

ENVIRONMENTAL SAFETY
(415 ILCS 150/) Electronic Products Recycling and Reuse Act.

(415 ILCS 150/1)

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

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

(415 ILCS 150/5)

Sec. 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 2007, 3,000,000 tons of electronic products became obsolete yet only 14% 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) 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, glass, and other valuable materials that may be resold for reuse in new products. The reuse of these materials conserves natural resources and energy. The reuse of these materials also reduces water pollution and the air pollution associated with greenhouse gas emissions.

(5) The management of obsolete residential products is necessary to prioritize the reuse and recycling of these products as the preferred management strategy over incineration and landfill disposal.

(6) The 2010 Recycling Economic Information Study Update for Illinois estimates that the total economic impact of recycling and reusing obsolete electronic products resulted in the creation of nearly 8,000 jobs and \$622 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.

(Source: P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/10)

Sec. 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.

(3) "Tablet 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 tablet computer is achieved through a touch-screen and video display screen greater than 6 inches in size (all of which are contained within the unit that comprises the tablet computer). Tablet computers may use an external or internal power source. "Tablet computer" does not include a portable hand-held calculator, a portable digital assistant, or a similar specialized device.

"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, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server sold at retail and taken out of service from a residence in this State. "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", as defined by the Illinois Department of Human Services, Division of Developmental Disabilities Program Manual, means having mental retardation or a related condition. For the purposes of this Act:

(1) "Mental retardation" means significantly subaverage general intellectual functioning as well as deficits in adaptive behavior that manifested before age 18. A person's general intellectual functioning is significantly subaverage if that person has an intelligence quotient (IQ) of 70 or below on standardized

measures of intelligence. This upper limit, however, may be extended upward depending on the reliability of the intelligence test used.

(2) "Related condition" means a severe, chronic disability that (i) is attributable to cerebral palsy, epilepsy, or any other condition, other than mental illness, (ii) is found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and (iii) requires treatment or services similar to those required for persons with mental retardation.

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

"Eligible electronic device" or "EED" means any of the following electronic products sold at retail and taken out of service from a residence in this State: mobile telephone; computer cable; portable digital assistant (PDA); ~~or~~ zip drive; or any other electronic device not defined as a white good under Section 22.28 of the Illinois Environmental Protection Act. 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 computer, computer monitor, television, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server is or was sold at retail. For any of the aforementioned electronic devices 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 any of the aforementioned electronic devices, the person who produced the device or his or her successor in interest is the manufacturer. For any of the aforementioned electronic devices sold at retail under the brand or label of both the retail seller and the person that produced the device, the person that produced the device, or his or her successor in interest, is the manufacturer. A retail seller of any of the aforementioned electronic devices may elect to be the manufacturer of one or more of the aforementioned electronic devices if the retail seller provides written notice to the Agency that it is accepting responsibility as the manufacturer of the device under this Act and identifies any of the aforementioned electronic devices for which it is electing to be the manufacturer.

"Manufacturer responsibility organization" means an organization appointed by the manufacturers to act as an agent

on behalf of the manufacturers to design, submit, implement and administer an electronics recycling program under this Act.

"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. "Processing for reuse" includes the collection and transportation of CEDs or EEDs.

"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.

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

"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, printers, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers 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, printers, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers 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.

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

"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.

~~"Underserved counties" means those counties so identified in Section 60-~~

(Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)

(415 ILCS 150/15)

Sec. 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 year 2012 and for each of the following categories of electronic devices, each manufacturer shall recycle or reuse at least 40% of the total weight of the electronic devices that the manufacturer sold in that category in Illinois during the calendar year beginning January 1, 2010: computers, monitors, televisions, printers, electronic keyboards, facsimile machines, video cassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, and small-scale servers. To determine the manufacturer's annual recycling or reuse goal, the manufacturer shall use its own Illinois sales data or its own national sales data proportioned to Illinois' share of the U.S. population, based on the U.S. Census population estimate for 2009.

(c-5) For program year 2013 and program year 2014 and for each of the following categories of electronic devices, each manufacturer shall recycle or reuse at least 50% of the total weight of the electronic devices that the manufacturer sold in that category in Illinois during the calendar year 2 years before the applicable program year: computers, monitors, televisions, printers, electronic keyboards, facsimile machines, video cassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, and small-scale servers.

To determine the manufacturer's annual recycling or reuse goal, the manufacturer shall use its own Illinois sales data or

its own national sales data proportioned to Illinois' share of the U.S. population, based on the most recent U.S. Census data.

(c-6) For program year 2015, the total annual recycling goal for all manufacturers shall be as follows:

- (1) 30,800,000 pounds for manufacturers of televisions and computer monitors; and
- (2) 15,800,000 pounds for manufacturers of all other covered electronic devices.

