2011

Oregon Paint Stewardship Pilot Program Annual Report

paintcare

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EXECUTIVE SUMMARY

Oregon passed legislation (Chapter 777 Oregon Laws 2009) which provided for the establishment of a statewide paint stewardship pilot program through a stewardship organization to:
(1) Establish an environmentally sound and cost-effective architectural paint stewardship program;

(2) Undertake responsibility for the development and implementation of strategies to reduce the generation of post-consumer architectural paint;
(3) Promote the reuse of post-consumer architectural paint; and
(4) Collect, transport and process post-consumer architectural paint for end-of-product-life management.

PaintCare Inc. is the product stewardship organization established to implement the Program on behalf of architectural paint manufacturers. PaintCare is a 501(3)(c) non-profit corporation incorporated in the state of Delaware and registered to do business in Oregon. PaintCare engaged Product Care Association to assist in the development and implementation of the Program given their success running similar programs throughout Canada. Product Care Association incorporated PCA Paint Stewardship, Inc., an Oregon non-profit, to provide for these services. Appendix A displays an organizational chart illustrating the roles of the entities involved in the Program.

PaintCare submitted a Program Plan to the Oregon Department of Environmental Quality (DEQ) on March 1, 2010 and then again with suggested revisions on April 1, 2011, the statutorily mandated deadline. After several more revisions based on negotiations with DEQ, PaintCare submitted the final Program Plan on June 21, 2010. DEQ approved the Program Plan with a letter on June 28, 2010 conditioned on the following:

1. PaintCare would provide statewide collection service as described in the Program Plan as Phase 1 by July 1, 2010.

2. DEQ will review Program performance based on the annual reports and will require amendments to the Program Plan if necessary to ensure that as implemented the Program complies with the underlying statute, paying particular attention to adequacy and scope of the budget with regard to education and outreach activities; adequacy of the collection system, including convenience criteria; performance of service providers and the establishment of a baseline for recycling; and adequacy of the budget to recover, but not exceed the costs of the Program.

Under the law, PaintCare must submit an Annual report as follows (Chapter 777 Oregon Laws 2009 - Section 6):

No later than September 1, 2011, and by September 1 of each subsequent year, a stewardship organization must submit a report to the Director of the Department of Environmental Quality describing the architectural paint stewardship pilot program approved by the director under section 4 of this 2009 Act. At a minimum, the report must contain:

(1) A description of the methods used to collect, transport, recycle and process post-consumer architectural paint in this state;

(2) The volume and type of post-consumer architectural paint collected in all regions of this state;

(3) The volume of post-consumer architectural paint collected in this state by method of disposition, including reuse, recycling, energy recovery and disposal;

(4) An independent financial audit of the Program;

(5) A description of Program costs;

(6) An evaluation of the operation of the Program's funding mechanism;

(7) Samples of educational materials provided to consumers of architectural paint, an evaluation of the methods used to disseminate those materials and an assessment of the effectiveness of the education and outreach, including levels of waste prevention and reuse; and

(8) An analysis of the environmental costs and benefits of collecting and recycling latex paint.

As this is PaintCare's first Annual Report and as this is a pilot program, PaintCare will not only address the statutorily mandated requirements, but will address DEQ's conditional approval as well as other relevant issues so that a more complete depiction of the Program is presented.

SECTION I. A Description of the Methods Used to Collect, Transport, Recycle and Process Post-Consumer Architectural Paint in the State.

A. Collection

1. Collection Locations

Under the Program Plan, PaintCare pledged to provide collection locations across the state. In order to provide good service levels to consumers, PaintCare intended that most collection sites would be open several days per week. In order to do this, the Program Plan outlined PaintCare's intention to contract with current collection infrastructure, establish retail collection, and contract with current or provide PaintCare only events where a permanent collection location could not be sited.

In addition, PaintCare stated that it would strive to serve all areas of the state, particularly rural areas, by addressing gaps in coverage as the pilot rolls-out and as evaluated and reported in the annual reporting requirements under the legislation. Specifically, the Program Plan stated that "PaintCare will continue to assess the convenience and availability of the collection sites system, including the level of service provided by communities served by HHW sites with infrequent operating hours, and if needed, will endeavor to establish additional collection sites in areas not served by the existing facilities and if a permanent site cannot be located, will consider running Program-sponsored paint collection events."[1]

In order to provide for statewide collection coverage as mandated under the statute, PaintCare delineated the following criteria for convenience and availability.(PaintCare Oregon Paint Pilot Stewardship Program Plan, page 17 (June 21, 2010)).

The Program will use distance and population as criteria for determining convenient and available statewide collection under the legislation. The Program will use a 15 mile radius as the criteria for distance and incorporated cities and towns. The PaintCare system of collection sites as proposed in the Program Plan would establish paint collection sites within a 15 mile radius of 97.21% of residents who live in all incorporated cities, towns, and Census Designated Places (CDP)[2] in Oregon. Based on the current Oregon population of 3,471,700, as reported by the US Census, 71.88% of the Oregon population will have a collection site within 15 miles of where they live, which PaintCare believes fulfills the intent of a statewide program and provides a baseline for further evaluation.

PaintCare will set up collection sites in 3 phases (data represents the percent of population in cities

[1]PaintCare Oregon Paint Pilot Stewardship Program Plan, pages 17-18 (June 21, 2010).

[2] CDP is defined as a statistical entity defined for each decennial census according to Census Bureau guidelines, comprising a densely settled concentration of population that is not within an incorporated place, but is locally identified by a name. CDPs are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines. Beginning with Census 2000 there are no size limits.

or towns residing in state). These sites are detailed in Appendix Land provided via maps in Appendix M. Phase 1 sites are identified via the blue shaded rows. Appendix Lwill be updated to identify phase 2 and 3 sites prior to those phase–in start dates.[3]

- *Phase 1 (July 1, 2010) 45 sites – 94.78% of the population living in incorporated cities, towns and CDPs and 70.08% of the entire population of Oregon. Phase 1 will include locations to provide statewide coverage.*
- *Phase 2 (October 1, 2010) 78 sites – 97.14% of the population living in CDPs, incorporated cities and towns and 71.83% of the entire population of Oregon. Phase 2 will include areas without any collection sites as well as remaining larger cities without collection sites and additional collection sites in metropolitan areas.*
- *Phase 3 (December 31, 2010) 91 sites – 97.21% of the population living in CDPs, incorporated cities and towns and 71.88% of the entire population of Oregon. Phase 3 will fill in areas that still do not have coverage or do not have coverage within a 15 mile radius as well as additional coverage in metropolitan areas.*

This system represents 34 out of 36 counties, which represents 98.89% of the total population in Oregon. For the remaining portion of the population that does not have a permanent collection location within a 15 mile radius, PaintCare will strive to provide regular service in at least one area in their county or the closest population center where paint is purchased.[4]

Note, that the above excerpt from the Program Plan did not specify that all Phase 1 collection locations would be active on July 1, 2010, but that the first Phase would provide for collection sites state wide. In fact, in numerous correspondences with DEQ in this regard, PaintCare specifically stated that July 1, 2010 was only a start date and not a full implementation date for Phase 1. The purpose of the phased in approach was in response to the evolving nature of identifying and contracting for collection sites, particularly retail sites. However, the PaintCare collection locations instituted under Phase 1 included 7 Portland metropolitan locations as well as 38 others throughout the rest of the state. Thus, while DEQ's terminology of the first condition under their June 28, 2010 Program Plan Approval letter is not completely accurate, the state wide collection service condition was satisfied.

In addition, PaintCare is pleased to report that after completing all three phases, and adjusting throughout the first year for proposed sites that dropped out as well as additional sites added due to demand, as of June 30, 2011 the Program had established 95 collection sites throughout the state that service 95.9% of the Oregon population under the above referenced standard. This translates into 70.9% of the total Oregon population having a collection site within 15 miles.

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[3]Appendix L of the Program Plan is now Appendix B in this report.

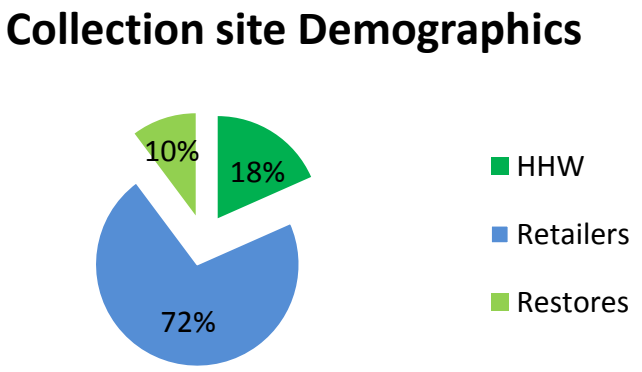
[4]For example: 1. Gilliam County will not have a PaintCare Program collection site because they have household hazardous waste collection available at the solid waste landfill in Arlington. The Arlington landfill operator has declined to be a PaintCare collection site. 2. Sherman County is served by the Tri-County Hazardous Waste and Recycling program that provides scheduled collection events in Sherman County. The program has agreed to participate in the PaintCare program. There is also a retail collection site in The Dalles (Wasco County), a major retail center for these communities.

PaintCare believes this figure is overly conservative since it assumes that anyone not living in an incorporated city, town or CDP does not live within 15 miles, which is not the case. In fact, an independent review of PaintCare's collection convenience using GIS technology found that 53%, 78%, and 90% of the population is within 5, 10, and 20 minutes respectively of the closest collection facility and 71%, 84%, and 91% is within 5, 10, and 15 miles respectively of the nearest collection facility.[5]

In comparison, using the Program Plan criteria, the collection convenience prior to the PaintCare program (based on the information in Appendix K of the Program Plan (now Appendix C1)) shows that pre-program coverage was 51.2% of the total Oregon population and 69.2% of the population in incorporated, cities, towns and CDPs. This translates into a 38.5% increase in collection convenience based on locations at the end of year one as compared to pre-program. Further, the PaintCare Program collection infrastructure, in contrast to infrastructure pre-program is far superior. Prior to the PaintCare Program, leftover paint was collected at 11 HHW facilities serving 19 counties in Oregon. However, seven of those counties only had HHW events and 10 counties had no HHW service at all. Prior to the PaintCare Program, only 3 paint retailers served as collection locations. The following tables emphasize the value the new PaintCare Program has brought to Oregon and demonstrates the greater accessibility of the PaintCare Program in contrast to pre-program service levels. What is more difficult to calculate, but important to note as well is that PaintCare collection locations also provide a much greater level of convenience than pre-program collection service since the majority of the PaintCare collection sites are open multiple days a week.

As gap analysis is ongoing and PaintCare continues to pursue permanent collection locations in additional areas of the state, 3 more sites have been added to date. Thus, as of September 1, 2011 the current collection infrastructure under the PaintCare Program is 98 permanent sites. Of the 98 permanent sites, 18 are Household Hazardous Waste locations, 70 are paint retail stores and 10 are ReStores (retail outlets that sell donated building materials, among other items). The following figure 1 and table 1 presents this data.

Figure 1: A breakdown of collection site demographics.



[5]See http://www.paintstewardshipprogram.com/, Item 18 -Convenience Analysis of the Oregon Paint Management Pilot Program by Hedrick Strickland, Duke University; advised by Dr. Lynn Maguire and Matt Keene, US EPA.

Table 1: Summary of current collection system as of September 1, 2011.

	Number	% of sites
HHW & Solid Waste Sites	18	18.4%
Retailers	70	71.4%
ReStores	10	10.2%
Total Collection Sites	**98**	**100%**
PaintCare sponsored events	2	
Local HHW events	57	
Total Collection Events	**59**	

Table 2: Comparison of pre-program collection network versus current collection network.

	Pre-program	Current program
HHW & solid waste facilities	15	18
Counties served by HHW & solid waste facilities	19	19
Counties serviced by events	6	4
Counties with no service	17	2

Note: Pre-program numbers based on information from Appendix K in Program Plan (now Appendix C1)

Figure 2: A comparison of each phase versus percentage of population served in incorporated cities, towns and CDPs.

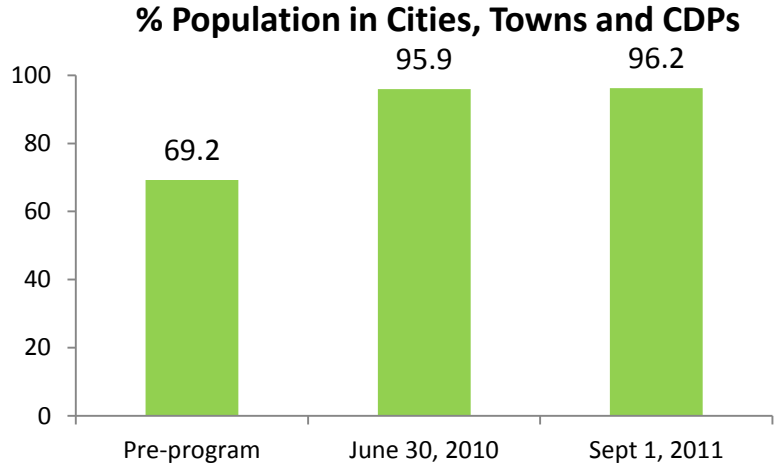


Figure 3: A comparison of each phase versus the percentage of the entire Oregon population served.

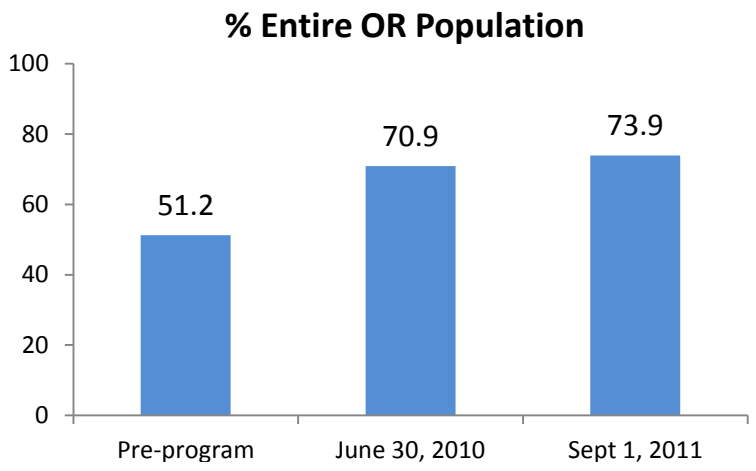
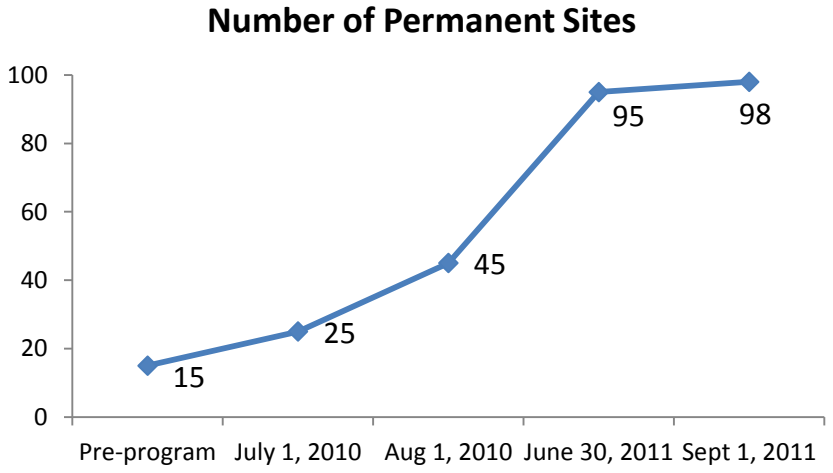


Figure 4: A comparison of each phase versus the number of permanent collection sites.



Notes:

1. Pre-program numbers are based on the data in the Appendix K of the Approved Program Plan (now Appendix C1)
2. Current incorporated cities, towns and CDPs percentages are lower that targeted percentages because areas being serviced by events are not included in the calculations as they are not considered permanent collection sites

Further, as noted in Table 1, PaintCare participated in current HHW collection events throughout the state, and held paint only collection events in areas where a permanent collection location could not be sited. As of September 1, 2011, PaintCare participated in 57 HHW collection events and sponsored 2 PaintCare events.

The following table lists the collection events PaintCare participated in or sponsored:

Table 3: List of all HHW and PaintCare events through September 1, 2011.

Date	Collection Event	City/Town	County
7/31/10	Rogue Transfer & Recycling	White City	Jackson
8/18/10	Corvallis Disposal/Allied Waste HHW Event	Corvallis	Benton
8/19/10	Corvallis Disposal/Allied Waste HHW Event	Corvallis	Benton
9/13/10	Tri County - Odell	Odell	Hood River
9/13/10	Southern Oregon Sanitation	Grants Pass	Josephine
9/27/10	Tri County - Cascade Locks	Cascade Locks	Hood River
10/11/10	Tri County - Tygh Valley	Tygh Valley	Wasco
10/19/10	Yamhill Co Solid Waste	McMinnville	Yamhill
10/26/10	Tri County - Mosier	Mosier	Wasco
10/27/10	Albany-Lebanon Sanitation/Allied Waste HHW Event	Albany	Linn
11/17/10	Corvallis Disposal/Allied Waste HHW Event	Corvallis	Benton
11/17/10	Tillamook County SW transfer station	Tillamook	Tillamook
2/18/11	Corvallis Disposal/Allied Waste HHW Event	Corvallis	Benton
4/26/11	Morrow County Solid Waste	Lexington	Morrow
4/26/11	Tri County - Maupin	Maupin	Wasco
5/10/11	Rogue Transfer & Recycling	White City	Jackson
5/10/11	Polk Co Solid Waste	Dallas	Polk
5/10/11	Tri County - Moro	Moro	Sherman
5/18/11	Corvallis Disposal/Allied Waste HHW Event	Corvallis	Benton
5/18/11	Tri County - Dufur	Dufur	Wasco
5/18/11	Yamhill Co Solid Waste	McMinnville	Yamhill
6/21/11	Clatsop Co. Public Health	Warrenton	Clatsop
6/30/11	Tri County - Tygh Valley	Tygh Valley	Wasco
8/13/11	Corvallis Disposal/Allied Waste HHW Event	Corvallis	Benton
various	33 events held by Metro	various	Metro
6/30/11	Fossil (PaintCare - paint only event)	Fossil	Wheeler
7/2711	Lakeview (PaintCare - paint only event)	Lakeview	Lake

The following figures show the locations of all PaintCare collection locations, whether HHW, retail, ReStores or events.

