



Managing Paint and Paint-Related Waste Under the Universal Waste Rule

This document contains only brief, general explanations of a few main points in the rules on managing paint and paint-related wastes as Universal Waste; it does not take the place of any laws or regulations.

Introduction

Terms Used

In this guidance document, the pronouns "I," "my," or "you" refer to individuals or companies covered by the regulations being explained. "We" refers to the Texas Commission on Environmental Quality (TCEQ) in general or, in particular, to the Waste Permits Division or its staff. To avoid repeating words, we use the abbreviation PPRW for "paint and paint-related waste" and UW for Universal Waste. (For other abbreviations, see the section at the end of the document.)

The Basics

What is the Universal Waste (UW) Rule?

The UW Rule offers alternatives to the otherwise applicable regulations for managing the following types of waste:

- Batteries as described in 40 CFR 273.2;
- pesticides as described in 40 CFR 273.3;
- mercury-containing equipment as described in 40 CFR 273.4;
- lamps as described in 40 CFR 273.5; and
- PPRW as described in 30 TAC 335.262 (b).

What is PPRW under the UW Rule?

The UW rule under 30 TAC 335.262 says that PPRW is:

- used or unused paint and paint-related material which is "hazardous waste" as defined under 30 TAC 335.1(56) (relating to Definitions), and as determined under 30 TAC 335.504 (relating to Hazardous Waste Determination); and
- any mixture of pigment and a suitable liquid that forms a closely adherent coating when spread on a surface or any material that results from painting activities.

Why is the UW rule an advantage to me?

When shipping or disposing of PPRW as UW in Texas:

- No manifest is required when transporting PPRW.
- No notification to the TCEQ is required; however, notice to EPA is required (see Notification and Reporting on pg. 2).
- You do not have to use a registered transporter; however, USDOT regulation for the transportation of UW will still apply.
- The waste does not count toward your total hazardous-waste generator status.
- The waste is exempt from year-end fees.
- The waste may be accumulated up to one year.

What PPRWs qualify for handling as UW?

- Used or unused paint;
- Spent solvents used in painting (for example, combinations of thinner and paint, lacquer, or varnish);
- Personal Protective Equipment (PPE), contaminated rags, gloves, brushes, rollers, and debris resulting from painting operations;
- Coating waste paint, overspray, overrun paints, paint filters, paint booth stripping materials, paint sludges from water-wash curtains;
- Cleanup residues from spills of paint (this excludes cleanup residues from a spill of PPRW being managed as UW);
- Residual paint substances associated with surface preparation, including paint chips, paint scrapings, sandblasting grit, paint cleaning liquids, or discarded paint application;
- Cleanup residues from painting and paint-removal activities;
- Other paint-related wastes generated as a result of the removal of paint; and
- Ink when used like paint (brushed or rolled onto a surface with a tool; must contain pigment which forms a closely adherent coating when spread on a surface.

What kinds of businesses or individuals can use the UW rule?

Any individual or business that generates, accumulates, treats, stores, disposes of, recycles, or otherwise manages the five types of UW (for a list of them, see "What is the UW Rule?" on page 1).

I generate PPRW that could be classified as UW, but I would rather manage it as hazardous waste. May I do that?

Yes. The decision to handle PPRW as hazardous waste or UW is up to the generator.

When was PPRW brought under the UW Rule?

The TCEQ published the final rule on October 22, 1999, and made it effective as of October 24, 1999.

Where can I find the UW rule?

- Federal rules are found in 40 CFR 273.
- Texas rules are found in 30 TAC 335.261 and 335.262.

Categories of UW Handlers and Hazardous Waste Generators**What are the categories of UW handlers?**

Handlers of UW are categorized as Small-Quantity Handlers and Large-Quantity Handlers.

- Small-Quantity Handler of UW means a universal waste handler that **does not** accumulate more than 5,000 kg total of universal waste at any time.
- Large-Quantity Handler of UW means a universal waste handler that accumulates more than 5,000 kg total (calculated collectively) of universal waste at any time.

Are these UW categories different from the ones for hazardous waste generators?

Yes, the UW Handler categories are independent of the categories used to describe hazardous-waste generators.

Generators of hazardous waste (HW) are categorized as:

- (1) Large-Quantity Generators (LQGs);
- (2) Small-Quantity Generators (SQGs); and
- (3) Conditionally Exempt Small-Quantity Generators (CESQGs).

How do the UW rules apply to CESQGs?

A CESQG may choose to manage its PPRW as UW.

