

2837--A

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I N S E N A T E

January 17, 2017

Introduced by Sens. O'MARA, 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

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.

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

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

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

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

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

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

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

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

22 S 27-3103. SOLAR PANEL COLLECTION.

23 1. EACH SOLAR PANEL MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY,  
24 WITH OTHER SOLAR PANEL MANUFACTURERS, ESTABLISH AND MAINTAIN A PROGRAM  
25 FOR THE COLLECTION, TRANSPORTATION, RECYCLING, DISPOSAL AND PROPER  
26 MANAGEMENT OF OUT-OF-SERVICE SOLAR PANELS IN ACCORDANCE WITH THE  
27 PROVISIONS OF THIS SECTION.

28 2. EACH SOLAR PANEL MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY  
29 WITH OTHER SOLAR PANEL MANUFACTURERS THROUGH A COLLECTION PROGRAM, DO  
30 THE FOLLOWING:

31 (A) ON AND AFTER JULY FIRST, TWO THOUSAND NINETEEN, COMPILE A LIST OF  
32 SOLAR PANEL WHOLESALERS IN THE STATE.

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

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

37 (D) BEGINNING JULY FIRST, TWO THOUSAND NINETEEN, CONDUCT EDUCATION AND  
38 OUTREACH EFFORTS, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

39 (I) ESTABLISH AND MAINTAIN A PUBLIC WEBSITE FOR THE DISSEMINATION OF  
40 EDUCATIONAL MATERIALS TO PROMOTE THE COLLECTION OF OUT-OF-SERVICE SOLAR  
41 PANELS. THIS WEBSITE SHALL INCLUDE TEMPLATES OF THE EDUCATIONAL MATERI-  
42 ALS ON THE INTERNET WEBSITE IN A FORM AND FORMAT THAT CAN BE EASILY  
43 DOWNLOADED AND PRINTED. THE LINK TO THIS WEBSITE SHALL BE PROVIDED TO  
44 THE DEPARTMENT;

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

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

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

1 (E) ON OR BEFORE JULY FIRST, TWO THOUSAND NINETEEN, DEVELOP AND UPDATE  
2 AS NECESSARY EDUCATIONAL AND OTHER OUTREACH MATERIALS FOR DISTRIBUTION  
3 TO CONTRACTORS, CONTRACTOR ASSOCIATIONS AND CONSUMERS. THESE MATERIALS  
4 SHALL BE MADE AVAILABLE FOR USE BY PARTICIPATING SOLAR PANEL WHOLE-  
5 SALERS, SOLAR PANEL RETAILERS, CONTRACTORS, AND QUALIFIED GOVERNMENT  
6 AUTHORITIES. THE MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
7 FOLLOWING:

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

11 (II) WRITTEN MATERIALS OR TEMPLATES OF MATERIALS FOR REPRODUCTION BY  
12 SOLAR PANEL WHOLESALERS AND SOLAR PANEL RETAILERS TO BE PROVIDED TO  
13 CUSTOMERS AT THE TIME OF PURCHASE OR DELIVERY OF A SOLAR PANEL. THE  
14 MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON THE  
15 IMPORTANCE OF PROPERLY MANAGING OUT-OF-SERVICE SOLAR PANELS AND OPPORTU-  
16 NITIES FOR THE COLLECTION OF THESE SOLAR PANELS.

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

19 3. NO LATER THAN APRIL FIRST, TWO THOUSAND TWENTY, AND NO LATER THAN  
20 APRIL FIRST OF EACH YEAR THEREAFTER, EACH SOLAR PANEL MANUFACTURER  
21 SHALL, INDIVIDUALLY OR COLLECTIVELY WITH OTHER SOLAR PANEL MANUFACTUR-  
22 ERS, SUBMIT AN ANNUAL REPORT ON ITS COLLECTION PROGRAM TO THE DEPARTMENT  
23 COVERING THE ONE-YEAR PERIOD ENDING DECEMBER THIRTY-FIRST OF THE PREVI-  
24 OUS YEAR. EACH REPORT SHALL BE POSTED ON THE MANUFACTURER'S OR PROGRAM  
25 OPERATOR'S RESPECTIVE INTERNET WEBSITE. THE ANNUAL REPORT SHALL INCLUDE  
26 THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