Figure 5: A map of the pre-program collection sites.

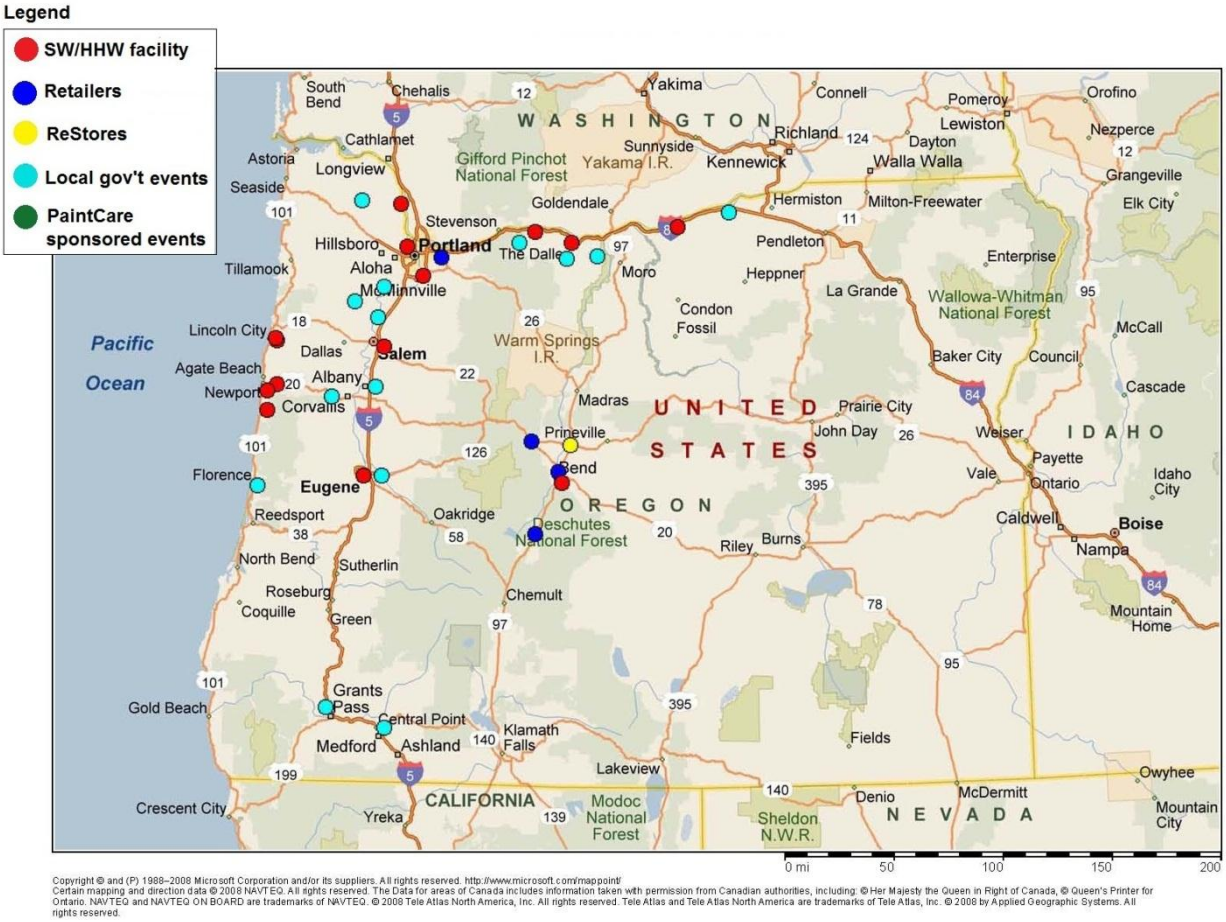


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Figure 6: A map of the paint collection sites as of June 30, 2011.

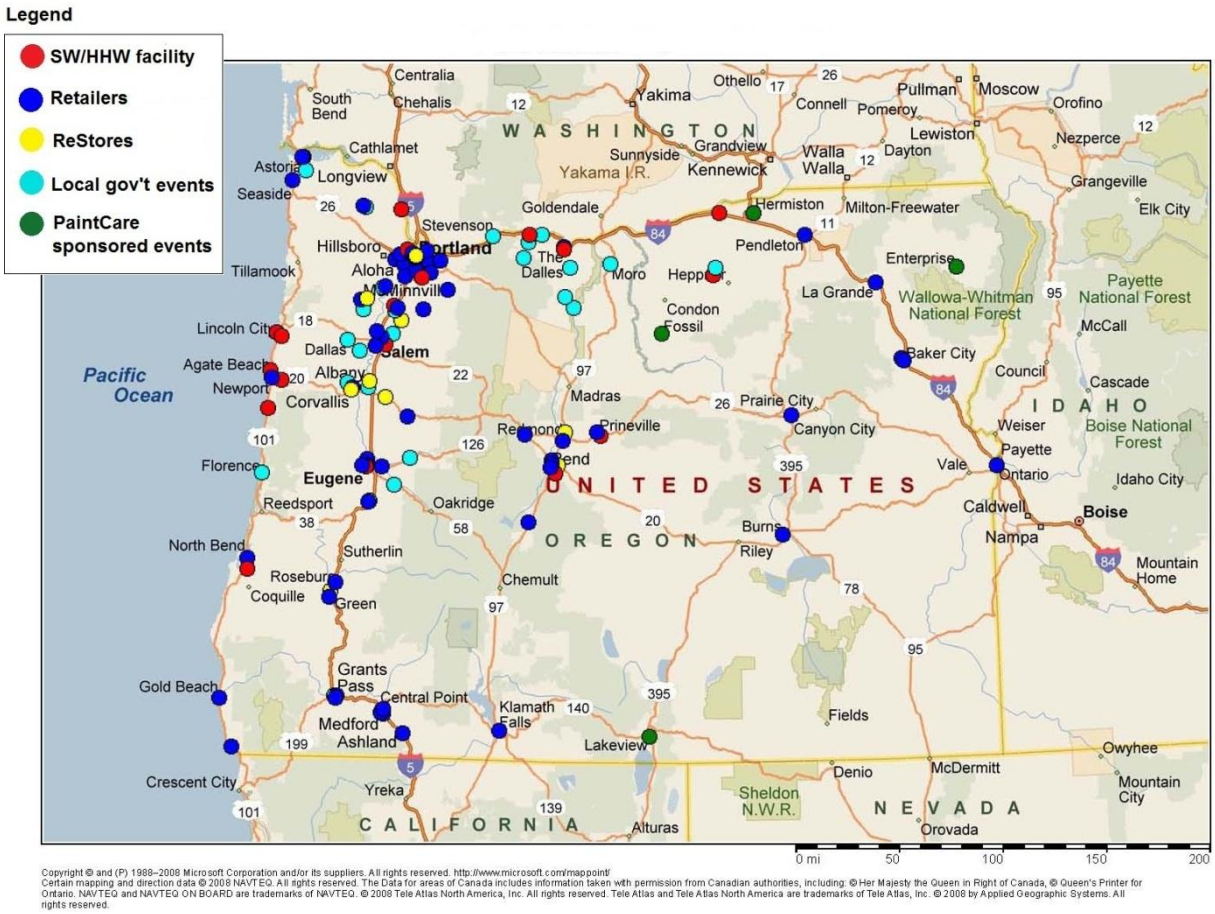
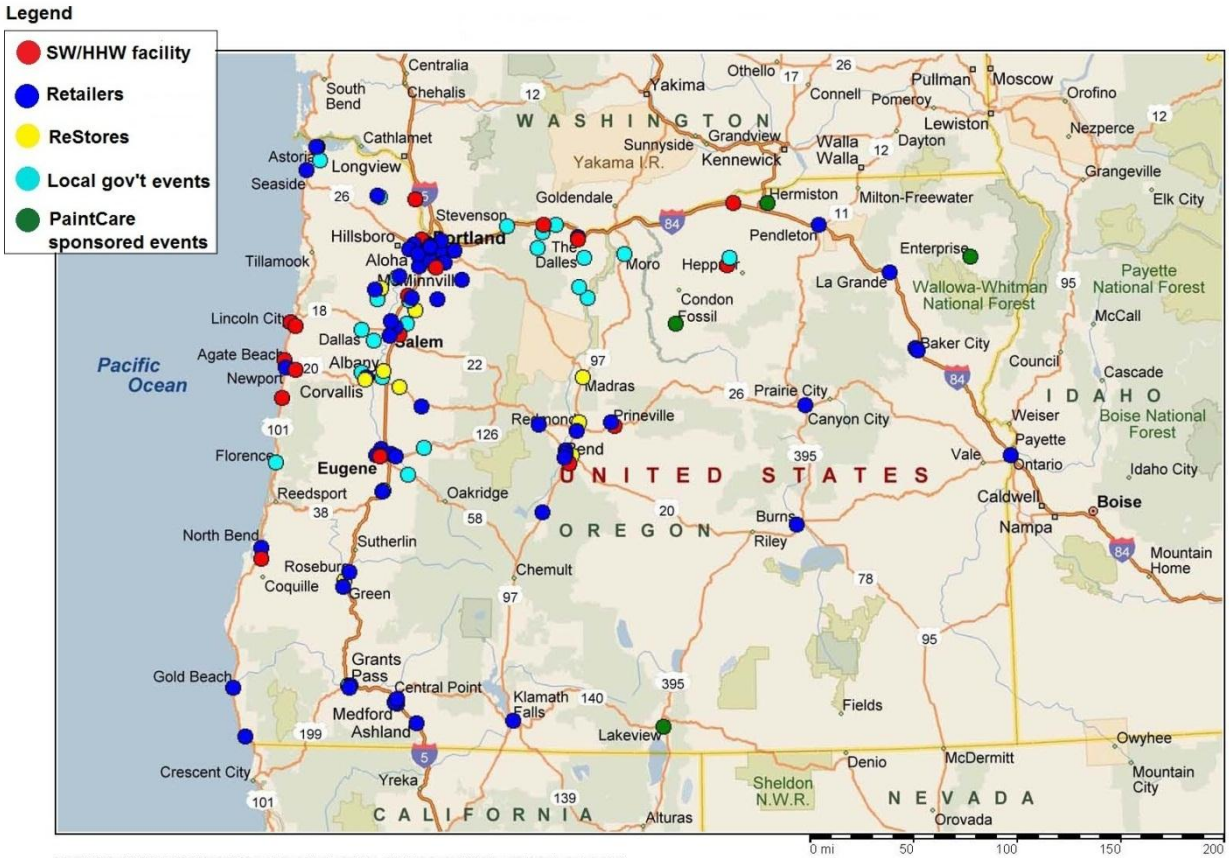


