



LRB100 12281 MJP 24828 a

1 AMENDMENT TO SENATE BILL XXXX

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill XXXX by replacing  
3 everything after the enacting clause with the following:

4 "ARTICLE 1. CONSUMER ELECTRONICS RECYCLING ACT

5 Section 1-1. Short title. This Act may be cited as the  
6 Consumer Electronics Recycling Act. References in this Article  
7 to "this Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Agency" means the Illinois Environmental Protection  
10 Agency.

11 "Best practices" means standards for collecting and  
12 preparing items for shipment and recycling.

*Must be better defined in statute*

13 "Collector" means a person who collects residential CEDs at  
14 any program collection site or one-day collection event and  
15 prepares them for transport.

1 "County recycling coordinator" means the individual who is  
2 designated as the recycling coordinator for a county in a waste  
3 management plan developed pursuant to the Solid Waste Planning  
4 and Recycling Act.

5 "Covered electronic device" or "CED" means any television,  
6 desktop computer, desktop computer monitor, small-scale  
7 server, or desktop printer. "Covered electronic device" does  
8 not include any electronic device that is a component of, or a  
9 replacement part for:

10 (1) a motor vehicle;

11 (2) an appliance, such as a clothes washer, clothes  
12 dryer, refrigerator, freezer, microwave or conventional  
13 oven, or dishwasher; or

14 (3) heating, cooling, ventilation, or utility  
15 equipment, such as a thermostat, room air conditioner,  
16 dehumidifier, air purifier, water pump, or sump pump.

17 "Desktop computer" means an electronic, magnetic, optical,  
18 electrochemical, or other high-speed data processing device  
19 performing logical, arithmetic, or storage functions for  
20 general purpose needs that are met through interaction with a  
21 number of software programs contained therein, and that is not  
22 designed to exclusively perform a specific type of logical,  
23 arithmetic, or storage function or other limited or specialized  
24 application. Human interface with a desktop computer is  
25 achieved through a stand-alone keyboard, stand-alone monitor,  
26 or other display unit, and a stand-alone mouse or other

1 pointing device, and is designed for a single user. A desktop  
2 computer has a main unit that is intended to be persistently  
3 located in a single location, often on a desk or on the floor.  
4 A desktop computer is not designed for portability and  
5 generally utilizes an external monitor, or keyboard, and mouse  
6 with an external or internal power supply for a power source.  
7 "Desktop computer" does not include an automated typewriter or  
8 typesetter.

9 "Desktop computer monitor" means an electronic device that  
10 is a cathode-ray tube or flat panel display primarily intended  
11 to display information from a computer and is used only in a  
12 residence.

13 "Desktop printer" means printers, multifunction printer  
14 copiers, and printer/fax combinations taken out of service from  
15 a residence that are designed to reside on a work surface, and  
16 include various print technologies, including, without  
17 limitation, laser and LED (electrographic), ink jet, dot  
18 matrix, thermal, digital sublimation, and multi-function or  
19 all-in-one devices that perform different tasks, including,  
20 without limitation, copying, scanning, faxing, and printing.

21 "Desktop printer" does not include floor-standing printers,  
22 printers with optional floor stand, point of sale (POS) receipt  
23 printers, household printers such as a calculator with printing  
24 capabilities or label makers, or non-stand-alone printers that  
25 are embedded into products that are not CEDs.

26 "Manufacturer" means a person, or a successor in interest

"Eligible electronic device" or "EED" means any computer not defined as a CED,  
electronic keyboard, facsimile machine, video cassette 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, computer cable, portable  
digital assistant or zip drive taken out of service from a residence in this State.

1 to a person, under whose brand or label a CED is or was sold at  
2 retail. For any CED sold at retail under a brand or label that  
3 is licensed from a person who is a mere brand owner and who  
4 does not sell or produce a CED, the person who produced the CED  
5 or his or her successor in interest is the manufacturer. For  
6 any CED sold at retail under the brand or label of both the  
7 retail seller and the person that produced the CED, the person  
8 that produced the CED, or his or her successor in interest, is  
9 the manufacturer.

10 "Manufacturer clearinghouse" means a group of 2 or more  
11 manufacturers, representing at least 50% of the manufacturers'  
12 total obligations under this Act, that are cooperating with one  
13 another to collectively establish and operate an e-waste  
14 program for the purpose of complying with this Act.

15 "Manufacturer e-waste program" means any program  
16 established and operated by a manufacturer, individually or  
17 collectively with other manufacturers, to transport and  
18 subsequently recycle, in accordance with the requirements of  
19 this Act, residential CEDs collected at, and prepared for  
20 transport from, program collection sites and one-day  
21 collection events.

