

STATE OF NEW YORK

7757

2017-2018 Regular Sessions

IN ASSEMBLY

May 12, 2017

Introduced by M. of A. ENGLEBRIGHT, ROSENTHAL, KAVANAGH, FAHY, GOTTFRIED, SEPULVEDA, BUCHWALD -- read once and referred 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 § 2. Article 27 of the environmental conservation law is amended by
4 adding a new title 31 to read as follows:

TITLE 31

SOLAR PANEL COLLECTION ACT

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.

§ 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.

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

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1 4. "Qualified local government authorities" means any municipal corpo-
2 ration or planning unit as defined in section 27-0107 of this article,
3 or county departments of health.

4 5. "Solar panel" means a bank of solar cells that, when exposed to
5 radiation from the sun, can generate heating or electricity.

6 6. "Solar panel manufacturer" means a person who owns or owned a name
7 brand of one or more solar panels sold in the state.

8 7. "Solar panel retailer" means a person who sells solar panels of any
9 kind primarily to homeowners or other nonprofessionals through any sale
10 or distribution mechanism including sales using the internet or cata-
11 logs.

12 8. "Solar panel wholesaler" means a person who is engaged in the
13 distribution and wholesale selling of solar panels to contractors, and
14 whose total wholesale sales account for eighty percent or more of its
15 total sales. A solar panel manufacturer is not, by virtue of manufactur-
16 ing, a solar panel wholesaler.

17 § 27-3103. Solar panel collection.

18 1. Each solar panel manufacturer shall, individually or collectively,
19 with other solar panel manufacturers, establish and maintain a program
20 for the collection, transportation, recycling, disposal and proper
21 management of out-of-service solar panels in accordance with the
22 provisions of this section.

23 2. Each solar panel manufacturer shall, individually or collectively
24 with other solar panel manufacturers through a collection program, do
25 the following:

26 (a) On and after July first, two thousand eighteen, compile a list of
27 solar panel wholesalers in the state.

28 (b) Establish a system to collect, transport, recycle, dispose and
29 properly manage out-of-service solar panels from all collection sites.

30 (c) Not include any fees or other charges to consumers or persons
31 participating in the program.

32 (d) Beginning July first, two thousand eighteen, conduct education and
33 outreach efforts, including, but not limited to the following:

34 (i) establish and maintain a public website for the dissemination of
35 educational materials to promote the collection of out-of-service solar
36 panels. This website shall include templates of the educational materi-
37 als on the internet website in a form and format that can be easily
38 downloaded and printed. The link to this website shall be provided to
39 the department;

40 (ii) contact solar panel wholesalers at least once a year to encourage
41 their support and participation in educating customers on the importance
42 of statutory requirements for the collection and proper management of
43 out-of-service solar panels;

44 (iii) create and maintain a web-based program that allows contractors
45 and consumers to identify collection sites for out-of-service solar
46 panels in the state and provide a list of collection sites to the
47 department; and

48 (iv) develop informational articles, press releases, and news stories
49 pertaining to the importance of and opportunities for collecting and
50 recycling out-of-service solar panels and distribute those materials to
51 trade publications, local media, and stakeholder groups.

52 (e) On or before July first, two thousand eighteen, develop and update
53 as necessary educational and other outreach materials for distribution
54 to contractors, contractor associations and consumers. These materials
55 shall be made available for use by participating solar panel whole-
56 salers, solar panel retailers, contractors, and qualified government

1 authorities. The materials shall include, but not be limited to, the
2 following:

3 (i) signage, such as posters and cling signage, that can be prominent-
4 ly displayed to promote the collection of out-of-service solar panels to
5 contractors and consumers; and

6 (ii) written materials or templates of materials for reproduction by
7 solar panel wholesalers and solar panel retailers to be provided to
8 customers at the time of purchase or delivery of a solar panel. The
9 materials shall include, but not be limited to, information on the
10 importance of properly managing out-of-service solar panels and opportu-
11 nities for the collection of these solar panels.

12 (f) Provide an opportunity for the department to review and offer
13 feedback and suggestions on the collection program.

