



Rep. Daniel Biss

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1 AMENDMENT TO SENATE BILL 2106

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2106 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 5, 10, 15, 20, 30, 50, 55, 60,  
6 65, 80, and 95 as follows:

7 (415 ILCS 150/5)

8 Sec. 5. Findings and purpose.

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

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

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

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

5           (4) Electronic products contain metals, plastics, ~~and~~  
6 ~~leaded~~ glass, and other valuable materials that may be  
7 resold for reuse in new products ~~have resale value~~. The  
8 reuse of these materials ~~components~~ conserves natural  
9 resources and energy. The reuse of these materials also  
10 ~~and the reuse also~~ reduces ~~air and~~ water pollution and the  
11 air pollution associated with greenhouse gas emissions.

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

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

1           (7) The State-appointed Computer Equipment Disposal  
2           and Recycling Commission issued a final report in May 2006  
3           recommending legislative, regulatory, or other actions to  
4           properly address the recycling and reuse of obsolete  
5           residential electronic products.

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

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

10           (415 ILCS 150/10)

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

12           "Agency" means the Environmental Protection Agency.

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

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

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

1 (PDA), MP3 player, or other similar device. "Computer" does not  
2 include computer peripherals, commonly known as cables, mouse,  
3 or keyboard. "Computer" is further defined as either:

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

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

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

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

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

9       "Computer monitor" means an electronic device that is a  
10      cathode-ray tube or flat panel display primarily intended to  
11      display information from a computer and is used only in a  
12      residence.

13      "Covered electronic device" or "CED" means any computer,  
14      computer monitor, television, ~~or~~ printer, electronic keyboard,  
15      facsimile machine, videocassette recorder, portable digital  
16      music player that has memory capability and is battery powered,  
17      digital video disc player, video game console, electronic  
18      mouse, scanner, digital converter box, cable receiver,  
19      satellite receiver, digital video disc recorder, or small scale  
20      server sold at retail and ~~that is~~ taken out of service from a  
21      residence in this State ~~regardless of purchase location.~~

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

24           (1) an electronic device that is a part of a motor  
25           vehicle or any component part of a motor vehicle assembled  
26           by or for a vehicle manufacturer or franchised dealer,

1 including replacement parts for use in a motor vehicle;

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

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

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

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

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

1       significantly subaverage if that person has an  
2       intelligence quotient (IQ) of 70 or below on standardized  
3       measures of intelligence. This upper limit, however, may be  
4       extended upward depending on the reliability of the  
5       intelligence test used.

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

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

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



1 ~~keyboard; stand-alone facsimile machine; MP3 player;~~ portable  
2 digital assistant (PDA); or ~~video game console, video cassette~~  
3 ~~recorder/player, digital video disk player, or similar video~~  
4 ~~device;~~ zip drive; ~~or scanner.~~ To the extent allowed under  
5 federal and state laws and regulations, an EED that is being  
6 collected, recycled, or processed for reuse is not considered  
7 to be hazardous waste, household waste, solid waste, or special  
8 waste.

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

13 "Manufacturer" means a person, or a successor in interest  
14 to a person, under whose brand or label a computer, computer  
15 monitor, television, printer, electronic keyboard, facsimile  
16 machine, videocassette recorder, portable digital music  
17 player, digital video disc player, video game console,  
18 electronic mouse, scanner, digital converter box, cable  
19 receiver, satellite receiver, digital video disc recorder, or  
20 small scale server ~~CEP~~ is or was sold at retail. For any of the  
21 aforementioned electronic devices ~~CEPs~~ sold at retail under a  
22 brand or label that is licensed from a person who is a mere  
23 brand owner and who does not sell or produce any of the  
24 aforementioned electronic devices ~~the CEP~~, the person who  
25 produced the device ~~the CEP~~ or his or her successor in interest  
26 is the manufacturer. For any of the aforementioned electronic

1 devices ~~CEDs~~ sold ~~that were~~ at retail under the brand or label  
2 of both the retail seller and the person that produced the  
3 device ~~the CED~~, the person that produced the device ~~the CED~~, or  
4 his or her successor in interest, is the manufacturer. A retail  
5 seller of any of the aforementioned electronic devices ~~CEDs~~ may  
6 elect to be the manufacturer of one or more of the  
7 aforementioned electronic devices ~~CEDs~~ if the retail seller  
8 provides written notice to the Agency that it is accepting  
9 responsibility as the manufacturer of the device ~~the CED~~ under  
10 this Act and identifies any of the aforementioned electronic  
11 devices ~~the CEDs~~ for which it is electing to be the  
12 manufacturer.

