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SB-489 Hazardous waste: photovoltaic modules. (2015-2016)

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Senate Bill No. 489

CHAPTER 419

An act to add Article 17 (commencing with Section 25259) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 01, 2015. Filed with Secretary of State October 01, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 489, Monning. Hazardous waste: photovoltaic modules.

The Hazardous Waste Control Law, among other things, vests the Department of Toxic Substances Control 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 These regulations are to remain valid unless repealed.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.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(1) California has adopted policies that have contributed to making the state a leader in the installation of solar energy systems and have resulted in a substantial increase in solar energy utilization by homes, businesses, and utilities.

(2) These policies include the California Solar Initiative (Chapter 8.8 (commencing with Section 25780) of Division 15 of the Public Resources Code), the state's net energy metering program, and the California Renewables Portfolio Standard Program

(Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).

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

(4) The numerous renewable and customer-generated solar programs in California have led to a rapid expansion of solar energy systems and have given rise to an emerging photovoltaic industry. An increasing amount of end-of-life photovoltaic modules can be expected from 2020 onwards in California. It is critical to consider the end-of-life issues associated with photovoltaic modules. Recycling is the most sustainable way to manage end-of-life photovoltaic modules.

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

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

(2) Encourage the photovoltaic module industry to make end-of-life management of photovoltaic modules convenient for consumers and the public, to ensure the recovery and recycling of photovoltaic modules, which is the most efficient and environmentally safe disposition of end-of-life photovoltaic modules, by developing a plan for recycling end-of-life photovoltaic modules in the state in an economically efficient manner.

(3) Reduce the likelihood of end-of-life photovoltaic modules being disposed of in landfills.

(c) It is further the intent of the Legislature that photovoltaic modules should be designed for extended life, repair, and reuse, and that collection and recycling services should be promoted.

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

Article 17. Photovoltaic Modules

25259. The department may, by regulation, 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 department may revise these regulations as necessary.

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