

Fact Sheet
October 2015

Aerosol Can Waste Management



DEPARTMENT OF TOXIC
SUBSTANCES CONTROL

HAZARDOUS WASTE MANAGEMENT

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



California Health and Safety Code, Division 20, Article 9 Section 25201.16 reduces the regulatory and financial burden of managing hazardous waste aerosol cans by designating them as “universal waste.” Universal waste handlers may process the cans onsite without a permit under certain conditions.

When Are Aerosol Cans Hazardous Wastes?

Aerosol cans may be hazardous wastes when they are non-empty and will no longer be used. Aerosol cans are not hazardous wastes when they have been emptied of contents. Non-empty Aerosol cans are commonly discarded for a number of reasons, such as: the spray mechanism is damaged or clogged and no longer works, the propellant has been exhausted, or the owner decides that he or she no longer wants or needs the product.



If the waste non-empty aerosol can contains pressurized contents that may be hazardous, if the propellant is ignitable or toxic, or the product itself is ignitable, corrosive, or toxic then the waste non-empty aerosol can is a hazardous waste. Aerosol cans containing paint, pesticides, and cleaning products are several examples of materials that may be hazardous when discarded. Most aerosol cans use hydrocarbons, such as propane, butane, or LPG gas as the propellant. Hence, most waste aerosol cans that are not empty are ignitable hazardous wastes.

Waste aerosol cans may be managed in accordance universal waste management standards found in California Code of Regulations, title 22, chapter 23, in addition to the requirements in Health and Safety Code section 25201.16. However, the universal waste exemption for households and "conditionally exempt small quantity universal waste generators" does not apply to waste non-empty aerosol cans (see Health and Safety Code (Health & Saf. Code, § 25201.16(d)). For more information or a listing of universal wastes, see the Department of Toxic Substances Control (DTSC) fact sheet entitled “Managing Universal Waste in California” (available at http://www.dtsc.ca.gov/PublicationsForms/HWM_FS_UWR.pdf), and California Code of Regulations (Cal Code Regs.), title 22, chapter 23.

Do Waste Aerosol Can Management Standards Apply to Me?

Waste aerosol can management standards apply to you if you generate or accumulate hazardous waste aerosol cans in accordance with Health and Safety Code, section 25201.16.

California Code of Regulations, title 22, section 66273.8 exempts households and certain very small quantity generators of universal wastes from requirements that apply to larger universal waste handlers. These exemptions do not apply to waste aerosol cans (Health & Saf. Code, § 25201.16(d)(2)). Homeowners and small quantity generators of waste non-empty aerosol cans are not allowed to dispose of the cans as solid waste (i.e., put them in the trash). However, anyone may dispose of empty aerosol cans as solid waste, or recycle empty cans as scrap metal (Cal. Code Regs., tit. 22, § 66261.6(a)(3)(B)). For more information about disposal of empty aerosol cans, see the DTSC fact sheet entitled “Managing Empty Containers” (available at <https://www.dtsc.ca.gov/HazardousWaste/upload/Managing-Empty-Containers.pdf>).

Note: Offsite commercial processors of waste aerosol cans are not universal waste handlers and may not process waste aerosol cans as universal waste (Health & Saf. Code, § 25201.16(h)(1)).

Requirements for Handling Universal Waste Aerosol Cans

All handlers of universal waste aerosol cans must comply with the requirements of Health and Safety Code section 25201.16 (e), (f), (g), and (k). If you are a handler who processes universal waste aerosol cans, you are subject to additional requirements in section 25201.16 (h), (i), and (j). You must:

- Train employees on the proper procedure for sorting and processing waste aerosol cans and handling emergencies;
- Process the universal waste aerosol cans in a well-ventilated area;
- Manage the universal waste aerosol cans in a manner and in equipment designed to prevent fire, explosion, and unauthorized releases to the environment;
- Universal waste aerosol cans may be accumulated for up to one year at each site.

- Keep containers closed that are used to accumulate or transport processed aerosol cans or waste drained from the cans, except when waste is being added or removed;
- Cover containers at the end of each workday that are used to accumulate universal waste aerosol cans for processing or shipping;
- Place accumulation containers in a location with sufficient ventilation to prevent formation of an explosive atmosphere;
- Place containers of processed cans, drained can contents or cans generated offsite on a surface that is free of cracks and gaps, and is sufficiently impervious and bermed to contain leaks;
- Accumulate and transport universal waste aerosol cans in containers that are structurally sound, and compatible with the contents of the can, and show no evidence of leaks, spills, or damage that could cause leaks;
- Place universal waste aerosol cans in containers that are designed, built, and maintained to withstand pressures reasonably expected during storage and transportation;
- During accumulation, sort cans by type and compatibility of contents;
- Keep containers of flammable wastes a safe distance from heat and open flames;
- Segregate incompatible materials in separate containers;
- Label containers of universal waste aerosol cans with one of the following phrases: “Universal Waste Aerosol Cans,” “Waste Aerosol Cans,” or “Used Aerosol Cans;”
- Transport clearly marked containers in a way that prevents, fire, explosion, or release of container contents.

