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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 23@ Standards for Universal Waste Management

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Article 1@ General

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Section 66273.7.1@ Applicability - PV Modules

66273.7.1 Applicability - PV Modules

(a)

PV modules covered pursuant to chapter 23:(1) The requirements of this chapter apply to PV modules, as defined in section 66273.9, except PV modules listed in subsection (b) of this section; and (2) Discarded PV modules that are hazardous solely because the modules exhibit the characteristic of toxicity specified in section 66261.24.

(1)

The requirements of this chapter apply to PV modules, as defined in section 66273.9, except PV modules listed in subsection (b) of this section; and

(2)

Discarded PV modules that are hazardous solely because the modules exhibit the characteristic of toxicity specified in section 66261.24.

(b)

PV modules not covered pursuant to chapter 23. The requirements of this chapter do not apply to the following PV modules: (1) PV modules that are not yet wastes pursuant to chapter 11 of this division. Subsection (d) of this section describes when PV modules become wastes; (2) PV modules that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and that are not otherwise identified as hazardous waste pursuant to chapter 11 of this division; (3) PV modules that exhibit any characteristic of a hazardous waste other

than the characteristic of toxicity. Such PV modules shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; (4) PV modules that are destined for recycling (or are recycled) by being "used in a manner constituting disposal," as described in section 66266.20. Such PV modules shall be managed as hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; (5) Except as otherwise provided in section 66273.72 of this chapter, PV modules that are destined for disposal at a permitted hazardous waste disposal facility. Such PV modules shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; (6) PV modules that are managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; and (7) PV modules that were previously identified as waste pursuant to chapter 11, but are no longer identified as a waste (e.g., discarded PV modules that are refurbished and are returned to service).

(1)

PV modules that are not yet wastes pursuant to chapter 11 of this division. Subsection (d) of this section describes when PV modules become wastes;

(2)

PV modules that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and that are not otherwise identified as hazardous waste pursuant to chapter 11 of this division;

(3)

PV modules that exhibit any characteristic of a hazardous waste other than the characteristic of toxicity. Such PV modules shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;

(4)

PV modules that are destined for recycling (or are recycled) by being "used in a manner constituting disposal," as described in section 66266.20. Such PV modules shall be managed as hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;

(5)

Except as otherwise provided in section 66273.72 of this chapter, PV modules that are destined for disposal at a permitted hazardous waste disposal facility. Such PV modules shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;

(6)

PV modules that are managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; and

(7)

PV modules that were previously identified as waste pursuant to chapter 11, but are no longer identified as a waste (e.g., discarded PV modules that are refurbished and are returned to service).

(c)

PV modules that are integrated into the structure of an electronic device as defined in section 66273.9 (e.g., calculators) shall be managed as an electronic device.

(d)

Generation of waste PV modules. (1) A used PV module becomes a waste on the date it is discarded. (2) Unused PV modules. (A) An unused PV module that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored while destined for reclamation); or (B) An unused PV module that is a retrograde material becomes a waste on the date that it becomes a recyclable

material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(1)

A used PV module becomes a waste on the date it is discarded.

(2)

Unused PV modules. (A) An unused PV module that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored while destined for reclamation); or (B) An unused PV module that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(A)

An unused PV module that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored while destined for reclamation); or

(B)

An unused PV module that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(e)

A respondent in an action to enforce regulations in this division who claims that a PV module is not a waste bears the burden of demonstrating that there is a known market or disposition for its use as a PV module.