

UNIVERSAL WASTE

Possible Standards for Aerosol Cans



Department of
Environmental
Conservation

Introduction. On December 9, 2019, the USEPA added hazardous waste aerosol cans to the universal waste (UW) rule. EPA's rule is not effective in NY until it is adopted by the state. The universal waste rule is a set of reduced requirements for certain commonly generated hazardous wastes. NYSDEC is considering adding aerosol cans to the NYS Universal Waste regulations. Below are the inclusions the Department is considering adding to the rule.

What is an Aerosol Can?

Under the new USEPA rule, an “aerosol can” is defined as a small steel can or aluminum container designed to be hand-held, which is sealed with its contents under pressure. Aerosol cans can have several components, including (but not limited to):

- 1) The can or container storing both propellant and the product;
- 2) An actuator or button at the top of the can that is pressed to deliver the product;
- 3) A valve, which controls delivery or flow of the product;
- 4) The propellant (a compressed gas or liquefied gas), which provides the pressure in the container to expel or release the product when the actuator is pressed to open the valve;
- 5) The product itself; and
- 6) A dip tube, which is connected to the valve to bring the product up through the can to be released when the actuator is pressed.

How must UW be handled?

Small Quantity Handlers (accumulate 5000kg or less of universal waste at any time) must:

- 1) Store the universal waste for any period less than one year;
- 2) Label the universal waste (for aerosol cans USEPA states they must say “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s)”);
- 3) Clean up leaking, spilled, or broken UW and place it in a suitable container;
- 4) All employees who handle or manage UW must be informed of handling and emergency procedures;
- 5) The handler is prohibited from sending or taking the UW to a place other than another UW handler, a destination facility, or a foreign destination;
- 6) Keeping records of shipments is recommended (recordkeeping is required for large quantity handlers).

What Activities may Small and Large Quantity Handlers of UW aerosol cans conduct?

Under the USEPA regulations, Small Quantity and Large Quantity Handlers must accumulate aerosol cans in containers compatible with the contents of the aerosol cans. Both types of handlers can:

- 1) Sort aerosol cans by type;
- 2) Mix intact cans in one container;
- 3) Remove actuators to reduce the risk of accidental release; and
- 4) Puncture and drain the cans.

When an aerosol can is punctured and recycled, the handler must:

- 1) Conduct puncturing and draining activities using a device made to safely puncture aerosol cans;
- 2) Establish a written procedure for safely puncturing and draining universal waste aerosol cans;
- 3) Ensure that puncturing of the can is done in a manner designed to prevent fires and release of any component of the can to the environment and;
- 4) Immediately transfer the contents of the aerosol can, or puncturing device to a container or tank that meets certain regulations.

Aerosol cans that show evidence of leaking must be: packed separately, immediately punctured or drained, and overpacked with absorbents. Once removed from the aerosol cans, the contents must be assed to determine if they are hazardous waste. Clean Air Act regulations would also apply for the management of the aerosol cans. Retailers must make hazardous waste determinations for the variety of products discarded at the stores.

What is NYSDEC considering for the addition of aerosol cans the UW Rule?

In addition to the provisions of USEPA's Aerosol Can Rule, NYSDEC is considering the following:

- Adding a specific prohibition against the storage of UW aerosol cans that are incompatible prior to puncturing
- Adding measures to ensure emissions ae contained during puncturing and draining activities
- Adding measures for shipping and accumulating UW aerosol cans
- Adding timeframe for how long a destination facility may stage aerosol cans before a RCRA storage permit is required
- Limiting small and large quantity handlers to puncturing only the cans that they've generated themselves. Facilities puncturing cans taken from off-site would be UW destination facilities with exception. Facilities that want to accept and puncture cans only from UW handlers under control of the same person would have to operate as large quantity UW handlers.
- Limiting UW aerosol cans size to 24 oz or 1-liter and limiting cans to manufactured aerosol cans
- Defining when UW aerosol cans meet the definition of reactivity- under normal conditions or when mismanaged
- Clarifying how a puncturing device "effectively contains" the residual contents of the UW aerosol cans
- Clarifying that a punctured can and its contents are no longer considered UW waste
- Better defining "Aerosol Cans"

Do you have comments about these changes to the UW Rule?

Please give your feedback on the above considerations the Department has for aerosol can regulations. Please send any comments or suggestions to hwregs@dec.ny.gov. For additional information, please call 518-402-8651.