Figure 7: A map of the paint collection sites as of September 1, 2011.



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Paint collection event in Fossil, Oregon.

In addition to collection sites and events, the Program also provided direct pick up service to 22 institutional, commercial and industrial entities. These included such organizations as trade painters, apartment complexes, housing authorities and other private businesses (see large volume direct service below).

PaintCare has conducted two surveys of Oregon residents with regard to the PaintCare Program (as discussed in detail under Section 7) and a significant portion of the second survey was dedicated to collection infrastructure. Under the first survey, respondents felt that it was *important* to have a program in place that accepts unneeded paint, with 61% saying it is *very important*, 31% saying it is *somewhat important* and just 8% saying it is *not important.* Residents of Southern Oregon and females were most likely to answer *very important* (72% and 68%, respectively). Under the second survey, approximately one third (31%) of respondents were aware of established drop off locations to collect leftover paint and 61% of residents who were aware of the Program were also aware of a drop-off location. 45% of respondents of the second survey live within 1-5 miles from the nearest drop-off location and 63% of the respondents consider the drop-off locations to be convenient. Both surveys' results evidence compliance with the statutory mandate of convenient and available statewide collection.

Thus, one element of condition 2 of DEQ's conditional approval of the Program – the adequacy of the collection system, including convenience criteria – has been satisfied.

2. Collection Procedures

The Program entered into contracts with each collection site. A Collection Site Procedures Manual was distributed to and maintained by all collection sites and events and is referenced in the Collection Site agreement. The manual includes information on the following:

- Collection Site Standards
- Screening Procedures for Conditionally Exempt Small Quantity Generators
- Information on accepted and non-accepted Program products
- Information on the management of the Paint Exchange program including required waiver forms
- Reporting requirements
- Management requirements and operational procedures.

Collection site operators received training from the Program, including site visits, with respect to collection site procedures including customer service and environmental risk reduction. Collection site personnel are required to visually inspect, but not open, containers of post-consumer paint to confirm that they are Program products, and then place them in the spill proof collection containers provided by the Program. Collection location are subject to site visits by the Program on a routine basis (generally at least once per year) to ensure compliance by the site with Program requirements, as well with health, safety and environmental standards and/or in response to complaints or compliance issues. PaintCare conducted compliance visits to 76 of its collection locations in the first year of the Program – concentrating on the retail collection sites since most were new to paint collection. The remainder of the retail collection sites will be

visited for compliance review in the second year of the Program. The HHW sites will be visited on an as needed basis.

B. Transportation

1. Transportation Procedures

Generally, transportation from the collection center is the responsibility of the owner of the post-consumer paint; however, as discussed below, PaintCare did institute a door-to-door program for large volume pick-ups. PSC is the transportation service provider under contract for the PaintCare Program in Oregon. PSC is required to comply with applicable state and federal DOT regulations. Collection containers are placed at all collection sites, the number of containers dependent on site storage and location. When a collection location fills approximately 50% of their container capacity, they call PSC to schedule a pick up. PSC picks up the full containers and drops off empty containers. Containers are then transported to a consolidation location where the Program products are sorted for processing – latex paint for recycling and alkyd paint for fuel blending. Incidental non-Program products are managed under federal, state and local laws.

2. Large Volume Direct Service

Given that the most convenient drop-off locations are generally retail sites, since they are open the most days/hours and since the Program is not just open to households, but commercial painters and businesses as well, PaintCare instituted a large volume direct service option. Under this option, residents with over 200 gallons, as long as they are exempted small quantity generators under applicable law for alkyd paint, can call PSC and schedule a door-to-door pick-up, thus avoiding overwhelming any one retail location.

Table 4: Large volume direct pick-up service.

Number of Large Volume Direct Pickups (July 1, 2010 –June 30, 2011)	**Approximate Total Gallons**
19	4,050

3. Material Tracking

PSC must utilize a tracking and audit system, by which collection containers are tracked from collection site to consolidation location and Program products are tracked from consolidation location to processor. The Program ensures tracking of and record keeping of the reuse, recycling and disposal of the architectural paint in the Program within the state and outside of the state. The Program also tracks the paint from the point of collection to its ultimate disposition, by type of paint, volume of paint and by method of disposition, which will be presented under SECTION 3. Volume and Disposition.

C. Recycling and Processing

1. Latex Paint Processing

Metro is the service provider for recyclable latex paint under contract for the PaintCare Program in Oregon. PSC is the service provider for non-recyclable latex paint under contract for the PaintCare Program in Oregon. Metro collects good, recyclable paint from its locations in the Portland metropolitan area and accepts recyclable latex paint from outside the Portland area from PSC's consolidation center. Latex paint under the Metro contract is made into new recycled content paint and sold or distributed through a variety of channels. Any latex paint processed at the MetroPaint facility that is not of suitable quality to recycle back into paint is disposed of by biodegradation. This is a process by which paint is pumped into a tanker truck by a contractor, along with the washwaterMetro uses in the recycling process, and hauled to the Columbia Ridge Landfill in Arlington, Oregon. This is a municipal solid waste landfill, one of a handful around the country that has a special Research, Development and Demonstration permit to test the biodegradation approach to solid waste landfilling. In contrast to the traditional "dry entombment" model of most solid waste landfills, a biodegradation approach intentionally circulate liquids into the solid waste, in order to speed up degradation of the waste. At Columbia Ridge the liquids include the landfill's own leachate, as well as various wastewaters brought in from elsewhere. The liquids are introduced into the landfill though plastic piping that has been installed for the purpose of landfill gas extraction. This provides two benefits: 1) because the waste quickly degrades it actually reduces the height of the landfill, allowing more waste to be placed into a given cell, and 2) it produces a high volume of landfill gas quickly, which makes it much more economical to extract the gas and use it for energy production.

Latex paint collected outside the Portland Metro area deemed unsuitable for recycling is sent to Amazon Environmental. Amazon recycles some of this material into recycled content paint, while the rest is used to make either PLP, a raw material used in in cement manufacture, or PWP, which is a biomass fuel product. PLP is Amazon's exclusive patented process which recycles non-usable waste paint into an alternative raw material used in the manufacture of cement. The waste paint is used to bind dusty, but mineral rich wastes, such as lime kiln dust, to make a raw material from two waste streams that otherwise could not be used. PLP can replace a portion of shale, clay, or limestone, which is mined in order to manufacture cement. Similarly, PWP, the biomass fuel product, is made by using waste paint as a binder for wood dust, chips and other high BTU value materials so that they can be used as a fuel source.

2. Alkyd Paint Processing

PSC is the service provider for alkyd paint under contract for the PaintCare Program in Oregon. PSC services the entire state, including Metro for alkyd paint and all goes for fuel blend.

