attainment percentage" means:

11 (1) 90% if the 2010 base weight is less than 90% of the
12 statewide recycling or reuse goal for program year 2010;

13 (2) 95% if the 2010 base weight is 90% or greater, but
14 does not exceed 95%, of the statewide recycling or reuse
15 goal for program year 2010;

16 (3) 100% if the 2010 base weight is 95% or greater, but
17 does not exceed 105%, of the statewide recycling or reuse
18 goal for program year 2010;

19 (4) 105% if the 2010 base weight is 105% or greater,
20 but does not exceed 110%, of the statewide recycling or
21 reuse goal for program year 2010; and

22 (5) 110% if the 2010 base weight is 110% or greater of
23 the statewide recycling or reuse goal for program year
24 2010.

25 (c) For program year ~~years~~ 2012, each manufacturer of CEDs
26 shall recycle or reuse CEDs and EEDs whose total weight is

1 equal to 40% of all the CEDs the manufacturer sold in Illinois
2 during the calendar year beginning January 1, 2010. Each CED
3 manufacturer shall use its own sales data or national sales
4 data proportioned to Illinois' share of the U.S. population,
5 based on the U.S. Census population estimate for 2009, to
6 determine the manufacturer's annual recycling or reuse goal.

7 (c-5) For program years 2013 and thereafter, each
8 manufacturer of CEDs shall annually recycle or reuse CEDs and
9 EEDs whose total weight is equal to 50% of all the CEDs the
10 manufacturer sold in Illinois during the calendar year that
11 began 2 years before the beginning of the applicable program
12 year. Each CED manufacturer shall use its own sales data or
13 national sales data proportioned to Illinois' share of the U.S.
14 population, based on the most recent U.S. Census data, to
15 determine the manufacturer's annual recycling goal. and
16 ~~thereafter, the statewide recycling or reuse goal for all CEDs~~
17 ~~is the product of: (i) the base weight; multiplied by (ii) the~~
18 ~~goal attainment percentage.~~

19 ~~For the purposes of this subsection (c):~~

20 ~~The "base weight" means the greater of: (i) the total~~
21 ~~weight of all CEDs recycled or processed for reuse during the~~
22 ~~previous program year as reported to the Agency under~~
23 ~~subsection (k) or (l) of Section 30; or (ii) the total weight~~
24 ~~of all CEDs recycled or processed for reuse during the previous~~
25 ~~program year as reported to the Agency under subsection (d) of~~
26 ~~Section 55.~~

1 ~~The "goal attainment percentage" means:~~

2 ~~(1) 90% if the base weight is less than 90% of the~~
3 ~~statewide recycling or reuse goal for the previous program~~
4 ~~year;~~

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

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

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

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

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

18 (415 ILCS 150/20)

19 Sec. 20. Agency responsibilities.

20 (a) The Agency has the authority to monitor compliance with
21 this Act, enforce violations of the Act by administrative
22 citation, and ~~to~~ refer violations of this Act to the Attorney
23 General.

24 (b) No later than October 1 of each program year, the
25 Agency shall post on its website a list of underserved counties

1 in the State for the next program year. The list of underserved
2 counties for program years 2010 and 2011 ~~the first program year~~
3 is set forth in subsection (a) of Section 60.

4 (c) From ~~By~~ July 1, 2009 until December 31, 2015, the
5 Agency shall implement a county and municipal government
6 education campaign to inform those entities about this Act and
7 the implications on solid waste collection in their localities.

8 (c-5) No later than February 1, 2012 and every February 1
9 thereafter, the Agency shall use a portion of the manufacturer,
10 recycler, and refurbisher registration fees to provide a \$2,000
11 grant to the recycling coordinator in each county of the State
12 in order to inform residents in each county about this Act and
13 opportunities to recycle CEDs and EEDs. The recycling
14 coordinator shall expend the \$2,000 grant before December 31 of
15 the program year in which the grant is received. The recycling
16 coordinator shall maintain records that document the use of the
17 grant funds.

18 (c-10) By June 15, 2012 and by December 15, 2012, and by
19 every June 15 and December 15 thereafter through December 15,
20 2015, the Agency shall meet with the Illinois Retail Merchants
21 Association to discuss compliance with Section 40.

22 (c-15) By December 15, 2012 and each December 15
23 thereafter, the Agency shall post on its website: (i) the
24 mailing address of each collection site at which collectors
25 collected CEDs during the program year and (ii) the amount in
26 pounds of each CED collected at the collection site during the

1 program year.

2 (d) By July 1, 2011 for the first program year, and by May
3 15 ~~April 1~~ for all subsequent program years, the Agency shall
4 report to the Governor and to the General Assembly annually on
5 the previous program year's performance. The report must be
6 posted on the Agency's website. The report must include, but
7 not be limited to, the following:

8 (1) the total overall weight of CEDs, as well as the
9 sub-total weight of computers, the sub-total weight of
10 computer monitors, the sub-total weight of printers, the
11 sub-total weight of televisions, and the total weight of
12 EEDs that were recycled or processed for reuse in the State
13 during the program year, as reported by manufacturers and
14 collectors under Sections 30 and 55;

15 (2) a listing of all collection sites, as set forth
16 under subsection (a) (e) of Section 55, and the addresses
17 of those sites;

