

Collecting Unwanted (leftover) Paint



Under AB 1343

Overview

- ✓ **Brief history of rules adopted for paint**
- ✓ **Rules for handling waste - architectural paint**
- ✓ **Locations that accept waste latex paint**
- ✓ **Role of Certified Unified Program Agency (CUPA)**

Paint in California

■ History

(1978)
Lead banned

(1991) – Promote
Recycling of Latex
Paint

(1998) – U.S EPA
VOC content

(2010) – High
quality
Latex paint

Mid 80's – Paint slops,
Listed Presumed H.W.

(1992)
Mercury banned

(2003) CARB –
VOC content

Presumed - Hazardous Waste (HW)

- In California, waste streams (unwanted, leftover paint) listed in Title 22, Chapter 11, Appendix X (b):
 - Are presumed to be H.W.
- **UNLESS:**
- The generator determines the waste is not a H.W. by:
 - Testing; or
 - Using knowledge (i.e., age, color, composition)

Generator requirements

Generator: Household or CESQG



Discarded: WASTE



2 Options: Generator

1. No Determination =
Presumed H.W.



Regulated by DTSC

2. Using Knowledge or Testing =
Determination



(not H.W.)

NOT regulated
by DTSC



(H.W.)

Regulated
by DTSC

Accepting H.W. Paint

Presumed H.W.



**1. H & S sec. 25218
(Permit-by Rule)**

**2. H & S sec. 25217
(Exempt from permit)**

**Household Hazardous Waste
Facilities**

**Retailers,
Paint recycling facilities**

**Accept all architectural paint
(i.e., oil-based, alkyd latex)**

**Accept only water-based latex paint,
in liquid form (recyclable latex paint)**

Compliant Retail Collection of Latex Paint



Health & Safety Code, section 25217

Promotes the recycling of latex paint by:

- ✓ Allowing any location to accept & recycle H.W. latex paint without a permit
- ✓ Exempting the waste from manifest requirements
- ✓ Not requiring the use of registered hazardous waste transporter

Retail-take back of Latex Paint

Prior to collecting:

- ✓ CAL EPA ID# - DTSC form 1358

- ✓ Notify CUPA – Updated/New Business Plan

Retail-take back of Latex Paint

While collecting:

- ✓ Properly identify waste: “recyclable latex paint”
- ✓ Store & handle to minimize exposure

Retail-take back of Latex Paint

When shipping:

- ✓ **Bill of lading (in place of manifest)**
 - ❖ **Name, address, telephone # of all entities**
 - ❖ **Quantities, dates, signatures**
 - ❖ **Retain for 3 years**

Main Conditions for Exemption

- ❑ Paint must be “recyclable latex paint” as defined in H&S section 25217
- ❑ Must be “transferred” for the purpose of recycling
- ❑ All non-recyclable latex paint becomes a waste where determination is made

Summary of H.W. Rules for Architectural Paint

- ❑ **DTSC role = applies only when architectural paint is a H.W.**
 - ❑ Oil-based paint, including alkyd latex paint, usually H.W.
- ❑ **CUPA role = business plan to include “recyclable latex paint”**
- ❑ **Although Non-hazardous paint not regulated by DTSC:**
 - ❑ Solid Waste Authority (disposal)
 - ❑ Local Air Quality Management Districts (air-drying)