49 5. ON AND AFTER JULY FIRST, TWO THOUSAND NINETEEN, NO SOLAR PANEL  
50 WHOLESALER SHALL SELL, OFFER TO SELL, DISTRIBUTE, OR OFFER TO DISTRIBUTE  
51 SOLAR PANELS UNLESS THE WHOLESALER PARTICIPATES AS A COLLECTION SITE FOR  
52 OUT-OF-SERVICE SOLAR PANELS OR REQUESTS AND RECEIVES A WAIVER FROM THE  
53 DEPARTMENT FOLLOWING A DEMONSTRATION THAT SUCH PARTICIPATION WOULD POSE  
54 AN UNDUE BURDEN.

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

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

5 S 27-3107. DEPARTMENT RESPONSIBILITIES.

6 1. NO LATER THAN JUNE FIRST, TWO THOUSAND TWENTY, THE DEPARTMENT SHALL  
7 MAINTAIN ON ITS WEBSITE INFORMATION REGARDING THE COLLECTION AND PROPER  
8 MANAGEMENT OF OUT-OF-SERVICE SOLAR PANELS IN THE STATE. THE INFORMATION  
9 SHALL INCLUDE THE FOLLOWING:

10 (A) A DESCRIPTION OF THE COLLECTION PROGRAMS ESTABLISHED UNDER THIS  
11 SECTION; AND

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

15 2. NO LATER THAN NOVEMBER FIRST, TWO THOUSAND TWENTY-ONE, THE DEPART-  
16 MENT SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE LEGISLATURE  
17 REGARDING THE EFFECTIVENESS OF THE COLLECTION PROGRAMS ESTABLISHED UNDER  
18 THIS SECTION, INFORMATION ON THE NUMBER OF OUT-OF-SERVICE SOLAR PANELS  
19 COLLECTED, HOW THE OUT-OF-SERVICE SOLAR PANELS WERE MANAGED, AND AN  
20 ESTIMATE OF THE NUMBER OF SOLAR PANELS THAT ARE AVAILABLE FOR  
21 COLLECTION. THE DEPARTMENT SHALL USE THIS INFORMATION TO RECOMMEND  
22 WHETHER THE PROVISIONS OF THIS SECTION SHOULD BE EXTENDED, ALONG WITH  
23 ANY OTHER STATUTORY CHANGES. IN PREPARING THE REPORT, THE DEPARTMENT  
24 SHALL CONSULT WITH SOLAR PANEL MANUFACTURERS, ENVIRONMENTAL ORGANIZA-  
25 TIONS, MUNICIPAL RECYCLERS, AND OTHER INTEREST GROUPS.  
26 S 27-3109. DISPOSAL PROHIBITION.

27 1. NO TRANSPORTER SHALL KNOWINGLY COMMINGLE SOLAR PANELS WITH SOLID  
28 WASTE OR RECYCLABLE MATERIALS.

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

31 (A) AN INCINERATOR;

32 (B) A LANDFILL;

33 (C) A TRANSFER STATION; OR

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

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

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

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

45 S 3. a. Any person or contractor who replaces a solar panel from a  
46 building shall deliver the solar panel to an appropriate collection  
47 site.

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

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

1 d. Any contractor, organization or subcontractor of such organization,  
2 who contracts with or receives funding or financing provided in whole or  
3 in part by or through any department, agency, instrumentality, or poli-  
4 tical subdivision of the state for the installation, service, removal or  
5 handling of solar panels, shall ensure the collection, transportation  
6 and proper management of out-of-service solar panels in accordance with  
7 the provisions of title 31 of article 27 of the environmental conserva-  
8 tion law.

9 S 4. This act shall take effect immediately, and shall expire and be  
10 deemed repealed January 1, 2029.