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

25 "One-day collection event" means a one-day event used as a  
26 substitute for a program collection site pursuant to Section

1 1-15 of this Act.

2 "Person" means an individual, partnership, co-partnership,  
3 firm, company, limited liability company, corporation,  
4 association, joint stock company, trust, estate, political  
5 subdivision, State agency, or any other legal entity; or a  
6 legal representative, agent, or assign of that entity. "Person"  
7 includes a unit of local government.

8 "Program collection site" means a physical location that is  
9 included in a manufacturer e-waste program and at which  
10 residential CEDs are collected and prepared for transport by a  
11 collector during a program year in accordance with the  
12 requirements of this Act.

13 "Program year" means a calendar year. The first program  
14 year is 2019.

15 "Recycler" means any person who ~~transports or subsequently~~  
16 recycles residential CEDs that have been collected and prepared  
17 for transport by a collector at any program collection site or  
18 one-day collection event.

19 "Recycling" has the meaning provided under Section 3.380 of  
20 the Environmental Protection Act. "Recycling" also includes  
21 any process by which residential CEDs that would otherwise be  
22 disposed of or discarded are collected, separated, or processed  
23 and returned to the economic mainstream in the form of raw  
24 materials or products.

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

1 "Residential covered electronic device" or "residential  
2 CED" means any covered electronic device taken out of service  
3 from a residence in the State.

4 "Retailer" means a person who first sells, through a sales  
5 outlet, catalogue, or the Internet, a covered electronic device  
6 at retail to an individual for residential use.

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

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

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

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

*"Transport" or "Transportation" means the costs associated with driving CEDs and EEDs to a registered recycler, including the costs associated with renting a trailer, gaylords, pallets and shrink wrap.*

6 Section 1-10. Manufacturer e-waste program.

7 (a) For program year 2019 and each program year thereafter,  
 8 each manufacturer shall, individually or collectively with  
 9 other manufacturers, provide a manufacturer e-waste program to  
 10 transport and subsequently recycle, in accordance with the  
 11 requirements of this Act, residential CEDs collected at, and  
 12 prepared for transport from, the program collection sites and  
 13 one-day collection events included in the program during the  
 14 program year.

15 (b) Each manufacturer e-waste program must include, at a  
 16 minimum, the following:

17 (1) satisfaction of the convenience standard described  
 18 in Section 1-15 of this Act;

19 (2) instructions for designated county recycling  
 20 coordinators and municipal joint action agencies to file *annually*  
 21 notice to participate in the program;

22 (3) transportation and subsequent recycling of the  
 23 residential CEDs *and EEDs* collected at, and prepared for transport  
 24 from, the program collection sites and one-day collection  
 25 events included in the program during the program year; and

1 (4) submission of a report to the Agency, by January  
2 31, 2020, and each January 31 thereafter, which includes:

3 (A) the total weight of residential CEDs <sup>and EEDs</sup>  
4 transported from program collection sites and one-day  
5 collection events throughout the State during the  
6 preceding program year by CED category;

7 (B) the total weight of residential CEDs <sup>and EEDs</sup>  
8 transported from all program collection sites and  
9 one-day collection events in each county in the State  
10 during the preceding program year; and

11 (C) the portion of the total weight of residential  
12 CEDs <sup>and EEDs</sup> transported from all program collection sites and  
13 one-day collection events in each county in the State  
14 during that preceding program year that was recycled.

15 (c) A manufacturer e-waste program may be operated as a  
16 manufacturer clearinghouse.

17 (d) The Agency shall make the instructions required under  
18 paragraph (2) of subsection (b) available on the Agency's  
19 website by <sup>December 1, 2017</sup> ~~April 1, 2018~~.

20 Section 1-15. Convenience standard for program collection  
21 sites and one-day collection events.

22 (a) Beginning in 2019 each manufacturer e-waste program for  
23 a program year must include, at a minimum, program collection  
24 sites in the following quantities in counties that elect to  
25 participate in the manufacturer e-waste program for the program

1 year:

2 (1) one program collection site in each county that has  
3 elected to participate in the manufacturer e-waste program  
4 for the program year and that has a population density that  
5 is less than 250 individuals per square mile;

6 (2) two program collection sites in each county that  
7 has elected to participate in the manufacturer e-waste  
8 program for the program year and that has a population  
9 density that is greater than or equal to 250 individuals  
10 per square mile but less than 500 individuals per square  
11 mile;

12 (3) three program collection sites in each county that  
13 has elected to participate in the manufacturer e-waste  
14 program for the program year and that has a population  
15 density that is greater than or equal to 500 individuals  
16 per square mile but less than 750 individuals per square  
17 mile;

