

CALIFORNIA ENVIRONMENTAL QUALITY ACT**NOTICE OF EXEMPTION**

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Hazardous Waste Management Program
1001 "I" Street
Sacramento, CA 95812

Project Title: Photovoltaic Modules – Universal Waste Management Regulations

Project Location: Statewide

County: This rulemaking affects all counties in California

Project Applicant: Department of Toxic Substances Control

Approval Action Under Consideration by DTSC: Regulations

Statutory Authority: California Health and Safety Code, Chapter 6.5

Project Description: California Senate Bill (SB) 489 added article 17 (section 25259 et seq.) to chapter 6.5 of the California Health and Safety Code which authorizes the California Department of Toxic Substances Control (DTSC) to adopt regulatory requirements to designate end-of-life photovoltaic modules as a universal waste, if they are identified as hazardous waste, and subject them to California's universal waste management standards. Photovoltaic modules (PV modules) are also known as solar panels.

The proposed PV Modules – Universal Waste Management Regulations:

- Designate discarded PV modules as a universal waste and subject them to universal waste management.
- Impose physical handling requirements or management standards as universal waste.
- Do not change requirements for universal waste transporters and destination facilities.
- Maintain the existing hazardous waste requirements for recycling activities and other forms of hazardous waste treatment activities which require a hazardous waste facility permit or other form of authorization from DTSC.
- Simplify the waste management process, reduce the regulatory burden and cost, and provide as an incentive for generators to properly manage and dispose of waste PV modules.

DTSC predicts a substantial increase in the number of generators and volume of waste PV modules generated in California due to the anticipated growth in the number of installed PV modules. DTSC determined that waste PV modules qualify as universal waste since PV modules are considered to be a low risk to human health and the environment and are generated sporadically and in limited quantities. This is based on DTSC's experience in managing similar waste streams as universal wastes, such as electronic waste, which is regulated under California Code of Regulations, title 22 division 4.5, chapter 23.

DTSC has determined that:

- Waste PV modules are solid materials that do not contain liquids.
- Collection and transportation of waste PV modules are low-hazard activities.
- The regulatory standards imposed by these proposed regulations, such as containment, labeling, personnel training, and spill response standards, preclude possible environmental impacts.
- The universal waste management standards provide streamlined requirements for the collection and transportation of waste PV modules, but require full hazardous management standards at the destination facility.
- The universal waste management standards for waste PV modules addressed in these regulations do not pose a significant threat to human health and the environment.

Background: PV modules can be hazardous due to the presence of toxic metals (e.g., cadmium, copper, lead, and selenium), and they are currently managed as hazardous waste under the hazardous waste regulations. Managing hazardous waste PV modules as fully regulated hazardous waste reduces environmental and human health risks associated with their management and disposal. However, generators of hazardous waste PV modules do not always manage them in compliance with the regulations, partly because they fail to recognize PV modules may be hazardous based on their appearance (i.e., they don't "look" hazardous). Another factor associated with mismanagement of waste PV modules is that generators must determine the presence and quantity of toxic substances, which requires time and cost associated with sampling and laboratory testing, and may discourage generators of waste PV modules from making these determinations. Failure to properly handle and dispose of hazardous wastes increases the risk for adverse impacts on human health and the environment. In the absence of government intervention, generators may continue to improperly and illegally dispose of hazardous PV modules in nonhazardous municipal solid waste landfills.

The regulatory proposal to categorize waste PV modules as a universal waste is commensurate with risks posed by these wastes, streamlines its waste management process, reduces the regulatory burden and cost, and provides as an incentive for generators to properly manage and dispose of waste PV modules.

Project Activities: DTSC was granted authority to adopt regulations for end-of-life PV modules through SB 489 (Monning, Chapter 419, Statutes of 2015). DTSC proposes waste PV modules to be managed according to universal waste management standards that are designed to be protective of human health and the environment for risks associated with such wastes. The project does not involve any construction or activities that are considered harmful to the environment.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exempt Status: Categorical Exemption: [CCR, Sec. 15308]

Reasons Why Project is Exempt:

DTSC has determined that the proposed regulations do not have a significant effect on the environment. The proposed rulemaking project provides an alternative set of management standards which allows hazardous waste PV modules to be managed under universal waste management standards. Universal waste management standards are designed to be protective of human health and the environment for low hazard risks posed by such wastes. This rulemaking encourages proper management and disposal of waste PV modules for better protection of the environment.

Evidence to support the above reasons is documented as part of the PV Modules – Universal Waste Management Regulations rulemaking file, R-2017-04, and is available for review at:

Department of Toxic Substances Control – Policy and Program Support Branch
 1001 "I" Street, 11th Floor
 Sacramento, CA 95812

The administrative record for this project is available to the public by appointment at the following location:

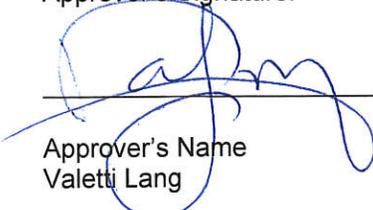
Department of Toxic Substances Control
 Hazardous Waste Management Program
 1001 "I" Street
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Additional project information is available at Envirostor.

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Date:



February 21, 2020

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Date Received for Filing and Posting at OPR: