

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the
5 Electronic Products Recycling and Reuse Act.

6 Section 5. Findings and purpose.

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

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

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

15 (3) Many obsolete electronic products can be recycled
16 or refurbished for reuse and then returned to the economic
17 mainstream in the form of raw materials or products.

18 (4) Electronic products contain metals, plastics, and
19 leaded glass that have resale value. The reuse of these
20 components conserves natural resources and energy, and the
21 reuse also reduces air and water pollution and greenhouse
22 gas emissions.

23 (5) A management is necessary to place the reuse and

1 recycling of obsolete residential electronic products as
2 the preferred management strategy over incineration and
3 landfill disposal.

4 (6) The Illinois Recycling Economic Information Study
5 of 2001 estimates that the total economic impact of
6 establishing statewide recycling and reuse programs for
7 residential electronic products may result in the creation
8 of nearly 4,000 new jobs and \$740 million in annual
9 receipts.

10 (7) The State-appointed Computer Equipment Disposal
11 and Recycling Commission issued a final report in May 2006
12 recommending legislative, regulatory, or other actions to
13 properly address the recycling and reuse of obsolete
14 residential electronic products.

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

18 Section 10. Definitions. As used in this Act:

19 "Agency" means the Environmental Protection Agency.

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

23 "Collector" means a person who receives covered electronic
24 devices or eligible electronic devices directly from a
25 residence for recycling or processing for reuse. "Collector"

1 includes, but is not limited to, manufacturers, recyclers, and
2 refurbishers who receive CEDs or EEDs directly from the public.

3 "Computer", often referred to as a "personal computer" or
4 "PC", means a desktop or notebook computer as further defined
5 below and used only in a residence, but does not mean an
6 automated typewriter, electronic printer, mobile telephone,
7 portable hand-held calculator, portable digital assistant
8 (PDA), MP3 player, or other similar device. "Computer" does not
9 include computer peripherals, commonly known as cables, mouse,
10 or keyboard. "Computer" is further defined as either:

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

1 keyboard, and mouse with an external or internal power
2 supply for a power source. Desktop computer does not
3 include an automated typewriter or typesetter; or

4 (2) "Notebook 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 notebook computer is achieved
13 through a keyboard, video display greater than 4 inches in
14 size, and mouse or other pointing device, all of which are
15 contained within the construction of the unit that
16 comprises the notebook computer; supplemental stand-alone
17 interface devices typically can also be attached to the
18 notebook computer. Notebook computers can use external,
19 internal, or batteries for a power source. Notebook
20 computer does not include a portable hand-held calculator,
21 or a portable digital assistant or similar specialized
22 device. A notebook computer has an incorporated video
23 display greater than 4 inches in size and can be carried as
24 one unit by an individual. A notebook computer is sometimes
25 referred to as a laptop computer.

26 "Computer monitor" means an electronic device that is a

1 cathode-ray tube or flat panel display primarily intended to
2 display information from a computer and is used only in a
3 residence.

4 "Covered electronic device" or "CED" means any computer,
5 computer monitor, television, or printer that is taken out of
6 service from a residence in this State regardless of purchase
7 location. "Covered electronic device" does not include any of
8 the following:

9 (1) an electronic device that is a part of a motor
10 vehicle or any component part of a motor vehicle assembled
11 by or for a vehicle manufacturer or franchised dealer,
12 including replacement parts for use in a motor vehicle;

13 (2) an electronic device that is functionally or
14 physically part of a larger piece of equipment or that is
15 taken out of service from an industrial, commercial
16 (including retail), library checkout, traffic control,
17 kiosk, security (other than household security),
18 governmental, agricultural, or medical setting, including
19 but not limited to diagnostic, monitoring, or control
20 equipment; or

21 (3) an electronic device that is contained within a
22 clothes washer, clothes dryer, refrigerator, refrigerator
23 and freezer, microwave oven, conventional oven or range,
24 dishwasher, room air conditioner, dehumidifier, water
25 pump, sump pump, or air purifier.

26 To the extent allowed under federal and State laws and

1 regulations, a CED that is being collected, recycled, or
2 processed for reuse is not considered to be hazardous waste,
3 household waste, solid waste, or special waste.

4 "Developmentally disabled" means having a severe
5 disability, as defined by the Office of Rehabilitation Services
6 of the Illinois Department of Human Services, that can be
7 expected to result in death or that has lasted, or is expected
8 to last, at least 12 months and that prevents working at a
9 "substantial gainful activity" level.

10 "Dismantling" means the demanufacturing and shredding of a
11 CED.

12 "Eligible electronic device" or "EED" means any of the
13 following electronic products taken out of service from a
14 residence in this State regardless of purchase location: mobile
15 telephone; computer cable, mouse, or keyboard; stand-alone
16 facsimile machine; MP3 player; portable digital assistant
17 (PDA); video game console, video cassette recorder/player,
18 digital video disk player, or similar video device; zip drive;
19 or scanner. To the extent allowed under federal and state laws
20 and regulations, an EED that is being collected, recycled, or
21 processed for reuse is not considered to be hazardous waste,
22 household waste, solid waste, or special waste.

23 "Low income children and families" mean those children and
24 families that are subject to the most recent version of the
25 United States Department of Health and Human Services Federal
26 Poverty Guidelines.