18 (4) four program collection sites in each county that  
19 has elected to participate in the manufacturer e-waste  
20 program for the program year and that has a population  
21 density that is greater than or equal to 750 individuals  
22 per square mile but less than 1,000 individuals per square  
23 mile;

24 (5) five program collection sites in each county that  
25 has elected to participate in the manufacturer e-waste  
26 program for the program year and that has a population

1 density that is greater than or equal to 1,000 individuals  
2 per square mile but less than 5,000 individuals per square  
3 mile; and

4 (6) <sup>fifteen</sup>~~ten~~ program collection sites in each county that  
5 has elected to participate in the manufacturer e-waste  
6 program for the program year and that has a population  
7 density that is greater than or equal to 5,000 individuals  
8 per square mile.

9 If there is a municipality with a population of over  
10 1,000,000 residents in a county under this Section and the  
11 municipality notifies the county of its desire to participate  
12 in the program, then that county shall also receive 15 program  
13 collection sites to be located in that municipality. If the  
14 municipality elects not to participate, then the county's  
15 program collection sites shall be located outside of the  
16 non-participating municipality.

17 A designated county recycling coordinator may elect to  
18 operate more than the required minimum number of collection  
19 sites as part of the program.

20 (b) Notwithstanding subsection (a) of this Section, the  
21 county recycling coordinator for a county that elects to  
22 participate in a manufacturer e-waste program may enter into a  
23 written agreement with the operators of any manufacturer  
24 e-waste program in order to do one or more of the following:

25 (1) to decrease the number of program collection sites  
26 in the county for the program year;

Beginning November 1, 2018  
and by November 1 each  
year thereafter

1 (2) to substitute a program collection site in the  
2 county with either (i) 4 one-day collection events in the  
3 county or (ii) a different number of such events in the  
4 county as may be provided in the written agreement;

5 (3) to substitute the location of a program collection  
6 site in the county for the program year with another  
7 location in the county; or

8 (4) to substitute the location of a one-day collection  
9 in the county with another location in the county.

10 An agreement made pursuant to paragraphs (1) or (2) of this  
11 subsection (b) shall be reduced to writing and included in the  
12 manufacturer e-waste program plan as required under subsection  
13 (a) of Section 1-25 of this Act.

14 (c) The Agency shall determine each manufacturer's  
15 collection obligation for each CED category using an algorithm  
16 that takes into account the market share of a manufacturer so  
17 that the manufacturer's obligations are allocated based on the  
18 manufacturer's sales in each CED category, divided by all sales  
19 in each CED category, multiplied by the weight of electronics  
20 arising from approved collection points in each CED category in  
21 the prior program year that the Agency shall establish by rule.

22 Section 1-20. Election to participate in manufacturer  
23 e-waste programs. Beginning with program year 2019, a county  
24 may elect to participate in a manufacturer e-waste program by  
25 having the county recycling coordinator file with the

1 manufacturer e-waste program, on or before March 1, 2018, and  
2 on or before March 1 of each year thereafter for the upcoming  
3 program year, a written notice of election to participate in  
4 the program. The written notice shall include a list of  
5 proposed collection locations likely to be available and  
6 appropriate to support this program, and may include locations  
7 already providing similar collection services.

8 Should a county elect not to participate in the program, a  
9 municipal joint action agency, representing residents within a  
10 certain geographic area in the non-participating county can  
11 elect to participate in the e-waste program on behalf of the  
12 residents of the municipal joint action agency.

13 Section 1-25. Manufacturer e-waste program plans.

14 (a) By July 1, 2018, and by July 1 of each year thereafter  
15 for the upcoming program year, beginning with program year  
16 2019, each manufacturer shall, individually or collectively  
17 with other manufacturers, submit to the Agency a manufacturer  
18 e-waste program plan and assume the financial responsibility  
19 for bulk transporting and recycling of collected CEDs, <sup>and FEDs</sup> which  
20 includes, at a minimum, the following: ^

21 (1) the contact information for the individual who will  
22 serve as the point of contact for the manufacturer e-waste  
23 program;

24 (2) the identity of each county that has elected to  
25 participate in the manufacturer e-waste program during the

1 program year;

2 (3) for each county, the location of each program  
3 collection site and one-day collection event included in  
4 the manufacturer e-waste program for the program year;

5 (4) the collector operating each program collection  
6 site and one-day collection event included in the  
7 manufacturer e-waste program for the program year;

8 (5) the recyclers that manufacturers plan to use during  
9 the program year to transport and subsequently recycle  
10 residential CEDs under the program, with the updated list  
11 of recyclers to be provided to the Agency no later than  
12 December 1 preceding each program year; and

13 (6) an explanation of any deviation by the program from  
14 the standard program collection site distribution set  
15 forth in subsection (a) of Section 1-15 of this Act for the  
16 program year, along with copies of all written agreements  
17 made pursuant to paragraphs (1) or (2) of subsection (b) of  
18 Section 1-15 for the program year.

