

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 489

Introduced by Senator Monning

February 26, 2015

An act to add Article 17 (commencing with Section 25259) to Chapter 6.5 ~~to~~ of Division 20 of the Health and Safety Code, ~~and to add Chapter 2 (commencing with Section 42030) to Part 3 of Division 30 of the Public Resources Code,~~ relating to ~~public resources:~~ *hazardous waste*.

LEGISLATIVE COUNSEL'S DIGEST

SB 489, as amended, Monning. ~~Public resources:~~ *Hazardous waste:* photovoltaic modules.

~~The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.~~

~~This bill would prohibit an end-of-life photovoltaic module, as defined, from being disposed of at a solid waste disposal facility or a hazardous waste disposal facility, except that it would permit materials that have been separated from an end-of-life photovoltaic module to be disposed of at a solid waste disposal facility, if those materials are nonrecyclable and are not identified as hazardous waste. The bill would make a person who knowingly violates this provision liable for a civil penalty not to exceed \$2,500 for each violation, as specified. The bill would specify exceptions to this provision, including that disposal of an end-of-life photovoltaic module from a photovoltaic system subject to a contractual or regulatory obligation as of January 1, 2016, to dispose of the system's end-of-life photovoltaic module at a solid waste disposal facility shall be deemed to comply with this provision if a reasonable~~

~~effort to recycle or reuse material from the end-of-life photovoltaic module is made by the owner or operator of the system.~~

The Hazardous Waste Control Law, among other things, vests the Department of Toxic Substances Control (~~department~~) with the authority to regulate the generation and disposal of hazardous waste. Under now-expired authority, the department adopted regulations exempting specified hazardous waste management activities from certain statutory requirements related to hazardous waste management. These regulations are to remain valid unless repealed. A violation of the Hazardous Waste Control Law, including a regulation adopted pursuant to that law, is a crime. Under existing law, the hazardous wastes that are deemed exempt from the Hazardous Waste Control Law are known as “universal waste” and are regulated pursuant to universal waste management provisions.

This bill would authorize the department to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject those modules to universal waste management. The bill would authorize the department to revise the regulations as necessary. Because a violation of these regulations would be a crime, this bill would impose a state-mandated local program.

~~This bill would prohibit an end-of-life photovoltaic module that is identified as hazardous waste from being disposed of at a solid waste disposal facility or a hazardous waste disposal facility, except that it would permit materials that have been separated from an end-of-life photovoltaic module that is identified as hazardous waste to be disposed of at a solid waste disposal facility or hazardous waste facility, if those materials are nonrecyclable and are not identified as hazardous waste. The bill also would provide for a specified exception to this provision. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) California’s policies, including the policies reflected in the
4 California Solar Initiative (Chapter 8.8 (commencing with Section
5 25780) of Division 15 of the Public Resources Code), the state’s
6 net energy metering program, and the California Renewables
7 Portfolio Standard Program (Article 16 (commencing with Section
8 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities
9 Code), have made California the leading state in the installation
10 of solar energy systems by providing ratepayer-funded incentives
11 to eligible solar energy systems, resulting in substantially increased
12 utilization by homes, businesses, and utilities.

13 (2) Existing solar energy systems use photovoltaic technology
14 to capture sunlight and convert it into electricity until the end of
15 their useful lives, estimated to be between 25 and 40 years. Today
16 a wide variety of solar photovoltaic technologies, manufactured
17 using processes and materials similar to those of the
18 microelectronics industry, contribute to California’s solar energy
19 portfolio.

20 (3) The numerous renewable and customer-generated solar
21 programs in California have led to a rapid expansion of solar
22 energy systems and have given rise to an emerging photovoltaic
23 industry. An increasing amount of end-of-life photovoltaic ~~panels~~
24 *modules* can be expected from 2020 onwards in California. It is
25 critical to consider the end-of-life issues associated with
26 photovoltaic ~~panels; modules~~. Recycling is the most sustainable
27 way to manage end-of-life photovoltaic ~~panels; modules~~.