For program year 2016 ~~and program year 2017~~, the total annual recycling goal for all manufacturers shall be as follows:

- (1) 34,000,000 pounds for manufacturers of televisions and computer monitors; and
- (2) 15,600,000 pounds for manufacturers of all other covered electronic devices.

An individual manufacturer's annual recycling goal for televisions, computer monitors, and all other covered electronic devices shall be in proportion to the manufacturer's market share of those product types sold in Illinois during the calendar year 2 years before the applicable program year.

For program year 2017 and thereafter until such time that the convenience requirements in Section 62 are met, the total annual recycling goal shall be 89,814,424 pounds for manufacturers of all covered electronic devices.

~~For program year 2018 and thereafter, and for each of the following categories of electronic devices, each manufacturer shall recycle or reuse at least 50% of the total weight of the electronic devices that the manufacturer sold in that category in Illinois during the calendar year 2 years before the applicable program year: computers, monitors, televisions, printers, electronic keyboards, facsimile machines, video cassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, and small-scale servers.~~

~~To determine the manufacturer's annual recycling or reuse goal for program year 2018 and thereafter, the manufacturer shall use its own Illinois sales data or its own national sales data proportioned to Illinois' share of the U.S. population, based on the most recent U.S. census data.~~

~~For program year 2018 and thereafter, the annual recycling or reuse goal shall be adjusted according to the collection needs of the State and to account for the eventual decrease in weight of collected items.~~

(d) In order to further the policy of the State of Illinois to reduce the environmental and economic impacts of transporting and managing cathode-ray tube (CRT) glass, and to support (i) the beneficial use of CRTs in accordance with beneficial use determinations issued by the Agency under Section 22.54 of the Environmental Protection Act and (ii) the storage of CRTs in retrievable storage cells at locations within the State for future recovery, the total weight of a CRT device, prior to processing, may be applied toward the manufacturer's annual recycling or reuse goal, provided that:

- (1) all recyclable components are removed from the device; and
- (2) the glass from the device is either:
 - (A) beneficially reused in accordance with a beneficial use determination issued under Section 22.54 of the Environmental Protection Act; or
 - (B) placed in a storage cell, in a manner that allows it to be retrieved in the future, at a waste disposal site that is permitted to accept the glass.**

(Source: P.A. 99-13, eff. 7-10-15.)

(415 ILCS 150/16)

Sec. 16. (Repealed).

(Source: P.A. 95-959, eff. 9-17-08. Repealed by P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/17)

Sec. 17. (Repealed).

(Source: P.A. 95-959, eff. 9-17-08. Repealed by P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/18)

Sec. 18. (Repealed).

(Source: P.A. 95-959, eff. 9-17-08. Repealed by P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/19)

Sec. 19. (Repealed).

(Source: P.A. 95-959, eff. 9-17-08. Repealed by P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/20)

Sec. 20. Agency responsibilities.

(a) The Agency ~~has the authority to~~ shall monitor compliance with this Act, enforce violations of the Act by administrative citation, and 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 program years 2010 and 2011 is set forth in subsection (a) of Section 60.

(c) From July 1, 2009 until December 31, 2015, 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.

(c-5) No later than February 1, 2012 and every February 1 thereafter, the Agency shall use a portion of the manufacturer, recycler, and refurbisher registration fees to

provide a \$2,000 grant to the recycling coordinator in each county of the State in order to inform residents in each county about this Act and opportunities to recycle CEDs and EEDs. The recycling coordinator shall expend the \$2,000 grant before December 31 of the program year in which the grant is received. The recycling coordinator shall maintain records that document the use of the grant funds.

(c-6) Beginning January 15, 2017 and every January 15 thereafter, the State Comptroller and Treasurer shall transfer \$4 million from the Illinois Solid Waste Management Fund to the manufacturer responsibility organization for the implementation of a statewide recycling and reuse program consistent with the requirements of this Act.

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

(c-15) By December 15, 2012 and each December 15 thereafter, the Agency shall post on its website: (i) the ~~mailing address~~ physical address of each collection site at which collectors collected CEDs and EEDs during the program year and (ii) the amount in pounds of total CEDs and total EEDs collected at the collection site during the program year.

(d) By July 1, 2011 for the first program year, and by May 15 for all subsequent program years, except for program years 2015, 2016, and 2017, 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 (a) of Section 55, and the addresses of those sites;

(3) a statement showing, for the preceding program year, (i) the total weight of CEDs and EEDs collected, recycled, and processed for reuse by the manufacturers pursuant to Section 30, (ii) the total weight of CEDs processed for reuse by the manufacturers, and (iii) the total weight of CEDs collected by the collectors;

(4) a listing of all entities or persons to whom the Agency issued an administrative citation or with respect to which the Agency made a referral for enforcement to the Attorney General's Office as a result of a violation of this Act;

(5) a discussion of the Agency's education and outreach activities as set forth in subsection (c) of this Section; 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 manufacturers' recycling goals or penalty provisions included in this Act.

