



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 2106

2 AMENDMENT NO. _____. Amend Senate Bill 2106, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Electronic Products Recycling and Reuse Act
6 is amended by changing Sections 5, 10, 15, 20, 30, 50, 55, 60,
7 65, 80, and 95 as follows:

8 (415 ILCS 150/5)

9 Sec. 5. Findings and purpose.

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

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

15 (2) Many electronic products contain lead, mercury,
16 cadmium, hexavalent chromium, and other materials that

1 pose environmental and health risks that must be managed.

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

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

11 (5) The ~~A~~ management of obsolete residential products
12 is necessary to prioritize ~~place~~ the reuse and recycling of
13 these ~~obsolete residential electronic~~ products as the
14 preferred management strategy over incineration and
15 landfill disposal.

16 (6) The 2010 Recycling Economic Information Study
17 Update for Illinois estimates that the total economic
18 impact of recycling and reusing obsolete electronic
19 products resulted in the creation of nearly 8,000 jobs and
20 \$622 million in annual receipts. ~~The Illinois Recycling~~
21 ~~Economic Information Study of 2001 estimates that the total~~
22 ~~economic impact of establishing statewide recycling and~~
23 ~~reuse programs for residential electronic products may~~
24 ~~result in the creation of nearly 4,000 new jobs and \$740~~
25 ~~million in annual receipts.~~

26 (7) The State-appointed Computer Equipment Disposal

1 and Recycling Commission issued a final report in May 2006
2 recommending legislative, regulatory, or other actions to
3 properly address the recycling and reuse of obsolete
4 residential electronic products.

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

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

9 (415 ILCS 150/10)

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

11 "Agency" means the Environmental Protection Agency.

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

15 "Collector" means a person who receives covered electronic
16 devices or eligible electronic devices directly from a
17 residence for recycling or processing for reuse. "Collector"
18 includes, but is not limited to, manufacturers, recyclers, and
19 refurbishers who receive CEDs or EEDs directly from the public.

20 "Computer", often referred to as a "personal computer" or
21 "PC", means a desktop or notebook computer as further defined
22 below and used only in a residence, but does not mean an
23 automated typewriter, electronic printer, mobile telephone,
24 portable hand-held calculator, portable digital assistant
25 (PDA), MP3 player, or other similar device. "Computer" does not

1 include computer peripherals, commonly known as cables, mouse,
2 or keyboard. "Computer" is further defined as either:

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

22 (2) "Notebook computer", which means an electronic,
23 magnetic, optical, electrochemical, or other high-speed
24 data processing device performing logical, arithmetic, or
25 storage functions for general purpose needs that are met
26 through interaction with a number of software programs

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

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

1 a touch-screen and video display screen greater than 6
2 inches in size (all of which are contained within the unit
3 that comprises the tablet computer). Tablet computers may
4 use an external or internal power source. "Tablet computer"
5 does not include a portable hand-held calculator, a
6 portable digital assistant, or a similar specialized
7 device.

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, electronic keyboard,
14 facsimile machine, videocassette recorder, portable digital
15 music player that has memory capability and is battery powered,
16 digital video disc player, video game console, electronic
17 mouse, scanner, digital converter box, cable or satellite
18 receiver, digital video disc recorder, or small-scale server
19 sold at retail, provided that the item is taken out of service
20 from a residence in this State ~~regardless of purchase location.~~

21 "Covered electronic device" does not include any of the
22 following:

23 (1) an electronic device that is a part of a motor
24 vehicle or any component part of a motor vehicle assembled
25 by or for a vehicle manufacturer or franchised dealer,
26 including replacement parts for use in a motor vehicle;

1 (2) an electronic device that is functionally or
2 physically part of a larger piece of equipment or that is
3 taken out of service from an industrial, commercial
4 (including retail), library checkout, traffic control,
5 kiosk, security (other than household security),
6 governmental, agricultural, or medical setting, including
7 but not limited to diagnostic, monitoring, or control
8 equipment; or

9 (3) an electronic device that is contained within a
10 clothes washer, clothes dryer, refrigerator, refrigerator
11 and freezer, microwave oven, conventional oven or range,
12 dishwasher, room air conditioner, dehumidifier, water
13 pump, sump pump, or air purifier.

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

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

22 (1) "Mental retardation" means significantly
23 subaverage general intellectual functioning as well as
24 deficits in adaptive behavior that manifested before age
25 18. A person's general intellectual functioning is
26 significantly subaverage if that person has an

1 intelligence quotient (IQ) of 70 or below on standardized
2 measures of intelligence. This upper limit, however, may be
3 extended upward depending on the reliability of the
4 intelligence test used.

5 (2) "Related condition" means a severe, chronic
6 disability that (i) is attributable to cerebral palsy,
7 epilepsy, or any other condition, other than mental
8 illness, (ii) is found to be closely related to mental
9 retardation because the condition results in impairment of
10 general intellectual functioning or adaptive behavior
11 similar to that of a person with mental retardation, and
12 (iii) requires treatment or services similar to those
13 required for persons with mental retardation. ~~means having~~
14 ~~a severe disability, as defined by the Office of~~
15 ~~Rehabilitation Services of the Illinois Department of~~
16 ~~Human Services, that can be expected to result in death or~~
17 ~~that has lasted, or is expected to last, at least 12 months~~
18 ~~and that prevents working at a "substantial gainful~~
19 ~~activity" level.~~

20 "Dismantling" means the demanufacturing and shredding of a
21 CED.

