



Department of  
Toxic Substances  
Control

California Environmental Protection Agency  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

GUIDANCE FOR LOCATIONS THAT ACCEPT  
HAZARDOUS WASTE PAINT

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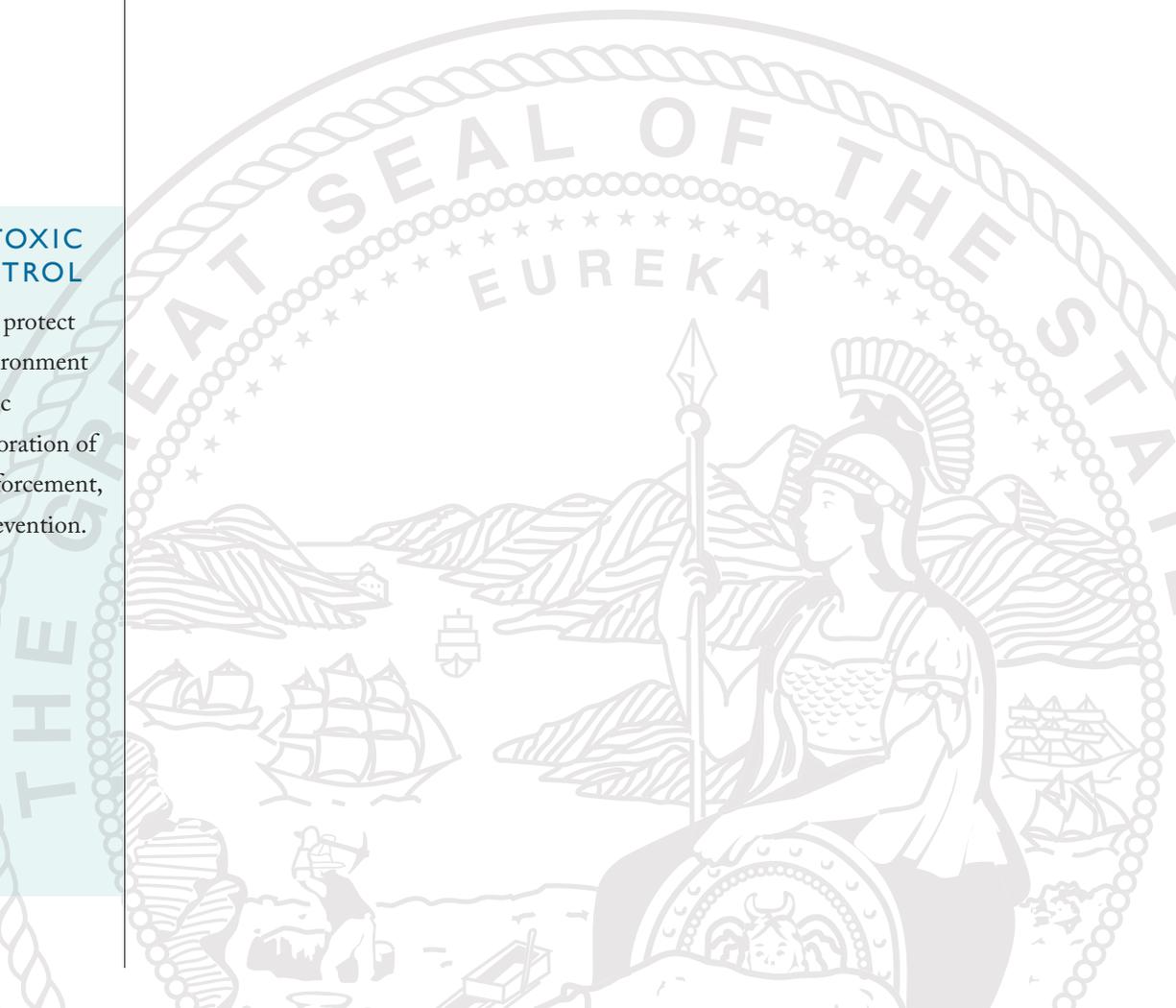
DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

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## HAZARDOUS WASTE PAINT

Some paints are classified hazardous wastes. The requirements that apply to locations collecting hazardous waste paints are found in California Health and Safety Code (HSC), beginning with section 25217 (hereafter, the Paint Collection law). This document answers commonly-asked questions regarding these requirements. This guidance applies only to paint that is hazardous waste.

