

General Permit For the Collection and Storage of Post-Consumer Paint

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Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
860-424-3366

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Section 1. Authority to Issue General Permit

This general permit is issued under the authority of sections 22a-208a(i)(1) and 22a-454(e)(1) of the Connecticut General Statutes.

Section 2. Definitions

Definitions of terms used in this general permit are as provided below.

“Architectural Paint” means interior and exterior architectural coatings sold in containers of five (5) gallons or less. Architectural paint does not include industrial, original equipment or specialty coatings.

“Approval of Registration” means the issuance of a certificate of registration under Section 3 of this general permit.

“CFR” means Code of Federal Regulations as of the date this general permit was issued.

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Day” means calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such date shall be the next business day thereafter.

“DEEP” or “Department” means the Department of Energy and Environmental Protection.

“Disposal” means placement of material at a location with the intent to leave it at such location indefinitely, or to fail to remove material within forty-five (45) days, but it does not mean placement of material required and intended to be recycled.

“Environmentally sound management practices” means procedures for the collection, storage, transportation, reuse, recycling and disposal of architectural paint, to be implemented by the representative organization or such representative organization's contracted partners to ensure compliance with all applicable federal, state and local laws, regulations and ordinances and the protection of human health and the environment. Environmentally sound management practices include, but are not limited to, record keeping, the tracking and documenting of the fate of Post-Consumer paint in and outside of this state, and environmental liability coverage for professional services and for the operations of the contractors working on behalf of the representative organization.

“Hazardous waste” means any waste material which may pose or present a potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, including hazardous waste identified or listed as hazardous wastes in accordance with section 22a-449(c)-101 of the Regulations of Connecticut State Agencies.

“Impervious” means the base surface underneath containers or tank systems is free of cracks, gaps or areas of bare earth and contains leaks or spills until the collected material is detected and removed.

“Paint Collection Site” means the geographically contiguous property on which an authorized activity under this general permit takes place or is proposed to take place. For the purposes of this general permit, Paint Collection Site complies with the requirements set forth in sections 22a-449(c)-101(a)(2)(S)(vi) and 22a-449(c)-101(a)(2)(U)(vi) of the Regulations of Connecticut State Agencies incorporating the requirements of 40 CFR 261.5(f)(3) and (g)(3).

“Paint Stewardship Program Plan” means the plan for the establishment of the paint stewardship program as described in section 22a-904a of the Connecticut General Statutes.

“Person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

“Post-Consumer Paint” means Architectural Paint that is not used and that is no longer wanted by a purchaser of Architectural Paint. For the purposes of this general permit, Post-Consumer Paint shall also mean Architectural Paint that is no longer wanted by the purchaser or owner of Architectural Paint.

“Recycling” means any process by which discarded products, components and by-products are transformed into new, usable or marketable materials in a manner in which the original products may lose their identity. "Recycling" does not include energy recovery.

“Registrant” or *“Registered Paint Collector”* means a Retailer who has entered into agreement with the Representative Organization under the Paint Stewardship Program pursuant to section 22a-904a of the Connecticut General Statutes and for whom the Representative Organization has registered with the commissioner in accordance with this general permit.

“Registration” means a request to authorize the collection and storage of Post-Consumer Paint by the filing of a registration form with supporting documents filed pursuant to Section 4 of this general permit that is subsequently approved by the commissioner. Approval of Registration by the Department provides authorization to conduct the activities described in this general permit at the proposed Paint Collection Site.

“Representative Organization” means the nonprofit organization created by producers to implement the paint stewardship program described in section 22a-904a of the Connecticut General Statutes.

“Retailer” means any person who offers Architectural Paint for sale at retail in the state of Connecticut.

“Reuse” means the return of a product into the economic stream for use in the same kind of application as the product was originally intended to be used, without a change in the product's identity.

“Storage” or “store” means the holding of a Post-Consumer Paint for a temporary period, at the end of which the Post-Consumer Paint is recycled, disposed, or stored elsewhere.

Section 3. Authorization to Operate Under This General Permit

(a) Eligible Activities

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the collection and storage of Post-Consumer Paint at Retailers located in the state of Connecticut in accordance with the approved *Connecticut Architectural Paint Stewardship Program Plan*.

(b) Requirements for Authorization under this General Permit

This general permit authorizes the activity listed in Section 3(a) of this general permit provided:

(1) Any Registrant under this general permit shall be associated with the Representative Organization.

(2) **Registration**

A completed registration form for the collection and storage of Post-Consumer Paint has been filed with the commissioner and the commissioner has issued an approval of registration with respect to such activity.

(3) **Authorization to Collect and Store Post-Consumer Paint**

Only Retailers who have received an Approval of Registration to be a Registered Paint Collector are authorized to collect and store Post-Consumer Paint under this general permit.

