



RCRA Updates:

Aerosol Cans as Universal Waste

Hazardous Waste Improvement Rule Update

What are Universal Waste?

- ▶ The federal universal waste regulations are found in Title 40 of the Code of Federal Regulations (CFR) in part 273 and apply to five types of universal waste.
- ▶ All Region 7 States have adopted the 2005 federal regulations for Universal Waste.



Two Types of Universal Waste Handlers

Small Quantity Handlers of Universal Waste (SQHUW)

- ▶ Generates/Collects
- ▶ Accumulates < 5,000 Kg*
- ▶ May NOT treat/dispose

Large Quantity Handlers of Universal Waste (LQHUW)

- ▶ Generates/Collects
- ▶ Accumulates > 5,000 Kg*
- ▶ May NOT treat/dispose



Comparison of Universal Waste Handlers

SQHUWs	LQHUWs
No EPA ID	EPA ID
Universal Waste Label	Universal Waste Label
Proper Training to Inform	Proper Training to Make Thoroughly Familiar
No Shipping Records Required	Shipping Records for Three Years
1-Year Accumulation	1-year Accumulation

Adding Aerosol Cans to the Universal Waste Regulations

- ▶ Final Federal Rule published in the Federal Register on December 9, 2019
- ▶ **Became Effective** on federal level and in Iowa on February 7, 2020
 - Kansas, Missouri, Nebraska – Rule not yet adopted
- ▶ Adds aerosol cans to 40 CFR 273 Universal Waste Regulations
- ▶ States **are not required** to adopt the universal waste regulations for aerosol cans.

Adding Aerosol Cans to the Universal Waste Regulations

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."



Applicability for Aerosol Cans Added to the Universal Waste Regulations

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

Applicability for Aerosol Cans Added to the Universal Waste Regulations

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

Applicability for Aerosol Cans Added to the Universal Waste Regulations

Generation of Waste Aerosol Cans

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



Storage/Labeling of Universal Waste Aerosol Cans

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.

Storage/Labeling of Universal Waste Aerosol Cans

- ▶ 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.
- ▶ Label (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)"
- ▶ Accumulation Start Date



<p>UNIVERSAL WASTE</p> <p>FEDERAL LAW PROHIBITS IMPROPER DISPOSAL THE FOLLOWING MATERIALS ARE REGULATED AS A UNIVERSAL WASTE IN ACCORDANCE WITH 40 CFR PART 273.</p> <p><input type="checkbox"/> UNIVERSAL WASTE - BATTERY(IES)</p> <p><input type="checkbox"/> UNIVERSAL WASTE - MERCURY THERMOSTAT(S)</p> <p><input type="checkbox"/> UNIVERSAL WASTE - MERCURY CONTAINING EQUIPMENT</p> <p><input type="checkbox"/> UNIVERSAL WASTE - PESTICIDE(S)</p> <p><input type="checkbox"/> UNIVERSAL WASTE - LAMP(S)</p> <p><input type="checkbox"/> UNIVERSAL WASTE - AEROSOL CAN(S)</p> <p>ACCUMULATION START DATE: _____</p> <p>_____</p> <p>_____</p> <p><small>D.O.T. PROPER SHIPPING NAME AND UN OR NA NO, WITH PREFIX (REQUIRED DURING TRANSPORT, WHEN MATERIAL IS ASHD) REGULATED BY 49CFR PARTS 172-180</small></p> <p>HANDLE WITH CARE!</p> <p><small>UWDE LABELMASTER® (800) 621-0808 www.labelmaster.com</small></p>

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



Puncturing and Draining Aerosol Cans

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

Common Questions about Aerosol Can Management

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
- Punctured and drained

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 once it is punctured/drained and managed as scrap metal.

