



May 11, 2018
VIA ELECTRONIC MAIL

U.S. Environmental Protection Agency
1200 W. Pennsylvania Ave., NW
Washington, DC 20460
Attn: Docket ID NO. EPA-HQ-OLEM-2017-0463

Re: Aerosol Can Universal Waste Proposed Rule

Dear Sir/Madam:

Asarco, headquartered in Tucson AZ, is an integrated copper mining, smelting, and refining company. We have the following comments on the Aerosol Can Universal Waste Proposed Rule:

We commend the Environmental Protection Agency (EPA) for taking this step of including aerosol cans in the Universal Waste Regulation of 40 CFR Part 273. Asarco agrees with the EPA that managing aerosol can as Universal Waste will reduce the number of aerosol cans in landfills, will increase the volume of scrap metal being recycled, improve compliance with the Hazardous Waste regulations, and improve worker safety.

IV.A Size Limit of Aerosol Cans for Inclusion in the Universal Waste Regulations:

Asarco agrees with EPA's conclusion that, to be most effective, the scope of the rule should be broad. We believe the definition, including physical dimensions, volumes, masses, or contents, of an aerosol can are sufficiently determined by the aerosol can manufacturers, chemical producers, retailers, and consumers. With respect to which cans (and their contents) are appropriate for management as universal waste, the most appropriate decision-maker is the destination facility. Such facilities have the experience and operational expertise to determine which types of aerosol cans and which contents are suitable for management as universal waste versus management as solid or hazardous waste.

IV.B.2 Proposed Requirements and Requests for Comments on Puncturing and Draining at Small and Large Quantity Handlers:

Asarco supports EPA's proposed performance requirements for the puncturing of Universal Waste aerosol cans by Small and Large Quantity Handlers of Universal Waste. This allowance provides options and flexibility for Generators and Handlers of RCRA regulated waste, while still ensuring the safety of the workers handling the wastes as well as protection of the environment. We support the requirements of having a written Standard Operating Procedure (SOP) in place for the puncturing and draining of Universal Waste aerosol cans. Asarco also supports the requirement of performing a new waste determination at the point the aerosol can is punctured in a commercially available device manufactured specifically for the puncturing of aerosol cans.

Finally, Asarco seeks confirmation that a facility that punctures aerosol cans on-site at a puncture station may continue to manage hazardous wastes generated by the process in satellite accumulation areas, provided that the facility complies with applicable requirements.

We wish to thank the EPA for undertaking this endeavor of continuously striving to improve environmental quality, worker safety, and ease of compliance with regulations that make sense for the environment, safety, and compliance.

Respectfully,

A handwritten signature in black ink, appearing to read 'Keith Warren', with a long horizontal flourish extending to the right.

Keith Warren
Sr. Environmental Engineer
Asarco, LLC