Notification and Reporting**Do I have to notify the TCEQ about PPRWs if handled as UW?**

No. The TCEQ's rules in 30 TAC 335.261 (universal waste) does not refer to 30 TAC 335.6, which contains general notification requirements for industrial solid waste activities.

Do I use the 8-digit Texas waste code when I handle PPRWs as UW?

No. Once you decide to handle PPRW as UW, the 8-digit Texas waste code is no longer required.

Do I have to notify the EPA if I start handling PPRW as UW?

If you are a Large-Quantity Handler of PPRW as UW, and you have previously notified EPA about your hazardous-waste management activities, you are not required to re-notify the EPA. First-time notifiers must submit an 8700-12 notification form to the TCEQ. This form is available online at <www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf>.

Does PPRW managed as UW count toward my generator status?

No. 40 CFR 261.5 (c)(6) and the May 11, 1995, Federal Register (60 FR 25502) both state that UW handlers should not count these wastes toward their monthly quantity determination.

Storing and Transporting UW**How long can a receiving facility accumulate PPRW managed as UW before shipping it to another UW handler?**

Each receiving facility can accumulate the waste for an entire year before sending it off to another handler or destination facility. This time limit can be extended if the handler can prove that the extension is necessary to facilitate proper recovery, treatment, or disposal.

What if PPRW generated in Texas is going outside the state for recycling or disposal?

PPRW managed as UW can only be sent off-site to another universal waste handler meeting the standards in 40 CFR 273.10-273.40, a destination facility meeting the standards in 40 CFR 273.60-273.62, or a foreign destination. So far, Texas is the only state that recognizes PPRW as UW. Therefore,

when shipments leave Texas, they would have to comply fully with all hazardous waste requirements (for example: rules on transportation, manifests, and interim storage).

What is a destination facility?

It is a facility that treats, disposes of, or recycles a particular category of UW. Destination facilities must comply with all current applicable requirements for hazardous waste management facilities.

Is a manifest required for PPRW managed as UW that goes outside Texas for recycling or disposal?

For portions of the trip through Texas, you do not need a transporter with an EPA identification number per 40 CFR 263.11 (a hazardous-waste transporter), and you do not need a manifest. However, for the portion of the trip through states that do not consider the waste to be a UW, a manifest is required, and the waste must be moved by a registered transporter in compliance with 40 CFR 263.

Within Texas, do I need to use a registered transporter to haul my PPRW managed as UW?

No. You may use a common carrier for in-state transport of your PPRW managed as UW; however, this waste is not exempt from federal Department of Transportation (DOT) standards in 49 CFR 172 that apply to the shipment of hazardous waste.

What are the labeling requirements for storing and shipping of PPRW managed as UW?

The words "Universal Waste - Paint and Paint- Related Wastes" must be marked clearly on each container as described in 30 TAC 335.262 (F). In addition, this description must also be added to the USDOT shipping description in accordance with 49 CFR 172.

How do I manage a spill of PPRW handled as UW?

If you are responsible for managing waste from a spill or release, you must determine whether the resulting waste is hazardous according to 40 CFR 261. If hazardous, it must

be managed in accordance with all applicable requirements found in 40 CFR 260-272. If the resulting waste is nonhazardous, then it must be managed in accordance with all applicable state and local requirements.

What regulations cover recycling facilities that receive PPRW managed as UW?

Recycling facilities are excluded from the definition of "UW handlers" (see 40 CFR 273.9). Under those requirements, storage before recycling is regulated (see 40 CFR 261.6(c)(1)).

What regulations apply to a mixture of a solid waste with PPRW managed as UW?

The UW rules apply only to wastes meeting the criteria for classification as UW. They do not apply to mixtures of UW and a solid waste. Intentional mixing of universal waste with solid waste to avoid classification as a hazardous waste is not allowed. A handler who mixes UW and solid waste to avoid regulation is treating that waste, which would make him or her subject to the regular hazardous-waste regulations.

Abbreviations and Terms

CESQG—Conditionally Exempt Small-Quantity Generator

CFR—Code of Federal Regulations

USDOT—U.S. Department of Transportation

PPRW(s)—Paint and Paint-Related Waste(s)

TAC—Texas Administrative Code

UW—Universal Waste

For More Information, Contact:

I&HW Permits Section/MC-130

TCEQ Waste Permits Division

P.O. Box 13087

Austin, TX 78711-3087

Phone No. 512-239-6412

Fax No. 512-239-2007

U.S. Department of Transportation

Phone No. 800-832-5660