Common Questions about Aerosol Can Management

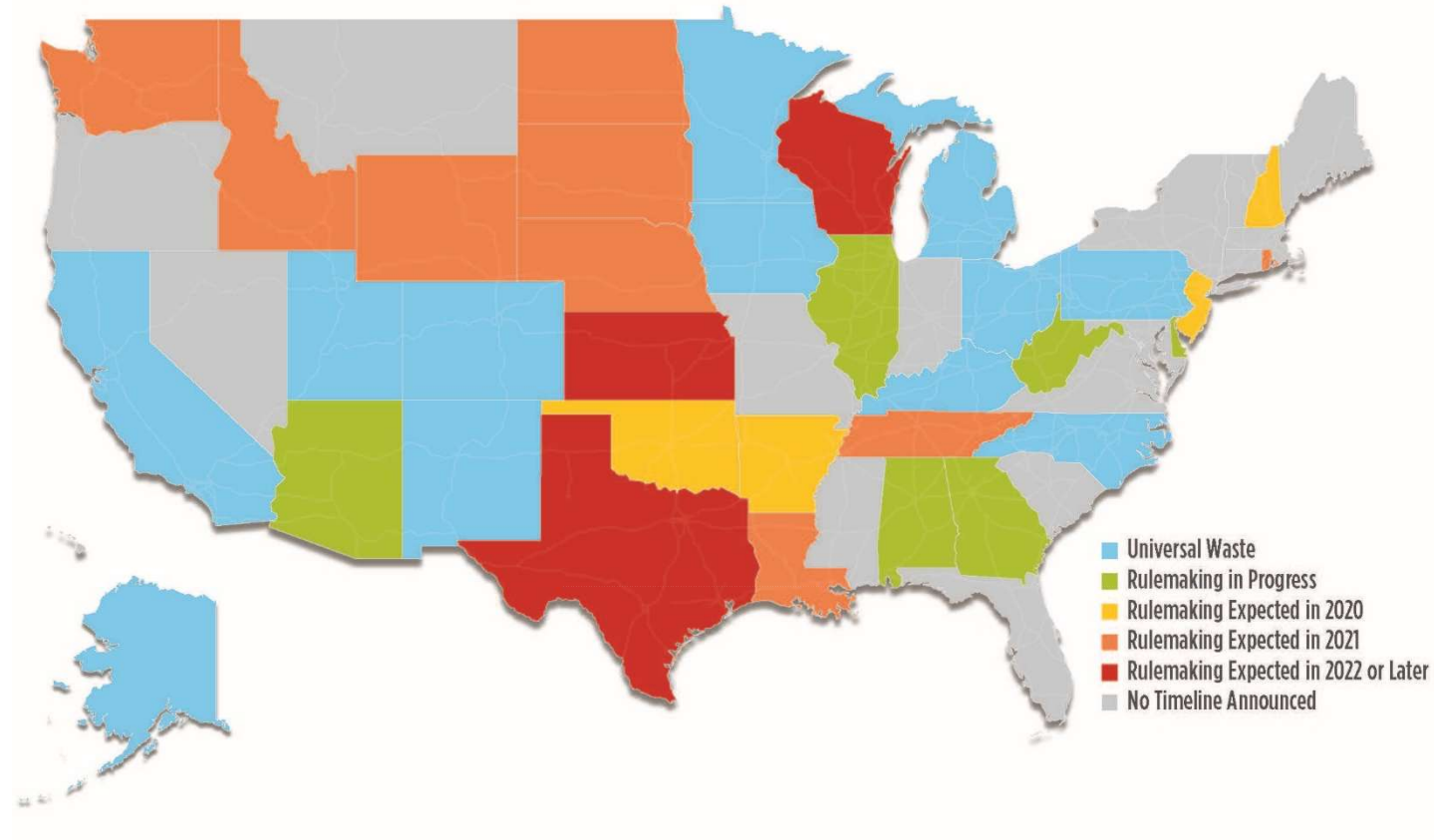
Question: Can aerosol cans be managed under the hazardous waste rules instead of the universal waste rules?

Answer: Generators may continue to manage their hazardous waste aerosol cans under 40 CFR part 262 but must comply with all the requirements of 40 CFR part 262. Generators cannot pick and choose among the requirements of the two sets of standards.

Universal Waste Aerosols Rule – State Status

Seven States have adopted the Aerosol Can Rule (**including Iowa**)