22 "Eligible electronic device" or "EED" means any of the
23 following electronic products sold at retail and taken out of
24 service from a residence in this State ~~regardless of purchase~~
25 ~~location:~~ mobile telephone; computer cable, ~~mouse, or~~
26 ~~keyboard; stand-alone facsimile machine; MP3 player; portable~~

1 digital assistant (PDA); or ~~video game console, video cassette~~
2 ~~recorder/player, digital video disk player, or similar video~~
3 ~~device;~~ zip drive; ~~or scanner~~. To the extent allowed under
4 federal and state laws and regulations, an EED that is being
5 collected, recycled, or processed for reuse is not considered
6 to be hazardous waste, household waste, solid waste, or special
7 waste.

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

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

1 "Municipal joint action agency" means a municipal joint
2 action agency created under Section 3.2 of the
3 Intergovernmental Cooperation Act.

4 "Orphan CEDs" means those CEDs that are returned for
5 recycling, or processing for reuse, whose manufacturer cannot
6 be identified, or whose manufacturer is no longer conducting
7 business and has no successor in interest.

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

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

26 "Processing for reuse" means any method, technique, or

1 process by which CEDs or EEDs that would otherwise be disposed
2 of or discarded are instead separated, processed, and returned
3 to their original intended purposes or to other useful purposes
4 as electronic devices. "Processing for reuse" includes the
5 collection and transportation of CEDs or EEDs.

6 "Program Year" means a calendar year. The first program
7 year is 2010.

8 "Recycler" means a person who engages in the recycling of
9 CEDs or EEDs, but does not include telecommunications carriers,
10 telecommunications manufacturers, or commercial mobile service
11 providers with an existing recycling program.

12 "Recycling" means any method, technique, or process by
13 which CEDs or EEDs that would otherwise be disposed of or
14 discarded are instead collected, separated, or processed and
15 are returned to the economic mainstream in the form of raw
16 materials or products. "Recycling" includes the collection,
17 transportation, dismantling, and shredding of the CEDs or EEDs.

18 "Recycling coordinator" means the person designated by
19 each county waste management plan to administer the county
20 recycling program, as set forth in the Solid Waste Management
21 Act.

22 "Refurbisher" means any person who processes CEDs or EEDs
23 for reuse, but does not include telecommunications carriers,
24 telecommunications manufacturers, or commercial mobile service
25 providers with an existing recycling program.

26 "Residence" means a dwelling place or home in which one or

1 more individuals live.

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

22 "Sale" means any retail transfer of title for consideration
23 of title including, but not limited to, transactions conducted
24 through sales outlets, catalogs, or the Internet or any other
25 similar electronic means but does not mean financing or
26 leasing.

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

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

21 "Underserved counties" means those counties so identified
22 in Section 60.

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

24 (415 ILCS 150/15)

25 Sec. 15. Statewide recycling and reuse goals for all

1 covered electronic devices.

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

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

10 For the purposes of this subsection (b):

11 The "2010 base weight" means the greater of: (i) twice the
12 total weight of all CEDs that were recycled or processed for
13 reuse between January 1, 2010 and June 30, 2010 as reported to
14 the Agency under subsection (i) or (j) of Section 30; or (ii)
15 twice the total weight of all CEDs that were recycled or
16 processed for reuse between January 1, 2010 and June 30, 2010
17 as reported to the Agency under subsection (c) of Section 55.

18 The "2010 goal attainment percentage" means:

19 (1) 90% if the 2010 base weight is less than 90% of the
20 statewide recycling or reuse goal for program year 2010;

21 (2) 95% if the 2010 base weight is 90% or greater, but
22 does not exceed 95%, of the statewide recycling or reuse
23 goal for program year 2010;

24 (3) 100% if the 2010 base weight is 95% or greater, but
25 does not exceed 105%, of the statewide recycling or reuse
26 goal for program year 2010;

1 (4) 105% if the 2010 base weight is 105% or greater,
2 but does not exceed 110%, of the statewide recycling or
3 reuse goal for program year 2010; and

4 (5) 110% if the 2010 base weight is 110% or greater of
5 the statewide recycling or reuse goal for program year
6 2010.

7 (c) For program ~~year~~ ~~years~~ 2012, each manufacturer of CEDs
8 shall recycle or reuse CEDs and EEDs whose total weight is
9 equal to 40% of all the CEDs the manufacturer sold in Illinois
10 during the calendar year beginning January 1, 2010. Each CED
11 manufacturer shall use its own sales data or national sales
12 data proportioned to Illinois' share of the U.S. population,
13 based on the U.S. Census population estimate for 2009, to
14 determine the manufacturer's annual recycling or reuse goal.

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

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

2 ~~The "base weight" means the greater of: (i) the total~~
3 ~~weight of all CEDs recycled or processed for reuse during the~~
4 ~~previous program year as reported to the Agency under~~
5 ~~subsection (k) or (l) of Section 30; or (ii) the total weight~~
6 ~~of all CEDs recycled or processed for reuse during the previous~~
7 ~~program year as reported to the Agency under subsection (d) of~~
8 ~~Section 55.~~

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

10 ~~(1) 90% if the base weight is less than 90% of the~~
11 ~~statewide recycling or reuse goal for the previous program~~
12 ~~year;~~

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

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

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

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

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

1 (415 ILCS 150/20)

2 Sec. 20. Agency responsibilities.

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

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

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

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

26 (c-10) By June 15, 2012 and by December 15, 2012, and by

1 every June 15 and December 15 thereafter through December 15,
2 2015, the Agency shall meet with the Illinois Retail Merchants'
3 Association to discuss compliance with Section 40.

