

**AEROSOL CAN WASTE MANAGEMENT**

Aerosol cans are widely used for dispensing a broad range of products including paints, solvents, pesticides, food and personal care products, and many others. According to the Environmental Protection Agency (EPA), aerosol cans account for nearly 40% of retail items managed as hazardous wastes at large retail facilities. On February 7, 2020, the EPA added hazardous waste aerosol cans to the universal wastes outlined in title 40 of the Code of Federal Regulations (CFR), part 273, thereby giving generators the opportunity to choose the management method that best suits its operations. The State of Florida adopted the requirements of 40 CFR Part 273 into the Florida Administrative Code (FAC 62-730) on October 30, 2020. This table provides a comparative overview of waste management options for generators of aerosol cans and should be used for guidance only. It is not a comprehensive overview of all hazardous waste management regulations. For more details and specific requirements visit [www.ocfl.net/environment](http://www.ocfl.net/environment) or email [p2@ocfl.net](mailto:p2@ocfl.net).

**Comparison of Hazardous Waste (HW) Generator Requirements and the Universal Waste Regulations**

	Hazardous Waste Generator Requirements			Aerosol Cans as Universal Waste Regulations	
	Very Small Quantity Generator (VSQG)	Small Quantity Generator (SQG)	Large Quantity Generator (LQG)	Small Quantity Handler (SQH) of Universal Waste	Large Quantity Handler (LQH) of Universal Waste
<b>Generation Rate</b>					
Quantity of non-acute HW generated in a calendar month	≤ 220 lbs (100 kg)	> 220 lbs (100 kg) but < 2,200 lbs (1000 kg)	≥ 2,200 lbs (1000 kg)	<ul style="list-style-type: none"> <li>▪ There is <i>no</i> monthly generation rate <i>limit</i> for universal waste.</li> <li>▪ An accumulation volume limit of <i>less than 5,000 kg (11,000 lbs) at any time</i> determines whether a facility is a SQH of universal waste.</li> <li>▪ Universal waste <b>does not count</b> towards hazardous waste generator status.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is <i>no</i> monthly generation rate <i>limit</i> for universal waste.</li> <li>▪ An accumulation volume <i>limit of 5,000 kg (11,000 lbs) or more at any time</i> if a facility is a large quantity handler of universal waste.</li> <li>▪ Universal waste <b>does not count</b> towards hazardous waste generator status.</li> </ul>
Quantity of acute HW generated in a calendar month	≤ 2.2 lbs (1 kg)	≤ 2.2 lbs (1 kg)	No limit		
Quantity of residues from a clean-up of acute HW generated in a calendar month	≤ 220 lbs (100 kg)	< 220 lbs (100 kg)	> 220 lbs (100 kg)		
<b>Accumulation Volume Limit</b>	<ul style="list-style-type: none"> <li>▪ ≤ 2,200 lbs (1000 kg) non-acute HW at any time</li> <li>▪ ≤ 2.2 lbs (1 kg) acute HW at any time</li> <li>▪ ≤ 220 lbs (100 kg) acute HW from a clean-up at any time</li> </ul>	<ul style="list-style-type: none"> <li>▪ ≤ 13,200 lbs (6000 kg) non-acute HW at any time</li> <li>▪ ≤ 2.2 lbs (1 kg) acute HW at any time</li> <li>▪ ≤ 220 lbs (100 kg) acute HW from a clean-up at any time</li> </ul>	None	<ul style="list-style-type: none"> <li>▪ A SQH of universal waste accumulates less than 5,000 kg (11,000 lbs) of universal waste (batteries, pesticides, mercury-containing equipment, lamps or aerosol cans, calculated collectively) at any time.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>There is no volume limit.</b> A LQH of universal waste may accumulate 5,000 kg (11,000 lbs) or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps or aerosol cans, calculated collectively) at any time.</li> </ul>