1 "Manufacturer" means a person, or a successor in interest
2 to a person, under whose brand or label a CED is or was sold at
3 retail. For CEDs sold at retail under a brand or label that is
4 licensed from a person who is a mere brand owner and who does
5 not sell or produce the CED, the person who produced the CED or
6 his or her successor in interest is the manufacturer. For CEDs
7 sold that were at retail under the brand or label of both the
8 retail seller and the person that produced the CED, the person
9 that produced the CED, or his or her successor in interest, is
10 the manufacturer. A retail seller of CEDs may elect to be the
11 manufacturer of one or more CEDs if the retail seller provides
12 written notice to the Agency that it is accepting
13 responsibility as the manufacturer of the CED under this Act
14 and identifies the CEDs for which it is electing to be the
15 manufacturer.

16 "Municipal joint action agency" means a municipal joint
17 action agency created under Section 3.2 of the
18 Intergovernmental Cooperation Act.

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

23 "Person" means any individual, partnership,
24 co-partnership, firm, company, limited liability company,
25 corporation, association, joint stock company, trust, estate,
26 political subdivision, State agency, or any other legal entity,

1 or a legal representative, agent, or assign of that entity.

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

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

20 "Program Year" means a calendar year. The first program
21 year is 2010.

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

26 "Recycling" means any method, technique, or process by

1 which CEDs or EEDs that would otherwise be disposed of or
2 discarded are instead collected, separated, or processed and
3 are returned to the economic mainstream in the form of raw
4 materials or products. "Recycling" includes the collection,
5 transportation, dismantling, and shredding of the CEDs or EEDs.

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

10 "Residence" means a dwelling place or home in which one or
11 more individuals live.

12 "Retailer" means a person who sells, rents, or leases,
13 through sales outlets, catalogues, or the Internet, computers,
14 computer monitors, or televisions at retail to individuals in
15 this State. For purposes of this Act, sales to individuals at
16 retail are considered to be sales for residential use.
17 "Retailer" includes, but is not limited to, manufacturers who
18 sell computers, computer monitors, or televisions at retail
19 directly to individuals in this State.

20 "Sale" means any retail transfer of title for consideration
21 of title including, but not limited to, transactions conducted
22 through sales outlets, catalogs, or the Internet or any other
23 similar electronic means but does not mean financing or
24 leasing.

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 Section 15. Statewide recycling and reuse goals for all
7 covered electronic devices.

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

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

16 For the purposes of this subsection (b):

17 The "2010 base weight" means the greater of: (i) twice the
18 total weight of all CEDs that were recycled or processed for
19 reuse between January 1, 2010 and June 30, 2010 as reported to
20 the Agency under subsection (i) or (j) of Section 30; or (ii)
21 twice the total weight of all CEDs that were recycled or
22 processed for reuse between January 1, 2010 and June 30, 2010
23 as reported to the Agency under subsection (c) of Section 55.

24 The "2010 goal attainment percentage" means:

25 (1) 90% if the 2010 base weight is less than 90% of the

1 statewide recycling or reuse goal for program year 2010;

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

5 (3) 100% if the 2010 base weight is 95% or greater, but
6 does not exceed 105%, of the statewide recycling or reuse
7 goal for program year 2010;

8 (4) 105% if the 2010 base weight is 105% or greater,
9 but does not exceed 110%, of the statewide recycling or
10 reuse goal for program year 2010; and

11 (5) 110% if the 2010 base weight is 110% or greater of
12 the statewide recycling or reuse goal for program year
13 2010.

14 (c) For program years 2012 and thereafter, the statewide
15 recycling or reuse goal for all CEDs is the product of: (i) the
16 base weight; multiplied by (ii) the goal attainment percentage.

17 For the purposes of this subsection (c):

18 The "base weight" means the greater of: (i) the total
19 weight of all CEDs recycled or processed for reuse during the
20 previous program year as reported to the Agency under
21 subsection (k) or (l) of Section 30; or (ii) the total weight
22 of all CEDs recycled or processed for reuse during the previous
23 program year as reported to the Agency under subsection (d) of
24 Section 55.

25 The "goal attainment percentage" means:

26 (1) 90% if the base weight is less than 90% of the

1 statewide recycling or reuse goal for the previous program
2 year;

3 (2) 95% if the base weight is 90% or greater, but does
4 not exceed 95%, of the statewide recycling or reuse goal
5 for the previous program year;

6 (3) 100% if the base weight is 95% or greater, but does
7 not exceed 105%, of the statewide recycling or reuse goal
8 for the previous program year;

9 (4) 105% if the base weight is 105% or greater, but
10 does not exceed 110%, of the statewide recycling or reuse
11 goal for the previous program year; and

12 (5) 110% if the base weight is 110% or greater of the
13 statewide recycling or reuse goal for the previous program
14 year.

15 Section 16. Statewide recycling or reuse goals for all
16 television manufacturers.

17 (a) For program year 2010, the statewide recycling or reuse
18 goal for television manufacturers is 53% of the statewide goal
19 for all CEDs under subsection (a) of Section 15.

20 (b) For program year 2011, the statewide recycling or reuse
21 goal for television manufacturers is the product of: (i) an
22 amount equal to the total weight of televisions that were
23 recycled or processed for reuse between January 1, 2010 and
24 June 30, 2010, as reported under subsection (i) of Section 30,
25 divided by 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 under subsection (i) of Section 30; multiplied by
3 (ii) the statewide recycling or reuse goal for all CEDs under
4 subsection (b) of Section 15.

5 (c) For program years 2012 and thereafter, the statewide
6 recycling or reuse goal for television manufacturers is the
7 product of: (i) an amount equal to the total weight of
8 televisions recycled or processed for reuse during the previous
9 program year, as reported under subsection (d) of Section 20,
10 divided by the total weight of all CEDs recycled or processed
11 for reuse, as reported under subsection (d) of Section 20;
12 multiplied by (ii) the statewide recycling or reuse goal for
13 all CEDs under subsection (c) of Section 15.

