



Rep. Daniel Biss

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1 AMENDMENT TO HOUSE BILL 3424

2 AMENDMENT NO. _____. Amend House Bill 3424, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Electronic Products Recycling and Reuse Act
6 is amended by changing Sections 5, 10, 20, 30, 50, 55, 60, 65,
7 and 80 as follows:

8 (415 ILCS 150/5)

9 Sec. 5. Findings and purpose.

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

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

15 (2) Many electronic products contain lead, mercury,
16 cadmium, hexavalent chromium, and other materials that

1 pose environmental and health risks that must be managed.

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

6 (4) Electronic products contain metals, plastics, and
7 leaded glass that have resale value. The reuse of these
8 components conserves natural resources and energy, and the
9 reuse also reduces air and water pollution and greenhouse
10 gas emissions.

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

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

26 (7) The State-appointed Computer Equipment Disposal

1 and Recycling Commission issued a final report in May 2006
2 recommending legislative, regulatory, or other actions to
3 properly address the recycling and reuse of obsolete
4 residential electronic products.

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

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

9 (415 ILCS 150/10)

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

11 "Agency" means the Environmental Protection Agency.

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

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

20 "Computer", often referred to as a "personal computer" or
21 "PC", means a desktop or notebook computer as further defined
22 below and used only in a residence, but does not mean an
23 automated typewriter, electronic printer, mobile telephone,
24 portable hand-held calculator, portable digital assistant
25 (PDA), MP3 player, or other similar device. "Computer" does not

1 include computer peripherals, commonly known as cables, mouse,
2 or keyboard. "Computer" is further defined as either:

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

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

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

18 "Computer monitor" means an electronic device that is a
19 cathode-ray tube or flat panel display primarily intended to
20 display information from a computer and is used only in a
21 residence.

22 "Covered electronic device" or "CED" means any computer,
23 computer monitor, television, or printer that is taken out of
24 service from a residence in this State ~~regardless of purchase~~
25 ~~location~~. "Covered electronic device" does not include any of
26 the following:

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

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

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

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

22 "Developmentally disabled", as defined by the Illinois
23 Department of Human Services, Division of Developmental
24 Disabilities Program Manual, means a person who has mental
25 retardation or a related condition.

26 (1) "A person who has mental retardation" means an

1 individual who has significantly subaverage general
2 intellectual functioning as well as deficits in adaptive
3 behavior that manifested before age 18. A person's general
4 intellectual functioning is significantly subaverage if
5 that person has an intelligence quotient (IQ) of 70 or
6 below on standardized measures of intelligence. This upper
7 limit, however, may be extended upward depending on the
8 reliability of the intelligence test used.

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

24 "Dismantling" means the demanufacturing and shredding of a
25 CED.

26 "Eligible electronic device" or "EED" means any of the

1 following electronic products taken out of service from a
2 residence in this State regardless of purchase location: mobile
3 telephone; computer cable, mouse, or keyboard; stand-alone
4 facsimile machine; MP3 player; portable digital assistant
5 (PDA); video game console, video cassette recorder/player,
6 digital video disk player, or similar video device; zip drive;
7 or scanner. To the extent allowed under federal and state laws
8 and regulations, an EED that is being collected, recycled, or
9 processed for reuse is not considered to be hazardous waste,
10 household waste, solid waste, or special waste.

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

15 "Manufacturer" means a person, or a successor in interest
16 to a person, under whose brand or label a CED is or was sold at
17 retail. For CEDs sold at retail under a brand or label that is
18 licensed from a person who is a mere brand owner and who does
19 not sell or produce the CED, the person who produced the CED or
20 his or her successor in interest is the manufacturer. For CEDs
21 sold that were at retail under the brand or label of both the
22 retail seller and the person that produced the CED, the person
23 that produced the CED, or his or her successor in interest, is
24 the manufacturer. A retail seller of CEDs may elect to be the
25 manufacturer of one or more CEDs if the retail seller provides
26 written notice to the Agency that it is accepting

1 responsibility as the manufacturer of the CED under this Act
2 and identifies the CEDs for which it is electing to be the
3 manufacturer.

4 "Municipal joint action agency" means a municipal joint
5 action agency created under Section 3.2 of the
6 Intergovernmental Cooperation Act.