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

10 (d) By July 1, 2011 for the first program year, and by May
11 15 ~~April 1~~ for all subsequent program years, the Agency shall
12 report to the Governor and to the General Assembly annually on
13 the previous program year's performance. The report must be
14 posted on the Agency's website. The report must include, but
15 not be limited to, the following:

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

23 (2) a listing of all collection sites, as set forth
24 under subsection (a) ~~(e)~~ of Section 55, and the addresses
25 of those sites;

26 (3) a statement showing, for the preceding program

1 year, (i) the total weight of CEDs and EEDs collected,
2 recycled, and processed for reuse by the manufacturers
3 pursuant to Section 30, (ii) the total weight of CEDs
4 processed for reuse by the manufacturers, and (iii) the
5 total weight of CEDs collected by the collectors ~~of the~~
6 ~~manufacturers' progress toward achieving the statewide~~
7 ~~recycling goal set forth in Section 15 (calculated from the~~
8 ~~manufacturer reports pursuant to Section 30 and the~~
9 ~~collector reports pursuant to Section 55) and any~~
10 ~~identified State actions that may help expand collection~~
11 ~~opportunities to help manufacturers achieve the statewide~~
12 ~~recycling goal;~~

13 (4) a listing of all entities or persons to any
14 ~~manufacturers~~ whom the Agency issued an administrative
15 citation or with respect to which the Agency made a
16 referral for enforcement ~~referred~~ to the Attorney
17 General's Office ~~for enforcement~~ as a result of a violation
18 of this Act;

19 (5) a discussion of the Agency's education and outreach
20 activities as set forth in subsection (c) of this Section;
21 and

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

1 penalty provisions included in this Act.

2 (e) The Agency shall post on its website: (1) a list of
3 manufacturers that have paid the current year's registration
4 fee as set forth in subsection (b) of Section 30; (2) a list of
5 manufacturers that failed to pay the current year's
6 registration fee as set forth in subsection (b) of Section 30;
7 and (3) ~~Section 30(b) and (2)~~ a list of registered collectors,
8 the addresses of their collection sites, their business
9 telephone numbers, and a link to their websites. ~~to whom~~
10 ~~Illinois residents can bring CEDs and EEDs for recycling or~~
11 ~~processing for reuse, including links to the collectors'~~
12 ~~websites and the collectors' phone numbers.~~

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

18 (g) No later than October 1 of each program year, the
19 Agency must post on its website the following information for
20 the next program year: (i) the individual recycling and reuse
21 goals for each manufacturer, as set forth in subsection (c) of
22 Section 15, and (ii) the total statewide recycling goal,
23 determined by adding each individual manufacturer's annual
24 goal.

25 ~~(1) The overall statewide recycling and reuse goal for~~
26 ~~CEDs, as well as the sub goals for televisions, and~~

1 ~~computers, computer monitors, and printers as set forth in~~
2 ~~Section 15.~~

3 ~~(2) The market shares of television manufacturers and~~
4 ~~the return shares of computer, computer monitor, and~~
5 ~~printer manufacturers, as set forth in Section 18, and~~

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

8 (h) By April 1, 2011, and by April 1 of all subsequent
9 years, the Agency shall award ~~recognize~~ those manufacturers
10 that have met or exceeded their recycling or reuse goals for
11 the previous program year with ~~. Such recognition shall be the~~
12 ~~awarding to all such manufacturers of~~ an Electronic Industry
13 Recycling Award. The award shall acknowledge that the
14 manufacturer has met or exceeded its recycling goals and shall
15 be posted ~~, which shall be recognized~~ on the Agency website and
16 in other media as appropriate.

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

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

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

1 (A) Sufficiency of the annual statewide recycling
2 goals.

3 (B) Fairness of the formulas used to determine
4 individual manufacturer goals.

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

7 (D) Any temporary recissions of county landfill
8 bans granted by the Illinois Pollution Control Board
9 pursuant to Section 95(e).

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

13 (F) Adequacy of the collection systems that have
14 been implemented as a result of this Act, with a
15 particular focus on promoting the most cost-effective
16 and convenient collection system possible for Illinois
17 residents.

18 (2) By July 1, 2015 ~~2012~~, the Agency shall complete its
19 review of the written comments received, as well as its own
20 reports on the preceding program years ~~2010 and 2011~~. By
21 August 1, 2015 ~~2012~~, the Agency shall hold a public hearing
22 to present its findings and solicit additional comments.
23 All additional comments shall be submitted to the Agency in
24 writing no later than October 1, 2015 ~~2012~~.

25 (3) The Agency's final report, which shall be issued no
26 later than February 1, 2016 ~~2013~~, shall be submitted to the

1 Governor and the General Assembly and shall include
2 specific recommendations for any necessary or appropriate
3 modifications to the program.

4 (k) Any violation of this Act shall be enforceable by
5 administrative citation. Whenever the Agency personnel or
6 county personnel to whom the Agency has delegated the authority
7 to monitor compliance with this Act shall, on the basis of
8 direct observation, determine that any person has violated any
9 provision of this Act, the Agency or county personnel may issue
10 and serve, within 60 days after the observed violation, an
11 administrative citation upon that person or the entity
12 employing that person. Each citation shall be served upon the
13 person named or the person's authorized agent for service of
14 process and shall include the following:

15 (1) a statement specifying the provisions of this Act
16 that the person or the entity employing the person has
17 violated;

18 (2) a copy of the inspection report in which the Agency
19 or local government recorded the violation and the date and
20 time of the inspection;

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

22 (4) an affidavit by the personnel observing the
23 violation, attesting to their material actions and
24 observations.

