



**Alabama Department of Environmental Management**  
[adem.alabama.gov](http://adem.alabama.gov)

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

May 2, 2018

Ms. Tracy Atagi  
Office of Land and Emergency Management (5304P)  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Ms. Atagi:

Subject: **Comments on EPA Proposed Rule**  
**Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations**  
**Docket ID No. EPA-HQ-OLEM-2017-0463**

The Alabama Department of Environmental Management (ADEM) appreciates the opportunity to comment on the abovementioned proposed rulemaking—*Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations*, which was published in the March 16, 2018 Federal Register—and hopes that the EPA will give consideration to the following comments.

It appears that the requirements for managing universal waste aerosol cans would be analogous to the existing requirements for managing other types of universal waste (fluorescent lamps, batteries, etc.). The existing universal waste regulations allow universal waste handlers to process universal wastes (i.e., crush fluorescent lamps, disassemble batteries, etc.) as long as the wastes generated from such processing (lamp fragments, battery acid, etc.) is managed as hazardous waste. In such cases, the universal waste handler conducting the processing (which is not necessarily the original generator of the universal waste) becomes the generator of the resultant hazardous waste. The proposed regulations, similarly, would allow handlers of universal waste aerosol cans to puncture and drain aerosol cans and manage the materials removed from those cans as hazardous waste.

While the types of hazardous waste generated during the processing of other types of universal wastes is consistent and well known (crushing fluorescent lamps generates mercury-contaminated fragments, disassembling batteries generates acid and lead-contaminated solids, etc.), the types of hazardous wastes generated from aerosol can puncturing is more variable. Such wastes could include a variety of characteristic wastes, listed wastes, or any combination thereof. ADEM is concerned universal waste handlers that receive aerosol cans from other generators may not be able to properly perform an adequate waste determination on the hazardous wastes subsequently generated, resulting in a greater risk of mis-management.

In section IV.B.2. of the proposed rulemaking (on page 11662 of the March 16, 2018 Federal Register), the EPA requests comment on “limiting puncturing and draining practices to handlers that are not commercial processors (i.e., a person that processes aerosol cans received from other entities in exchange for compensation).” ADEM understands that EPA would consider any handler other than the original generator and the destination facility to be a “commercial processor”. Such a provision would prohibit the processing of universal waste aerosol cans by any handler other than the original generator, who bares the responsibility of performing an accurate waste determination on the hazardous wastes generated, and the destination facility, which would have a permit, be subject to a robust inspection schedule, and possess financial assurance to ensure the process and the resultant wastes are properly managed. ADEM recommends adding language to the proposed regulations that would prohibit “commercial processors” from puncturing universal waste aerosol cans. In addition, ADEM recommends that the

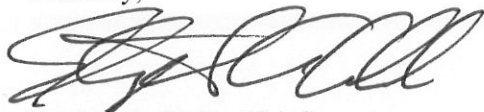


April 20, 2018  
Ms. Tracy Atagi  
Environmental Protection Agency  
Page 2 of 2

EPA either define the term "commercial processor" within the regulations or use other words, such as "any handler other than the original generator of the aerosol cans or the destination facility" to describe the prohibition.

Again, thank you for the opportunity to participate in this rulemaking process and for your consideration of the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Cobb", written in a cursive style.

Stephen A. Cobb, Chief  
Land Division

SAC/nbf