

MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY

AB 939 LOCAL TASK FORCE

Wednesday, April 4, 2012
Northgate Mall Community Room
5800 Northgate Drive, Suite 200
San Rafael, CA

8:30 - 10:00 AM

AGENDA

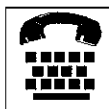
Call to Order.

- 1) Open Time for Public Comment (5 Minutes)
- 2) Approval of the February 1, 2012 JPA Local Task Force Minutes (Action – 5 Minutes)
- 3) Composting Facility Regulations and Permitting (Oral Report/Information – 15 Minutes)
- 4) Update on Paint Care Program. (Oral Report -10 Minutes)
- 5) Staff Report on Recent and Ongoing Activities (Oral Report – 10 Minutes)
- 6) Open Time for Member Comment (45 Minutes)
- 7) Adjourn.

Next scheduled LTF Meeting is May 2, 2012 at 8:30 AM @ Northgate Mall
Next scheduled JPA Executive Committee Meeting is April 26, 2012 at 9:00 AM @ MMWD
Next scheduled JPA Board Meeting is May 24, 2012 at 9:00 AM @ MMWD

The full agenda including staff reports can be viewed at
www.marinrecycles.org/mins_agendas.cfm

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Contact the County's Waste Management Division, at 473-6647 for more information

**MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY**

AB 939 Local Task Force Meeting
Wednesday, February 1, 2012
Northgate Mall Community Room
5800 Northgate Drive, Ste 200
San Rafael, Calif.

MINUTES

MEMBERS PRESENT

Loretta Figueroa, Almonte Sanitary District
Renee Goddard, Ross Valley Cities
Elissa Giambastiani, San Rafael
Joan Irwin, Southern Marin Cities
Jennie Pardi, Conservation Corps
Matt McCarron, Novato
Russ Greenfield, LGVSD
Ramin Khany, Redwood Landfill
Jon Elam, Tamalpais CSD
David Haskell, Sustainable Marin

STAFF PRESENT

Steve Devine, JPA Staff
Alex Soulard, JPA Staff
Kiel Gillis, JPA Staff

OTHERS PRESENT

Dee Johnson, Novato Sanitary Dist.
Kerri Mazzoni, Public
Kim Sheibly, Marin Sanitary Svc.
Andy Campbell, Renew Computers
Anja Wehrmann, Conservation Corps.

MEMBERS ABSENT

Greg Christie, Bay Cities
Steve McCaffrey, Redwood Empire Disposal
David Green, Unincorporated Marin Co
Delyn Kies, Sustainable Novato
Patty Garbarino, Marin Sanitary Service

Call to Order. The Local Task Force (LTF) meeting came to order at 8:32 AM.

1. Open Time for Public Comment

No public comment was received.

2. Approval of the January 4, 2012 JPA Local Task Force Minutes

M/s Figueroa, Irwin to approve the January 4, 2012 JPA Local Task Force Minutes. The motion passed unanimously.

3. Update from January 26, 2012 JPA Board Meeting

Staff provided an update from the January 26 JPA Board meeting. Items reviewed included the adoption of a Budget Setting Process, the adoption of a list of Certified C&D Recycling Facilities, the approval of a collection service contract for the Bulb and Battery Program, as well as a grant to Novato Sanitary District to fund their HHW Facility. No comments were received.

4. Review and Direction on 2012 Zero Waste Grants

Staff provided an update on the upcoming 2012 JPA Zero Waste Grants and fielded questions from LTF Members. Staff requested Members provide feedback and suggestions for the second round of this program. Some members discussed challenges they faced with the 2011 program including time and funding constraints as well as a means to expedite the programs implementation. Staff identified that applicants should take the twelve month grant term into account when drafting their grant programs. Staff also identified that the grant funds are available to offset some of the costs associated with implementation of Zero Waste programs and that each jurisdiction would be responsible for the balance. Ms. Giambastiani suggested that should those member agencies who did not apply to the 2011 Grants also not apply for 2012 Grants, not have their funds roll over should a 2013 Grant be offered. Mr. Greenfield requested clarification on who will be measuring the success of the Grants. Staff indicated that a Staff report on the submitted Grant Final Reports will be shared with the LTF. Mr. Haskell identified he found the approved Zero Waste programs rudimentary and that Members should return to their constituents to develop programs that are more easily accomplished such as case studies. Mr. Haskell felt bypassing the member agencies and making the funds directly available for community groups would be a more effective use of funds. Ms. Figueroa suggested removal of "Commercial" in Commercial Waste Audits. Ms. Giambastiani recommended Single Use Plastic Bag Ban ordinance be considered as a Primary Waste Reduction Program (WRP). Mr. Haskell recommended Zero Waste Case Studies be added as a Secondary WRP. M/s Greenfield, Irwin motion to approve the Zero Waste Grants as amended. The motion passed unanimously.