28 (b) It is the intent of the Legislature to do all of the following:

29 (1) Foster a comprehensive and innovative system for the reuse,
30 recycling, and proper and legal disposal of end-of-life photovoltaic
31 ~~panels; modules~~.

32 (2) Encourage the photovoltaic ~~panel module~~ industry to make
33 end-of-life management of photovoltaic ~~panels modules~~ convenient
34 for consumers and the public, to ensure the return and recycling
35 of photovoltaic ~~panels; modules~~, which is the most efficient and
36 environmentally safe disposition of end-of-life photovoltaic ~~panels;~~
37 *modules, by constructing a photovoltaic module recycling*
38 *organization to develop a plan for recycling end-of-life*

1 *photovoltaic modules in the state in an economically efficient*
2 *manner.*

3 (3) Reduce the likelihood of improper disposal by prohibiting
4 end-of-life photovoltaic ~~panels~~ *modules* from entering landfills.

5 (c) It is further the intent of the Legislature that photovoltaic
6 ~~panels, to the greatest extent feasible,~~ *modules* should be designed
7 for extended life, repair, and reuse, and that collection and recycling
8 services should be ~~provided for the maximum feasible number of~~
9 ~~end-of-life photovoltaic panels.~~ *promoted.*

10 SEC. 2. Article 17 (commencing with Section 25259) is added
11 to Chapter 6.5 of Division 20 of the Health and Safety Code, to
12 read:

13

14

Article 17. Photovoltaic Modules

15

16 ~~25259. (a) Except as provided in subdivision (b), a person~~
17 ~~shall not knowingly dispose of an end-of-life photovoltaic module~~
18 ~~that is identified as hazardous waste at a solid waste disposal~~
19 ~~facility or hazardous waste disposal facility in the state.~~

20 ~~(b) Materials that have been separated from an end-of-life~~
21 ~~photovoltaic module that is identified as hazardous waste, if those~~
22 ~~materials are nonrecyclable and are not identified as hazardous~~
23 ~~waste, may be disposed of at either a solid waste disposal facility~~
24 ~~or a hazardous waste disposal facility.~~

25 ~~(c) Materials that have been separated from an end-of-life~~
26 ~~photovoltaic module, if those materials are nonrecyclable and are~~
27 ~~identified as hazardous waste, shall only be handled at an~~
28 ~~authorized hazardous waste management facility.~~

29 ~~(d) An owner or operator of a solid waste disposal facility or~~
30 ~~hazardous waste disposal facility shall not be found in violation~~
31 ~~of this section if the owner or operator has done all of the~~
32 ~~following:~~

33 ~~(1) Made a good faith effort to comply with this section.~~

34 ~~(2) Posted, in a conspicuous location at the facility, a sign stating~~
35 ~~that end-of-life photovoltaic modules shall not be accepted at the~~
36 ~~facility.~~

37 ~~(3) Notified, in writing, all commercial and government~~
38 ~~collectors and haulers known to haul waste to each respective~~
39 ~~facility that end-of-life photovoltaic modules shall not be accepted~~
40 ~~at the facility.~~

1 ~~(e) Nothing in this section authorizes hazardous waste to be~~
2 ~~disposed of at a facility that is not authorized to receive and handle~~
3 ~~hazardous waste.~~

4 ~~(f) The department shall develop ways to inform hazardous~~
5 ~~waste disposal facilities and the public of the requirements of this~~
6 ~~section.~~

7 ~~(g) For purposes of this section, “end-of-life photovoltaic~~
8 ~~module” has the same definition as in Section 42030 of the Public~~
9 ~~Resources Code.~~

10 ~~25259.1.~~

11 25259. The department may, by regulation, designate
12 end-of-life photovoltaic modules that are identified as hazardous
13 waste as a universal waste and subject those modules to universal
14 waste management. The department may revise these regulations
15 as necessary.

