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I N S E N A T E

May 12, 2016

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the "solar panel collection act"; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "solar panel collection act".

3 S 2. Article 27 of the environmental conservation law is amended by
4 adding a new title 31 to read as follows:

5 TITLE 31

6 SOLAR PANEL COLLECTION ACT

7 SECTION 27-3101. DEFINITIONS.

8 27-3103. SOLAR PANEL COLLECTION.

9 27-3105. SOLAR PANEL WHOLESALER AND RETAILER REQUIREMENTS.

10 27-3107. DEPARTMENT RESPONSIBILITIES.

11 27-3109. DISPOSAL PROHIBITION.

12 S 27-3101. DEFINITIONS.

13 1. "COLLECTION PROGRAM" MEANS A SYSTEM FOR THE COLLECTION, TRANSPORTA-
14 TION, RECYCLING, AND DISPOSAL OF OUT-OF-SERVICE SOLAR PANELS THAT IS
15 FINANCED AND MANAGED OR PROVIDED BY A SOLAR PANEL MANUFACTURER INDIVID-
16 UALLY OR COLLECTIVELY WITH OTHER SOLAR PANEL MANUFACTURERS IN ACCORDANCE
17 WITH THIS SECTION.

18 2. "OUT-OF-SERVICE SOLAR PANEL" MEANS A SOLAR PANEL THAT IS REMOVED,
19 REPLACED OR OTHERWISE TAKEN OUT OF SERVICE.

20 3. "QUALIFIED CONTRACTOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF
21 INSTALLATION, SERVICE OR REMOVAL OF SOLAR PANELS WHO EMPLOYS SEVEN OR
22 MORE SERVICE TECHNICIANS OR INSTALLERS.

23 4. "QUALIFIED LOCAL GOVERNMENT AUTHORITIES" MEANS ANY MUNICIPAL CORPO-
24 RATION OR PLANNING UNIT AS DEFINED IN SECTION 27-0107 OF THIS ARTICLE,
25 OR COUNTY DEPARTMENTS OF HEALTH.

26 5. "SOLAR PANEL" MEANS A BANK OF SOLAR CELLS THAT, WHEN EXPOSED TO
27 RADIATION FROM THE SUN, CAN GENERATE HEATING OR ELECTRICITY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 6. "SOLAR PANEL MANUFACTURER" MEANS A PERSON WHO OWNS OR OWNED A NAME
2 BRAND OF ONE OR MORE SOLAR PANELS SOLD IN THE STATE.

3 7. "SOLAR PANEL RETAILER" MEANS A PERSON WHO SELLS SOLAR PANELS OF ANY
4 KIND PRIMARILY TO HOMEOWNERS OR OTHER NONPROFESSIONALS THROUGH ANY SALE
5 OR DISTRIBUTION MECHANISM INCLUDING SALES USING THE INTERNET OR CATA-
6 LOGS.

7 8. "SOLAR PANEL WHOLESALER" MEANS A PERSON WHO IS ENGAGED IN THE
8 DISTRIBUTION AND WHOLESALE SELLING OF SOLAR PANELS TO CONTRACTORS, AND
9 WHOSE TOTAL WHOLESALE SALES ACCOUNT FOR EIGHTY PERCENT OR MORE OF ITS
10 TOTAL SALES. A SOLAR PANEL MANUFACTURER IS NOT, BY VIRTUE OF MANUFACTUR-
11 ING, A SOLAR PANEL WHOLESALER.

12 S 27-3103. SOLAR PANEL COLLECTION.

13 1. EACH SOLAR PANEL MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY,
14 WITH OTHER SOLAR PANEL MANUFACTURERS, ESTABLISH AND MAINTAIN A PROGRAM
15 FOR THE COLLECTION, TRANSPORTATION, RECYCLING, DISPOSAL AND PROPER
16 MANAGEMENT OF OUT-OF-SERVICE SOLAR PANELS IN ACCORDANCE WITH THE
17 PROVISIONS OF THIS SECTION.

18 2. EACH SOLAR PANEL MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY
19 WITH OTHER SOLAR PANEL MANUFACTURERS THROUGH A COLLECTION PROGRAM, DO
20 THE FOLLOWING:

21 (A) ON AND AFTER JULY FIRST, TWO THOUSAND SEVENTEEN, COMPILE A LIST OF
22 SOLAR PANEL WHOLESALERS IN THE STATE.

23 (B) ESTABLISH A SYSTEM TO COLLECT, TRANSPORT, RECYCLE, DISPOSE AND
24 PROPERLY MANAGE OUT-OF-SERVICE SOLAR PANELS FROM ALL COLLECTION SITES.