19 (b) Within 60 days after receiving a manufacturer e-waste  
20 program plan, the Agency shall review the plan and approve the  
21 plan or disapprove the plan.

*21 Once approved the agency shall post the plan on its website.*

22 (1) If the Agency determines that the program  
23 collection sites and one-day collection events specified  
24 in the plan will satisfy the convenience standard set forth  
25 in Section 1-15 of this Act, then the Agency shall approve  
26 the manufacturer e-waste program plan and provide written

1 notification of the approval to the individual who serves  
2 as the point of contact for the manufacturer.

3 (2) If the Agency determines the plan will not satisfy  
4 the convenience standard set forth in Section 1-15 of this  
5 Act, then the Agency shall disapprove the manufacturer  
6 e-waste program plan and provide written notification of  
7 the disapproval and the reasons for the disapproval to the  
8 individual who serves as the point of contact for the  
9 manufacturer. Within 30 days after the date of disapproval,  
10 the individual who serves as the point of contact for the  
11 manufacturer shall submit a revised manufacturer e-waste  
12 program plan that addresses the deficiencies noted in the  
13 Agency's disapproval.

14 Section 1-30. Manufacturer registration.

15 (a) By April 1, 2018, and by April 1 of each year  
16 thereafter for the upcoming program year, beginning with  
17 program year 2019, each manufacturer who sells CEDs in the  
18 State must register with the Agency by: (i) submitting to the  
19 Agency a \$5,000 registration fee and (ii) completing and  
20 submitting to the Agency the registration form prescribed by  
21 the Agency. The registration form prescribed by the Agency must  
22 include, without limitation, all of the following:

23 (1) a list of all of the manufacturer's brands of CEDs  
24 sold in the State; and

25 (2) a statement disclosing whether any of the

1 manufacturer's CEDs sold in the State exceed the maximum  
2 concentration values established for lead, mercury,  
3 cadmium, hexavalent chromium, polybrominated biphenyls  
4 (PBBs), and polybrominated diphenyl ethers (PBDEEs) under  
5 the RoHS (restricting the use of certain hazardous  
6 substances in electrical and electronic equipment)  
7 Directive 2002/95/EC of the European Parliament and  
8 Council and any amendments thereto and, if so, an  
9 identification of the aforementioned electronic device  
10 that exceeds the directive.

11 If, during a program year, any of the manufacturer's CEDs  
12 are sold or offered for sale in the State under a brand that is  
13 not listed in the manufacturer's registration, then, within 30  
14 days after the first sale or offer for sale under that brand,  
15 the manufacturer must amend its registration to add the brand.  
16 All registration fees collected by the Agency pursuant to this  
17 Section shall be deposited into the Solid Waste Management  
18 Fund.

19 (b) The Agency shall post on its website a list of all  
20 registered manufacturers.

21 (c) Beginning in program year 2019, a manufacturer whose  
22 CEDs are sold or offered for sale in this State for the first  
23 time on or after April 1 of a program year must register with  
24 the Agency within 30 days after the date the CEDs are first  
25 sold or offered for sale in the State.

26 (d) Beginning in program year 2019, manufacturers shall

1 ensure that only recyclers that have registered with the Agency  
2 and meet the recycler standards set forth in Section 1-40 are  
3 used to transport or recycle residential CEDs collected at any  
4 program collection site or one-day collection event.

5 (e) Beginning in program year 2019, no manufacturer may  
6 sell a CED in this State unless the manufacturer is registered  
7 as required in this Act.

*and is in compliance with Section 1-25 either individually or collectively with other manufacturers.*

8 (f) Beginning in program year 2019, no manufacturer may  
9 sell a CED in this State unless the manufacturer's brand name  
10 is permanently affixed to, and is readily visible on, the CED.

11 Section 1-35. Retailer responsibilities.

12 (a) Beginning in program year 2019, no retailer may sell or  
13 offer for sale any CED in or for delivery into this State  
14 unless:

15 (1) the CED is labeled with a brand, and the label is  
16 permanently affixed and readily visible; and

17 (2) the manufacturer is registered with the Agency at  
18 the time the retailer purchases the CED.