18 (3) a statement showing, for the preceding program
19 year, (i) the total weight of CEDs and EEDs collected,
20 recycled, and processed for reuse by the manufacturers
21 pursuant to Section 30, (ii) the total weight of CEDs
22 processed for reuse by the manufacturers, and (iii) the
23 total weight of CEDs collected by the collectors ~~of the~~
24 ~~manufacturers' progress toward achieving the statewide~~
25 ~~recycling goal set forth in Section 15 (calculated from the~~
26 ~~manufacturer reports pursuant to Section 30 and the~~

1 ~~collector reports pursuant to Section 55) and any~~
2 ~~identified State actions that may help expand collection~~
3 ~~opportunities to help manufacturers achieve the statewide~~
4 ~~recycling goal;~~

5 (4) a listing of all entities or persons to any
6 ~~manufacturers~~ whom the Agency issued an administrative
7 citation or with respect to which the Agency made a
8 referral for enforcement ~~referred~~ to the Attorney
9 General's Office ~~for enforcement~~ as a result of a violation
10 of this Act;

11 (5) a discussion of the Agency's education and outreach
12 activities as set forth in subsection (c) of this Section;
13 and

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

20 (e) The Agency shall post on its website: (1) a list of
21 manufacturers that have paid the current year's registration
22 fee as set forth in subsection (b) of Section 30; (2) a list of
23 manufacturers that failed to pay the current year's
24 registration fee as set forth in subsection (b) of Section 30;
25 and (3) ~~Section 30(b) and (2)~~ a list of registered collectors,
26 the addresses of their collection sites, their business

1 telephone numbers, and a link to their websites. ~~to whom~~
2 ~~Illinois residents can bring CEDs and EEDs for recycling or~~
3 ~~processing for reuse, including links to the collectors'~~
4 ~~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: (i) the individual recycling and reuse
13 goals for each manufacturer, as set forth in subsection (c) of
14 Section 15, and (ii) the total statewide recycling goal,
15 determined by adding each individual manufacturer's annual
16 goal.

17 ~~(1) The overall statewide recycling and reuse goal for~~
18 ~~CEDs, as well as the sub goals for televisions, and~~
19 ~~computers, computer monitors, and printers as set forth in~~
20 ~~Section 15.~~

21 ~~(2) The market shares of television manufacturers and~~
22 ~~the return shares of computer, computer monitor, and~~
23 ~~printer manufacturers, as set forth in Section 18, and~~

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

26 (h) By April 1, 2011, and by April 1 of all subsequent

1 years, the Agency shall award ~~recognize~~ those manufacturers
2 that have met or exceeded their recycling or reuse goals for
3 the previous program year with ~~. Such recognition shall be the~~
4 ~~awarding to all such manufacturers of~~ an Electronic Industry
5 Recycling Award. The award shall acknowledge that the
6 manufacturer has met or exceeded its recycling goals and shall
7 be posted ~~, which shall be recognized~~ on the Agency website and
8 in other media as appropriate.

9 (i) By March 1, 2011, and by March 1 of each subsequent
10 year, the Agency shall post on its website a list of registered
11 manufacturers that have not met their annual recycling and
12 reuse goal for the previous program year.

13 (j) By July 1, 2015 ~~2012~~, the Agency shall solicit written
14 comments regarding all aspects of the program codified in this
15 Act, for the purpose of determining if the program requires any
16 modifications.

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

19 (A) Sufficiency of the annual statewide recycling
20 goals.

21 (B) Fairness of the formulas used to determine
22 individual manufacturer goals.

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

25 (D) Any temporary recissions of county landfill
26 bans granted by the Illinois Pollution Control Board

1 pursuant to Section 95(e).

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

5 (F) Adequacy of the collection systems that have
6 been implemented as a result of this Act, with a
7 particular focus on promoting the most cost-effective
8 and convenient collection system possible for Illinois
9 residents.

10 (2) By July 1, 2015 ~~2012~~, the Agency shall complete its
11 review of the written comments received, as well as its own
12 reports on the preceding program years ~~2010 and 2011~~. By
13 August 1, 2015 ~~2012~~, the Agency shall hold a public hearing
14 to present its findings and solicit additional comments.
15 All additional comments shall be submitted to the Agency in
16 writing no later than October 1, 2015 ~~2012~~.

17 (3) The Agency's final report, which shall be issued no
18 later than February 1, 2016 ~~2013~~, shall be submitted to the
19 Governor and the General Assembly and shall include
20 specific recommendations for any necessary or appropriate
21 modifications to the program.

22 (k) Any violation of this Act shall be enforceable by
23 administrative citation. Whenever the Agency personnel or
24 county personnel to whom the Agency has delegated the authority
25 to monitor compliance with this Act shall, on the basis of
26 direct observation, determine that any person has violated any

1 provision of this Act, the Agency or county personnel may issue
2 and serve, within 60 days after the observed violation, an
3 administrative citation upon that person or the entity
4 employing that person. Each citation shall be served upon the
5 person named or the person's authorized agent for service of
6 process and shall include the following:

7 (1) a statement specifying the provisions of this Act
8 that the person or the entity employing the person has
9 violated;

10 (2) a copy of the inspection report in which the Agency
11 or local government recorded the violation and the date and
12 time of the inspection;

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

14 (4) an affidavit by the personnel observing the
15 violation, attesting to their material actions and
16 observations.

17 (1) If the person named in the administrative citation
18 fails to petition the Illinois Pollution Control Board for
19 review within 35 days after the date of service, the Board
20 shall adopt a final order, which shall include the
21 administrative citation and findings of violation as alleged in
22 the citation and shall impose the penalty specified in Section
23 80.

