

1 AN ACT concerning safety.

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

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 5, 10, 15, 20, 30, 50, 55, 60,
6 65, 80, and 95 as follows:

7 (415 ILCS 150/5)

8 Sec. 5. Findings and purpose.

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

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

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

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

21 (4) Electronic products contain metals, plastics, ~~and~~
22 ~~leaded~~ glass, and other valuable materials that may be
23 resold for reuse in new products ~~have resale value~~. The

1 reuse of these materials ~~components~~ conserves natural
2 resources and energy. The reuse of these materials also,
3 ~~and the reuse also~~ reduces ~~air and~~ water pollution and the
4 air pollution associated with greenhouse gas emissions.

5 (5) The ~~A~~ management of obsolete residential products
6 is necessary to prioritize ~~place~~ the reuse and recycling of
7 these ~~obsolete residential electronic~~ products as the
8 preferred management strategy over incineration and
9 landfill disposal.

10 (6) The 2010 Recycling Economic Information Study
11 Update for Illinois estimates that the total economic
12 impact of recycling and reusing obsolete electronic
13 products resulted in the creation of nearly 8,000 jobs and
14 \$622 million in annual receipts. ~~The Illinois Recycling~~
15 ~~Economic Information Study of 2001 estimates that the total~~
16 ~~economic impact of establishing statewide recycling and~~
17 ~~reuse programs for residential electronic products may~~
18 ~~result in the creation of nearly 4,000 new jobs and \$740~~
19 ~~million in annual receipts.~~

20 (7) The State-appointed Computer Equipment Disposal
21 and Recycling Commission issued a final report in May 2006
22 recommending legislative, regulatory, or other actions to
23 properly address the recycling and reuse of obsolete
24 residential electronic products.

25 (b) The purpose of this Act is to set forth procedures by
26 which the recycling and processing for reuse of covered

1 electronic devices will be accomplished in Illinois.

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

3 (415 ILCS 150/10)

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

5 "Agency" means the Environmental Protection Agency.

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

9 "Collector" means a person who receives covered electronic
10 devices or eligible electronic devices directly from a
11 residence for recycling or processing for reuse. "Collector"
12 includes, but is not limited to, manufacturers, recyclers, and
13 refurbishers who receive CEDs or EEDs directly from the public.

14 "Computer", often referred to as a "personal computer" or
15 "PC", means a desktop or notebook computer as further defined
16 below and used only in a residence, but does not mean an
17 automated typewriter, electronic printer, mobile telephone,
18 portable hand-held calculator, portable digital assistant
19 (PDA), MP3 player, or other similar device. "Computer" does not
20 include computer peripherals, commonly known as cables, mouse,
21 or keyboard. "Computer" is further defined as either:

22 (1) "Desktop 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

1 through interaction with a number of software programs
2 contained therein, and that is not designed to exclusively
3 perform a specific type of logical, arithmetic, or storage
4 function or other limited or specialized application.
5 Human interface with a desktop computer is achieved through
6 a stand-alone keyboard, stand-alone monitor, or other
7 display unit, and a stand-alone mouse or other pointing
8 device, and is designed for a single user. A desktop
9 computer has a main unit that is intended to be
10 persistently located in a single location, often on a desk
11 or on the floor. A desktop computer is not designed for
12 portability and generally utilizes an external monitor,
13 keyboard, and mouse with an external or internal power
14 supply for a power source. Desktop computer does not
15 include an automated typewriter or typesetter; or

16 (2) "Notebook computer", which means an electronic,
17 magnetic, optical, electrochemical, or other high-speed
18 data processing device performing logical, arithmetic, or
19 storage functions for general purpose needs that are met
20 through interaction with a number of software programs
21 contained therein, and that is not designed to exclusively
22 perform a specific type of logical, arithmetic, or storage
23 function or other limited or specialized application.
24 Human interface with a notebook computer is achieved
25 through a keyboard, video display greater than 4 inches in
26 size, and mouse or other pointing device, all of which are

1 contained within the construction of the unit that
2 comprises the notebook computer; supplemental stand-alone
3 interface devices typically can also be attached to the
4 notebook computer. Notebook computers can use external,
5 internal, or batteries for a power source. Notebook
6 computer does not include a portable hand-held calculator,
7 or a portable digital assistant or similar specialized
8 device. A notebook computer has an incorporated video
9 display greater than 4 inches in size and can be carried as
10 one unit by an individual. A notebook computer is sometimes
11 referred to as a laptop computer.

12 (3) "Tablet computer", which means an electronic,
13 magnetic, optical, electrochemical, or other high-speed
14 data processing device performing logical, arithmetic, or
15 storage functions for general purpose needs that are met
16 through interaction with a number of software programs
17 contained therein, and that is not designed to exclusively
18 perform a specific type of logical, arithmetic, or storage
19 function or other limited or specialized application.
20 Human interface with a tablet computer is achieved through
21 a touch-screen and video display screen greater than 6
22 inches in size (all of which are contained within the unit
23 that comprises the tablet computer). Tablet computers may
24 use an external or internal power source. "Tablet computer"
25 does not include a portable hand-held calculator, a
26 portable digital assistant, or a similar specialized

1 device.

2 "Computer monitor" means an electronic device that is a
3 cathode-ray tube or flat panel display primarily intended to
4 display information from a computer and is used only in a
5 residence.