14 Section 17. Statewide recycling or reuse goals for all
15 computer, computer monitor, and printer manufacturers.

16 (a) For program year 2010, the statewide recycling or reuse
17 goal for computer, computer monitor, and printer manufacturers
18 is 47% of the statewide goal for all CEDs under subsection (a)
19 of Section 15.

20 (b) For program year 2011, the statewide recycling or reuse
21 goal for computer, computer monitor, and printer manufacturers
22 is the product of: (i) an amount equal to the total weight of
23 computers, computer monitors, and printers that were recycled
24 or processed for reuse between January 1, 2010 and June 30,
25 2010, as reported under subsection (j) of Section 30, divided

1 by the total weight of all CEDs that were recycled or processed
2 for reuse between January 1, 2010 and June 30, 2010, as
3 reported under subsection (j) of Section 30; multiplied by (ii)
4 statewide recycling or reuse goal for all CEDs under subsection
5 (b) of Section 15.

6 (c) For program years 2012 and thereafter, the statewide
7 recycling or reuse goal for computer, computer monitor, and
8 printer manufacturers is the product of: (i) an amount equal to
9 the total weight of computers, computer monitors, and printers
10 recycled or processed for reuse during the previous program
11 year, as reported under subsection (d) of Section 20, divided
12 by the total weight of all CEDs recycled or processed for
13 reuse, as reported under subsection (d) of Section 20;
14 multiplied by (ii) statewide recycling or reuse goal for all
15 CEDs under subsection (c) of Section 15.

16 Section 18. Determination of market shares and return
17 shares.

18 (a) The recycling or reuse goal for each television
19 manufacturer is based upon that manufacturer's market share.
20 The market share for each television manufacturer is the
21 following:

22 (1) For program year 2010, the quotient of: (i) the
23 total weight of the manufacturer's televisions that were
24 sold at retail in this State to individuals between October
25 1, 2008 and March 31, 2009, as reported under subsection

1 (h) of Section 30; divided by (ii) the total weight of all
2 televisions that were sold at retail in this State to
3 individuals between October 1, 2008 and March 31, 2009, as
4 reported under subsection (h) of Section 30.

5 (2) For program year 2011, the quotient of: (i) the
6 total weight of the manufacturer's televisions that were
7 sold at retail in this State to individuals between January
8 1, 2010 and June 30, 2010, as reported under subsection (i)
9 of Section 30; divided by (ii) the total weight of all
10 televisions that were sold at retail in this State to
11 individuals between January 1, 2010 and June 30, 2010, as
12 reported under subsection (i) of Section 30.

13 (3) For program years 2012 and thereafter, the quotient
14 of: (i) the total weight of the manufacturer's televisions
15 that were sold at retail in this State to individuals
16 during the previous program year, as reported under
17 subsection (k) of Section 30; divided by (ii) the total
18 weight of all televisions sold at retail in this State to
19 individuals during the previous program year, as reported
20 under subsection (k) of Section 30.

21 (b) The recycling or reuse goals for each manufacturer of
22 computers, computer monitors, or printers is based upon that
23 manufacturer's return share. The return share for each
24 manufacturer of computers or computer monitors is the
25 following:

26 (1) For program year 2010, the return share for each

1 manufacturer shall be determined using the information the
2 Florida Department of Environmental Protection used to
3 create its October 5, 2007, report entitled "Quantifying
4 Electronic Product Brand Market Share as a Metric for
5 Apportioning Manufacturer Share of Recycling System
6 Costs". Using the same information that was used to
7 generate Tables 6 and 9 of the report, a manufacturer's
8 return share shall be equal to the quotient of: (i) the sum
9 of the number of the manufacturer's computers received for
10 recycling plus the number of the manufacturer's computer
11 monitors received for recycling, plus the number of the
12 manufacturer's printers received for recycling, divided by
13 (ii) the sum of the total number of computers received for
14 recycling plus the total number of computer monitors
15 received for recycling, plus the sum of the total number of
16 printers received for recycling.

17 (2) For program year 2011, the quotient of: (i) the
18 total weight of the manufacturer's computers, computer
19 monitors, and printers that were taken out of service from
20 a residence in this State and recycled or processed for
21 reuse between January 1, 2010 and June 30, 2010, as
22 reported under subsection (j) of Section 30; divided by
23 (ii) the total weight of all computers, computer monitors,
24 and printers that were taken out of service from a
25 residence in this State and recycled or processed for reuse
26 between January 1, 2010 and June 30, 2010, as reported

1 under subsection (j) of Section 30.

2 (3) For program years 2012 and thereafter, the quotient
3 of: (i) the total weight of the manufacturer's computers,
4 computer monitors, and printers that were taken out of
5 service from a residence in this State and recycled or
6 processed for reuse during the previous program year, as
7 reported under subsection (l) of Section 30; divided by
8 (ii) the total weight of all computers, computer monitors,
9 and printers that were taken out of service from a
10 residence in this State and recycled or processed for reuse
11 during the previous program year, as reported under
12 subsection (l) of Section 30.

13 Section 19. Recycling or reuse goals for individual
14 manufacturers.

15 (a) The individual recycling and reuse goal for each
16 television manufacturer is the product of (i) the statewide
17 goal for the recycling and reuse for all television
18 manufacturers under Section 16; multiplied by (ii) that
19 manufacturer's market share under subsection (a) of Section 18.

