



April 16, 2018

Submitted electronically at: www.regulations.gov

Ms. Tracy Atagi
Office of Land and Emergency Management (5304P)
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

***Re: Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations;
EPA Proposed Rule (83 Fed. Reg. 11654); Docket I.D. No. EPA-HQ-OLEM-2017-
0463***

Dear Ms. Atagi:

The American Exploration & Production Council (“AXPC”) appreciates the opportunity to comment on the proposed rulemaking, *Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations* (“Proposal”), published in the Federal Register on March 16, 2018.

AXPC is a national trade association representing 31 of America’s premier independent natural gas and oil exploration and production companies. AXPC’s members are leaders in developing and applying the innovative and advanced technologies necessary to explore for and produce gas, and that allow our nation to add reasonably priced domestic energy reserves in environmentally responsible ways.

AXPC supports this Proposal and agrees that this will provide a clear, protective system for managing discarded cans and therefore, promote the recycling of these cans and reduce the quantity of these wastes going to landfills or combustors. As AXPC members interpret this proposed rule, generator’s hazardous aerosol cans could be disposed of as universal waste if they are discarded but not empty (i.e. cans that have not yet been punctured and emptied of remaining propellant and product). This proposed change in the regulation would greatly streamline the aerosol can waste management processes and allow generators to designate all such aerosol cans as universal waste. This would reduce the need for multiple accumulation points, waste streams, and management points, which are opportunities for failure. In turn, this would place the onus of segregation and disposal on the appropriate party, the waste handler, who should have the resources, mechanisms and safeguards in place to undertake these activities.

While AXPC agrees this Proposal, if codified, may simplify waste management for generators and promote recycling, AXPC has the following questions and recommendations in regard to the Proposal as follows:

1. What weight should a handler use to determine handler status? Is it the weight of the entire intact can, or the estimated weight of hazardous material(s) within the can?
2. 273.4(b)(4) as proposed, details that only intact non-leaking cans can be considered universal; leaking cans would still be managed as hazardous waste. While AXPC understands the rationale to limit the rules to apply to intact cans, from a practical handling and regulatory status, this presents a generator with a number of problems. As such, AXPC recommends continuing to manage leaking cans as universal waste.
 - a. Leaking cans are very rare occurrences, and having to manage very small quantities of hazardous waste is very expensive and impractical, which may lead to noncompliance.
 - b. When a can does leak, it doesn't leak for long. After a short period of time, the can will be empty of both chemical product and the propellant. Given that almost all aerosol products contain volatile chemicals, there may not be anything left to manage as waste. While uncontrolled venting is not ideal, in some cases it cannot be prevented. A leaking can requires an immediate response to protect workers and the environment. Once the can has stopped leaking, the hazard(s) are gone and the now empty can should be recycled as scrap metal or disposed in trash.
3. AXPC agrees that there should be guidelines and limitations on can puncturing devices and processes. This is necessary to protect workers and the environment. It is not necessary to limit can puncturing to only certain processors. Waste generators are able to manage the puncturing devices and this also allows easy resolution of issue #2 (above). In addition, in many rural areas, hazardous and universal waste management service providers are few and far between so it is necessary to allow generators to continue managing these on site.
4. AXPC urges the U.S. Environmental Protection Agency ("EPA") to recognize state regulations addressing the management of hazardous aerosol waste cans as alternative compliance so that operators do not have to comply with two concurrent waste programs.

AXPC appreciates the EPA's consideration of the comments presented herein and the opportunity to participate in this public rulemaking process.

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Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "V. Bruce Thompson". The signature is fluid and cursive, with the first name "V." and last name "Thompson" clearly distinguishable.

V. Bruce Thompson

President

American Exploration & Production Council

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