24 (m) If a petition for review is filed with the Board to
25 contest an administrative citation issued under this Section,
26 the Agency or unit of local government shall appear as a

1 complainant at a hearing before the Board to be conducted
2 pursuant to subsection (n) of this Section at a time not less
3 than 21 days after notice of the hearing has been sent by the
4 Board to the Agency or unit of local government and the person
5 named in the citation. In those hearings, the burden of proof
6 shall be on the Agency or unit of local government. If, based
7 on the record, the Board finds that the alleged violation
8 occurred, it shall adopt a final order, which shall include the
9 administrative citation and findings of violation as alleged in
10 the citation, and shall impose the penalty specified in Section
11 80 of this Act. However, if the Board finds that the person
12 appealing the citation has shown that the violation resulted
13 from uncontrollable circumstances, the Board shall adopt a
14 final order that makes no finding of violation and imposes no
15 penalty.

16 (n) All hearings under this Act shall be held before a
17 qualified hearing officer, who may be attended by one or more
18 members of the Board, designated by the Chairman. All of these
19 hearings shall be open to the public, and any person may submit
20 written statements to the Board in connection with the subject
21 of these hearings. In addition, the Board may permit any person
22 to offer oral testimony. Any party to a hearing under this
23 subsection may be represented by counsel, make oral or written
24 argument, offer testimony, cross-examine witnesses, or take
25 any combination of those actions. All testimony taken before
26 the Board shall be recorded stenographically. The transcript so

1 recorded and any additional matter accepted for the record
2 shall be open to public inspection, and copies of those
3 materials shall be made available to any person upon payment of
4 the actual cost of reproducing the original.

5 (o) Counties that have entered into a delegation agreement
6 with the Agency pursuant to subsection (r) of Section 4 of the
7 Illinois Environmental Protection Act for the purpose of
8 conducting inspection, investigation, or enforcement-related
9 functions may conduct inspections for noncompliance with this
10 Act.

11 (Source: P.A. 95-959, eff. 9-17-08; 96-328, eff. 8-11-09.)

12 (415 ILCS 150/30)

13 Sec. 30. Manufacturer responsibilities.

14 (a) Prior to April 1, 2009 for the first program year, and
15 by October 1 for program year 2011 and each program year
16 thereafter, manufacturers who sell ~~whose~~ computers, computer
17 monitors, printers, ~~or~~ televisions, electronic keyboards,
18 facsimile machines, videocassette recorders, portable digital
19 music players that have memory capability and are battery
20 powered, digital video disc players, video game consoles,
21 electronic mice, scanners, digital converter boxes, cable or
22 satellite receivers, digital video disc recorders, or
23 small-scale servers sold at retail ~~are sold~~ in this State must
24 register with the Agency. The registration must be submitted in
25 the form and manner required by the Agency. The registration

1 must include, without limitation, all of the following:

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

5 (2) (blank) ~~for manufacturers of both televisions and~~
6 ~~computers, computer monitors, or printers, an~~
7 ~~identification of whether, for residential use, (i)~~
8 ~~televisions or (ii) computers, computer monitors, and~~
9 ~~printers, represent the larger number of units sold for the~~
10 ~~manufacturer; and~~

11 (3) a statement disclosing whether: ~~(A)~~ any computer,
12 computer monitor, printer, or television sold in this State
13 exceeds the maximum concentration values established for
14 lead, mercury, cadmium, hexavalent chromium,
15 polybrominated biphenyls (PBBs), and polybrominated
16 diphenyl ethers (PBDEEs) under the RoHS (restricting the
17 use of certain hazardous substances in electrical and
18 electronic equipment) Directive 2002/95/EC of the European
19 Parliament and Council and any amendments thereto and, if
20 so, an identification of that computer, computer monitor,
21 printer, or television; ~~or (B) the manufacturer has~~
22 ~~received an exemption from one or more of those maximum~~
23 ~~concentration values under the RoHS Directive that has been~~
24 ~~approved and published by the European Commission.~~

25 If, during the program year, a manufacturer's computer,
26 computer monitor, printer, ~~or~~ television, electronic keyboard,

1 facsimile machine, videocassette recorder, portable digital
2 music player that has memory capability and is battery powered,
3 digital video disc player, video game console, electronic
4 mouse, scanner, digital converter box, cable or satellite
5 receiver, digital video disc recorder, or small-scale server
6 sold at retail is sold or offered for sale in Illinois under a
7 new brand that is not listed in the manufacturer's
8 registration, then, within 30 days after the first sale or
9 offer for sale under the new brand, the manufacturer must amend
10 its registration to add the new brand.

11 (b) Prior to July 1, 2009 for the first program year, and
12 by the November 1 preceding program years 2011 and later, all
13 manufacturers whose CEDs ~~whose computers, computer monitors,~~
14 ~~printers, or televisions~~ are offered for sale ~~sold~~ in the State
15 shall submit to the Agency, at an address prescribed by the
16 Agency, the registration fee for the next program year. The
17 registration fee for program year 2010 is \$5,000. The
18 registration fee for program year 2011 is \$5,000, increased by
19 the applicable inflation factor as described below. In program
20 year 2012, if, in program year 2011, a manufacturer sold 250 or
21 fewer CEDs in the State, then the registration fee for that
22 manufacturer is \$1,250. In each program year after 2012, if, in
23 the preceding program year, a manufacturer sold 250 or fewer
24 CEDs in the State, then the registration fee is the fee that
25 applied in the previous year to manufacturers that sold that
26 number of CEDs, increased by the applicable inflation factor as

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

23 (c) A manufacturer whose CEDs ~~computers, computer~~
24 ~~monitors, printers, or televisions~~ are ~~first~~ sold or offered
25 for sale in this State on or after January 1 of a program year
26 must register with the Agency within 30 days after the first

1 sale or offer for sale in accordance with subsection (a) of
2 this Section and submit the registration fee required under
3 subsection (b) of this Section prior to the CEDs ~~manufacturer's~~
4 ~~computers, computer monitors, printers, or televisions~~ being
5 sold or offered for sale.