For program years 2015, 2016, and 2017, the Agency shall make available on its website the information described in paragraphs (1) through (6) in whatever format it deems appropriate.

(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 subsection (b) of Section 30; (2) a list of manufacturers that failed to pay the current year's registration fee as set forth in subsection (b) of Section 30; and (3) a list of registered collectors, the addresses of their collection sites, their business telephone numbers, and a link to their websites.

(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: (i) the individual recycling and reuse goals for each manufacturer, as set forth in subsections (c) and (c-5) of Section 15, as applicable, and (ii) the total statewide recycling goal, determined by adding each individual manufacturer's annual goal.~~

~~(h) By April 1, 2011, and by April 1 of all subsequent years, the Agency shall award those manufacturers that have met or exceeded their recycling or reuse goals for the previous program year with an Electronic Industry Recycling Award. The award shall acknowledge that the manufacturer has met or exceeded its recycling goals and shall be posted on the Agency website and in 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, 2015, 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 rescissions 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, 2015, the Agency shall complete its review of the written comments received, as well as its own reports on the preceding program years. By August 1, 2015, 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, 2015.

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

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

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

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

(3) the penalty imposed under Section 80; and

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

(k-5) The Agency may waive the penalties payable by the manufacturer responsibility organization under Section 80 when the manufacturer responsibility organization demonstrates in an application to the Agency it was unable to collect the weight of CEDs and EEDs required by Section 15 of this Act despite the manufacturer's best efforts. The application shall include such information as the Agency requires. A waiver provided pursuant to this subdivision shall not relieve a manufacturer from the obligation to comply with the provisions of this Act not specifically addressed in such waiver.

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

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

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

(n) All hearings under this Act shall be held before a qualified hearing officer, who may be attended by one or more members of the Board, designated by the Chairman. All of these hearings shall be open to the public, and any person may submit written statements to the Board in connection with the subject of these hearings. In addition, the Board may permit any person to offer oral testimony. Any party to a hearing under this subsection may be represented by counsel, make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of those actions. All testimony taken before the Board shall be recorded stenographically. The transcript so recorded and any additional matter accepted for the record shall be open to public inspection, and copies of those materials shall be made available to any person upon payment of the actual cost of reproducing the original.

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

(Source: P.A. 98-714, eff. 7-16-14; 99-13, eff. 7-10-15.)

(415 ILCS 150/30)

Sec. 30. Manufacturer responsibilities.

(a) Prior to April 1, 2009 for the first program year, and by October 1 for program year 2011 and each program year thereafter, manufacturers who sell ~~computers, computer monitors, printers, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers~~ covered electronic devices 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, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, and small-scale servers~~covered electronic devices to be offered for sale in the next program year. If, during the program year, any of the manufacturer's aforementioned electronic devices are sold or offered for sale in Illinois 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.;

(2) (blank); and

(3) a statement disclosing whether any of the manufacturer's ~~computers, computer monitors, printers, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers~~covered electronic devices sold in this State exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEs) 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 the aforementioned electronic device that exceeds the directive.

(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, printers, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers~~covered electronic devices are offered for sale 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 beginning ~~for~~ program year 2017~~0~~ is \$5,0001,250 for a manufacturer who sold 251 or more electronic devices the previous program year, and \$350 for a manufacturer who sold 250 or fewer electronic devices the previous program year. ~~The registration fee for program year 2011 is \$5,000, increased by the applicable inflation factor as described below. In program year 2012, if, in program year 2011, a manufacturer sold 250 or fewer of the aforementioned electronic devices in the State, then the registration fee for that manufacturer is \$1,250. In each program year after 2012,~~

~~if, in the preceding program year, a manufacturer sold 250 or fewer of the aforementioned electronic devices in the State, then the registration fee is the fee that applied in the previous year to manufacturers that sold that number of the aforementioned electronic devices, increased by the applicable inflation factor as described below. In program year 2012, if, in the preceding program year a manufacturer sold 251 or more of the aforementioned electronic devices in the State, then the registration fee for that manufacturer is \$5,000. In each program year after 2012, if, in the preceding program year, a manufacturer sold 251 or more of the aforementioned electronic devices in the State, then the registration fee is the fee that applied in the previous year to manufacturers that sold that number of the aforementioned electronic devices, increased by the applicable inflation factor as described below. For program year 2011, program year 2013, and each program year thereafter, the applicable 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, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers covered electronic devices are sold or offered for sale in this State on or after January 1 of a program year must register with the Agency within 30 days after the first sale or offer for sale in accordance with subsection (a) of this Section and submit the registration fee required under subsection (b) of this Section prior to the aforementioned electronic devices 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 15 of this Act. Individual consumers shall not be charged a fee when bringing their CEDs and EEDs to 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. Recycling of CEDs and EEDs will be coordinated by the manufacturer representative organization as described in Section 35 of this Act.~~

