
From: Larry Sweetser [lsweetser@rcrcnet.org]
Sent: Monday, April 23, 2012 2:04 PM
To: Paint Product Stewardship
Cc: Mortensen, Carol; Levenson, Howard; Dunn, Cynthia; Wang, Emily; Mary Pitto; Sweetser@aol.com
Subject: PaintCare's Architectural Paint Stewardship Program Plan Comments
Attachments: ESJPA Paint Stewardship Plan Comments 2012-04-23.pdf

Attached are the Rural County's Environmental Services Joint Powers Authority (ESJPA) comments on the PaintCare Architectural Paint Stewardship Program Plan. The ESJPA is extremely supportive for implementation of an EPR plan for our member jurisdictions. Our interactions with PaintCare on the proposed program implementation have been very encouraging.

Please let Mary Pitto or me know of any questions.

Larry

Larry Sweetser
ESJPA Consultant
Phone (510) 703-0898

E-Mail Originated From: 1215 K Street, Suite 1650, Sacramento CA 95814 Electronic Privacy Notice: This e-mail, and any attachments, contains information that is, or may be covered by, the Electronic Communication Privacy Act, Title 18 U.S.C 2510-2521, and is also confidential and proprietary in nature. If you received this e-mail in error, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing this information in any manner. If you have received this e-mail in error, please contact our IT Department by e-mail at mis@rcrcnet.org, or by telephone at (916) 447-4806, indicating that you received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.



CHAIR – WENDY OTTO, TRINITY COUNTY
VICE CHAIR – BOB WILLIAMS, TEHAMA COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – KRISTINA MILLER, TEHAMA COUNTY
TAG VICE CHAIR – SHANNON CASH, SISKIYOU COUNTY
PROGRAM MANAGER – MARY PITTO

April 23, 2012

Cynthia Dunn
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812-4025

RE: Comments on PaintCare's Architectural Paint Stewardship Program Plan

Dear Ms. Dunn

On behalf of our twenty-two member counties, the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) would like to express our appreciation to the Department of Resources Recycling and Recovery (CalRecycle) on the opportunity to provide comments on PaintCare's Architectural Paint Stewardship Program Plan.

The ESJPA also appreciates all of PaintCare's efforts to date to seek out participation from our rural jurisdictions by site visits to remote areas, direct communications with member County staff, and multiple presentations to our membership. Our members have expectations that the paint collection program will provide their jurisdictions with significant cost savings related to paint collection and expand upon their service to residents.

Overall, the proposed Stewardship Plan provides an effective initial start to providing California residents with a means for getting rid of their accumulation of unwanted paint. It expands upon the existing household hazardous waste program infrastructure that can serve as transitional collection in some areas until additional retail collection centers can be established or offset costs for continuing programs.

The ESJPA has several comments on the plan including:

- Baseline service level analysis does not adequately address rural jurisdictions
- Consistent inclusion of facility types for establishing collection points
- Coordinating selection of retail sites with local jurisdictions
- Paint Collection Fee
- Accepting Leftover Paint from other sources
- Appendix K Flexibility

Attached are specific discussions on these issues.

Cynthia Dunn
April 23, 2012
Page 2

Again, the ESJPA would like to express our support and gratitude to all the CalRecycle staff for their continued efforts to understand the rural county constraints. We will continue to work with CalRecycle staff, PaintCare, and our member counties in the implementation of the Paint Stewardship Program. Thank you for your consideration.

Sincerely,



Mary Pitto
ESJPA Program Manager

cc: ESJPA Board of Directors
RCRC Board of Directors
Carroll Mortensen, Director, CalRecycle
Howard Levinson, Deputy Director, CalRecycle

Enclosure

Rural Counties' Environmental Services Joint Powers Authority
Comments on PaintCare's Architectural Paint Stewardship Program Plan

Baseline service level analysis does not adequately address rural jurisdictions

The baseline service level analysis only considers a population distribution methodology with access to retail sites. This type of analysis might be sufficient for an initial assessment but is biased to urban areas as indicated by the many "urban" references and does not acknowledge the availability of the existing Household Hazardous Waste program infrastructure that already exist and which is the focus of Phase 1 efforts. An example of this inconsistency is notation of "0" collection sites in Sierra County under both the 30K and 50K scenarios in Table J but acknowledgement of a Letter of Interest from Sierra County in the Appendix I list. Although the letter was received by PaintCare just prior to the plan submittal, the assessment is still valid regarding the limitations of the population analysis. Sierra County has indicated that they are interested in accepting paint at their five recycle-only programs and also in conducting internal transportation from satellite locations.

