



Rep. Emily McAsey

Filed: 4/17/2015

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LRB099 05771 EFG 34401 a

1 AMENDMENT TO HOUSE BILL 1455

2 AMENDMENT NO. _____. Amend House Bill 1455 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 15, 20, 50, 55, and 80 and by
6 adding Section 82 as follows:

7 (415 ILCS 150/15)

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

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

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

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 2012 and for each of the following
26 categories of electronic devices, each manufacturer shall

1 recycle or reuse at least 40% of the total weight of the
2 electronic devices that the manufacturer sold in that category
3 in Illinois during the calendar year beginning January 1, 2010:
4 computers, monitors, televisions, printers, electronic
5 keyboards, facsimile machines, video cassette recorders,
6 portable digital music players, digital video disc players,
7 video game consoles, electronic mice, scanners, digital
8 converter boxes, cable receivers, satellite receivers, digital
9 video disc recorders, and small-scale servers. To determine the
10 manufacturer's annual recycling or reuse goal, the
11 manufacturer shall use its own Illinois sales data or its own
12 national sales data proportioned to Illinois' share of the U.S.
13 population, based on the U.S. Census population estimate for
14 2009.

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

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

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

7 (1) 30,800,000 pounds for manufacturers of televisions
8 and computer monitors; and

9 (2) 15,800,000 pounds for manufacturers of all other
10 covered electronic devices.

11 For program year 2016 and program year 2017, the total
12 annual recycling goal for all manufacturers shall be as
13 follows:

14 (1) 34,000,000 pounds for manufacturers of televisions
15 and computer monitors; and

16 (2) 15,600,000 pounds for manufacturers of all other
17 covered electronic devices.

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

23 For program year 2018 and thereafter, and for each of the
24 following categories of electronic devices, each manufacturer
25 shall recycle or reuse at least 50% of the total weight of the
26 electronic devices that the manufacturer sold in that category

1 in Illinois during the calendar year 2 years before the
2 applicable program year: computers, monitors, televisions,
3 printers, electronic keyboards, facsimile machines, video
4 cassette recorders, portable digital music players, digital
5 video disc players, video game consoles, electronic mice,
6 scanners, digital converter boxes, cable receivers, satellite
7 receivers, digital video disc recorders, and small-scale
8 servers.

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

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

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

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

1 (A) beneficially reused in accordance with a
2 beneficial use determination issued under Section
3 22.54 of the Environmental Protection Act; or

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

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

8 (415 ILCS 150/20)

9 Sec. 20. Agency responsibilities.

10 (a) The Agency has the authority to monitor compliance with
11 this Act, enforce violations of the Act by administrative
12 citation, and refer violations of this Act to the Attorney
13 General.

14 (b) No later than October 1 of each program year, the
15 Agency shall post on its website a list of underserved counties
16 in the State for the next program year. The list of underserved
17 counties for program years 2010 and 2011 is set forth in
18 subsection (a) of Section 60.

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

23 (c-5) No later than February 1, 2012 and every February 1
24 thereafter, the Agency shall use a portion of the manufacturer,
25 recycler, and refurbisher registration fees to provide a \$2,000

1 grant to the recycling coordinator in each county of the State
2 in order to inform residents in each county about this Act and
3 opportunities to recycle CEDs and EEDs. The recycling
4 coordinator shall expend the \$2,000 grant before December 31 of
5 the program year in which the grant is received. The recycling
6 coordinator shall maintain records that document the use of the
7 grant funds.

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

13 (c-15) By December 15, 2012 and each December 15
14 thereafter, the Agency shall post on its website: (i) the
15 mailing address of each collection site at which collectors
16 collected CEDs and EEDs during the program year and (ii) the
17 amount in pounds of total CEDs and total EEDs collected at the
18 collection site during the program year.

19 (d) By July 1, 2011 for the first program year, and by May
20 15 for all subsequent program years, except for program years
21 2015, 2016, and 2017, the Agency shall report to the Governor
22 and to the General Assembly annually on the previous program
23 year's performance. The report must be posted on the Agency's
24 website. The report must include, but not be limited to, the
25 following:

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

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

7 (2) a listing of all collection sites, as set forth
8 under subsection (a) of Section 55, and the addresses of
9 those sites;

10 (3) a statement showing, for the preceding program
11 year, (i) the total weight of CEDs and EEDs collected,
12 recycled, and processed for reuse by the manufacturers
13 pursuant to Section 30, (ii) the total weight of CEDs
14 processed for reuse by the manufacturers, and (iii) the
15 total weight of CEDs collected by the collectors;

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

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

24 (6) a discussion of the penalties, if any, incurred by
25 manufacturers for failure to achieve recycling goals, and a
26 recommendation to the General Assembly of any necessary or

1 appropriate changes to the manufacturers' recycling goals
2 or penalty provisions included in this Act.

3 For program years 2015, 2016, and 2017, the Agency shall
4 make available on its website the information described in
5 paragraphs (1) through (6) in whatever format it deems
6 appropriate.

