

BEFORE THE
ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULEMAKING
ADDING AEROSOL CANS TO UNIVERSAL WASTE REGULATIONS
EPA-HQ-OLEM-2017-0463; FRL-9975-
44-OLEM

SUBMITTED BY
THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads (“AAR”), on behalf of itself and its member railroads, submits the following comments in response to EPA’s notice of proposed rulemaking to add hazardous waste aerosol cans to the list of universal waste.¹ AAR’s members operate and maintain a fleet of 26,715 diesel electric locomotives, over 1.6 million freight cars, and track equipment to maintain over 160,000 miles of track in the U.S., and hence use numerous aerosol cans for maintenance, and hence have a significant interest in this rulemaking.

AAR supports EPA’s contention that adding aerosol cans to the universal waste rule would make collection and transportation of this waste to an appropriate facility easier and, therefore, will help facilitate recycling and reduce the amount of aerosol cans disposed of in municipal landfills. In addition, because the streamlined structure of the universal waste rule makes aerosol can collection programs more economical, hazardous waste aerosol cans that might otherwise be sent to a municipal landfill under a very small quantity generator (VSQG) or household hazardous waste exemption, would be more easily collected and consolidated for hazardous waste disposal by railroads who are interested in managing it this way. One of the streamlined provisions of the universal waste rule AAR members could take advantage of is the provision which allows consolidation of aerosol cans at central locations, which makes it easier for smaller users to arrange for hazardous waste recycling or disposal of these materials when they are generated. This would divert aerosol cans from the municipal waste stream.

¹ AAR is a non-profit trade association whose membership includes freight railroads that operate 83 percent of the line-haul mileage, employ 95 percent of the workers, and account for 97 percent of the freight revenues of all railroads in the United States; and passenger railroads that operate intercity passenger trains and provide commuter rail service.

What Waste is Covered by the Proposed Rule?

AAR supports EPA's proposed definition that an "aerosol can" be defined as an intact container in which gas under pressure is used to aerate and dispense any material through a valve in the form of a spray or foam. AAR also supports EPA's proposal that definition to be limited to sealed containers whose intended use is to dispense a material by means of a propellant or compressed gas.

One of the questions EPA raises in the proposed rule is the size of the aerosol can which should be allowed to be considered universal waste. EPA points out that Utah's definition of aerosol cans includes a size limitation of twenty-four ounces for aerosol cans that would qualify under their universal waste provisions. But, EPA proposes not to subject aerosol cans to this limitation. AAR supports EPA in not subjecting aerosol cans to a size limit to qualify as universal waste.

Proposed Requirements for Transporters

AAR supports EPA's proposed rule with respect to not changing any of the existing requirements applicable to universal waste transporters.

Applicability of Land Disposal Restriction Requirements

This proposed rule would not change the applicability of land disposal restriction (LDR) requirements to universal waste.

In Conclusion

AAR supports EPA's proposal to add aerosol cans to the universal waste rule. AAR would like to thank EPA for considering these comments.

Respectfully submitted,

A handwritten signature in blue ink, reading "Robert E. Fronczak".

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