

Universal Waste - Aerosol Cans

- Published on December 9, 2019
- Adopted by New Jersey on February 7, 2020
- This final rule will affect persons who generate, transport, treat, recycle, or dispose of hazardous waste aerosol cans, unless those persons are households or very small quantity generators (VSQGs).
- Entities potentially affected by this action include over 25,000 industrial facilities in 20 different industries. An estimated 7,483 of these facilities are large quantity generators (LQG).
- The federal universal waste regulations are found in Title 40 of the Code of Federal Regulations (CFR) in part 273.



Universal Waste - Aerosol Cans

Definition of **Aerosol Can**:

"Aerosol can means a non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas."

Universal Waste - Aerosol Cans

Aerosol Cans not covered by rule are ones that:

- Are not yet a solid waste under 40 CFR 261
 - If it can be used for its intended purpose, it is not yet a solid waste
- Are not hazardous waste
 - An aerosol can is not a hazardous waste if it does not exhibit one or more hazardous waste characteristic identified in 40 CFR 261 subpart C and/or is not listed in 40 CFR 261 subpart D (F, K, P, and U-listed hazardous wastes)

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- Aerosol Cans not covered by rule are ones that:
 - Meet the standard for empty containers under 40 CFR 261.7
 - All wastes have been removed that can be removed using common practices to remove materials, (e.g., pouring, pumping, and aspirating) and
 - No more than 2.5 cm (1 inch) of residue remains on the bottom of the container or inner liner
 - For a compressed gas: When the pressure in the container approaches atmospheric
- ***DO NOT*** throw aerosol cans in the trash unless you are ***CERTAIN*** they are empty!! Inspectors will check your trash cans.

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NOTE:

- In order to recycle the can as a scrap metal (40 CFR 261.6(a)(3)(ii)) it must not contain a "significant" amount of liquid
- Aerosol cans that have been punctured and drained so that most of any remaining liquid remaining in the can may flow from the can and drain (e.g., with punctured end down) would not contain "significant" liquids



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Question: Do I have to puncture and drain aerosol cans to manage them as universal waste?

- No, universal waste aerosol cans may be:
 - Managed intact OR
 - Punctured and drained

Just make sure you are following the associated requirements for each of those activities

Question: Does the aerosol can have to be empty to manage it as a universal waste?

- No, the aerosol can does not have to be empty in order to manage it as a universal waste. It must be empty (with no significant liquids) once it is punctured/drained and managed as scrap metal.

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Generation of Waste Aerosol Cans

- A used aerosol can becomes a waste on the date it is discarded
- An unused aerosol can becomes a waste on the date the handler decides to discard it



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Allowed Activities Involving Universal Waste Aerosol Cans

As long as each individual aerosol can is ***not breached and remains intact***, the following is allowed:

- May be sorted into type
- May be mixed in one container
- May remove actuators to reduce risk of accidental release

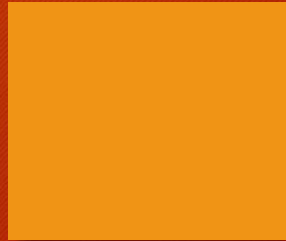


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Universal Waste Aerosol Cans must be:

- Managed in a way that prevents releases of the universal waste or any universal waste component to the environment.
- Accumulated in a container that is:
 - Structurally sound,
 - Compatible with the contents and
 - Lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and
 - Protected from sources of heat.

(Similar to other Universal Waste storage requirements)



This cardboard box
is not structurally
sound.



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If the aerosol can shows evidence of leakage, spillage or damage, must be:

- Packaged in a separate closed container or
- Overpacked with absorbents or
- Immediately punctured and drained.

Labeled (each aerosol can or container in which the cans are contained) with one of the following phrases:

- "Universal Waste -Aerosol Can(s)"
- "Waste Aerosol Can(s)"
- "Used Aerosol Can(s)" (Similar to batteries and lamps)



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Puncturing and Draining Aerosol Cans

If universal waste aerosol cans are *punctured and drained*:

- The empty can must be recycled
- A device must be used that is specifically designed to safely puncture cans & effectively contain the residual contents and any emissions