6 (d) Each manufacturer shall recycle or process for reuse
7 CEDs and EEDs whose total weight equals or exceeds the
8 manufacturer's individual recycling and reuse goal set forth in
9 Section 15 ~~Section 19~~ of this Act. Individual consumers shall
10 ~~may~~ not be charged a an end-of-life fee when bringing their
11 CEDs and EEDs to ~~permanent or temporary~~ collection locations,
12 unless a financial incentive of equal or greater value, such as
13 a coupon, is provided. Collectors may charge a fee for premium
14 services such as curbside collection, home pick-up, or a
15 similar method of collection.

16 When determining whether a manufacturer has met or exceeded
17 its individual recycling and reuse goal set forth in Section 15
18 ~~Section 19~~ of this Act, all of the following adjustments must
19 be made:

20 (1) The total weight of CEDs processed ~~for reuse~~ by the
21 manufacturer, its recyclers, or its refurbishers for reuse
22 is doubled.

23 (2) The total weight of CEDs is tripled if they are
24 donated for reuse by the manufacturer to a primary or
25 secondary public education institution the majority of
26 whose students are considered low income or

1 ~~developmentally disabled or to a not for profit entity~~
2 ~~that is established under Section 501(c)(3) of the Internal~~
3 ~~Revenue Code of 1986 and whose principal mission is to~~
4 ~~assist~~ low-income children or families or to assist the
5 developmentally disabled in Illinois. This subsection
6 applies only to CEDs for which the manufacturer has
7 received a written confirmation that the recipient has
8 accepted the donation. Copies of all written confirmations
9 must be submitted in the annual report required under
10 Section 30.

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

23 (4) If an entity (i) collects, recycles, or refurbishes
24 CEDs for a manufacturer, (ii) qualifies for non-profit
25 status under Section 501(c)(3) of the Internal Revenue Code
26 of 1986, and (iii) at least 75% of its employees are

1 developmentally disabled, then the total weight of CEDs
2 will be tripled. A manufacturer that uses such a recycler
3 or refurbisher shall submit documentation in the annual
4 report required under Section 30 identifying the name,
5 location, and length of service of the entity that
6 qualifies for credit under this subsection.

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

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

20 (2) the total weight of the sample by product type;

21 (3) the date, location, and time of the sampling;

22 (4) the name or names of the manufacturer for whom the
23 recycler is performing activities under this Act; and

24 (5) a certification by the third-party auditor that the
25 sampling is statistically significant and, if not, an
26 explanation as to what occurred to render the sampling

1 insignificant.

2 The manufacturer shall notify the Agency 30 days prior to
3 the third-party auditor's return share sampling by providing
4 the Agency with the time and date on which the third-party
5 auditor will perform the return share sample. The Agency may,
6 at its discretion, be present at any sampling event and may
7 audit the methodology and the results of the third-party
8 auditor.

9 No less than 30 days after the close of each calendar
10 quarter, the manufacturer shall submit to the Agency the
11 results of the third-party samplings conducted during the
12 quarter. The results shall be submitted in the form and manner
13 required by the Agency.

14 (f) Manufacturers shall ensure that only recyclers and
15 refurbishers that have registered with the Agency are used to
16 meet the individual recycling and reuse goals set forth in this
17 Act.

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

1 refurbishers comply with the standards set forth in subsection
2 (d) of Section 50.

3 (h) By September 1, 2012 and every September 1 thereafter
4 ~~August 15, 2009~~, CED ~~television~~ manufacturers shall submit to
5 the Agency, in the form and manner required by the Agency, a
6 report that contains the total weight of CEDs ~~televisions~~ sold
7 under each of the manufacturer's brands to individuals ~~at~~
8 ~~retail~~ in this State as calculated under subsection (c) and
9 (c-15) of Section 15. Each manufacturer shall indicate on the
10 report whether the total weight of CEDs was derived from its
11 own sales records or national sales data. If a manufacturer's
12 CED weight is derived from national sales data, the
13 manufacturer shall indicate the source of the sales data. ~~as~~
14 ~~set forth in the reports to manufacturers by retailers under~~
15 ~~subsection (c) of Section 40.~~

16 (i) (Blank). ~~No later than September 1, 2010, television~~
17 ~~manufacturers must submit to the Agency, in the form and manner~~
18 ~~required by the Agency, a report for the period January 1, 2010~~
19 ~~through June 30, 2010 that contains both of the following:~~

20 ~~(1) The total weight of televisions sold under each of~~
21 ~~the manufacturer's brands to individuals at retail in this~~
22 ~~State, from one of the following 2 sources, with the~~
23 ~~manufacturer indicating in the report which of the 2 data~~
24 ~~sources was used, and, if a national sales data report was~~
25 ~~used, the name of the national sales data source:~~