25 (l) If the person named in the administrative citation
26 fails to petition the Illinois Pollution Control Board for

1 review within 35 days after the date of service, the Board
2 shall adopt a final order, which shall include the
3 administrative citation and findings of violation as alleged in
4 the citation and shall impose the penalty specified in Section
5 80.

6 (m) If a petition for review is filed with the Board to
7 contest an administrative citation issued under this Section,
8 the Agency or unit of local government shall appear as a
9 complainant at a hearing before the Board to be conducted
10 pursuant to subsection (n) of this Section at a time not less
11 than 21 days after notice of the hearing has been sent by the
12 Board to the Agency or unit of local government and the person
13 named in the citation. In those hearings, the burden of proof
14 shall be on the Agency or unit of local government. If, based
15 on the record, the Board finds that the alleged violation
16 occurred, it shall adopt a final order, which shall include the
17 administrative citation and findings of violation as alleged in
18 the citation, and shall impose the penalty specified in Section
19 80 of this Act. However, if the Board finds that the person
20 appealing the citation has shown that the violation resulted
21 from uncontrollable circumstances, the Board shall adopt a
22 final order that makes no finding of violation and imposes no
23 penalty.

24 (n) All hearings under this Act shall be held before a
25 qualified hearing officer, who may be attended by one or more
26 members of the Board, designated by the Chairman. All of these

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

13 (o) Counties that have entered into a delegation agreement
14 with the Agency pursuant to subsection (r) of Section 4 of the
15 Illinois Environmental Protection Act for the purpose of
16 conducting inspection, investigation, or enforcement-related
17 functions may conduct inspections for noncompliance with this
18 Act.

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

20 (415 ILCS 150/30)

21 Sec. 30. Manufacturer responsibilities.

22 (a) Prior to April 1, 2009 for the first program year, and
23 by October 1 for program year 2011 and each program year
24 thereafter, manufacturers who sell ~~whose~~ computers, computer
25 monitors, printers, ~~or~~ televisions, electronic keyboards,

1 facsimile machines, videocassette recorders, portable digital
2 music players that have memory capability and are battery
3 powered, digital video disc players, video game consoles,
4 electronic mice, scanners, digital converter boxes, cable or
5 satellite receivers, digital video disc recorders, or
6 small-scale servers sold at retail ~~are sold~~ in this State must
7 register with the Agency. The registration must be submitted in
8 the form and manner required by the Agency. The registration
9 must include, without limitation, all of the following:

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

13 (2) (blank) ~~for manufacturers of both televisions and~~
14 ~~computers, computer monitors, or printers, an~~
15 ~~identification of whether, for residential use, (i)~~
16 ~~televisions or (ii) computers, computer monitors, and~~
17 ~~printers, represent the larger number of units sold for the~~
18 ~~manufacturer; and~~

19 (3) a statement disclosing whether: ~~(A)~~ any computer,
20 computer monitor, printer, or television sold in this State
21 exceeds the maximum concentration values established for
22 lead, mercury, cadmium, hexavalent chromium,
23 polybrominated biphenyls (PBBs), and polybrominated
24 diphenyl ethers (PBDEEs) under the RoHS (restricting the
25 use of certain hazardous substances in electrical and
26 electronic equipment) Directive 2002/95/EC of the European

1 Parliament and Council and any amendments thereto and, if
2 so, an identification of that computer, computer monitor,
3 printer, or television; ~~or (B) the manufacturer has~~
4 ~~received an exemption from one or more of those maximum~~
5 ~~concentration values under the RoHS Directive that has been~~
6 ~~approved and published by the European Commission.~~

7 If, during the program year, a manufacturer's computer,
8 computer monitor, printer, ~~or~~ television, electronic keyboard,
9 facsimile machine, videocassette recorder, portable digital
10 music player that has memory capability and is battery powered,
11 digital video disc player, video game console, electronic
12 mouse, scanner, digital converter box, cable or satellite
13 receiver, digital video disc recorder, or small-scale server
14 sold at retail is sold or offered for sale in Illinois under a
15 new brand that is not listed in the manufacturer's
16 registration, then, within 30 days after the first sale or
17 offer for sale under the new brand, the manufacturer must amend
18 its registration to add the new brand.

19 (b) Prior to July 1, 2009 for the first program year, and
20 by the November 1 preceding program years 2011 and later, all
21 manufacturers whose CEDs ~~whose computers, computer monitors,~~
22 ~~printers, or televisions~~ are offered for sale ~~sold~~ in the State
23 shall submit to the Agency, at an address prescribed by the
24 Agency, the registration fee for the next program year. The
25 registration fee for program year 2010 is \$5,000. The
26 registration fee for program year 2011 is \$5,000, increased by

1 the applicable inflation factor as described below. In program
2 year 2012, if, in program year 2011, a manufacturer sold 250 or
3 fewer CEDs in the State, then the registration fee for that
4 manufacturer is \$1,250. In each program year after 2012, if, in
5 the proceeding program year, a manufacturer sold 250 or fewer
6 CEDs in the State, then the registration fee is the fee that
7 applied in the previous year to manufacturers that sold that
8 number of CEDs, increased by the applicable inflation factor as
9 described below. In program year 2012, if, in the proceeding
10 program year a manufacturer sold 251 or more CEDs in the State,
11 then the registration fee for that manufacturer is \$5,000. In
12 each program year after 2012, if, in the proceeding program
13 year, a manufacturer sold 251 or more CEDs in the State, then
14 the registration fee is the fee that applied in the previous
15 year to manufacturers that sold that number of CEDs, increased
16 by the applicable inflation factor as described below. For
17 program year ~~years~~ 2011, program year 2013, and each program
18 year thereafter ~~later~~, the applicable registration fee is
19 increased each year by an inflation factor determined by the
20 annual Implicit Price Deflator for Gross National Product, as
21 published by the U.S. Department of Commerce in its Survey of
22 Current Business. The inflation factor must be calculated each
23 year by dividing the latest published annual Implicit Price
24 Deflator for Gross National Product by the annual Implicit
25 Price Deflator for Gross National Product for the previous
26 year. The inflation factor must be rounded to the nearest

1 1/100th, and the resulting registration fee must be rounded to
2 the nearest whole dollar. No later than October 1 of each
3 program year, the Agency shall post on its website the
4 registration fee for the next program year.

