
From: Mike Mohajer [MikeMohajer@yahoo.com]
Sent: Monday, April 23, 2012 3:14 AM
To: Paint Product Stewardship
Cc: Mortensen, Carol; Levenson, Howard
Subject: RE: California Architectural Paint Stewardship Program Plan



TO: Cynthia Dunn
Department of Resources Recycling and Recovery (CalRecycle)

FROM: Mike Mohajer, Member
Los Angeles County Integrates Waste Management Task Force

CALIFORNIA ARCHITECTURAL PAINT STEWARDSHIP PROGRAM PLAN (PLAN), DATED APRIL2, 2012

Thank you so much for your prompt response. For the record, the Task Force request had already recognized the CalRecycle's time extension of April 23, 2012, which all stakeholders were notified of on April 19, 2012. Our subsequent request of April 20, 2012, was for one week extension to April 30, 2012, which unfortunately was denied. As such, the Task Force would like to offer the following preliminary comments on the PaintCare proposed stewardship Plan and would reserve the right to submit further comments by April 30, 2012.

1. The Plan fails to recognize the AB 1343 implementing regulation (Proposed Regulation for Architectural Paint Recovery Program, Title 14 of the California Code of Regulations, Sections 18950 – 18958) and needs to be revised to include the said Regulation and discuss its requirements.
2. The Plan is not consistent with the requirements of the AB 1343 implementing regulation, namely "Proposed Regulation for Architectural Paint Recovery Program, dated April 13, 2012.
3. Subsection 4 (c), Program Products – The Plan has redefined the "Architectural Paint" which may not be consistent with the definition provided in Subdivision 48701 (a) of the California Public Resources Code. The Plan proposal should be checked by CalRecycle and if appropriate, it should be incorporated into Section 19851 of the Proposed Regulation.
4. Section 6 – Collection Infrastructure And Goals
 - Subsection 6 (c), Introduction --- The Plan must define the terms "Temporary Collection Site" and the "Mobile Collection Site." The Plan also states that negotiation by PaintCare will be conducted with the "Collection Site." This term also needs to be clearly defined since there are situation where the collection site owner is not the same entity as the collection site operator, e.g. mobile collection sites.
 - Subsection 6 (d), Collection Infrastructure, Identification And Recruitment --- As provided by Section 18953 of the Proposed Regulation, a greater effort must be used by PaintCare in establishing partnership with municipalities conducting/operating household hazardous waste collection programs. Additionally, the Plan needs to be expanded to include a generic sample **contract** for consideration/use by a potential "collection site" that wants to partner with PaintCare, (emphasis added). Such a generic sample contract must clearly identify the stage at

which the ownership of the collected “Architectural Paint” is transferred from the “collection site” to PaintCare/paint manufacturers. It is imperative that this issue be addressed due to potential liabilities, including, but not limited to, CERCLA.

- Subsection 6 (e), Service Level --- The Plan goals as indicated are (a) “90% of the California residents will have a collection site within 15 miles of their residents”, and (b) to provide “one site to every 30,000 residents of a designated area.”

Based on Los Angeles County experience in conducting HHW collection program in concert with County Sanitation Districts of Los Angeles County for over 25 years, residents in urbanized areas such as Los Angeles County utilize a collection site when it is within a five miles radius of their house. As such, we are concern with the adequacy of the proposed 15 miles radius and its applicability to urbanized areas.

5. Section 9 – Education & Outreach --- This section discusses various efforts that will be utilized to inform/educate citizens as to the proposed outreach program. However, the Plan fails again to recognize the need for partnership with local entities and unfortunately disregards coordination with local governments. The proposal needs to be revised to discuss steps that will be utilized to partner and/or coordinate with local entities in developing and implementing the education & outreach program.

6. Section 10 – Waste Management

- Subsection 10 (e), Processing, Recycling and Disposal --- Please see comments under Subsection 6 (d), 3rd and 4th sentences.
- Subsection 10 (f), Latex Paint Management – Beneficial Reuse ---It has been stated that “Latex paint may go to beneficial reuse, including use in alternative daily cover (ADC), road base, fuel substitute, and landfill biodegradation.” It is recommended that the validity of said beneficial reuses be verified by CalRecycle and Department of Toxic Substance Control for use in California. Otherwise, The Plan should indicate that such beneficial uses are not allowed in California.

Thank you for the opportunity to submit comments on the Plan. The Task Force is looking forward to working with CalRecycle and PaintCare in developing an effective and viable “Plan” as envisioned by AB 1343. Should you have any questions, please contact me via email or by phone at 909-592-1147. Thank you

CC: Each Member of the Los Angeles County IWM Task Force

From: Paint Product Stewardship [mailto:PPS@calrecycle.ca.gov]
Sent: Friday, April 20, 2012 9:53 AM
To: 'Mike Mohajer'; Paint Product Stewardship
Cc: Mortensen, Carol; Levenson, Howard
Subject: RE: California Architectural Paint Stewardship Program Plan

Hello Mr. Mohajer:

While CalRecycle is unable to extend the comment period for the PaintCare stewardship plan to April 30th, the department has extended the deadline to 5:00pm on April 23, 2012.

Respectfully,
Cynthia

Cynthia Dunn

California Department of Resources Recycling and Recovery (CalRecycle)
Statewide Technical & Analytical Resources Branch

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From: Mike Mohajer [<mailto:MikeMohajer@yahoo.com>]
Sent: Friday, April 20, 2012 2:13 AM
To: Paint Product Stewardship
Cc: Mortensen, Carroll; Levenson, Howard
Subject: California Architectural Paint Stewardship Program Plan



TO: Department of Resources Recycling and Recovery (CalRecycle)

FROM: Mike Mohajer, Member
Los Angeles County Integrates Waste Management Task Force

CALIFORNIA ARCHITECTURAL PAINT STEWARDSHIP PROGRAM PLAN (PLAN), DATED APRIL2, 2012

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to express the Task Force appreciation for the opportunity to review and comment on the subject Plan prepared by PaintCare, Inc and submitted to CalRecycle for approval. The Task Force respectfully request that the comment period to be extended to April 30, 2012. This date is consistent with the deadline established for submittal of comments on the CalRecycle's Proposed Regulation for Architectural Paint Recovery Program dated April 13, 2012. Needless to say, the subject Plan was prepared pursuant to the previously adopted regulation by CalRecycle which was subsequently disapproved by the California Office of Administrative Law on April 10, 2012. The requested time extension would provide the Task Force and other stakeholders an adequate time to review the Plan in concert with the April13, 2012 Proposed Regulation.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared by the County and the 88 cities in the County of Los Angeles with a combined population equivalent to approximately one-third of the California population. Consistent with these responsibilities and to ensure a coordinated and cost-effective solid waste management system in the County of Los Angeles, the Task Force also addresses issues impacting the solid waste management system on a countywide basis. The Task Force membership includes representatives of the League of California Cities (Los Angeles County Division), the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of governmental agencies

Should you have any questions, please contact me via email or by phone at 909-592-1147. Thank you

CC: Each Member of the Los Angeles County IWM Task Force
Los Angeles County Department of Public Works
County Sanitation Districts of Los Angeles County
City of Los Angeles Bureau of Sanitation