Additional Requirements for Processing Aerosol Cans as Universal Waste

These requirements are in addition to the previously listed requirements for handling universal waste aerosol cans. Universal waste handlers may process aerosol cans through puncturing, draining, and crushing the universal waste aerosol cans (Health & Saf. Code), section 25201.16. When accumulating, or processing universal waste aerosol cans, you must comply with the requirements of (Health & Saf. Code, § 25201.16(h), (i), and (j)):

- Place the unit used to process aerosol cans above a non-earthen floor that is free of cracks or gaps and is sufficiently impervious and bermed to contain leaks and spills;
- Develop and implement a written operating procedure for safely processing universal waste aerosol cans and handling emergencies;
- Provide a spill clean-up kit and promptly clean-up any spills or leaks of the contents of universal waste aerosol cans;
- Promptly transfer the contents of the drained aerosol cans from the processing device to appropriate containers that meet specified requirements;
- Waste generated from processing waste aerosol cans, including residues removed from those cans, may be hazardous waste. This includes potentially acutely and extremely hazardous wastes. Any waste deemed generated during processing must be properly characterized and should be managed accordingly (Health & Saf. Code, § 25201.16(i)).

Commercial Processing of Waste Aerosol Cans

The aerosol can puncturing and draining provisions do not apply to commercial entities such as offsite hazardous waste facilities, hazardous waste transporters, or transfer facilities. Offsite commercial processors remain subject to all DTSC permitting, reporting, record keeping, and facility requirements for the management of hazardous waste under Health and Safety Code and California Code of Regulations, including obtaining proper authorization for the type of treatment they conduct (Health & Saf. Code, § 25201.16(a)(7) and 25201.16(h)(1)); Cal. Code Regs., tit. 22, § 66273.9).

Note: If the contents drained from the cans are hazardous, you must continue to manage the drained waste residues as hazardous wastes (Health & Saf. Code, § 25201.16(i)).

Notification Requirements

Health and Safety Code section 25201.16(j) requires you to notify your local CUPA if you process universal waste aerosol cans. Universal Waste handlers are able to process the cans onsite without a permit or other authorization from DTSC or the local Certified Unified Program Agency (CUPA).

Also, it is the handler's responsibility to ensure that equipment used for processing the cans meets the requirements of Health and Safety Code, section 25201.16(e). However, as previously mentioned, if you process universal waste aerosol cans you must notify your local CUPA. The notification can be given in person or by letter, via certified mail, with return receipt requested. Some CUPAs may have a notification form that can be completed. In the absence of a CUPA, send the notification to the agency authorized to implement and enforce the hazardous waste generator program in your jurisdiction. Also, notify the CUPA or authorized agency within 30 days of any change in operation that changes the information you originally provided.

Who is able to process Aerosol Cans as Universal Waste?

Only a "universal waste handler," as legally defined, may process universal waste hazardous waste aerosol cans. [See California Code of Regulations, title 22, section 66273.9 Health and Safety Code subsections 25201.16 (a)(7) and (h) (1)] Offsite commercial processors of hazardous waste aerosol cans are prohibited from processing aerosol cans under the universal waste aerosol can statute (Health & Saf. Code, § 25201.16(h)(1)). DTSC construes the statutorily undefined word, commercial, to apply to any person, as that word is defined in California Code of Regulations, title 22, section 66260.10, that processes aerosol cans in exchange for compensation. Some examples of entities that are offsite commercial processors include, but are not limited to: individuals from another generator's site, registered hazardous waste transporters, operators of hazardous waste treatment, storage and/or disposal facilities, and operators of transportable treatment units. Such entities are not universal waste aerosol can handlers, as defined, and hence, are prohibited from processing aerosol cans as authorized treatment of universal wastes. These offsite commercial processing entities must manage hazardous waste aerosol cans as fully regulated offsite generated hazardous wastes, including obtaining appropriate authorizations or hazardous waste facility permits for conducting hazardous waste treatment of aerosol cans. (Health & Saf. Code, § 25201.16(h)(1) and 25201). There is however one exception to this rule which applies to permitted household hazardous waste collection facilities. (The permit-by-rule authorizations for these facilities makes them responsible for compliance with both the standards for offsite hazardous waste facilities and also the standards for generators for the hazardous wastes collected by these facilities. See the Final Statement of Reasons for the Permit-By-Rule Regulations for Permanent Household Hazardous Waste Collection Facilities, R-95-03).

Disclaimer

This fact sheet provides general information about managing universal waste aerosol cans. Consult the actual statutes and regulations before making any decisions that may impact regulatory compliance.

For more information, contact the DTSC office nearest you, or call the Regulatory Assistance Office at (800)72TOXIC (1-800-728-6942). From outside California, call (916)255-3545.

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