7 "Orphan CEDs" means those CEDs that are returned for
8 recycling, or processing for reuse, whose manufacturer cannot
9 be identified, or whose manufacturer is no longer conducting
10 business and has no successor in interest.

11 "Person" means any individual, partnership,
12 co-partnership, firm, company, limited liability company,
13 corporation, association, joint stock company, trust, estate,
14 political subdivision, State agency, or any other legal entity,
15 or a legal representative, agent, or assign of that entity.

16 "Printer" means desktop printers, multifunction printer
17 copiers, and printer/fax combinations taken out of service from
18 a residence that are designed to reside on a work surface, and
19 include various print technologies, including without
20 limitation laser and LED (electrographic), ink jet, dot matrix,
21 thermal, and digital sublimation, and "multi-function" or
22 "all-in-one" devices that perform different tasks, including
23 without limitation copying, scanning, faxing, and printing.
24 Printers do not include floor-standing printers, printers with
25 optional floor stand, point of sale (POS) receipt printers,
26 household printers such as a calculator with printing

1 capabilities or label makers, or non-stand-alone printers that
2 are embedded into products that are not CEDs.

3 "Processing for reuse" means any method, technique, or
4 process by which CEDs or EEDs that would otherwise be disposed
5 of or discarded are instead separated, processed, and returned
6 to their original intended purposes or to other useful purposes
7 as electronic devices. "Processing for reuse" includes the
8 collection and transportation of CEDs or EEDs.

9 "Program Year" means a calendar year. The first program
10 year is 2010.

11 "Recycler" means a person who engages in the recycling of
12 CEDs or EEDs, but does not include telecommunications carriers,
13 telecommunications manufacturers, or commercial mobile service
14 providers with an existing recycling program.

15 "Recycling" means any method, technique, or process by
16 which CEDs or EEDs that would otherwise be disposed of or
17 discarded are instead collected, separated, or processed and
18 are returned to the economic mainstream in the form of raw
19 materials or products. "Recycling" includes the collection,
20 transportation, dismantling, and shredding of the CEDs or EEDs.

21 "Recycling coordinator" means the person designated by
22 each county waste management plan to administer the county
23 recycling program, as set forth in the Solid Waste Management
24 Act.

25 "Refurbisher" means any person who processes CEDs or EEDs
26 for reuse, but does not include telecommunications carriers,

1 telecommunications manufacturers, or commercial mobile service
2 providers with an existing recycling program.

3 "Residence" means a dwelling place or home in which one or
4 more individuals live.

5 "Retailer" means a person who sells, rents, or leases,
6 through sales outlets, catalogues, or the Internet, computers,
7 computer monitors, printers, or televisions at retail to
8 individuals in this State. For purposes of this Act, sales to
9 individuals at retail are considered to be sales for
10 residential use. "Retailer" includes, but is not limited to,
11 manufacturers who sell computers, computer monitors, printers,
12 or televisions at retail directly to individuals in this State.

13 "Sale" means any retail transfer of title for consideration
14 of title including, but not limited to, transactions conducted
15 through sales outlets, catalogs, or the Internet or any other
16 similar electronic means but does not mean financing or
17 leasing.

18 "Television" means an electronic device (i) containing a
19 cathode-ray tube or flat panel screen the size of which is
20 greater than 4 inches when measured diagonally, (ii) that is
21 intended to receive video programming via broadcast, cable, or
22 satellite transmission or to receive video from surveillance or
23 other similar cameras, and (iii) that is used only in a
24 residence.

25 "Underserved counties" means those counties so identified
26 in Section 60.

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

2 (415 ILCS 150/20)

3 Sec. 20. Agency responsibilities.

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

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

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

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

1 use of the grant funds.

2 (c-10) By June 15, 2012 and by December 15, 2012, and by
3 every subsequent June 15 and December 15 thereafter through
4 December 15, 2015, the Agency shall meet with the Illinois
5 Retail Merchants' Association to discuss compliance with
6 Section 40.