5 (c) A manufacturer whose CEDs ~~computers, computer~~
6 ~~monitors, printers, or televisions~~ are ~~first~~ sold or offered
7 for sale in this State on or after January 1 of a program year
8 must register with the Agency within 30 days after the first
9 sale or offer for sale in accordance with subsection (a) of
10 this Section and submit the registration fee required under
11 subsection (b) of this Section prior to the CEDs ~~manufacturer's~~
12 ~~computers, computer monitors, printers, or televisions~~ being
13 sold or offered for sale.

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

24 When determining whether a manufacturer has met or exceeded
25 its individual recycling and reuse goal set forth in Section 15
26 ~~Section 19~~ of this Act, all of the following adjustments must

1 be made:

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

5 (2) The total weight of CEDs is tripled if they are
6 donated for reuse by the manufacturer to a primary or
7 secondary public education institution the majority of
8 whose students are considered low income or
9 developmentally disabled or to ~~a not for profit entity~~
10 ~~that is established under Section 501(c)(3) of the Internal~~
11 ~~Revenue Code of 1986 and whose principal mission is to~~
12 ~~assist~~ low-income children or families or to assist the
13 developmentally disabled in Illinois. This subsection
14 applies only to CEDs for which the manufacturer has
15 received a written confirmation that the recipient has
16 accepted the donation. Copies of all written confirmations
17 must be submitted in the annual report required under
18 Section 30.

19 (3) The total weight of CEDs collected by manufacturers
20 free of charge in underserved counties is doubled. This
21 subsection applies only to CEDs that are documented by
22 collectors as being collected or received free of charge in
23 underserved counties. This documentation must include,
24 without limitation, the date and location of collection or
25 receipt, the weight of the CEDs collected or received, and
26 an acknowledgement by the collector that the CEDs were

1 collected or received free of charge. Copies of the
2 documentation must be submitted in the annual report
3 required under subsection (h), (i), (j), (k), or (l) of
4 Section 30.

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

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

26 (1) the number and weight of CEDs, sorted by brand name

1 and product type, including a category for orphan CEDs;

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

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

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

6 (5) a certification by the third-party auditor that the
7 sampling is statistically significant and, if not, an
8 explanation as to what occurred to render the sampling
9 insignificant.

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

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

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

26 (g) Manufacturers shall ensure that the recyclers and

1 refurbishers used to meet the individual recycling and reuse
2 goals set forth in this Act shall, at a minimum, comply with
3 the standards set forth under subsection (d) of Section 50 of
4 this Act. By November 1, 2011 and every November 1 thereafter,
5 manufacturers shall submit a document, as prescribed by the
6 Agency, listing each registered recycler and refurbisher that
7 will be used to meet the manufacturer's annual CED recycling
8 and reuse goal and certifying that those recyclers or
9 refurbishers comply with the standards set forth in subsection
10 (d) of Section 50.

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

24 (i) (Blank). ~~No later than September 1, 2010, television~~
25 ~~manufacturers must submit to the Agency, in the form and manner~~
26 ~~required by the Agency, a report for the period January 1, 2010~~

1 ~~through June 30, 2010 that contains both of the following:~~

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

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

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

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

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

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

3 (k) (Blank). ~~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 all of 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, from one of the following 2 sources, with the~~
11 ~~manufacturer indicating in the report which of the two data~~
12 ~~sources was used, and, if a national sales data report was~~
13 ~~used, the name of the national sales data source:~~

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

15 ~~(b) national sales data reports obtained by the~~
16 ~~manufacturer and pro rated to Illinois by multiplying~~
17 ~~the weight of the manufacturer's televisions sold~~
18 ~~nationally by the quotient that results from dividing~~
19 ~~the population of Illinois by the population of the~~
20 ~~United States. The population of Illinois and the~~
21 ~~United States shall be obtained using the most recent~~
22 ~~U.S. census data.~~

23 ~~(2) The total weight of computers, the total weight of~~
24 ~~computer monitors, the total weight of printers, the total~~
25 ~~weight of televisions, and the total weight of EEDs~~
26 ~~recycled or processed for reuse.~~

1 ~~(3) The identification of all weights that are adjusted~~
2 ~~under subsection (d) of this Section. For all weights~~
3 ~~adjusted under item (2) of subsection (d), the manufacturer~~
4 ~~must include copies of the written confirmation required~~
5 ~~under that subsection.~~

6 ~~(4) A list of each recycler, refurbisher, and collector~~
7 ~~used by the manufacturer to fulfill the manufacturer's~~
8 ~~individual recycling and reuse goal set forth in Section 19~~
9 ~~of this Act.~~

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

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

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

22 (2) The ~~the~~ identification of all weights that are
23 adjusted under subsection (d) of this Section. For all
24 weights adjusted under item (2) of subsection (d), the
25 manufacturer must include copies of the written
26 confirmation required under that subsection. †

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

5 (4) A ~~a~~ summary of the manufacturer's consumer
6 education program required under subsection (m) of this
7 Section.