3. Reuse

Metro runs a reuse program under contract for the PaintCare Program. In addition, PaintCare has contracts with several ReStores (e.g., Habitat for Humanity). Under the reuse scenario, good,

usable paint in containers that are a half to completely full are offered to the public either for free or for a discounted price so that the paint can be used for its first intended purpose before being transported to another location for further processing or disposal. For the reporting period a total of 15,122 gallons of paint was managed through reuse under the Program. The collection sites with reuse programs reported in gallons to the Program, however to be conservative, the Program is reporting ¾ of a gallon for every gallon reported by the collection sites with reuse to account for the fact that not all gallon containers were full.

4. Container Recycling

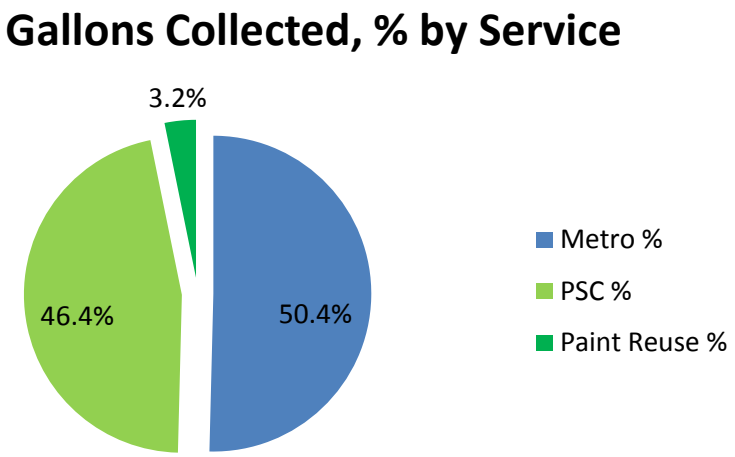
At the time of the Program Plan submission, there were no markets for steel container recycling identified, however, PaintCare stated that the Program would work with service providers to identify and utilize opportunities as they arose. PaintCare is pleased to report that the plastic paint pails from Metro's recycling operations continue to be sent for recycling and during the year a market for metal paint containers was developed for Metro's metal cans. In addition, the metal cans from Amazon's operation are being recycled. For the reporting period a total of 47.1 tons of plastic pails were recycled and a total of 64.8 tons of metal cans were recycled.

Empty paint cans at MetroPaint in Portland, Oregon.

SECTION II. The Volume and Type of Post-Consumer Architectural Paint Collected in all Regions of the State.

A total of 469,665 gallons of paint were collected between July 1, 2010 and June 30, 2011. 236,726 gallons were collected through the collection centers under contract to the PaintCare Program operated by Metro. 217,818 gallons were collected outside the Portland metropolitan area. Please see Appendix D for the volume of post-consumer architectural paint collected by location.

Figure 8: Collection volume by service provider.

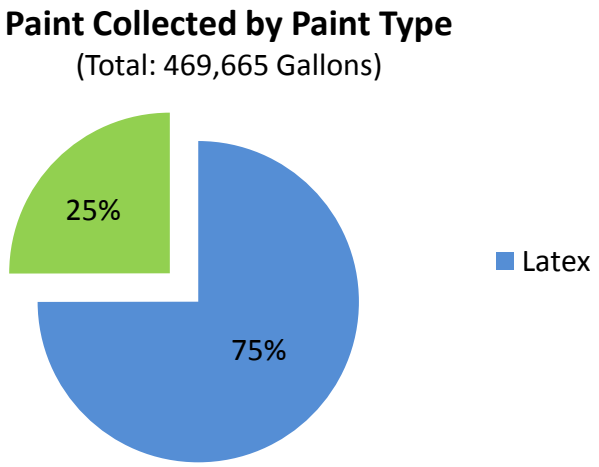


Utilizing a conversion factor of 10 lbs/gallon, the total pounds collected would be 4,696,650 pounds. In comparison, the reported collected poundage in Appendix G of the Program Plan (now Appendix C2) by DEQ for 2008 was 4,548,258 pounds. Volume data from the PaintCare Program is being compared to volume data pre-program in an attempt to measure from a baseline. However, comparing the two is extremely difficult since not all pre-program volumes were measured the same way as measured in the PaintCare Program; some volumes have been estimated or converted from weight to volume using different conversion factors; and data collected pre-program on paint products may or may not comport with actual PaintCare Program products (i.e., paint related materials, like thinners and solvents were often combined with alkyd paint and reported as paint, while the PaintCare Program only reports true alkyd paint products). In addition, the Program is converting residual gallons (i.e., excluding the weight of the containers) to pounds. Thus, the comparison has been provided for discussion purposes only as it is not applicable for actual measurement purposes.

Table 5: Gallons of paint collected by type.

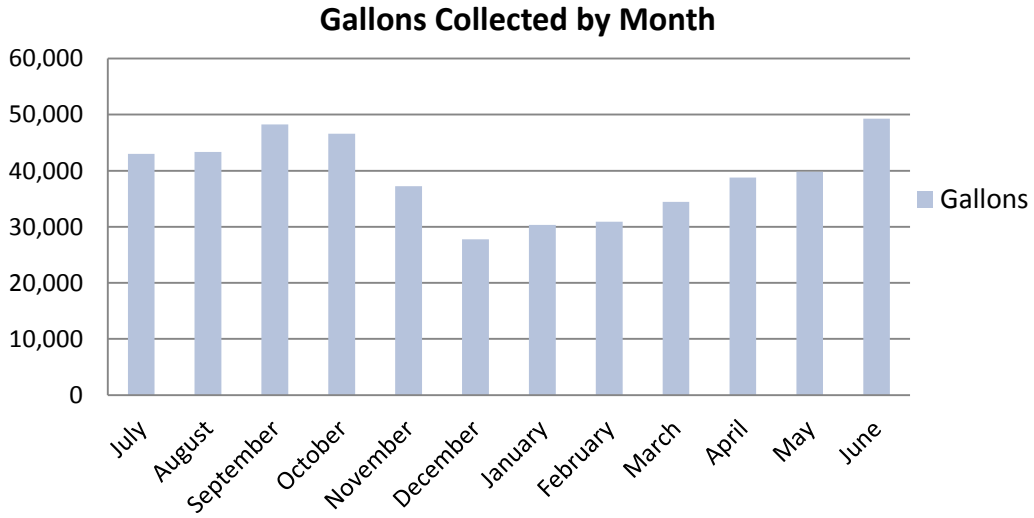
Total Alkyd	117,529	25%
Total Latex	352,136	75%
Total	**469,665**	**100%**

Figure 9: Paint collected by paint type.



Given the seasonal nature of HHW collection, PaintCare tracked gallons collected by the Program by month. As the following figure shows, the highest amount of paint was collected during the June through October months and the lowest collected during the November through May months.

Figure 10: Collection volume seasonality.



Note all volumes are approximate as a conversion factor must be applied to convert not only the weight of the full collection containers to volumes but also to provide an estimate of the amount of paint in those containers (since not all paint cans are completely full and not all collection containers are completely full).

As the Program Plan estimated the quantity of paint recovered as well as the quantity sold, the quantities of paint actually recovered by the Program were tracked and compared to the actual quantity sold (to determine the actual recovery rate) and also compared to the quantity estimated to be available for collection (to determine the actual capture rate) and these targets have now been revised accordingly.

Table 6: Architectural paints sales in Oregon (Fiscal Year July 1-June 30).

	Plan Target 2010-2011	Year 1 Actual
Gallons Latex	6,200,000	6,337,816
Gallons Oil-based	1,550,000	975,904
Total Gallons sold	**7,750,000**	**7,313,720**
Latex-Oil based split		
Latex	80%	87%
Oil-based	20%	13%

Table 7: Paint available for collection (Fiscal Year July 1-June 30) based on 10% of sales.

	Plan Target 2010-2011	Year 1 based on Actual Sales
Gallons Latex	542,500	511,960
Gallons Oil-based	232,500	219,412
Total gallons available for collection	**775,000**	**731,372**
% available for collection	10%	10%
Latex-Oil based split		
Latex	70%	70%
Oil-based	30%	30%

Table 8: Paint capture and recovery rate.

	Plan Target 2010-2011	Year 1 Actual
Gallons Latex	384,105	352,136
Gallons Oil-based	164,617	117,529
Total gallons collected	7.10%	6.4%
Latex-Oil based split		
Latex	70%	75%
Oil-based	30%	25%

Thus, based on the service provided by vendors outlined above and the actual recovery and recycling achieved, another element of condition 2 of DEQ's conditional approval of the Program – the performance of the paint processing service providers and establishment of baseline levels for recycling – has been satisfied.

A retail paint drop-off site: an Ace Hardware store in Kerr, Oregon.

A tubskid of collected leftover paint at a Harrison's True Value store in Harrison, Oregon.

SECTION III. The Volume of Post-Consumer Architectural Paint Collected in the State by Method of Disposition, Including Reuse.