7 (e) The Agency shall post on its website: (1) a list of
8 manufacturers that have paid the current year's registration
9 fee as set forth in subsection (b) of Section 30; (2) a list of
10 manufacturers that failed to pay the current year's
11 registration fee as set forth in subsection (b) of Section 30;
12 and (3) a list of registered collectors, the addresses of their
13 collection sites, their business telephone numbers, and a link
14 to their websites.

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

20 (g) No later than October 1 of each program year, the
21 Agency must post on its website the following information for
22 the next program year: (i) the individual recycling and reuse
23 goals for each manufacturer, as set forth in subsections (c)
24 and (c-5) of Section 15, as applicable, and (ii) the total
25 statewide recycling goal, determined by adding each individual
26 manufacturer's annual goal.

1 (h) By April 1, 2011, and by April 1 of all subsequent
2 years, the Agency shall award those manufacturers that have met
3 or exceeded their recycling or reuse goals for the previous
4 program year with an Electronic Industry Recycling Award. The
5 award shall acknowledge that the manufacturer has met or
6 exceeded its recycling goals and shall be posted on the Agency
7 website and in other media as appropriate.

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

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

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

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

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

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

24 (D) Any temporary rescissions of county landfill
25 bans granted by the Illinois Pollution Control Board
26 pursuant to Section 95(e).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shall be open to public inspection, and copies of those
2 materials shall be made available to any person upon payment of
3 the actual cost of reproducing the original.

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

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

11 (415 ILCS 150/50)

12 Sec. 50. Recycler and refurbisher registration.

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

22 (b) The registration fee for program year 2010 is \$2,000.
23 For program year 2011, if a recycler's or refurbisher's annual
24 combined total weight of CEDs and EEDs is less than 1,000 tons
25 per year, the registration fee shall be \$500. For program year

1 2012 and for all subsequent program years, both registration
2 fees shall be increased each year by an inflation factor
3 determined by the annual Implicit Price Deflator for Gross
4 National Product as published by the U.S. Department of
5 Commerce in its Survey of Current Business. The inflation
6 factor must be calculated each year by dividing the latest
7 published annual Implicit Price Deflator for Gross National
8 Product by the annual Implicit Price Deflator for Gross
9 National Product for the previous year. The inflation factor
10 must be rounded to the nearest 1/100th, and the resulting
11 registration fee must be rounded to the nearest whole dollar.
12 No later than October 1 of each program year, the Agency shall
13 post on its website the registration fee for the next program
14 year.

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

1 ~~No person may act as a recycler or a refurbisher of CEDs for a~~
2 ~~manufacturer obligated to meet goals under this Act unless the~~
3 ~~recycler or refurbisher is registered and has paid the~~
4 ~~registration fee as required under this Section.~~

5 (c-5) A Neither a registered recycler or nor a refurbisher
6 of CEDs and EEDs for a manufacturer obligated to meet goals
7 under this Act may not charge individual consumers or units of
8 local government acting as collectors a fee to recycle or
9 refurbish CEDs and EEDs, unless the recycler or refurbisher
10 provides (i) a financial incentive, such as a coupon, that is
11 of greater or equal value to the fee being charged or (ii)
12 premium service, such as curbside collection, home pick-up, or
13 a similar methods method of collection. Local units of
14 government serving as collectors of CEDs and EEDs shall not
15 charge a manufacturer for collection costs and shall offer the
16 manufacturer or its representative all CEDs and EEDs collected
17 by the local government at no cost. Nothing in this Act
18 requires a local unit of government to serve as a collector.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)

9 (415 ILCS 150/55)

10 Sec. 55. Collector responsibilities.

11 (a) No later than January 1 of each program year,
12 collectors that collect or receive CEDs or EEDs for one or more
13 manufacturers, recyclers, or refurbishers shall register with
14 the Agency. Registration must be in the form and manner
15 required by the Agency and must include, without limitation,
16 the address of each location where CEDs or EEDs are received
17 and the identification of each location at which the collector
18 accepts CEDs or EEDs from a residence. Beginning January 1,
19 2016, collectors shall work only with certified recyclers and
20 refurbishers as provided in subsection (c) of Section 50 of
21 this Act.

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

25 (c) No later than August 15, 2010, collectors must submit

1 to the Agency, on forms and in a format prescribed by the
2 Agency, a report for the period from January 1, 2010 through
3 June 30, 2010 that contains the following information: the
4 total weight of computers, the total weight of computer
5 monitors, the total weight of printers, the total weight of
6 televisions, and the total weight of EEDs collected or received
7 for each manufacturer.

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

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

18 (2) A list of each recycler and refurbisher that
19 received CEDs and EEDs from the collector and the total
20 weight each recycler and refurbisher received.

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

25 (e) Collectors may accept no more than 10 CEDs or EEDs at
26 one time from individual members of the public and, when

1 scheduling collection events, shall provide no fewer than 30
2 days' notice to the county waste agency of those events.