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

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

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

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

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

3 (3) a statement showing: (i) the total combined weight
4 of CEDs and EEDs collected, recycled, and processed for
5 reuse by the manufacturers pursuant to Section 30, (ii) the
6 total weight of CEDs processed for reuse by the
7 manufacturers, and (iii) the total weight of CEDs and EEDs
8 collected by the collectors pursuant to Section 55. ~~of the~~
9 ~~manufacturers' progress toward achieving the statewide~~
10 ~~recycling goal set forth in Section 15 (calculated from the~~
11 ~~manufacturer reports pursuant to Section 30 and the~~
12 ~~collector reports pursuant to Section 55) and any~~
13 ~~identified State actions that may help expand collection~~
14 ~~opportunities to help manufacturers achieve the statewide~~
15 ~~recycling goal;~~

16 (4) a listing of all entities or persons to any
17 ~~manufacturers~~ whom the Agency issued an administrative
18 citation or with respect to which the Agency made a
19 referral for enforcement ~~referred~~ to the Attorney
20 General's Office ~~for enforcement~~ as a result of a violation
21 of this Act;

22 (5) a discussion of the Agency's education and outreach
23 activities as set forth in subsection (c) of this Section;
24 and

25 (6) a discussion of the penalties, if any, incurred by
26 manufacturers for failure to achieve recycling goals, and a

1 recommendation to the General Assembly of any necessary or
2 appropriate changes to the manufacturers' ~~statewide~~
3 ~~recycling goals, manufacturer's~~ recycling goals, or
4 penalty provisions included in this Act.

5 (e) The Agency shall post on its website: (1) a list of
6 manufacturers that have paid the current year's registration
7 fee as set forth in subsection (b) of Section 30; (2) a list of
8 manufacturers that failed to pay the current year's
9 registration fee as set forth in subsection (b) of Section 30;
10 and (3) ~~Section 30(b) and (2)~~ a list of registered collectors,
11 the addresses of their collection sites, their business
12 telephone numbers, and a link to their websites. ~~to whom~~
13 ~~Illinois residents can bring CEDs and EEDs for recycling or~~
14 ~~processing for reuse, including links to the collectors'~~
15 ~~websites and the collectors' phone numbers.~~

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

21 (g) No later than October 1 of each program year, the
22 Agency must post on its website the following information for
23 the next program year: (i) the individual recycling and reuse
24 goals for each manufacturer and (ii) the total statewide
25 recycling goal, determined by adding each individual
26 manufacturer's annual goal.

1 ~~(1) The overall statewide recycling and reuse goal for~~
2 ~~CEDs, as well as the sub goals for televisions, and~~
3 ~~computers, computer monitors, and printers as set forth in~~
4 ~~Section 15.~~

5 ~~(2) The market shares of television manufacturers and~~
6 ~~the return shares of computer, computer monitor, and~~
7 ~~printer manufacturers, as set forth in Section 18, and~~

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

10 (h) By April 1, 2011, and by April 1 of all subsequent
11 years, the Agency shall award ~~recognize~~ those manufacturers
12 that have met or exceeded their recycling or reuse goals for
13 the previous program year with ~~. Such recognition shall be the~~
14 ~~awarding to all such manufacturers of~~ an Electronic Industry
15 Recycling Award. The award shall acknowledge that the
16 manufacturer has met or exceeded its recycling goals and shall
17 be posted ~~, which shall be recognized~~ on the Agency website and
18 in other media as appropriate.

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

23 (j) By July 1, 2015 ~~2012~~, the Agency shall solicit written
24 comments regarding all aspects of the program codified in this
25 Act, for the purpose of determining if the program requires any
26 modifications.

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

3 (A) Sufficiency of the annual statewide recycling
4 goals.

5 (B) Fairness of the formulas used to determine
6 individual manufacturer goals.

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

9 (D) Any temporary recissions of county landfill
10 bans granted by the Illinois Pollution Control Board
11 pursuant to Section 95(e).

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

15 (F) Adequacy of the collection systems that have
16 been implemented as a result of this Act, with a
17 particular focus on promoting the most cost-effective
18 and convenient collection system possible for Illinois
19 residents.

20 (2) By July 1, 2015 ~~2012~~, the Agency shall complete its
21 review of the written comments received, as well as its own
22 reports on the preceding program years ~~2010 and 2011~~. By
23 August 1, 2015 ~~2012~~, the Agency shall hold a public hearing
24 to present its findings and solicit additional comments.
25 All additional comments shall be submitted to the Agency in
26 writing no later than October 1, 2015 ~~2012~~.

