

# STATE OF NEW YORK

2837

2017-2018 Regular Sessions

## IN SENATE

January 17, 2017

Introduced by Sens. O'MARA, HOYLMAN, LATIMER, SERRANO -- 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 § 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.