13 "Municipal joint action agency" means a municipal joint  
14 action agency created under Section 3.2 of the  
15 Intergovernmental Cooperation Act.

16 "Orphan CEDs" means those CEDs that are returned for  
17 recycling, or processing for reuse, whose manufacturer cannot  
18 be identified, or whose manufacturer is no longer conducting  
19 business and has no successor in interest.

20 "Person" means any individual, partnership,  
21 co-partnership, firm, company, limited liability company,  
22 corporation, association, joint stock company, trust, estate,  
23 political subdivision, State agency, or any other legal entity,  
24 or a legal representative, agent, or assign of that entity.

25 "Printer" means desktop printers, multifunction printer  
26 copiers, and printer/fax combinations taken out of service from

1 a residence that are designed to reside on a work surface, and  
2 include various print technologies, including without  
3 limitation laser and LED (electrographic), ink jet, dot matrix,  
4 thermal, and digital sublimation, and "multi-function" or  
5 "all-in-one" devices that perform different tasks, including  
6 without limitation copying, scanning, faxing, and printing.  
7 Printers do not include floor-standing printers, printers with  
8 optional floor stand, point of sale (POS) receipt printers,  
9 household printers such as a calculator with printing  
10 capabilities or label makers, or non-stand-alone printers that  
11 are embedded into products that are not CEDs.

12 "Processing for reuse" means any method, technique, or  
13 process by which CEDs or EEDs that would otherwise be disposed  
14 of or discarded are instead separated, processed, and returned  
15 to their original intended purposes or to other useful purposes  
16 as electronic devices. "Processing for reuse" includes the  
17 collection and transportation of CEDs or EEDs.

18 "Program Year" means a calendar year. The first program  
19 year is 2010.

20 "Recycler" means a person who engages in the recycling of  
21 CEDs or EEDs, but does not include telecommunications carriers,  
22 telecommunications manufacturers, or commercial mobile service  
23 providers with an existing recycling program.

24 "Recycling" means any method, technique, or process by  
25 which CEDs or EEDs that would otherwise be disposed of or  
26 discarded are instead collected, separated, or processed and

1 are returned to the economic mainstream in the form of raw  
2 materials or products. "Recycling" includes the collection,  
3 transportation, dismantling, and shredding of the CEDs or EEDs.

4 "Recycling coordinator" means the person designated by  
5 each county waste management plan to administer the county  
6 recycling program, as set forth in the Solid Waste Management  
7 Act.

8 "Refurbisher" means any person who processes CEDs or EEDs  
9 for reuse, but does not include telecommunications carriers,  
10 telecommunications manufacturers, or commercial mobile service  
11 providers with an existing recycling program.

12 "Residence" means a dwelling place or home in which one or  
13 more individuals live.

14 "Retailer" means a person who sells, rents, or leases,  
15 through sales outlets, catalogues, or the Internet, computers,  
16 computer monitors, printers, ~~or~~ televisions, electronic  
17 keyboards, facsimile machines, videocassette recorders,  
18 portable digital music players, digital video disc players,  
19 video game consoles, electronic mice, scanners, digital  
20 converter boxes, cable receivers, satellite receivers, digital  
21 video disc recorders, or small scale servers at retail to  
22 individuals in this State. For purposes of this Act, sales to  
23 individuals at retail are considered to be sales for  
24 residential use. "Retailer" includes, but is not limited to,  
25 manufacturers who sell computers, computer monitors, printers,  
26 ~~or~~ televisions, electronic keyboards, facsimile machines,

1 videocassette recorders, portable digital music players,  
2 digital video disc players, video game consoles, electronic  
3 mice, scanners, digital converter boxes, cable receivers,  
4 satellite receivers, digital video disc recorders, or  
5 small-scale servers at retail directly to individuals in this  
6 State.

7 "Sale" means any retail transfer of title for consideration  
8 of title including, but not limited to, transactions conducted  
9 through sales outlets, catalogs, or the Internet or any other  
10 similar electronic means but does not mean financing or  
11 leasing.

