

1 AN ACT concerning environmental safety.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.708 as follows:

6 (30 ILCS 105/5.708 new)

7 Sec. 5.708. The White Goods Recycling Fund.

8 Section 10. The Environmental Protection Act is amended by
9 changing Section 22.28 as follows:

10 (415 ILCS 5/22.28) (from Ch. 111 1/2, par. 1022.28)

11 Sec. 22.28. White goods.

12 (a) Beginning July 1, ~~2008~~ ~~1994~~, no owner or operator of a
13 landfill shall knowingly accept any white goods or white goods
14 components for final disposal.

15 (b) Beginning July 1, 2008, no person shall knowingly
16 process white goods by destruction or recycling unless the
17 white good components have been removed.

18 (c) Beginning one year after the effective date of this
19 amendatory Act of the 95th General Assembly, no person may
20 knowingly deliver a white good for destruction and recycling
21 unless it has had the white good components removed and has the

1 notification number of a registered white goods processor
2 affixed to it, except that white goods may be delivered for
3 destruction and recycling with white good components intact,
4 and without affixing a notification number of a registered
5 white good processor, if the person accepting the white goods
6 for destruction and recycling has registered with the Agency as
7 a white goods processor and has received a notification number
8 pursuant to subsection (e) of this Section.

9 (d) Beginning July 1, 2008, all white good components
10 removed by a white goods processor must be managed as special
11 waste and treated in accordance with this Act and rules
12 promulgated under this Act. No person may knowingly vent
13 fluorocarbon refrigerant gasses into the atmosphere during the
14 maintenance, servicing, repair, or disposal of refrigeration
15 or air conditioning equipment in violation of State or federal
16 statutes, rules, or regulations.

17 (e) Beginning July 1, 2008, any person who knowingly
18 removes white good components from discarded white goods shall
19 register with the Agency, before removing white good
20 components, as a white goods processor and shall submit to the
21 Agency, on a form prescribed and provided by the Agency, the
22 following information:

23 (1) the name, address, and phone number of the
24 processing facility;

25 (2) the name, address, and phone number of the owner
26 and operator of the facility;

1 (3) a list of equipment and removal procedures to be
2 used to assure proper removal of the major appliance
3 components; and

4 (4) procedures for safe storage of major appliance
5 components after removal.

6 The Agency shall assign a unique notification number to
7 each white goods processing facility registered by an owner or
8 operator.

9 (f) The White Goods Recycling Fund is created as a special
10 fund in the State treasury. All amounts from penalties or
11 punitive damages for violations of this Section must be
12 deposited into the Fund. The Agency, subject to appropriation,
13 shall use those amounts to enforce the provisions of this
14 Section.

15 (g) Every 2 years, the Agency shall report to the Governor
16 and to the General Assembly on its activities relating to
17 enforcement of this Section.

18 ~~person shall knowingly offer for collection or collect~~
19 ~~white goods for the purpose of disposal by landfilling unless~~
20 ~~the white good components have been removed.~~

21 ~~(b) Beginning July 1, 1994, no owner or operator of a~~
22 ~~landfill shall accept any white goods for final disposal,~~
23 ~~except that white goods may be accepted if:~~

24 ~~(1) the landfill participates in the Industrial~~
25 ~~Materials Exchange Service by communicating the~~
26 ~~availability of white goods;~~

1 ~~(2) prior to final disposal, any white good components~~
2 ~~have been removed from the white goods; and~~

3 ~~(3) if white good components are removed from the white~~
4 ~~goods at the landfill, a site operating plan satisfying~~
5 ~~this Act has been approved under the site operating permit~~
6 ~~and the conditions of such operating plan are met.~~

7 (h) ~~(e)~~ For the purposes of this Section:

8 (1) "White goods" shall include all discarded
9 refrigerators, ranges, water heaters, freezers, air
10 conditioners, stoves, clothes washers, clothes dryers,
11 dehumidifiers, ovens, dishwashers, water coolers, heat
12 pumps, chillers, furnaces, and boilers ~~humidifiers and~~
13 ~~other similar domestic and commercial large appliances.~~

14 (2) "White good components" shall include:

15 (i) any chlorofluorocarbon refrigerant gas;

16 (ii) any electrical switch containing mercury;

17 (iii) any device that contains or may contain PCBs
18 in a closed system, such as a dielectric fluid for a
19 capacitor, ballast or other component; and

20 (iv) any fluorescent lamp that contains mercury.