25 (C) NOT INCLUDE ANY FEES OR OTHER CHARGES TO CONSUMERS OR PERSONS
26 PARTICIPATING IN THE PROGRAM.

27 (D) BEGINNING JULY FIRST, TWO THOUSAND SEVENTEEN, CONDUCT EDUCATION
28 AND OUTREACH EFFORTS, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

29 (I) ESTABLISH AND MAINTAIN A PUBLIC WEBSITE FOR THE DISSEMINATION OF
30 EDUCATIONAL MATERIALS TO PROMOTE THE COLLECTION OF OUT-OF-SERVICE SOLAR
31 PANELS. THIS WEBSITE SHALL INCLUDE TEMPLATES OF THE EDUCATIONAL MATERI-
32 ALS ON THE INTERNET WEBSITE IN A FORM AND FORMAT THAT CAN BE EASILY
33 DOWNLOADED AND PRINTED. THE LINK TO THIS WEBSITE SHALL BE PROVIDED TO
34 THE DEPARTMENT;

35 (II) CONTACT SOLAR PANEL WHOLESALERS AT LEAST ONCE A YEAR TO ENCOURAGE
36 THEIR SUPPORT AND PARTICIPATION IN EDUCATING CUSTOMERS ON THE IMPORTANCE
37 OF STATUTORY REQUIREMENTS FOR THE COLLECTION AND PROPER MANAGEMENT OF
38 OUT-OF-SERVICE SOLAR PANELS;

39 (III) CREATE AND MAINTAIN A WEB-BASED PROGRAM THAT ALLOWS CONTRACTORS
40 AND CONSUMERS TO IDENTIFY COLLECTION SITES FOR OUT-OF-SERVICE SOLAR
41 PANELS IN THE STATE AND PROVIDE A LIST OF COLLECTION SITES TO THE
42 DEPARTMENT; AND

43 (IV) DEVELOP INFORMATIONAL ARTICLES, PRESS RELEASES, AND NEWS STORIES
44 PERTAINING TO THE IMPORTANCE OF AND OPPORTUNITIES FOR COLLECTING AND
45 RECYCLING OUT-OF-SERVICE SOLAR PANELS AND DISTRIBUTE THOSE MATERIALS TO
46 TRADE PUBLICATIONS, LOCAL MEDIA, AND STAKEHOLDER GROUPS.

47 (E) ON OR BEFORE JULY FIRST, TWO THOUSAND SEVENTEEN, DEVELOP AND
48 UPDATE AS NECESSARY EDUCATIONAL AND OTHER OUTREACH MATERIALS FOR
49 DISTRIBUTION TO CONTRACTORS, CONTRACTOR ASSOCIATIONS AND CONSUMERS.
50 THESE MATERIALS SHALL BE MADE AVAILABLE FOR USE BY PARTICIPATING SOLAR
51 PANEL WHOLESALERS, SOLAR PANEL RETAILERS, CONTRACTORS, AND QUALIFIED
52 GOVERNMENT AUTHORITIES. THE MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED
53 TO, THE FOLLOWING:

54 (I) SIGNAGE, SUCH AS POSTERS AND CLING SIGNAGE, THAT CAN BE PROMINENT-
55 LY DISPLAYED TO PROMOTE THE COLLECTION OF OUT-OF-SERVICE SOLAR PANELS TO
56 CONTRACTORS AND CONSUMERS; AND

1 (II) WRITTEN MATERIALS OR TEMPLATES OF MATERIALS FOR REPRODUCTION BY
2 SOLAR PANEL WHOLESALERS AND SOLAR PANEL RETAILERS TO BE PROVIDED TO
3 CUSTOMERS AT THE TIME OF PURCHASE OR DELIVERY OF A SOLAR PANEL. THE
4 MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON THE
5 IMPORTANCE OF PROPERLY MANAGING OUT-OF-SERVICE SOLAR PANELS AND OPPORTU-
6 NITIES FOR THE COLLECTION OF THESE SOLAR PANELS.

7 (F) PROVIDE AN OPPORTUNITY FOR THE DEPARTMENT TO REVIEW AND OFFER
8 FEEDBACK AND SUGGESTIONS ON THE COLLECTION PROGRAM.

