

WA RFP Questions & Answers

Q1: PaintCare stated that the number of planned drop-off locations is 140. If known, please provide the addresses of these Retail and Transfer Station drop-off sites?

A1: *As a general note, corporate-owned stores of major Washington paint retailers such as Sherwin-Williams, Miller Paint, and Rodda Paint will ask many of their stores to volunteer as drop-off sites. Store lists are available at each company's website. Please note that not all corporate-owned paint stores will participate due to site constraints or other limitations. Retailers do not inform PaintCare of their participating stores until closer to program launch. Also, it is expected that most of the stores that are already in King County's Take it Back network (<https://kingcounty.gov/depts/dnrp/solid-waste/programs/take-it-back/paint.aspx>) and Clark County's paint store drop-off program (<https://www.clark.wa.gov/public-health/household-hazardous-waste>) will eventually become PaintCare drop-off sites.*

Q2: PaintCare stated that the number of planned drop-off events is between 0 and 10. If known, please provide the addresses where these events will potentially be held?

A2: *PaintCare provides drop-off events in two primary situations: to assist in urbanized areas where existing retail/HHW locations are insufficient to meet public demand, and to meet convenience standards (as defined in the program plan) for rural population centers that are more than 15 miles from a drop-off location. It is expected that drop-off events will be used more often to address rural needs.*

PaintCare will negotiate mobilization rates with the successful bidder, once the event locations have been determined.

Q3: Has the Department of Ecology for the State of Washington introduced any exceptions to their current regulations in regard to waste paint collection, storage, and disposal to account for the PaintCare program? If so, please provide reference to the applicable regulatory changes.

A3: *No, but PaintCare is working with the Department of Ecology to try to secure appropriate regulatory exceptions to accommodate efficient operation of the PaintCare program. If the designation of paint affects your pricing, please feel free to provide pricing for different scenarios (e.g., pricing for if paint is exempt and alternative pricing for if paint is considered to be a dangerous waste).*

Q4: Latex in WA is often designated as state only dangerous waste (WT02). Are there or will there be any exemptions enacted for latex paints going through this program (such as from LVPs and Retailers)?

A4: *PaintCare is working with the Department of Ecology on regulatory issues. PaintCare is optimistic that such an exemption will be instituted for at least latex paint collected through retail drop-off sites. If the designation of paint affects your pricing, please feel free to provide pricing for different scenarios (e.g., pricing for if paint is exempt and alternative pricing for if paint is considered to be a dangerous waste).*

Q5: Will latex recyclers be able to accept latex paints on a UHWM if they designate as dangerous waste? Will the latex recyclers become the generator of any hazardous waste collected?

A5: *PaintCare is awaiting clarification from the Department of Ecology on how regulations in Washington will and will not apply to the PaintCare program. At this time, we are unable to answer these questions. If the designation of paint affects your pricing, please feel free to provide pricing for different scenarios (e.g., pricing for if paint is exempt and alternative pricing for if paint is considered to be a dangerous waste).*

Q6: Can a recycler accept commingled paints under an exemption and then define a product as a hazardous waste after segregation of paint?

A6: *PaintCare is awaiting clarification from the Department of Ecology on how regulations in Washington will and will not apply to the PaintCare program. At this time, we are unable to answer this question. If the designation of paint affects your pricing, please feel free to provide pricing for different scenarios (e.g., pricing for if paint is exempt and alternative pricing for if paint is considered to be a dangerous waste).*

Q7: Will a UHWM be required to be used for oil-based paint if not required by state and/or Federal law? Pg. 13, 15 and 17 say we have to use a manifest "to the extent required by applicable law" we are not aware of any laws in WA that would require it for HHW or VSQG.

A7: *PaintCare does not require the use of a UHWM, except in cases where use of an UHWM is required by applicable law. The transportation provider is responsible for understanding and complying with all law applicable to the services they are contracted to provide.*

Q8: Will there be LVP pickups from SQG and/or LQG generators? There is a discrepancy on pg. 5 of the RFP indicating there will not be and on pg. 13 it indicates that the transportation provider will be provided with an EPA id if required for the generator if a manifest is required.

