

1 AN ACT concerning safety.

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

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 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;
17 multiplied by (ii) the 2010 goal attainment percentage.

18 For the purposes of this subsection (b):

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

1 processed for reuse between January 1, 2010 and June 30, 2010
2 as reported to the Agency under subsection (c) of Section 55.

3 The "2010 goal attainment percentage" means:

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

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

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

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

15 (5) 110% if the 2010 base weight is 110% or greater of
16 the statewide recycling or reuse goal for program year
17 2010.

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

1 converter boxes, cable receivers, satellite receivers, digital
2 video disc recorders, and small-scale servers. To determine the
3 manufacturer's annual recycling or reuse goal, the
4 manufacturer shall use its own Illinois sales data or its own
5 national sales data proportioned to Illinois' share of the U.S.
6 population, based on the U.S. Census population estimate for
7 2009.

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

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

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

26 (1) 30,800,000 pounds for manufacturers of televisions

1 and computer monitors; and

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

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

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

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

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

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

1 servers.

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

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

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

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

20 (A) beneficially reused in accordance with a
21 beneficial use determination issued under Section
22 22.54 of the Environmental Protection Act; or

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

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

1 (415 ILCS 150/20)

2 Sec. 20. Agency responsibilities.

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

7 (b) No later than October 1 of each program year, 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 is set forth in
11 subsection (a) of Section 60.

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

16 (c-5) 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.

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

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

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

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

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

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

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

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

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

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

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

26 (e) The Agency shall post on its website: (1) a list of

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

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

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

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

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

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

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

11 (A) Sufficiency of the annual statewide recycling
12 goals.

13 (B) Fairness of the formulas used to determine
14 individual manufacturer goals.

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

17 (D) Any temporary rescissions of county landfill
18 bans granted by the Illinois Pollution Control Board
19 pursuant to Section 95(e).

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

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

1 residents.

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

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

14 (k) Any violation of this Act shall be enforceable by
15 administrative citation. Whenever the Agency personnel or
16 county personnel to whom the Agency has delegated the authority
17 to monitor compliance with this Act shall, on the basis of
18 direct observation, determine that any person has violated any
19 provision of this Act, the Agency or county personnel may issue
20 and serve, within 60 days after the observed violation, an
21 administrative citation upon that person or the entity
22 employing that person. Each citation shall be served upon the
23 person named or the person's authorized agent for service of
24 process and shall include the following:

25 (1) a statement specifying the provisions of this Act
26 that the person or the entity employing the person has

1 violated;

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

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

6 (4) an affidavit by the personnel observing the
7 violation, attesting to their material actions and
8 observations.

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

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

1 administrative citation and findings of violation as alleged in
2 the citation, and shall impose the penalty specified in Section
3 80 of this Act. However, if the Board finds that the person
4 appealing the citation has shown that the violation resulted
5 from uncontrollable circumstances, the Board shall adopt a
6 final order that makes no finding of violation and imposes no
7 penalty.

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

23 (o) Counties that have entered into a delegation agreement
24 with the Agency pursuant to subsection (r) of Section 4 of the
25 Illinois Environmental Protection Act for the purpose of
26 conducting inspection, investigation, or enforcement-related

1 functions may conduct inspections for noncompliance with this
2 Act.

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

4 (415 ILCS 150/50)

5 Sec. 50. Recycler and refurbisher registration.

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

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

1 Product by the annual Implicit Price Deflator for Gross
2 National Product for the previous year. The inflation factor
3 must be rounded to the nearest 1/100th, and the resulting
4 registration fee must be rounded to the nearest whole dollar.
5 No later than October 1 of each program year, the Agency shall
6 post on its website the registration fee for the next program
7 year.

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

24 (c-5) A Neither a registered recycler or nor a refurbisher
25 of CEDs and EEDs for a manufacturer obligated to meet goals
26 under this Act may not charge individual consumers or units of

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

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

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

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

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

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

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

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

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

24 (4) Recyclers and refurbishers must maintain on file
25 documentation that demonstrates the completion of an
26 environmental health and safety audit completed and

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

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

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

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

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

1 refurbisher's environmental compliance at the facility.