(4) **Operation and Management of the Paint Collection Site**

The Paint Collection Site is operated and managed in accordance with all the requirements of this general permit and the approved Paint Stewardship Program Plan.

(5) **Stormwater Discharge**

The Paint Collection Site complies with all applicable standards and requirements for stormwater discharges from the Paint Collection Site.

(c) Geographic Area

This general permit applies to Retailers throughout the state of Connecticut.

(d) Effective Date and Expiration Date of this General Permit

This general permit is effective on the date it is issued by the commissioner and expires ten (10) years from the date of issuance.

(e) Effective Date of Authorization to Collect and Store Post-Consumer Paint

Authorization to collect and store Post-Consumer Paint is effective commencing on the date the commissioner issues an Approval of Registration to be a Registered Paint Collector.

Section 4. Registration Requirements for General Permit

(a) *Who Must File a Registration*

Registration of a Paint Collection Site: The Representative Organization shall file a registration on behalf of any Retailer seeking to collect and store Post-Consumer Paint under the authority of this general permit. The Representative Organization shall ensure that Retailers are provided information for how to comply with the requirements of this general permit.

(b) *Scope of Registration*

Registration of Each Paint Collection Site: The Representative Organization shall submit separate registrations to register each separate Retailer for this general permit. A Retailer with multiple retail locations may have multiple Paint Collection Sites identified in a single registration under this general permit.

(c) *Contents of a Registration Package*

- (1) **Registration Forms:** A registration shall be filed on forms prescribed and provided by the commissioner. The forms along with any required supporting documents shall be completed *in their entirety* prior to submittal. The signature of the Representative Organization and of the individual(s) responsible for actually preparing the forms shall be certified as required on the registration form.
- (2) **United States Geological Survey Map:** An 8 ½” by 11” copy of the relevant portion or a full-sized original of a United States Geological Survey (USGS) quadrangle map, with a scale of 1:24,000, showing the exact location of each Paint Collection Site and the area within a one mile radius of the Paint Collection Site(s), Identify the quadrangle name and number on such copy.
- (3) **Fee:** The Representative Organization is responsible for the administrative costs associated with the Paint Stewardship Program. The Representative Organization shall submit an annual payment of \$200.00 for each registered retail collection location to cover such costs.

(d) *Where to File:* The Representative Organization shall file registrations with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(e) *Additional Information*

The commissioner may require the submittal of additional information that the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(f) Action by Commissioner

- (1) The commissioner may reject a registration if the registration is not accompanied by the required fee or the commissioner determines that the registration does not include the information required in Section 4(c) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The commissioner may deny a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Denial of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, denial, or approval of a registration shall be in writing.

Section 5. Operating Conditions of this General Permit

The Registrant shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a Registrant shall conduct the activities authorized by this general permit in accordance with all of the following operating conditions:

- (a) **Management and Applicable Standards:** The Registrant shall ensure that the collection and storage of Post-Consumer Paint is based on the requirements of this general permit and the requirements of the approved Paint Stewardship Program Plan including the management guidelines provided by the Representative Organization. In the event of a conflict between the requirements specified by this general permit and the approved Paint Stewardship Program Plan, the requirements of this general permit shall prevail.
- (b) **Local Approvals:** The Paint Collection Site shall meet all applicable requirements of the local authorities. Operational changes in the Paint Collection Site may trigger additional local review.
- (c) **Documents Available at the Paint Collection Site:** The management guidelines provided by the Representative Organization and a copy of the general permit shall be available at the Paint Collection Site at all times for review by the Registrant.
- (d) **Operation of the Paint Collection Site:**
 - (1) **Allowed Materials:** Post-Consumer Paint(s) shall be accepted only in non-leaking, original containers. The maximum amount to be dropped off by each person shall not exceed one hundred (100) gallons at any one time, unless the Registrant or Representative Organization has established a lower limit.

(2) **Storage and Handling of Post-Consumer Paint:**

- (A) **Maximum Storage Limit:** The Paint Collection Site may store a maximum of thirteen hundred (1300) gallons cumulative of Post-Consumer Paint, unless the Registrant or Representative Organization has established a lower limit.
- (B) Post-Consumer Paint shall be handed directly to the Paint Collection Site personnel for placement in the designated storage containers. Personnel shall immediately place the Post-Consumer Paint into the designated storage container.
- (C) The Registrant shall have sufficient personnel at all times to visually inspect incoming containers to prevent the drop-off of inadvertently received materials.
- (D) Storage containers shall be:
 - (i) Compatible with the Post-Consumer Paint stored within; meet DOT-requirements; leak-proof; provided with secondary spill containment in the amount of one hundred and ten (110%) percent of the total storage volume; located in an area with adequate ventilation and fire protection; designed and maintained to prevent the release of fluids with the potential to contaminate the environment by: (a) preventing precipitation from infiltrating; and (b) preventing release of contaminated fluids;
 - (ii) Labeled with the words “Used Paint” and dated with the date the first container of Post-Consumer Paint is placed within the storage container;
 - (iii) Storage containers that will be located outdoors shall be located in an enclosed and secured area provided with: a fence or lock; an epoxy-coated impervious base that is resistant to paint and stain unless stored within a DOT approved container which provides secondary containment; and located at least fifty (50) feet from any surface water, catch basin, heat source and/or adjacent property. In addition, storage containers shall be situated to protect downgradient catchbasins, wetlands and watercourses from spills;
 - (iv) Covered at all times except when adding or removing Post-Consumer Paint from the storage container, if located outdoors. Covers shall be made of a material that is impervious to precipitation;
 - (v) Periodically inspected and maintained to prevent corrosion and degradation; and
 - (vi) Provided with a lock or located within a secured area of the Paint Collection Site.

