



HAZARDOUS WASTE

Compliance Assistance - Aerosol Cans as Universal Wastes (Revision 2)

December 2022

“Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations”

Federal Adoption: 12/9/2019

Virginia Adoption: 10/28/2022

Effective Date in Virginia: January 18, 2023

Adding aerosol cans to the Universal Waste (UW) rule simplifies handling and disposal of the wastes for generators, while ensuring that universal waste aerosol cans are sent to the appropriate destination facilities, where they will be managed as a hazardous waste with all applicable Subtitle C requirements to ensure protection of human health and the environment. Management as universal waste under the final requirements is also expected to facilitate environmentally sound recycling of the metal used to make the cans. Aerosol cans that are managed as UW do not count toward a facility’s hazardous waste generation total. This rule does not include aerosol cans generated by households.

What is an aerosol can?

EPA defines aerosol can 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.

What are generator options?

Following the effective date, generators of spent aerosol cans in Virginia will have the following options for managing these wastes:

- Continue to manage aerosol cans as hazardous waste (HW) under 40 CFR Part 262; or
- Puncture cans using a commercial puncturing device, and recycle the punctured cans as scrap metal while characterizing and managing drained liquids as HW if appropriate; or
- Manage un-punctured aerosol cans as Universal Waste (UW) under 40 CFR Part 273

Please note that puncturing is only allowed for aerosol cans that are going to be recycled as scrap metal.

Continue Managing as Hazardous Waste – If complying with this option, spent aerosol cans should not be placed in the trash by businesses. The cans should be characterized as possible hazardous waste and managed accordingly, including placing in containers, labeling, dating, accumulation time, and shipment via uniform HW manifest to a permitted RCRA HW treatment, storage or disposal facility.

Puncturing, Draining and Recycling of Aerosol Cans - In order to puncture, drain and recycle, puncturing and draining activities should be conducted in a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof. The actual puncturing of the cans should be done in a manner designed to prevent fires and to prevent the release of the aerosol



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can contents to the environment so as to minimize human exposure. Generators should establish and follow a written procedure that addresses the operation of the puncturing unit, including the segregation of incompatible wastes. Once punctured, these aerosol cans should be recycled – no puncturing can take place without recycling. Those who puncture should be properly trained to perform their puncturing job function. Puncturing and draining an aerosol can, if performed for the purpose of recycling (*e.g.*, for scrap metal recycling), is considered part of the recycling process and is exempt from RCRA treatment permitting requirements under [40 CFR 261.6\(c\)](#). When hazardous waste aerosol cans are recycled, the recycling process itself is not subject to regulation, except as indicated in [40 CFR 261.6\(d\)](#). The former contents of the punctured aerosol can, immediately after puncturing, should be characterized as HW and managed in accordance with the HW generator requirements of 40 CFR Part 262.

Management of Aerosol Cans as UW – Aerosol cans managed under the existing UW regulations at 40 CFR Part 273 should be placed in a container that is kept closed except as necessary to add or remove UW or managed individually, should be labeled with the words “Waste Aerosol Cans” or “Universal waste - aerosol cans” or “Used Aerosol Cans” on the container or each individual can, and should be dated and not stored on site for longer than one year. These UW aerosol cans count toward a facility’s total UW count to determine whether the facility is a Large Quantity Handler (LQH) storing more than 5,000 kg of UW at one time, or Small Quantity Handler (SQH) storing less than 5,000 kg of UW at any one time. UW should be shipped to another UW handler, or to a UW destination facility before the one year expires.

If you have any questions, please contact Lisa Ellis at (804) 912-7366 or lisa.ellis@deq.virginia.gov, or your nearest DEQ regional HW inspector.