5. Open Time for Member Comment

Joan Irwin reported on food- waste programs in West Marin and Sausalito. Kim Sheibly reported on discussions at Marin Sanitary Service to improve collection services within their jurisdiction. Russ Greenfield briefly reported on the use of sanitary districts and treatment plants as energy plants in the process of turning food scraps into energy. Ramin Khany reported on a tonnage loss that Redwood Landfill has experienced since Sonoma County and Marin Sanitary are taking portions of their waste to other locations, and thus will effect the tipping fee's to the JPA. Renee Goddard provided an update regarding the move of Good Earth Natural Food in Fairfax as well as challenges she faces working with various agencies. Jennie Pardi provided an update regarding her promotion as Environmental Service Farm Manager for Conservation Corps North Bay for the Indian Valley Organic Farm and Garden and provided information on the BAEER Fair, various composting programs and waste audits conducted at eight different schools around the county. David Haskell noted his dissatisfaction with the use of Redwood Landfill to use C&D Debris as alternative daily cover.

6. Adjourn.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

Date: April 4, 2012

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Michael Rock

Re: Composting Facility Regulations and Permitting

Larkspur:
Dan Schwarz

At the last Local Task Force meeting a question was raised about the permitting of composting facilities in the County – particularly as the permitting is related to food waste composting.

Mill Valley:
Jim McCann

The Environmental Health Services Department – a division of the County Community Development Agency is the California Department of Resources Recycling and Recovery (CalRecycle's) recognized Local Enforcement Agency (LEA) for Marin County. As such, the Environmental Health Services Division permits, inspects, and enforces State regulations at solid waste disposal sites, solid waste transformation facilities, transfer and processing stations, composting facilities and materials recovery facilities.

Novato:
Michael Frank

Ross:

San Anselmo:
Debbie Stutsman

Mark Janofsky, a Senior Environmental Health Specialist with the Community Development Agency will provide the LTF with an overview of the State's composting permitting process – and in particular permitting of food waste composting facilities.

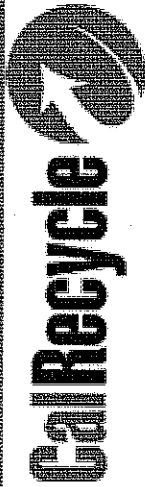
San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Attachments:

Tiburon:
Margaret Curran

1. CalRecycle's Tiered Regulatory Placement Matrix.
2. County of Marin Environmental Health and Safety – Solid Waste Section Overview.
3. County of Marin Environmental Health and Safety – Solid Waste Local Enforcement Agency (LEA) Duties and Responsibilities.



Local Enforcement Agency (LEA) Central: Legislation and Regulations
Tiered Regulatory Placement

Excluded	EA Notification	Registration	Standardized	Full
Compostable materials: Agricultural material derived from an agricultural site and returned to the same site or agricultural site owned or leased by the owner, parent, or subsidiary ($\leq 1,000$ yd3 given away or sold annually)	Agricultural Material Composting Operations (all)			Composting Facilities (all) (Any material other than green material)
Compostable materials: Vermicomposting (Note: The handling of compostable materials used as growth medium is not excluded)	Green Material Composting Operations ($\leq 12,500$ yd3)			Green Material Composting Operations ($> 12,500$ yd3)
Compostable materials: Mushroom farming (Note: The handling of compostable materials used as growth medium is not excluded)	Biosolids Composting Operations at POTWs (all)			
Compostable materials: Green material generated on-site (≤ 500 yd3, $\leq 10\%$ food material) ($\leq 1,000$ yd3 given away or sold annually)	Research Composting Operations ($\leq 5,000$ yd3) (Within-vessel $> 5,000$ yd3 with EA determination)			
Compostable materials: (A) An activity, located at a facility with a tiered or full permit and a Report of Facility Information that identifies and describes the activity, which will use the material on-site, or (B) Temporary storage of biosolids at a Publicly Operated Treatment Works, or (C) An activity located at the site of biomass conversion and used for biomass conversion, or (D) Silvicultural operation or wood, paper, or wood product manufacturing operation, or (E) Temporary storage or processing of agricultural material not used in the production of compost or mulch, or (F) Chipping and grinding of materials applied to land owned or leased by the owner, parent, or subsidiary, or (G) Chipping and grinding of agricultural material produced on lands owned or leased by the owner, parent, or subsidiary for use in biomass conversion, or (H) Animal food manufacturing or rendering, or (I) Storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection, or (J) Materials handled in such a way as to preclude the materials from reaching 122 degrees Fahrenheit	Chipping and Grinding Operations (≤ 200 tpd)	Chipping and Grinding Operations (200 tpd $< x \leq 500$ tpd)		Chipping and Grinding Operations (> 500 tpd)