~~When determining whether a manufacturer has met or exceeded its individual recycling and reuse goal set forth in~~

~~Section 15 of this Act, all of the following adjustments must be made:~~

~~(1) The total weight of CEDs processed by the manufacturer, its recyclers, or its refurbishers for reuse 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 the majority of whose students are considered low income or developmentally disabled or to 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.~~

~~(4) If an entity (i) collects, recycles, or refurbishes CEDs for a manufacturer, (ii) qualifies for non-profit status under Section 501(c)(3) of the Internal Revenue Code of 1986, and (iii) at least 75% of its employees are developmentally disabled, then the total weight of CEDs will be tripled. A manufacturer that uses such a recycler or refurbisher shall submit documentation in the annual report required under Section 30 identifying the name, location, and length of service of the entity that qualifies for credit under this subsection.~~

~~(e) (Blank).~~

~~(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. By November 1, 2011 and every November 1 thereafter, manufacturers shall submit a document, as prescribed by the Agency, listing each registered recycler and refurbisher that will be used to meet the manufacturer's annual CED recycling and reuse goal and certifying that those recyclers or refurbishers comply with the standards set forth in subsection (d) of Section 50.~~

~~(h) By September 1, 2012 and every September 1 and March 1 thereafter, manufacturers of computers, computer monitors, printers, televisions, electronic keyboards, facsimile~~

~~machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, or small-scale servers shall submit to the Agency, in the form and manner required by the Agency, a report that contains the total weight of the aforementioned electronic devices sold under each of the manufacturer's brands to individuals in this State as calculated under subsection (c) and (e-5) of Section 15, as applicable. Each manufacturer shall indicate on the report whether the total weight of the aforementioned electronic devices was derived from its own sales records or national sales data. If a manufacturer's weight for aforementioned electronic devices is derived from national sales data, the manufacturer shall indicate the source of the sales data.~~

~~— (i) (Blank).~~

~~— (j) (Blank).~~

~~— (k) (Blank).~~

~~— (l) On or before January 31, 2013 and on or before every January 31 thereafter, manufacturers of computers, computer monitors, printers, televisions, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, digital video disc recorders, and small-scale servers shall submit to the Agency, on forms and in a format prescribed by the Agency, a report that contains all of 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, facsimile machines, and scanners, the total weight of televisions, the total weight of the remaining CEDs, 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 subsections (e) and (e-5) of Section 15 of this Act.~~

~~(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, 2012, no manufacturer may sell a computer, computer monitor, printer, television, electronic keyboard, facsimile machine, videocassette recorder, portable~~

~~digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server~~covered electronic device 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, 2012, no manufacturer may sell a ~~computer, computer monitor, printer, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server~~covered electronic device 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.

(p) Manufacturers, through the manufacturer representative organization, shall pay any additional costs of implementing the recycling and reuse program after additional funding sources, as identified in subsection (c-6) of Section 20 and Section 45, have been exhausted.

~~(1) Manufacturers shall pay additional costs based on each manufacturer's market share of pounds sold into the market for the 2 previous years.~~

~~(2) Funding provided by manufacturers shall be contributed to the manufacturer responsibility organization every 6 months.~~

(Source: P.A. 97-287, eff. 8-10-11; 98-714, eff. 7-16-14.)

(415 ILCS 150/35)

Sec. 35 Manufacturer responsibility organization.

(a) By September 1, 2016, a manufacturer of covered electronic devices shall:

(1) Join the manufacturer responsibility organization created by manufacturers of covered electronic devices to establish fair and reasonable policies to be applied in the State and to provide a plan to the Agency in accordance with this section.

(b) The manufacturer responsibility organization shall submit a plan for the operation of a statewide consumer electronic device stewardship program described in this section to the Agency for approval. The initial plan must be submitted to the Agency for comment by October 1, 2016 and approved pursuant to Subsection (e1). The plan shall be updated every three years. The plan and plan updates must include details on how manufacturers operating within the plan shall:

(1) provide for the recycling of all CEDs and EEDs collected within the program

(2) work with the Agency, advisory council, recyclers, and collectors, which may include local government recycling representatives, to provide recycling services for CEDs and EEDs

(3) provide a process by which the financial activities of the stewardship group or individual

Commented [WT1]: Will be reorganized and broken into 2 sections. One section on the organization, a separate section on the plan.

producer that are related to the implementation of the plan shall be subject to an independent audit, which may be reviewed by the Agency;

(4) achieve environmentally sound management for eligible electronic devices that are collected for reuse and recycling; and

(5) provide consumers with information and educational materials regarding the program to promote the recycling and reuse of used eligible electronic devices, including but not limited to the following:

- a. information regarding available end-of-life management options for electronic devices through the electronic recycling and reuse program;
- b. information on collection options for eligible electronic devices;
- c. clear, standardized instructions for residents on the methods available for collection of CEDs and EEDs; and
- d. information that notifies consumers that a charge for the operation of such electronic recycling and reuse program is included in the purchase price of all electronic devices sold in this state.