20 (b) The individual recycling and reuse goal for each
21 manufacturer of computers, computer monitors, or printers is
22 the product of (i) the statewide goal for the recycling and
23 reuse for all all computer, computer monitor, and printer
24 manufacturers under Section 17; multiplied by (ii) that
25 manufacturer's return share under subsection (b) of Section 18.

1 Section 20. Agency responsibilities.

2 (a) The Agency has the authority to monitor compliance with
3 this Act and to refer violations of this Act to the Attorney
4 General.

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

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

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

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

1 collectors under Sections 30 and 55;

2 (2) a listing of all collection sites as set forth
3 under subsection (e) of Section 55;

4 (3) a statement of the manufacturers' progress toward
5 achieving the statewide recycling goal set forth in Section
6 15 (calculated from the manufacturer reports pursuant to
7 Section 30 and the collector reports pursuant to Section
8 55) and any identified State actions that may help expand
9 collection opportunities to help manufacturers achieve the
10 statewide recycling goal;

11 (4) a listing of any manufacturers whom the Agency
12 referred to the Attorney General's Office for enforcement
13 as a result of a violation of this Act;

14 (5) a discussion of the Agency's education and outreach
15 activities; and

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

22 (e) The Agency shall post on its website (1) a list of
23 manufacturers that have paid the current year's registration
24 fee as set forth in Section 30(b) and (2) a list of registered
25 collectors to whom Illinois residents can bring CEDs and EEDs
26 for recycling or processing for reuse, including links to the

1 collectors' websites and the collectors' phone numbers.

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

7 (g) No later than October 1 of each program year, the
8 Agency must post on its website the following information for
9 the next program year:

10 (1) The overall statewide recycling and reuse goal for
11 CEDs, as well as the sub-goals for televisions, and
12 computers, computer monitors, and printers as set forth in
13 Section 15.

14 (2) The market shares of television manufacturers and
15 the return shares of computer, computer monitor, and
16 printer manufacturers, as set forth in Section 18, and

17 (3) The individual recycling and reuse goals for each
18 manufacturer, as set forth in Section 19.

19 (h) By April 1, 2011, and by April 1 of all subsequent
20 years, the Agency shall recognize those manufacturers that have
21 met or exceeded their recycling or reuse goals for the previous
22 program year. Such recognition shall be the awarding to all
23 such manufacturers of an Electronic Industry Recycling Award,
24 which shall be recognized on the Agency website and other media
25 as appropriate.

26 (i) By March 1, 2011, and by March 1 of each subsequent

1 year, the Agency shall post on its website a list of registered
2 manufacturers that have not met their annual recycling and
3 reuse goal for the previous program year.

4 j) By July 1, 2012, the Agency shall solicit written
5 comments regarding all aspects of the program codified in this
6 Act, for the purpose of determining if the program requires any
7 modifications.

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

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

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

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

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

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

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

1 (2) By July 1, 2012, the Agency shall complete its
2 review of the written comments received, as well as its own
3 reports on program years 2010 and 2011. By August 1, 2012,
4 the Agency shall hold a public hearing to present its
5 findings and solicit additional comments. All additional
6 comments shall be submitted to the Agency in writing no
7 later than October 1, 2012.

8 (3) The Agency's final report, which shall be issued no
9 later than February 1, 2013, shall be submitted to the
10 Governor and the General Assembly and shall include
11 specific recommendations for any necessary or appropriate
12 modifications to the program.

13 Section 30. Manufacturer responsibilities.

14 (a) Prior to April 1, 2009 for the first program year, and
15 by October 1 for program year 2011 and thereafter,
16 manufacturers whose computers, computer monitors, printers, or
17 televisions are sold in this State must register with the
18 Agency. The registration must be submitted in the form and
19 manner required by the Agency. The registration must include,
20 without limitation, all of the following:

21 (1) a list of all of the manufacturer's brands of
22 computers, computer monitors, printers, or televisions to
23 be offered for sale in the next program year;

24 (2) for manufacturers of both televisions and
25 computers, computer monitors, or printers, an

1 identification of whether, for residential use, (i)
2 televisions or (ii) computers, computer monitors, and
3 printers, represent the larger number of units sold for the
4 manufacturer; and

5 (3) a statement disclosing whether:

6 (A) any computer, computer monitor, printer, or
7 television sold in this State exceeds the maximum
8 concentration values established for lead, mercury,
9 cadmium, hexavalent chromium, polybrominated biphenyls
10 (PBBs), and polybrominated diphenyl ethers (PBDEEs)
11 under the RoHS (restricting the use of certain
12 hazardous substances in electrical and electronic
13 equipment) Directive 2002/95/EC of the European
14 Parliament and Council and any amendments thereto and,
15 if so, an identification of that computer, computer
16 monitor, or television; or

17 (B) the manufacturer has received an exemption
18 from one or more of those maximum concentration values
19 under the RoHS Directive that has been approved and
20 published by the European Commission.

21 If, during the program year, a manufacturer's computer,
22 computer monitor, printer, or television is sold or offered for
23 sale under a new brand that is not listed in the manufacturer's
24 registration, then, within 30 days after the first sale or
25 offer for sale under the new brand, the manufacturer must amend
26 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, or
4 televisions are sold in the State shall submit to the Agency,
5 at an address prescribed by the Agency, the registration fee
6 for the next program year. The registration fee for program
7 year 2010 is \$5,000.

