



March 9, 2018

California Department of Toxic Substances Control (DTSC)
Hazardous Waste Management Program
Attn. Barbara A. Lee, Director
P.O. Box 806
Sacramento, CA 95812-0806

RE: SB 489 DTSC Rulemaking on Photovoltaic Modules

Director Lee,

Thank you for the opportunity to comment on DTSC's Rulemaking on Photovoltaic Modules (PV) Universal Waste Regulations. The Sacramento Municipal Utility District (SMUD) currently serves as the primary energy provider and operator for Sacramento County and maintains infrastructure assets in Sacramento, Solano, El Dorado, and San Joaquin County, of which photovoltaic modules consist of a significant percentage. Like many of our colleagues in the utility industry, SMUD was encouraged by the enactment of SB 415 in 2015, which authorized the DTSC to adopt regulations to designate end of life photovoltaic modules currently identified as hazardous waste and now reclassify them as universal waste, thus subjecting those modules to universal waste management. Based on the schedule presented by DTSC in August 2017, it was anticipated that public comment response would be made available in January 2018. However, the delays in the process have ultimately pushed out the implementation of the regulation and the posting of the rulemaking by DTSC, thus impacting electric utilities like SMUD.

Delays in the rulemaking are exacerbating the existing PV recycling capacity issue within the State of California. SMUD has experienced the effects of this rulemaking delay directly, including on our most recent PV-1 dismantling project in 2017. Without the draft rule in place, SMUD and DTSC struggled to find an adequate solution to address PV recycling for the project. This situation cost both SMUD and DTSC significant time, resources, and money. As a public agency, we cannot afford to pass on such unavoidable costs and resource support concerns to our customers. Additionally, the unintended consequences of the rulemaking delay could trigger negative impacts to the environment by non-compliant parties with PV modules.

SMUD has reviewed the California Product Stewardship Council letter and agrees with the sentiments expressed by the primary author and the additional signers. SMUD strongly implores the DTSC to expedite the rulemaking process for this very important issue and make it a top priority. SMUD aims to maintain a collaborative relationship with





DTSC and it is in that vein that SMUD would like to remain involved in the regulatory review process, to ensure that SMUD's needs and concerns are adequately addressed. Our involvement is consistent with SMUD's strategic directives and core values, which call for SMUD to ensure a safe environment for its employees and customers and to promote environmental leadership through community engagement, improved pollution prevention, energy efficiency and conservation, and conservation.

We appreciate the opportunity to comment on the draft regulatory language and look forward to collaborating with DTSC in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose Bodipo-Memba", with a long horizontal flourish extending to the right.

Jose Bodipo-Memba
SMUD
Environmental Services Manager