26 ~~(A) the manufacturer's own sales reports; or~~

1 ~~(B) national sales data reports obtained by the~~
2 ~~manufacturer and pro-rated to Illinois by multiplying~~
3 ~~the weight of the manufacturer's televisions sold~~
4 ~~nationally by the quotient that results from dividing~~
5 ~~the population of Illinois by the population of the~~
6 ~~United States. The population of Illinois and the~~
7 ~~United States shall be obtained using the most recent~~
8 ~~U.S. census data.~~

9 ~~(2) The total weight of computers, the total weight of~~
10 ~~computer monitors, the total weight of printers, the total~~
11 ~~weight of televisions, and the total weight of EEDs~~
12 ~~recycled or processed for reuse.~~

13 (j) (Blank). ~~By August 15, 2010, computer, computer~~
14 ~~monitor, and printer manufacturers shall submit to the Agency,~~
15 ~~on forms and in a format prescribed by the Agency, a report for~~
16 ~~the period January 1, 2010 through June 30, 2010 that contains~~
17 ~~the total weight of computers, the total weight of computer~~
18 ~~monitors, the total weight of printers, the total weight of~~
19 ~~televisions, and the total weight of EEDs, recycled or~~
20 ~~processed for reuse.~~

21 (k) (Blank). ~~No later than April 1 of program years 2011~~
22 ~~and thereafter, television manufacturers shall submit to the~~
23 ~~Agency, in the form and manner required by the Agency, a report~~
24 ~~that contains all of the following information for the previous~~
25 ~~program year:~~

26 ~~(1) The total weight of televisions sold under each of~~

1 ~~the manufacturer's brands to individuals at retail in this~~
2 ~~State, from one of the following 2 sources, with the~~
3 ~~manufacturer indicating in the report which of the two data~~
4 ~~sources was used, and, if a national sales data report was~~
5 ~~used, the name of the national sales data source:~~

6 ~~(a) the manufacturer's own sales reports; or~~

7 ~~(b) national sales data reports obtained by the~~
8 ~~manufacturer and pro rated to Illinois by multiplying~~
9 ~~the weight of the manufacturer's televisions sold~~
10 ~~nationally by the quotient that results from dividing~~
11 ~~the population of Illinois by the population of the~~
12 ~~United States. The population of Illinois and the~~
13 ~~United States shall be obtained using the most recent~~
14 ~~U.S. census data.~~

15 ~~(2) The total weight of computers, the total weight of~~
16 ~~computer monitors, the total weight of printers, the total~~
17 ~~weight of televisions, and the total weight of EEDs~~
18 ~~recycled or processed for reuse.~~

19 ~~(3) The identification of all weights that are adjusted~~
20 ~~under subsection (d) of this Section. For all weights~~
21 ~~adjusted under item (2) of subsection (d), the manufacturer~~
22 ~~must include copies of the written confirmation required~~
23 ~~under that subsection.~~

24 ~~(4) A list of each recycler, refurbisher, and collector~~
25 ~~used by the manufacturer to fulfill the manufacturer's~~
26 ~~individual recycling and reuse goal set forth in Section 19~~

1 ~~of this Act.~~

2 ~~(5) A summary of the manufacturer's consumer education~~
3 ~~program required under subsection (m) of this Section.~~

4 (1) On or before January 31, 2013 and on or before every
5 January 31 ~~No later than April 1 of program years 2011 and~~
6 thereafter, CED ~~computer, computer monitor, and printer~~
7 manufacturers shall submit to the Agency, on forms and in a
8 format prescribed by the Agency, a report that contains all of
9 the following information for the previous program year:

10 (1) The ~~the~~ total weight of computers, the total weight
11 of computer monitors, the total weight of printers, the
12 total weight of televisions, and the total weight of EEDs
13 recycled or processed for reuse. †

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

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

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

26 (m) Manufacturers must develop and maintain a consumer

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

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

12 (o) Beginning January 1, 2010, no manufacturer may sell a
13 computer, computer monitor, printer, or television in this
14 State unless the manufacturer's brand name is permanently
15 affixed to, and is readily visible on, the computer, computer
16 monitor, printer, or television.

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

18 (415 ILCS 150/50)

19 Sec. 50. Recycler and refurbisher registration.

20 (a) Prior to January 1 of each program year, each recycler
21 and refurbisher must register with the Agency and submit a
22 registration fee pursuant to subsection (b) for that program
23 year. Registration must be on forms and in a format prescribed
24 by the Agency and shall include, but not be limited to, the
25 address of each location where the recycler or refurbisher

1 manages CEDs or EEDs and identification of each location at
2 which the recycler or refurbisher accepts CEDs or EEDs from a
3 residence.

4 (b) The registration fee for program year 2010 is \$2,000.
5 For program year 2011, if a recycler's or refurbisher's annual
6 combined total weight of CEDs and EEDs is less than 1,000 tons
7 per year, the registration fee shall be \$500. For program year
8 2012 and for all subsequent program years, both registration
9 fees shall be increased each year by an inflation factor
10 determined by the annual Implicit Price Deflator for Gross
11 National Product as published by the U.S. Department of
12 Commerce in its Survey of Current Business. The inflation
13 factor must be calculated each year by dividing the latest
14 published annual Implicit Price Deflator for Gross National
15 Product by the annual Implicit Price Deflator for Gross
16 National Product for the previous year. The inflation factor
17 must be rounded to the nearest 1/100th, and the resulting
18 registration fee must be rounded to the nearest whole dollar.
19 No later than October 1 of each program year, the Agency shall
20 post on its website the registration fee for the next program
21 year.