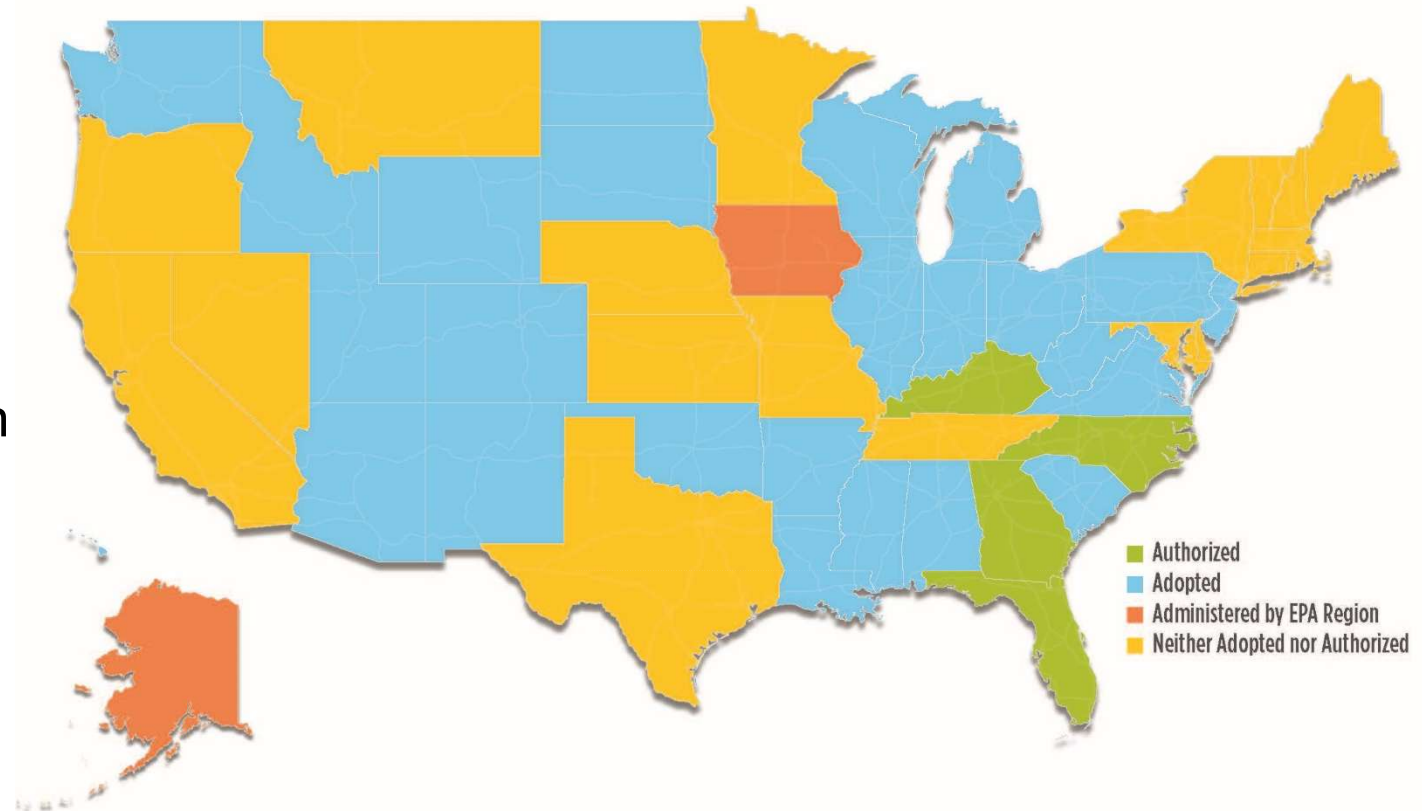
- ▶ **Kansas** – Intends to adopt but likely no rulemaking until 2022.
- ▶ **Missouri** – Evaluating the EPA Final Rule, but no timeline for adoption.
- ▶ **Nebraska** – Timeline for adoption will be established in 2021.



Hazardous Waste Generator Improvements Rule - State Status

31 States have either adopted or authorized the Generator Improvements Rule as of November 2020 (**including Iowa**).

- ▶ **Kansas** – No timeline announced for rulemaking.
 - ▶ 2017 Kansas Policy Act
- ▶ **Missouri** – Anticipating rulemaking in 2021.
- ▶ **Nebraska** – Submitted new regulations for approval. Anticipating rulemaking in 2021.

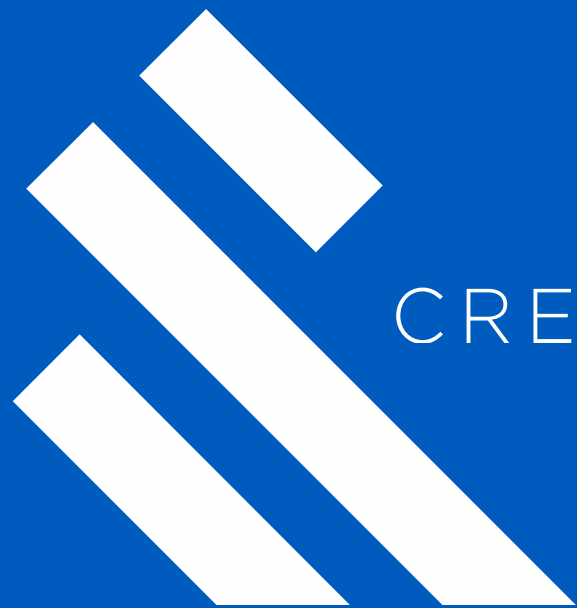




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