1 (3) The Agency's final report, which shall be issued no
2 later than February 1, 2016 ~~2013~~, shall be submitted to the
3 Governor and the General Assembly and shall include
4 specific recommendations for any necessary or appropriate
5 modifications to the program.

6 (k) Any violation of this Act shall be enforceable by
7 administrative citation. Whenever the Agency personnel or
8 county personnel to which the Agency has delegated the
9 authority to monitor compliance with this Act shall on the
10 basis of direct observation determine that any person has
11 violated any provision of this Act, the Agency or county
12 personnel may issue and serve, within 60 days after the
13 observed violation, an administrative citation upon that
14 person or the entity employing the person. Each citation shall
15 be served upon the person named therein or the person's
16 authorized agent for service of process and shall include the
17 following:

18 (1) a statement specifying the provisions of this Act
19 that the person or the entity employing the person has
20 violated;

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

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

25 (4) an affidavit by the personnel observing the
26 violation, attesting to their material actions and

1 observations.

2 (l) If the person named in the administrative citation
3 fails to petition the Pollution Control Board for review within
4 35 days after the date of service, the Board shall adopt a
5 final order, which shall include the administrative citation
6 and findings of violation as alleged in the citation and shall
7 impose the penalty specified in Section 80.

8 (m) If a petition for review is filed with the Board to
9 contest an administrative citation issued under this Section,
10 the Agency or unit of local government shall appear as a
11 complainant at a hearing before the Board to be conducted
12 pursuant to subsection (n) of this Section at a time not less
13 than 21 days after notice of the hearing has been sent by the
14 Board to the Agency or unit of local government and the person
15 named in the citation. In such hearings, the burden of proof
16 shall be on the Agency or unit of local government. If, based
17 on the record, the Board finds that the alleged violation
18 occurred, it shall adopt a final order, which shall include the
19 administrative citation and findings of violation as alleged in
20 the citation, and shall impose the penalty specified in Section
21 80 of this Act. However, if the Board finds that the person
22 appealing the citation has shown that the violation resulted
23 from uncontrollable circumstances, the Board shall adopt a
24 final order that makes no finding of violation and imposes no
25 penalty.

26 (n) All hearings under this Act shall be held before a

1 qualified hearing officer, who may be attended by one or more
2 members of the Board, designated by the Chairman. All such
3 hearings shall be open to the public, and any person may submit
4 written statements to the Board in connection with the subject
5 thereof. In addition, the Board may permit any person to offer
6 oral testimony. Any party to a hearing under this subsection
7 may be represented by counsel, make oral or written argument,
8 offer testimony, cross-examine witnesses, or take any
9 combination of those actions. All testimony taken before the
10 Board shall be recorded stenographically. The transcript so
11 recorded and any additional matter accepted for the record
12 shall be open to public inspection, and copies thereof shall be
13 made available to any person upon payment of the actual cost of
14 reproducing the original.

15 (o) Counties that have entered into a delegation agreement
16 with the Agency pursuant to subsection (r) of Section 4 of the
17 Illinois Environmental Protection Act for inspection,
18 investigation, or enforcement related functions may conduct
19 inspections for noncompliance with this Act.

20 (Source: P.A. 95-959, eff. 9-17-08; 96-328, eff. 8-11-09.)

21 (415 ILCS 150/30)

22 Sec. 30. Manufacturer responsibilities.

23 (a) Prior to April 1, 2009 for the first program year, and
24 by October 1 for program year 2011 and each program year
25 thereafter, manufacturers who sell ~~whose~~ computers, computer

1 monitors, printers, or televisions ~~are sold~~ in this State must
2 register with the Agency. The registration must be submitted in
3 the form and manner required by the Agency. The registration
4 must include, without limitation, all of the following:

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

8 (2) for manufacturers of both televisions and
9 computers, computer monitors, or printers, an
10 identification of whether, for residential use, (i)
11 televisions or (ii) computers, computer monitors, and
12 printers, represent the larger number of units sold for the
13 manufacturer; and