14 3. No later than April first, two thousand nineteen, and no later than
15 April first of each year thereafter, each solar panel manufacturer
16 shall, individually or collectively with other solar panel manufactur-
17 ers, submit an annual report on its collection program to the department
18 covering the one-year period ending December thirty-first of the previ-
19 ous year. Each report shall be posted on the manufacturer's or program
20 operator's respective internet website. The annual report shall include
21 the following:

22 (a) the number of out-of-service solar panels collected and managed
23 under this section during the previous calendar year;

24 (b) a list of all solar panel wholesalers, contractors, qualified
25 local government authorities, and solar panel retailers participating in
26 the program as solar panel collection sites and the number of out-of-
27 service solar panels returned by each;

28 (c) an accounting of the program's administrative costs;

29 (d) a description of outreach strategies employed under paragraph (d)
30 of subdivision two of this section;

31 (e) examples of outreach and educational materials used under para-
32 graph (d) of subdivision two of this section;

33 (f) the internet website address of addresses where the annual report
34 may be viewed online;

35 (g) a description of how the out-of-service solar panels were managed;

36 (h) any modifications that the solar panel manufacturer is planning to
37 make in its collection program; and

38 (i) the identification of a collection program contact and the busi-
39 ness phone number, mailing address, and e-mail address for the contact.

40 4. All contractors, solar panel wholesalers, solar panel manufactur-
41 ers, and solar panel retailers participating in the program shall handle
42 and manage the out-of-service solar panels in a manner that is consist-
43 ent with the requirements for the disposal of hazardous waste.

44 5. On and after July first, two thousand eighteen, no solar panel
45 wholesaler shall sell, offer to sell, distribute, or offer to distribute
46 solar panels unless the wholesaler participates as a collection site for
47 out-of-service solar panels or requests and receives a waiver from the
48 department following a demonstration that such participation would pose
49 an undue burden.

50 § 27-3105. Solar panel wholesaler and retailer requirements.

51 No solar panel wholesaler or solar panel retailer shall sell, offer
52 for sale or distribute any solar panel for final sale unless the
53 manufacturer of such solar panel is listed on the department's website,
54 in accordance with the provisions of this title.

55 § 27-3107. Department responsibilities.

1 1. No later than June first, two thousand nineteen, the department
2 shall maintain on its website information regarding the collection and
3 proper management of out-of-service solar panels in the state. The
4 information shall include the following:

5 (a) a description of the collection programs established under this
6 section; and

7 (b) a list of all solar panel wholesalers, contractors, qualified
8 local government authorities, and solar panel retailers participating in
9 the program as collection sites.

10 2. No later than November first, two thousand twenty-two, the depart-
11 ment shall submit a written report to the governor and the legislature
12 regarding the effectiveness of the collection programs established under
13 this section, information on the number of out-of-service solar panels
14 collected, how the out-of-service solar panels were managed, and an
15 estimate of the number of solar panels that are available for
16 collection. The department shall use this information to recommend
17 whether the provisions of this section should be extended, along with
18 any other statutory changes. In preparing the report, the department
19 shall consult with solar panel manufacturers, environmental organiza-
20 tions, municipal recyclers, and other interest groups.

21 § 27-3109. Disposal prohibition.

22 1. No transporter shall knowingly commingle solar panels with solid
23 waste or recyclable materials.

24 2. No transporter shall knowingly deliver solar panels or knowingly
25 cause such materials to be delivered to:

26 (a) an incinerator;

27 (b) a landfill;

28 (c) a transfer station; or

29 (d) anyone who the transporter knows or should know will either
30 commingle such materials with other solid waste or deliver such materi-
31 als to an incinerator or a landfill for disposal.

32 3. No operator of an incinerator or a landfill shall knowingly accept
33 solar panels for disposal.

34 4. No operator of a transfer station shall knowingly commingle solar
35 panels with other solid waste or cause such materials to be transferred
36 to an incinerator or landfill for disposal.

37 5. Each landfill and transfer station shall post, in a conspicuous
38 location at the facility, a sign stating that solar panels are not
39 accepted at the facility.

40 § 3. a. Any person or contractor who replaces a solar panel from a
41 building shall deliver the solar panel to an appropriate collection
42 site.

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

46 c. Any department, authority, instrumentality, or municipal corpo-
47 ration of the state administering a program that involves the removal or
48 replacement of solar panels as a result of any statutory requirement,
49 shall inform contractors of their statutory obligations to deliver the
50 solar panels to a collection site and prohibiting the disposal of such
51 solar panels in a solid-waste facility.

52 d. Any contractor, organization or subcontractor of such organization,
53 who contracts with or receives funding or financing provided in whole or
54 in part by or through any department, agency, instrumentality, or poli-
55 tical subdivision of the state for the installation, service, removal or
56 handling of solar panels, shall ensure the collection, transportation

1 and proper management of out-of-service solar panels in accordance with
2 the provisions of title 31 of article 27 of the environmental conserva-
3 tion law.

4 § 4. This act shall take effect immediately, and shall expire and be
5 deemed repealed January 1, 2028.