6 "Covered electronic device" or "CED" means any computer,
7 computer monitor, television, ~~or~~ printer, electronic keyboard,
8 facsimile machine, videocassette recorder, portable digital
9 music player that has memory capability and is battery powered,
10 digital video disc player, video game console, electronic
11 mouse, scanner, digital converter box, cable receiver,
12 satellite receiver, digital video disc recorder, or
13 small-scale server sold at retail and ~~that is~~ taken out of
14 service from a residence in this State ~~regardless of purchase~~
15 location. "Covered electronic device" does not include any of
16 the following:

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

21 (2) an electronic device that is functionally or
22 physically part of a larger piece of equipment or that is
23 taken out of service from an industrial, commercial
24 (including retail), library checkout, traffic control,
25 kiosk, security (other than household security),
26 governmental, agricultural, or medical setting, including

1 but not limited to diagnostic, monitoring, or control
2 equipment; or

3 (3) an electronic device that is contained within a
4 clothes washer, clothes dryer, refrigerator, refrigerator
5 and freezer, microwave oven, conventional oven or range,
6 dishwasher, room air conditioner, dehumidifier, water
7 pump, sump pump, or air purifier.

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

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

16 (1) "Mental retardation" means significantly
17 subaverage general intellectual functioning as well as
18 deficits in adaptive behavior that manifested before age
19 18. A person's general intellectual functioning is
20 significantly subaverage if that person has an
21 intelligence quotient (IQ) of 70 or below on standardized
22 measures of intelligence. This upper limit, however, may be
23 extended upward depending on the reliability of the
24 intelligence test used.

25 (2) "Related condition" means a severe, chronic
26 disability that (i) is attributable to cerebral palsy,

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

14 "Dismantling" means the demanufacturing and shredding of a
15 CED.

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

1 waste.

2 "Low income children and families" mean those children and
3 families that are subject to the most recent version of the
4 United States Department of Health and Human Services Federal
5 Poverty Guidelines.

6 "Manufacturer" means a person, or a successor in interest
7 to a person, under whose brand or label a computer, computer
8 monitor, television, printer, electronic keyboard, facsimile
9 machine, videocassette recorder, portable digital music
10 player, digital video disc player, video game console,
11 electronic mouse, scanner, digital converter box, cable
12 receiver, satellite receiver, digital video disc recorder, or
13 small-scale server ~~CEDE~~ is or was sold at retail. For any of the
14 aforementioned electronic devices ~~CEDEs~~ sold at retail under a
15 brand or label that is licensed from a person who is a mere
16 brand owner and who does not sell or produce any of the
17 aforementioned electronic devices ~~the CED~~, the person who
18 produced the device ~~the CED~~ or his or her successor in interest
19 is the manufacturer. For any of the aforementioned electronic
20 devices ~~CEDEs~~ sold ~~that were~~ at retail under the brand or label
21 of both the retail seller and the person that produced the
22 device ~~the CED~~, the person that produced the device ~~the CED~~, or
23 his or her successor in interest, is the manufacturer. A retail
24 seller of any of the aforementioned electronic devices ~~CEDEs~~ may
25 elect to be the manufacturer of one or more of the
26 aforementioned electronic devices ~~CEDEs~~ if the retail seller

1 provides written notice to the Agency that it is accepting
2 responsibility as the manufacturer of the device ~~the CED~~ under
3 this Act and identifies any of the aforementioned electronic
4 devices ~~the CEDs~~ for which it is electing to be the
5 manufacturer.

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

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

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

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

1 optional floor stand, point of sale (POS) receipt printers,
2 household printers such as a calculator with printing
3 capabilities or label makers, or non-stand-alone printers that
4 are embedded into products that are not CEDs.

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

11 "Program Year" means a calendar year. The first program
12 year is 2010.

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

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

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

1 "Refurbisher" means any person who processes CEDs or EEDs
2 for reuse, but does not include telecommunications carriers,
3 telecommunications manufacturers, or commercial mobile service
4 providers with an existing recycling program.

5 "Residence" means a dwelling place or home in which one or
6 more individuals live.

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

26 "Sale" means any retail transfer of title for consideration

1 of title including, but not limited to, transactions conducted
2 through sales outlets, catalogs, or the Internet or any other
3 similar electronic means but does not mean financing or
4 leasing.

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

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 150/15)

3 Sec. 15. Statewide recycling and reuse goals for all
4 covered electronic devices.

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

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

13 For the purposes of this subsection (b):

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

21 The "2010 goal attainment percentage" means:

22 (1) 90% if the 2010 base weight is less than 90% of the
23 statewide recycling or reuse goal for program year 2010;

24 (2) 95% if the 2010 base weight is 90% or greater, but
25 does not exceed 95%, of the statewide recycling or reuse

1 goal for program year 2010;

2 (3) 100% if the 2010 base weight is 95% or greater, but
3 does not exceed 105%, of the statewide recycling or reuse
4 goal for program year 2010;

5 (4) 105% if the 2010 base weight is 105% or greater,
6 but does not exceed 110%, of the statewide recycling or
7 reuse goal for program year 2010; and

8 (5) 110% if the 2010 base weight is 110% or greater of
9 the statewide recycling or reuse goal for program year
10 2010.

11 (c) For program year ~~years~~ 2012 and for each of the
12 following categories of electronic devices, each manufacturer
13 shall recycle or reuse at least 40% of the total weight of the
14 electronic devices that the manufacturer sold in that category
15 in Illinois during the calendar year beginning January 1, 2010:
16 computers, monitors, televisions, printers, electronic
17 keyboards, facsimile machines, video cassette recorders,
18 portable digital music players, digital video disc players,
19 video game consoles, electronic mice, scanners, digital
20 converter boxes, cable receivers, satellite receivers, digital
21 video disc recorders, and small-scale servers. To determine the
22 manufacturer's annual recycling or reuse goal, the
23 manufacturer shall use its own Illinois sales data or its own
24 national sales data proportioned to Illinois' share of the U.S.
25 population, based on the U.S. Census population estimate for
26 2009.