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

25 "Television" means an electronic device (i) containing a  
26 cathode-ray tube or flat panel screen the size of which is

1 greater than 4 inches when measured diagonally, (ii) that is  
2 intended to receive video programming via broadcast, cable, or  
3 satellite transmission or to receive video from surveillance or  
4 other similar cameras, and (iii) that is used only in a  
5 residence.

6 "Underserved counties" means those counties so identified  
7 in Section 60.

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

9 (415 ILCS 150/15)

10 Sec. 15. Statewide recycling and reuse goals for all  
11 covered electronic devices.

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

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

20 For the purposes of this subsection (b):

21 The "2010 base weight" means the greater of: (i) twice the  
22 total weight of all CEDs that were recycled or processed for  
23 reuse between January 1, 2010 and June 30, 2010 as reported to  
24 the Agency under subsection (i) or (j) of Section 30; or (ii)  
25 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~~ ~~years~~ 2012 and for each of the  
19 following categories of electronic devices, each manufacturer  
20 shall 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, electric  
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 thereafter and for each of  
9 the following categories of electronic devices, each  
10 manufacturer shall recycle or reuse at least 50% of the total  
11 weight of the electronic devices that the manufacturer sold in  
12 that category in Illinois during the calendar year 2 years  
13 before the applicable program year: computers, monitors,  
14 televisions, printers, electric keyboards, facsimile machines,  
15 video cassette recorders, portable digital music players,  
16 digital video disc players, video game consoles, electronic  
17 mice, scanners, digital converter boxes, cable receivers,  
18 satellite receivers, digital video disc recorders, and small  
19 scale servers. To determine the manufacturer's annual  
20 recycling or reuse goal, the manufacturer shall use its own  
21 Illinois sales data or its own national sales data proportioned  
22 to Illinois' share of the U.S. population, based on the most  
23 recent U.S. Census data. and thereafter, the statewide  
24 recycling or reuse goal for all CEDs is the product of: (i) the  
25 base weight; multiplied by (ii) the goal attainment percentage.

26 For the purposes of this subsection (c):



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

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

9           ~~(1) 90% if the base weight is less than 90% of the~~  
10 ~~statewide recycling or reuse goal for the previous program~~  
11 ~~year;~~

12           ~~(2) 95% if the base weight is 90% or greater, but does~~  
13 ~~not exceed 95%, of the statewide recycling or reuse goal~~  
14 ~~for the previous program year;~~

15           ~~(3) 100% if the base weight is 95% or greater, but does~~  
16 ~~not exceed 105%, of the statewide recycling or reuse goal~~  
17 ~~for the previous program year;~~

18           ~~(4) 105% if the base weight is 105% or greater, but~~  
19 ~~does not exceed 110%, of the statewide recycling or reuse~~  
20 ~~goal for the previous program year; and~~

21           ~~(5) 110% if the base weight is 110% or greater of the~~  
22 ~~statewide recycling or reuse goal for the previous program~~  
23 ~~year.~~

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

1           Sec. 20. Agency responsibilities.

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

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

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

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

25           (c-10) By June 15, 2012 and by December 15, 2012, and by  
26 every June 15 and December 15 thereafter through December 15,

1 2015, the Agency shall meet with associations that represent  
2 Illinois retail merchants twice each year to discuss compliance  
3 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 subsections (c)  
22 and (c-5) of Section 15, as applicable, and (ii) the total  
23 statewide recycling goal, determined by adding each individual  
24 manufacturer's annual 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 rescissions ~~recessions~~ of county  
8 landfill bans granted by the Illinois Pollution  
9 Control Board 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, digital video disc players, video game consoles,  
3 electronic mice, scanners, digital converter boxes, cable  
4 receivers, satellite receivers, digital video disc recorders,  
5 or small-scale servers ~~are sold~~ in this State must register  
6 with the Agency. The registration must be submitted in the form  
7 and manner required by the Agency. The registration must  
8 include, without limitation, all of the following:

9 (1) a list of all of the manufacturer's brands of  
10 computers, computer monitors, printers, ~~or~~ televisions,  
11 electronic keyboards, facsimile machines, videocassette  
12 recorders, portable digital music players, digital video  
13 disc players, video game consoles, electronic mice,  
14 scanners, digital converter boxes, cable receivers,  
15 satellite receivers, digital video disc recorders, and  
16 small scale servers to be offered for sale in the next  
17 program year;

18 (2) (blank) ~~for manufacturers of both televisions and~~  
19 ~~computers, computer monitors, or printers, an~~  
20 ~~identification of whether, for residential use, (i)~~  
21 ~~televisions or (ii) computers, computer monitors, and~~  
22 ~~printers, represent the larger number of units sold for the~~  
23 ~~manufacturer; and~~

24 (3) a statement disclosing whether: ~~(A)~~ any of the  
25 manufacturer's computers, computer monitors, printers,  
26 televisions, electronic keyboards, facsimile machines,

1        videocassette recorders, portable digital music players,  
2        digital video disc players, video game consoles,  
3        electronic mice, scanners, digital converter boxes, cable  
4        receivers, satellite receivers, digital video disc  
5        recorders, or small scale servers ~~computer, computer~~  
6        ~~monitor, printer, or television~~ sold in this State exceed  
7        ~~exceeds~~ the maximum concentration values established for  
8        lead, mercury, cadmium, hexavalent chromium,  
9        polybrominated biphenyls (PBBs), and polybrominated  
10       diphenyl ethers (PBDEEs) under the RoHS (restricting the  
11       use of certain hazardous substances in electrical and  
12       electronic equipment) Directive 2002/95/EC of the European  
13       Parliament and Council and any amendments thereto and, if  
14       so, an identification of the aforementioned electronic  
15       device that exceeds the directive ~~that computer, computer~~  
16       ~~monitor, printer, or television; or (B) the manufacturer~~  
17       ~~has received an exemption from one or more of those maximum~~  
18       ~~concentration values under the RoHS Directive that has been~~  
19       ~~approved and published by the European Commission.~~

20       If, during the program year, any of the ~~a~~ manufacturer's  
21       aforementioned electronic devices are ~~computer, computer~~  
22       ~~monitor, printer, or television is~~ sold or offered for sale in  
23       Illinois under a new brand that is not listed in the  
24       manufacturer's registration, then, within 30 days after the  
25       first sale or offer for sale under the new brand, the  
26       manufacturer must amend its registration to add the new brand.

1 (b) Prior to July 1, 2009 for the first program year, and  
2 by the November 1 preceding program years 2011 and later, all  
3 manufacturers whose computers, computer monitors, printers, ~~or~~  
4 televisions, electronic keyboards, facsimile machines,  
5 videocassette recorders, portable digital music players,  
6 digital video disc players, video game consoles, electronic  
7 mice, scanners, digital converter boxes, cable receivers,  
8 satellite receivers, digital video disc recorders, or small  
9 scale servers are offered for sale ~~sold~~ in the State shall  
10 submit to the Agency, at an address prescribed by the Agency,  
11 the registration fee for the next program year. The  
12 registration fee for program year 2010 is \$5,000. The  
13 registration fee for program year 2011 is \$5,000, increased by  
14 the applicable inflation factor as described below. In program  
15 year 2012, if, in program year 2011, a manufacturer sold 250 or  
16 fewer of the aforementioned electronic devices in the State,  
17 then the registration fee for that manufacturer is \$1,250. In  
18 each program year after 2012, if, in the preceding program  
19 year, a manufacturer sold 250 or fewer of the aforementioned  
20 electronic devices in the State, then the registration fee is  
21 the fee that applied in the previous year to manufacturers that  
22 sold that number of the aforementioned electronic devices,  
23 increased by the applicable inflation factor as described  
24 below. In program year 2012, if, in the preceding program year  
25 a manufacturer sold 251 or more of the aforementioned  
26 electronic devices in the State, then the registration fee for

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

22 (c) A manufacturer whose computers, computer monitors,  
23 printers, ~~or~~ televisions, electronic keyboards, facsimile  
24 machines, videocassette recorders, portable digital music  
25 players, digital video disc players, video game consoles,  
26 electronic mice, scanners, digital converter boxes, cable

1 receivers, satellite receivers, digital video disc recorders,  
2 or small scale servers are ~~first~~ sold or offered for sale in  
3 this State on or after January 1 of a program year must  
4 register with the Agency within 30 days after the first sale or  
5 offer for sale in accordance with subsection (a) of this  
6 Section and submit the registration fee required under  
7 subsection (b) of this Section prior to the aforementioned  
8 electronic devices ~~manufacturer's computers, computer~~  
9 ~~monitors, printers, or televisions~~ being sold or offered for  
10 sale.