- (E) Outdoor storage areas shall display signs that state “No Smoking/No Open Flames Permitted,” posted in English and any other language typically spoken by users, with minimum two inch high lettering, or, in a manner to convey no smoking/no flames by a suitable graphic.
- (3) **Removal:** Storage containers of Post-Consumer Paint shall be:
- (A) Marked, dated and labeled in compliance with the transportation requirements for labeling hazardous materials as stated in the Code of Federal Regulations 49 CFR Part 172;
 - (B) Packaged and shipped in compliance with the transportation requirements for hazardous materials as stated in the Code of Federal Regulations 49 CFR Part 173;
 - (C) Transported by a permitted hazardous waste transporter in accordance with section 22a-454 of the General Statutes;
 - (D) Shipped off-site within one hundred and eighty (180) days from the date the first container of Post-Consumer Paint is received, unless the storage container is empty; and
 - (E) Full storage containers shall be transferred from the Paint Collection Site to markets or facilities authorized to accept Post-Consumer Paint for reuse, recycling or disposal in accordance with Environmentally Sound Management Practices.
- (4) **Handling of Inadvertently Received Materials.** Any material that is not authorized to be accepted at the Paint Collection Site shall be managed in accordance with the following requirements:
- (A) Inadvertently received materials shall be immediately sorted, isolated, and stored in a manner that is in accordance with the applicable regulations and protective of the environment until removed;
 - (B) Inadvertently received materials that are properly identified as municipal solid waste and that do not contain free draining liquids may be consolidated with the municipal solid waste normally generated at the Pain Collection Site; and
 - (C) All other inadvertently received materials shall be: Stored in a dedicated storage container not to exceed five (5) cubic yards; and disposed of at a facility authorized to accept such material. Unauthorized materials shall be marked with the date it was received and removed from the Paint Collection Site within forty five (45) days of receipt.

- (5) **Training:** The Registrant shall participate in all training provided by the Representative Organization and maintain all guidance documents provided as part of such training.
- (6) **Safety, Fire Prevention and Security:**
 - (A) The Registrant shall immediately notify **DEEP's Emergency Response and Spill Prevention Division at 1-866-377-7745 (toll free) or at 860-424-3338** of any spill or release.
 - (B) **Fire Prevention.** Adequate equipment shall be provided to control fires. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with the specifications of the manufacturer(s), and in no case less than annually.
 - (C) **Safety.** The Registrant shall promptly clean up all spills and breakage.
 - (D) **Security.** The Registrant shall prevent the public scavenging from storage containers of Post-Consumer Paint, that is, from searching through storage containers of Post-Consumer Paint to remove useful material.
- (7) **Days and Hours of Operation.** The Retailer shall establish the days and hours of operation.

Section 6. General Permit Requirements and Conditions

(a) *Reliance on Registration*

When evaluating a registration for this general permit, the commissioner relies on the submitted information. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a Registrant shall, within five (5) days, take all reasonable action to: determine the cause of such violation; correct such violation and mitigate its consequences; and prevent such violation in the future and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with Section 6(d) of this general permit.

(c) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, the Representative Organization and/or Registrant shall provide such information in writing within thirty days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) *Certification of Documents*

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments hereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(e) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner.

(f) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(g) *Correction of Inaccuracies*

Within fifteen (15) days after becoming aware of a change in any of the information submitted to the Department pursuant to this general permit, or becomes aware that any submitted information is inaccurate, misleading, or incomplete, the completed and corrected information shall be submitted in writing to the commissioner. The provisions of this section shall apply both while a request for Approval of Registration is pending and after the commissioner has approved such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(h) *Transfer of Approval of Registration*

An Approval of Registration under this general permit is non-transferable.

(i) *Other Applicable Law*

Nothing in this general permit shall relieve the Registrant of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any

federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the Registrant may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 7. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

Issued Date: August 30, 2018

/S/ Robert E. Kaliszewski
Robert E. Kaliszewski
Deputy Commissioner

This is a true and accurate copy of the general permit executed on **August 30, 2018** by the Department of Energy and Environmental Protection.