19 (b) A retailer shall be considered to have complied with  
20 paragraphs (1) and (2) of subsection (a) if:

21 (1) a manufacturer registers with the agency within 30  
22 days of a retailer taking possession of the manufacturer's  
23 CED;

24 (2) a manufacturer's registration expires and the  
25 manufacturer is listed as non-compliant on the Agency's

1 website and the retailer ordered the CED prior to the  
2 posting, the retailer may sell the CED, but only if the  
3 sale takes place within 180 days of the posting; or

4 (3) a manufacturer is no longer conducting business and  
5 has no successor in interest the retailer may sell any  
6 orphan CED ordered prior to the discontinuation of  
7 business.

8 (c) Retailers shall not be considered collectors under the  
9 convenience standard and retail collection sites shall not be  
10 considered a collection site for the purposes of the  
11 convenience standard pursuant to Section 1-15 unless otherwise  
12 agreed to in writing by the retailer, operators of the  
13 manufacture e-waste program, and the county coordinator.

14 (d) Manufacturers may use retail collection sites for  
15 satisfying their obligations pursuant to subsection (c) of  
16 Section 1-15.

17 Section 1-40. Recycler responsibilities.

18 (a) By January 1, 2019, and by January 1 of each year  
19 thereafter for that program year, beginning with program year  
20 2019, each recycler must register with the Agency by (i)  
21 submitting to the Agency a \$2,000 registration fee and (ii)  
22 completing and submitting to the Agency the registration form  
23 prescribed by the Agency. The registration form prescribed by  
24 the Agency shall include, without limitation, the address of  
25 each location where the recycler manages residential CEDs. All

1 registration fees collected by the Agency pursuant to this  
2 Section shall be deposited into the Solid Waste Management  
3 Fund.

4 (b) The Agency shall post on the Agency's website a list of  
5 all registered recyclers.

6 (c) Beginning in program year 2019, no person may act as a  
7 recycler of residential CEDs <sup>and FEDs</sup> for a manufacturer's e-waste  
8 program unless the recycler is registered with the Agency as  
9 required under this Section.

10 (d) Beginning in program year 2019, recyclers must, at a  
11 minimum, <sup>annually demonstrate, in writing, compliance to the agency</sup> ~~comply~~ with all of the following:

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

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

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

26 (B) an up-to-date, written plan for the

1 identification and management of hazardous materials;  
2 and

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

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

*limits  
may be  
too low*

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

26 (5) Recyclers must maintain on file proof of workers'

1 compensation and employers' liability insurance.

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

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

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

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

1           (10) Recyclers must establish a system for identifying  
2           and properly managing components, such as circuit boards,  
3           batteries, cathode ray tubes, and mercury phosphor lamps,  
4           that are removed from residential CEDs<sup>and EEDs</sup> during disassembly.  
5           Recyclers must properly manage all hazardous and other  
6           components requiring special handling from residential  
7           CEDs<sup>and EEDs</sup> consistent with federal, State, and local laws and  
8           regulations. Recyclers must provide visible tracking, such  
9           as hazardous waste manifests or bills of lading, of  
10          hazardous components and materials from the facility to the  
11          destination facilities and documentation, such as  
12          contracts, stating how the destination facility processes  
13          the materials received. No recycler may send, either  
14          directly or through intermediaries, hazardous wastes to  
15          solid non-hazardous waste landfills or to non-hazardous  
16          waste incinerators for disposal or energy recovery. For the  
17          purpose of these guidelines, smelting of hazardous wastes  
18          to recover metals for reuse in conformance with all  
19          applicable laws and regulations is not considered disposal  
20          or energy recovery.

21          (11) Recyclers must use a regularly implemented and  
22          documented monitoring and record-keeping program that  
23          tracks total inbound residential CED<sup>and EED</sup> material weights and  
24          total subsequent outbound weights to each destination,  
25          injury and illness rates, and compliance with applicable  
26          permit parameters including monitoring of effluents and

1 emissions. Recyclers must maintain contracts or other  
2 documents, such as sales receipts, suitable to  
3 demonstrate: (i) the reasonable expectation that there is a  
4 downstream market or uses for designated electronics,  
5 which may include recycling or reclamation processes such  
6 as smelting to recover metals for reuse; and (ii) that any  
7 residuals from recycling or reclamation processes, or  
8 both, are properly handled and managed to maximize reuse  
9 and recycling of materials to the extent practical.

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

18 (13) No recycler may employ prison labor in any  
19 operation related to the collection, transportation, and  
20 recycling of CEDs<sup>and EEDs</sup>. No recycler may employ any third party  
21 that uses or subcontracts for the use of prison labor.

22 (e) Each recycler shall, during each calendar year,  
23 transport from each site that the recycler uses to manage  
24 residential CEDs<sup>and EEDs</sup> not less than 75% of the total weight of  
25 residential CEDs<sup>and EEDs</sup> present at the site during the preceding  
26 calendar year. Each recycler shall maintain on-site records

1 that demonstrate compliance with this requirement and shall  
2 make those records available to the Agency for inspection and  
3 copying.