1 (c-5) For program year 2013 and thereafter and for each of
2 the following categories of electronic devices, each
3 manufacturer shall recycle or reuse at least 50% of the total
4 weight of the electronic devices that the manufacturer sold in
5 that category in Illinois during the calendar year 2 years
6 before the applicable program year: computers, monitors,
7 televisions, printers, electronic keyboards, facsimile
8 machines, video cassette recorders, portable digital music
9 players, digital video disc players, video game consoles,
10 electronic mice, scanners, digital converter boxes, cable
11 receivers, satellite receivers, digital video disc recorders,
12 and small-scale servers. To determine the manufacturer's
13 annual recycling or reuse goal, the manufacturer shall use its
14 own Illinois sales data or its own national sales data
15 proportioned to Illinois' share of the U.S. population, based
16 on the most recent U.S. Census data. and thereafter, the
17 statewide recycling or reuse goal for all CEDs is the product
18 of: (i) the base weight; multiplied by (ii) the goal attainment
19 percentage.

20 ~~For the purposes of this subsection (c):~~

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

1 ~~Section 55.~~

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

3 ~~(1) 90% if the base weight is less than 90% of the~~
4 ~~statewide recycling or reuse goal for the previous program~~
5 ~~year;~~

6 ~~(2) 95% if the base weight is 90% or greater, but does~~
7 ~~not exceed 95%, of the statewide recycling or reuse goal~~
8 ~~for the previous program year;~~

9 ~~(3) 100% if the base weight is 95% or greater, but does~~
10 ~~not exceed 105%, of the statewide recycling or reuse goal~~
11 ~~for the previous program year;~~

12 ~~(4) 105% if the base weight is 105% or greater, but~~
13 ~~does not exceed 110%, of the statewide recycling or reuse~~
14 ~~goal for the previous program year; and~~

15 ~~(5) 110% if the base weight is 110% or greater of the~~
16 ~~statewide recycling or reuse goal for the previous program~~
17 ~~year.~~

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

19 (415 ILCS 150/20)

20 Sec. 20. Agency responsibilities.

21 (a) The Agency has the authority to monitor compliance with
22 this Act, enforce violations of the Act by administrative
23 citation, and ~~to~~ refer violations of this Act to the Attorney
24 General.

25 (b) No later than October 1 of each program year, the

1 Agency shall post on its website a list of underserved counties
2 in the State for the next program year. The list of underserved
3 counties for program years 2010 and 2011 ~~the first program year~~
4 is set forth in subsection (a) of Section 60.

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

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

19 (c-10) By June 15, 2012 and by December 15, 2012, and by
20 every June 15 and December 15 thereafter through December 15,
21 2015, the Agency shall meet with associations that represent
22 Illinois retail merchants twice each year to discuss compliance
23 with Section 40.

24 (c-15) By December 15, 2012 and each December 15
25 thereafter, the Agency shall post on its website: (i) the
26 mailing address of each collection site at which collectors

1 collected CEDs during the program year and (ii) the amount in
2 pounds of each CED collected at the collection site during the
3 program year.

4 (d) By July 1, 2011 for the first program year, and by May
5 15 ~~April 1~~ for all subsequent program years, the Agency shall
6 report to the Governor and to the General Assembly annually on
7 the previous program year's performance. The report must be
8 posted on the Agency's website. The report must include, but
9 not be limited to, the following:

10 (1) the total overall weight of CEDs, as well as the
11 sub-total weight of computers, the sub-total weight of
12 computer monitors, the sub-total weight of printers, the
13 sub-total weight of televisions, and the total weight of
14 EEDs that were recycled or processed for reuse in the State
15 during the program year, as reported by manufacturers and
16 collectors under Sections 30 and 55;

17 (2) a listing of all collection sites, as set forth
18 under subsection (a) ~~(e)~~ of Section 55, and the addresses
19 of those sites;

20 (3) a statement showing, for the preceding program
21 year, (i) the total weight of CEDs and EEDs collected,
22 recycled, and processed for reuse by the manufacturers
23 pursuant to Section 30, (ii) the total weight of CEDs
24 processed for reuse by the manufacturers, and (iii) the
25 total weight of CEDs collected by the collectors ~~of the~~
26 ~~manufacturers' progress toward achieving the statewide~~

1 ~~recycling goal set forth in Section 15 (calculated from the~~
2 ~~manufacturer reports pursuant to Section 30 and the~~
3 ~~collector reports pursuant to Section 55) and any~~
4 ~~identified State actions that may help expand collection~~
5 ~~opportunities to help manufacturers achieve the statewide~~
6 ~~recycling goal;~~

7 (4) a listing of all entities or persons to any
8 ~~manufacturers~~ whom the Agency issued an administrative
9 citation or with respect to which the Agency made a
10 referral for enforcement ~~referred~~ to the Attorney
11 General's Office ~~for enforcement~~ as a result of a violation
12 of this Act;

13 (5) a discussion of the Agency's education and outreach
14 activities as set forth in subsection (c) of this Section;
15 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 manufacturers' ~~statewide~~
20 ~~recycling goals, manufacturer's~~ recycling goals, or
21 penalty provisions 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 subsection (b) of Section 30; (2) a list of
25 manufacturers that failed to pay the current year's
26 registration fee as set forth in subsection (b) of Section 30;

1 ~~and (3) Section 30(b) and (2) a list of registered collectors,~~
2 ~~the addresses of their collection sites, their business~~
3 ~~telephone numbers, and a link to their websites. to whom~~
4 ~~Illinois residents can bring CEDs and EEDs for recycling or~~
5 ~~processing for reuse, including links to the collectors'~~
6 ~~websites and the collectors' phone numbers.~~

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

12 (g) No later than October 1 of each program year, the
13 Agency must post on its website the following information for
14 the next program year: (i) the individual recycling and reuse
15 goals for each manufacturer, as set forth in subsections (c)
16 and (c-5) of Section 15, as applicable, and (ii) the total
17 statewide recycling goal, determined by adding each individual
18 manufacturer's annual goal.