3 (f) No collector of CEDs and EEDs may recycle, or refurbish
4 for reuse or resale, CEDs or EEDs to a third party unless the
5 collector registers as a recycler or refurbisher pursuant to
6 Section 50 and pays the registration fee pursuant to Section
7 50.

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

9 (415 ILCS 150/80)

10 Sec. 80. Penalties.

11 (a) Except as otherwise provided in this Act, any person
12 who violates any provision of this Act or fails to perform any
13 duty under this Act is liable for a civil penalty of \$7,000 for
14 the violation and an additional civil penalty not to exceed
15 \$1,000 for each day the violation continues.

16 (b) A manufacturer that is not registered with the Agency
17 as required under this Act, or that has not paid the
18 registration fee as required under this Act, is liable for a
19 civil penalty not to exceed \$10,000 for the violation and an
20 additional civil penalty not to exceed \$10,000 for each day the
21 violation continues.

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

25 (1) In program year 2012, if the total weight of CEDs

1 and EEDs recycled or processed for reuse by the
2 manufacturer is less than 50% of the manufacturer's
3 individual recycling or reuse goal set forth in subsection
4 (c) of Section 15 of this Act, the manufacturer shall pay a
5 penalty equal to the product of: (i) \$0.70 per pound;
6 multiplied by (ii) the difference between the
7 manufacturer's individual recycling or reuse goal and the
8 total weight of CEDs and EEDs recycled or processed for
9 reuse by the manufacturer during the program year.

10 (2) In program year 2013, if the total weight of CEDs
11 and EEDs recycled or processed for reuse by the
12 manufacturer is less than 60% of the manufacturer's
13 individual recycling or reuse goal set forth in subsection
14 (c-5) of Section 15 of this Act, the manufacturer shall pay
15 a penalty equal to the product of: (i) \$0.70 per pound;
16 multiplied by (ii) the difference between the
17 manufacturer's individual recycling or reuse goal and the
18 total weight of CEDs and EEDs recycled or processed for
19 reuse by the manufacturer during the program year.

20 (3) In program year 2014, ~~and each year thereafter,~~ if
21 the total weight of CEDs and EEDs recycled or processed for
22 reuse by the manufacturer is less than 70% of the
23 manufacturer's individual recycling or reuse goal set
24 forth in subsection (c-5) of Section 15 of this Act, the
25 manufacturer shall pay a penalty equal to the product of:
26 (i) \$0.70 per pound; multiplied by (ii) the difference

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

5 (4) In program year 2015, and each year thereafter, if
6 the total weight of CEDs and EEDs recycled or processed for
7 reuse by the manufacturer is less than 100% of the
8 manufacturer's individual recycling or reuse goal set
9 forth in subsection (c-5) and (c-6) of Section 15 of this
10 Act, the manufacturer shall pay a penalty equal to the
11 following:

12 (i) Forty-five cents per pound for a manufacturer
13 if the weight of CEDs and EEDs recycled by or on behalf
14 of the manufacturer is less than 50% of the target
15 recycling weight.

16 (ii) Thirty-five cents per pound for a
17 manufacturer if the weight of CEDs and EEDs recycled by
18 or on behalf of the manufacturer is at least 50% but no
19 more than 90% of the target recycling weight.

20 All weight shall be measured by the difference between
21 the manufacturer's individual recycling or reuse goal and
22 the total weight of CEDs and EEDs recycled or processed for
23 reuse by the manufacturer during the program year.

24 (d) A manufacturer in violation of subsection (e), (h),
25 (i), (j), (k), (l), or (m) of Section 30 is liable for a civil
26 penalty not to exceed \$5,000 for the violation.

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

4 (f) A knowing violation of subsection (a), (b), or (c) of
5 Section 95 of this Act by anyone other than a residential
6 consumer is a petty offense punishable by a fine of \$500. A
7 knowing violation of subsection (a), (b), or (c) of Section 95
8 of this Act by a residential consumer is a petty offense
9 punishable by a fine of \$25 for a first violation; however, a
10 subsequent violation by a residential consumer is a petty
11 offense punishable by a fine of \$50.

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

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

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

1 relief provided by any other law.

2 (j) A fine imposed by administrative citation pursuant to
3 subsection (k) of Section 20 shall be limited to \$1,000.
4 Administrative citations may be used to enforce violations of
5 the landfill ban subject to fines set forth in subsection (f)
6 of this Section.

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

8 (415 ILCS 150/82 new)

9 Sec. 82. Credits. In program years 2015 and 2016, to
10 encourage manufacturers to recycle or reuse more CEDs or EEDs
11 than their target weight, a manufacturer shall earn recycling
12 credits equal to 25% of weight the manufacturer collects over
13 its recycling target for the year. Manufacturers may use
14 credits to help meet their recycling target in the following
15 program year, or may sell credits to another manufacturer for
16 use in the next program year. A manufacturer may not use more
17 than 25% of its earned credits to fulfill its target in any
18 program year. Manufacturers will report to the Agency by April
19 1 the amount of credits earned in the previous program year and
20 the amount of credits applied, sold or bought during the
21 previous program year.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.".