

**ENVIRONMENTAL MANAGEMENT COMMISSION
GROUNDWATER AND WASTE MANAGEMENT COMMITTEE
SUMMARY**

November 17, 2021

10:45 – 11:30 a.m.

Chair Yvonne Bailey, presiding

The Groundwater and Waste Management Committee (GWWMC) of the North Carolina Environmental Management Commission (EMC) addressed the following at its November 17, 2021, meeting:

GWWMC Members in Attendance:

Ms. Yvonne Bailey, Chair

Ms. Shannon M. Arata

Mr. David Anderson

Mr. Steve Keen, Vice-Chair

Dr. Suzanne Lazorick

Other Commissioners in Attendance:

Ms. Robin Smith, EMC Chair

Mr. Charles Carter

Mr. John McAdams

Mr. Christopher Duggan

Ms. Patricia Harris

Ms. Marion Deerhake

Ms. Jennifer Kelvington

Others Present:

Mr. Phillip T. Reynolds, Commission Counsel

I. Preliminary Matters:

In accordance with North Carolina General Statute § 138A-15, **Chair Bailey** asked if any GWWMC member knew of any known conflict of interest or appearance of conflict with respect to any item on the November 17, 2021, GWWMC agenda. None of the members stated there was a conflict.

Commissioner Arata made a motion to approve the September 8, 2021, GWWMC meeting minutes. **Commissioner Keen** seconded the motion. The vote taken was unanimous and the minutes from the September meeting were approved.

II. Information Item

1. Adding Solar Panels as a Universal Waste

(DWM) Jenny Patterson

Jenny Patterson, with the Division of Waste Management, provided an overview explaining potential rulemaking to add solar panels as a universal waste under hazardous waste rules. This rulemaking was proposed as a recommendation in the report on end-of-life management of renewable energy equipment provided to the EMC by the Department as required by SL 2019-132 (HB329). The proposed rulemaking extends beyond the scope of utility scale solar projects and would apply to all non-residential solar panels in North Carolina. There is already a regulatory program in place for end-of-life solar panels that are a hazardous waste, so the proposed rulemaking provides an alternative management option. Making end of life solar panels a universal waste is anticipated to increase the recycling options for solar panels what would be designated as a hazardous waste if they were disposed.

Ms. Patterson explained the universal waste category, the difference between hazardous and non-hazardous distinctions for solar panel waste, and solar panel components and definitions of terms. Ms. Patterson explained that any non-hazardous solar panels or solar panels from a household would only need to meet solid waste requirements in North Carolina and would not need to comply with the hazardous waste requirements (or universal waste requirements if North Carolina adopted solar panels as a universal waste).

Ms. Patterson also gave an overview of universal waste handling, transportation, and management requirements. Ms. Patterson noted if solar panels were designated as a universal waste in North Carolina, any hazardous waste solar panels could be managed as a universal waste in North Carolina but once they left the state, they would no longer be a universal waste and must comply with the receiving state's rules. Currently there are only two other states (California and Hawaii) that have adopted solar panels as a universal waste. Finally, Ms. Patterson shared when the Department expects to have the proposed rules ready for presentation to the GWWMC.

Following Ms. Patterson's presentation there was some discussion regarding the decommissioning of solar panel projects, regulatory oversight of the projects at the state and local level, and potential risks when a solar panel is intact vs. when it is damaged or disassembled. DWM Division Director, Michael Scott, spoke regarding the January 2021 DEQ and EMC report titled "The Activities Conducted to Establish a Regulatory Program for the Management and Decommissioning of Renewable Energy Equipment."

EMC Chair Robin Smith stated that it would be helpful to have additional information brought to the Committee and Commission about the approval of solar projects. **Chair Smith** noted that the Utilities Commission does not currently issue a permit but they issue a certificate of convenience and necessity.

Division Director Scott agreed to bring some additional information and colleagues from the energy team to an upcoming Committee meeting to provide additional information on solar farms in North Carolina. He referenced the January report, stating that the Department discussed potential regulatory requirements for solar farms and concluded that existing rules and statutes speak to the management of solid waste and hazardous waste, and a full regulatory program was not recommended at the time of the report.

Commissioner Keen expressed his agreement that more information is needed on how solar farms are approved in NC. **Commissioner Keen** expressed the desire for stakeholders to be part of the process and that local government should be a stakeholder also.

Mr. Scott responded that the January report included part of a stakeholder process before it came to the Commission and that 100 stakeholders were part of that active stakeholder process. He agreed to provide the list of stakeholders to **Commissioner Keen** following the Committee meeting.

After some brief additional discussion and a few questions for clarification, the Information Item was concluded.

III. November 18, 2021 EMC Meeting Agenda Items

Following the Information Item, the Agenda Items for the next day's Environmental Management Commission meeting were briefly discussed.

IV. Future Committee Interests

There was brief discussion regarding upcoming proposed rules for the Groundwater and Waste Management Committee meeting.

V. Closing Remarks

Following items III and IV, **Chair Bailey** adjourned the meeting.