(c) The manufacturer responsibility organization plan and plan updates must:

(1) document how the collection component of the plan was developed with input from the advisory council, local government, recycling representatives and other stakeholders interested in electronics recycling;

(2) identify to the Agency each manufacturer and collector participating in the electronic product recycling and reuse programs included in the representative organization plan

(3) the brands of consumer electronic devices sold in the State that are covered by the program;

(4) provide a mechanism for making the most current list of participating manufacturers and collection sites available to the Agency;

(5) ensure convenient mechanisms to collect used consumer electronic devices throughout the State as described in Section 62.

(and

(6) incorporate input from the advisory council, as established in subsection 1, and other applicable stakeholders, including the County Solid Waste Coordinators appointed pursuant to the Illinois Solid Waste Planning and Recycling Act.

(d) The manufacturers responsibility organization plan and plan updates must include, but not be limited to, the following:

(1) a list of collection programs and locations available to consumers in the State;

(2) a description of the methods and entities used to collect, transport, and process used electronic devices in the State.

(i) a method to 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. (ii) a method to 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. By November 1, 2011 and every November 1 thereafter, the manufacturer responsibility organization shall submit a document, as prescribed by the Agency, listing each registered recycler and refurbisher that will be used to meet the the recycling and reuse goal and certifying that those recyclers or refurbishers comply with the standards set forth in subsection (d) of Section 50.

(3) the results of a survey of county and municipal recycling representatives concerning the availability of opportunities for consumers to recycle covered electronic devices;

(4) Beginning in program year 2018 and thereafter, samples of education and outreach materials provided to consumers of covered electronic devices to promote reuse and recycling and collection opportunities for used devices that are available in the State;

(5) a list of participating manufacturers for the most recent program year and the upcoming year;

(6) a list of contacts from all participating local governments who may be contacted by the Agency to confirm that their recycling needs are being met by manufacturers participating in the representative organization;

(8) a description of services provided to each of the local government participants including, but not limited to, collection event services and logistical support for electronics pick-up; and

(9) a list of manufacturers, as determined by the manufacturer responsibility organization, failing to meet their individual recycling obligation as assigned by the manufacturer responsibility organization and any shortfall penalties.

(e)(1) Not later than thirty calendar days after submission of the plan pursuant to subsection (b), the Agency shall determine whether or not to approve the plan. The Agency shall approve the plan for the establishment of an electronics product recycling and reuse program by the manufacturer responsibility organization if it meets the requirements of subsections (b) and (c). If the Agency finds activities included in the plan that do not fulfill those requirements, it shall specify in writing what the Agency believes to be the plan's deficiencies, promptly meet with the representative organization to discuss the Agency's concerns, and allow the representative organization at least thirty calendar days after the denial notice to submit a revised plan. If a revised plan is submitted, the Agency shall review and approve or

disapprove the plan within thirty calendar days of submission.

(2) If the Agency disapproves a plan submitted pursuant to item (1), and the manufacturer responsibility organization chooses not to submit a revised plan or the Agency disapproves the revised plan, the manufacturer responsibility organization shall have the right to appeal.

(3) If the plan is disapproved on appeal, the manufacturer responsibility organization shall resubmit a plan pursuant to item (1) which conforms with the guidance of the appellate opinion.

(f) After the manufacturer responsibility organization's plan is approved, the manufacturer responsibility organization is responsible for maintaining continuous service to local governments specified in the plan provided by the participating electronic products recycling and reuse programs. The manufacturer responsibility organization shall establish fair and reasonable policies for administration and operation.

(h) The Agency shall maintain a list of the names of manufacturers and eligible programs complying with the requirement of this chapter and the brands of consumer electronic devices that are covered by the electronic products recycling and reuse program and post this list on its website.

(i) The manufacturer responsibility organization and the Agency shall confer with the advisory council and other stakeholders at least semi-annually to address compliance, efficiency, and best practices of the stewardship program that implement the plan.

(j) A manufacturer responsibility organization shall provide the Agency and each local government recycling representative a point of contact for the organization, including email and phone number, to ensure communication and coordination among local governments, participating manufacturers, consumer electronic device stewardship programs and the representative organization.

(l) An advisory council comprised of _____ [INSERT WHO MEMBERS WILL BE] shall be created to oversee the implementation of the Act by the manufacturer responsibility organization.

(m) Each manufacturer and the manufacturer responsibility organization shall be immune from liability for any claim of a violation of antitrust law or unfair trade practice if such conduct is a violation of antitrust law, to the extent such manufacturer or manufacturer responsibility organization is exercising authority pursuant to the provisions of this Act.