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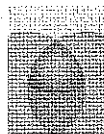
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Community Development Agency - EHS: Solid Waste

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General Information Number: (415) 473-6907 - Fax: (415) 473-4120 - TTY: (415) 473-2255
 3501 Civic Center Drive, 236; San Rafael, CA 94903-4157 [View Map](#)
 Monday through Friday, 8:00 a.m. to 4:00 p.m.

In November 1992, Environmental Health Services was re-designated as the solid waste Local Enforcement Agency (LEA) for Marin County by the eleven cities and County of Marin and subsequently certified by the California Integrated Waste Management Board (CIWMB). Prior to that date, and since 1977, Environmental Health Services was designated as the enforcement agency for solid waste provisions applicable during that period. The current certification enables Environmental Health Services staff to permit, inspect and enforce regulations at solid waste disposal sites, solid waste transformation facilities, transfer and processing stations, and materials recovery facilities.



The purpose of this program is to protect the public health and the environment from the effects of improper storage, collection, transportation, and disposal of solid waste including flies, rodents, scenic blight, public nuisance, and water pollution. The goal of this program is accomplished through a program of inspection, permitting, complaint investigation, public education, and assistance to industry.

[EHS Fee Schedule - Effective July 1, 2011](#) A technology fee surcharge of \$10 will be assessed on each permit separately from the permit fee in order to offset County costs associated with the permit tracking system.

[Marin Hazardous and Solid Waste JPA \(Joint Powers Authority\)](#) - ways to help reduce and recycle solid waste and properly dispose of hazardous materials

[Duties and Responsibilities of the LEA](#)

[Flow Chart for Solid Waste Facility Permit Processing](#)

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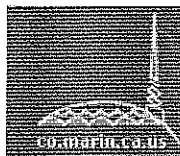
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Solid Waste Local Enforcement Agency (LEA) Duties and Responsibilities of the LEA

Summary of Duties and Responsibilities specific to the Marin County LEA

1. **Routine Landfill Inspections**
 There are two landfills in Marin County which are inspected at least monthly.
2. **Routine Transfer Station/Materials Recovery Facility Inspections**
 Marin Sanitary Service's transfer station and resource recovery building are inspected monthly.
3. **Closed Landfill Inspection**
 The LEA is required by current regulations to perform quarterly inspections at the 14 closed landfills in Marin County.
4. **Abandoned Site Inspections**
 Abandoned sites are required to be inspected quarterly. There are no known abandoned sites in Marin County.
5. **Illegal Site Inspections**
 The LEA is responsible for investigation of alleged illegal dumping sites. Confirmed illegal sites are required by regulation to be inspected monthly depending abatement by enforcement action. Currently, there is one known illegal site, which has been referred to the County Counsel.
6. **Compost Facility Inspections**
 The LEA performs monthly inspections of the Redwood Landfill Biosolids Compost Facility.
7. **Sites Exempted Pursuant to 27 CCR 21565**
 Exempted sites shall be inspected quarterly. Currently no exemptions exist within Marin County.
8. **Facility Complaint Inspections**
 If a complaint cannot be resolved off-site, the LEA will respond by inspection.
9. **Demonstration Projects**
 When a landfill operator proposes to use an alternative daily cover (ADC) for refuse not within one of the categories listed in 27 CCR 20690(b)(1-10), or an ADC material from one of the above categories, but used differently than specified in the aforementioned section, a site-specific demonstration project must be conducted. In such instances, the LEA may require that the project be subject to performance standards, as specified in 27 CCR 20695. Sites operating under performance standards are inspected by the LEA on a weekly basis.
10. **Refuse Collection Vehicle Inspections**
 There are ten recognized refuse collection service operators in Marin County responsible for approximately 105 collection vehicles. The LEA performs annual inspections of each vehicle.
11. **Non-Facility Complaint Inspections**
 Complaints regarding the storage, handling or disposal of solid waste at undeveloped properties, non-food related businesses, and residences other than multiple-family dwellings are investigated by the LEA.
12. **Permits**
 The LEA evaluates, writes and processes new solid waste facility permits and revisions of existing permits in coordination with the CIWMB. New permits are required for facilities that have never operated, facilities which did not previously require a solid waste facility permit, or facilities with a new operator. After issuance, a permit is required to be reviewed every five years. This is also done by the LEA, in conjunction with the CIWMB.

