

UNIVERSAL WASTE

How to Manage Waste Paint



Department of
Environmental
Conservation

Businesses, institutions, and government entities are required to properly manage the hazardous waste that they generate at their facility. Certain types of hazardous wastes may also be managed under a streamlined set of requirements called the universal waste (UW) regulations. Entities that generate this waste can choose to manage eligible wastes under either the universal waste regulations or the normal hazardous waste regulations. Some paints are hazardous waste. For example, oil-based paint and varnishes may be ignitable and commercial structural coatings may contain heavy metals.

Under New York State law, paint manufacturers are required to provide paint collection programs (such as PaintCare) for consumers to recycle their waste paint. Conditionally exempt small quantity generators (CESQGs) are allowed to bring their paint to a paint collection site for recycling. Paint collection sites are locations operating under a paint collection program (PaintCare) that accepts waste paint from consumers in containers of five (5) gallons or less. Small or large quantity hazardous waste generators cannot use paint drop-off locations. Instead, they can request a paint pickup at their site through PaintCare, even if they manage their paint as UW.



What is a Universal Waste Handler?

Entities that generate or manage universal waste are referred to as “universal waste handlers.” Universal waste handlers fit into one of two categories: Small Quantity Universal Waste Handlers (SQH) who store less than 5,000 kg (11,000 lb) of total universal waste at their facility; and Large Quantity Universal Waste Handlers (LQH) who store 5,000 kg or more of total universal waste at their facility. Universal waste handlers are not allowed to treat, dilute or dispose of universal waste at their facility.

What is Universal Waste Paint?

Universal waste paint is interior and exterior architectural and structural coatings, including, but not limited to, primers, sealers, resin (single component), epoxy-based flooring paint (single-component), lacquers, latex, water-based paint, oil-based paint, and bridge paint.

- UW paint does not include other industrial, original equipment or specialty coatings, paint thinners, or paint contaminated applicators, debris or personal protective equipment. Paint that contains PCBs or pesticides cannot be managed as UW paint.
- Spray paint can only be managed as universal waste aerosol cans until they are drained. Spray paint removed from aerosol cans can be managed as universal waste paint but is not covered under the PaintCare program.
- **Architectural coating** – Paint used for homes and commercial buildings (e.g., wall and ceiling paint and primer, stains, deck and concrete sealers, varnishes, etc.)
- **Structural coating** – Paint used for protective or decorative purposes on components that support built structures. Such components include, but are not limited to, bridges, trusses, girders, stringers, and bents used to support walkways, roadways, railways or subways. (e.g., bridge paint)

How to Handle Universal Waste Paint

A Small Quantity or Large Quantity Universal Waste Handler must do the following:

1. **Storage Time:** Store the universal waste for any period less than one year. The handler must demonstrate compliance with this time limit by doing **one** of the following:
 - a. label the container with the date that UW was first placed in the container;
 - b. mark/label each UW item with the date discarded, or use an inventory system to accomplish the same goal;
 - c. identify the date that UW was first placed in a particular area; or
 - d. any other method that clearly demonstrates compliance with the storage time limit.
2. **Containers:** Paint must be stored in suitable containers and protected from sources of heat. (Management of broken or leaking containers of paint is covered in “Item 4 Leaking, Spilled or Broken Universal Waste.”) Universal waste paint containers must be kept closed when not in use.
 - a. Large quantity handlers of universal waste must also ensure that containers holding ignitable or reactive universal waste paint are located at least 50 feet from the facility’s property line unless written approval is obtained from the authority having jurisdiction over the local fire code to allow accumulation within the restricted area.
 - i. **Note: The written approval must be maintained as long as ignitable or reactive universal waste is accumulated in this area.**
3. **Labeling:** Label the universal waste with **one** of the following phrases: “Universal Waste—Paint(s)” or “Waste Paint(s)”.
4. **Leaking, spilled, or broken universal waste:** Containers of paint that show evidence of leaking must be packed separately and/or overpacked with absorbents. All releases of universal waste must be immediately contained. Materials from cleanup of the release must be assessed to determine if they are hazardous waste. Materials that are hazardous waste must be managed under the normal hazardous waste regulations.
5. **Training:** All employees who handle or manage UW must be informed of handling and emergency procedures.
6. **Prohibitions:** The handler is prohibited from sending or taking the UW to a place other than another UW handler, a destination facility, or a foreign destination.
7. **Recordkeeping:** Keeping records of shipments is recommended for SQHs, but it is required for LQHs.

What Activities Can Handlers of Universal Waste Paint Conduct?

Small Quantity and Large Quantity Universal Waste Handlers can manage intact containers of paint as follows:

- sort paint containers by type;
- place intact containers into one larger container; or
- consolidate the same types of paint by opening the containers and scraping, pouring, pumping, or draining the paint into another container, provided the consolidation activity occurs within secondary containment and the paint is transferred to a suitable container.