Of the latex collected 53% percent went to Metro recycling; 28% went to Metro biodegradation; 3% for Reuse; 4% for Amazon Recycling; 4% for Amazon biomass; and 8% for Amazon PLP. Of the alkyd collected 3% went for reuse and 97% went for PSC fuel blend.

Table 9: Summary of paint latex and alkyd disposition.

Latex Management	
Metro Paint Recycling	53%
Metro Biodegradation	28%
Paint Reuse (ReStores)	3%
Amazon Paint Recycling (PSC)	4%
Amazon Biomass (PSC)	4%
Amazon PLP (PSC)	8%
Total	**100%**
Alkyd Management	
Fuel Blending (PSC)	97%
Paint Reuse (Metro & ReStores)	3%
Total	**100%**

Figure 11: Latex paint disposition.

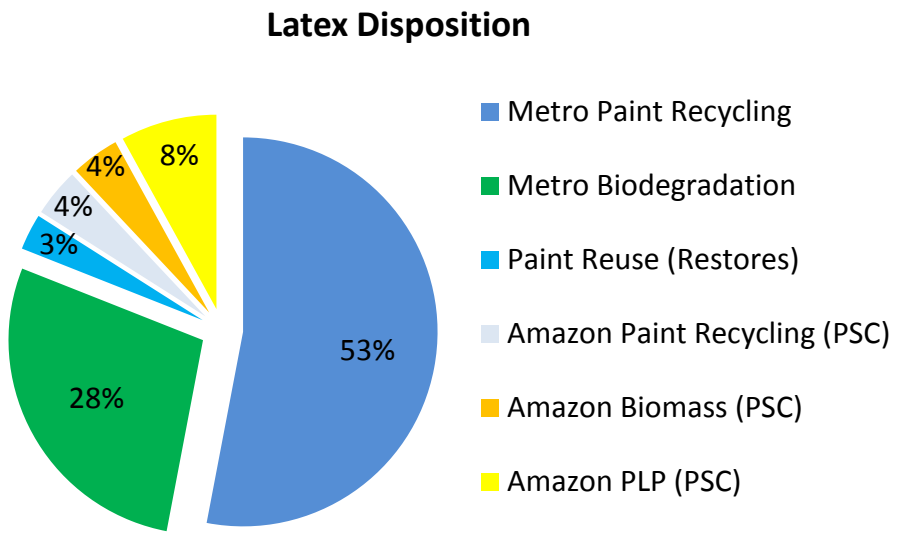
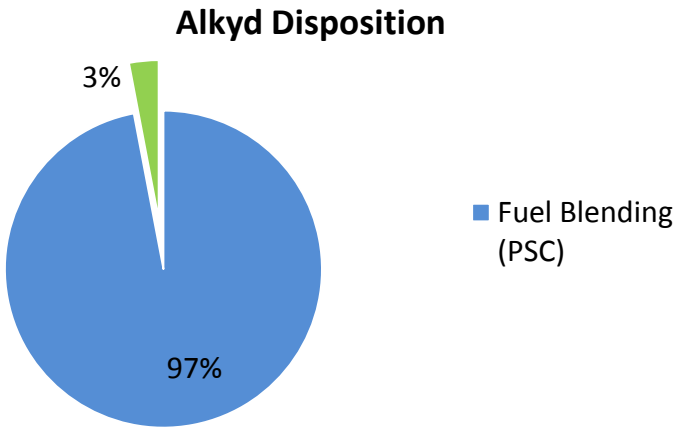


Figure 12: Alkyd paint disposition.



Recycled paint at MetroPaint in Portland, Oregon.

SECTION IV. An Independent Financial Audit of the Program.

An independent financial audit was conducted of the PaintCare Program by Mayer Hoffman McCann, P.C. This independent CPA firm conducted the audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that the firm plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement and includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. In Mayer's opinion, the financial statements of the PaintCare Program, present fairly, in all material respects, the financial position of PaintCare, Inc. as of June 30, 2011, and the changes in its net assets and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Please see Appendix E for the independent financial audit of the PaintCare Program.

SECTION V. A Description of Program Costs.

Program expenses fall into two main categories – Delivery Expenses and Administrative Costs. Delivery Expenses include collection expenses, transportation services, processing services, including reuse, recycling and proper disposal, and communications, including marketing and advertising, website support, a national 1-800 number and point of sale materials. Note, transportation and processing services are combined due to the fact that PSC provides both transport and processing services and the cost for such is combined into one price under the PSC contract. In addition, as there are only two service providers in this regard, delineating the costs for PSC versus the costs for Metro would result in a breach of the confidentiality clause in the PSC contract regarding their pricing information. Administrative costs include management fee service payments to Product Care, the American Coatings Association and the Oregon DEQ; development costs expended prior to the start date of the Program on July 1, 2010 by Product Care and the American Coatings Association; legal and banking fees; and insurance costs. The following outlines the costs for these services as well as a total of the Program costs for year one of the Oregon PaintCare Program.

Table 10: Program delivery expenses.

PROGRAM DELIVERY EXPENSES	
Collection support	7,590
Transportation & processing	2,389,721
Communications	324,796
TOTAL PROGRAM DELIVERY EXPENSES	**2,772,107**
ADMINISTRATIVE COSTS	
Management fees	273,476
Legal & Bank fees	132,899
Program insurance	68,171
Advanced development costs	105,324
TOTAL ADMINISTRATION EXPENSES	**579,870**
TOTAL EXPENSES	**3,301,977**

Using the US Dept of Commerce US Census Bureau (Resident Pop) 2010 Oregon population of 3,831,074, the following table presents the costs metrics for the Program.

Table 11: Program delivery metrics.

Cost per person	$0.86
Cost per gallon	$7.03
Gallons collected per person (gallons/capita)	$0.123

SECTION VI. An Evaluation of the Operation of the Program's Funding Mechanism.

A. Operation of the Assessment Rate

The Statute provides:

> Section 4(2) The plan must:
>
> (c) Include a funding mechanism whereby each architectural paint producer remits to the stewardship organization payment of an architectural paint stewardship assessment for each container of architectural paint the producer sells in this state. … To ensure that the funding mechanism is equitable and sustainable, a uniform architectural paint stewardship assessment must be established for all architectural paint sold in this state. The architectural paint stewardship assessment must be approved by the director as part of the plan and must be sufficient to recover, but not exceed, the costs of the architectural paint stewardship pilot program.

The Program proposed the assessment rate in the table below.

Table 12: The proposed assessment rate.

1/2 pint container or less	$ 0.00
> 1/2 pint to 1 quart container	$ 0.35
> 1 quart to 1 gallon container	$ 0.75
> 1 gallon to 5 gallon container	$ 1.60

The amount of the assessment (PaintCare Recovery Fee) was based on a multi-year budget for the duration of the pilot program period (i.e., the period from the Program start date until June 30, 2014) which was provided under separate cover to Oregon DEQ to protect confidential business information included in the budget.

Obligated producers report sales, generally on a monthly basis and pay the assessment to PaintCare using an online secure filing system and electronic fund transfer or check to the PaintCare bank account. This assessment is then passed onto a distributor or retailer who is mandated by law to add it to the final sales price of the product. In some cases, under Remitter Agreements provided for by PaintCare, the producer's obligation has been discharged to a retailer or distributor, who reports and remits payment to PaintCare on behalf of the manufacturer or brand, again on a monthly basis. This allows a distributor or retailer to better account for product sold in or into Oregon, versus surrounding states, and/or to not remit payment for the assessment until the product is actually sold.

The system has performed well and to date no recalcitrant producers or remitters have materialized. However, PaintCare has received one report of a retailer refusing to pay the assessment on wholesale goods received from a participating producer. As attempted direct

PaintCare communication with the retailer received no response and as it is unclear whether or not the retailer did or did not add the assessment to the final cost of the product as mandated by law, PaintCare has provided the retailer's information to DEQ for enforcement action. PaintCare is currently awaiting response from DEQ in this regard.