8 (m) Manufacturers must develop and maintain a consumer
9 education program that complements and corresponds to the
10 primary retailer-driven campaign required under Section 40 of
11 this Act. The education program shall promote the recycling of
12 electronic products and proper end-of-life management of the
13 products by consumers.

14 (n) Beginning January 1 2010, no manufacturer may sell a
15 computer, computer monitor, printer, or television in this
16 State unless the manufacturer is registered with the State as
17 required under this Act, has paid the required registration
18 fee, and is otherwise in compliance with the provisions of this
19 Act.

20 (o) Beginning January 1, 2010, no manufacturer may sell a
21 computer, computer monitor, printer, or television in this
22 State unless the manufacturer's brand name is permanently
23 affixed to, and is readily visible on, the computer, computer
24 monitor, printer, or television.

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

1 (415 ILCS 150/50)

2 Sec. 50. Recycler and refurbisher registration.

3 (a) Prior to January 1 of each program year, each recycler
4 and refurbisher must register with the Agency and submit a
5 registration fee pursuant to subsection (b) for that program
6 year. Registration must be on forms and in a format prescribed
7 by the Agency and shall include, but not be limited to, the
8 address of each location where the recycler or refurbisher
9 manages CEDs or EEDs and identification of each location at
10 which the recycler or refurbisher accepts CEDs or EEDs from a
11 residence.

12 (b) The registration fee for program year 2010 is \$2,000.
13 For program year 2011, if a recycler's or refurbisher's annual
14 combined total weight of CEDs and EEDs is less than 1,000 tons
15 per year, the registration fee shall be \$500. For program year
16 2012 and for all subsequent program years, both registration
17 fees shall be increased each year by an inflation factor
18 determined by the annual Implicit Price Deflator for Gross
19 National Product as published by the U.S. Department of
20 Commerce in its Survey of Current Business. The inflation
21 factor must be calculated each year by dividing the latest
22 published annual Implicit Price Deflator for Gross National
23 Product by the annual Implicit Price Deflator for Gross
24 National Product for the previous year. The inflation factor
25 must be rounded to the nearest 1/100th, and the resulting
26 registration fee must be rounded to the nearest whole dollar.

1 No later than October 1 of each program year, the Agency shall
2 post on its website the registration fee for the next program
3 year.

4 (c) No person may act as a recycler or a refurbisher of
5 CEDs for a manufacturer obligated to meet goals under this Act
6 unless the recycler or refurbisher is registered and has paid
7 the registration fee as required under this Section. Registered
8 recyclers and refurbishers must accept any delivered CED or
9 EED. Neither a registered recycler nor a refurbisher may charge
10 individual consumers a fee to recycle or refurbish CEDs and
11 EEDs, unless the recycler or refurbisher provides (i) a
12 financial incentive, such as a coupon, that is of greater or
13 equal value to the applicable item or (ii) premium service,
14 such as curbside collection, home pick-up, or a similar method
15 of collection.

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

18 (1) Recyclers and refurbishers must comply with
19 federal, State, and local laws and regulations, including
20 federal and State minimum wage laws, specifically relevant
21 to the handling, processing, refurbishing and recycling of
22 residential CEDs and must have proper authorization by all
23 appropriate governing authorities to perform the handling,
24 processing, refurbishment, and recycling.

25 (2) Recyclers and refurbishers must implement the
26 appropriate measures to safeguard occupational and

1 environmental health and safety, through the following:

2 (A) environmental health and safety training of
3 personnel, including training with regard to material
4 and equipment handling, worker exposure, controlling
5 releases, and safety and emergency procedures;

6 (B) an up-to-date, written plan for the
7 identification and management of hazardous materials;
8 and

9 (C) an up-to-date, written plan for reporting and
10 responding to exceptional pollutant releases,
11 including emergencies such as accidents, spills,
12 fires, and explosions.

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

22 (4) Recyclers and refurbishers must maintain on file
23 documentation that demonstrates the completion of an
24 environmental health and safety audit completed and
25 certified by a competent internal and external auditor
26 annually. A competent auditor is an individual who, through

1 professional training or work experience, is appropriately
2 qualified to evaluate the environmental health and safety
3 conditions, practices, and procedures of the facility.
4 Documentation of auditors' qualifications must be
5 available for inspection by Agency officials and
6 third-party auditors.

7 (5) Recyclers and refurbishers must maintain on file
8 proof of workers' compensation and employers' liability
9 insurance.

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

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

20 (8) Recyclers and refurbishers must establish a
21 documented environmental management system that is
22 appropriate in level of detail and documentation to the
23 scale and function of the facility, including documented
24 regular self-audits or inspections of the recycler or
25 refurbisher's environmental compliance at the facility.

26 (9) Recyclers and refurbishers must use the

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

11 (10) Recyclers and refurbishers must establish a
12 system for identifying and properly managing components
13 (such as circuit boards, batteries, CRTs, and mercury
14 phosphor lamps) that are removed from CEDs and EEDs during
15 disassembly. Recyclers and refurbishers must properly
16 manage all hazardous and other components requiring
17 special handling from CEDs and EEDs consistent with
18 federal, State, and local laws and regulations. Recyclers
19 and refurbishers must provide visible tracking (such as
20 hazardous waste manifests or bills of lading) of hazardous
21 components and materials from the facility to the
22 destination facilities and documentation (such as
23 contracts) stating how the destination facility processes
24 the materials received. No recycler or refurbisher may
25 send, either directly or through intermediaries, hazardous
26 wastes to solid waste (non-hazardous waste) landfills or to

1 non-hazardous waste incinerators for disposal or energy
2 recovery. For the purpose of these guidelines, smelting of
3 hazardous wastes to recover metals for reuse in conformance
4 with all applicable laws and regulations is not considered
5 disposal or energy recovery.