22 (c) No person may act as a recycler or a refurbisher of
23 CEDs for a manufacturer obligated to meet goals under this Act
24 unless the recycler or refurbisher is registered and has paid
25 the registration fee as required under this Section. Registered
26 recyclers and refurbishers must accept any delivered CED or

1 EED. Neither a registered recycler nor a refurbisher may charge
2 individual consumers a fee to recycle or refurbish CEDs and
3 EEDs, unless the recycler or refurbisher provides (i) a
4 financial incentive, such as a coupon, that is of greater or
5 equal value to the applicable item or (ii) premium service,
6 such as curbside collection, home pick-up, or a similar method
7 of collection.

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

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

17 (2) Recyclers and refurbishers must implement the
18 appropriate measures to safeguard occupational and
19 environmental health and safety, through the following:

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

24 (B) an up-to-date, written plan for the
25 identification and management of hazardous materials;
26 and

1 (C) an up-to-date, written plan for reporting and
2 responding to exceptional pollutant releases,
3 including emergencies such as accidents, spills,
4 fires, and explosions.

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

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

25 (5) Recyclers and refurbishers must maintain on file
26 proof of workers' compensation and employers' liability

1 insurance.

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

7 (7) Recyclers and refurbishers must apply due
8 diligence principles to the selection of facilities to
9 which components and materials (such as plastics, metals,
10 and circuit boards) from CEDs and EEDs are sent for reuse
11 and recycling.

12 (8) Recyclers and refurbishers must establish a
13 documented environmental management system that is
14 appropriate in level of detail and documentation to the
15 scale and function of the facility, including documented
16 regular self-audits or inspections of the recycler or
17 refurbisher's environmental compliance at the facility.

18 (9) Recyclers and refurbishers must use the
19 appropriate equipment for the proper processing of
20 incoming materials as well as controlling environmental
21 releases to the environment. The dismantling operations
22 and storage of CED and EED components that contain
23 hazardous substances must be conducted indoors and over
24 impervious floors. Storage areas must be adequate to hold
25 all processed and unprocessed inventory. When heat is used
26 to soften solder and when CED and EED components are

1 shredded, operations must be designed to control indoor and
2 outdoor hazardous air emissions.

3 (10) Recyclers and refurbishers must establish a
4 system for identifying and properly managing components
5 (such as circuit boards, batteries, CRTs, and mercury
6 phosphor lamps) that are removed from CEDs and EEDs during
7 disassembly. Recyclers and refurbishers must properly
8 manage all hazardous and other components requiring
9 special handling from CEDs and EEDs consistent with
10 federal, State, and local laws and regulations. Recyclers
11 and refurbishers must provide visible tracking (such as
12 hazardous waste manifests or bills of lading) of hazardous
13 components and materials from the facility to the
14 destination facilities and documentation (such as
15 contracts) stating how the destination facility processes
16 the materials received. No recycler or refurbisher may
17 send, either directly or through intermediaries, hazardous
18 wastes to solid waste (non-hazardous waste) landfills or to
19 non-hazardous waste incinerators for disposal or energy
20 recovery. For the purpose of these guidelines, smelting of
21 hazardous wastes to recover metals for reuse in conformance
22 with all applicable laws and regulations is not considered
23 disposal or energy recovery.

24 (11) Recyclers and refurbishers must use a regularly
25 implemented and documented monitoring and record-keeping
26 program that tracks inbound CED and EED material weights

1 (total) and subsequent outbound weights (total to each
2 destination), injury and illness rates, and compliance
3 with applicable permit parameters including monitoring of
4 effluents and emissions. Recyclers and refurbishers must
5 maintain contracts or other documents, such as sales
6 receipts, suitable to demonstrate: (i) the reasonable
7 expectation that there is a downstream market or uses for
8 designated electronics (which may include recycling or
9 reclamation processes such as smelting to recover metals
10 for reuse); and (ii) that any residuals from recycling or
11 reclamation processes, or both, are properly handled and
12 managed to maximize reuse and recycling of materials to the
13 extent practical.

14 (12) Recyclers and refurbishers must comply with
15 federal and international law and agreements regarding the
16 export of used products or materials. In the case of
17 exports of CEDs and EEDs, recyclers and refurbishers must
18 comply with applicable requirements of the U.S. and of the
19 import and transit countries and must maintain proper
20 business records documenting its compliance. No recycler
21 or refurbisher may establish or use intermediaries for the
22 purpose of circumventing these U.S. import and transit
23 country requirements.

24 (13) Recyclers and refurbishers that conduct
25 transactions involving the transboundary shipment of used
26 CEDs and EEDs shall use contracts (or the equivalent

1 commercial arrangements) made in advance that detail the
2 quantity and nature of the materials to be shipped. For the
3 export of materials to a foreign country (directly or
4 indirectly through downstream market contractors): (i) the
5 shipment of intact televisions and computer monitors
6 destined for reuse must include only whole products that
7 are tested and certified as being in working order or
8 requiring only minor repair (e.g. not requiring the
9 replacement of circuit boards or CRTs), must be destined
10 for reuse with respect to the original purpose, and the
11 recipient must have verified a market for the sale or
12 donation of such product for reuse; (ii) the shipments of
13 CEDs and EEDs for material recovery must be prepared in a
14 manner for recycling, including, without limitation,
15 smelting where metals will be recovered, plastics recovery
16 and glass-to-glass recycling; or (iii) the shipment of CEDs
17 and EEDs are being exported to companies or facilities that
18 are owned or controlled by the original equipment
19 manufacturer.