 A permit revision is required whenever a change in the design or operation of a facility is proposed that has potential for resulting in a physical change to the environment directly or ultimately. A revised permit must be reviewed by the LEA within five years of reassurance.
13. **Permit Exemptions**
 The LEA reviews applications and documentation to determine if proposed solid waste facilities can be exempted pursuant to 27 CCR 21565. A staff report is generated and LEA staff facilitates a public hearing.
14. **CEQA Process**
 The LEA reviews applications for solid waste facility permits or exemptions for completeness and accuracy. During the review, California Environmental Quality Act (CEQA) compliance must be assessed and if the project is not exempt, an Environmental Impact Report (EIR) may be required. In such cases, the LEA often acts as the lead agency for the EIR.

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

Date: April 4, 2012

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Michael Rock

Re: Update on Paint Care Program

Larkspur:
Dan Schwarz

One of the newest Extended Producer Responsibility programs in California will be coming online later this year. The program is expected to have a significant impact in reducing paint recycling and disposal costs for household hazardous waste programs – including Marin's.

Mill Valley:
Jim McCann

In simple terms the program is designed to provide no-cost removal of paints covered by the program from HHW facilities and participating retailers.

Novato:
Michael Frank

Ross:

The "Paint Care" program is somewhat unique in that it will be operated by a stewardship organization established by the paint industry – rather than being a government administered program. At the same time, there are provisions for oversight by CalRecycle – whose administrative costs are to be funded by the stewardship organization.

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Several fact sheets on this new program are attached for additional information.

Sausalito:
Adam Politzer

Attachments:

Tiburon:
Margaret Curran

1. California Product Stewardship Council (CPSC) AB 1343 Fact Sheet.
2. Paintcare.org – California Program Fact Sheet.
3. CalRecycle's Paint Stewardship Program Overview.
4. Public Resource Code Section 48700-48706.

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P.O. Box 216381
Sacramento, CA 95821
916-480-9010

www.CalPSC.org

Fact Sheet - AB 1343 (Huffman, 2010) Paint Producer Responsibility

Summary/Background

AB 1343 establishes a producer financed, designed and managed postconsumer paint recovery program. The law was based on legislation implemented in Oregon on July 1, 2010, who established the first paint stewardship in the nation.

Paint is the single largest waste stream managed by California local government household hazardous waste (HHW) programs, costing California taxpayers and garbage ratepayers approximately \$27 million annually to manage.

Adds Chapter 5 to Part 7 of Division 30 of the Public Resources Code.

Impacts on Producers

Paint producers, through a designated stewardship organization (SO) or individually, will be required to submit a stewardship plan to the Department of Resources, Recycling and Recovery (CalRecycle).

The plan is required to contain specified elements of an architectural paint stewardship program, including a paint stewardship fee, approved by CalRecycle, on each container of paint sold in this state.

The law prohibits paint producers from selling paint in California unless they are participating in the paint stewardship program as listed on CalRecycle's website.

Producers must also submit an annual report to CalRecycle describing its paint recovery efforts.

Impacts on Retailers

Retailers cannot sell or offer for sale in California paint unless the producer is in compliance with this law. A retailer may also

voluntarily participate as a paint collection point and post the educational materials provided.

Impacts on Consumers

California consumers will now have more locations to discard of their unwanted paint for recycling at no cost upon return. Program fees are paid at point of sale.

State Oversight (CalRecycle)

CalRecycle must review and approve submitted stewardship plans from producers within 90 days of receipt. CalRecycle must also list participating producers on their website and review the annual report required to be submitted by producers and adopt findings of compliance or noncompliance with their plan within 90 days of receipt.

Key Dates

- January 2011 – Effective date
- April 1, 2012 - Program plan submitted to CalRecycle by producers/SO
- July 1, 2012 – Paint program starts
- April 1, 2013 - CalRecycle posts a notice on web site listing producers in compliance.
- July 1, 2013 (and each year thereafter) – Producers submit a report to CalRecycle describing paint recovery efforts


Cost/Funding

The stewardship organization will pay CalRecycle annual administrative fees sufficient to cover the full costs of administering and enforcing the program

For More Information

- Sign up for CalRecycle's AB 1343 [listserv](#)

Mission: To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.



buy right. reuse. recycle.

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**CALIFORNIA
PROGRAM**


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SAVE MONEY

By purchasing the correct quantity of paint for your project you're not just saving time and storage space, you're also saving money.