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

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

1 send, either directly or through intermediaries, hazardous
2 wastes to solid waste (non-hazardous waste) landfills or to
3 non-hazardous waste incinerators for disposal or energy
4 recovery. For the purpose of these guidelines, smelting of
5 hazardous wastes to recover metals for reuse in conformance
6 with all applicable laws and regulations is not considered
7 disposal or energy recovery.

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

24 (12) Recyclers and refurbishers must comply with
25 federal and international law and agreements regarding the
26 export of used products or materials. In the case of

1 exports of CEDs and EEDs, recyclers and refurbishers must
2 comply with applicable requirements of the U.S. and of the
3 import and transit countries and must maintain proper
4 business records documenting its compliance. No recycler
5 or refurbisher may establish or use intermediaries for the
6 purpose of circumventing these U.S. import and transit
7 country requirements.

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

1 and EEDs are being exported to companies or facilities that
2 are owned or controlled by the original equipment
3 manufacturer.

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

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

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

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

2 (415 ILCS 150/55)

3 Sec. 55. Collector responsibilities.

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

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

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

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

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

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

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

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

22 (f) No collector of CEDs and EEDs may recycle, or refurbish
23 for reuse or resale, CEDs or EEDs to a third party unless the
24 collector registers as a recycler or refurbisher pursuant to
25 Section 50 and pays the registration fee pursuant to Section
26 50.

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

2 (415 ILCS 150/80)

3 Sec. 80. Penalties.

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

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

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

18 (1) In program year 2012, if the total weight of CEDs
19 and EEDs recycled or processed for reuse by the
20 manufacturer is less than 50% of the manufacturer's
21 individual recycling or reuse goal set forth in subsection
22 (c) of Section 15 of this Act, the manufacturer shall pay a
23 penalty equal to the product of: (i) \$0.70 per pound;
24 multiplied by (ii) the difference between the
25 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, if the total weight of CEDs
4 and EEDs recycled or processed for reuse by the
5 manufacturer is less than 60% of the manufacturer's
6 individual recycling or reuse goal set forth in subsection
7 (c-5) of Section 15 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 (3) In program year 2014, ~~and each year thereafter,~~ if
14 the total weight of CEDs and EEDs recycled or processed for
15 reuse by the manufacturer is less than 70% of the
16 manufacturer's individual recycling or reuse goal set
17 forth in subsection (c-5) of Section 15 of this Act, the
18 manufacturer shall pay a penalty equal to the product of:
19 (i) \$0.70 per pound; multiplied by (ii) the difference
20 between the manufacturer's individual recycling or reuse
21 goal and the total weight of CEDs and EEDs recycled or
22 processed for reuse by the manufacturer during the program
23 year.

24 (4) In program year 2015, and each year thereafter, if
25 the total weight of CEDs and EEDs recycled or processed for
26 reuse by the manufacturer is less than 100% of the

1 manufacturer's individual recycling or reuse goal set
2 forth in subsection (c-5) and (c-6) of Section 15 of this
3 Act, the manufacturer shall pay a penalty equal to the
4 following:

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

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

13 All weight shall be measured by the difference between
14 the manufacturer's individual recycling or reuse goal and
15 the total weight of CEDs and EEDs recycled or processed for
16 reuse by the manufacturer during the program year.

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

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

23 (f) A knowing violation of subsection (a), (b), or (c) of
24 Section 95 of this Act by anyone other than a residential
25 consumer is a petty offense punishable by a fine of \$500. A
26 knowing violation of subsection (a), (b), or (c) of Section 95

1 of this Act by a residential consumer is a petty offense
2 punishable by a fine of \$25 for a first violation; however, a
3 subsequent violation by a residential consumer is a petty
4 offense punishable by a fine of \$50.

5 (g) The penalties provided for in this Act may be recovered
6 in a civil action brought by the Attorney General in the name
7 of the People of the State of Illinois. Any moneys collected
8 under this Section in which the Attorney General has prevailed
9 may be deposited into the Electronic Recycling Fund,
10 established under this Act.

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

16 (i) The penalties and injunctions provided in this Act are
17 in addition to any penalties, injunctions, or other relief
18 provided under any other law. Nothing in this Act bars a cause
19 of action by the State for any other penalty, injunction, or
20 relief provided by any other law.

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

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

1 (415 ILCS 150/82 new)

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

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