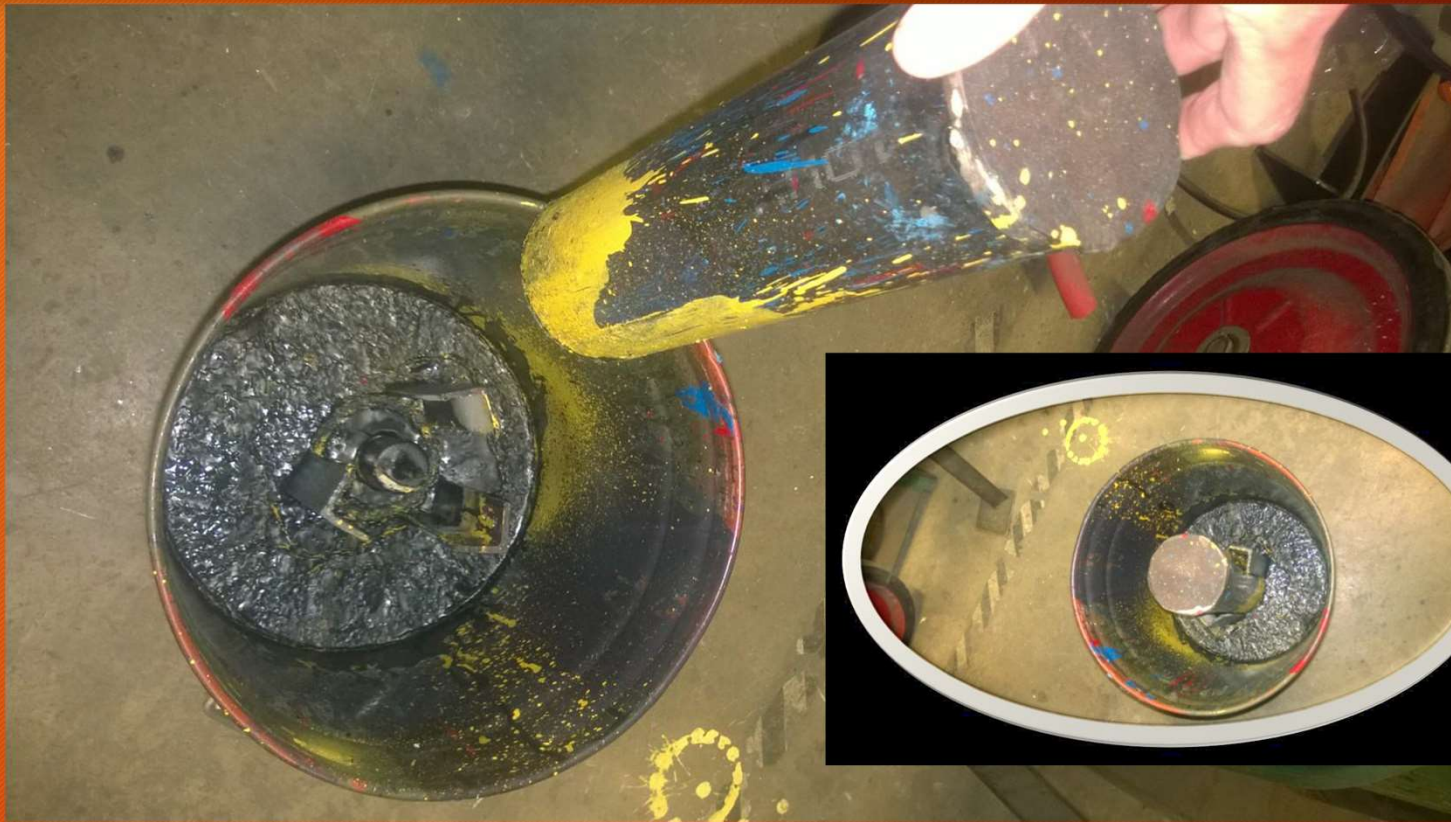




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Alternative Puncturing Devices

Home-Made Can Puncture Station - NOT ALLOWED!!!



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Puncturing and Draining Universal Waste Aerosol Cans

If universal waste aerosol cans are *punctured and drained*:

- A written procedure must be established detailing how to safely puncture & drain cans:
 - Including proper assembly, operation and maintenance of puncturing unit;
 - Segregation of incompatible wastes,
 - Proper waste management practices to prevent fires or releases
 - Maintain, on-site, a copy of the manufacturer's specifications and instruction for puncturing unit
 - Ensure employees operating the device are trained in the proper procedure

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If universal waste aerosol cans are *punctured and drained*:

- Ensure puncturing of cans is done in a manner designed to prevent fires and releases of any component to the environment
- This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area
- Immediately transfer contents from the waste aerosol can, or puncturing device, if applicable, to a container or tank that meets the applicable requirements (for VSQG, SQG, LQG or satellite accumulation)

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If universal waste aerosol cans are *punctured and drained*:

- Conduct a HW determination on the emptied aerosol can and its contents per 40 CFR 262.11
- Any hazardous waste generated as a result of puncturing/draining is subject to all applicable hazardous waste rules and must be managed accordingly
- A written procedure must be in place in the event of a spill or release and a spill clean-up kit must be provided
- A spill or releases of the contents must be cleaned up promptly

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Frequent Questions about Aerosol Can Management

Question: Can aerosol cans be managed under the hazardous waste rules instead of the universal waste rules? Can I still puncture and drain aerosol cans if I manage them as a hazardous waste?

Answer: Generators may continue to manage their hazardous waste aerosol cans under 40 CFR part 262 (and may puncture and drain them if part of a legitimate recycling process) but must comply with all the requirements of 40 CFR part 262. Companies cannot pick and choose among the requirements of the two sets of standards. Off-site handlers that accept aerosol cans for puncturing and draining must follow the universal waste requirements of 40 CFR part 273.



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Frequent Questions about Aerosol Can Management

Question: I puncture and drain most of my aerosol cans, but I have some that I do not want to puncture (because they will mess up the operation of the puncturing device [e.g., adhesives, expandable foam] or I don't want to mix it with the waste collected in the drum under the puncturing device [e.g., incompatibles or pesticides]. Can I manage some aerosol cans as intact universal waste aerosol cans while the other aerosol cans are universal waste that are punctured and drained?

Answer: Yes. It is suggested that a written SOP be developed and training for staff that manage the aerosol cans so they understand which are managed intact as universal waste and which are punctured and drained as universal waste.



Universal Waste - Aerosol Cans

Frequent Questions about Aerosol Can Management

Question: I have some aerosol cans that I'd like to continue to manage as hazardous waste but others I want to manage as universal waste. Is this allowed?

Answer: Yes. It is suggested that a written SOP be developed and training for staff that manage the aerosol cans so they understand which are managed as hazardous waste and which are managed as universal waste. The two different management strategies may not intersect (i.e., a facility may not pick and choose between the management strategies... It is all or none. A hazardous waste aerosol can may not switch mid management to a universal waste and vice versa.)