14 (3) a statement disclosing whether: ~~(A) any computer,~~
15 ~~computer monitor, printer, or television sold in this State~~
16 ~~exceeds the maximum concentration values established for~~
17 ~~lead, mercury, cadmium, hexavalent chromium,~~
18 ~~polybrominated biphenyls (PBBs), and polybrominated~~
19 ~~diphenyl ethers (PBDEEs) under the RoHS (restricting the~~
20 ~~use of certain hazardous substances in electrical and~~
21 ~~electronic equipment) Directive 2002/95/EC of the European~~
22 ~~Parliament and Council and any amendments thereto and, if~~
23 ~~so, an identification of that computer, computer monitor,~~
24 ~~printer, or television; or (B) the manufacturer has~~
25 ~~received an exemption from one or more of those maximum~~
26 ~~concentration values under the RoHS Directive that has been~~

1 ~~approved and published by the European Commission.~~

2 If, during the program year, a manufacturer's computer,
3 computer monitor, printer, or television is sold or offered for
4 sale in Illinois under a new brand that is not listed in the
5 manufacturer's registration, then, within 30 days after the
6 first sale or offer for sale under the new brand, the
7 manufacturer must amend its registration to add the new brand.

8 (b) Prior to July 1, 2009 for the first program year, and
9 by the November 1 preceding program years 2011 and later, all
10 manufacturers whose computers, computer monitors, printers, or
11 televisions are offered for sale ~~sold~~ in the State shall submit
12 to the Agency, at an address prescribed by the Agency, the
13 registration fee for the next program year. The registration
14 fee for program ~~years~~ year 2010 and 2011 is \$5,000. In program
15 year 2012, if, during the preceding program year, a
16 manufacturer sold 250 or fewer computers, computer monitors,
17 printers, or televisions in the State, then the registration
18 fee for that manufacturer is \$1,250. In each program year after
19 2012, if, in the preceding program year, a manufacturer sold
20 250 or fewer computers, computer monitors, printers, or
21 televisions in the State, then the registration fee for that
22 manufacturer in that year is the fee that applied in the
23 previous year to manufacturers that sold that number of items,
24 increased by the applicable inflation factor as described
25 below. In program year 2012, if, during the preceding program
26 year, a manufacturer sold 251 or more computers, computer

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

23 (c) A manufacturer whose computers, computer monitors,
24 printers, or televisions are ~~first~~ sold or offered for sale in
25 this State on or after January 1 of a program year must
26 register with the Agency within 30 days after the first sale or

1 offer for sale in accordance with subsection (a) of this
2 Section and submit the registration fee required under
3 subsection (b) of this Section prior to the manufacturer's
4 computers, computer monitors, printers, or televisions being
5 sold or offered for sale.

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

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

19 (1) The total weight of CEDs processed ~~for reuse~~ by the
20 manufacturer, its recyclers, or its refurbishers for reuse
21 is doubled.

22 (2) The total weight of CEDs is tripled if they are
23 donated for reuse by the manufacturer to a primary or
24 secondary public education institution the majority of
25 whose students are considered low income or
26 developmentally disabled, ~~or to a not for profit entity~~

1 ~~that is established under Section 501(c)(3) of the Internal~~
2 ~~Revenue Code of 1986 and whose principal mission is to~~
3 ~~assist~~ low-income children or families, or to assist the
4 developmentally disabled in Illinois. This subsection
5 applies only to CEDs for which the manufacturer has
6 received a written confirmation that the recipient has
7 accepted the donation. Copies of all written confirmations
8 must be submitted in the annual report required under
9 Section 30.

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

22 (4) If an entity (i) collects, recycles, or refurbishes
23 CEDs for a manufacturer, (ii) qualifies for non-profit
24 status under Section 501(c)(3) of the Internal Revenue Code
25 of 1986, and (iii) at least 75% of its employees are
26 developmentally disabled, then the total weight of CEDs

1 will be tripled. A manufacturer that uses such a recycler
2 or refurbisher shall submit documentation in the annual
3 report required under Section 30 identifying the name,
4 location, and length of service of the entity that
5 qualifies for credit under this subsection.

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

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

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

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

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

23 (5) a certification by the third-party auditor that the
24 sampling is statistically significant and, if not, an
25 explanation as to what occurred to render the sampling
26 insignificant.

1 The manufacturer shall notify the Agency 30 days prior to
2 the third-party auditor's return share sampling by providing
3 the Agency with the time and date on which the third-party
4 auditor will perform the return share sample. The Agency may,
5 at its discretion, be present at any sampling event and may
6 audit the methodology and the results of the third-party
7 auditor.