4 Nothing in this Act shall prevent an individual from acting  
5 as a recycler independently of a manufacturer e-waste program.

6 Section 1-45. Collector responsibilities.

7 (a) By January 1, 2019, and by January 1 of each year  
8 thereafter for that program year, beginning with program year  
9 2019, an individual acting as a collector under a manufacturer  
10 e-waste program shall register with the Agency by completing  
11 and submitting to the Agency the registration form prescribed  
12 by the Agency. The registration form prescribed by the Agency  
13 must include, without limitation, the address of each location  
14 at which the collector accepts residential CEDs. *and EEDs*

15 (b) The Agency shall post on the Agency's website a list of  
16 all registered collectors.

17 (c) Manufacturers and recyclers acting as collectors shall  
18 so indicate on their registration under Section 1-30 or 1-40 of  
19 this Act.

20 (d) Each collector that operates a program collection site  
21 or one-day collection event shall ensure that the collected  
22 residential CEDs are prepared for shipment in accordance with  
23 current best practices as prescribed by the provisions of this  
24 Act. *need to define*

25 (e) Except as provided in subsection (f) of this Section,

1 each collector that operates a program collection site or  
 2 one-day collection event during a program year shall accept all  
 3 residential CEDs <sup>and EEDs</sup> that are delivered to the program collection  
 4 site or one-day collection event during the program year.

5 (f) No collector that operates a program collection site or  
 6 one-day collection event shall accept more than 7 residential  
 7 CEDs from an individual at any one time.

8 (g) Beginning in program year 2019, registered collectors  
 9 may collect a fee not to exceed \$10 for each desktop computer  
 10 monitor or television accepted for recycling to cover costs for  
 11 collection and preparation for bulk shipment.

12 (h) Nothing in this Act shall prevent an individual from  
 13 acting as a collector independently of a manufacturer e-waste  
 14 program.

15 Section 1-50. Penalties.

16 (a) Except as otherwise provided in this Act, any person  
 17 who violates any provision of this Act is liable for a civil  
 18 penalty of \$1,000 for the violation.

19 (b) The penalties provided for in this Section may be  
 20 recovered in a civil action brought in the name of the people  
 21 of the State of Illinois by the State's Attorney of the county  
 22 in which the violation occurred or by the Attorney General. Any  
 23 funds collected under this Section in an action in which the  
 24 Attorney General has prevailed shall be deposited in the  
 25 Environmental Protection Trust Fund, to be used in accordance

*and an additional civil penalty not to exceed \$1,000 for each day the violation continues*

1 with the provisions of the Environmental Trust Fund Act, except  
2 that if a county issued the administrative citation, 50% of the  
3 penalty shall be payable to the county.

4 (c) The Attorney General or the State's Attorney of a  
5 county in which a violation occurs may institute a civil action  
6 for an injunction, prohibitory or mandatory, to restrain  
7 violations of this Act or to require such actions as may be  
8 necessary to address violations of this Act.

9 (d) A fine imposed by administrative citation pursuant to  
10 Section 1-55 of this Act shall be \$2,000 per violation.

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

16 Section 1-55. Administrative citations.

17 (a) Any violation of a registration requirement in Sections  
18 1-30, 1-40, or 1-45 of this Act, any violation of the reporting  
19 requirement in paragraph (4) of subsection (b) of Section 1-10  
20 of this Act, and any violation of the plan submission  
21 requirement in subsection (a) of Section 1-25 of this Act shall  
22 be enforceable by administrative citation issued by the Agency.  
23 Whenever Agency personnel shall, on the basis of direct  
24 observation, determine that any person has violated any of  
25 those provisions, the Agency may issue and serve, within 60

1 days after the observed violation, an administrative citation  
2 upon that person. Each citation shall be served upon the person  
3 named or the person's authorized agent for service of process  
4 and shall include the following:

5 (1) a statement specifying the provisions of this Act  
6 that the person has violated;

7 (2) the penalty imposed under subsection (d) of Section  
8 1-50 of this Act for that violation; and

9 (3) an affidavit by the personnel observing the  
10 violation, attesting to their material actions and  
11 observations.

12 (b) If the person named in the administrative citation  
13 fails to petition the Illinois Pollution Control Board for  
14 review within 35 days after the date of service, then the Board  
15 shall adopt a final order, which shall include the  
16 administrative citation and findings of violation as alleged in  
17 the citation and shall impose the penalty specified in  
18 subsection (d) of Section 1-50 of this Act.