SAVE THE ENVIRONMENT

The less paint you have left over, the less toxic it is to find its way into a landfill. So purchase only what you need. And if you do have leftover paint, learn how to store or recycle it properly.

SAVE STORAGE SPACE

The shelves in your garage or storage shed were intended for better things than old paint cans. So buy only the paint you need. And give your extra paint more room for important stuff like your golf clubs.

SAVE EXPOSURE TO HAZARDOUS MATERIALS

Solvent based paints are flammable and present particular hazards for children, so they require special disposal practices. So use them up or store them properly for reuse or recycling through a PaintCare collection center and give your old paint new life.

California Program

California is the second state in the U.S. to enact model, industry supported, paint product stewardship legislation. This model legislation ensures environmentally responsible end-of-life management for leftover architectural paint while relieving local and state governments of the economic burden of post-consumer paint management. PaintCare is developing a state-wide network of collection locations. Consumers should look for updates to the program throughout 2012. Update to this site will be made as program locations and implementation dates approach.

Legislation:

- [California Paint Product Stewardship Law](#)

State Agency Website:

- [California Department of Resources Recycling and Recovery \(CalRecycle\)](#)

Information for Municipal Collection Sites:

Letter of Interest

PaintCare welcomes partnerships with household hazardous waste collection programs, transfer stations, retailers and other convenient paint collection sites for the public. To establish a partnership, please complete and submit a [Letter of Interest](#) (revised March 2012) to info@paintcare.org. A model contract will be posted in March to complete the partnership process.

Webinars

The [California Product Stewardship Council](#) is assisting PaintCare to facilitate a series of webinars. Three (3) webinars are scheduled for March. These webinars will cover how household hazardous waste facilities, transfer stations, landfills, public works yards, ABOPs and other non-retail paint collection sites can become a PaintCare collection site partner. Additional webinars will be held in April for retail collection sites. To sign up for a webinar, please go to: [PaintCare Webinars](#)



Product Stewardship and Extended Producer Responsibility (EPR) Paint Stewardship Program

California is the second state in the nation to enact an industry-led, statewide program to reduce the generation of leftover paint, promote its reuse, and properly manage unwanted leftover paint. This program follows producer responsibility principles to ensure that leftover paint is properly managed in a manner that is sustainably funded and provides jobs to Californians. This page provides information on the paint stewardship law ([Chapter 420, Statutes of 2010 \[Huffman, AB 1343\]](#)) and its implementation.

[Introduction](#)

[Key Elements of the Law](#)

[Paint Stewardship Program](#)

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Introduction to California's Paint Stewardship Law

Californians generate millions of gallons of leftover paint each year. Prior to the passage of AB 1343, the only way for residents to properly manage their leftover paint was through local, taxpayer-funded household hazardous waste (HHW) programs. However, due to the immense cost to manage household hazardous waste, local programs typically can only afford to serve between 5-10 percent of the residents in their jurisdictions. Despite these low levels of participation, in 2009 paint represented almost one-third of the material collected through local HHW programs and cost local government millions of dollars to manage.

Efforts continue to reduce the amount of leftover paint generated and to reuse leftover paint, and any remaining unwanted leftover latex paint should be recycled. The [GS-43 Green Seal® environmental certification standard](#) assures the quality and performance of recycled latex paint.

Key Elements of the Law

[Chapter 420, Statutes of 2010 \(Huffman, AB 1343\)](#) sets forth the requirements of the statewide Paint Stewardship Program. Below are basic descriptions:

Purpose: To reduce the generation of postconsumer architectural paint, promote the reuse of post-consumer architectural paint, and manage the end-of-life of post-consumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

Definitions:

"Architectural paint" means interior and exterior architectural coatings, sold in containers of five gallons or less for commercial or homeowner use, but does not include aerosol spray paint or architectural coatings purchased for industrial or original equipment manufacturer use.

"Manufacturer" means a manufacturer of architectural paint.

"Department" means the Department of Resources Recycling and Recovery (CalRecycle).

See the [law](#) (PDF, 91 KB) for more definitions.

Key roles: In very basic terms, manufacturers (either individually or through a stewardship organization), design their own stewardship program. They prepare and implement a plan to reach certain goals and report to CalRecycle on their progress. CalRecycle approves plans, checks progress, and provides oversight and enforcement to ensure a

level playing field among paint manufacturers. Other service providers, such as HHW management contractors, local HHW programs, and/or retailers, participate in the program as negotiated through the manufacturer or stewardship organization.

