

September 17, 1996

Ms. Fonda P. Wicker  
Environmental Specialist  
Ogden Environmental and Energy Services  
161 Mitchell Road  
Oak Ridge, Tennessee 37830

Dear Ms. Wicker:

Thank you for your letter of June 17, 1996 seeking guidance or policy statements on the use of can puncturers in our Region for aerosol containers of paints, solvents, and lubricants so that the steel cans can be recycled and reduce disposal costs. Please accept my apology for the delay in answering your letter.

In a letter dated October 7, 1993 to the Gregory Crawford, Vice President of Recycling Operations for the Steel Recycling Institute, the EPA (signed by Elizabeth A. Cotsworth for Jeffery D. Denit, Acting Director, Office of Solid Waste) advised Mr. Crawford of the following:

1) With regard to reactivity: The Agency is not able to determine whether various types of cans that may have contained a wide range of products are reactive. However, a steel aerosol can that does not contain a significant amount of liquid would clearly meet the definition of scrap metal, (40 CFR 261.1(c)(6)), and thus would be exempt from RCRA regulation under 40 CFR 261.6(a)(3)(iv) (as listed in the 7/1/92 edition of 40 CFR 260-299; it is listed as 40 CFR 261.6(a)(3)(iii) in the 7/1/95 edition) if it were to be recycled. Therefore, a determination of reactivity or any other characteristic would not be relevant. Aerosol cans that have been punctured so that most of any liquid remaining in the can flow and drain from the can, would not contain significant liquids.

2) With regard to puncturing the cans: It should be noted that since the process of emptying the aerosol cans is part of a recycling process (i.e., scrap steel recycling), this activity would be exempt from RCRA regulation under 40 CFR 261.6(c) except as specified in 40 CFR 261.6(d). The Agency recommends that these activities be conducted in a safe and environmentally protective manner and that care be taken to properly manage any contents removed from the container (both liquids and gases). Any liquid or contained gases removed from the aerosol cans may be subject to regulations as hazardous wastes if they are listed in Subpart D of 40 CFR 261 or if they exhibit any characteristics of hazardous waste as described in Subpart C of 40 CFR Part 261.

3) Disposal of punctured cans: If the aerosol cans were to be

disposed of as non-hazardous waste (rather than recycled), the generator would have to determine that the can is empty under 261.7.

We are enclosing a copy of EPA's letter along with copy of an article from "The Recycling Magnet," Vol.5, No 3 Spring 1994 relating to recycling paint and aerosol cans provided by Fred Friedman of the Research Library for RCRA. Mr. Friedman's phone number is (617) 565-3282.

We would also suggest that you contact your client's states as the states' regulations may be more stringent than federal regulations.

We appreciate your safety concerns and stress that persons managing both regulated wastes and wastes that are exempt under recycling exemptions should take all necessary precautions to ensure that the wastes are managed safely. Please do not hesitate to contact Geri Mannion of my staff at (565)617-3607 should you need further assistance.

Sincerely,

Gary B. Gosbee, Chief  
Hazardous Waste Program Unit

Enclosures

cc: Fred Friedman  
Kevin McSweeney  
Suzanne Parent  
Matt Hoagland