

UNIVERSAL WASTE

Possible Standards for Paint Waste



Department of
Environmental
Conservation

Introduction. Under an upcoming NYS law, manufacturers will be required to establish paint collection programs such as PaintCare. This will allow the public to recycle paint by bringing it to certain locations. In some cases, paint may be a hazardous waste (for instance, oil-based paint and varnishes may be ignitable.) NYSDEC is considering facilitating the law by allowing paint to be managed under the state universal waste rule. The universal waste rule is a set of reduced requirements for certain commonly-generated wastes, that sets up waste-specific requirements. The Department will consider adding postconsumer paint that is sold in containers of 5 gallons or less to the state universal waste rule. Below are the inclusions the Department is considering adding to the rule.

370.1 Definitions

The Department is considering:

- **Postconsumer Paint.** Under the NYS law, it will be defined as architectural paint not used or no longer wanted by a consumer
- **Architectural Paint.** Interior and exterior architectural coatings sold in containers of five gallons or less. As defined in state law, it does not include industrial, original equipment or specialty coatings. This may include primers, sealers, shellacs, lacquers, and other coatings. Aerosol paint cans, and paint crafts, resins, traffic and road marking paints are not in the scope of the state law. NYSDEC could adopt a broader definition to the universal waste rule but manufacturers would not be required to accept items other than those required by the state law.
- **Paint Collection Site.** A paint collection site is a small or large quantity universal waste handler that receives universal waste paint from consumers in containers of five (5) gallons or less.

KEY POINTS

States that have paint stewardship program include Connecticut, Rhode Island and Minnesota

States that have added paints to their universal waste rule are **Maine** (architectural paint), **New Jersey** (oil-based finishes), **Ohio** (Paint and paint related waste), **Texas** (Paint and paint related waste), **Vermont** (postconsumer paint)

374-3 Paint Universal Waste Standards

The Department may include:

1. **Container Management**
 - Limit collection to 5 gallons or less containers
 - Keep containers covered at all times
 - Protect containers from sources of heat
 - Sort upon receiving container by manufacturer/size/type
 - Storage area inspections
 - Secondary containment quantity limits
 - Need a part 364 waste transporter permit if bringing more than 500 lbs of paint to location
2. **Labeling/ Marking**
 - Labeling for understanding its purpose and hazards
3. **Accumulation Time Limits**
 - May accumulate waste for no longer than one year from the date the universal waste is generated, or received from another handler
4. **Responses to Releases**
 - Must immediately contain all releases of universal waste and other residues from universal waste
 - Must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with applicable requirements
5. **Employee Training**

- Must inform all employees who handle or have responsibility for managing universal waste

The Department would like to Include:

- Where handlers can send the paint
- What activities allowed at the handler

Questions

1. Should we use kilograms (kg) or gallons (gal) in the regulations? Should we use gallons in future guidance documents and use kg in the universal waste regulations?
2. Can you identify any recycler for the paint?
3. Why do you think including the above conditions are important for management?
4. Should additional types of paints be included in the universal waste listing?
5. Do you have any other comments or information?

How Do Some States Regulate Paint Waste?

State	How Manage Paint Waste
Connecticut	<ul style="list-style-type: none"> • Participating retailers in the program are allowed to accept and store the paint under their General Permit from their environmental agency. • Under the permit, a retailer cannot accept more than 100 gal from person at any one time
Minnesota	<ul style="list-style-type: none"> • Each paint collection site needs a paint collection license that requires: hazardous waste ID, emergency planning, training checklist, amount planning to accumulate (limited to 660 gallons)
Rhode Island	<ul style="list-style-type: none"> • Requires PaintCare Collection Centers to notify and obtain and EPA ID Number, ship HW architectural paints offsite via a manifest to a designated facility or paint collection center • store paint waste for less than one year in containers that are structurally sound, • protect paint from ignition sources and kept closed except when adding/removing waste.
New Jersey	<ul style="list-style-type: none"> • Requires each site to have: EPA ID, secondary containment, drawings and description of the containment system

Please Comment on this Possible Amendment to New York’s Universal Waste Rule

Please give your feedback on the above considerations the Department has for paint waste regulations. Please send any comments or suggestions to hwregs@dec.ny.gov. For additional information, please call 518-402-8651.