19 ~~(1) The overall statewide recycling and reuse goal for~~
20 ~~CEDs, as well as the sub-goals for televisions, and~~
21 ~~computers, computer monitors, and printers as set forth in~~
22 ~~Section 15.~~

23 ~~(2) The market shares of television manufacturers and~~
24 ~~the return shares of computer, computer monitor, and~~
25 ~~printer manufacturers, as set forth in Section 18, and~~

26 ~~(3) The individual recycling and reuse goals for each~~

1 ~~manufacturer, as set forth in Section 19.~~

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

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

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

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

21 (A) Sufficiency of the annual statewide recycling
22 goals.

23 (B) Fairness of the formulas used to determine
24 individual manufacturer goals.

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

1 (D) Any temporary rescissions ~~recissions~~ of county
2 landfill bans granted by the Illinois Pollution
3 Control Board pursuant to Section 95(e).

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

7 (F) Adequacy of the collection systems that have
8 been implemented as a result of this Act, with a
9 particular focus on promoting the most cost-effective
10 and convenient collection system possible for Illinois
11 residents.

12 (2) By July 1, 2015 ~~2012~~, the Agency shall complete its
13 review of the written comments received, as well as its own
14 reports on the preceding program years ~~2010 and 2011~~. By
15 August 1, 2015 ~~2012~~, the Agency shall hold a public hearing
16 to present its findings and solicit additional comments.
17 All additional comments shall be submitted to the Agency in
18 writing no later than October 1, 2015 ~~2012~~.

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

24 (k) Any violation of this Act shall be enforceable by
25 administrative citation. Whenever the Agency personnel or
26 county personnel to whom the Agency has delegated the authority

1 to monitor compliance with this Act shall, on the basis of
2 direct observation, determine that any person has violated any
3 provision of this Act, the Agency or county personnel may issue
4 and serve, within 60 days after the observed violation, an
5 administrative citation upon that person or the entity
6 employing that person. Each citation shall be served upon the
7 person named or the person's authorized agent for service of
8 process and shall include the following:

9 (1) a statement specifying the provisions of this Act
10 that the person or the entity employing the person has
11 violated;

12 (2) a copy of the inspection report in which the Agency
13 or local government recorded the violation and the date and
14 time of the inspection;

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

16 (4) an affidavit by the personnel observing the
17 violation, attesting to their material actions and
18 observations.

19 (l) If the person named in the administrative citation
20 fails to petition the Illinois Pollution Control Board for
21 review within 35 days after the date of service, the Board
22 shall adopt a final order, which shall include the
23 administrative citation and findings of violation as alleged in
24 the citation and shall impose the penalty specified in Section
25 80.

26 (m) If a petition for review is filed with the Board to

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

18 (n) All hearings under this Act shall be held before a
19 qualified hearing officer, who may be attended by one or more
20 members of the Board, designated by the Chairman. All of these
21 hearings shall be open to the public, and any person may submit
22 written statements to the Board in connection with the subject
23 of these hearings. In addition, the Board may permit any person
24 to offer oral testimony. Any party to a hearing under this
25 subsection may be represented by counsel, make oral or written
26 argument, offer testimony, cross-examine witnesses, or take

1 any combination of those actions. All testimony taken before
2 the Board shall be recorded stenographically. The transcript so
3 recorded and any additional matter accepted for the record
4 shall be open to public inspection, and copies of those
5 materials shall be made available to any person upon payment of
6 the actual cost of reproducing the original.

7 (o) Counties that have entered into a delegation agreement
8 with the Agency pursuant to subsection (r) of Section 4 of the
9 Illinois Environmental Protection Act for the purpose of
10 conducting inspection, investigation, or enforcement-related
11 functions may conduct inspections for noncompliance with this
12 Act.

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

14 (415 ILCS 150/30)

15 Sec. 30. Manufacturer responsibilities.

16 (a) Prior to April 1, 2009 for the first program year, and
17 by October 1 for program year 2011 and each program year
18 thereafter, manufacturers who sell ~~whose~~ computers, computer
19 monitors, printers, ~~or~~ televisions, electronic keyboards,
20 facsimile machines, videocassette recorders, portable digital
21 music players, digital video disc players, video game consoles,
22 electronic mice, scanners, digital converter boxes, cable
23 receivers, satellite receivers, digital video disc recorders,
24 or small-scale servers ~~are sold~~ in this State must register
25 with the Agency. The registration must be submitted in the form

1 and manner required by the Agency. The registration must
2 include, without limitation, all of the following:

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

12 (2) (blank) ~~for manufacturers of both televisions and~~
13 ~~computers, computer monitors, or printers, an~~
14 ~~identification of whether, for residential use, (i)~~
15 ~~televisions or (ii) computers, computer monitors, and~~
16 ~~printers, represent the larger number of units sold for the~~
17 ~~manufacturer; and~~

18 (3) a statement disclosing whether: ~~(A)~~ any of the
19 manufacturer's computers, computer monitors, printers,
20 televisions, electronic keyboards, facsimile machines,
21 videocassette recorders, portable digital music players,
22 digital video disc players, video game consoles,
23 electronic mice, scanners, digital converter boxes, cable
24 receivers, satellite receivers, digital video disc
25 recorders, or small-scale servers ~~computer, computer~~
26 ~~monitor, printer, or television~~ sold in this State exceed

