



TCEQ REGULATORY GUIDANCE

Waste Permits Division
RG-370 • Revised March 2022

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.

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 [Abbreviations and Terms](#) in this document.

Overview of the 'Texas' UW Rule and PPRW

What is the UW Rule?

The [UW Rule](#) under Title 30 Texas Administrative Code (30 TAC) Section 335.261 and Title 40, Code of Federal Regulations (40 CFR) Part 273 provides alternative management standards for managing the following types of hazardous waste:

- Batteries as described in Title 40 CFR, Section 273.2.
- Pesticides as described in 40 CFR 273.3.
- Mercury-containing equipment as described in 40 CFR 73.4.
- Lamps as described in 40 CFR 273.5.
- PPRW as described in 30 TAC 335.262(b).
- Aerosol cans as described in 30 TAC 335.1(8).

What is PPRW under the UW Rule?

If you have a "hazardous waste," as defined in 30 TAC 335.1(82), and determined by following 30 TAC 335.504, that meets the definition of "paint" or "paint-related waste" in 30 TAC 335.262(b), you can manage this waste as a UW.

- **Paint** - is a pigmented or unpigmented mixture of binder and suitable liquid that forms a closely adherent coating when spread on a surface.

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- **Paint related waste is:**
 - Discarded material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities.
 - Discarded material derived from the reclamation of paint-related wastes that are being recycled in a manner other than 1) burning for energy recovery or 2) used in a manner constituting disposal.

Which PPRWs are eligible to be managed as UW?

The following hazardous wastes are eligible to be managed as PPRW:

- Used or unused pigmented paints.
- Used or unused unpigmented paints (e.g., used or unused clear lacquer).
- Spent solvents used in painting that are contaminated with paint (for example, combinations of thinner and paint, lacquer, or varnish).
- Paint-contaminated Personal Protective Equipment, 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; in this case, verify its classification as hazardous waste and proceed with any applicable hazardous waste regulations required for this spill).
- Residual paint substances associated with surface preparation; include paint chips, paint scrapings, sandblasting grit, cleaning liquids, or discarded paint application.
- Cleanup residues from painting and paint removal activities.
- Any mixture of pigmented or unpigmented binders and suitable liquid to form closely adherent coating.
- Ink when used like paint (brushed or rolled) onto a surface with a tool.
- Aerosol cans, including paint cans (e.g., spray paint, degreaser spray, cleaning solvents spray, and other cleaning products) that are hazardous and meet the definition in 30 TAC 335.1(8).

What PPRW can't be managed as UW?

The following hazardous wastes do not qualify as PPRW:

- Treatment residuals (e.g., distillation bottoms, wastewater treatment waste, filter cake, incinerator ash).
- Paint ingredients (e.g., precursors to paint).
- Solvents not used in paint or painting activities.
- Paint and paint wastes generated from painting activities and disposed of by a household.
- Nonhazardous paint.

When was PPRW brought under the UW Rule in Texas?

Texas' Universal Waste Rule became effective on October 24, 1999. The PPRW rule became effective on June 11, 2020, which:

- Added unpigmented paint wastes to the definition of “paint,” allowing this type of hazardous waste to be managed as UW.
- Defined “paint-related waste.”

Where can I find the UW rule?

Texas' adopts the federal UW rule, 40 CFR Part 273, at 30 TAC 335.261, and adopts PPRW as UW at 30 TAC 335.262.

How the UW Rule Applies to Businesses and Individuals

Why is UW rule an advantage to me?

Managing, shipping, or disposing of PPRW as UW in Texas:

- Transportation of PPRW does not require a Uniform Hazardous Waste Manifest.
- PPRW does not require registration or reporting. However, you must notify if your facility qualifies as a Large Quantity Handler of UW (see [Notification and Reporting](#) section below).
- You do not have to use a registered transporter; however, USDOT regulation for the transportation of UW applies to PPRW.
- PPRW does not count toward your hazardous waste generator status (i.e., very small quantity generator, small quantity generator, or large quantity generator).
- PPRW is exempt from year-end fees.
- You may accumulate PPRW for up to one year.

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

Any individual or business that generates, accumulates, stores, or sends one or more categories of UW off-site for disposal or recycling can use the UW rule. (see [What is the UW Rule?](#)). A facility that processes, recycles, or disposes UW must manage UW as hazardous waste and comply with the UW rule.

I generate PPRW that I could classify as UW, but I would rather manage it as fully regulated hazardous waste. May I do that?

Yes. The decision to handle PPRW as fully regulated hazardous waste is up to the generator.

Categories of UW Handlers and Hazardous Waste Generators

What are the categories of UW handlers?

UW handler categories:

- **Small Quantity Handler (SQH)** — you accumulate **less than** 5,000 kg of universal waste at any time.
- **Large Quantity Handler (LQH)** — you accumulate 5,000 kg **or more** of universal waste at any time.

Are UW handler categories different from the categories for hazardous waste generators?

Yes, the UW handler categories are independent of the hazardous waste generator.

Hazardous waste generator categories are:

- Large Quantity Generator (LQG),
- Small Quantity Generator (SQG), and
- Very Small Quantity Generator (VSQG).