### **Can any location (e.g., a retail store) collect hazardous waste paints without first obtaining a permit from DTSC or a Permit-by-Rule (PBR) from the local CUPA?**

Yes. California law provides an exemption from a hazardous waste facility permit or other form of authorization (e.g., a PBR) for any location that collects paint (see definition below) as long as certain requirements are met.

A Permanent Household Hazardous Waste Collection Facility (PHHCWF) may accept paint following the standards in the Paint Collection law. These standards exempt PHHCWFs from hazardous waste requirements (under their PBR), regarding the collection of paint.

### **What types of *paint*<sup>1</sup> can a location (hereafter, collection location) accept under the Paint Collection law?**

*Recyclable latex paint* and *oil-based paint*<sup>1</sup> may be accepted by locations that comply with the conditions in the Paint Collection law. These terms are defined as follows:

Recyclable latex paint is hazardous waste paint that is: (1) water-based latex paint, (2) still in liquid form, and (3) transferred for the purposes of being recycled.

Oil-based paint is hazardous waste paint that contains oil as the vehicle ingredient, including drying oil, oil varnish or oil-modified resin.

### **Does a collection location that accepts paint become the generator of a hazardous waste?**

No. However, if a collection location or a consolidation location<sup>1</sup> (see below for definition) accepts latex paint for recycling and later finds it to be non-recyclable (e.g., it is dried out and/or the recycler won't accept it), then the collection location may be deemed the generator of the non-recyclable hazardous waste paint.

### **What requirements apply to a collection location that accepts latex paint for recycling and later determines it is non-recyclable hazardous waste?**

Any location that has accepted latex paint that is later determined to be non-recyclable hazardous waste is subject to all standards that typically apply to a hazardous waste generator (e.g., obtaining a generator ID Number). Generator requirements are summarized in this DTSC factsheet: [http://www.dtsc.ca.gov/HazardousWaste/upload/HWM\\_FS\\_Generator\\_Requirements.pdf](http://www.dtsc.ca.gov/HazardousWaste/upload/HWM_FS_Generator_Requirements.pdf).

<sup>1</sup> See California Health and Safety Code section 25217.

## What does a collection location need to do to accept paint?

1. The collection location must ensure it has a Hazardous Materials Business Plan<sup>2</sup> (including an emergency response plan and procedures) on file with the local CUPA, if the CUPA requires it. The plans and procedures should specifically address recyclable latex paint and oil-based paint. Below is a list of some information you may want to include in a business plan. Please contact your local CUPA for specific guidance.

### Business Plan Topic Areas

- Whether the paint will be stored indoors or outdoors;
  - Whether the paint will be stored on pallets or containers, the capacities and locations of such pallets and/or containers on the property, how they will be labeled, and whether their use and arrangement may impede personnel responding to an emergency, such as a fire or spill;
  - Worker health and safety issues, safety equipment and personnel protective equipment needs, and potential chemical exposure(s) that may occur during storage and/or the transfer of paint;
  - Implementation measures to prevent spills and releases of paint, and response plans and their implementation, including spill kit locations and spill kit contents and training employees on proper use.
2. The collection location must accept only recyclable latex paint and oil-based paint in its original packaging or in a closed container properly labeled.
  3. The collection location must not accumulate paint longer than 180 days. To comply with this requirement, a collection location must be able to demonstrate the length of time paint is accumulated from the date it is first received. This can be done by labeling each can of paint with the date it was accepted or labeling the container (e.g., the bin) with the earliest date that any container (or can) of paint was accepted.
  4. The collection location must manage the paint it accepts following all applicable paint product management procedures specified by federal, state, and local laws or regulations including, at a minimum, measures to ensure that the paint is stored and handled in a manner that minimizes the chance of exposing the handler (e.g., an employee) and the environment to potentially hazardous constituents that may be in (or have been added to) the paint.

