

ENVIRONMENT COMMITTEE

TUESDAY, OCTOBER 4, 2022

LOCAL LAW:		
LL	ENV	A LOCAL LAW ENACTING THE RENSSELAER COUNTY SOLAR PANEL RECYCLING LAW

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231-0001
www.dos.state.ny.us/corps

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Rensselaer

Local Law No. _____ of the year 2022

A local law Enacting the Rensselaer County Solar Panel Recycling Law

By: Casale, Choquette

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

SECTION 1: TITLE

This Local Law shall be known as "The Rensselaer County Solar Panel Recycling Law".

SECTION 2: PURPOSE AND INTENT

The use of solar panels is increasing. The typical service life of a photovoltaic panel is 25-30 years, and many early adopters of solar power now have panels at or nearing the end of their lifespan, and it is expected solar panel waste will increase drastically in the coming years. Waste created from photovoltaic panels presents a threat to the environment, as they include heavy metals that have the potential to contaminate groundwater if placed in landfills. Panels also contain rare earth materials and valuable materials, which should be utilized beyond the life of the solar panel. In order to preserve the environment, protect human health, and utilize resources most prudently, solar panels should be collected and disposed of in a manner that reduces the environmental impacts, and capitalizes on the reuse of rare and valuable metals. Establishing a solar panel collection program among manufacturers of solar panels will provide an alternative disposal method, and promote the recycling of solar panels.

As residents of New York State switch to alternative forms of energy in order to reduce dependence on fossil fuels, we have seen a rise in the use of solar panels. The immense growth of the solar energy industry could lead to an accumulation of photovoltaic (PV) waste. The U.S Department of Energy projects the nation will have cumulatively installed 700 gigawatts of PV equipment.

Eventually, all of this equipment will reach the end of their life and become PV waste. These PV modules contain various valuable materials and rare metals, proper recycling will ensure that these materials and metals are able to be reused. By recycling solar panels, we can ensure that solar panels do not prematurely arrive at landfills where they can have potential negative environmental effects. It is essential that we take action that is both economically and environmentally friendly. In order to do this we must establish infrastructure to accommodate for the long-term management of solar waste.

SECTION 3: DEFINITIONS

- 3.1 "Collection Program" means a system, established, maintained, and funded by solar panel manufactures, in which out-of-service solar panels are collected and recycled.
- 3.2 "Recycling" means reprocessing solar panels in order to recover materials for re-use and/or repurpose.
- 3.3 "Repurpose" means utilizing materials taken from the solar panel recycling process and implementing them for a use other than the original use.
- 3.4 "Re-use" means utilizing materials taken from the solar panel recycling process and continuing the original use.
- 3.5 "Manufacturer" is a person or other entity that manufactures solar panels.
- 3.6 "Retailer" is a person or other entity that sells solar panels to individuals or other consumers, through sales and distribution methods including the use of online or distance sales.
- 3.7 "Consumer" means an individual, business, municipality, or other entity that purchases one or more solar panels.
- 3.8 "Solar Panel" means an instrument that uses a bank of solar cells to generate electricity or heat, from solar radiation.
- 3.9 "Out-of-Service Solar Panel" means any solar panels that are no longer in working order or are removed, replaced, or otherwise removed from service.

SECTION 4: SOLAR PANEL COLLECTION PROGRAM REQUIREMENTS

- 4.1 Any manufacturer, alone or in coordination with other manufacturers, must establish and maintain a collection program that provides for the disposal of out-of-service solar panels at no cost to the party disposing of the solar panel(s). This collection program must

properly repurpose and reuse the appropriate materials, such as rare earth materials and commercially valuable metals, and dispose of panels in a manner that does not jeopardize the environment or groundwater quality.

- 4.2 No manufacturer may sell, or propose for sale, solar panels in the County unless participating in an established solar panel collection program.
- 4.3 The collection programs are to be maintained financially by the solar panel manufacturers, alone or in coordination with other manufacturers.
- 4.4 The manufacturers must also create and maintain a web page which provides the public with information regarding where and how to dispose of solar panels in the collection program, and other education materials about the importance of proper solar panel disposal.
- 4.5 Solar panel manufacturers will be required to provide to the County a report of the number of solar panels collected, and the web-based information they have provided the public.
- 4.6 No transfer station or landfill shall knowingly allow solar panels to be placed in a landfill or incinerator. Landfills and transfer stations must decline solar panels, and provide notice to the public, in the form of signage and statements on webpages, that solar panels will not be accepted.
- 4.7 Any consumer or contractor replacing or removing solar panels, or destructing a structure upon which solar panels are placed, must ensure out-of-service solar panels are transported to a collection site.

SECTION 5: ENFORCEMENT

- 5.1 The County Department of Health is hereby granted and shall have the authority to enforce this Local Law on behalf of the County. The County Department of Health may coordinate enforcement with the County Department of Consumer Affairs.
- 5.2 Upon a violation of this Local Law the County is hereby authorized to enforce this Local Law by exercise of any one or more of its powers granted to it under the New York State Public Health Law and regulations thereunder, including, without limitation, imposition of a civil penalty not to exceed two thousand dollars (\$2,000) upon a person for any and each and every violation of, or failure to comply with, any provision of this Local Law.

- 5.3 The Department of Health may establish administrative procedures for implementing Section 5 of this Local Law.

SECTION 6: ADDITIONAL PROVISIONS

- 6.1 In adopting and implementing this Local Law, the County assumes an undertaking only to promote the general welfare. The County does not assume or impose upon its officials and employees an obligation by which any one or more of them could be liable in money damages to any person or entity who claims that a breach proximately caused injury.
- 6.2 This Local Law shall be construed so as not to conflict with applicable federal or state laws, rules or regulations. Nothing in this Local Law shall authorize any County bureau or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such bureau or department action is taken. The County shall suspend enforcement of this Local Law to the extent that said enforcement would conflict with any preemptive state or federal legislation subsequently adopted.
- 6.3 Nothing in this Local Law is intended to protect anticompetitive or collusive conduct nor shall this Local Law be construed to modify, impair, or supersede the operation of any antitrust law or unfair competition law of the State of New York or the United States.
- 6.4 This Local Law shall be null and void on the date that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Local Law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County. The County Legislature may determine by resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this Section 6.5.
- 6.5 If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

SECTION 7: EFFECTIVE DATE

This Local Law shall become effective as provided in Municipal Home Rule Law §27.

Local Law ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

October 11, 2022

Approved by the County Executive:

Dated: _____

Steven F. McLaughlin
County Executive