PaintCare has demonstrated significant outreach efforts to meet with rural jurisdictions and all discussions to date have indicated PaintCare's dedication to providing programs in rural areas. These efforts are recognized under the referenced baseline service level.

This inconsistency is also evident when comparing Section 6.d. Collection Infrastructure, Identification and Recruitment and Section 6.e. Service Level Goals. The first Phase of Section 6.d. is "Partnering with Existing Infrastructure" and Phase 2 is "Partnering with Retail Collection Sites". Section 6.e. indicates that the Geographic Information System (GIS) modeling is used "to determine the number and distribution of collection sites for the following criteria:"

- 90% of California residents will have a collection site within 15 miles of their residence
- One site for every 30,000 residents of a designated area (as discussed below)

The text does recognize inclusion of existing municipal sites per the reference:

Application of these criteria results in approximately 750¹ collection sites, which PaintCare considers its baseline service level goal. PaintCare aims to meet the baseline goal by partnering with a combination of existing paint collection sites (municipal and retail) and new sites (primarily retail).

The next section 6.f. Service Level Methodology solely focuses on the population based GIS analysis as the basis for service level analysis. It might have been more realistic to base the GIS analysis on households rather than population since paint is purchased per household rather than population.

Recommendation: The plan baseline service level would have more realistically reflected PaintCare's efforts and use of the existing HHW infrastructure by indicating in the plan that the GIS

¹ The reference to 750 collection sites in the text is inconsistent with the 740 sites listed in Table J.

analysis was an initial attempt at determining participation and would be integrated with the existing Household Hazardous Waste program service levels. The plan would have been more accurate had it reflected PaintCare's efforts at encouraging rural participation and the integration with the existing HHW infrastructure rather than the major emphasis on the GIS based methodology.

Consistent inclusion of facility types for establishing collection points

The plan recognizes that household hazardous waste programs are only one type of existing paint collection programs and other collection opportunities include:

- Waste transfer stations, landfills, public works yards, and other appropriate, publicly accessible, sites

This reference in Section 6.c. Introduction is the only direct reference to utilizing other than retail sites and HHW programs. Section 6.d. Collection Infrastructure, Identification and Recruitment does include a reference to "other sites":

The Program will begin by establishing partnerships with municipal household hazardous waste collection facilities and other sites currently collecting paint from the public, including existing retail collection sites.

These "other sites" are not listed in Table 6A. Existing Infrastructure. There are over 550 solid waste landfills and transfer stations that are required to implement load checking programs and do collect paint improperly disposed of as solid waste. There are also many unpermitted recycling centers that find paint in incoming loads. These facilities are owned by both the public and private sector. In addition, many public works departments conduct clean ups of illegally disposed solid wastes and often collect paint. Paint collected by all of these services should be included as possible PaintCare collection sites either independently or operating in conjunction with HHW programs.

In some areas, the availability of using solid waste facilities as paint collection sites might be more convenient for the public since these facilities are open on a more frequent schedule than HHW programs. Incorporating a paint collection site at solid waste facilities would also benefit these sites load checking efforts by redirecting paint from improper disposal to a safer option which is the basis on why many rural HHW programs are co-located at solid waste facilities.

Specifically including these other sites will significantly increase the opportunity for the public to have convenient options for getting rid of their unwanted paint. Understandably, PaintCare will not want to collect from all possible locations in a service area that would result in oversaturation. Inclusion of these "other locations" will provide a larger potential pool of locations to determine the optimum collection infrastructure.

Recommendation: Ensure that the plan consistently includes possibilities of including all the existing infrastructure options as eligible collection sites.