8 For program years 2011 and later, the registration fee is
9 increased each year by an inflation factor determined by the
10 annual Implicit Price Deflator for Gross National Product, as
11 published by the U.S. Department of Commerce in its Survey of
12 Current Business. The inflation factor must be calculated each
13 year by dividing the latest published annual Implicit Price
14 Deflator for Gross National Product by the annual Implicit
15 Price Deflator for Gross National Product for the previous
16 year. The inflation factor must be rounded to the nearest
17 1/100th, and the resulting registration fee must be rounded to
18 the nearest whole dollar. No later than October 1 of each
19 program year, the Agency shall post on its website the
20 registration fee for the next program year.

21 (c) A manufacturer whose computers, computer monitors,
22 printers, or televisions are first sold or offered for sale in
23 this State on or after January 1 of a program year must
24 register with the Agency in accordance with subsection (a) of
25 this Section and submit the registration fee required under
26 subsection (b) of this Section prior to the manufacturer's

1 computers, computer monitors, printers, or televisions being
2 sold or offered for sale.

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

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

16 (1) The total weight of CEDs processed for reuse by the
17 manufacturer, its recyclers, or its refurbishers is
18 doubled.

19 (2) The total weight of CEDs is tripled if they are
20 donated for reuse by the manufacturer to a primary or
21 secondary public education institution or to a
22 not-for-profit entity that is established under Section
23 501(c)(3) of the Internal Revenue Code of 1986 and whose
24 principal mission is to assist low-income children or
25 families or to assist the developmentally disabled in
26 Illinois. This subsection applies only to CEDs for which

1 the manufacturer has received a written confirmation that
2 the recipient has accepted the donation. Copies of all
3 written confirmations must be submitted in the annual
4 report required under Section 30.

5 (3) The total weight of CEDs collected by manufacturers
6 free of charge in underserved counties is doubled. This
7 subsection applies only to CEDs that are documented by
8 collectors as being collected or received free of charge in
9 underserved counties. This documentation must include,
10 without limitation, the date and location of collection or
11 receipt, the weight of the CEDs collected or received, and
12 an acknowledgement by the collector that the CEDs were
13 collected or received free of charge. Copies of the
14 documentation must be submitted in the annual report
15 required under subsection (h), (i), (j), (k), or (l) of
16 Section 30.

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

1 contain the following data:

2 (1) the number and weight of CEDs, sorted by brand name
3 and product type, including a category for orphan CEDs;

4 (2) the total weight of the sample by product type;

5 (3) the date, location, and time of the sampling;

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

8 (5) a certification by the third-party auditor that the
9 sampling is statistically significant and, if not, an
10 explanation as to what occurred to render the sampling
11 insignificant.

12 The manufacturer shall notify the Agency 30 days prior to
13 the third-party auditor's return share sampling by providing
14 the Agency with the time and date on which the third-party
15 auditor will perform the return share sample. The Agency may,
16 at its discretion, be present at any sampling event and may
17 audit the methodology and the results of the third-party
18 auditor.

19 No less than 30 days after the close of each calendar
20 quarter, the manufacturer shall submit to the Agency the
21 results of the third-party samplings conducted during the
22 quarter. The results shall be submitted in the form and manner
23 required by the Agency.

24 (f) Manufacturers shall ensure that only recyclers and
25 refurbishers that have registered with the Agency are used to
26 meet the individual recycling and reuse goals set forth in this

1 Act.

2 (g) Manufacturers shall ensure that the recyclers and
3 refurbishers used to meet the individual recycling and reuse
4 goals set forth in this Act shall, at a minimum, comply with
5 the standards set forth under subsection (d) of Section 50 of
6 this Act.

7 (h) By August 15, 2009, television manufacturers shall
8 submit to the Agency, in the form and manner required by the
9 Agency, a report that contains the total weight of televisions
10 sold under each of the manufacturer's brands to individuals at
11 retail in this State, as set forth in the reports to
12 manufacturers by retailers under subsection (c) of Section 40.

13 (i) No later than September 1, 2010, television
14 manufacturers must submit to the Agency, in the form and manner
15 required by the Agency, a report for the period January 1, 2010
16 through June 30, 2010 that contains the following information:

17 (1) the total weight of televisions sold under each of
18 the manufacturer's brands to individuals at retail in this
19 State, as set forth in the reports submitted under
20 subsection (d) of Section 40; and

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

25 (j) By August 15, 2010, computer, computer monitor, and
26 printer manufacturers shall submit to the Agency, on forms and

1 in a format prescribed by the Agency, a report for the period
2 January 1, 2010 through June 30, 2010 that contains the total
3 weight of computers, the total weight of computer monitors, the
4 total weight of printers, the total weight of televisions, and
5 the total weight of EEDs, recycled or processed for reuse.

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

11 (1) the total weight of televisions sold under each of
12 the manufacturer's brands to individuals at retail in this
13 State, as set forth in the reports submitted under
14 subsection (e) of Section 40;

15 (2) the total weight of computers, the total weight of
16 computer monitors, the total weight of printers, the total
17 weight of televisions, and the total weight of EEDs
18 recycled or processed for reuse;

19 (3) the identification of all weights that are adjusted
20 under subsection (d) of this Section. For all weights
21 adjusted under item (2) of subsection (d), the manufacturer
22 must include copies of the written confirmation required
23 under that subsection;

24 (4) a list of each recycler, refurbisher, and collector
25 used by the manufacturer to fulfill the manufacturer's
26 individual recycling and reuse goal set forth in Section 19

1 of this Act;