8 No less than 30 days after the close of each calendar
9 quarter, the manufacturer shall submit to the Agency the
10 results of the third-party samplings conducted during the
11 quarter. The results shall be submitted in the form and manner
12 required by the Agency.

13 (f) Manufacturers shall ensure that only recyclers and
14 refurbishers that have registered with the Agency are used to
15 meet the individual recycling and reuse goals set forth in this
16 Act.

17 (g) Manufacturers shall ensure that the recyclers and
18 refurbishers used to meet the individual recycling and reuse
19 goals set forth in this Act shall, at a minimum, comply with
20 the standards set forth under subsection (d) of Section 50 of
21 this Act. By November 1, 2011 and every November 1 thereafter,
22 manufacturers shall submit a document, as prescribed by the
23 Agency, listing each registered recycler and refurbisher that
24 will be used to meet the manufacturer's annual CED recycling
25 and reuse goal and certifying that those recyclers or
26 refurbishers comply with the standards set forth in subsection

1 (d) of Section 50.

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

8 (i) No later than September 1, 2010, television
9 manufacturers must submit to the Agency, in the form and manner
10 required by the Agency, a report for the period January 1, 2010
11 through June 30, 2010 that contains both of the following:

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

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

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

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

5 (j) By August 15, 2010, computer, computer monitor, and
6 printer manufacturers shall submit to the Agency, on forms and
7 in a format prescribed by the Agency, a report for the period
8 January 1, 2010 through June 30, 2010 that contains the total
9 weight of computers, the total weight of computer monitors, the
10 total weight of printers, the total weight of televisions, and
11 the total weight of EEDs, recycled or processed for reuse.

12 (k) No later than April 1 of program years 2011 and
13 thereafter, television manufacturers shall submit to the
14 Agency, in the form and manner required by the Agency, a report
15 that contains all of the following information for the previous
16 program year:

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

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

24 (b) national sales data reports obtained by the
25 manufacturer and pro-rated to Illinois by multiplying
26 the weight of the manufacturer's televisions sold

1 nationally by the quotient that results from dividing
2 the population of Illinois by the population of the
3 United States. The population of Illinois and the
4 United States shall be obtained using the most recent
5 U.S. census data.

6 (2) The total weight of computers, the total weight of
7 computer monitors, the total weight of printers, the total
8 weight of televisions, and the total weight of EEDs
9 recycled or processed for reuse.

10 (3) The identification of all weights that are adjusted
11 under subsection (d) of this Section. For all weights
12 adjusted under item (2) of subsection (d), the manufacturer
13 must include copies of the written confirmation required
14 under that subsection.

15 (4) A list of each recycler, refurbisher, and collector
16 used by the manufacturer to fulfill the manufacturer's
17 individual recycling and reuse goal set forth in Section 19
18 of this Act.

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

21 (1) On or before January 31, 2013 and on or before every
22 January 31 ~~No later than April 1 of program years 2011 and~~
23 thereafter, CED ~~computer, computer monitor, and printer~~
24 manufacturers shall submit to the Agency, on forms and in a
25 format prescribed by the Agency, a report that contains all of
26 the following information for the previous program year:

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

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

10 (3) A ~~a~~ list of each recycler, refurbisher, and
11 collector used by the manufacturer to fulfill the
12 manufacturer's individual recycling and reuse goal set
13 forth in subsection (c) of Section 15 of this Act. . ~~†and~~

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

17 (m) Manufacturers must develop and maintain a consumer
18 education program that complements and corresponds to the
19 primary retailer-driven campaign required under Section 40 of
20 this Act. The education program shall promote the recycling of
21 electronic products and proper end-of-life management of the
22 products by consumers.

23 (n) Beginning January 1 2010, no manufacturer may sell a
24 computer, computer monitor, printer, or television in this
25 State unless the manufacturer is registered with the State as
26 required under this Act, has paid the required registration

1 fee, and is otherwise in compliance with the provisions of this
2 Act.

3 (o) Beginning January 1, 2010, no manufacturer may sell a
4 computer, computer monitor, printer, or television in this
5 State unless the manufacturer's brand name is permanently
6 affixed to, and is readily visible on, the computer, computer
7 monitor, printer, or television.