1 ~~exceeds~~ the maximum concentration values established for
2 lead, mercury, cadmium, hexavalent chromium,
3 polybrominated biphenyls (PBBs), and polybrominated
4 diphenyl ethers (PBDEEs) under the RoHS (restricting the
5 use of certain hazardous substances in electrical and
6 electronic equipment) Directive 2002/95/EC of the European
7 Parliament and Council and any amendments thereto and, if
8 so, an identification of the aforementioned electronic
9 device that exceeds the directive ~~that computer, computer~~
10 ~~monitor, printer, or television; or (B) the manufacturer~~
11 ~~has received an exemption from one or more of those maximum~~
12 ~~concentration values under the RoHS Directive that has been~~
13 ~~approved and published by the European Commission.~~

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

21 (b) Prior to July 1, 2009 for the first program year, and
22 by the November 1 preceding program years 2011 and later, all
23 manufacturers whose computers, computer monitors, printers, ~~or~~
24 televisions, electronic keyboards, facsimile machines,
25 videocassette recorders, portable digital music players,
26 digital video disc players, video game consoles, electronic

1 mice, scanners, digital converter boxes, cable receivers,
2 satellite receivers, digital video disc recorders, or
3 small-scale servers are offered for sale ~~sold~~ in the State
4 shall submit to the Agency, at an address prescribed by the
5 Agency, the registration fee for the next program year. The
6 registration fee for program year 2010 is \$5,000. The
7 registration fee for program year 2011 is \$5,000, increased by
8 the applicable inflation factor as described below. In program
9 year 2012, if, in program year 2011, a manufacturer sold 250 or
10 fewer of the aforementioned electronic devices in the State,
11 then the registration fee for that manufacturer is \$1,250. In
12 each program year after 2012, if, in the preceding program
13 year, a manufacturer sold 250 or fewer of the aforementioned
14 electronic devices in the State, then the registration fee is
15 the fee that applied in the previous year to manufacturers that
16 sold that number of the aforementioned electronic devices,
17 increased by the applicable inflation factor as described
18 below. In program year 2012, if, in the preceding program year
19 a manufacturer sold 251 or more of the aforementioned
20 electronic devices in the State, then the registration fee for
21 that manufacturer is \$5,000. In each program year after 2012,
22 if, in the preceding program year, a manufacturer sold 251 or
23 more of the aforementioned electronic devices in the State,
24 then the registration fee is the fee that applied in the
25 previous year to manufacturers that sold that number of the
26 aforementioned electronic devices, increased by the applicable

1 inflation factor as described below. For program year ~~years~~
2 2011, program year 2013, and each program year thereafter
3 ~~later,~~ the applicable registration fee is increased each year
4 by an inflation factor determined by the annual Implicit Price
5 Deflator for Gross National Product, as published by the U.S.
6 Department of Commerce in its Survey of Current Business. The
7 inflation factor must be calculated each year by dividing the
8 latest published annual Implicit Price Deflator for Gross
9 National Product by the annual Implicit Price Deflator for
10 Gross National Product for the previous year. The inflation
11 factor must be rounded to the nearest 1/100th, and the
12 resulting registration fee must be rounded to the nearest whole
13 dollar. No later than October 1 of each program year, the
14 Agency shall post on its website the registration fee for the
15 next program year.

16 (c) A manufacturer whose computers, computer monitors,
17 printers, ~~or~~ televisions, electronic keyboards, facsimile
18 machines, videocassette recorders, portable digital music
19 players, digital video disc players, video game consoles,
20 electronic mice, scanners, digital converter boxes, cable
21 receivers, satellite receivers, digital video disc recorders,
22 or small-scale servers 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 within 30 days after the first sale or
25 offer for sale in accordance with subsection (a) of this
26 Section and submit the registration fee required under

1 subsection (b) of this Section prior to the aforementioned
2 electronic devices ~~manufacturer's computers, computer~~
3 ~~monitors, printers, or televisions~~ being sold or offered for
4 sale.

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

15 When determining whether a manufacturer has met or exceeded
16 its individual recycling and reuse goal set forth in Section 15
17 ~~Section 19~~ of this Act, all of the following adjustments must
18 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) (Blank). ~~Manufacturers of computers, computer~~
7 ~~monitors, or printers, either individually or collectively,~~
8 ~~shall hire an independent third party auditor to perform~~
9 ~~statistically significant return share samples of CEDs~~
10 ~~received by recyclers and refurbishers for recycling or~~
11 ~~processing for reuse. Each third party auditor shall perform a~~
12 ~~return share sample of CEDs for at least one 8-hour period,~~
13 ~~once a quarter during the program year at the facility of each~~
14 ~~registered recycler and refurbisher under contract with the~~
15 ~~manufacturer or group of manufacturers that has hired the~~
16 ~~auditor. The audit shall 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 September 1, 2012 and every September 1 thereafter
3 August 15, 2009, television manufacturers of computers,
4 computer monitors, printers, televisions, electronic
5 keyboards, facsimile machines, videocassette recorders,
6 portable digital music players, digital video disc players,
7 video game consoles, electronic mice, scanners, digital
8 converter boxes, cable receivers, satellite receivers, digital
9 video disc recorders, or small-scale servers shall submit to
10 the Agency, in the form and manner required by the Agency, a
11 report that contains the total weight of the aforementioned
12 electronic devices ~~televisions~~ sold under each of the
13 manufacturer's brands to individuals ~~at retail~~ in this State as
14 calculated under subsection (c) and (c-5) of Section 15, as
15 applicable. Each manufacturer shall indicate on the report
16 whether the total weight of the aforementioned electronic
17 devices was derived from its own sales records or national
18 sales data. If a manufacturer's weight for aforementioned
19 electronic devices is derived from national sales data, the
20 manufacturer shall indicate the source of the sales data. ~~as~~
21 set forth in the reports to manufacturers by retailers under
22 subsection (c) of Section 40.