21 ~~(d) The Agency is authorized to provide financial~~
22 ~~assistance to units of local government from the Solid Waste~~
23 ~~Management Fund to plan for and implement programs to collect,~~
24 ~~transport and manage white goods. Units of local government may~~
25 ~~apply jointly for financial assistance under this Section.~~

26 ~~Applications for such financial assistance shall be~~

1 ~~submitted to the Agency and must provide a description of:~~

2 ~~(A) the area to be served by the program;~~

3 ~~(B) the white goods intended to be included in the~~
4 ~~program;~~

5 ~~(C) the methods intended to be used for collecting~~
6 ~~and receiving materials;~~

7 ~~(D) the property, buildings, equipment and~~
8 ~~personnel included in the program;~~

9 ~~(E) the public education systems to be used as part~~
10 ~~of the program;~~

11 ~~(F) the safety and security systems that will be~~
12 ~~used;~~

13 ~~(G) the intended processing methods for each white~~
14 ~~goods type;~~

15 ~~(H) the intended destination for final material~~
16 ~~handling location; and~~

17 ~~(I) any staging sites used to handle collected~~
18 ~~materials, the activities to be performed at such sites~~
19 ~~and the procedures for assuring removal of collected~~
20 ~~materials from such sites.~~

21 ~~The application may be amended to reflect changes in~~
22 ~~operating procedures, destinations for collected materials, or~~
23 ~~other factors.~~

24 ~~Financial assistance shall be awarded for a State fiscal~~
25 ~~year, and may be renewed, upon application, if the Agency~~
26 ~~approves the operation of the program.~~

1 ~~(e) All materials collected or received under a program~~
2 ~~operated with financial assistance under this Section shall be~~
3 ~~recycled whenever possible. Treatment or disposal of collected~~
4 ~~materials are not eligible for financial assistance unless the~~
5 ~~applicant shows and the Agency approves which materials may be~~
6 ~~treated or disposed of under various conditions.~~

7 ~~Any revenue from the sale of materials collected under such~~
8 ~~a program shall be retained by the unit of local government and~~
9 ~~may be used only for the same purposes as the financial~~
10 ~~assistance under this Section.~~

11 (i) ~~(f)~~ The Agency is authorized to adopt rules necessary
12 or appropriate to the administration of this Section.

13 (j) No rulemaking authority. Notwithstanding any other
14 rulemaking authority that may exist, neither the Governor nor
15 any agency or agency head under the jurisdiction of the
16 Governor has any authority to make or promulgate rules to
17 implement or enforce the provisions of this amendatory Act of
18 the 95th General Assembly. If, however, the Governor believes
19 that rules are necessary to implement or enforce the provisions
20 of this amendatory Act of the 95th General Assembly, the
21 Governor may suggest rules to the General Assembly by filing
22 them with the Clerk of the House and Secretary of the Senate
23 and by requesting that the General Assembly authorize such
24 rulemaking by law, enact those suggested rules into law, or
25 take any other appropriate action in the General Assembly's
26 discretion. Nothing contained in this amendatory Act of the

1 95th General Assembly shall be interpreted to grant rulemaking
2 authority under any other Illinois statute where such authority
3 is not otherwise explicitly given. For the purposes of this
4 subsection, "rules" is given the meaning contained in Section
5 1-70 of the Illinois Administrative Procedure Act, and "agency"
6 and "agency head" are given the meanings contained in Sections
7 1-20 and 1-25 of the Illinois Administrative Procedure Act to
8 the extent that such definitions apply to agencies or agency
9 heads under the jurisdiction of the Governor.

10 ~~(g) (Blank).~~

11 (Source: P.A. 91-798, eff. 7-9-00.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.