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

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

25 (1) The total weight of CEDs processed ~~for reuse~~ by the  
26 manufacturer, its recyclers, or its refurbishers for reuse

1 is doubled.

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

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



1 Section 30.

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

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

- 23 ~~(1) the number and weight of CEDs, sorted by brand name~~  
24 ~~and product type, including a category for orphan CEDs;~~  
25 ~~(2) the total weight of the sample by product type;~~  
26 ~~(3) the date, location, and time of the sampling;~~

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

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

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

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

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

23           (g) Manufacturers shall ensure that the recyclers and  
24           refurbishers used to meet the individual recycling and reuse  
25           goals set forth in this Act shall, at a minimum, comply with  
26           the standards set forth under subsection (d) of Section 50 of

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

8 (h) By September 1, 2012 and every September 1 thereafter  
9 August 15, 2009, television manufacturers of computers,  
10 computer monitors, printers, televisions, electronic  
11 keyboards, facsimile machines, videocassette recorders,  
12 portable digital music players, digital video disc players,  
13 video game consoles, electronic mice, scanners, digital  
14 converter boxes, cable receivers, satellite receivers, digital  
15 video disc recorders, or small scale servers shall submit to  
16 the Agency, in the form and manner required by the Agency, a  
17 report that contains the total weight of the aforementioned  
18 electronic devices ~~televvisions~~ sold under each of the  
19 manufacturer's brands to individuals ~~at retail~~ in this State as  
20 calculated under subsection (c) and (c-5) of Section 15, as  
21 applicable. Each manufacturer shall indicate on the report  
22 whether the total weight of the aforementioned electronic  
23 devices was derived from its own sales records or national  
24 sales data. If a manufacturer's weight for aforementioned  
25 electronic devices is derived from national sales data, the  
26 manufacturer shall indicate the source of the sales data. ~~as~~

1 ~~set forth in the reports to manufacturers by retailers under~~  
2 ~~subsection (c) of Section 40.~~

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

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

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

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

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

26 (j) (Blank). ~~By August 15, 2010, computer, computer~~

1 ~~monitor, and printer manufacturers shall submit to the Agency,~~  
2 ~~on forms and in a format prescribed by the Agency, a report for~~  
3 ~~the period January 1, 2010 through June 30, 2010 that contains~~  
4 ~~the 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, recycled or~~  
7 ~~processed for reuse.~~

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

13 ~~(1) The total weight of televisions sold under each of~~  
14 ~~the manufacturer's brands to individuals at retail in this~~  
15 ~~State, from one of the following 2 sources, with the~~  
16 ~~manufacturer indicating in the report which of the two data~~  
17 ~~sources was used, and, if a national sales data report was~~  
18 ~~used, the name of the national sales data source:~~

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

20 ~~(b) national sales data reports obtained by the~~  
21 ~~manufacturer and pro-rated to Illinois by multiplying~~  
22 ~~the weight of the manufacturer's televisions sold~~  
23 ~~nationally by the quotient that results from dividing~~  
24 ~~the population of Illinois by the population of the~~  
25 ~~United States. The population of Illinois and the~~  
26 ~~United States shall be obtained using the most recent~~

1 ~~U.S. census data.~~

2 ~~(2) The total weight of computers, the total weight of~~  
3 ~~computer monitors, the total weight of printers, the total~~  
4 ~~weight of televisions, and the total weight of EEDs~~  
5 ~~recycled or processed for reuse.~~

6 ~~(3) The identification of all weights that are adjusted~~  
7 ~~under subsection (d) of this Section. For all weights~~  
8 ~~adjusted under item (2) of subsection (d), the manufacturer~~  
9 ~~must include copies of the written confirmation required~~  
10 ~~under that subsection.~~