A8: *Yes, the PaintCare LVP program will involve collection of latex/non-hazardous PaintCare products from SQG and LQG generators, as those terms are defined under federal rules. The PaintCare LVP program will not involve collection of oil-based/hazardous PaintCare products from those types of generators.*

Q9: Pg. 17 – drop off events section indicates transportation provider will be required to obtain an EPA id number and be the generator of record. Assuming this would not be required for HHW?

A9: *Correct, an EPA id number is not required for HHW.*

Q10: How involved is WA Dept of Ecology in the PaintCare plan for WA?

A10: *The Department of Ecology is the agency tasked with overseeing the PaintCare program in Washington and will have primary responsibility for reviewing and approving PaintCare's program plan.*

Q11: Will PaintCare favor bids that utilize one Processing Facility for the entire state's paint, or will PaintCare be neutral to the responders proposing 2 or more processing facilities?

A11: *PaintCare does not intend to favor bids that use any specific number of processing facilities. PaintCare is concerned with the processing outcomes and the associated costs and not with the number of processing facilities that a bidder uses to achieve those outcomes.*

Q12: While processing is mentioned repeatedly in the RFP, we would like to confirm that PaintCare is NOT seeking individual bids or proposals from individual "Processing Facilities" alone, and that instead, PaintCare places that responsibility on the "Contractor" – is this correct?

A12: *That is generally correct. All bids must provide for both transport and processing services for the paint that the bidder seeks to manage from the PaintCare program. A bidder may utilize third-party subcontractors for transportation services and/or processing services, subject to any specific conditions that may be set forth in the RFP.*

Q13: We understand that a responder could be a single entity proposing to perform all services outlined in the RFP including collection, transportation, and processing or a responder could be two or more entities who collaboratively propose to provide all services outlined in the RFP – is that correct?

A13: PaintCare will need to contract with a single entity for both transportation and processing services, but that entity can subcontract any portion of the transportation services and/or processing services, subject to any specific conditions that may be set forth in the RFP. If two or more entities collaborate to bid on the RFP, they should decide amongst themselves which entity will submit the bid and execute any contract awarded by PaintCare.

Q14: Will there be preference for the recycled paint (or “Direct Reuse” paint) to be available to the citizens of the region as a benefit for those who are funding the program, or will a responder who recycles, or makes available for direct reuse sending the product overseas or out of the Pacific Northwest be given equal consideration to those keeping products in the region?

A14: PaintCare encourages the use of in-state Processing Facilities to the extent practicable without materially increasing program costs or diminishing desirable processing outcomes (e.g., recycling collected paint in an out-of-state Processing Facility is preferred over sending the same paint to an in-state landfill). PaintCare requires that all processing of paint collected through the PaintCare program take place at domestic or Canadian-based Processing Facilities. PaintCare likewise limits Direct Reuse to the United States. As such, collected paint may not be sent overseas for Direct Reuse, whether directly by the winning bidder or indirectly through the bidder routing paint through resellers/exporters.

However, once the paint collected through the PaintCare program is processed (e.g., processed into a recycled-content paint product), PaintCare does not restrict where the resulting products may be marketed or sold. Other than requiring that a viable market exists for products created using paint collected through the PaintCare program, PaintCare does not involve itself with the marketing or sale of products that Processing Facilities create via recycling using inputs from the PaintCare program.

Q15: Will MetroPaint be considered “in state” in terms of processors due to our proximity to SW Washington population centers?

A15: No.

Q16: In the hierarchy of “processing outcomes” direct reuse is first. How will PaintCare evaluate when direct reuse is accomplished (i.e. what tracking mechanisms and metrics will be utilized to qualify direct reuse).

A16: *PaintCare requires entities managing paint via direct reuse to track the volume using a log that PaintCare will provide and to include a copy of the log when invoicing PaintCare for the processing activity. Customers will indicate the volume of paint, by type, received and date and sign the log. A representative of the Processing Facility offering the paint for direct reuse is required to initial the waiver as evidence of each transaction.*