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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 87

3. Waste Identification

A company generates aerosol paint and solvent cans from painting and cleaning operations. The cans are empty as per common industry practices used to empty such devices to less than 3% by weight of the total capacity of the container (40 CFR 261.7(b)(1(1) & (111)). The cans may still contain propellant, making the cans reactive if put in contact with a strong initiating force (i.e., intense pressure or heat). Since for all practicable purposes the cans are free of contents that might have been hazardous wastes, would this be regulation of the aerosol cans themselves? RIL #43 specifically excluded the regulation of the cans, and solely addressed only the potentially hazardous contents. Therefore, would aerosol cans free of hazardous waste, but still potentially reactive because of contained propellant be regulated as hazardous waste?

Irrespective of the lack of contained waste, the aerosol cans would be a RCRA hazardous waste because they demonstrate the hazardous characteristic of reactivity (40 CFR 261.23(a)(6)).

Source: Mike Petruska (202) 475-6676

Research: Andy O'Hare