

# Cal CUPA's Role in Paint Stewardship

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*Cal CUPA Forum*

*[www.calcupa.net](http://www.calcupa.net)*

# Certified Unified Program Agencies

- Established by SB 1082 of 1993 to consolidate six existing hazardous materials and hazardous waste regulatory programs to improve coordination and consistency.
- Local Agencies, typically Fire or Environmental Health, are certified by Cal EPA to implement and enforce the Unified Hazardous Materials Programs/Unified Program.
- Certified Unified Program Agencies (CUPAs) work closely with state agencies to ensure consistent and coordinated implementation and enforcement of the Unified Program.

# Unified Program Mission

*To protect public health and safety, and to restore and enhance environmental quality, and sustain economic vitality through effective and efficient implementation of the Unified Program.*

# California CUPA Forum

83 CUPAs

34 Participating Agencies (PAs)

Total...

117 Unified Program Agencies (UPAs)

# CUPA Forum

- California is a large and diverse state
- County population in 2010.
  - Los Angeles: 10,441,080
  - Alpine: 1,189
- UPAs value community solutions but strive for consistency.
  - Regional Forums (North, Bay Area, Central & South)
  - Technical Advisory Groups (State and Local Agencies)
  - Workgroups (vary by need)
  - Steering Groups (CUPA Forum Board and State Agencies)
  - Annual training conference
- Cal/EPA evaluates CUPAs for consistency every 3 years.

# Unified Program

- Hazardous Materials Release Response Plans and Inventories ( aka Business Plans)
  - California Emergency Management Agency (Cal EMA)
- California Accidental Release Prevention (Cal ARP) Program
  - (Cal EMA)
- Underground Storage Tank Program
  - State Water Resources Control Board (SWRCB)
- Aboveground Petroleum Storage Act (APSA) Program
  - (Cal/EPA)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
  - Department of Toxic Substances Control (DTSC)
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statement
  - Office of the State Fire Marshal (OSFM)

# Paint Take-Back at Retail

## UPA Regulation, Hazardous Materials

- Hazardous Materials Business Plan threshold is 55 gallons, 500 pounds, 200 ft<sup>3</sup>cubic feet of compressed gas.
- Requirements
  - Release response plan
    - As simple as call 911 & evacuate
    - Usually follow MSDS
  - Employee training – in release response plan
  - Report hazardous materials inventory annually.
- Current Exemption That May Be Lost:
  - Consumer products for direct distribution to the public are exempt unless the UPA has found, and has provided notice to the business ,that handling the product requires a business plan to protect public health, safety, or the environment.

# UPA Regulation, Hazardous Waste (cont.)

- Oil based Paint is hazardous waste due to:
  - Ignitability, flash point of 140°F or less.
- In California, any amount of hazardous waste is subject to regulation.
- Federal regulations for generators of less than 100 kg of hazardous waste per month is limited. These generators are called conditionally exempt small quantity generators or CESQGs.

# UPA Concerns

- How are the CUPA's going to regulate returned latex and oil based paint?
- Challenges that paint stores can encounter
  - Training
  - Abandoned waste
  - Mixed waste
  - Other paint related waste
- Most paint retailers successfully manage these problems; many have Unified Program Facility CUPA Permits



# Why UPAs Support Paint EPR







# UPA Next Steps

- Start discussions with Paint Care
- DTSC should prepare new fact sheet for CUPAs and others on how to regulate paints
- CUPAs develop harmonization plan
- Annual Training Conference Presentation
  - February each year



# Questions?

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