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

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

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

8 ~~(B) national sales data reports obtained by the~~
9 ~~manufacturer and pro rated to Illinois by multiplying~~
10 ~~the weight of the manufacturer's televisions sold~~
11 ~~nationally by the quotient that results from dividing~~
12 ~~the population of Illinois by the population of the~~
13 ~~United States. The population of Illinois and the~~
14 ~~United States shall be obtained using the most recent~~
15 ~~U.S. census data.~~

16 ~~(2) The total weight of computers, the total weight of~~
17 ~~computer monitors, the total weight of printers, the total~~
18 ~~weight of televisions, and the total weight of EEDs~~
19 ~~recycled or processed for reuse.~~

20 (j) (Blank). ~~By August 15, 2010, computer, computer~~
21 ~~monitor, and printer manufacturers shall submit to the Agency,~~
22 ~~on forms and in a format prescribed by the Agency, a report for~~
23 ~~the period January 1, 2010 through June 30, 2010 that contains~~
24 ~~the total weight of computers, the total weight of computer~~
25 ~~monitors, the total weight of printers, the total weight of~~
26 ~~televisions, and the total weight of EEDs, recycled or~~

1 ~~processed for reuse.~~

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

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

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

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

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

26 ~~(3) The identification of all weights that are adjusted~~

1 ~~under subsection (d) of this Section. For all weights~~
2 ~~adjusted under item (2) of subsection (d), the manufacturer~~
3 ~~must include copies of the written confirmation required~~
4 ~~under that subsection.~~

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

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

11 (1) On or before January 31, 2013 and on or before every
12 January 31 ~~No later than April 1 of program years 2011 and~~
13 ~~thereafter, computer, computer monitor, and printer~~
14 ~~manufacturers of computers, computer monitors, printers,~~
15 ~~televisions, electronic keyboards, facsimile machines,~~
16 ~~videocassette recorders, portable digital music players,~~
17 ~~digital video disc players, video game consoles, electronic~~
18 ~~mice, scanners, digital converter boxes, cable receivers,~~
19 ~~satellite receivers, digital video disc recorders, and~~
20 ~~small-scale servers~~ shall submit to the Agency, on forms and in
21 a format prescribed by the Agency, a report that contains all
22 of the following information for the previous program year:

23 (1) The ~~the~~ total weight of computers, the total weight
24 of computer monitors, the total weight of printers, the
25 total weight of televisions, the total weight of electronic
26 keyboards, the total weight of facsimile machines, the

1 total weight of videocassette recorders, the total weight
2 of portable digital music players, the total weight of
3 digital video disc players, the total weight of video game
4 consoles, the total weight of electronic mice, the total
5 weight of scanners, the total weight of digital converter
6 boxes, the total weight of cable receivers, the total
7 weight of satellite receivers, the total weight of digital
8 video disc recorders, the total weight of small-scale
9 servers, and the total weight of EEDs recycled or processed
10 for reuse. ~~†~~

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

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

21 (4) A ~~a~~ summary of the manufacturer's consumer
22 education program required under subsection (m) of this
23 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, 2012 ~~2010~~, no manufacturer may
5 sell a computer, computer monitor, printer, ~~or~~ television,
6 electronic keyboard, facsimile machine, videocassette
7 recorder, portable digital music player, digital video disc
8 player, video game console, electronic mouse, scanner, digital
9 converter box, cable receiver, satellite receiver, digital
10 video disc recorder, or small-scale server in this State unless
11 the manufacturer is registered with the State as required under
12 this Act, has paid the required registration fee, and is
13 otherwise in compliance with the provisions of this Act.

14 (o) Beginning January 1, 2012 ~~2010~~, no manufacturer may
15 sell a computer, computer monitor, printer, ~~or~~ television,
16 electronic keyboard, facsimile machine, videocassette
17 recorder, portable digital music player, digital video disc
18 player, video game console, electronic mouse, scanner, digital
19 converter box, cable receiver, satellite receiver, digital
20 video disc recorder, or small-scale server in this State unless
21 the manufacturer's brand name is permanently affixed to, and is
22 readily visible on, the computer, computer monitor, printer, or
23 television.

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

25 (415 ILCS 150/50)

1 Sec. 50. Recycler and refurbisher registration.

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

11 (b) The registration fee for program year 2010 is \$2,000.
12 For program year 2011, if a recycler's or refurbisher's annual
13 combined total weight of CEDs and EEDs is less than 1,000 tons
14 per year, the registration fee shall be \$500. For program year
15 2012 and for all subsequent program years, both registration
16 fees shall be increased each year by an inflation factor
17 determined by the annual Implicit Price Deflator for Gross
18 National Product as published by the U.S. Department of
19 Commerce in its Survey of Current Business. The inflation
20 factor must be calculated each year by dividing the latest
21 published annual Implicit Price Deflator for Gross National
22 Product by the annual Implicit Price Deflator for Gross
23 National Product for the previous year. The inflation factor
24 must be rounded to the nearest 1/100th, and the resulting
25 registration fee must be rounded to the nearest whole dollar.
26 No later than October 1 of each program year, the Agency shall

1 post on its website the registration fee for the next program
2 year.

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

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

15 (1) Recyclers and refurbishers must comply with
16 federal, State, and local laws and regulations, including
17 federal and State minimum wage laws, specifically relevant
18 to the handling, processing, refurbishing and recycling of
19 residential CEDs and must have proper authorization by all
20 appropriate governing authorities to perform the handling,
21 processing, refurbishment, and recycling.