9 3. NO LATER THAN APRIL FIRST, TWO THOUSAND EIGHTEEN, AND NO LATER THAN
10 APRIL FIRST OF EACH YEAR THEREAFTER, EACH SOLAR PANEL MANUFACTURER
11 SHALL, INDIVIDUALLY OR COLLECTIVELY WITH OTHER SOLAR PANEL MANUFACTUR-
12 ERS, SUBMIT AN ANNUAL REPORT ON ITS COLLECTION PROGRAM TO THE DEPARTMENT
13 COVERING THE ONE-YEAR PERIOD ENDING DECEMBER THIRTY-FIRST OF THE PREVI-
14 OUS YEAR. EACH REPORT SHALL BE POSTED ON THE MANUFACTURER'S OR PROGRAM
15 OPERATOR'S RESPECTIVE INTERNET WEBSITE. THE ANNUAL REPORT SHALL INCLUDE
16 THE FOLLOWING:

17 (A) THE NUMBER OF OUT-OF-SERVICE SOLAR PANELS COLLECTED AND MANAGED
18 UNDER THIS SECTION DURING THE PREVIOUS CALENDAR YEAR;

19 (B) A LIST OF ALL SOLAR PANEL WHOLESALERS, CONTRACTORS, QUALIFIED
20 LOCAL GOVERNMENT AUTHORITIES, AND SOLAR PANEL RETAILERS PARTICIPATING IN
21 THE PROGRAM AS SOLAR PANEL COLLECTION SITES AND THE NUMBER OF
22 OUT-OF-SERVICE SOLAR PANELS RETURNED BY EACH;

23 (C) AN ACCOUNTING OF THE PROGRAM'S ADMINISTRATIVE COSTS;

24 (D) A DESCRIPTION OF OUTREACH STRATEGIES EMPLOYED UNDER PARAGRAPH (D)
25 OF SUBDIVISION TWO OF THIS SECTION;

26 (E) EXAMPLES OF OUTREACH AND EDUCATIONAL MATERIALS USED UNDER PARA-
27 GRAPH (D) OF SUBDIVISION TWO OF THIS SECTION;

28 (F) THE INTERNET WEBSITE ADDRESS OF ADDRESSES WHERE THE ANNUAL REPORT
29 MAY BE VIEWED ONLINE;

30 (G) A DESCRIPTION OF HOW THE OUT-OF-SERVICE SOLAR PANELS WERE MANAGED;

31 (H) ANY MODIFICATIONS THAT THE SOLAR PANEL MANUFACTURER IS PLANNING TO
32 MAKE IN ITS COLLECTION PROGRAM; AND

33 (I) THE IDENTIFICATION OF A COLLECTION PROGRAM CONTACT AND THE BUSI-
34 NESS PHONE NUMBER, MAILING ADDRESS, AND E-MAIL ADDRESS FOR THE CONTACT.

35 4. ALL CONTRACTORS, SOLAR PANEL WHOLESALERS, SOLAR PANEL MANUFACTUR-
36 ERS, AND SOLAR PANEL RETAILERS PARTICIPATING IN THE PROGRAM SHALL HANDLE
37 AND MANAGE THE OUT-OF-SERVICE SOLAR PANELS IN A MANNER THAT IS CONSIST-
38 ENT WITH THE REQUIREMENTS FOR THE DISPOSAL OF HAZARDOUS WASTE.

39 5. ON AND AFTER JULY FIRST, TWO THOUSAND SEVENTEEN, NO SOLAR PANEL
40 WHOLESALER SHALL SELL, OFFER TO SELL, DISTRIBUTE, OR OFFER TO DISTRIBUTE
41 SOLAR PANELS UNLESS THE WHOLESALER PARTICIPATES AS A COLLECTION SITE FOR
42 OUT-OF-SERVICE SOLAR PANELS OR REQUESTS AND RECEIVES A WAIVER FROM THE
43 DEPARTMENT FOLLOWING A DEMONSTRATION THAT SUCH PARTICIPATION WOULD POSE
44 AN UNDUE BURDEN.

45 S 27-3105. SOLAR PANEL WHOLESALER AND RETAILER REQUIREMENTS.

46 NO SOLAR PANEL WHOLESALER OR SOLAR PANEL RETAILER SHALL SELL, OFFER
47 FOR SALE OR DISTRIBUTE ANY SOLAR PANEL FOR FINAL SALE UNLESS THE
48 MANUFACTURER OF SUCH SOLAR PANEL IS LISTED ON THE DEPARTMENT'S WEBSITE,
49 IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

50 S 27-3107. DEPARTMENT RESPONSIBILITIES.

51 1. NO LATER THAN JUNE FIRST, TWO THOUSAND EIGHTEEN, THE DEPARTMENT
52 SHALL MAINTAIN ON ITS WEBSITE INFORMATION REGARDING THE COLLECTION AND
53 PROPER MANAGEMENT OF OUT-OF-SERVICE SOLAR PANELS IN THE STATE. THE
54 INFORMATION SHALL INCLUDE THE FOLLOWING:

55 (A) A DESCRIPTION OF THE COLLECTION PROGRAMS ESTABLISHED UNDER THIS
56 SECTION; AND

1 (B) A LIST OF ALL SOLAR PANEL WHOLESALERS, CONTRACTORS, QUALIFIED
2 LOCAL GOVERNMENT AUTHORITIES, AND SOLAR PANEL RETAILERS PARTICIPATING IN
3 THE PROGRAM AS COLLECTION SITES.