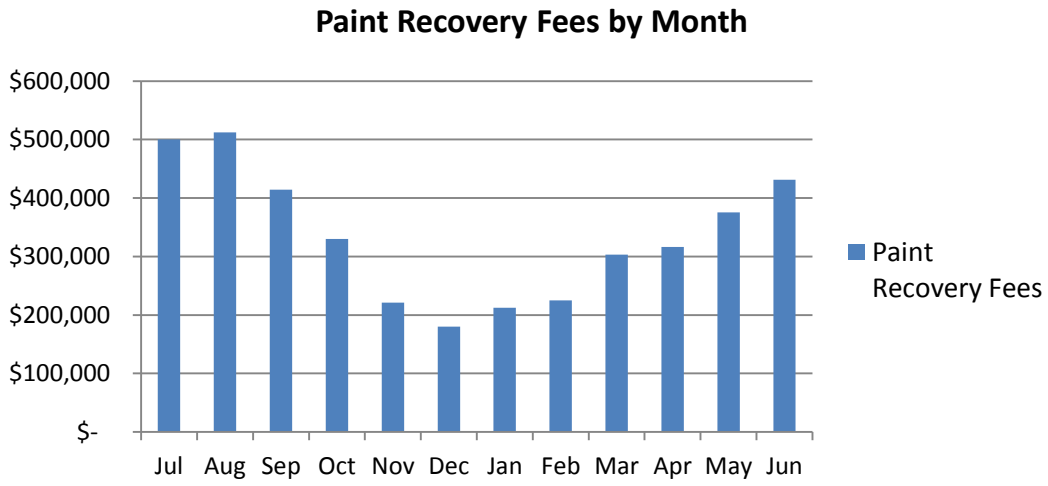
B. Revenues

Sales of architectural paint in Oregon were not tracked prior to the start of the Program, thus, revenue based on the assessment placed on sales had to be estimated in the Program Plan. Estimates were derived by pro-rating national architectural paint sales data by population, resulting in estimated sales in Oregon in 2009 of 7.75 million gallons of Architectural Paint. The Program has now acquired accurate sales data from producer and remitter reporting and will revise future year projections based on the new data. As sales vary from year to year with general economic activity, related home-building/renovation activities, and seasonal variation, reforecast of revenue will be done on at least an annual basis by the PaintCare Program.

Actual sales were 11% below estimated, however, since expenses were also below estimated levels, the budget from the start of the Program (including development costs) until June 30, 2011, projected to run a deficit of $13,435, actually had a surplus of $259,911. As per the Program Plan if, as the Program progresses, it appears that the assessment rate is insufficient to cover Program costs, or substantially exceeds Program costs, PaintCare will submit a request to Oregon DEQ to modify the assessment rate. Similarly, any deficit will be financed and any surplus will be carried over based on the 4-year budget. As the surplus realized this year is not enough to reduce the assessment rates, it will be carried over into year two and used for Program costs. Thus, the assessment rates will continue unchanged for the 2011-2012 fiscal year and the last element of condition 2 of DEQ's conditional approval of the Program – adequacy of the PaintCare budget to recover, but not exceed, the costs of the Program and the adequacy of the fee structure – has been satisfied.

Given the seasonality of paint sales, and the fact that participants report and remit PaintCare Recovery Fees by month, the following graph charts paint revenue by month. Again, similar to the seasonality of paint collection, the highest revenue months are May through October, the lowest revenue months November through April.

Figure 13: Revenue seasonality.



C. Consumer Perception

PaintCare surveyed Oregon residents with regard to the assessment in order to gauge not only its role in awareness, but also perception of the Program, including costs and benefit. In Oregon, while not mandated, most retailers are showing the assessment as a separate charge on the retail receipt. In addition, as outlined below and as mandated by law – PaintCare has undertaken extensive education and outreach with regard to the Program, including the funding mechanism and fee structure. Some key findings include the fact that a vast majority of the respondents of the first survey believe that the consumer fees per-can of paint are reasonable, with 33% calling them very reasonable, and 40% calling them somewhat reasonable. Only about one-quarter (23%) consider the fees unreasonable. (Those ages 35-44 and female respondents were most likely to find the fees reasonable (81% and 79%, respectively)). In terms of awareness of the PaintCare Recovery Fee, over 10% of all survey respondents in the second survey were aware of the fee. Females were slightly less aware (10%), compared to males at (13%). Residents most likely to be aware of fees are residents of the Oregon Coast (17%), compared to residents of Southern Oregon who were least likely (8%) and are those aged over 65, with an income over $50,000 per year and are college graduates or higher. Most telling, the overwhelming majority (93%) of respondents in the second survey answered that the fee did not have any impact on the quantity of paint they purchased most recently.

SECTION VII. Samples of Educational Materials Provided to Consumers of Architectural Paint, an Evaluation of the Methods Used to Disseminate Those Materials and an Assessment of the Effectiveness of the Education and Outreach, Including Levels of Waste Prevention and Reuse.

A. Educational Materials Provided to Oregon Consumers of Architectural Paint

Please see Appendix F for samples of educational materials used by the PaintCare Program.

1. Point of Sale Materials

PaintCare distributed point of sale information for use by retailers for consumers purchasing architectural paint in Oregon. These materials included posters to advise consumers of the Program, how to obtain information on the Program, the importance of purchasing the correct amount of paint, and identifying collection locations for the Program. In addition, PaintCare distributed counter cards, which included information on the assessment rates, what products were accepted under the Program and where to find local collection locations. Where requested, PaintCare worked with individual retailers to modify the Program materials to comply with individual store or corporate requirements.

In total, 54,748 counter cards and 320 posters were sent to 190 locations, including all individual paint retail locations as well as corporate headquarters, where requested at the start of the Program. Those that requested mailings to corporate headquarters, preferred to distribute the material to their retail outlets internally. PaintCare provides these point of sale materials to all retailers free of charge and restocked such throughout the year as needed or upon request.

A PaintCare poster on the window of a Sherwin-Williams store, Klamath Falls, Oregon.

2. *Direct Mail*

PaintCare produced a number of mass mailings to inform contractors and retailers of the Program. Trade painters were send two separate mailings with a factsheet on the Program, one in April 2010 and another in June 2010. A total of 2,414 factsheets were mailed to trade painters. Retailers were sent a separate factsheet as well as a request to voluntarily act as collection sites in three mailings in December 2009, April 2010 and June 2010. Over 1,400 factsheets were sent to paint retailers and some were distributed internally by corporate offices. See Appendix F8 for examples of factsheets.

3. *Internet*

PaintCare produced a website (www.paintcare.org) where information is available on all aspects of the Program and a collection locator is provided by zip code or map. From March 4, 2010 to August 26, 2011 there were 531,038 hits to the website.

4. *1-800 Number*

PaintCare provides a nationwide 1-800 CLEANUP number – available 24/7 and bilingually, to enable consumers to find collection sites, including hours of operation, via an automated product and zip code locator.

5. *Trade Shows*

PaintCare participated in 8 Tradeshows covering 6 Oregon markets in 2010 and 7 covering 5 Oregon markets in 2011. These trade shows, the majority home and design shows, enabled PaintCare to interact directly with consumers of architectural paint, both DIY and contractor consumers. PaintCare has a booth and provided attendees with special FAQ sheets produced for the trade shows, as well as counter cards, give aways, and factsheets with local collection locations. The following table lists the promotional shows PaintCare participated in prior to and throughout the first year of the Program.

Table 13: Tradeshows attended, 2010.

Trade Show Name	Run Dates
Portland – Better Living Show	March 26-28, 2010
Redmond – Central Oregon Spring Home & Garden Show	April 30-May 3, 2010
Central Pt. – Southern Oregon Fall Home Show	September 17-19, 2010
Portland – Home Improvement & Remodeling Show	September 24-27, 2010
Portland – Fall Home & Garden Show	October 1-4, 2010
Eugene – Lane County Home Improvement Show	October 9-11, 2010
Redmond – Green Expo	October 16-18, 2010
Salem – Salem Home & Remodeling Show	October 23-25, 2010

Table 14: Tradeshows attended, 2011.

Trade Show Name	Run Dates
Portland – Build Remodel Show	January 7-9, 2011
Central Pt. – Southern Oregon Show	February 11-13, 2011
Portland – Spring Home & Garden Show	February 23-27, 2011
Roseburg – Umpqua Valley Home & Garden Show	March 4-6, 2011
Klamath Falls – Spring Home Show	March 11-13, 2011
Portland – Better Living Show	March 26-27, 2011
Redmond – Central Oregon Home and Garden Show	May 6-8, 2011

6. Public Relations and Purchased Media

PaintCare embarked on an extensive public relations campaign at Program launch; on Earth Day 2011; and then again at the Program's first anniversary. PaintCare sent press releases to all major media outlets in Oregon and followed up with numerous interviews. This resulted in significant Press coverage, including 13 TV and radio stories; 56 print articles and 36 internet articles prior to the start of the Program and at the Program start date calculated to be close to $175,000 in total publicity value by Bradshaw Advertising, PaintCare's Portland based marketing firm. Upon launch of our 2011 campaign with Earth Day, public relations activities resulted in Portland's Mayor declaring April 22, 2011 as National Paint Recycling Day. This resulted in 2 TV stories; two magazine stories; and 8 internet articles. This publicity value is estimated at $65,000. Finally, upon the completion of the first year of the Program, PaintCare launched another campaign that to date has generated 6 articles and a news radio interview in response to PaintCare's one year anniversary. Please see Appendix G for examples of press coverage.

In addition, PaintCare purchased advertising on television, radio and in newspapers. TV ads were purchased for the Portland Metropolitan market, while radio ads were purchased throughout the state in 17 markets and newspaper ads were placed in 29 markets. Please see the Tables below as

well as Appendix H for details on purchased media. Note that the newspaper ads were a direct result of the survey responses citing newspapers as the primary method of awareness of the Program.

Table 15: Radio and TV advertising, 2010.

