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May 11, 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: EPA-HQ-OLEM-2017-0463 Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations

Pinellas County Department of Solid Waste (PCDSW), Florida, administers both the Small Quantity Generator (SQG) program (Chapter 62-731, Florida Administrative Code) and the Household Hazardous Waste (HHW) program, including management of CESQG/VSQG waste (62-730, FAC).

PCDSW appreciates the opportunity to comment on this proposed rulemaking.

Overall, PCDSW believes that the proposed rule, allowing for the management of hazardous waste aerosol cans as universal waste, will enable businesses to have access to more efficient and clear recycling methods would be a service that benefits society, the economy and the environment. Below, please find PCDSW comments and questions.

Comments:

1. EPA requests comment on whether to include a size limit of twenty-four ounces. It appears that most aerosol can puncturing commercial devices can accommodate cans in excess of twenty-four ounces; therefore, PCDSW does not support a size limitation on aerosol cans that can be managed as universal waste.
2. The proposed amendment to 40 CFR 273.13(e)(1) states "Universal waste aerosol cans must be accumulated in a container...". However, the proposed amendment to 40 CFR 273.14 Labeling/Marking states "Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained...". Unlike universal waste batteries, PCDSW recommends aerosol cans should be required to be containerized due to their size and ability to roll around. Additionally, the labeling of individual cans would be cumbersome to the business practice. Therefore, in addition to requesting consistency of management standards, PCDSW recommends containerizing be required of universal waste aerosol cans.

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3. Through HHW Collection Facility experience, two different types of aerosol can tips were encountered. One was thinner and able to be cut close to the metal, so that the material could not be released while being stored. The other was a fatter-tipped aerosol can. This type of tip could not be cut without the contents starting to spray. A consideration for two types of storage may be beneficial to the health of employees, and the transportation and storage of aerosol cans. Additionally, some clarification on how to safely remove an actuator from an aerosol can, similar to the specific management standards used for puncturing aerosol cans, would be beneficial.
4. PCDSW concurs with including the requirement that a puncturing device be a “commercial device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof” is, of course, quite necessary to prevent homemade devices from being utilized and thus exposing worker to toxins and the release toxins into the environment.

Questions:

1. 83 FR 11660 Section IV Discussion of Proposed Rule, Part A. proposes that “an ‘aerosol can’ be defined as an intact container...”. However in Part B.1., it states that the “Handlers may sort aerosol cans by type and consolidate intact aerosol cans in larger containers, remove actuators to reduce the risk of accidental release...” Therefore if an actuator is removed, does the can still meet the proposed definition and can it still be managed as a universal waste?
2. EPA requests comment on limiting puncturing and draining practices to handlers that are not commercial processors. Since our state-authorized HHW program and CESQG/VSQG collection program do not receive compensation in exchange for aerosol cans, would we still be able to puncture and drain cans?
3. If an aerosol can contained a P-listed commercial chemical product, is the can still expected to be emptied in accordance with 40 CFR 261.7(b)(3)?
4. Is there a planned approach for inspecting the destination facilities/commercial processors?

Again, thank you for the opportunity to participate in this rulemaking process and for your consideration of the above comments. If you have any questions, please do not hesitate to contact us at (727) 464-7500.

Sincerely,



Catherine J. Eichner, LEP CPM
Pinellas County Department of Solid Waste

cc *Deborah Bush, Division Manager, Pinellas County Department of Solid Waste*
 Paul Sacco, Interim Director, Pinellas County Department of Solid Waste