Coordinating selection of retail sites with local jurisdictions

While it is understandable from an implementation and resource limitation perspective that PaintCare would delay implementation of the Retail Collection Sites until Phase 2, the plan should recognize the desire for some jurisdiction staff to assist with the selection of retail collection sites in their community.

Some jurisdictions have expressed concern that PaintCare may de-emphasize recruitment of retail sites once collection is established at the existing HHW infrastructure.

Some jurisdiction may want to minimize the collection of paint by the local HHW program in favor of retail collection and can greatly assist PaintCare with recruiting retail sites. These jurisdictions may prefer to collect paint solely during Phase 1 during the transitional period until retail sites can be recruited. Other jurisdictions may prefer to maintain paint collection primarily at the HHW programs due to limited retail options (common in rural areas), the desire to offer “one-stop” shopping for HHW disposal, or the preference for paint collection at HHW programs that co-exist with solid waste facilities. In this case, the jurisdiction may prefer to de-emphasize retail collection.

Coordination of retail collection sites with local jurisdictions is consistent with Public Resources Code Section 48703 (c) that requires that:

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.

This coordination will hopefully avoid siting of retail collection sites at locations incompatible with the local jurisdictions efforts.

Recommendation: PaintCare has demonstrated considerable efforts to-date to work with local jurisdictions and those efforts should continue with the selection of retail collection sites. The plan should recognize those current efforts by including reference to working with local jurisdictions on recruitment of retail collection sites.

Paint Collection Fee

It is greatly appreciated that PaintCare is offering the collection and transport of paint at no charge to the collection programs nor the user at the time of the collection since the fee is collected upon purchase. Since many HHW programs will still have administrative program costs not covered by PaintCare and given the high cost of HHW programs, some HHW programs have charged an administrative fee to use the program. This is most common for collection of Conditionally Exempt Small Quantity Generator (CESQG) wastes and is in addition to the per waste disposal cost. It is likely that some HHW programs may impose an administrative fee for residential HHW collection especially as HHW programs are scrutinized along with other local government programs in these tough economic times. Such an administrative fee would be even more appropriate if the collection program agrees to accept paint from outside the jurisdiction service area that provides funding for the HHW program. Currently, many HHW programs and solid waste facilities are exclusively limited to

providing service to only their rate payers. These HHW programs may charge an administrative fee only and it would be inappropriate for the program to charge for the disposal of paint as provided by PaintCare.

Since even under the PaintCare collection plan, paint will still likely remain a significant portion of wastes collected by HHW programs, a significant percentage of program administrative charges will still be applicable to receipt of paint and PaintCare has maintained that they will not fund HHW program personal costs for handling paint.

This limitation is mentioned several times in Section 6.h. under exceptions and in Appendix K, Section 2. It allows for administrative charges for business collection but no other fee is allowed under the PaintCare plan.

Recommendation: Expand administrative fee to residential wastes collected by HHW programs

Accepting Leftover Paint from other sources

The list of “Who can drop off paint?” in Appendix K, Section 2 should be expanded to include paint collected by solid waste facilities and public works collection. Section 6.c. Introduction recognizes that the collection infrastructure will include “Waste transfer stations, landfills, public works yards, and other appropriate, publicly accessible, sites” but the reference in Appendix K, Section 2 does not allow for paint collected “by” these other programs to be included in acceptable paint. Paint improperly disposed of and found by public works department of solid waste load checking program are not specifically included in as paint collected by residents or businesses.

Recommendation: Expand the reference in Appendix K, Section 2 to include collected under other programs.

Appendix K Flexibility

Given the innovative and evolving nature of this program, the plan appropriately indicates that this section contains draft procedures. These procedures will continue to evolve and be refined and may even develop into different procedures for different collection options.

In recognition of this need for flexibility, the reference to “follow all procedures described in the Collection Site Guidelines (See Appendix K)” in Section 6.h. should also recognize that these procedures are still draft.

Recommendation: The reference in Section 6.h. could be revised to indicate that:

... follow all ~~procedures described in the~~ Collection Site Guidelines [included in the formal contract with the site](#) (See Appendix K [for draft guidelines](#))