19 (c) If a petition for review is filed with the Board to  
20 contest an administrative citation issued under this Section,  
21 then the Agency shall appear as a complainant at a hearing  
22 before the Board to be conducted pursuant to subsection (d) of  
23 this Section at a time not less than 21 days after notice of  
24 the hearing has been sent by the Board to the Agency and the  
25 person named in the citation. In those hearings, the burden of  
26 proof shall be on the Agency. If, based on the record, the

1 Board finds that the alleged violation occurred, then the Board  
2 shall adopt a final order, which shall include the  
3 administrative citation and findings of violation as alleged in  
4 the citation, and shall impose the penalty specified in  
5 subsection (d) of Section 1-50 of this Act. However, if the  
6 Board finds that the person appealing the citation has shown  
7 that the violation resulted from uncontrollable circumstances,  
8 then the Board shall adopt a final order that makes no finding  
9 of violation and imposes no penalty.

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

25 Section 1-60. Delegation of county rights and

1 responsibilities to municipal joint action agency. If a county  
 2 has delegated to a municipal joint action agency certain powers  
 3 or responsibilities under Section 3.2 of the Intergovernmental  
 4 Cooperation Act with respect to certain geographic areas of the  
 5 county, then the executive director of the municipal joint  
 6 action agency shall have, with respect to those geographic  
 7 areas, the rights and responsibilities that this Act would  
 8 otherwise afford to the county.

*Should a county elect not to participate in the program, a municipal joint action agency, representing residents within the geographic area of the municipal joint action agency, can elect to participate in the program.*

9 Section 1-65. Relation to other State laws. Nothing in this  
 10 Act affects the validity or application of any other law of  
 11 this State, or regulations adopted thereunder.

12 Section 1-70. Severability. The provisions of this Act are  
 13 severable under Section 1.31 of the Statute on Statutes.

14 Section 1-75. CRT Retrievable Storage. In order to further  
 15 the policy of the State to reduce the environmental and  
 16 economic impacts of transporting and managing cathode-ray tube  
 17 (CRT) glass, and to support (i) the beneficial use of CRTs in  
 18 accordance with beneficial use determinations issued by the  
 19 Agency under Section 22.54 of the Environmental Protection Act  
 20 and (ii) the storage of CRTs in retrievable storage cells at  
 21 locations within the State for future recovery; for the purpose  
 22 of this Act, a CRT shall be considered to be recycled if:

- 23 (1) all recyclable components are removed from the

1 device; and

2 (2) the glass from the device is either:

3 (A) beneficially reused in accordance with a  
4 beneficial use determination issued under Section  
5 22.54 of the Environmental Protection Act; or

6 (B) placed in a storage cell, in a manner that  
7 allows it to be retrieved in the future, at a waste  
8 disposal site that is permitted to accept the glass.

9 Section 1-80. Collection of CEDs outside of the  
10 manufacturer e-waste program. <sup>landfill ban; and best practices stakeholder group</sup> Nothing in this Act prohibits a  
11 waste hauler from entering into a contractual agreement with a  
12 unit of local government to establish a collection program for  
13 the recycling or reuse of CEDs, including services such as  
14 curbside collection, home pick-up, drop-off locations, or  
15 similar methods of collection.

16 Nothing in this Act shall prohibit an individual from  
17 establishing an e-waste program independently of a  
18 manufacturer e-waste program.

19 Beginning January 1, 2019, no person ~~who is a resident of a~~  
20 ~~county that has chosen to opt in to a manufacturer e-waste~~  
21 ~~program~~ may knowingly cause or allow the mixing of an eligible  
22 CED <sup>or EED</sup> with any other municipal waste that is intended for  
23 disposal at a sanitary landfill.

24 By November 1, 2018 and November 1 of each year thereafter,  
25 a stakeholder group shall submit a document of agreed to best

1 practices, to be approved by the Agency, to be used in the  
2 following program year. The best practices stakeholder group  
3 shall be made up of 8 members, appointed by the Director of the  
4 Agency, including 4 representatives of county programs, one  
5 representative from a recycling company, one representative  
6 from a statewide trade association representing retailers, one  
7 representative of a statewide trade association representing  
8 manufacturers, and one representative of a national trade  
9 association representing manufacturers.

10 Section 1-85. Repeal. This Article is repealed on December  
11 31, 2026.

12 ARTICLE 5. AMENDATORY PROVISIONS

13 (30 ILCS 105/5.716 rep.)

14 Section 5-5. The State Finance Act is amended by repealing  
15 Section 5.716.

16 Section 5-10. The Environmental Protection Act is amended  
17 by changing Section 22.15 as follows:

18 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

19 Sec. 22.15. Solid Waste Management Fund; fees.

20 (a) There is hereby created within the State Treasury a  
21 special fund to be known as the "Solid Waste Management Fund",

1     aforementioned electronic devices being sold or offered for  
2     sale.