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<b>Accumulation Time Limit (without a permit)</b>	None	180 days	90 days	<ul style="list-style-type: none"> <li>One year accumulation time limit.</li> <li>Must be able to demonstrate the length of time the universal waste has been accumulating.</li> </ul>	
<b>Notification Requirements/ EPA Identification Number</b>	None	Notify FDEP (on Form 8700-12FL) and obtain EPA ID Number. Starting September 1, 2021 SQGs must re-notify every four years.	Notify FDEP (using Form 8700-12FL) and obtain EPA ID Number and re-notify annually by March 1.	Not required to notify FDEP of universal waste handling activities.	Must notify FDEP (on Form 8700-12FL) and obtain EPA ID Number (if site does not already have an EPA ID Number).
<b>Hazardous Waste Determinations</b>	Waste Determination in accordance with 40 CFR 262.11(a) through (d).	Waste Determination in accordance with 40 CFR 262.11(a) through (g).		<ul style="list-style-type: none"> <li>Universal wastes are exempt from regulation under 40 CFR 262 through 270. However, a universal waste is defined as a hazardous waste that is managed under the universal waste requirements of 40 CFR 273.</li> <li>Generator should <b>make and document an initial waste determination</b> and then indicate the waste stream is managed under 40 CFR 273 and is exempt from other hazardous waste requirements.</li> </ul>	
<b>Labeling/Marking Requirements</b>	None	<p>All containers (satellite and central accumulation) must be marked with:</p> <ul style="list-style-type: none"> <li>The words "Hazardous Waste,"</li> <li>An indication of the hazards of the contents of the container</li> <li>Central accumulation containers – must be marked with an accumulation start date.</li> </ul>		<p>Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases:</p> <ul style="list-style-type: none"> <li>“Universal Waste—Aerosol Can(s)”,</li> <li>“Waste Aerosol Can(s)”, or</li> <li>“Used Aerosol Can(s)”.</li> </ul>	
<b>Container Management</b>	None	<p>Hazardous waste must be placed in a hazardous waste management unit (container, tank, drip pad, or containment building) in compliance with 40 CFR 262.15 for satellite accumulation area, or the applicable requirements of 40 CFR 262.16 (for SQGs) or 40 CFR 262.17 (for LQGs).</p>		<ul style="list-style-type: none"> <li>Universal waste aerosol cans must be accumulated in a container that is <i>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.</i></li> <li>Universal waste handler may conduct the following activities as long as each individual aerosol can is not breached and remains intact: <ul style="list-style-type: none"> <li>Sorting aerosol cans by type;</li> <li>Mixing intact cans in one container; and</li> <li>Removing actuators to reduce the risk of accidental release.</li> </ul> </li> </ul>	
<b>Inspection Requirements</b>	None	<ul style="list-style-type: none"> <li>Weekly inspections required of central accumulation area(s)</li> <li>Inspections must be documented</li> </ul>		No inspections are required.	

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<b>Employee Training</b>	None	<p>Generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.</p>	<ul style="list-style-type: none"> <li>▪ Training program required for all employees with HW management duties.</li> <li>▪ Training program must be documented, and records kept for each employee.</li> <li>▪ Annual refresher training is required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Small quantity handlers of universal waste must inform all employees who handle or have responsibility for managing universal waste.</li> <li>▪ The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.</li> </ul>	<p>Large quantity handlers of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.</p>
<b>Transportation</b>	None	<ul style="list-style-type: none"> <li>▪ Containers must be labeled with specific hazardous waste language and in compliance with DOT hazardous materials requirements.</li> <li>▪ Hazardous waste may only be transported by a registered hazardous waste transporter.</li> <li>▪ The generator must placard the transportation vehicle with the appropriate DOT placard.</li> </ul>		<ul style="list-style-type: none"> <li>▪ Universal waste handlers are prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.</li> <li>▪ If a universal waste handler self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of 40 CFR 273 subpart D.</li> <li>▪ Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure the receiving handler agrees to receive the shipment.</li> <li>▪ If universal waste aerosol cans are shipped out of Florida, to a state (or through one), that has not yet adopted the regulations, the universal waste aerosol cans may still be managed as a universal waste on-site in Florida, but would need to be transported as a hazardous waste (or by any other state requirements) until the receiving state (or any states the waste travels through) adopts the regulation.</li> </ul>	