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

25 (A) environmental health and safety training of
26 personnel, including training with regard to material

1 and equipment handling, worker exposure, controlling
2 releases, and safety and emergency procedures;

3 (B) an up-to-date, written plan for the
4 identification and management of hazardous materials;
5 and

6 (C) an up-to-date, written plan for reporting and
7 responding to exceptional pollutant releases,
8 including emergencies such as accidents, spills,
9 fires, and explosions.

10 (3) Recyclers and refurbishers must maintain (i)
11 commercial general liability insurance or the equivalent
12 corporate guarantee for accidents and other emergencies
13 with limits of not less than \$1,000,000 per occurrence and
14 \$1,000,000 aggregate and (ii) pollution legal liability
15 insurance with limits not less than \$1,000,000 per
16 occurrence for companies engaged solely in the dismantling
17 activities and \$5,000,000 per occurrence for companies
18 engaged in recycling.

19 (4) Recyclers and refurbishers must maintain on file
20 documentation that demonstrates the completion of an
21 environmental health and safety audit completed and
22 certified by a competent internal and external auditor
23 annually. A competent auditor is an individual who, through
24 professional training or work experience, is appropriately
25 qualified to evaluate the environmental health and safety
26 conditions, practices, and procedures of the facility.

1 Documentation of auditors' qualifications must be
2 available for inspection by Agency officials and
3 third-party auditors.

4 (5) Recyclers and refurbishers must maintain on file
5 proof of workers' compensation and employers' liability
6 insurance.

7 (6) Recyclers and refurbishers must provide adequate
8 assurance (such as bonds or corporate guarantee) to cover
9 environmental and other costs of the closure of the
10 recycler or refurbisher's facility, including cleanup of
11 stockpiled equipment and materials.

12 (7) Recyclers and refurbishers must apply due
13 diligence principles to the selection of facilities to
14 which components and materials (such as plastics, metals,
15 and circuit boards) from CEDs and EEDs are sent for reuse
16 and recycling.

17 (8) Recyclers and refurbishers must establish a
18 documented environmental management system that is
19 appropriate in level of detail and documentation to the
20 scale and function of the facility, including documented
21 regular self-audits or inspections of the recycler or
22 refurbisher's environmental compliance at the facility.

23 (9) Recyclers and refurbishers must use the
24 appropriate equipment for the proper processing of
25 incoming materials as well as controlling environmental
26 releases to the environment. The dismantling operations

1 and storage of CED and EED components that contain
2 hazardous substances must be conducted indoors and over
3 impervious floors. Storage areas must be adequate to hold
4 all processed and unprocessed inventory. When heat is used
5 to soften solder and when CED and EED components are
6 shredded, operations must be designed to control indoor and
7 outdoor hazardous air emissions.

8 (10) Recyclers and refurbishers must establish a
9 system for identifying and properly managing components
10 (such as circuit boards, batteries, CRTs, and mercury
11 phosphor lamps) that are removed from CEDs and EEDs during
12 disassembly. Recyclers and refurbishers must properly
13 manage all hazardous and other components requiring
14 special handling from CEDs and EEDs consistent with
15 federal, State, and local laws and regulations. Recyclers
16 and refurbishers must provide visible tracking (such as
17 hazardous waste manifests or bills of lading) of hazardous
18 components and materials from the facility to the
19 destination facilities and documentation (such as
20 contracts) stating how the destination facility processes
21 the materials received. No recycler or refurbisher may
22 send, either directly or through intermediaries, hazardous
23 wastes to solid waste (non-hazardous waste) landfills or to
24 non-hazardous waste incinerators for disposal or energy
25 recovery. For the purpose of these guidelines, smelting of
26 hazardous wastes to recover metals for reuse in conformance

1 with all applicable laws and regulations is not considered
2 disposal or energy recovery.

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

19 (12) Recyclers and refurbishers must comply with
20 federal and international law and agreements regarding the
21 export of used products or materials. In the case of
22 exports of CEDs and EEDs, recyclers and refurbishers must
23 comply with applicable requirements of the U.S. and of the
24 import and transit countries and must maintain proper
25 business records documenting its compliance. No recycler
26 or refurbisher may establish or use intermediaries for the

1 purpose of circumventing these U.S. import and transit
2 country requirements.

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

25 (14) Recyclers and refurbishers must maintain the
26 following export records for each shipment on file for a

1 minimum of 3 years: (i) the facility name and the address
2 to which shipment is exported; (ii) the shipment contents
3 and volumes; (iii) the intended use of contents by the
4 destination facility; (iv) any specification required by
5 the destination facility in relation to shipment contents;
6 (v) an assurance that all shipments for export, as
7 applicable to the CED manufacturer, are legal and satisfy
8 all applicable laws of the destination country.

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

17 (16) No recycler or refurbisher may employ prison labor
18 in any operation related to the collection,
19 transportation, recycling, and refurbishment of CEDs and
20 EEDs. No recycler or refurbisher may employ any third party
21 that uses or subcontracts for the use of prison labor.

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

23 (415 ILCS 150/55)

24 Sec. 55. Collector responsibilities.

25 (a) No later than January 1 of each program year,

1 collectors that collect or receive CEDs or EEDs for one or more
2 manufacturers, recyclers, or refurbishers shall register with
3 the Agency. Registration must be in the form and manner
4 required by the Agency and must include, without limitation,
5 the address of each location where CEDs or EEDs are received
6 and the identification of each location at which the collector
7 accepts CEDs or EEDs from a residence.

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

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

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

23 (1) The ~~the~~ total weight of individual CEDs collected
24 ~~computers, the total weight of computer monitors, the total~~
25 ~~weight of printers, the total weight of televisions,~~ and
26 the total weight of EEDs collected or received for each

1 manufacturer during the previous program year.