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

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

17 (1) On or before January 31, 2013 and on or before every  
18 January 31 ~~No later than April 1 of program years 2011 and~~  
19 ~~thereafter,~~ computer, computer monitor, and printer  
20 manufacturers of computers, computer monitors, printers,  
21 televisions, electronic keyboards, facsimile machines,  
22 videocassette recorders, portable digital music players,  
23 digital video disc players, video game consoles, electronic  
24 mice, scanners, digital converter boxes, cable receivers,  
25 satellite receivers, digital video disc recorders, and small  
26 scale servers shall submit to the Agency, on forms and in a

1 format prescribed by the Agency, a report that contains all of  
2 the following information for the previous program year:

3 (1) The ~~the~~ total weight of computers, the total weight  
4 of computer monitors, the total weight of printers, the  
5 total weight of televisions, the total weight of electronic  
6 keyboards, the total weight of facsimile machines, the  
7 total weight of videocassette recorders, the total weight  
8 of portable digital music players, the total weight of  
9 digital video disc players, the total weight of video game  
10 consoles players, the total weight of electronic mice, the  
11 total weight of scanners, the total weight of digital  
12 converter boxes, the total weight of cable receivers, the  
13 total weight of satellite receivers, the total weight of  
14 digital video disc recorders, the total weight of small  
15 scale servers, and the total weight of EEDs recycled or  
16 processed for reuse. †

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

22 (3) A ~~a~~ list of each recycler, refurbisher, and  
23 collector used by the manufacturer to fulfill the  
24 manufacturer's individual recycling and reuse goal set  
25 forth in subsections ~~subsection~~ (c) and (c-5) of Section 15  
26 of this Act. † ~~and~~

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

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

10           (n) Beginning January 1, 2012 ~~2010~~, no manufacturer may  
11 sell a computer, computer monitor, printer, ~~or~~ television,  
12 electronic keyboard, facsimile machine, videocassette  
13 recorder, portable digital music player, digital video disc  
14 player, video game console, electronic mouse, scanner, digital  
15 converter box, cable receiver, satellite receiver, digital  
16 video disc recorder, or small scale server in this State unless  
17 the manufacturer is registered with the State as required under  
18 this Act, has paid the required registration fee, and is  
19 otherwise in compliance with the provisions of this Act.

20           (o) Beginning January 1, 2012 ~~2010~~, no manufacturer may  
21 sell a computer, computer monitor, printer, ~~or~~ television,  
22 electronic keyboard, facsimile machine, videocassette  
23 recorder, portable digital music player, digital video disc  
24 player, video game console, electronic mouse, scanner, digital  
25 converter box, cable receiver, satellite receiver, digital  
26 video disc recorder, or small scale server in this State unless



1 the manufacturer's brand name is permanently affixed to, and is  
2 readily visible on, the computer, computer monitor, printer, or  
3 television.

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

5 (415 ILCS 150/50)

6 Sec. 50. Recycler and refurbisher registration.

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

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

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

9 (c) No person may act as a recycler or a refurbisher of  
10 CEDs for a manufacturer obligated to meet goals under this Act  
11 unless the recycler or refurbisher is registered and has paid  
12 the registration fee as required under this Section. Neither a  
13 registered recycler nor a refurbisher may charge individual  
14 consumers a fee to recycle or refurbish CEDs and EEDs, unless  
15 the recycler or refurbisher provides (i) a financial incentive,  
16 such as a coupon, that is of greater or equal value to the fee  
17 being charged or (ii) premium service, such as curbside  
18 collection, home pick-up, or a similar method of collection.

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

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

1 processing, refurbishment, and recycling.

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

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

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

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

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

25 (4) Recyclers and refurbishers must maintain on file  
26 documentation that demonstrates the completion of an

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

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

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

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

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

1 regular self-audits or inspections of the recycler or  
2 refurbisher's environmental compliance at the facility.

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

14 (10) Recyclers and refurbishers must establish a  
15 system for identifying and properly managing components  
16 (such as circuit boards, batteries, CRTs, and mercury  
17 phosphor lamps) that are removed from CEDs and EEDs during  
18 disassembly. Recyclers and refurbishers must properly  
19 manage all hazardous and other components requiring  
20 special handling from CEDs and EEDs consistent with  
21 federal, State, and local laws and regulations. Recyclers  
22 and refurbishers must provide visible tracking (such as  
23 hazardous waste manifests or bills of lading) of hazardous  
24 components and materials from the facility to the  
25 destination facilities and documentation (such as  
26 contracts) stating how the destination facility processes

1 the materials received. No recycler or refurbisher may  
2 send, either directly or through intermediaries, hazardous  
3 wastes to solid waste (non-hazardous waste) landfills or to  
4 non-hazardous waste incinerators for disposal or energy  
5 recovery. For the purpose of these guidelines, smelting of  
6 hazardous wastes to recover metals for reuse in conformance  
7 with all applicable laws and regulations is not considered  
8 disposal or energy recovery.