20 (14) Recyclers and refurbishers must maintain the
21 following export records for each shipment on file for a
22 minimum of 3 years: (i) the facility name and the address
23 to which shipment is exported; (ii) the shipment contents
24 and volumes; (iii) the intended use of contents by the
25 destination facility; (iv) any specification required by
26 the destination facility in relation to shipment contents;

1 (v) an assurance that all shipments for export, as
2 applicable to the CED manufacturer, are legal and satisfy
3 all applicable laws of the destination country.

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

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

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

18 (415 ILCS 150/55)

19 Sec. 55. Collector responsibilities.

20 (a) No later than January 1 of each program year,
21 collectors that collect or receive CEDs or EEDs for one or more
22 manufacturers, recyclers, or refurbishers shall register with
23 the Agency. Registration must be in the form and manner
24 required by the Agency and must include, without limitation,
25 the address of each location where CEDs or EEDs are received

1 and the identification of each location at which the collector
2 accepts CEDs or EEDs from a residence.

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

6 (c) No later than August 15, 2010, collectors must submit
7 to the Agency, on forms and in a format prescribed by the
8 Agency, a report for the period from January 1, 2010 through
9 June 30, 2010 that contains the following information: the
10 total weight of computers, the total weight of computer
11 monitors, the total weight of printers, the total weight of
12 televisions, and the total weight of EEDs collected or received
13 for each manufacturer.

14 (d) By January 31 ~~No later than May 1~~ of each program year,
15 collectors must submit to the Agency, on forms and in a format
16 prescribed by the Agency, a report that contains the following
17 information for the previous program year:

18 (1) The ~~the~~ total weight of individual CEDs collected
19 ~~computers, the total weight of computer monitors, the total~~
20 ~~weight of printers, the total weight of televisions,~~ and
21 the total weight of EEDs collected or received for each
22 manufacturer during the previous program year.

23 (2) A ~~a~~ list of each recycler and refurbisher that
24 received CEDs and EEDs from the collector and the total
25 weight each recycler and refurbisher received.

26 (3) The ~~the~~ address of each collector's facility where

1 the CEDs and EEDs were collected or received. Each facility
2 address must include the county in which the facility is
3 located.

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

8 (f) No collector of CEDs and EEDs may recycle, or refurbish
9 for reuse or resale CEDs or EEDs, to a third-party unless the
10 collector registers as a recycler or refurbisher pursuant to
11 Section 50 and pays the registration fee pursuant to Section
12 50.

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

14 (415 ILCS 150/60)

15 Sec. 60. Collection strategy for underserved counties.

16 (a) For program year 2010 and 2011, all counties in this
17 State except the following are considered underserved:
18 Champaign, Clay, Clinton, Cook, DuPage, Fulton, Hancock,
19 Henry, Jackson, Kane, Kendall, Knox, Lake, Livingston,
20 Macoupin, McDonough, McHenry, McLean, Mercer, Peoria, Rock
21 Island, St. Clair, Sangamon, Schuyler, Stevenson, Warren,
22 Will, Williamson, and Winnebago.

23 (b) For program year 2012 and each program year thereafter
24 underserved counties shall be those counties within the State
25 of Illinois with a population density of 190 persons or less

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

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

14 (415 ILCS 150/65)

15 Sec. 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, electronic keyboards,
2 facsimile machines, videocassette recorders, portable digital
3 music players that have memory capability and are battery
4 powered, digital video disc players, video game consoles,
5 electronic mice, scanners, digital converter boxes, cable or
6 satellite receivers, digital video disc recorders, or
7 small-scale servers by State agencies under a statewide master
8 contract require that those items ~~the televisions~~ have a Bronze
9 performance tier or higher registration under EPEAT if the
10 Department determines that there are an adequate number of
11 those items ~~the televisions or printers~~ registered under EPEAT
12 to provide a sufficiently competitive bidding environment.

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

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

16 (415 ILCS 150/80)

17 Sec. 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 \$15,000 ~~\$1,000~~ for the violation and an additional civil
22 penalty not to exceed \$5,000 ~~\$1,000~~ for each day the violation
23 continues ~~and is liable for a civil penalty not to exceed~~
24 ~~\$5,000 for a second or subsequent violation and an additional~~
25 ~~civil penalty not to exceed \$1,000 for each day the second or~~

1 ~~subsequent violation continues.~~

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

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

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

21 (2) In program year 2013, and each year thereafter, if
22 the total weight of CEDs and EEDs recycled or processed for
23 reuse by the manufacturer less than 75% of the
24 manufacturer's individual recycling or reuse goal set
25 forth in Section 19 of this Act, the manufacturer shall pay
26 a penalty equal to the product of: (i) \$0.70 per pound;

1 multiplied by (ii) the difference between the
2 manufacturer's individual recycling or reuse goal and the
3 total weight of CEDs and EEDs recycled or processed for
4 reuse by the manufacturer during the program year.

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

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

12 (f) A knowing violation of subsections (a) and (c) of
13 Section 95 of this Act is a petty offense punishable by a fine
14 of \$1500; however, a knowing violation of subsections (a) and
15 (c) of Section 95 of this Act by a residential consumer is a
16 petty offense punishable by a fine of \$100.