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

9 (415 ILCS 150/50)

10 Sec. 50. Recycler and refurbisher registration.

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

20 (b) The registration fee for program year 2010 is \$2,000.
21 For program year 2011, if a recycler's or refurbisher's annual
22 combined total weight of CEDs and EEDs is less than 1,000 tons
23 per year, the registration fee shall be \$500. For program year
24 2012 and for all subsequent program years, both registration
25 fees shall be increased each year by an inflation factor

1 determined by the annual Implicit Price Deflator for Gross
2 National Product as published by the U.S. Department of
3 Commerce in its Survey of Current Business. The inflation
4 factor must be calculated each year by dividing the latest
5 published annual Implicit Price Deflator for Gross National
6 Product by the annual Implicit Price Deflator for Gross
7 National Product for the previous year. The inflation factor
8 must be rounded to the nearest 1/100th, and the resulting
9 registration fee must be rounded to the nearest whole dollar.
10 No later than October 1 of each program year, the Agency shall
11 post on its website the registration fee for the next program
12 year.

13 (c) No person may act as a recycler or a refurbisher of
14 CEDs for a manufacturer obligated to meet goals under this Act
15 unless the recycler or refurbisher is registered and has paid
16 the registration fee as required under this Section. All
17 registered recyclers and refurbishers must accept any CED or
18 EED. Registered recyclers and refurbishers are prohibited from
19 charging individual consumers a fee to recycle or refurbish
20 CEDs and EEDs, unless (i) a financial incentive of greater or
21 equal value, such as a coupon, is provided to the consumer or
22 (ii) the recycler or refurbisher provides premium service, such
23 as curbside collection, home pick-up, or a similar method of
24 collection.

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

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

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

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

15 (B) an up-to-date, written plan for the
16 identification and management of hazardous materials;
17 and

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

22 (3) Recyclers and refurbishers must maintain (i)
23 commercial general liability insurance or the equivalent
24 corporate guarantee for accidents and other emergencies
25 with limits of not less than \$1,000,000 per occurrence and
26 \$1,000,000 aggregate and (ii) pollution legal liability

1 insurance with limits not less than \$1,000,000 per
2 occurrence for companies engaged solely in the dismantling
3 activities and \$5,000,000 per occurrence for companies
4 engaged in recycling.

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

16 (5) Recyclers and refurbishers must maintain on file
17 proof of workers' compensation and employers' liability
18 insurance.

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

24 (7) Recyclers and refurbishers must apply due
25 diligence principles to the selection of facilities to
26 which components and materials (such as plastics, metals,

1 and circuit boards) from CEDs and EEDs are sent for reuse
2 and recycling.

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

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

20 (10) Recyclers and refurbishers must establish a
21 system for identifying and properly managing components
22 (such as circuit boards, batteries, CRTs, and mercury
23 phosphor lamps) that are removed from CEDs and EEDs during
24 disassembly. Recyclers and refurbishers must properly
25 manage all hazardous and other components requiring
26 special handling from CEDs and EEDs consistent with

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

15 (11) Recyclers and refurbishers must use a regularly
16 implemented and documented monitoring and record-keeping
17 program that tracks inbound CED and EED material weights
18 (total) and subsequent outbound weights (total to each
19 destination), injury and illness rates, and compliance
20 with applicable permit parameters including monitoring of
21 effluents and emissions. Recyclers and refurbishers must
22 maintain contracts or other documents, such as sales
23 receipts, suitable to demonstrate: (i) the reasonable
24 expectation that there is a downstream market or uses for
25 designated electronics (which may include recycling or
26 reclamation processes such as smelting to recover metals

1 for reuse); and (ii) that any residuals from recycling or
2 reclamation processes, or both, are properly handled and
3 managed to maximize reuse and recycling of materials to the
4 extent practical.

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

15 (13) Recyclers and refurbishers that conduct
16 transactions involving the transboundary shipment of used
17 CEDs and EEDs shall use contracts (or the equivalent
18 commercial arrangements) made in advance that detail the
19 quantity and nature of the materials to be shipped. For the
20 export of materials to a foreign country (directly or
21 indirectly through downstream market contractors): (i) the
22 shipment of intact televisions and computer monitors
23 destined for reuse must include only whole products that
24 are tested and certified as being in working order or
25 requiring only minor repair (e.g. not requiring the
26 replacement of circuit boards or CRTs), must be destined

1 for reuse with respect to the original purpose, and the
2 recipient must have verified a market for the sale or
3 donation of such product for reuse; (ii) the shipments of
4 CEDs and EEDs for material recovery must be prepared in a
5 manner for recycling, including, without limitation,
6 smelting where metals will be recovered, plastics recovery
7 and glass-to-glass recycling; or (iii) the shipment of CEDs
8 and EEDs are being exported to companies or facilities that
9 are owned or controlled by the original equipment
10 manufacturer.

