

Fact Sheet for CUPA Inspectors

Updated — January 2022



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 600 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. Recent 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/VSQG 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.

Pick-Up Service for Large Volumes

Businesses, households, and others with at least 100 gallons of postconsumer 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.

Fact Sheets

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

What Products Are Covered?

The products accepted at PaintCare drop-off sites are the same products that have a fee when they are sold. PaintCare products include interior and exterior architectural coatings sold in containers of five gallons or less. They do not include aerosol products (spray cans), industrial maintenance (IM), original equipment manufacturer (OEM), or specialty coatings.

PAINTCARE PRODUCTS

- Interior and exterior architectural paints: latex, acrylic, water-based, alkyd, oil-based, enamel (including textured coatings)
- Deck coatings, floor paints
- Primers, sealers, undercoaters
- Stains
- Shellacs, lacquers, varnishes, urethanes
- Waterproofing concrete/masonry/wood sealers and repellents (not tar or bitumen-based)
- Metal coatings, rust preventatives
- Field and lawn paints

NON-PAINTCARE PRODUCTS

- Paint thinners, mineral spirits, solvents
- Aerosol paints (spray cans)
- Auto and marine paints
- Art and craft paints
- Caulking compounds, epoxies, glues, adhesives
- Paint additives, colorants, tints, resins
- Wood preservatives (containing pesticides)
- Roof patch and repair
- Asphalt, tar, and bitumen-based products
- 2-component coatings
- Deck cleaners
- Traffic and road marking paints
- Industrial Maintenance (IM) coatings
- Original Equipment Manufacturer (OEM) (shop application) paints and finishes