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

23 (h) The Attorney General, at the request of the Agency or
24 on his or her own motion, may 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 (Source: P.A. 95-959, eff. 9-17-08.)

8 (415 ILCS 150/95)

9 Sec. 95. Landfill ban.

10 (a) Except as may be provided pursuant to subsection (e) of
11 this Section, and beginning January 1, 2012, no person may
12 knowingly cause or allow the mixing of a CED, or any other
13 computer, computer monitor, printer, ~~or~~ television, electronic
14 keyboard, facsimile machine, videocassette recorder, portable
15 digital music player, digital video disc player, or video game
16 console with municipal waste that is intended for disposal at a
17 landfill.

18 (b) Except as may be provided pursuant to subsection (e) of
19 this Section, and beginning January 1, 2012, no person may
20 knowingly cause or allow the disposal of a CED or any other
21 computer, computer monitor, printer, ~~or~~ television, electronic
22 keyboard, facsimile machine, videocassette recorder, portable
23 digital music player, digital video disc player, or video game
24 console in a sanitary landfill.

25 (c) Beginning January 1, 2012, no person may knowingly

1 cause or allow the mixing of a CED, or any other computer,
2 computer monitor, printer, ~~or~~ television, electronic keyboard,
3 facsimile machine, videocassette recorder, portable digital
4 music player, digital video disc player, or video game console
5 with waste that is intended for disposal by burning or
6 incineration.

7 (d) Beginning January 1, 2012, no person may knowingly
8 cause or allow the burning or incineration of a CED, or any
9 other computer, computer monitor, printer, ~~or~~ television,
10 electronic keyboard, facsimile machine, videocassette
11 recorder, portable digital music player, digital video disc
12 player, or video game console.

13 (e) Beginning April 1, 2012 but no later than December 31,
14 2013, the Illinois Pollution Control Board (Board) is
15 authorized to review temporary CED landfill ban waiver
16 petitions by county governments or municipal joint action
17 agencies (action agencies) and determine whether the
18 respective county's or action agency's jurisdiction may be
19 granted a temporary CED landfill ban waiver due to a lack of
20 funds and a lack of collection opportunities to collect CEDs
21 and EEDs within the county's or action agency's jurisdiction.
22 If the Board grants a waiver under this subsection (e),
23 subsections (a) and (b) of this Section shall not apply to CEDs
24 and EEDs that are taken out of service from residences within
25 the jurisdiction of the county or action agency receiving the
26 waiver and disposed of during the remainder of the program year

1 in which the petition is filed.

2 (1) The petition from the county or action agency shall
3 include the following:

4 (A) documentation of the county's or action
5 agency's attempts to gain funding, as well as the total
6 funding obtained, for the collection of CEDs and EEDs
7 in its jurisdiction from manufacturers or other units
8 of government in the State; and

9 (B) an assessment of other collection
10 opportunities in the county's or action agency's
11 jurisdiction demonstrating insufficient capacity for
12 the anticipated volume of CEDs and EEDs for the
13 remainder of the program year in which the petition is
14 being filed.

15 (2) In addition to the criteria listed in item (1), the
16 Board shall consider the following additional criteria
17 when reviewing a petition:

18 (A) total weight of CEDs and EEDs collected in the
19 county's or action agency's jurisdiction during all
20 preceding program years;

21 (B) total weight of CEDs and EEDs collected in the
22 county's or action agency's jurisdiction during the
23 year in which the petition is filed; and

24 (C) the projected difference in weight between
25 prior program years and the year in which the petition
26 is filed.

1 (3) Within 60 days after the filing of the petition
2 with the Board, the Board shall determine, based on the
3 criteria in items (1) and (2), whether a temporary CED
4 landfill ban waiver shall be granted to the respective
5 county or action agency for the remainder of the program
6 year in which the petition is filed. The Board's decision
7 to grant such a waiver shall be based upon a showing by
8 clear and convincing evidence that a county or action
9 agency has a lack of funds and its respective jurisdiction
10 lacks sufficient collection opportunities to collect CEDs
11 and EEDs. If the Board denies the petition for a landfill
12 ban waiver, the Board's order shall be final and
13 immediately appealable to the circuit court having
14 jurisdiction over the petitioner.

15 (4) Within 5 days after granting a temporary CED
16 landfill ban waiver, the Board shall provide written notice
17 to the Agency of the Board's decision. The notice shall be
18 provided at least 15 days prior to the waiver taking
19 effect.

20 (5) Any county or action agency granted a temporary CED
21 landfill ban waiver shall, within 7 days after receiving
22 the waiver, inform all solid waste haulers and landfill
23 operators used by the county or action agency for solid
24 waste disposal that a waiver has been granted for the
25 remainder of the program year. The notification shall be
26 provided to the solid waste haulers and landfill operators

1 at least 15 days prior to the waiver taking effect.

2 (6) Between April 1, 2012 and December 31, 2013, if a
3 temporary CED landfill ban waiver has been granted to a
4 petitioner, no person disposing of a CED shall be subject
5 to any enforcement proceeding unless he or she disposes of
6 the CED with knowledge that the CED is from a county or
7 action agency that has not received a temporary CED
8 landfill ban waiver.

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

10 (415 ILCS 150/16 rep.)

11 (415 ILCS 150/17 rep.)

12 (415 ILCS 150/18 rep.)

13 (415 ILCS 150/19 rep.)

14 Section 10. The Electronic Products Recycling and Reuse Act
15 is amended by repealing Sections 16, 17, 18, and 19.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.