



Universal Waste Aerosol Cans

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On November 15, 2019, the EPA signed a final rule to classify and regulate hazardous waste aerosol cans as universal wastes under the federal Resource Conservation and Recovery Act (RCRA) hazardous waste rules. Under the new rule, the existing universal waste requirements currently applicable to Small Quantity Handlers of Universal Waste (SQHUW) and Large Quantity Handlers of Universal Waste (LQHUW) are also applicable to aerosol cans. The rule aims to remove waste aerosol cans from the municipal waste stream, ensure they are managed appropriately at the end of their lives, encourage recycling, and reduce unnecessary burden for generators. The final rule appeared in the Federal Register on December 9, 2019 and went into effect on February 7, 2020.

On August 25, 2020, the Georgia Board of Natural Resources amended Rule 391-3-11, adding the EPA's December 9, 2019, universal waste (UW) rule. This amended Georgia rule went into effect on October 5, 2020.

Definition of an Aerosol Can [40 CFR 260.10]

An aerosol can is defined as 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.

Aerosol Cans as Hazardous Waste [40 CFR 261.3]

Discarded aerosol cans may be classified as hazardous waste for several reasons. Aerosol cans frequently contain flammable propellants, such as propane or butane. If not completely spent, these propellants can cause the aerosol can to exhibit the hazardous characteristic for ignitability. Additionally, aerosol cans

may also contain a P- or U-listed active ingredient, or materials that exhibit one or more hazardous characteristics (ignitability, corrosivity, reactivity, or toxicity). Thus, when these cans are discarded prior to being completely spent, they are classified as a hazardous waste.

Standard Hazardous Waste Management

Typically, any discarded material that meets the definition of a hazardous waste is subject to stringent "cradle-to-grave" management. For example, small quantity generators (SQGs) of hazardous waste can store hazardous waste on site for no longer than 180 days (270 days if transporting to a disposal facility more than 200 miles away). Large quantity generators (LQGs) of hazardous waste can store the hazardous waste on site for no longer than 90 days. LQGs and SQGs of hazardous waste are subject to rigorous storage standards, training and recordkeeping requirements, and hazardous waste manifest forms must be used for all off-site shipments of hazardous waste.

Benefits of the Universal Waste Rules

By classifying certain hazardous wastes as universal wastes, generators of universal wastes can store universal wastes on-site for longer periods of time. Furthermore, universal wastes have simpler management standards and training requirements as opposed to hazardous wastes, and shipments of universal wastes do not require a manifest.

Benefits of the Universal Waste Rules

If a company chooses to recycle their aerosol cans, the aerosol cans must be:

- Managed in a way that prevents releases of their contents or any components into the environment.
- Accumulated in a container that is structurally

sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

- Placed in containers that are marked or labeled with one of the following statements: *Universal Waste—Aerosol Can(s)*, *Waste Aerosol Can(s)*, or *Used Aerosol Can(s)*.
- Packaged in a separate container, overpacked with absorbents, or immediately punctured and drained in accordance with 273.13(e)(4) and 273.33(e)(4) if showing evidence of leakage.

Permissible Activities Under Universal Waste Aerosol Can Rules

Both SQHUW and LQHUW may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

- Sorting aerosol cans by type.
- Mixing intact cans in a single container.
- Removing actuators to reduce the risk of accidental release.

Puncturing Aerosol Cans

SQHUW and LQHUW who puncture and drain their aerosol cans must recycle their empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

- Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.
- Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can; maintain a copy of the manufacturer's specifications and instructions on site; and ensure employees operating the device are trained in the proper procedures.
- Ensure the puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment.
- Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a

container or tank that meets applicable hazardous waste management standards.

- Conduct a hazardous waste determination on the contents of the emptied aerosol cans per 40 CFR 262.11. Any hazardous waste generated as a result of puncturing and draining the aerosol can must meet applicable hazardous waste management standards at 40 CFR 262.14, 262.15, 262.16, or 262.17.
- If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable Federal, state, or local solid waste regulations.
- A written procedure must be in place in the event of a spill or leak and a spill clean-up kit must be provided. All spills or leaks of the contents of the aerosol cans must be cleaned up promptly.
- Punctured and drained cans meeting the "empty" criteria at 40 CFR 261.7 must be recycled as scrap metal.

Documentation Required for Puncturing

Handlers of universal waste aerosol cans must have written procedures for safely puncturing and draining cans, maintaining puncturing equipment, segregating incompatibles, and proper waste management practices. Handlers must also develop a written procedure for leaks and spills and maintain a copy of the manufacturer's specifications and instructions.

Very Small Quantity Generators

Very small quantity generators (VSQGs) of hazardous waste are not required to follow universal waste rules. They can manage their universal wastes under 40 CFR 262.14 with their other hazardous wastes. However, they must assure delivery of their hazardous wastes to an EPA-permitted Treatment, Storage, or Disposal Facility (TSDF), and retain their records for tracking shipments.

Where can I go for more information?

- [EPA's Web site](#)
- [EPA Universal Waste Web Page](#)
- [Final Rule in the Federal Register](#)
- Contact the Georgia EPD at 404-362-2692
- [GECAP Web site](#) or call GECAP personnel at 404- 894-4147

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