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

25 (12) Recyclers and refurbishers must comply with  
26 federal and international law and agreements regarding the

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

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

1 and glass-to-glass recycling; or (iii) the shipment of CEDs  
2 and EEDs are being exported to companies or facilities that  
3 are owned or controlled by the original equipment  
4 manufacturer.

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

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

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



1           that uses or subcontracts for the use of prison labor.  
2       (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

3           (415 ILCS 150/55)

4           Sec. 55. Collector responsibilities.

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

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

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

24          (d) By January 31 ~~No later than May 1~~ of each program year,  
25      collectors must submit to the Agency, on forms and in a format

1 prescribed by the Agency, a report that contains the following  
2 information for the previous program year:

3 (1) The ~~the~~ total weight of individual CEDs collected  
4 ~~computers, the total weight of computer monitors, the total~~  
5 ~~weight of printers, the total weight of televisions,~~ and  
6 the total weight of EEDs collected or received for each  
7 manufacturer during the previous program year.

8 (2) A ~~a~~ list of each recycler and refurbisher that  
9 received CEDs and EEDs from the collector and the total  
10 weight each recycler and refurbisher received.

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

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

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

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

1           Sec. 60. Collection strategy for underserved counties.

2           (a) For program year 2010 and 2011, all counties in this  
3 State except the following are considered underserved:  
4 Champaign, Clay, Clinton, Cook, DuPage, Fulton, Hancock,  
5 Henry, Jackson, Kane, Kendall, Knox, Lake, Livingston,  
6 Macoupin, McDonough, McHenry, McLean, Mercer, Peoria, Rock  
7 Island, St. Clair, Sangamon, Schuyler, Stevenson, Warren,  
8 Will, Williamson, and Winnebago.

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

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

1           Sec. 65. State government procurement.

2           (a) The Department of Central Management Services shall  
3 ensure that all bid specifications and contracts for the  
4 purchase or lease of desktop computers, laptop or notebook  
5 computers, and computer monitors, by State agencies under a  
6 statewide master contract require that the electronic products  
7 have a Bronze performance tier or higher registration under the  
8 Electronic Product Environmental Assessment Tool ("EPEAT")  
9 operated by the Green Electronics Council.

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

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

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

1 (415 ILCS 150/80)

2 Sec. 80. Penalties.

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

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

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

21 (1) In program year 2012, if the total weight of CEDs  
22 and EEDs recycled or processed for reuse by the  
23 manufacturer is less than 50% ~~60%~~ of the manufacturer's  
24 individual recycling or reuse goal set forth in subsection  
25 (c) of Section 15 ~~Section 19~~ of this Act, the manufacturer

1 shall pay a penalty equal to the product of: (i) \$0.70 per  
2 pound; multiplied by (ii) the difference between the  
3 manufacturer's individual recycling or reuse goal and the  
4 total weight of CEDs and EEDs recycled or processed for  
5 reuse by the manufacturer during the program year.

6 (2) In program year 2013, ~~and each year thereafter,~~ if  
7 the total weight of CEDs and EEDs recycled or processed for  
8 reuse by the manufacturer is less than 60% ~~75%~~ of the  
9 manufacturer's individual recycling or reuse goal set  
10 forth in subsection (c-5) of Section 15 ~~Section 19~~ of this  
11 Act, the manufacturer shall pay a penalty equal to the  
12 product of: (i) \$0.70 per pound; multiplied by (ii) the  
13 difference between the manufacturer's individual recycling  
14 or reuse goal and the total weight of CEDs and EEDs  
15 recycled or processed for reuse by the manufacturer during  
16 the program year.

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

1           year.