4 2. NO LATER THAN NOVEMBER FIRST, TWO THOUSAND TWENTY-ONE, THE DEPART-
5 MENT SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE LEGISLATURE
6 REGARDING THE EFFECTIVENESS OF THE COLLECTION PROGRAMS ESTABLISHED UNDER
7 THIS SECTION, INFORMATION ON THE NUMBER OF OUT-OF-SERVICE SOLAR PANELS
8 COLLECTED, HOW THE OUT-OF-SERVICE SOLAR PANELS WERE MANAGED, AND AN
9 ESTIMATE OF THE NUMBER OF SOLAR PANELS THAT ARE AVAILABLE FOR
10 COLLECTION. THE DEPARTMENT SHALL USE THIS INFORMATION TO RECOMMEND
11 WHETHER THE PROVISIONS OF THIS SECTION SHOULD BE EXTENDED, ALONG WITH
12 ANY OTHER STATUTORY CHANGES. IN PREPARING THE REPORT, THE DEPARTMENT
13 SHALL CONSULT WITH SOLAR PANEL MANUFACTURERS, ENVIRONMENTAL ORGANIZA-
14 TIONS, MUNICIPAL RECYCLERS, AND OTHER INTEREST GROUPS.
15 S 27-3109. DISPOSAL PROHIBITION.

16 1. NO TRANSPORTER SHALL KNOWINGLY COMMINGLE SOLAR PANELS WITH SOLID
17 WASTE OR RECYCLABLE MATERIALS.

18 2. NO TRANSPORTER SHALL KNOWINGLY DELIVER SOLAR PANELS OR KNOWINGLY
19 CAUSE SUCH MATERIALS TO BE DELIVERED TO:

20 (A) AN INCINERATOR;

21 (B) A LANDFILL;

22 (C) A TRANSFER STATION; OR

23 (D) ANYONE WHO THE TRANSPORTER KNOWS OR SHOULD KNOW WILL EITHER
24 COMMINGLE SUCH MATERIALS WITH OTHER SOLID WASTE OR DELIVER SUCH MATERI-
25 ALS TO AN INCINERATOR OR A LANDFILL FOR DISPOSAL.

26 3. NO OPERATOR OF AN INCINERATOR OR A LANDFILL SHALL KNOWINGLY ACCEPT
27 SOLAR PANELS FOR DISPOSAL.

28 4. NO OPERATOR OF A TRANSFER STATION SHALL KNOWINGLY COMMINGLE SOLAR
29 PANELS WITH OTHER SOLID WASTE OR CAUSE SUCH MATERIALS TO BE TRANSFERRED
30 TO AN INCINERATOR OR LANDFILL FOR DISPOSAL.

31 5. EACH LANDFILL AND TRANSFER STATION SHALL POST, IN A CONSPICUOUS
32 LOCATION AT THE FACILITY, A SIGN STATING THAT SOLAR PANELS ARE NOT
33 ACCEPTED AT THE FACILITY.

34 S 3. a. Any person or contractor who replaces a solar panel from a
35 building shall deliver the solar panel to an appropriate collection
36 site.

37 b. Any person or contractor who demolishes a building shall ensure
38 that all solar panels are removed from the building prior to demolition
39 and shall dispose of the solar panels at a collection site.

40 c. Any department, authority, instrumentality, or municipal corpo-
41 ration of the state administering a program that involves the removal or
42 replacement of solar panels as a result of any statutory requirement,
43 shall inform contractors of their statutory obligations to deliver the
44 solar panels to a collection site and prohibiting the disposal of such
45 solar panels in a solid-waste facility.

46 d. Any contractor, organization or subcontractor of such organization,
47 who contracts with or receives funding or financing provided in whole or
48 in part by or through any department, agency, instrumentality, or poli-
49 tical subdivision of the state for the installation, service, removal or
50 handling of solar panels, shall ensure the collection, transportation
51 and proper management of out-of-service solar panels in accordance with
52 the provisions of title 31 of article 27 of the environmental conserva-
53 tion law.

54 S 4. This act shall take effect immediately, and shall expire and be
55 deemed repealed January 1, 2027.