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

4 (1) No later than April 1 of program years 2011 and
5 thereafter, computer, computer monitor, and printer
6 manufacturers shall submit to the Agency, on forms and in a
7 format prescribed by the Agency, a report that contains the
8 following information for the previous program year:

9 (1) the total weight of computers, the total weight of
10 computer monitors, the total weight of printers, the total
11 weight of televisions, and the total weight of EEDs
12 recycled or processed for reuse;

13 (2) the identification of all weights that are adjusted
14 under subsection (d) of this Section. For all weights
15 adjusted under item (2) of subsection (d), the manufacturer
16 must include copies of the written confirmation required
17 under that subsection;

18 (3) a list of each recycler, refurbisher, and collector
19 used by the manufacturer to fulfill the manufacturer's
20 individual recycling and reuse goal set forth in subsection
21 (c) of Section 15 of this Act; and

22 (4) a summary of the manufacturer's consumer education
23 program required under subsection (m) of this Section.

24 (m) Manufacturers must develop and maintain a consumer
25 education program that complements and corresponds to the
26 primary retailer-driven campaign required under Section 40 of

1 this Act. The education program shall promote the recycling of
2 electronic products and proper end-of-life management of the
3 products by consumers.

4 (n) Beginning January 1 2010, no manufacturer may sell a
5 computer, computer monitor, printer, or television in this
6 State unless the manufacturer is registered with the State as
7 required under this Act, has paid the required registration
8 fee, and is otherwise in compliance with the provisions of this
9 Act.

10 (o) Beginning January 1, 2010, no manufacturer may sell a
11 computer, computer monitor, printer, or television in this
12 State unless the manufacturer's brand name is permanently
13 affixed to, and is readily visible on, the computer, computer
14 monitor, printer, or television.

15 Section 40. Retailer responsibilities.

16 (a) Retailers shall be a primary source of information
17 about end-of-life options to residential consumers of
18 computers, computer monitors, printers, and televisions. At
19 the time of sale, the retailer shall provide each residential
20 consumer with information from the Agency's website that
21 provides information detailing where and how a consumer can
22 recycle a CED or return a CED for reuse.

23 (b) Beginning January 1, 2010, no retailer may sell or
24 offer for sale any computer, computer monitor, printer, or
25 television in or for delivery into this State unless:

1 (1) the computer, computer monitor, printer, or
2 television is labeled with a brand and the label is
3 permanently affixed and readily visible; and

4 (2) the manufacturer is registered with the Agency and
5 has paid the required registration fee as required under
6 Section 20 of this Act.

7 This subsection (b) does not apply to any computer, computer
8 monitor, printer, or television that was purchased prior to
9 January 1, 2010.

10 (c) By July 1, 2009, retailers shall report to each
11 television manufacturer, by model, the number of televisions
12 sold at retail to individuals in this State under each of the
13 manufacturer's brands during the 6-month period from October 1,
14 2008 through March 31, 2009.

15 (d) By August 1, 2010, retailers shall report to each
16 television manufacturer, by model, the number of televisions
17 sold at retail to individuals in this State under each of the
18 manufacturer's brands between January 1, 2010 and June 30,
19 2010.

20 (e) No later than February 15 of each program year,
21 retailers shall report to each television manufacturer, by
22 model, the number of televisions sold at retail to individuals
23 in this State under each of the manufacturer's brands during
24 the previous program year.

25 Section 50. Recycler and refurbisher registration.

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

10 (b) The registration fee for program year 2010 is \$2,000.
11 For program years 2011 and thereafter, the registration fee is
12 increased each year by an inflation factor determined by the
13 annual Implicit Price Deflator for Gross National Product as
14 published by the U.S. Department of Commerce in its Survey of
15 Current Business. The inflation factor must be calculated each
16 year by dividing the latest published annual Implicit Price
17 Deflator for Gross National Product by the annual Implicit
18 Price Deflator for Gross National Product for the previous
19 year. The inflation factor must be rounded to the nearest
20 1/100th, and the resulting registration fee must be rounded to
21 the nearest whole dollar. No later than October 1 of each
22 program year, the Agency shall post on its website the
23 registration fee for the next program year.

24 (c) No person may act as a recycler or a refurbisher of
25 CEDs for a manufacturer obligated to meet goals under this Act
26 unless the recycler or refurbisher is registered and has paid

1 the registration fee as required under this Section.

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

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

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

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

18 (B) an up-to-date, written plan for the
19 identification and management of hazardous materials;
20 and

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

25 (3) Recyclers and refurbishers must maintain (i)
26 commercial general liability insurance or the equivalent

1 corporate guarantee for accidents and other emergencies
2 with limits of not less than \$1,000,000 per occurrence and
3 \$1,000,000 aggregate and (ii) pollution legal liability
4 insurance with limits not less than \$1,000,000 per
5 occurrence for companies engaged solely in the dismantling
6 activities and \$5,000,000 per occurrence for companies
7 engaged in recycling.

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

19 (5) Recyclers and refurbishers must maintain on file
20 proof of workers' compensation and employers' liability
21 insurance.

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

1 (7) Recyclers and refurbishers must apply due
2 diligence principles to the selection of facilities to
3 which components and materials (such as plastics, metals,
4 and circuit boards) from CEDs and EEDs are sent for reuse
5 and recycling.

