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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007]** ( *Division 20 enacted by Stats. 1939, Ch. 60.*  )

**CHAPTER 6.5. Hazardous Waste Control [25100 - 25259]** ( *Chapter 6.5 added by Stats. 1972, Ch. 1236.*  )

**ARTICLE 10.7. Recyclable Latex Paint and Oil-Based Paint [25217 - 25217.4]** ( *Heading of Article 10.7 amended by Stats. 2011, Ch. 603, Sec. 4.*  )

**25217.** For purposes of this article, the following definitions shall apply:

- (a) "Consolidation location" means a location to which recyclable latex paint or oil-based paint initially collected at a collection location is transported.
- (b) "Oil-based paint" means a paint that contains drying oil, oil varnish, or oil-modified resin as the basic vehicle ingredient.
- (c) "Paint" includes both oil-based paint and recyclable latex paint that is collected in accordance with this article.
- (d) "Recyclable latex paint" means any water-based latex paint, still in liquid form, that is transferred for purposes of being recycled.
- (e) "VSQG" means a very small quantity generator, as specified in subdivision (q) of Section 25218.1.

(Amended by Stats. 2021, Ch. 153, Sec. 5. (AB 698) Effective January 1, 2022.)

**25217.1.** No person shall dispose of, or attempt to dispose of, liquid latex paint or oil-based paint in the land or into the waters of the state unless authorized by applicable provisions of law.

(Amended by Stats. 2011, Ch. 603, Sec. 6. (AB 408) Effective October 8, 2011.)

**25217.2.** (a) Recyclable latex paint may be accepted at any location, including, but not limited to, a permanent household hazardous waste collection facility in accordance with subdivision (b), if all of the following conditions are met:

- (1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation that include, at a minimum, that the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.
- (2) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.
- (3) Any latex paint that is accepted as recyclable by the location and that is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where the discovery is made and the latex paint shall be managed as a waste in accordance with this chapter.
- (4) If the recyclable latex paint is not excluded or exempted from regulation under Chapter I (commencing with Section 1.1) of Title 40 of the Code of Federal Regulations, the location meets all applicable federal requirements.
- (5) The recyclable latex paint is stored for no longer than 180 days.

(b) (1) For purposes of this subdivision the following definitions shall apply:

(A) "Permanent household hazardous waste collection facility" has the same meaning as defined in subdivision (h) of Section 25218.1.

(B) "VSQG" means a very small quantity generator, as specified in subdivision (q) of Section 25218.1.

(2) A permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG pursuant to Section 25218.3 may accept recyclable latex paint from any generator in accordance with this article if the permanent household hazardous waste collection facility does all of the following:

(A) Complies with subdivision (a).

(B) Sends the recyclable latex paint, for recycling, to a latex paint recycling facility operating pursuant to this article.

(C) Maintains a monthly log of the volume of latex paint collected from each generator and submits that information annually with the report submitted pursuant to Section 25218.9 for household hazardous waste collected from household hazardous waste generators.

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to the weight and volume limits on the amount of recyclable latex paint that may be accepted, pursuant to subdivision (b) of Section 25218.3.

(4) A permanent household waste collection facility may take the action specified in paragraph (2) notwithstanding a permit condition imposed upon the facility, a regulation adopted by the department to ensure a household hazardous waste collection facility does not accept hazardous waste from a commercial generator other than a VSQG, or the status of the generator.

*(Amended by Stats. 2022, Ch. 499, Sec. 3. (AB 2481) Effective January 1, 2023.)*

**25217.2.1.** (a) A location that accepts recyclable latex paint pursuant to Section 25217.2 may also accept oil-based paint if all of the additional following conditions are met:

(1) The collection location is established under a stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the paint product recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(2) The collection location receives oil-based paint only from either of the following:

(A) A person who generates oil-based paint incidental to owning or maintaining a place of residence.

(B) A very small quantity generator.

(3) The oil-based paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(4) The location manages the oil-based paint in accordance with the requirements in Section 25217.2.

(5) The collection location operates pursuant to a contract with a manufacturer or stewardship organization that has submitted a stewardship plan that has been approved by the Department of Resources Recycling and Recovery and the collected paint is managed in accordance with that stewardship plan.

(6) The oil-based paint is stored for no longer than 180 days.

(b) Oil-based paint initially collected at a collection location shall be deemed to be generated at the consolidation location for purposes of this chapter, if all of the following apply:

(1) The collection location is established under a stewardship plan in accordance with the requirements of paragraph (1) of subdivision (a).

(2) The oil-based paint is subsequently transported to a consolidation location that is operating pursuant to a contract with a manufacturer or stewardship organization under a stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the paint product recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(3) The oil-based paint is non-RCRA hazardous waste, or is otherwise exempt from, or is not otherwise regulated pursuant to, the federal act.

(c) A permanent household hazardous waste collection facility that accepts recyclable latex paint pursuant to and in compliance with Section 25217.2 and that accepts oil-based paint is not subject to the weight and volume limits on the amount of oil-based paint that may be accepted, pursuant to subdivision (b) of Section 25218.3.

*(Amended by Stats. 2024, Ch. 989, Sec. 2. (SB 1143) Effective January 1, 2025.)*

**25217.3.** (a) Notwithstanding Sections 25160 and 25163, a person may transport paint collected in accordance with this article without the use of a manifest or obtaining registration as a hazardous waste hauler if the transporter complies with this article.

(b) A person transporting paint collected in accordance with this article shall use a bill of lading to document the transportation of the paint from collection locations, or any interim locations, to a consolidation site, whenever the transportation involves a change in ownership of the paint. A copy of the bill of lading shall be kept by the originating location, transporter, and destination of the paint for a period of at least three years and shall include all of the following information:

- (1) The name, address, and telephone number of the originating location, the transporter, and the destination of the paint.
- (2) The quantity of the paint being transported.
- (3) The date on which the transporter accepts the paint from the originating location.
- (4) The signatures of the transporter and a representative of the originating location.

*(Amended by Stats. 2011, Ch. 603, Sec. 9. (AB 408) Effective October 8, 2011.)*

**25217.4.** (a) A person may recycle recyclable latex paint at a facility which is not authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) if the person complies with Section 25217.2.

(b) A person shall recycle, treat, store, or dispose of oil-based paint that has been collected pursuant to this article only at a facility that is authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) to recycle, treat, store, or dispose of hazardous waste, or at an out-of-state facility that is authorized to recycle, treat, store, or dispose of oil-based paint in the state where the facility is located.

*(Amended by Stats. 2011, Ch. 603, Sec. 10. (AB 408) Effective October 8, 2011.)*