

# STATE OF NEW YORK

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## IN SENATE

January 17, 2017

Introduced by Sens. O'MARA, ADDABBO, AVELLA, BAILEY, BROOKS, FUNKE, HOYLMAN, KAMINSKY, KENNEDY, LAVALLE, PHILLIPS, SAVINO, SERRANO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 and recycling of out-of-service solar panels that is financed and  
15 managed or provided by a solar panel manufacturer individually or

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

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1 collectively with other solar panel manufacturers within this state in  
2 accordance with this section.

3 2. "Out-of-service solar panel" means a solar panel that is removed,  
4 replaced or otherwise taken out of service.

5 3. "Qualified contractor" means a person engaged in the business of  
6 installing, repairing, servicing or the removal of solar panels and who  
7 employs seven or more service technicians.

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

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

13 6. "Solar panel manufacturer" means a person who manufactures one or  
14 more name brand solar panels within this state.

15 7. "Solar panel retailer" means a person who sells solar panels of any  
16 kind primarily to homeowners or other consumers through any sale or  
17 distribution mechanism including sales using the internet or catalogs.

18 8. "Solar panel wholesaler" means a person who is engaged in the  
19 distribution and wholesale selling of solar panels to qualified contrac-  
20 tors or other consumers, and whose total wholesale sales account for  
21 eighty percent or more of its total sales. A solar panel manufacturer is  
22 not, by virtue of manufacturing, a solar panel wholesaler.

23 9. "Consumer" means an individual, business, partnership, association,  
24 corporation, company, municipality, political subdivision or other legal  
25 entity that purchases, operates, owns or uses one or more solar panels.

26 10. "Recycling" means refurbishing out-of-service solar panels for  
27 continued reuse as a product or capturing the metals via reclamation.

28 § 27-3103. Solar panel collection.

29 1. Each solar panel manufacturer shall, individually or collectively,  
30 with other solar panel manufacturers, establish and maintain a program  
31 for the collection, transportation and recycling of out-of-service solar  
32 panels in accordance with the provisions of this section.

33 2. Each solar panel manufacturer shall, individually or collectively  
34 with other solar panel manufacturers through a collection program, do  
35 the following:

36 (a) On and after July first, two thousand nineteen, compile a list of  
37 solar panel wholesalers within this state.

38 (b) Establish a system to collect, transport and recycle out-of-ser-  
39 vice solar panels from all collection sites.

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

42 (d) Beginning July first, two thousand nineteen, conduct education and  
43 outreach efforts, including, but not limited to the following:

44 (i) establish and maintain a public website for the dissemination of  
45 educational materials to promote the collection and recycling of out-of-  
46 service solar panels. This website shall include templates of the educa-  
47 tional materials on the internet website in a form and format that can  
48 be easily downloaded and printed. The link to this website shall be  
49 provided to the department;

50 (ii) contact solar panel wholesalers at least once a year to encourage  
51 their support and participation in educating consumers on the importance  
52 of statutory requirements for the collection and recycling of out-of-  
53 service solar panels;

54 (iii) create and maintain a web-based program that allows contractors  
55 and consumers to identify collection sites for out-of-service solar

1 panels in the state and provide a list of collection sites to the  
2 department; and

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

7 (e) On or before July first, two thousand nineteen, develop and update  
8 as necessary educational and other outreach materials for distribution  
9 to qualified contractors, contractor associations and consumers. These  
10 materials shall be made available for use by participating solar panel  
11 wholesalers, solar panel retailers, qualified contractors, and qualified  
12 government authorities. The materials shall include, but not be limited  
13 to, the following:

14 (i) signage, such as posters and cling signage, that can be prominent-  
15 ly displayed to promote the recycling of out-of-service solar panels to  
16 qualified contractors and consumers; and

17 (ii) written materials or templates of materials for reproduction by  
18 solar panel wholesalers and solar panel retailers to be provided to  
19 consumers at the time of purchase or delivery of a solar panel. The  
20 materials shall include, but not be limited to, information on the  
21 importance of recycling out-of-service solar panels and opportunities  
22 for the collection of these solar panels.

