

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT
December 2002

1. Regulatory Status of Solvent Residue from Spray Cans

A facility uses spray cans to apply product solvent as a paint thinner. After use, the canisters are not empty pursuant to 40 CFR Section 261.7(b)(2) because their internal pressure remains higher than atmospheric pressure. When these spray cans are ready to be discarded, they are punctured and drained so the cans can be recycled as scrap metal. Would hazardous waste listings apply to the remaining solvent removed from these spray cans?

The unused solvent removed from the spray can may meet a hazardous waste listing. If the remaining solvent in the spray can is located on either the P list or the U list in Section 261.33(e) or (f), the residue could be a listed hazardous waste. Specifically, Section 261.33(c) states that, "any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in Section 261.7(b) of this chapter" is a hazardous waste. However, if the residue is not on the P list or the U list, it may still be hazardous if it exhibits any of the characteristics of a hazardous waste as defined in Part 261, Subpart C. It is the responsibility of the generator to make this determination.

The unused solvent removed from the spray cans would not be classified as a spent solvent waste as listed in Section 261.31. The solvent waste F-listings apply to spent solvents, which are particular chemicals used for their solvent properties, that is, to solubilize, dissolve or mobilize other constituents, but are no longer useable as solvents (50 FR 53315, 53316: December 31, 1985). The product paint thinner remaining in the aerosol can was not used as a solvent, nor was it spent because it was never used in the first place. Therefore, the spent solvent F-listings would not apply to the discarded product.