

## Comment to Universal Waste Aerosol Can Proposed Rule

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This comment has to do with the regulatory status of containers in aerosol can puncturing operations.

Containers attached to aerosol can puncturing systems should be exempt from the RCRA container standards because they are part of an exempt recycling process. In guidance EPA said "...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)." (RO 11782)

An aerosol can puncturing process usually consists of three parts; a container (typically a 55-gallon drum), a puncturing device and a filter to control hazardous air emissions. The puncturing device and filter are attached to the two bungs on the top of the drum. All parts are needed for safe puncturing operations to take place; that is, the container is an integral part of the puncturing process (which is the first step in the metal recycling process).

Because all parts are needed for this exempt recycling activity to take place, the container in aerosol puncturing service should enjoy the RCRA exemption afforded to other recycling units (e.g., solvent recycling stills). While the container is in aerosol puncturing service the handler should have the option of managing the container as an exempt recycling unit. If the agency disagrees, it is requested the agency clarify why a container attached to the puncturing system should be subject to the SAA or CAA container standards and not be an exempt recycling unit.