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

25 3. No later than April first, two thousand twenty, and no later than  
26 April first of each year thereafter, each solar panel manufacturer  
27 shall, individually or collectively with other solar panel manufactur-  
28 ers, submit an annual report on its collection program to the department  
29 covering the one-year period ending December thirty-first of the previ-  
30 ous year. Each report shall be posted on the solar panel manufacturer's  
31 or program operator's respective internet website. The annual report  
32 shall include the following:

33 (a) the number of out-of-service solar panels collected and recycled  
34 under this section during the previous calendar year;

35 (b) a list of all solar panel manufactures, solar panel wholesalers,  
36 contractors, qualified local government authorities, and solar panel  
37 retailers participating in the program as solar panel collection sites;

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

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

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

43 (f) the internet website address or addresses where the annual report  
44 may be viewed online;

45 (g) a description of how the out-of-service solar panels were  
46 collected and recycled;

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

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

51 4. All solar panel manufacturers participating in the program shall  
52 handle and manage any out-of-service solar panels that cannot be recy-  
53 clcd and have been determined to be or to contain hazardous waste, as  
54 defined pursuant to regulations of the department, consistent with the  
55 requirements for the management and disposal of hazardous waste.

1     5. On and after July first, two thousand nineteen, no solar panel  
2 manufacturer shall sell, offer to sell, distribute, or offer to distrib-  
3 ute solar panels unless the manufacturer participates as a collection  
4 site for out-of-service solar panels or requests and receives a waiver  
5 from the department following a demonstration that such participation  
6 would pose an undue burden.

7     § 27-3105. Solar panel wholesaler and retailer requirements.

8     No solar panel wholesaler or solar panel retailer located within this  
9 state shall sell, offer for sale or distribute any solar panel for final  
10 sale unless the solar panel manufacturer of such solar panel is listed  
11 on the department's website, in accordance with the provisions of this  
12 title.

13     § 27-3107. Department responsibilities.

14     1. No later than June first, two thousand twenty, the department shall  
15 maintain on its website information regarding the collection and recycl-  
16 ing of out-of-service solar panels in the state. The information shall  
17 include the following:

18         (a) a description of the collection programs established under this  
19 section and a list of solar panel manufacturers of such solar panels  
20 participating in the collection program pursuant to this title; and

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

24     2. No later than November first, two thousand twenty-one, the depart-  
25 ment shall submit a written report to the governor and the legislature  
26 regarding the effectiveness of the collection programs established under  
27 this section, information on the number of out-of-service solar panels  
28 collected, and how the out-of-service solar panels were managed. The  
29 department shall use this information to recommend whether the  
30 provisions of this section should be extended, along with any other  
31 statutory changes. In preparing the report, the department shall consult  
32 with solar panel manufacturers, environmental organizations, municipal  
33 recyclers, and other interest groups.

34     § 27-3109. Disposal prohibition.

35     1. No transporter shall knowingly commingle solar panels with solid  
36 waste or recyclable materials.

37     2. No transporter shall knowingly deliver solar panels or knowingly  
38 cause such materials to be delivered to the following facilities located  
39 within this state:

40         (a) an incinerator;

41         (b) a landfill;

42         (c) a transfer station; or

43         (d) a facility who the transporter knows or should know will either  
44 commingle such materials with other solid waste or deliver such materi-  
45 als to an incinerator or a landfill for disposal.

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

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

51     5. Each landfill and incinerator shall post, in a conspicuous location  
52 at the facility, a sign stating that solar panels are not accepted at  
53 the facility.

54     § 3. a. Any consumer or qualified contractor who replaces a solar  
55 panel from a building shall deliver the solar panel to an appropriate  
56 collection site.

1     b. Any person or contractor who demolishes a building shall ensure  
2     that all solar panels are removed from the building prior to demolition  
3     and shall deliver the solar panels to a collection site.

4     c. Any department, authority, instrumentality, or municipal corpo-  
5     ration of the state administering a program that involves the removal or  
6     replacement of solar panels as a result of any statutory requirement,  
7     shall inform contractors of their statutory obligations to deliver the  
8     solar panels to a collection site and prohibiting the disposal of such  
9     solar panels in a solid-waste facility.

10    d. Any contractor, organization or subcontractor of such organization,  
11    who contracts with or receives funding or financing provided in whole or  
12    in part by or through any department, agency, instrumentality, or poli-  
13    tical subdivision of this state for the sale, distribution, service,  
14    removal, collection and recycling of solar panels, shall ensure the  
15    collection, transportation and proper management of out-of-service solar  
16    panels in accordance with the provisions of title 31 of article 27 of  
17    the environmental conservation law.

18    § 4. This act shall take effect immediately, and shall expire and be  
19    deemed repealed January 1, 2029.