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

22 (12) Recyclers and refurbishers must comply with
23 federal and international law and agreements regarding the
24 export of used products or materials. In the case of
25 exports of CEDs and EEDs, recyclers and refurbishers must
26 comply with applicable requirements of the U.S. and of the

1 import and transit countries and must maintain proper
2 business records documenting its compliance. No recycler
3 or refurbisher may establish or use intermediaries for the
4 purpose of circumventing these U.S. import and transit
5 country requirements.

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

1 manufacturer.

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

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

20 (16) No recycler or refurbisher may employ prison labor
21 in any operation related to the collection,
22 transportation, recycling, and refurbishment of CEDs and
23 EEDs. No recycler or refurbisher may employ any third party
24 that uses or subcontracts for the use of prison labor.

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

1 (415 ILCS 150/55)

2 Sec. 55. Collector responsibilities.

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

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

14 (c) No later than August 15, 2010, collectors must submit
15 to the Agency, on forms and in a format prescribed by the
16 Agency, a report for the period from January 1, 2010 through
17 June 30, 2010 that contains the following information: the
18 total weight of computers, the total weight of computer
19 monitors, the total weight of printers, the total weight of
20 televisions, and the total weight of EEDs collected or received
21 for each manufacturer.

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

26 (1) The ~~the~~ total weight of individual CEDs collected

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

5 (2) A ~~a~~ list of each recycler and refurbisher that
6 received CEDs and EEDs from the collector and the total
7 weight each recycler and refurbisher received.

8 (3) The ~~the~~ address of each collector's facility where
9 the CEDs and EEDs were collected or received. Each facility
10 address must include the county in which the facility is
11 located.

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

16 (f) No collector of CEDs and EEDs may recycle, or refurbish
17 for reuse or resale CEDs or EEDs, to a third-party unless the
18 collector registers as a recycler or refurbisher pursuant to
19 Section 50 and pays the registration fee pursuant to Section
20 50.

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

22 (415 ILCS 150/60)

23 Sec. 60. Collection strategy for underserved counties.

24 (a) For program year 2010 and 2011, all counties in this
25 State except the following are considered underserved:

1 Champaign, Clay, Clinton, Cook, DuPage, Fulton, Hancock,
2 Henry, Jackson, Kane, Kendall, Knox, Lake, Livingston,
3 Macoupin, McDonough, McHenry, McLean, Mercer, Peoria, Rock
4 Island, St. Clair, Sangamon, Schuyler, Stevenson, Warren,
5 Will, Williamson, and Winnebago.

6 (b) For program year 2012 and each program year thereafter
7 underserved counties shall be those counties within the state
8 of Illinois with a population density of 190 persons or less
9 per square mile based on the most recent U.S. Census population
10 estimate. For program years 2011 and later, underserved
11 counties shall be counties in this State that, during the
12 program year 2 years prior, were not served by a minimum of one
13 collection site that (i) accepted all types of CEDs and EEDs
14 and (ii) was open for a minimum of 8 hours on at least one day
15 per month of that program year. For the purposes of this
16 subsection (b), 2009 shall be considered to have been a program
17 year, and for the program year 2012 the determination of
18 whether a county is underserved shall be based on the criteria
19 of this subsection (b) instead of the county's inclusion in the
20 list set forth in subsection (a) of this Section.

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

22 (415 ILCS 150/65)

23 Sec. 65. State government procurement.

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

1 purchase or lease of desktop computers, laptop or notebook
2 computers, and computer monitors, by State agencies under a
3 statewide master contract require that the electronic products
4 have a Bronze performance tier or higher registration under the
5 Electronic Product Environmental Assessment Tool ("EPEAT")
6 operated by the Green Electronics Council.

7 (b) The Department of Central Management Services shall
8 ensure that bid specifications and contracts for the purchase
9 or lease of televisions, ~~and printers,~~ electronic keyboards,
10 facsimile machines, videocassette recorders, portable digital
11 music players that have memory capability and are battery
12 powered, digital video disc players, video game consoles,
13 electronic mice, scanners, digital converter boxes, cable or
14 satellite receivers, digital video disc recorders, or
15 small-scale servers by State agencies under a statewide master
16 contract require that those items ~~the televisions~~ have a Bronze
17 performance tier or higher registration under EPEAT if the
18 Department determines that there are an adequate number of
19 those items ~~the televisions or printers~~ registered under EPEAT
20 to provide a sufficiently competitive bidding environment.

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

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

24 (415 ILCS 150/80)

25 Sec. 80. Penalties.

1 (a) Except as otherwise provided in this Act, any person
2 who violates any provision of this Act or fails to perform any
3 duty under this Act is liable for a civil penalty not to exceed
4 \$15,000 ~~\$1,000~~ for the violation and an additional civil
5 penalty not to exceed \$5,000 ~~\$1,000~~ for each day the violation
6 continues ~~and is liable for a civil penalty not to exceed~~
7 ~~\$5,000 for a second or subsequent violation and an additional~~
8 ~~civil penalty not to exceed \$1,000 for each day the second or~~
9 ~~subsequent violation continues.~~

10 (b) A manufacturer that is not registered with the Agency
11 as required under this Act, or that has not paid the
12 registration fee as required under this Act, is liable for a
13 civil penalty not to exceed \$10,000 for the violation and an
14 additional civil penalty not to exceed \$10,000 for each day the
15 violation continues.