(n) The manufacturer responsibility organization shall provide the Agency with contact information for each participating manufacturer's designated agent or employee whom the Agency may contact concerning the manufacturer's compliance with the requirements of this section.

(o) The manufacturer responsibility organization shall require all recyclers to provide documentation of current certification from R2 or e-Stewards.

(p) The manufacturer responsibility organization shall

require all recyclers to provide documentation of compliance with all liability insurance provisions of 50(d)(3) of this Act and the closure requirements of 50(d)(6) of this Act.

(q) The manufacturer responsibility organization may negotiate operating standards, such as sorting and loading requirements, with collection sites to which the organization is providing compensation for collecting services. Such standards shall be included in the representative organization's annual plan.

(r) The manufacturer responsibility organization shall audit all manufacturer reports, as required in subsection (h) of Section 30; recycler records, as required in subsections 11 and 14 of Section 50; and collector reports, as required in subsection (d) of Section 55 to ensure accuracy of reporting and validity of data. The representative organization shall develop an improved reporting system as necessary.

(s) Using funds identified in subsection (c-6) of Section 20, proceeds from the retail recycling fee in Section 45, and funds provided by the manufacturers pursuant to Section 30(p) shall compensate any local government in Illinois for 100 percent of its collection program costs, if it complies with the following requirements:

(1) The collection program must be competitively bid; and

(2) The manufacturer responsibility organization must verify that the bidding process was fairly conducted. A collector shall also be compensated for its collection costs if the collector can meet the sorting and truck-loading standards of its recycler. The MRO shall determine the rate of such compensation, not to exceed \$0.05 per pound, when verifying that the bidding process was properly followed.

(415 ILCS 150/37)

Sec. 37. Annual reporting requirements.

(a) By April 1, 2018, and by April of each year thereafter, the manufacturer responsibility organization shall submit a report to the Agency that includes, for the previous calendar year, a description of the electronic recycling and reuse program, including, but not limited to, the following:

(1) the amount of electronic devices sold by pounds in this State during the reporting period, by type of device;

(2) a description of methods used to collect, transport, and process discarded electronic devices in all regions of this State, and a listing of the persons used to collect, transport, and process discarded electronic devices;

(3) identification of all electronic recycling collection sites in this State and whether the requirements of Section 62 have been met;

(4) the weight of all discarded electronic devices collected and recycled in all regions of this State, and a comparison to the performance goals and recycling rates established in the electronic recycling and reuse plan;

(5) the weight of all discarded electronic devices collected in this State but not recycled and its ultimate disposition, and a comparison to the performance goals in the electronic recycling and reuse plan;

(6) the total cost of implementing the electronic recycling and reuse plan and a copy of the independent audit regarding the financial activities of the manufacturer responsibility organization;

(7) a proposed budget for implementing the electronic recycling and reuse plan in the subsequent calendar year;

(8) an evaluation of the funding mechanism and its ability to properly fund the implementation of the electronic recycling and reuse plan, and provide adequate incentive payments to recyclers and refurbishers for managing electronic devices;

(9) identification of the facilities recycling or refurbishing electronic devices, and the weight recycled or refurbished at each facility and each facility's recycling or refurbishing capacity;

(10) an evaluation of the effectiveness of the electronic recycling and reuse plan, and anticipated steps, if needed, to improve performance; and

(11) samples of educational materials provided to consumers and manufacturers, and an evaluation of the effectiveness of the materials and the methods used to disseminate the materials; the evaluation shall include, but not be limited to, information on the number of consumers and manufacturers that received or viewed the educational materials, and any consumer and manufacturer survey data that may have been collected regarding the educational materials used.

(415 ILCS 150/40)

Sec. 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

Commented [WT2]: May need to consider whether Section 40 will be incorporated into Section 45, or stand alone.

1, 2008 through March 31, 2009.

(d) (Blank).

(e) (Blank).

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

(415 ILCS 150/45)

Sec. 45. Television stewardship assessment

(a) On and after January 1, 2017, retailers shall add a television stewardship assessment fee of \$5 to the purchase price of all new televisions sold in this State. The assessment added under this Section shall be remitted by the retailers on a quarterly basis to the manufacturer responsibility organization minus three percent.

(b) The assessment established under this Section is exempt from taxes imposed by the Illinois Department of Revenue and shall meet both of the following requirements:

(1) The assessment shall be added by the retailer to the purchase price of all new televisions sold by manufacturers to an Illinois retailer or distributor or otherwise sold for use in this State. The assessment shall be clearly visible on all invoices or functionally equivalent billing documents as a separate line item and shall be accompanied by a brief description of the assessment.

(c) It is this State's intent that a goal of this Act be to reduce the amount of the assessment fee as the electronic device stewardship program is implemented.