Stewardship Plans: The stewardship plan defines how a manufacturer or stewardship organization intends to fulfill its responsibilities under the law and communicates a course of action to stakeholders and the public. Plans will be posted at this website, along with ensuing annual reports which document a program's progress. Plans must include the following information:

Demonstrate sufficient funding for the program, including a funding mechanism for securing and dispersing funds to cover administrative, operational, and capital costs, including the assessments of charges on architectural paint sold by manufacturers in this state.

Coordination of the program with existing local HHW collection programs.

Goals established by the manufacturer or stewardship organization to achieve the purpose, including recovery and recycling of post-consumer paint, as practical, based on current HHW program information.

Education and outreach efforts.

Financing: A unique and very important aspect of the paint stewardship law is that it requires sustainable funding. Paint manufacturers are required to demonstrate sufficient funding for the program via an architectural paint stewardship assessment that must be approved by CalRecycle as part of the plan approval process. The architectural paint stewardship assessment for each container of architectural paint sold by manufacturers in the state will be remitted to a stewardship organization, if applicable. That assessment will be added to the cost of all architectural paint sold to California retailers and distributors, and, in turn, each of those retailers and distributors must add the assessment to the purchase price of all architectural paint sold in the state. The amount of the assessment shall be sufficient to meet, but not exceed, the cost of carrying out the plan. Any surplus funds must be put back into the program to reduce the costs of the program, including the assessment amount.

Enforcement and Compliance: Maintaining a level playing field among manufacturers is addressed through a combination of civil penalties for non-compliance and transparency that allows all stakeholders and the public to evaluate progress. For manufacturers to be in compliance, they must develop and implement a CalRecycle-approved stewardship plan, submit annual reports on the progress of their program, and submit an administrative fee to CalRecycle to cover the cost of services to administer and enforce this law.

Reporting: Annual reports will be posted at the CalRecycle website. These reports shall include information on volume of paint sold, postconsumer paint recovered, the methods used to collect, transport, and process postconsumer paint, the total program cost, an evaluation of the funding mechanism, an independent financial audit, and examples of educational materials provided to consumers.

Key Implementation Dates: Paint Stewardship Program

Date	Activity
April 1, 2012	Submit Plan: The manufacturer or designated stewardship organization shall submit an architectural paint stewardship plan to CalRecycle.
July 1, 2012 (on or before)	Approve Plan: CalRecycle has 90 days to approve plans.
July 1, 2012 (or three months after a plan is approved)	Implement Plan: The manufacturer or designated stewardship organization shall implement the approved plan.
April 1, 2013 (6 month updates)	Notice Compliant Manufacturers: CalRecycle shall post a list of compliant manufacturers on its web-site.
September 1, 2013 (annually thereafter)	Submit annual report: The manufacturer submits a report to CalRecycle individually or through a stewardship organization.
120 days after notice of compliant manufacturers (July 29 is 120 days after April 1)	Sales prohibition for non-compliant manufacturers: Sales prohibition shall be effective on the 120th day after the notice is posted on the CalRecycle web-site.
Within 90 days of receipt (September 28 is 90 days from July 1)	Review and adopt finding on annual report: CalRecycle shall review the annual report and adopt a finding of compliance or noncompliance within 90 days of receipt of the report.

Paint Stewardship Program

Architectural paint manufacturers may develop a paint stewardship program individually or through a stewardship organization. At this time, CalRecycle anticipates one stewardship organization, Paint Care, to submit a stewardship plan on behalf of architectural paint manufacturers. More information and links to Paint Care's activities will be posted here once it becomes available.

Rulemaking

CalRecycle must use a rulemaking process to establish procedures such as:

- Stewardship plan approval criteria

- A process for CalRecycle to accept payment for its services related to oversight and enforcement activities

- The establishment of penalty ranges that reflect a progressive enforcement approach

- Criteria for acceptance of annual reports.

More information on the rulemaking process can be found on CalRecycle's website for proposed [rulemaking on Paint Stewardship](#).

Buying Environmentally Preferable Paint: The Department of General Services' Environmentally Preferable Purchasing Best Practices Manual has a chapter on [purchasing paint](#) that describes its benefits, availability, performance, and more.

The [Public Contract Code \(PCC\) section 12203 et seq.](#) requires state agencies (including California State Universities) to ensure that at least 50 percent of the dollars spent on paint be spent on recycled paint with a recycled content consisting of at least 50 percent post-consumer paint. Recycled paint is available on a state contract. The paint on contract meets performance standards of virgin paint established by the Master Painters Institute. Furthermore, it costs significantly less than virgin paint. Visit the state [list of contracts](#) (search under classifications for 312115 and then look for "Paint, Recycled Latex") to obtain information on the current paint contracts.

