

Department of Environmental Protection

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Lawton Chiles
Governor

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

April 5, 1995

Lewis Taylor
St. Joe Paper Company
Post Office Box 190
Port St. Joe, Florida 32456

RE: Guidance on Aerosol Can Disposal

Dear Mr. Lewis Taylor:

This letter is in response to your telephone conversation with Mike Redig for guidance on aerosol can disposal. Materials removed from aerosol cans that are punctured, crushed or shredded and the residues remaining on such cans, in some cases, may be subject to our regulations.

In the case of emptying aerosol cans by puncturing, the Generator must remember that the can actually contains two materials; a compressed gas and the product itself. If the can can be assured empty of both product and propellant under both EPA and DOT rules, it is not subject to RCRA regulation and can be sent to a subtitle D solid waste facility pursuant to 40 CFR 261.7(a)(1) and 49 CFR 173.29 (2)(ii).

Under US EPA rules, a compressed gas container is empty (i.e. no longer regulated) when the pressure inside the container approaches atmospheric. Providing the aerosol was not an acutely hazardous commercial chemical product, the liquid is considered "emptied" from the container when all materials "have been removed using the practices commonly used to remove materials from that type of container" and no more than 1 inch of residue remains on the bottom of the container (Ref: 40 CFR 261.7).

There are several situations of removing materials from aerosol cans. The first involves aerosol cans which hold commercial chemical products listed in 40 CFR 261.33 (e) and (f). Where these chemicals are removed from aerosol cans when they are punctured, crushed or shredded, they are subject to our regulations if they are discarded or intended to be discarded; (if they are recovered for re-packaging and beneficial recycling or reclamation which is their normal manner of use they are not solid wastes and therefore not subject to our regulations). If the removed chemicals are kept segregated from the punctured, crushed or shredded cans, the regulated management of those wastes would not involve management of the cans (except see discussion below relative to 40 CFR 261.33 (e) chemicals). If the removed chemicals are not kept segregated from the punctured, crushed or shredded cans, one has a "mixture" of chemicals and cans (see 40 CFR 261.33(a) (1) (ii)) and this mixture is subject to our regulations. Finally, even if the removed chemicals are kept segregated from the cans but the chemicals are 40 CFR 261.33 (e) chemicals, then the residue on the punctured, crushed or shredded cans (and, for all practical purposes, the cans themselves) are subject to our regulations until they are

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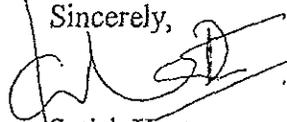
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triple-rinsed or equivalently decontaminated (see 40 CFR 261.7(b) (3) at Federal Register 78529, November 25, 1980).

The other type of situation is where the cans hold products which are not listed in 40 CFR 261.33 (e) or (f) but which are to be discarded (therefore are solid waste) and exhibit one or more of the characteristics of hazardous waste (therefore are hazardous waste). If those waste products are kept segregated from the punctured, crushed or shredded cans, then, as above, their regulated management would not involve management of the cans. If segregation is not accomplished, then the mixture of these products and the punctured, crushed or shredded cans would have to be managed as a hazardous waste if the mixture also exhibits one or more of the characteristics of hazardous waste. Of course, if the product removed from the punctured, crushed or shredded cans is not to be discarded but, instead, is to be beneficially used or legitimately recycled or reclaimed, then our regulations do not apply.

Thank you for your regulatory request. If the department can be of further service, please do not hesitate to call Subra Putcha or Mike Redig in the Hazardous Waste Regulation Section at (904) 488-0300.

Sincerely,



Satish Kastury
Environmental Administrator
Hazardous Waste Regulation Section

SK/lml

CC: Subra Putcha, BS&HW - FDEP
Susan Horlick, BS&HW - FDEP
Diana Coleman, OGC - FDEP
Waste Program Administrators