

AN ACT concerning safety.

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

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

Section 5. Findings and purpose.

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

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

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

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

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

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

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

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

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

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

Section 10. Definitions. As used in this Act:

"Agency" means the Environmental Protection Agency.

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

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

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

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

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

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

(2) "Notebook computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a notebook computer is achieved through a keyboard, video display greater than 4 inches in size, and mouse or other pointing device, all of which are contained within the construction of the unit that comprises the notebook computer; supplemental stand-alone interface devices typically can also be attached to the notebook computer. Notebook computers can use external, internal, or batteries for a power source. Notebook computer does not include a portable hand-held calculator, or a portable digital assistant or similar specialized device. A notebook computer has an incorporated video display greater than 4 inches in size and can be carried as one unit by an individual. A notebook computer is sometimes referred to as a laptop computer.

"Computer monitor" means an electronic device that is a

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

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

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

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

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

To the extent allowed under federal and State laws and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the purposes of this subsection (b):

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

The "2010 goal attainment percentage" means:

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

statewide recycling or reuse goal for program year 2010;

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

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

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

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

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

For the purposes of this subsection (c):

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

The "goal attainment percentage" means:

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

statewide recycling or reuse goal for the previous program year;

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

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

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

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

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

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

(b) For program year 2011, the statewide recycling or reuse goal for television manufacturers is the product of: (i) an amount equal to the total weight of televisions that were recycled or processed for reuse between January 1, 2010 and June 30, 2010, as reported under subsection (i) of Section 30, divided by the total weight of all CEDs that were recycled or

processed for reuse between January 1, 2010 and June 30, 2010, as reported under subsection (i) of Section 30; multiplied by (ii) the statewide recycling or reuse goal for all CEDs under subsection (b) of Section 15.

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

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

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

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

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

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

Section 18. Determination of market shares and return shares.

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

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

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

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

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

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

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

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

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

under subsection (j) of Section 30.

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

Section 19. Recycling or reuse goals for individual manufacturers.

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

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

Section 20. Agency responsibilities.

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

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

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

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

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

collectors under Sections 30 and 55;

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

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

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

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

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

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

collectors' websites and the collectors' phone numbers.

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

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

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

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

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

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

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

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

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

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

(A) Sufficiency of the annual statewide recycling goals.

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

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

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

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

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

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

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

Section 30. Manufacturer responsibilities.

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

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

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

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

(3) a statement disclosing whether:

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

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

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

(b) Prior to July 1, 2009 for the first program year, and by the November 1 preceding program years 2011 and later, all manufacturers whose computers, computer monitors, or televisions are sold in the State shall submit to the Agency, at an address prescribed by the Agency, the registration fee for the next program year. The registration fee for program year 2010 is \$5,000.

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

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

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

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

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

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

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

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

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

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

contain the following data:

- (1) the number and weight of CEDs, sorted by brand name and product type, including a category for orphan CEDs;
- (2) the total weight of the sample by product type;
- (3) the date, location, and time of the sampling;
- (4) the name or names of the manufacturer for whom the recycler is performing activities under this Act; and
- (5) a certification by the third-party auditor that the sampling is statistically significant and, if not, an explanation as to what occurred to render the sampling insignificant.

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

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

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

Act.

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

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

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

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

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

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

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

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

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

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

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

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

of this Act;

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

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

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

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

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

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

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

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

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

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

Section 40. Retailer responsibilities.

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

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

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

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

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

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

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

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

Section 50. Recycler and refurbisher registration.

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

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

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

the registration fee as required under this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 55. Collector responsibilities.

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

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

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

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

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

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

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

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

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

Section 60. Collection strategy for underserved counties.

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

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

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

Section 65. State government procurement.

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

operated by the Green Electronics Council.

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

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

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

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

Section 80. Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 95. Landfill ban.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(30 ILCS 105/5.708 new)

Sec. 5.708. The Electronics Recycling Fund.

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