Listserv

Subscribe to the [CalRecycle Paint Product Stewardship listserv](#) to receive periodic e-mail updates specific to CalRecycle-related implementation activities.

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Extended Producer Responsibility and Stewardship <http://www.calrecycle.ca.gov/EPR/>

Contact: EPR@calrecycle.ca.gov (916) 341-6449

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PUBLIC RESOURCES CODE

SECTION 48700-48706

48700. The purpose of the architectural paint recovery program established pursuant to this chapter is to require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in this state.

48701. For purposes of this chapter, the following terms have the following meanings:

(a) "Architectural paint" means interior and exterior architectural coatings, sold in containers of five gallons or less for commercial or homeowner use, but does not include aerosol spray paint or coatings purchased for industrial or original equipment manufacturer use.

(b) "Consumer" means a purchaser or owner of architectural paint, including a person, business, corporation, limited partnership, nonprofit organization, or governmental entity.

(c) "Department" means the Department of Resources Recycling and Recovery.

(d) "Distributor" means a person that has a contractual relationship with one or more manufacturers to market and sell architectural paint to retailers.

(e) "Manufacturer" means a manufacturer of architectural paint.

(f) "Postconsumer paint" means architectural paint not used by the purchaser.

(g) "Retailer" means a person that sells architectural paint in the state to a consumer. A sale includes, but is not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means.

(h) "Stewardship organization" means a nonprofit organization created by the manufacturers to implement the architectural paint stewardship program described in Section 48703.

48702. (a) A manufacturer of architectural paint sold in this state shall, individually or through a stewardship organization, submit an architectural paint stewardship plan to the department to develop and implement a recovery program to reduce the generation of postconsumer architectural paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

(b) (1) A manufacturer or retailer shall not sell or offer for sale in this state architectural paint to any person in this state unless the manufacturer is in compliance with this chapter.

(2) The sales prohibition in paragraph (1) shall be effective on the 120th day after the notice described in subdivision (c) is posted on the department's Internet Web site, and shall apply to any manufacturer that is not listed on the department's Internet Web site, and shall remain in effect until the manufacturer is listed on

the department's Internet Web site or can demonstrate compliance as described in paragraph (2) of subdivision (c).

(c) (1) On July 1, 2012, or upon the date the first plan is approved, whichever date is earlier, the department shall post on its Internet Web site a list of manufacturers for which the department has approved a plan pursuant to subdivision (a) of Section 48704. The department shall update this posting no less than once every six months thereafter. On and after April 1, 2013, the department shall post a notice on its Internet Web site listing manufacturers that are in compliance with this chapter pursuant to subdivision (b) of Section 48705 and shall update this posting no less than once every six months.

(2) A manufacturer that is not listed on the department's Internet Web site pursuant to this section, but demonstrates to the satisfaction of the department that it is in compliance with this chapter before the next notice is required to be posted pursuant to this section, may request a certification letter from the department stating that the manufacturer is in compliance. The manufacturer who receives that letter shall be deemed to be in compliance with this chapter.

(d) A wholesaler or a retailer that distributes or sells architectural paint shall monitor the department's Internet Web site to determine if the sale of a manufacturer's architectural paint is in compliance with this chapter.

48703. (a) On or before April 1, 2012, a manufacturer or designated stewardship organization shall submit an architectural paint stewardship plan to the department.

(b) (1) The plan shall demonstrate sufficient funding for the architectural paint stewardship program as described in the plan, including a funding mechanism for securing and dispersing funds to cover administrative, operational, and capital costs, including the assessment of charges on architectural paint sold by manufacturers in this state.

(2) The funding mechanism shall provide for an architectural paint stewardship assessment for each container of architectural paint sold by manufacturers in this state and the assessment shall be remitted to the stewardship organization, if applicable.

(3) The architectural paint stewardship assessment shall be added to the cost of all architectural paint sold to California retailers and distributors, and each California retailer or distributor shall add the assessment to the purchase price of all architectural paint sold in the state.

(4) The architectural paint stewardship assessment shall be approved by the department as part of the plan, and shall be sufficient to recover, but not exceed, the cost of the architectural paint stewardship program. The plan shall require that any surplus funds be put back into the program to reduce the costs of the program, including the assessment amount.

(c) The plan shall address the coordination of the architectural paint stewardship program with existing local household hazardous waste collection programs as much as this is reasonably feasible and is mutually agreeable between those programs.