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

5 (3) The ~~the~~ address of each collector's facility where
6 the CEDs and EEDs were collected or received. Each facility
7 address must include the county in which the facility is
8 located.

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

13 (f) No collector of CEDs and EEDs may recycle, or refurbish
14 for reuse or resale, CEDs or EEDs to a third party unless the
15 collector registers as a recycler or refurbisher pursuant to
16 Section 50 and pays the registration fee pursuant to Section
17 50.

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

19 (415 ILCS 150/60)

20 Sec. 60. Collection strategy for underserved counties.

21 (a) For program year 2010 and 2011, all counties in this
22 State except the following are considered underserved:
23 Champaign, Clay, Clinton, Cook, DuPage, Fulton, Hancock,
24 Henry, Jackson, Kane, Kendall, Knox, Lake, Livingston,
25 Macoupin, McDonough, McHenry, McLean, Mercer, Peoria, Rock

1 Island, St. Clair, Sangamon, Schuyler, Stevenson, Warren,
2 Will, Williamson, and Winnebago.

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

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

19 (415 ILCS 150/65)

20 Sec. 65. State government procurement.

21 (a) The Department of Central Management Services shall
22 ensure that all bid specifications and contracts for the
23 purchase or lease of desktop computers, laptop or notebook
24 computers, and computer monitors, by State agencies under a
25 statewide master contract require that the electronic products

1 have a Bronze performance tier or higher registration under the
2 Electronic Product Environmental Assessment Tool ("EPEAT")
3 operated by the Green Electronics Council.

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

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

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

21 (415 ILCS 150/80)

22 Sec. 80. Penalties.

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

1 ~~of \$7,000 \$1,000~~ for the violation and an additional civil
2 penalty not to exceed \$1,000 for each day the violation
3 continues ~~and is liable for a civil penalty not to exceed~~
4 ~~\$5,000 for a second or subsequent violation and an additional~~
5 ~~civil penalty not to exceed \$1,000 for each day the second or~~
6 ~~subsequent violation 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 50% ~~60%~~ of the manufacturer's
19 individual recycling or reuse goal set forth in subsection
20 (c) of Section 15 ~~Section 19~~ of this Act, the manufacturer
21 shall pay a penalty equal to the product of: (i) \$0.70 per
22 pound; multiplied by (ii) the difference between the
23 manufacturer's individual recycling or reuse goal and the
24 total weight of CEDs and EEDs recycled or processed for
25 reuse by the manufacturer during 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 is less than 60% ~~75%~~ of the
3 manufacturer's individual recycling or reuse goal set
4 forth in subsection (c-5) of Section 15 ~~Section 19~~ of this
5 Act, the manufacturer shall pay a penalty equal to the
6 product of: (i) \$0.70 per pound; multiplied by (ii) the
7 difference between the manufacturer's individual recycling
8 or reuse goal and the total weight of CEDs and EEDs
9 recycled or processed for reuse by the manufacturer during
10 the program year.

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

22 (d) A ~~Beginning January 1, 2010,~~ a manufacturer in
23 violation of subsection (e), (h), (i), (j), (k), ~~or~~ (l), or (m)
24 of Section 30 is liable for a civil penalty not to exceed
25 \$5,000 for the violation.

26 (e) Any person in violation of Section 50 of this Act is

1 liable for a civil penalty not to exceed \$5,000 for the
2 violation.

3 (f) A knowing violation of subsection (a), (b), or (c)
4 ~~subsections (a) and (c)~~ of Section 95 of this Act by anyone
5 other than a residential consumer is a petty offense punishable
6 by a fine of \$500. A knowing violation of subsection (a), (b),
7 or (c) of Section 95 of this Act by a residential consumer is a
8 petty offense punishable by a fine of \$25 for a first
9 violation; however, a subsequent violation by a residential
10 consumer is a petty offense punishable by a fine of \$50 ~~\$100~~.

11 (g) The penalties provided for in this Act may be recovered
12 in a civil action brought by the Attorney General in the name
13 of the People of the State of Illinois. Any moneys collected
14 under this Section in which the Attorney General has prevailed
15 may be deposited into the Electronic Recycling Fund,
16 established under this Act.

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

22 (i) The penalties and injunctions provided in this Act are
23 in addition to any penalties, injunctions, or other relief
24 provided under any other law. Nothing in this Act bars a cause
25 of action by the State for any other penalty, injunction, or
26 relief provided by any other law.

1 (j) A fine imposed by administrative citation pursuant to
2 subsection (k) of Section 20 shall be limited to \$1,000.
3 Administrative citations may be used to enforce violations of
4 the landfill ban subject to fines set forth in subsection (f)
5 of this Section.

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

7 (415 ILCS 150/95)

8 Sec. 95. Landfill ban.

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

19 (b) Except as may be provided pursuant to subsection (e) of
20 this Section, and beginning January 1, 2012, no person may
21 knowingly cause or allow the disposal of a CED or any other
22 computer, computer monitor, printer, ~~or~~ television, electronic
23 keyboard, facsimile machine, videocassette recorder, portable
24 digital music player, digital video disc player, video game
25 console, electronic mouse, scanner, digital converter box,

1 cable receiver, satellite receiver, digital video disc
2 recorder, or small-scale server in a sanitary landfill.

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

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

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

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

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

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

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

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

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

1 preceding program years;

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

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

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

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

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

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

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

17 (415 ILCS 150/16 rep.)

18 (415 ILCS 150/17 rep.)

19 (415 ILCS 150/18 rep.)

20 (415 ILCS 150/19 rep.)

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.