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<b>Manifests</b>	<ul style="list-style-type: none"> <li>▪ Written receipts or other records must be retained for at least three years.</li> <li>▪ Receipts and/or records must include details outlined in FAC 62-730.030(2).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hazardous waste manifest must be prepared for each off-site shipment of hazardous waste.</li> <li>▪ Containers and manifests must include RCRA HW waste codes.</li> </ul>		<ul style="list-style-type: none"> <li>▪ Not required to keep records of shipments of universal waste.</li> <li>▪ It is recommended to maintain bill of lading or other tracking documentation of the shipment.</li> <li>▪ See "Transportation" section of this document for information if receiving state has not yet adopted the universal waste requirements yet.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Records of each shipment of universal waste received at the facility.</li> <li>▪ Records of each shipment of universal waste sent from the handler to other facilities.</li> <li>▪ Records must include specific information including the name and address of the originating handler, the quantity of each type of universal waste sent, and the date the shipment left the facility.</li> <li>▪ Records must be retained for three years.</li> <li>▪ See "Transportation" section of this document for information if receiving state has not yet adopted the universal waste requirements.</li> </ul>
<b>Land Disposal Restrictions</b>	None	Must comply with the land disposal restrictions of 40 CFR 268.		Universal waste handlers are not required to meet land disposal restrictions of 40 CFR 268.	
<b>Preparedness and Prevention and Emergency Response</b>	None	<ul style="list-style-type: none"> <li>▪ Facilities must be maintained and operated to prevent fire, explosion, or release of hazardous waste. Appropriate equipment and procedures must be in place. Arrangements must be made with local authorities.</li> <li>▪ Facility must have a designated emergency coordinator.</li> <li>▪ Emergency information must be posted at the facility (SQG) or submitted to the local emergency authorities (LQG).</li> <li>▪ Facility must immediately contain all spills and manage clean-up material by applicable HW requirements.</li> </ul>		<ul style="list-style-type: none"> <li>▪ A universal waste handler <b>must</b> manage universal waste aerosol cans in a way that <b>prevents releases</b> of any universal waste or component of a universal waste to the environment.</li> <li>▪ Universal waste aerosol cans that show evidence of leakage must be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements described in 40 CFR 273 for puncturing and draining.</li> <li>▪ A universal waste handler must immediately contain all releases of universal waste and other residues from universal wastes and determine whether any material resulting from the release is a hazardous waste. If it is a hazardous waste it must be managed in accordance with applicable requirements of 40 CFR 260 through 272.</li> <li>▪ <b>The handler is considered the generator if a release is hazardous waste.</b></li> </ul>	

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<b>Puncturing/ Draining of Aerosol Cans when the Punctured/Drained Empty Aerosol Can is Recycled</b>	<ul style="list-style-type: none"> <li>▪ If hazardous waste aerosol cans are accumulated prior to puncturing/draining, <i>hazardous waste accumulation container requirements may apply.</i></li> <li>▪ A <b>waste determination must be made</b> on the waste drained from the aerosol cans and any applicable hazardous waste requirements apply to the container collecting the waste drained from the aerosol cans. <ul style="list-style-type: none"> <li>• For VSQG: 40 CFR 262.14</li> <li>• For SQG: 40 CFR 262.16</li> <li>• For LQG: 40 CFR 262.17</li> <li>• For SQG and LQG satellite accumulation: 40 CFR 262.15</li> </ul> </li> </ul>			<p>A universal waste handler who punctures and drains their universal waste aerosol cans must:</p> <ul style="list-style-type: none"> <li>▪ Recycle the empty punctured aerosol cans.</li> <li>▪ 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.</li> <li>▪ Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation, and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.</li> <li>▪ Maintain a copy of the manufacturer's specification and instruction on site.</li> <li>▪ Ensure employees operating the device are trained in the proper procedures.</li> <li>▪ Ensure that 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. This manner includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.</li> <li>▪ Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 40 CFR 262.14, 262.15, 262.16, or 262.17.</li> <li>▪ Conduct a hazardous <i>waste determination on the contents of the emptied aerosol can per 40 CFR 262.11</i>. <b>Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 40 CFR 260 through 272.</b> The handler is considered the generator of the hazardous waste and is subject to 40 CFR part 262. 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.</li> <li>▪ Have a written procedure in place in the event of a spill or leak and a spill clean-up kit must be provided. All spill or leaks of the contents of the aerosol cans must be cleaned up promptly.</li> </ul>	

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<b>Puncturing/Draining of Aerosol Cans when the Punctured/Drained Empty Aerosol Can is <u>Disposed</u> (and not recycled)</b>	Puncturing of aerosol cans is <b>considered treatment and not allowed</b> by a VSQG.	When aerosol cans are <i>disposed</i> after puncturing/draining, the activity is <b>considered hazardous waste treatment</b> and <u>must</u> be done in a container or tank that complies with the central accumulation requirements for small or large quantity generators.		<b>This activity is not allowed.</b> Punctured/drained aerosol cans <i>must be recycled to be allowed to be managed as a universal waste</i> prior to puncturing them (see the Puncturing/Draining of Aerosol Cans when the Punctured/Drained Empty Aerosol Can is Recycled section, above).	
<b>Exports</b>	Generators who send hazardous waste to foreign destination are subject to the requirements of 40 CFR 262 subpart H.			Handlers of universal waste who send universal waste to foreign destination are subject to the requirements of 40 CFR 262 subpart H.	