(e) The assessment shall be lowered if at any time the fee generates a fund balance at the end of a program year that is greater than 12 months operating costs of the television stewardship program. If a fund balance above a year's operating cost is reached, the manufacturer responsibility organization shall submit a plan update to reduce the assessment.

(415 ILCS 150/50)

Sec. 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 2017~~0~~ and thereafter is \$500~~2,000~~. For program year 2011, if a recycler's or refurbisher's annual combined total weight of CEDs and EEDs is less than 1,000 tons per year, the registration fee shall be \$500. For program year 2012 and for all subsequent program years, both registration fees shall be

~~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) For program year 2017 and for all subsequent program years, the registration fee shall be reduced by 75% to offset the cost of the manufacturer responsibility organization's implementation of a statewide electronic recycling and reuse program.~~

~~(ed)~~ 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 with the Agency and has paid the registration fee as required under this Section. Beginning in program year 2016, all recycling or refurbishing facilities used by collectors of CEDs and EEDs shall be accredited by the Responsible Recycling (R2) Practices or e-Stewards certification programs or any other equivalent certification programs recognized by the United States Environmental Protection Agency. Manufacturers of CEDs and EEDs shall ensure that recycling or refurbishing facilities used as part of their recovery programs meet this requirement.

~~(ed-5)~~ A registered recycler or refurbisher of CEDs and EEDs for a manufacturer obligated to meet goals under this Act may not charge individual consumers or units of local government acting as collectors a fee to recycle or refurbish CEDs and EEDs, unless the recycler or refurbisher provides ~~(i) a financial incentive, such as a coupon, that is of greater or equal value to the fee being charged or (ii) premium service, such as curbside collection, home pick-up, or similar methods of collection.~~ Local units of government serving as collectors of CEDs and EEDs shall ~~not charge or offer the manufacturer for collection costs and shall offer the manufacturer or its representative all CEDs and EEDs collected by the local government at no cost.~~ Nothing in this Act requires a local unit of government to serve as a collector.

~~(ed-10)~~ Nothing in this Act prohibits any waste hauler from entering into a contractual agreement with a unit of local government to establish a collection program for the recycling or reuse of CEDs or EEDs, including services such as curbside collection, home pick-up, drop-off locations, or similar methods of collection.

(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.

(17) Recyclers and refurbishers shall create and submit a report annually by November 1 prior to the next program year identifying end-use markets to the manufacturer responsibility organization and the Agency that will be used the following program year.

(18) Recyclers and refurbishers shall not hold electronics for a period of more than 6 months. Appropriate records must be kept to ensure compliance with this requirement.

(19) Recyclers must provide the manufacturer responsibility organization with valid certification that all materials collected in recycling programs reached a

recycling market.
(Source: P.A. 99-13, eff. 7-10-15.)

(415 ILCS 150/55)

Sec. 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. Beginning January 1, 2016, collectors shall work only with certified recyclers and refurbishers as provided in subsection (c) of Section 50 of this Act.

(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 printers, the total weight of televisions, and the total weight of EEDs collected or received for each manufacturer.

(d) By January 31 and June 31 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 printers, facsimile machines, and scanners, the total weight of televisions, the total weight of the remaining CEDs collected, and the total weight of EEDs collected or received for each manufacturer during the previous 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.

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

(g) Collectors shall adopt collection site management

standards to ensure the safety of the public and workers and to support economic sustainability. The collection site management standards must meet the following requirements:

(1) All collection sites must be supervised by a staff person.

(2) When not open to the public, all collection sites must be secured and closed to any outside access.

(3) All collection sites must be open year-round for a reasonable amount of time each week to provide access to the public. Hours of operation must be included in the management responsibility organization's plan and developed in consultation with the county solid waste coordinators.

(Source: P.A. 98-714, eff. 7-16-14; 99-13, eff. 7-10-15.)

(4) Shall collect all CEDs and EEDs, unless the facility provides alternative free collection accommodations for any electronic devices for which limitations are imposed.

(415 ILCS 150/58)

Sec. 58. Enhanced reporting requirements for the representative organization, collectors, and recyclers.

(a) Reports from the manufacturer responsibility organization, as required in subsection (h) of Section 30; recycler records, as required in subsections 11 and 14 of Section 50; and collector reports, as required in subsections (d) of Section 55 shall be maintained in a computer database to allow the Agency to ensure validity of reporting data.

(415 ILCS 150/60)

Sec. 60. Collection strategy for underserved counties.

~~(a) For program year 2010 and 2011, 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 year 2012 and each program year thereafter underserved counties shall be those counties within the State of Illinois with a population density of 190 persons or less per square mile based on the most recent U.S. Census population estimate.~~

(Source: P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/62)

Sec. 62. Convenience standard.

(a) The electronic recycling and reuse program must provide collection services for all covered electronic devices that are reasonably convenient and available to all residents within its geographic boundaries, including both rural and urban areas. The program must provide collection service in

every county of the state.