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

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

23 (10) Recyclers and refurbishers must establish a
24 system for identifying and properly managing components
25 (such as circuit boards, batteries, CRTs, and mercury
26 phosphor lamps) that are removed from CEDs and EEDs during

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

18 (11) Recyclers and refurbishers must use a regularly
19 implemented and documented monitoring and record-keeping
20 program that tracks inbound CED and EED material weights
21 (total) and subsequent outbound weights (total to each
22 destination), injury and illness rates, and compliance
23 with applicable permit parameters including monitoring of
24 effluents and emissions. Recyclers and refurbishers must
25 maintain contracts or other documents, such as sales
26 receipts, suitable to demonstrate: (i) the reasonable

1 expectation that there is a downstream market or uses for
2 designated electronics (which may include recycling or
3 reclamation processes such as smelting to recover metals
4 for reuse); and (ii) that any residuals from recycling or
5 reclamation processes, or both, are properly handled and
6 managed to maximize reuse and recycling of materials to the
7 extent practical.

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

18 (13) Recyclers and refurbishers that conduct
19 transactions involving the transboundary shipment of used
20 CEDs and EEDs shall use contracts (or the equivalent
21 commercial arrangements) made in advance that detail the
22 quantity and nature of the materials to be shipped. For the
23 export of materials to a foreign country (directly or
24 indirectly through downstream market contractors): (i) the
25 shipment of intact televisions and computer monitors
26 destined for reuse must include only whole products that

1 are tested and certified as being in working order or
2 requiring only minor repair (e.g. not requiring the
3 replacement of circuit boards or CRTs), must be destined
4 for reuse with respect to the original purpose, and the
5 recipient must have verified a market for the sale or
6 donation of such product for reuse; (ii) the shipments of
7 CEDs and EEDs for material recovery must be prepared in a
8 manner for recycling, including, without limitation,
9 smelting where metals will be recovered, plastics recovery
10 and glass-to-glass recycling; or (iii) the shipment of CEDs
11 and EEDs are being exported to companies or facilities that
12 are owned or controlled by the original equipment
13 manufacturer.

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

24 (15) Recyclers and refurbishers must employ
25 industry-accepted procedures for the destruction or
26 sanitization of data on hard drives and other data storage

1 devices. Acceptable guidelines for the destruction or
2 sanitization of data are contained in the National
3 Institute of Standards and Technology's Guidelines for
4 Media Sanitation or those guidelines certified by the
5 National Association for Information Destruction;

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

11 Section 55. Collector responsibilities.

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

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

23 (c) No later than August 15, 2010, collectors must submit
24 to the Agency, on forms and in a format prescribed by the
25 Agency, a report for the period from January 1, 2010 through

1 June 30, 2010 that contains the following information: the
2 total weight of computers, the total weight of computer
3 monitors, the total weight of televisions, and the total weight
4 of EEDs collected or received for each manufacturer.

5 (d) No later than May 1 of each program year, collectors
6 must submit to the Agency, on forms and in a format prescribed
7 by the Agency, a report that contains the following information
8 for the previous program year:

9 (1) the total weight of computers, the total weight of
10 computer monitors, the total weight of televisions, and the
11 total weight of EEDs collected or received for each
12 manufacturer during the program year.

13 (2) a list of each recycler and refurbisher that
14 received CEDs and EEDs from the collector and the total
15 weight each recycler and refurbisher received.

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

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

24 Section 60. Collection strategy for underserved counties.

25 (a) For program year 2010, all counties in this State

1 except the following are considered underserved: Champaign,
2 Clay, Clinton, Cook, DuPage, Fulton, Hancock, Henry, Jackson,
3 Kane, Kendall, Knox, Lake, Livingston, Macoupin, McDonough,
4 McHenry, McLean, Mercer, Peoria, Rock Island, St. Clair,
5 Sangamon, Schuyler, Stevenson, Warren, Will, Williamson, and
6 Winnebago.

7 (b) For program years 2011 and later, underserved counties
8 shall be counties in this State that, during the program year 2
9 years prior, were not served by a minimum of one collection
10 site that (i) accepted all types of CEDs and EEDs and (ii) was
11 open for a minimum of 8 hours on at least one day per month of
12 that program year. For the purposes of this subsection (b),
13 2009 shall be considered to have been a program year, and for
14 the program year 2012 the determination of whether a county is
15 underserved shall be based on the criteria of this subsection
16 (b) instead of the county's inclusion in the list set forth in
17 subsection (a) of this Section.

18 Section 65. State government procurement.

19 (a) The Department of Central Management Services shall
20 ensure that all bid specifications and contracts for the
21 purchase or lease of desktop computers, laptop or notebook
22 computers, and computer monitors, by State agencies under a
23 statewide master contract require that the electronic products
24 have a Bronze performance tier or higher registration under the
25 Electronic Product Environmental Assessment Tool ("EPEAT")

1 operated by the Green Electronics Council.

2 (b) The Department of Central Management Services shall
3 ensure that bid specifications and contracts for the purchase
4 or lease of televisions and printers by State agencies under a
5 statewide master contract require that the televisions have a
6 Bronze performance tier or higher registration under EPEAT if
7 the Department determines that there are an adequate number of
8 the televisions registered under EPEAT to provide a
9 sufficiently competitive bidding environment.

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

12 Section 70. Relation to federal law. Following the adoption
13 of a federal law or regulation that establishes mandated
14 recycling goals for CEDs that equal or exceed the goals set
15 forth in this Act, the Agency shall notify the General Assembly
16 of the federal law or regulation and recommend the repeal of
17 this Act.

18 Section 75. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 80. Penalties.

21 (a) Except as otherwise provided in this Act, any person
22 who violates any provision of this Act or fails to perform any
23 duty under this Act is liable for a civil penalty not to exceed

1 \$1,000 for the violation and an additional civil penalty not to
2 exceed \$1,000 for each day the violation continues and is
3 liable for a civil penalty not to exceed \$5,000 for a second or
4 subsequent violation and an additional civil penalty not to
5 exceed \$1,000 for each day the second or subsequent violation
6 continues.