(d) The plan shall include goals established by the manufacturer or stewardship organization to reduce the generation of postconsumer paint, to promote the reuse of postconsumer paint, and for the proper end-of-life management of postconsumer paint, including recovery and recycling of postconsumer paint, as practical, based on current

household hazardous waste program information. The goals may be revised by the manufacturer or stewardship organization based on the information collected for the annual report.

(e) The plan shall include consumer, contractor, and retailer education and outreach efforts to promote the source reduction and recycling of architectural paint. This information may include, but is not limited to, developing, and updating as necessary, educational and other outreach materials aimed at retailers of architectural paint. These materials shall be made available to the retailers. These materials may include, but are not limited to, one or more of the following:

(1) Signage that is prominently displayed and easily visible to the consumer.

(2) Written materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery, or both. Written materials shall include information on the prohibition of improper disposal of architectural paint.

(3) Advertising or other promotional materials, or both, that include references to architectural paint recycling opportunities.

(f) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant to the paint stewardship program, if the retailer's paint collection location meets all of the conditions in Sections 25217.2 and 25217.2.1 of the Health and Safety Code.

48704. (a) The department shall review the plan within 90 days of receipt, and make a determination whether or not to approve the plan. The department shall approve the plan if it provides for the establishment of a paint stewardship program that meets the requirements of Section 48703.

(b) (1) The approved plan shall be a public record, except that financial, production, or sales data reported to the department by a manufacturer or the stewardship organization is not a public record under the California Public Records Act, as described in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code and shall not be open to public inspection.

(2) Notwithstanding paragraph (1), the department may release a summary form of financial, production, or sales data if it does not disclose financial, production, or sales data of a manufacturer or stewardship organization.

(c) On or before July 1, 2012, or three months after a plan is approved pursuant to subdivision (a), whichever date is later, the manufacturer or stewardship organization shall implement the architectural paint stewardship program described in the approved plan.

(d) The department shall enforce this chapter.

(e) (1) The stewardship organization shall pay the department an annual administrative fee pursuant to paragraph (2).

(2) The department shall impose fees in an amount that is sufficient to cover the department's full costs of administering and enforcing this chapter, including any program development costs or regulatory costs incurred by the department prior to the submittal of the stewardship plans. Fee revenues collected under this section shall only be used to administer and enforce this chapter.

(f) (1) A civil penalty may be administratively imposed by the department on any person who violates this chapter in an amount of up to one thousand dollars (\$1,000) per violation per day.

(2) A person who intentionally, knowingly, or negligently violates this chapter may be assessed a civil penalty by the department of up

to ten thousand dollars (\$10,000) per violation per day.

48704.1. (a) The Architectural Paint Stewardship Account and the Architectural Paint Stewardship Penalty Subaccount are hereby established in the Integrated Waste Management Fund created pursuant to Section 40135.

(b) All fees collected by the department pursuant to this chapter shall be deposited in the Architectural Paint Stewardship Account and may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement this chapter.

(c) All civil penalties collected pursuant to this chapter shall be deposited in the Architectural Paint Stewardship Penalty Subaccount and may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement this chapter.

48705. (a) On or before September 1, 2013, and each year thereafter, a manufacturer of architectural paint sold in this state shall, individually or through a representative stewardship organization, submit a report to the department describing its architectural paint recovery efforts. At a minimum, the report shall include all of the following:

(1) The total volume of architectural paint sold in this state during the preceding fiscal year.

(2) The total volume of postconsumer architectural paint recovered in this state during the preceding fiscal year.

(3) A description of methods used to collect, transport, and process postconsumer architectural paint in this state.

(4) The total cost of implementing the architectural paint stewardship program.

(5) An evaluation of how the architectural paint stewardship program's funding mechanism operated.

(6) An independent financial audit funded from the paint stewardship assessment.

(7) Examples of educational materials that were provided to consumers the first year and any changes to those materials in subsequent years.

(b) The department shall review the annual report required pursuant to this section and within 90 days of receipt shall adopt a finding of compliance or noncompliance with this chapter.

48706. (a) Except as provided in subdivision (c), an action solely to increase the recycling of architectural paint by a producer, stewardship organization, or retailer that affects the types or quantities being recycled, or the cost and structure of any return program, is not a violation of the statutes specified in subdivision (b).

(b) The following statutes are not violated by an action specified in subdivision (a):

(1) The Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code).

(2) The Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code).

(c) Subdivision (a) shall not apply to any agreement establishing or affecting the price of paint, except for the architectural paint stewardship assessment, or the output or production of paint, or any agreement restricting the geographic area or customers to which paint will be sold.