(b) The representative organization must establish permanent collection sites or a specified minimum number of collection events, according to the following:

(1) In every county with a population density of less than 50 persons per square mile, two collection events or one permanent site shall be established.

(2) In every county with a population density of 50 to 249 persons per square mile 2 permanent collection sites shall be established.

(3) In every county with a population density of 250 to 499 persons per square mile 4 permanent collection sites shall be established.

(4) In every county with a population density of 500 to 759 persons per square mile 6 permanent collection sites shall be established.

(5) In every county with a population density of 750 to 999 persons per square mile 8 permanent collection sites shall be established.

(6) In every county with a population density of 1,000 to 4,999 persons per square mile 10 permanent collection sites shall be established.

(7) Cook County shall have 15 permanent collection sites established within Chicago city limits and 15 permanent collection sites established in suburban areas.

(8) In any county where 6 one-day collection events per year are established in municipalities with a population of 30,000 or greater, the representative organization may count those collection events as equivalent to one permanent collection site.

(c) Any municipality that chooses to engage in collection of electronics must be included in the representative organization's plan and allowed access to revenue-neutral electronics recycling services.

(d) All collection sites included in the representative organization's annual plan to meet the convenience standard must not charge consumers any fee.

(415 ILCS 150/65)

Sec. 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, printers, electronic keyboards, facsimile machines, videocassette recorders, portable digital music players that have memory capability and are battery

powered, digital video disc players, video game consoles, electronic mice, scanners, digital converter boxes, cable or satellite receivers, digital video disc recorders, or small-scale servers by State agencies under a statewide master contract require that those items have a Bronze performance tier or higher registration under EPEAT if the Department determines that there are an adequate number of those items 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.
(Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)

(415 ILCS 150/70)

Sec. 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.

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

(415 ILCS 150/75)

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

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

(415 ILCS 150/80)

Sec. 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 of \$7,000 for the violation and an additional civil penalty not to exceed \$1,000 for each day the 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 50% of the manufacturer's individual recycling or reuse goal set forth in subsection (c) of Section 15 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

Commented [WT3]: This section yet to be revised.

reuse by the manufacturer during the program year.

(2) In program year 2013, 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 subsection (c-5) of Section 15 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.

(3) In program year 2014, if the total weight of CEDs and EEDs recycled or processed for reuse by the manufacturer is less than 70% of the manufacturer's individual recycling or reuse goal set forth in subsection (c-5) of Section 15 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.

(4) In program year 2015, and each year thereafter, if the total weight of CEDs and EEDs recycled or processed for reuse by the manufacturer is less than 100% of the manufacturer's individual recycling or reuse goal set forth in subsection (c-5) and (c-6) of Section 15 of this Act, the manufacturer shall pay a penalty equal to the following:

(i) Forty-five cents per pound for a manufacturer if the weight of CEDs and EEDs recycled by or on behalf of the manufacturer is less than 50% of the target recycling weight.

(ii) Thirty-five cents per pound for a manufacturer if the weight of CEDs and EEDs recycled by or on behalf of the manufacturer is at least 50% but no more than 90% of the target recycling weight. All weight shall be measured by 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) A manufacturer in violation of subsection (e), (h), (i), (j), (k), (l), or (m) 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 subsection (a), (b), or (c) of Section 95 of this Act by anyone other than a residential consumer is a petty offense punishable by a fine of \$500. A knowing violation of subsection (a), (b), or (c) of Section 95 of this Act by a residential consumer is a petty offense punishable by a fine of \$25 for a first violation; however, a subsequent violation by a residential consumer is a petty offense punishable by a fine of \$50.

(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.

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

(Source: P.A. 99-13, eff. 7-10-15.)

(415 ILCS 150/82)

Sec. 82. Credits. In program years 2015 and 2016, to encourage manufacturers to recycle or reuse more CEDs or EEDs than their target weight, a manufacturer shall earn recycling credits equal to 25% of weight the manufacturer collects over its recycling target for the year. Manufacturers may use credits to help meet their recycling target in the following program year, or may sell credits to another manufacturer for use in the next program year. A manufacturer may not use more than 25% of its earned credits to fulfill its target in any program year. Manufacturers will report to the Agency by April 1 the amount of credits earned in the previous program year and the amount of credits applied, sold or bought during the previous program year.

(Source: P.A. 99-13, eff. 7-10-15.)

(415 ILCS 150/85)

Sec. 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.

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

(415 ILCS 150/90)

Sec. 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.

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

(415 ILCS 150/95)

Sec. 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, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server 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, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server 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, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server 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, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server.

(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.

(Source: P.A. 97-287, eff. 8-10-11.)

(415 ILCS 150/900)

Sec. 900. (Amendatory provisions; text omitted).

(Source: P.A. 95-959, eff. 9-17-08; text omitted.)

(415 ILCS 150/999)

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

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