16 SEC. 3. ~~Chapter 2 (commencing with Section 42030) is added~~
17 ~~to Part 3 of Division 30 of the Public Resources Code, to read:~~

18
19 ~~CHAPTER 2. PHOTOVOLTAIC MODULES~~

20
21 ~~42030. For purposes of this chapter, the following definitions~~
22 ~~shall apply:~~

23 ~~(a) “End-of-life photovoltaic module” means a photovoltaic~~
24 ~~module that has been used and is removed from service in the state~~
25 ~~and is a waste, as defined in Section 25124 of the Health and Safety~~
26 ~~Code. A photovoltaic module that is designated for refurbishment~~
27 ~~or reuse is not an end-of-life photovoltaic module.~~

28 ~~(b) “Photovoltaic module” means a device that collects energy~~
29 ~~from the sun for the purpose of converting light into electricity for~~
30 ~~general electricity use, but does not include solar-powered~~
31 ~~electronic devices that have one or more solar cells incorporated~~
32 ~~into their structure.~~

33 ~~42031. (a) Except as provided in subdivision (b), a person~~
34 ~~shall not knowingly dispose of an end-of-life photovoltaic module~~
35 ~~at a solid waste disposal facility or a hazardous waste disposal~~
36 ~~facility in the state.~~

37 ~~(b) Materials that have been separated from an end-of-life~~
38 ~~photovoltaic module, if those materials are nonrecyclable and are~~
39 ~~not identified as hazardous waste, may be disposed of at a solid~~
40 ~~waste disposal facility.~~

1 ~~(e) Disposal of an end-of-life photovoltaic module from a~~
2 ~~photovoltaic system in the state that is subject to a contractual or~~
3 ~~regulatory obligation by the owner or operator of the system as of~~
4 ~~January 1, 2016, to dispose of the system's end-of-life photovoltaic~~
5 ~~module at a solid waste disposal facility, shall be deemed to comply~~
6 ~~with this section if a reasonable effort to recycle or reuse material~~
7 ~~from the end-of-life photovoltaic module is made by the owner or~~
8 ~~operator of the system, unless that photovoltaic module is identified~~
9 ~~as hazardous waste.~~

10 ~~(d) A person who knowingly violates this section shall be liable~~
11 ~~for a civil penalty not to exceed two thousand five hundred dollars~~
12 ~~(\$2,500) for each violation. A city, a county, a city and county, or~~
13 ~~the state may impose the civil liability, and any civil penalties~~
14 ~~collected pursuant to this subdivision shall be paid to the office of~~
15 ~~the city attorney, city prosecutor, district attorney, or Attorney~~
16 ~~General, whichever office brought the action. The penalties~~
17 ~~collected pursuant to this section by the Attorney General may be~~
18 ~~expended by the Attorney General, upon appropriation by the~~
19 ~~Legislature, to enforce this chapter.~~

20 ~~(e) An owner or operator of a solid waste disposal facility or~~
21 ~~hazardous waste disposal facility shall not be found in violation~~
22 ~~of this section if the owner or operator has done all of the~~
23 ~~following:~~

24 ~~(1) Made a good faith effort to comply with this section.~~

25 ~~(2) Incorporated the identification and removal of end-of-life~~
26 ~~photovoltaic modules as part of the facility's load check program.~~

27 ~~(3) Posted, in a conspicuous location at the facility, a sign stating~~
28 ~~that end-of-life photovoltaic modules shall not be accepted at the~~
29 ~~facility.~~

30 ~~(4) Notified, in writing, all commercial and government~~
31 ~~collectors and haulers known to haul waste to each respective~~
32 ~~facility that end-of-life photovoltaic modules shall not be accepted~~
33 ~~at the facility.~~

34 ~~(f) Nothing in this section authorizes hazardous waste to be~~
35 ~~disposed of at a facility that is not authorized to receive and handle~~
36 ~~hazardous waste.~~

37 ~~(g) The department shall develop ways to inform solid waste~~
38 ~~disposal facilities and the public of the requirements of this section.~~

39 ~~(h) For purposes of this section, "solid waste disposal facility"~~
40 ~~does not include a transfer station.~~

1 ~~SEC. 4.~~

2 *SEC. 3.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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