

FACT SHEET FOR CUPA INSPECTORS

Paint Stewardship in California



Changes to the HMBP Rules for PaintCare sites make it easier for many stores to take back paint. Changes took effect in January 2015. The California Paint Stewardship law requires paint manufacturers to set up and operate a paint stewardship program in California. The program is funded by a fee on each container of architectural paint sold in the state. The program sets up drop-off sites at retail stores and other sites throughout the state where households and businesses are able to take most types of leftover paint, stain, and varnish for recycling, free of charge.

Paint Drop-Off Sites

Since the program's start in October 2012, PaintCare has established more than 800 year-round paint drop-off sites across California. More than 550 are paint and hardware stores offering a new service to their community. The other sites are mostly household hazardous waste programs that already provided this service, as well as some solid waste transfer stations and landfills. Participation as a drop-off site is voluntary and PaintCare covers most of the associated costs.

Revised HMBP Requirements

Despite high participation by paint retail stores, more are desirable to support California's large population, and changes to hazardous materials business plan (HMBP) requirements make that possible. Previously, a number of small or independently owned stores who were interested in joining the program were reluctant to do so because the volume of leftover paint they would receive as a drop-off site would count toward their total hazardous materials storage volume. In most cases, this would trigger the requirement for them to file an HMBP and pay the associated fees to their local CUPA.

In 2014, PaintCare worked with the CUPA Forum Board, CalRecycle, and DTSC to pass AB 2748, repealing the requirement that paint drop-off locations have an HMBP in place to accept paint from the public, making it easier for sites to participate in the program. Specifically, Section 25507(a)(4)(B) of the Health and Safety Code is amended to read as follows:

"If the hazardous material handled by the business is a paint that will be recycled or otherwise managed under an architectural paint recovery program approved by the Department of Resources Recovery and Recycling pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code, the business is required to establish and implement a business plan only if the business handles at any one time during the reporting year a total weight of 10,000 pounds of solid hazardous materials or a total volume of 1,000 gallons of liquid hazardous materials."

Health and Safety Code Section 25217 specifies that PaintCare products accepted as recyclable at a collection location be handled as a hazardous material, rather than as waste. The determination of whether the paint is recyclable is made at the consolidation location (typically this is the hauler's facility).

Business Limits

To use the PaintCare program for oil-based paint, a business must qualify as an exempt generator under federal and any analogous state hazardous waste generator rules. Please visit www.paintcare.org/business-limits for more information on exempt generator rules. If your business does not qualify as an exempt generator, it will not be able to use the program for oil-based paint, but it can still use the program for latex products.

Pickup Service for Large Volumes

Businesses, households, and others with at least 100 gallons of leftover paint to recycle may qualify to have their paint picked up by PaintCare at their site. This free service is particularly helpful for painting contractors and other businesses that have been accumulating paint for many years.

What Products are Covered?

PaintCare sites accept house paint as well as primers, stains, sealers, and clear coatings, such as shellac and varnish. All products must be in their original, labeled containers (no larger than five gallons) and must be covered with a secure lid. Certain products are not accepted. Review the list of accepted products at www.paintcare.org/products.

Fact Sheets

PaintCare has two fact sheets for contractors and other businesses describing PaintCare's services (drop-off sites and large volume pickup). Visit www.paintcare.org/contractors for the latest versions of these fact sheets.