3           (d) Through program year 2018, each ~~Each~~ manufacturer shall  
4     recycle or process for reuse CEDs and EEDs whose total weight  
5     equals or exceeds the manufacturer's individual recycling and  
6     reuse goal set forth in Section 15 of this Act. ~~Individual~~  
7     ~~consumers shall not be charged a fee when bringing their CEDs~~  
8     ~~and EEDs to collection locations, unless a financial incentive~~  
9     ~~of equal or greater value, such as a coupon, is provided.~~  
10    Collectors may charge a fee for premium services such as  
11    curbside collection, home pick-up, or a similar method of  
12    collection.

*leave this  
text  
in*

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

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

19           (2) The total weight of CEDs is tripled if they are  
20    donated for reuse by the manufacturer to a primary or  
21    secondary public education institution the majority of  
22    whose students are considered low income or  
23    developmentally disabled or to low-income children or  
24    families or to assist the developmentally disabled in  
25    Illinois. This subsection applies only to CEDs for which  
26    the manufacturer has received a written confirmation that



1           (c) Through program year 2018, no ~~no~~ person may act as a  
2     recycler or a refurbisher of CEDs for a manufacturer obligated  
3     to meet goals under this Act unless the recycler or refurbisher  
4     is registered with the Agency and has paid the registration fee  
5     as required under this Section. Beginning in program year 2016,  
6     and through program year 2018, all recycling or refurbishing  
7     facilities used by collectors of CEDs and EEDs shall be  
8     accredited by the Responsible Recycling (R2) Practices or  
9     e-Stewards certification programs or any other equivalent  
10    certification programs recognized by the United States  
11    Environmental Protection Agency. Manufacturers of CEDs and  
12    EEDs shall ensure that recycling or refurbishing facilities  
13    used as part of their recovery programs meet this requirement.

14           (c-5) Through program year 2018, a ~~A~~ registered recycler or  
15    refurbisher of CEDs and EEDs for a manufacturer obligated to  
16    meet goals under this Act may not charge individual consumers  
17    or units of local government acting as collectors a fee to  
18    recycle or refurbish CEDs and EEDs, unless the recycler or  
19    refurbisher provides ~~(i) a financial incentive, such as a~~  
20    ~~coupon, that is of greater or equal value to the fee being~~  
21    ~~charged or (ii) premium service, such as curbside collection,~~  
22    home pick-up, or similar methods of collection. Local units of  
23    government serving as collectors of CEDs and EEDs shall not  
24    charge a manufacturer for collection costs and shall offer the  
25    manufacturer or its representative all CEDs and EEDs collected  
26    by the local government at no cost. Nothing in this Act

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1 the total weight of the remaining CEDs collected, and the  
2 total weight of EEDs collected or received for each  
3 manufacturer during the previous program year.

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

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

11 (e) Through program year 2018, collectors ~~Collectors~~ may  
12 accept no more than 10 CEDs or EEDs at one time from individual  
13 members of the public and, when scheduling collection events,  
14 shall provide no fewer than 30 days' notice to the county waste  
15 agency of those events.

16 (f) Through program year 2018, no ~~no~~ collector of CEDs and  
17 EEDs may recycle, or refurbish for reuse or resale, CEDs or  
18 EEDs to a third party unless the collector registers as a  
19 recycler or refurbisher pursuant to Section 50 and pays the  
20 registration fee pursuant to Section 50.

21 ~~(g) Notwithstanding any other provision of this Act,~~  
22 ~~municipalities, townships, and other units of local government~~  
23 ~~that are acting as collectors may collect a fee for each CED or~~  
24 ~~EED collected.~~

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



1 of this Act and the Consumer Electronics Recycling Act. Any  
 2 moneys appropriated from the Electronics Recycling Fund, but  
 3 not obligated, shall revert to the Fund. On July 1, 2018, the  
 4 Comptroller shall order transferred, and the Treasurer shall  
 5 transfer, all unexpended moneys in the Electronics Recycling  
 6 Fund into the Solid Waste Management Fund. On December 31,  
 7 2019, the Comptroller shall order transferred, and the  
 8 Treasurer shall transfer, any remaining balance in the  
 9 Electronics Recycling Fund into the Solid Waste Management  
 10 Fund.

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

12 (415 ILCS 150/100 new)

13 Sec. 100. Repeal. This Act is repealed on January 1, 2020.

2019 ?

14 ARTICLE 99. EFFECTIVE DATE

15 Section 99-999. Effective date. This Act takes effect upon  
 16 becoming law, except that Section 5-5 takes effect on January  
 17 1, 2020."

7