Radio Station	**Run Dates**
Astoria KAST	All radio ads ran from June 28 to Sept 24, 2010.
Baker KBKR	
Bend KBND	
Coos Bay KWRO	
Corvallis KLOO	
Enterprise KWVR	
Eugene KPNW	
Klamath Falls KFLS	
LaGrande KLBM	
Lincoln City KBCH	
Medford KMED	
Newport KNPT	
Pendleton KUMA	
Portland KXL	
Roseburg KQEN	
Tillamook KMBD	
The Dalles KACI	
TV	**Run Dates**
TV: Portland KGW.com	June 28-Oct 29, 2010
TV: Portland KGW TV	June 28-Aug 6, and Aug 16-Sept 10, 2010

Table 16: Radio advertising, 2011.

Radio Station	**Run Dates**
Astoria KAST	With the exception of Portland, all radio ads ran the weeks of: March 21-25, April 4-8, April 18-22, May 9-14, May 23-27, June 6-10, June 20-24, 2011
Baker KBKR	
Bend KBND	
Coos Bay KWRO	
Corvallis KLOO	
Enterprise KWVR	
Eugene KPNW	
Klamath Falls KFLS	
LaGrande KLBM	
Lincoln City KBCH	
Medford KMED	
Newport KNPT	
Pendleton KUMA	
Roseburg KQEN	
Tillamook KMBD	
The Dalles KACI	

Portland KXL	All Portland radio ads ran the weeks of: April 18-22, May 9-14, May 23-27, June 6-10, June 20-24, 2011
Portland KINK	
Portland KWJJ	
Portland KRSK	
Portland KGON	
Portland KFXX	
Portland KNRK	
Portland KYCH	

Table 17: Newspaper advertising, 2011.

Newspaper	**Run Dates**
Albany Democrat Herald	With the exception of Natural Awakenings, Wheeler County News and Condon Times Journal ads, the run dates for all newspapers were the weeks of: April 18-22, May 23-27, June 20-24, 2011
Astoria Daily Astorian	
Baker City Baker City Herald	
Bend Bulletin	
Brookings Curry Coastal Pilot	
Burns Times Herald	
Condon Times Journal	
Corvallis Gazette Times	
Coos Bay The World	
Gold Beach Curry County Reporter	
Eugene Register Guard	
Grants Pass Daily Courier	
Hood River Hood River News	
John Day Blue Mountain Eagle	
Klamath Falls Herald and News	
LaGrande Observer	
Lincoln City News Guard	
McMinnville Yamhill Valley News-Register	
Medford Mail Tribune	
Newberg Graphic	
Newport News Times	
Ontario Argus Observer	
Pendleton East Oregonian	
Portland Tribune	
Portland Oregonian	
Roseburg News Review	
Salem Statesman Journal	
Spray Wheeler County news	
The Dalles Chronicle	
Vernonia Voice	
Natural Awakenings	April 1-30, 2011
Wheeler County News	Jun 13-17, 2011
Condon Times Journal	June 13-24, 2011

Given the enormous scope of the education and outreach program, PaintCare has employed as well as the fact that 10% of the Oregon Program expenses are attributed to these activities, the first element of Condition 2 of DEQ's conditional approval of the Program – the adequacy and scope of the budget with regard to education and outreach activities – has been satisfied.

B. An Evaluation of the Methods Used to Disseminate Education and Outreach Materials

PaintCare conducted two studies of the Program in its first year in order to assess awareness of the Program and the materials used for education and outreach. The first survey was a phone survey conducted shortly after the start of the Program in August 2010. This survey was open to all respondents in Oregon, but weighted to gain a statewide sample size. The second survey was conducted shortly after the Program's one year anniversary in July 2011. The second survey was an online survey that gathered information on waste minimization from Oregon respondents that had purchased paint during the first year of the Program to test the "buy right" message and the effect of the assessment rate on paint purchase. The survey also gathered data on awareness levels among non-purchasers of paint, however, in order to evaluate methods of dissemination of the education and outreach materials in this regard. Both surveys were done with the input and support of the Environmental Protection Agency's Evaluation of the Oregon Pilot. Please see Appendix I for the full report and results for both surveys. The following is a sampling of the results relevant to themethods used for dissemination of consumer education and outreach materials for the Program.

<u>From the 2010 Survey</u>:

• Of those who indicated an awareness of the PaintCare Program (22%), newspapers were the most frequently mentioned source of the information, followed by word-of-mouth, TV news stories, and Radio news stories.

<u>From the 2011 Survey</u>:

• With regard to seeing or hearing any advertisements about the PaintCare Program, an average of 27% of all survey respondents recall advertisements – or in other words, are aware of the Program. There was no difference in program awareness between males and females. Respondents most likely to be aware:

- Are aged over 65, (36% are aware)
- Are residents of Portland Metro (35%), compared to residents of Eastern Oregon, who were least likely (12%).
- Have an income over $50,000 per year (29%)
- Are college graduates or higher (37%)

• Out of those who are aware of the Program, newspapers and television were the most often cited sources of information (48% and 37%, respectively). Retail posters were cited at 5% and retail rack cards were the lowest, at 1%. Note: among those who paint for pay, radios were cited more often than newspapers (46% and 42%, respectively).

C. Assessment of the Education and Outreach, Including Levels of Waste Prevention and Reuse.

Based on the surveys, it is evident that newspapers and radio account for highest rate of awareness. In contrast, point of sale materials account for the lowest rate of awareness. Thus, following the first survey and kicking off the first spring season of the Program, PaintCare expended additional resources on newspaper and radio advertising. As the newspaper and radio ads concentrate on the collection and recycling aspects of the PaintCare Program and the results of the surveys evidence high awareness in this regard, PaintCare believes the outcome of the education and outreach initiativeswith regard to collection infrastructure and recycling is clearly working.

However, education and outreach with regard to waste minimization and reuse, or "buying the right amount" and reusing or donating leftover paint does not appear to be reaching the same successful outcome. PaintCare believes this is not because of the message or lack of education and outreach materials, but what appears to be a lack of use of those materials at the retail level. In fact, just as the majority of respondents answered that the fee did not have any impact on the quantity of paint they purchased most recently, the vast majority (93%) of respondents said that the information they have seen or heard about the Oregon paint recycling program had no effect on the amount of paint they purchased or planned to purchase. Again, of those respondents in the second survey that purchase paint in the last year, retail posters were only cited at 5% and retail rack cards were cited the lowest, at 1% as far as education and outreach materials.

In addition, with regard to the point of sale posters stressing the importance of measuring and buying the right amount of paint, 18% of respondents recall seeing a "paint calculator" during their most recent paint purchase, but of that group, the majority (80%) did not use the "paint calculator" to help them decide how much paint they should purchase. And finally, almost three quarters (72%) of respondents stored the paint from their most recent paint project for later projects or touch-ups. No one said that they recycled or donated paint from their paint purchase in the last year. Thus, PaintCare will work in the second year of the Program to further engage and enhance retail education and participation as the Program believes this is still the best way to engage the consumer on waste minimization and reuse – when the consumer is purchasing paint.

PaintCare's retailer rack card, on display at Sherwin-Williams in Salem, Oregon.

SECTION VIII. An Analysis of the Environmental Costs and Benefits of Collecting and Recycling Latex Paint.

An analysis of the lifecycle environmental costs and benefits of collecting and recycling latex paint was conducted in accordance with the Paint Product Stewardship Initiative (PPSI), facilitated by the Product Stewardship Institute and aimed at understanding the relative environmental impacts and economic costs of a leftover paint collection and recycling program. Specifically the "LCA/CBA" expected to identify and quantify the relative lifecycle costs and benefits (including human, natural, and economic resource use) of six leftover paint management methods within two overall management scenarios, a consumer-based scenario and a collection-based scenario:

1. Consumer-Based Scenario (at an individual dwelling unit)
    i. Dry/stabilize and dispose method
    ii. User-to-user reuse method
2. Collection-Based Scenario (at a central collection facility)
    i. Dry/stabilize and dispose method
    ii. Reuse method
    iii. Recycle via consolidation method
    iv. Recycle via reprocessing method

Please see Appendix J for the final report and data in this regard. This data was developed using specific modeling assumptions which may or may not represent the conditions identified in the OR pilot. Despite this the report provides a resource for integrating field data from the OR pilot, as the model offers some analytical flexibility, specifically for a number of sensitivity analyses, variations in data quality, and other inputs, should further work be conducted on the project. While the CBA portion of the project has not been fully developed because valid modeling data on costs is not currently available, the OR pilot is expected to provide cost data for both the existing baseline paint waste management infrastructure and those associated with the OR pilot. This data can be integrated in an assessment using the environmental impacts quantified in the draft LCA report to provide a useful comparative (i.e. cost-benefit) analysis should the PPSI choose to pursue such. The results demonstrate that unless and until recycled content paint is marketable at the same or similar rates as virgin paints, it is the environmental and cost benefits of recycling paint do not outweigh drying and disposing of such. However, as PaintCare has already implemented the Oregon Program with the hierarchy goals of reuse, recycling and then proper disposal, the need to pursue the LCA/CBA based on actual Oregon data may be moot.