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

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

1 total weight of CEDs and EEDs recycled or processed for
2 reuse by the manufacturer during the program year.

3 (2) In program year 2013, and each year thereafter, if
4 the total weight of CEDs and EEDs recycled or processed for
5 reuse by the manufacturer less than 75% of the
6 manufacturer's individual recycling or reuse goal set
7 forth in Section 19 of this Act, the manufacturer shall pay
8 a penalty equal to the product of: (i) \$0.70 per pound;
9 multiplied by (ii) the difference between the
10 manufacturer's individual recycling or reuse goal and the
11 total weight of CEDs and EEDs recycled or processed for
12 reuse by the manufacturer during the program year.

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

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

20 (f) A knowing violation of subsections (a) and (c) of
21 Section 95 of this Act is a petty offense punishable by a fine
22 of \$1500; however, a knowing violation of subsections (a) and
23 (c) of Section 95 of this Act by a residential consumer is a
24 petty offense punishable by a fine of \$100.

25 (g) The penalties provided for in this Act may be recovered
26 in a civil action brought by the Attorney General in the name

1 of the People of the State of Illinois. Any moneys collected
2 under this Section in which the Attorney General has prevailed
3 may be deposited into the Electronic Recycling Fund,
4 established under this Act.

5 (h) The Attorney General, at the request of the Agency or
6 on his or her own motion, may institute a civil action for an
7 injunction, prohibitory or mandatory, to restrain violations
8 of this Act or to require such actions as may be necessary to
9 address violations of this Act.

10 (i) The penalties and injunctions provided in this Act are
11 in addition to any penalties, injunctions, or other relief
12 provided under any other law. Nothing in this Act bars a cause
13 of action by the State for any other penalty, injunction, or
14 relief provided by any other law.

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

16 (415 ILCS 150/95)

17 Sec. 95. Landfill ban.

18 (a) 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 mixing 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 with municipal waste that is intended for disposal at a
25 landfill.

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

8 (c) Beginning January 1, 2012, no person may knowingly
9 cause or allow the mixing of a CED, or any other computer,
10 computer monitor, printer, ~~or~~ television, electronic keyboard,
11 facsimile machine, videocassette recorder, portable digital
12 music player, digital video disc player, or video game console
13 with waste that is intended for disposal by burning or
14 incineration.

15 (d) Beginning January 1, 2012, no person may knowingly
16 cause or allow the burning or incineration of a CED, or any
17 other computer, computer monitor, printer, ~~or~~ television,
18 electronic keyboard, facsimile machine, videocassette
19 recorder, portable digital music player, digital video disc
20 player, or video game console.

21 (e) Beginning April 1, 2012 but no later than December 31,
22 2013, the Illinois Pollution Control Board (Board) is
23 authorized to review temporary CED landfill ban waiver
24 petitions by county governments or municipal joint action
25 agencies (action agencies) and determine whether the
26 respective county's or action agency's jurisdiction may be

1 granted a temporary CED landfill ban waiver due to a lack of
2 funds and a lack of collection opportunities to collect CEDs
3 and EEDs within the county's or action agency's jurisdiction.
4 If the Board grants a waiver under this subsection (e),
5 subsections (a) and (b) of this Section shall not apply to CEDs
6 and EEDs that are taken out of service from residences within
7 the jurisdiction of the county or action agency receiving the
8 waiver and disposed of during the remainder of the program year
9 in which the petition is filed.

10 (1) The petition from the county or action agency shall
11 include the following:

12 (A) documentation of the county's or action
13 agency's attempts to gain funding, as well as the total
14 funding obtained, for the collection of CEDs and EEDs
15 in its jurisdiction from manufacturers or other units
16 of government in the State; and

17 (B) an assessment of other collection
18 opportunities in the county's or action agency's
19 jurisdiction demonstrating insufficient capacity for
20 the anticipated volume of CEDs and EEDs for the
21 remainder of the program year in which the petition is
22 being filed.

23 (2) In addition to the criteria listed in item (1), the
24 Board shall consider the following additional criteria
25 when reviewing a petition:

26 (A) total weight of CEDs and EEDs collected in the

1 county's or action agency's jurisdiction during all
2 preceding program years;

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

6 (C) the projected difference in weight between
7 prior program years and the year in which the petition
8 is filed.

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

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

1 effect.

2 (5) Any county or action agency granted a temporary CED
3 landfill ban waiver shall, within 7 days after receiving
4 the waiver, inform all solid waste haulers and landfill
5 operators used by the county or action agency for solid
6 waste disposal that a waiver has been granted for the
7 remainder of the program year. The notification shall be
8 provided to the solid waste haulers and landfill operators
9 at least 15 days prior to the waiver taking effect.

10 (6) Between April 1, 2012 and December 31, 2013, if a
11 temporary CED landfill ban waiver has been granted to a
12 petitioner, no person disposing of a CED shall be subject
13 to any enforcement proceeding unless he or she disposes of
14 the CED with knowledge that the CED is from a county or
15 action agency that has not received a temporary CED
16 landfill ban waiver.

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

18 (415 ILCS 150/16 rep.)

19 (415 ILCS 150/17 rep.)

20 (415 ILCS 150/18 rep.)

21 (415 ILCS 150/19 rep.)

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".