See the TCEQ webpage [Industrial and Hazardous Waste: Compliance Resources](#) to learn more about hazardous waste generator categories.

How do the UW rules apply to VSQGs?

A VSQG may choose to manage its PPRW as UW.

Notification and Reporting

Do I have to notify TCEQ about PPRW managed as UW?

Only a Large Quantity Handler of UW is required to notify TCEQ by submitting EPA Form [8700-12/Site Identification Form](#).

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

No, an 8-digit Texas waste code is not required for PPRW managed as UW. Some disposal facilities require UW to be identified by a Texas waste code. You may use the sequence code “UNIV” as a Texas waste code for PPRW managed as UW.

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

If managing PPRW as UW will cause the total UW to equal or exceed 5,000 kg., you will become a Large Quantity Handler, and you must submit EPA Form [8700-12/Site Identification Form](#) to TCEQ. This is a one-time submission to receive an EPA identification number. However, you must renotify for any calendar year during which you are an LQH. Small Quantity Handlers are not required to submit this form.

Does PPRW manage as UW count toward my hazardous waste generator status?

No, a large quantity generator, small quantity generator, and a very small quantity generator of hazardous waste are not required to count UW towards their monthly quantity of hazardous waste generated.

Storing and Transporting UW

How long can a UW handler accumulate PPRW managed as UW before shipping it to another UW handler, or a destination facility?

A UW handler may accumulate UW for one year before sending it to an off-site UW handler or a destination facility. A UW handler may extend this time limit if they can demonstrate that the extension is necessary to facilitate proper recovery, treatment, or disposal. [See 40 CFR 273.15(c) and 273.35(c)].

May PPRW UW generated in Texas be transported out of state for recycling or disposal?

PPRW managed as UW can only be sent off-site to another UW handler or destination facility 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 if the person initiating the shipment complies with the export requirements of 40 CFR part 262, subpart H. Because Texas and Ohio are the only states that allow the management of PPRW as UW, shipments of PPRW must comply with all hazardous waste requirements when a shipment of UW crosses the state line (i.e., rules on labeling, transportation,

manifesting, and interim storage). The PPRW UW rules do not require registration or reporting even if the PPRW is transported out of state for recycling or disposal.

What is a destination facility?

A destination facility is a facility that processes, disposes, or recycles one or more categories of UW received from off-site. Destination facilities must manage UW received from off-site as hazardous waste.

Does PPRW UW transported outside Texas for recycling or disposal require a manifest?

For portions of the trip through Texas, you do not need a transporter with an EPA identification number, and you do not need a manifest. However, the portions of the trip through states that do not consider the waste to be UW will require a manifest, and a registered transporter must transport the waste in compliance with 40 CFR 263.

Do I need to use a registered transporter to haul my PPRW that I manage as UW within Texas?

No. You may use a common carrier for in-state transport of your PPRW managed as UW; However, this waste is not exempt from USDOT standards in 49 CFR 172 that apply to the shipment of hazardous materials.

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

Each container must have the words "Universal Waste - Paint and Paint Related Wastes" marked as described in 30 TAC 335.262(c)(2)(F). In addition, you must add this description to the USDOT shipping description per 49 CFR 172.

How do I manage a spill of PPRW that I handle 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 30 TAC 335.504. If hazardous, you must manage the waste under all applicable hazardous waste requirements under 30 TAC, Chapter 335. If the resulting waste is nonhazardous, you must manage the waste under all applicable State and local requirements.

What regulations apply to recycling facilities receiving PPRW managed as UW?

The definition of "UW handler" excludes the operator of a recycling facility. (*See* 40 CFR 273.9). The operator of a destination facility must manage UW received for recycling as hazardous waste. A permit is required for the storage of hazardous waste prior to recycling.

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

The UW rules apply only to wastes meeting the criteria for classification as UW. The UW rules do not apply to mixtures of UW and solid waste. Intentionally mixing universal waste with solid waste to avoid classification as hazardous waste is not allowed. A UW handler who mixes UW and solid waste to avoid regulation is processing that waste, which subjects the person and the waste to the hazardous waste regulations.

Can I puncture and drain my spray paint aerosol cans and dispose of the empty spray paint aerosol cans in the regular trash?

No. They don't go in regular trash because the spray paint aerosol cans contain a concentration of toxic chemicals. Empty aerosol cans, when recycled as scrap metal, are excluded from the definition of solid waste [40 CFR 261.4(a)(13)]. If you recycle the empty spray paint aerosol cans, you must meet the applicable requirements for puncturing and draining aerosol cans in 40 CFR parts 273.13(e)(4) and 273.33(e)(4).

Abbreviations and Terms

CFR—Code of Federal Regulations

PPRW—Paint and Paint Related Waste

LQH— Large Quantity Handler (of Universal Waste)

TAC—Texas Administrative Code

USDOT—U.S. Department of Transportation

UW—Universal Waste

VSQG— Very Small Quantity Generator

For More Information, Contact:

IHW Permits Section

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IHW Registration Section (for registration, reporting, or manifesting questions)

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