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

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

9           (f) A knowing violation of subsections (a) and (c) of  
10 Section 95 of this Act by anyone other than a residential  
11 consumer is a petty offense punishable by a fine of \$500. A  
12 knowing violation of subsections (a) and (c) of Section 95 of  
13 this Act by a residential consumer is a petty offense  
14 punishable by a fine of \$25 for a first violation; however, a  
15 subsequent violation by a residential consumer is a petty  
16 offense punishable by a fine of \$50 ~~\$100~~.

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

23           (h) The Attorney General, at the request of the Agency or  
24 on his or her own motion, may institute a civil action for an  
25 injunction, prohibitory or mandatory, to restrain violations  
26 of this Act or to require such actions as may be necessary to

1 address violations of this Act.

2 (i) The penalties and injunctions provided in this Act are  
3 in addition to any penalties, injunctions, or other relief  
4 provided under any other law. Nothing in this Act bars a cause  
5 of action by the State for any other penalty, injunction, or  
6 relief provided by any other law.

7 (j) The fine associated with the administrative citations  
8 set forth in subsection (k) of Section 20 shall be limited to  
9 \$1,000. Administrative citations may be used to enforce  
10 violation of the landfill ban subject to fines set forth in  
11 subsection (f) of this Section.

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

13 (415 ILCS 150/95)

14 Sec. 95. Landfill ban.

15 (a) Except as may be provided pursuant to subsection (e) of  
16 this Section, and beginning January 1, 2012, no person may  
17 knowingly cause or allow the mixing of a CED, or any other  
18 computer, computer monitor, printer, ~~or~~ television, electronic  
19 keyboard, facsimile machine, videocassette recorder, portable  
20 digital music player, digital video disc player, video game  
21 console, electronic mouse, scanner, digital converter box,  
22 cable receiver, satellite receiver, digital video disc  
23 recorder, or small scale server with municipal waste that is  
24 intended for disposal at a landfill.

25 (b) Except as may be provided pursuant to subsection (e) of



1 this Section, and beginning January 1, 2012, no person may  
2 knowingly cause or allow the disposal of a CED or any other  
3 computer, computer monitor, printer, ~~or~~ television, electronic  
4 keyboard, facsimile machine, videocassette recorder, portable  
5 digital music player, digital video disc player, video game  
6 console, electronic mouse, scanner, digital converter box,  
7 cable receiver, satellite receiver, digital video disc  
8 recorder, or small scale server in a sanitary landfill.

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

18 (d) Beginning January 1, 2012, no person may knowingly  
19 cause or allow the burning or incineration of a CED, or any  
20 other computer, computer monitor, printer, ~~or~~ television,  
21 electronic keyboard, facsimile machine, videocassette  
22 recorder, portable digital music player, digital video disc  
23 player, video game console, electronic mouse, scanner, digital  
24 converter box, cable receiver, satellite receiver, digital  
25 video disc recorder, or small scale server.

26 (e) Beginning April 1, 2012 but no later than December 31,

1 2013, the Illinois Pollution Control Board (Board) is  
2 authorized to review temporary CED landfill ban waiver  
3 petitions by county governments or municipal joint action  
4 agencies (action agencies) and determine whether the  
5 respective county's or action agency's jurisdiction may be  
6 granted a temporary CED landfill ban waiver due to a lack of  
7 funds and a lack of collection opportunities to collect CEDs  
8 and EEDs within the county's or action agency's jurisdiction.  
9 If the Board grants a waiver under this subsection (e),  
10 subsections (a) and (b) of this Section shall not apply to CEDs  
11 and EEDs that are taken out of service from residences within  
12 the jurisdiction of the county or action agency receiving the  
13 waiver and disposed of during the remainder of the program year  
14 in which the petition is filed.

15 (1) The petition from the county or action agency shall  
16 include the following:

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

22 (B) an assessment of other collection  
23 opportunities in the county's or action agency's  
24 jurisdiction demonstrating insufficient capacity for  
25 the anticipated volume of CEDs and EEDs for the  
26 remainder of the program year in which the petition is

1           being filed.

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

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

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

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

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

1 jurisdiction over the petitioner.

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

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

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

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

23 (415 ILCS 150/16 rep.)

24 (415 ILCS 150/17 rep.)

25 (415 ILCS 150/18 rep.)

1 (415 ILCS 150/19 rep.)

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".