A PHHWCF may accept recyclable latex paint from any generator (i.e., CESQG, SQG, LQG) if they follow these additional requirements: (1) send the paint for recycling to a paint recycling facility, (2) maintain a monthly log of the volume of paint collected from each generator, and (3) submit this information annually with their Form 303. (Please note: Other locations (e.g., a retailer) are not subject to these additional requirements.)

## Are there additional requirements for collection locations that accept oil-based paint?

Yes. In addition to the requirements described above, a collection location that accepts oil-based

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<sup>2</sup> This information is provided for your reference and convenience. However, DTSC does not administer the HMBP program. Please contact your local CUPA (or Office of the State Fire Marshall) if you have more questions.

paint must: (1) be established under the architectural paint stewardship plan approved by Cal Recycle, (2) operate following the contract with the manufacturer (of paint) or its stewardship organization, and (3) only accept oil-based paint from households or Conditionally Exempt Small Quantity Generators (CESQGs).

**What is a consolidation location?**

A consolidation location is a location that (1) accepts paint from collection locations, (2) assumes generator status of all non-recyclable latex paint and oil based paint collected (and must manage such paint pursuant to hazardous waste generator standards), (3) is established under the architectural paint stewardship plan, and (4) operates following the contract with the manufacturer(s) or its stewardship organization. A consolidation location may also bulk recyclable latex paint and oil-based paint at that location prior to shipment.

**Are there additional requirements for consolidation locations?**

Yes. A consolidation location is also subject to the same requirements as a collection location (see above) regarding its management of architectural paint and is subject to hazardous waste generator requirements (see above) for oil-based paint and non-recyclable latex paint (e.g., manifesting). In addition, the operator of a consolidation location that bulks oil-based paint must ensure to conduct this operation in an area approved by the local fire department and air quality management district.

**Does paint that is accepted by a collection location and subsequently offered for transport to a consolidation location or another collection location need to be transported by a Registered Hazardous Waste Transporter?**

No. Anyone, including a retailer's employees, may transport recyclable latex paint or oil-based paint to another collection location (e.g. an interim location) or to a consolidation location. Any applicable Department of Transportation (DOT) and California Highway Patrol (CHP) regulations still apply to such shipments.

**Does paint accepted by a collection location and then offered for transport to a consolidation location (or collection location) need to be transported with a Uniform Hazardous Waste Manifest?**

No, a Uniform Hazardous Waste Manifest is not required. However, a bill of lading is required to document the transportation of paint from collection locations. The bill of lading must include:

1. The name, address, and telephone number of the originating location, the transporter, and the destination of the paint.
2. The quantity of paint being transported.
3. The date on which the transporter accepts the paint from the originating location.
4. The signatures of the transporter and a representative of the originating location.

Each retailer initiating a shipment of paint and each transporter must keep a copy of each bill of lading (for each shipment) for at least three years.

However, oil-based paint and non-recyclable latex paint that is hazardous waste must be transported on a Uniform Hazardous Waste Manifest by a Registered Hazardous Waste Transporter from a consolidation location.

For further information or questions, please contact DTSC Regional Assistance Office @ 1-800-728-6942 or RAO@dtsc.ca.gov

Specific provisions of the Paint Collection law can be found at <http://www.leginfo.ca.gov/calaw.html>, sections 25217 et seq.

CalRecycle paint program rules, regulations and guidance can be found at [www.calrecycle.ca.gov/epr/PolicyLaw/Paint.htm](http://www.calrecycle.ca.gov/epr/PolicyLaw/Paint.htm) and Paint Care's program information website is [www.paintcare.org/california.php](http://www.paintcare.org/california.php).