

**U.S. Department of Energy (DOE) Hanford Site Contractor Comments on
EPA's Proposed Rule "Increasing Recycling" Adding Aerosol Cans to the Universal Waste Regulations**

#	Comment	DOE Contractor
1	<p><u>40 CFR 273.35(b)</u> <i>A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.</i></p> <p><u>Background:</u> A large federal facility site has a single RCRA Site ID number and is considered a large quantity handler of universal waste.</p> <p>The site has a centralized building for consolidating universal waste (UW) in preparation for off-site shipment to a destination facility. The centralized building is also used for aerosol can puncturing.</p> <p>The onsite locations where UW is initially generated and accumulated are geographically spread out. Most of the generation/accumulation locations are more than 15 miles away from the centralized/consolidation area.</p> <p>At many generation/accumulation locations, UW is accumulated slowly. Accordingly, it might take an extended period to accumulate enough UW quantities to support economic transfers to the centralized/consolidation area. Onsite UW transfers are made using pickups or tandem axle trucks.</p> <p>When UW is received at the centralized/consolidation building, additional time may be needed to accumulate sufficient quantities to support economic shipments to an off-site destination facility. The off-site shipments are made using heavy commercial material vehicles (capable of hauling 48,000 pounds of cargo). The off-site shipments are managed so as to optimize transport vehicle cargo space. The travel distance to the off-site destination facility is significant (i.e., over 1000 miles). Accordingly, it is economical to arrange transfers when sufficient UW quantities exists to fill the transport vehicle. Conversely, it would be inefficient to make off-site shipments when the transport vehicle is partially filled.</p> <p>The federal facility is managing an environmental cleanup project. Diverting workers away from environmental cleanup activities to transfer small amounts of UW seems inappropriate from a risk/reward perspective.</p> <p><u>Question:</u> Does EPA agree the 40 CFR 273.35(b) provision covers the scenario described above whereby a UW handler accumulates UW for more than one year to improve economy-of-scale efficiencies for onsite and offsite transfers?</p>	MSA

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2	<p><u>40 CFR 273.33(e):</u> <i>A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:(3) A large quantity handler of universal waste who punctures and drains their aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining hazardous waste aerosol cans:(v) Conduct a hazardous waste determination on the emptied aerosol can and its contents per 40 CFR 262.11. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 40 CFR parts 260 through 272. The handler is considered the generator of the hazardous waste and is subject to 40 CFR part 262;</i></p> <p><u>Comment:</u> The requirement to conduct a hazardous waste determination on an emptied aerosol conflicts with the 40 CFR 261.6(3)(ii) scrap metal recycling provision. Under the proposed rule change, punctured/drained aerosol cans must be recycled. Presumably, UW handlers will recycle punctured/emptied cans as scrap metal. However, under 40 CFR 261.6(3)(ii), a hazardous waste determination is <u>not</u> required for scrap metal recycling.</p> <p><u>Suggested Change:</u> Eliminate requirement to conduct a hazardous waste determination, if the punctured/emptied can is recycled as scrap metal.</p>	MSA
3	<p><u>Comment:</u> CHPRC proposes that large facilities such as DOE's Hanford Facility that covers 586 square miles, be allowed to accumulate for up to one year at units onsite that would meet the definition of a small quantity handler, and to then ship the universal wastes in smaller shipments to a centralized onsite large quantity handler unit that could have an additional one year to consolidate the universal wastes into larger, economical shipments to a recycler. This process would still protect the environment, promote recycling, and facilitate economies of scale in terms of shipping full truckloads of universal wastes to offsite destination facilities instead of shipping partially empty trucks to only meet a time deadline.</p>	CHPRC