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

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

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

26 (2) In program year 2013, and each year thereafter, if

1 the total weight of CEDs and EEDs recycled or processed for
2 reuse by the manufacturer less than 75% of the
3 manufacturer's individual recycling or reuse goal set
4 forth in Section 19 of this Act, the manufacturer shall pay
5 a penalty equal to the product of: (i) \$0.70 per pound;
6 multiplied by (ii) the difference between the
7 manufacturer's individual recycling or reuse goal and the
8 total weight of CEDs and EEDs recycled or processed for
9 reuse by the manufacturer during the program year.

10 (d) Beginning January 1, 2010, a manufacturer in violation
11 of subsection (e), (h), (i), (j), (k), or (l) of Section 30 is
12 liable for a civil penalty not to exceed \$5,000 for the
13 violation.

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

17 (f) A knowing violation of subsections (a) and (c) of
18 Section 95 of this Act is a petty offense punishable by a fine
19 of \$100.

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

26 (h) The Attorney General, at the request of the Agency or

1 on his or her own motion, may institute a civil action for an
2 injunction, prohibitory or mandatory, to restrain violations
3 of this Act or to require such actions as may be necessary to
4 address violations of this Act.

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

10 Section 85. Electronics Recycling Fund. The Electronics
11 Recycling Fund is created as a special fund in the State
12 treasury. The Agency shall deposit all registration fees
13 received under this Act into the Fund. All amounts held in the
14 Fund shall be invested at interest by the State Treasurer. All
15 income earned from the investments shall be deposited into the
16 Electronics Recycling Fund no less frequently than quarterly.
17 Pursuant to appropriation, all moneys in the Electronics
18 Recycling Fund may be used by the Agency for its administration
19 of this Act. Any moneys appropriated from the Electronics
20 Recycling Fund, but not obligated, shall revert to the Fund.

21 Section 90. Relation to other State laws. Nothing in this
22 Act affects the validity or application of any other law of
23 this State, or regulations adopted thereunder.

1 Section 95. Landfill ban.

2 (a) Except as may be provided pursuant to subsection (e) of
3 this Section, and beginning January 1, 2012, no person may
4 knowingly cause or allow the mixing of a CED, or any other
5 computer, computer monitor, printer, or television with
6 municipal waste that is intended for disposal at a landfill.

7 (b) Except as may be provided pursuant to subsection (e) of
8 this Section, and beginning January 1, 2012, no person may
9 knowingly cause or allow the disposal of a CED or any other
10 computer, computer monitor, printer, or television in a
11 sanitary landfill.

12 (c) Beginning January 1, 2012, no person may knowingly
13 cause or allow the mixing of a CED, or any other computer,
14 computer monitor, printer, or television with waste that is
15 intended for disposal by burning or incineration.

16 (d) Beginning January 1, 2012, no person may knowingly
17 cause or allow the burning or incineration of a CED, or any
18 other computer, computer monitor, printer, or television.

19 (e) Beginning April 1, 2012 but no later than December 31,
20 2013, the Illinois Pollution Control Board (Board) is
21 authorized to review temporary CED landfill ban waiver
22 petitions by county governments or municipal joint action
23 agencies (action agencies) and determine whether the
24 respective county's or action agency's jurisdiction may be
25 granted a temporary CED landfill ban waiver due to a lack of
26 funds and a lack of collection opportunities to collect CEDs

1 and EEDs within the county's or action agency's jurisdiction.
2 If the Board grants a waiver under this subsection (e),
3 subsections (a) and (b) of this Section shall not apply to CEDs
4 and EEDs that are taken out of service from residences within
5 the jurisdiction of the county or action agency receiving the
6 waiver and disposed of during the remainder of the program year
7 in which the petition is filed.

8 (1) The petition from the county or action agency shall
9 include the following:

10 (A) documentation of the county's or action
11 agency's attempts to gain funding, as well as the total
12 funding obtained, for the collection of CEDs and EEDs
13 in its jurisdiction from manufacturers or other units
14 of government in the State; and

15 (B) an assessment of other collection
16 opportunities in the county's or action agency's
17 jurisdiction demonstrating insufficient capacity for
18 the anticipated volume of CEDs and EEDs for the
19 remainder of the program year in which the petition is
20 being filed.

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

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

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

4 (C) the projected difference in weight between
5 prior program years and the year in which the petition
6 is filed.

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

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

26 (5) Any county or action agency granted a temporary CED

1 landfill ban waiver shall, within 7 days after receiving
2 the waiver, inform all solid waste haulers and landfill
3 operators used by the county or action agency for solid
4 waste disposal that a waiver has been granted for the
5 remainder of the program year. The notification shall be
6 provided to the solid waste haulers and landfill operators
7 at least 15 days prior to the waiver taking effect.

8 (6) Between April 1, 2012 and December 31, 2013, if a
9 temporary CED landfill ban waiver has been granted to a
10 petitioner, no person disposing of a CED shall be subject
11 to any enforcement proceeding unless he or she disposes of
12 the CED with knowledge that the CED is from a county or
13 action agency that has not received a temporary CED
14 landfill ban waiver.

15 Section 900. The State Finance Act is amended by adding
16 Section 5.708 as follows:

17 (30 ILCS 105/5.708 new)

18 Sec. 5.708. The Electronics Recycling Fund.

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.