

# HB4636



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4636**

by Rep. Richard P. Myers

#### SYNOPSIS AS INTRODUCED:

415 ILCS 150/95

Amends the Electronic Products Recycling and Reuse Act. Accelerates by one year (from January 1, 2012 to January 1, 2011) the date upon which certain prohibitions regarding the disposal of electronic products take effect. Makes corresponding changes to the period during which county governments and action agencies may petition the Illinois Pollution Control Board for a temporary waiver from these prohibitions and during which the holders of waivers are exempted from enforcement proceedings. Effective immediately.

LRB096 14555 JDS 29392 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 95 as follows:

6 (415 ILCS 150/95)

7 Sec. 95. Landfill ban.

8 (a) Except as may be provided pursuant to subsection (e) of  
9 this Section, and beginning January 1, 2011 ~~2012~~, no person may  
10 knowingly cause or allow the mixing of a CED, or any other  
11 computer, computer monitor, printer, or television with  
12 municipal waste that is intended for disposal at a landfill.

13 (b) Except as may be provided pursuant to subsection (e) of  
14 this Section, and beginning January 1, 2011 ~~2012~~, no person may  
15 knowingly cause or allow the disposal of a CED or any other  
16 computer, computer monitor, printer, or television in a  
17 sanitary landfill.

18 (c) Beginning January 1, 2011 ~~2012~~, no person may knowingly  
19 cause or allow the mixing of a CED, or any other computer,  
20 computer monitor, printer, or television with waste that is  
21 intended for disposal by burning or incineration.

22 (d) Beginning January 1, 2011 ~~2012~~, no person may knowingly  
23 cause or allow the burning or incineration of a CED, or any

1 other computer, computer monitor, printer, or television.

2 (e) Beginning April 1, 2011 ~~2012~~ but no later than December  
3 31, 2012 ~~2013~~, the Illinois Pollution Control Board (Board) is  
4 authorized to review temporary CED landfill ban waiver  
5 petitions by county governments or municipal joint action  
6 agencies (action agencies) and determine whether the  
7 respective county's or action agency's jurisdiction may be  
8 granted a temporary CED landfill ban waiver due to a lack of  
9 funds and a lack of collection opportunities to collect CEDs  
10 and EEDs within the county's or action agency's jurisdiction.  
11 If the Board grants a waiver under this subsection (e),  
12 subsections (a) and (b) of this Section shall not apply to CEDs  
13 and EEDs that are taken out of service from residences within  
14 the jurisdiction of the county or action agency receiving the  
15 waiver and disposed of during the remainder of the program year  
16 in which the petition is filed.

17 (1) The petition from the county or action agency shall  
18 include the following:

19 (A) documentation of the county's or action  
20 agency's attempts to gain funding, as well as the total  
21 funding obtained, for the collection of CEDs and EEDs  
22 in its jurisdiction from manufacturers or other units  
23 of government in the State; and

24 (B) an assessment of other collection  
25 opportunities in the county's or action agency's  
26 jurisdiction demonstrating insufficient capacity for

1 the anticipated volume of CEDs and EEDs for the  
2 remainder of the program year in which the petition is  
3 being filed.

4 (2) In addition to the criteria listed in item (1), the  
5 Board shall consider the following additional criteria  
6 when reviewing a petition:

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

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

13 (C) the projected difference in weight between  
14 prior program years and the year in which the petition  
15 is filed.

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

1           ban waiver, the Board's order shall be final and  
2           immediately appealable to the circuit court having  
3           jurisdiction over the petitioner.

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

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

17          (6) Between April 1, 2011 ~~2012~~ and December 31, 2012  
18          ~~2013~~, if a temporary CED landfill ban waiver has been  
19          granted to a petitioner, no person disposing of a CED shall  
20          be subject to any enforcement proceeding unless he or she  
21          disposes of the CED with knowledge that the CED is from a  
22          county or action agency that has not received a temporary  
23          CED landfill ban waiver.

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

25          Section 99. Effective date. This Act takes effect upon  
26          becoming law.