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

21 (15) Recyclers and refurbishers must employ
22 industry-accepted procedures for the destruction or
23 sanitization of data on hard drives and other data storage
24 devices. Acceptable guidelines for the destruction or
25 sanitization of data are contained in the National
26 Institute of Standards and Technology's Guidelines for

1 Media Sanitation or those guidelines certified by the
2 National Association for Information Destruction;

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

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

9 (415 ILCS 150/55)

10 Sec. 55. Collector responsibilities.

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

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

22 (c) No later than August 15, 2010, collectors must submit
23 to the Agency, on forms and in a format prescribed by the
24 Agency, a report for the period from January 1, 2010 through
25 June 30, 2010 that contains the following information: the

1 total weight of computers, the total weight of computer
2 monitors, the total weight of printers, the total weight of
3 televisions, and the total weight of EEDs collected or received
4 for each manufacturer.

5 (d) By January 31 ~~No later than May 1~~ of each program year,
6 collectors must submit to the Agency, on forms and in a format
7 prescribed by the Agency, a report that contains the following
8 information for the previous program year:

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

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

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

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

25 (f) No collector of CEDs and EEDs may recycle, refurbish,
26 for reuse, or resell CEDs or EEDs to a third-party unless the

1 collector registers as a recycler or refurbisher pursuant to
2 Section 50 and pays the registration fee pursuant to Section
3 50.

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

5 (415 ILCS 150/60)

6 Sec. 60. Collection strategy for underserved counties.

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

14 (b) For program year 2012 and each program year thereafter,
15 "underserved counties" means those counties within the State of
16 Illinois with a population density of not more than than 190
17 persons per square mile, based on the most recent U.S. Census
18 data. ~~For program years 2011 and later, underserved counties~~
19 ~~shall be counties in this State that, during the program year 2~~
20 ~~years prior, were not served by a minimum of one collection~~
21 ~~site that (i) accepted all types of CEDs and EEDs and (ii) was~~
22 ~~open for a minimum of 8 hours on at least one day per month of~~
23 ~~that program year. For the purposes of this subsection (b),~~
24 ~~2009 shall be considered to have been a program year, and for~~
25 ~~the program year 2012 the determination of whether a county is~~

1 ~~underserved shall be based on the criteria of this subsection~~
2 ~~(b) instead of the county's inclusion in the list set forth in~~
3 ~~subsection (a) of this Section.~~

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

5 (415 ILCS 150/65)

6 Sec. 65. State government procurement.

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

15 (b) The Department of Central Management Services shall
16 ensure that bid specifications and contracts for the purchase
17 or lease of televisions and printers by State agencies under a
18 statewide master contract require that the printers or
19 televisions have a Bronze performance tier or higher
20 registration under EPEAT if the Department determines that
21 there are an adequate number of the televisions or printers
22 registered under EPEAT to provide a sufficiently competitive
23 bidding environment.

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

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

2 (415 ILCS 150/80)

3 Sec. 80. Penalties.

4 (a) Except as otherwise provided in this Act, any person
5 who violates any provision of this Act or fails to perform any
6 duty under this Act is liable for a civil penalty not to exceed
7 \$15,000 ~~\$1,000~~ for the violation and an additional civil
8 penalty not to exceed \$5,000 ~~\$1,000~~ for each day the violation
9 continues ~~and is liable for a civil penalty not to exceed~~
10 ~~\$5,000 for a second or subsequent violation and an additional~~
11 ~~civil penalty not to exceed \$1,000 for each day the second or~~
12 ~~subsequent violation continues.~~

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

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

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

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

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

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

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

24 (f) A knowing violation of subsections (a) and (c) of
25 Section 95 of this Act is a petty offense punishable by a fine
26 of \$1,500; however, a knowing violation of subsections (a) and

1 (c) of Section 95 of this Act is a petty offense punishable by
2 a fine of \$100.

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

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."