

Changes to the Universal Waste Rule and Used Oil Regulations

Delaware Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Compliance and Permitting Section





Changes To Universal Waste Rule

- Changes to small and large quantity handlers export/import requirements.
- Inclusion of Aerosol Cans.

Universal Waste Rule Export/Import Changes

Small (§273.20) and large (§273.40) quantity handlers of universal waste and universal waste transporters (§273.56) exporting universal waste to a foreign destination, or importing universal waste from a foreign country (§273.70), need only adhere to the requirements of Part 262, Subpart H of the hazardous waste regulations.

What Are Aerosol Cans?

Aerosol cans are defined (§273.9) as a “non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel liquid, paste or powder and fitted with a self closing release device allowing the contents to be ejected by the gas.”



Managing Aerosol Cans As Universal Waste

- Both small and large quantity handlers of universal waste may manage their waste aerosol cans either intact or punctured.
- The management requirements are the same for both categories of universal waste handlers

Managing Aerosol Cans As Universal Waste (Intact)

- Waste (Intact) aerosol cans may be sorted by type, mixed in one container, and the actuators may be removed.
- The containers accumulating the waste must be structurally sound. (§273.13(e) and 273.33(e))
- The containers must be labeled with the words “Universal Waste-Aerosol Cans,” “Waste Aerosol Cans” or “Used Aerosol Cans.” (§273.14(f) and 273.34(f))
- All other Universal Waste management requirements apply.

Managing Aerosol Cans As Universal Waste (Punctured)

- Handlers of universal waste must recycle the empty punctured can. (§§273.13(e)(4) and 273.33(e)(4))
- Handlers must use a device specifically designed to safely puncture aerosol cans and collect the residual contents.
- Establish and follow a written procedure detailing how to safely puncture and drain universal waste aerosol cans.
- Ensure the puncturing is done in a manner designed to prevent fires and to prevent the release of the waste to the environment.
- Immediately transfer the waste to a container that meets the requirements of §§262.14, 262.15, 262.16 or 262.17.
- Conduct an accurate hazardous waste determination on the contents of the emptied aerosol cans per §262.11.
- Maintain a written procedure to follow in the event of a spill or leak, and provide a spill clean-up kit.

Universal Waste Management Requirements That Also Apply To Aerosol Cans

- An inventory/dating system must be maintained to demonstrate compliance with the storage time limit.
- Employees must be informed of the types of universal waste on site, and the proper handling and emergency procedures of the waste.
- Universal waste aerosol cans shall not accumulate on-site for longer than one year.
- Universal waste shipment records must be kept for a minimum of three years.
- Large quantity handlers of universal waste must notify DNREC and obtain an EPA ID.

Managing Aerosol Cans As Hazardous Waste

- Generators of waste aerosol cans may elect to manage their waste as hazardous under Part 262.
- Aerosol Cans managed as hazardous waste must remain intact, as puncturing the can is deemed unregulated treatment:
 - “Treatment’ means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.” (§260.10)
- Generators need to follow the hazardous waste management requirements for their generator category (found in §262).

Changes To The Used Oil Regulations

- If used oil cannot be legitimately recycled, it is a solid waste subject to disposal requirements, including making a hazardous waste determination.
- Disposal of used oils applies “ to all used oils that cannot be **legitimately** recycled and are therefore being disposed.” (§279.80)
- Disposal of hazardous used oils that cannot be **legitimately** recycled must be managed in accordance with the hazardous waste management requirements. (§279.81(a))

Recycling Used Oil Via Energy Recovery

- “For the purposes of [the used oil regulations], in order for used oils to be legitimately recycled via an energy recovery process, the used oils must have a minimum energy value of 5,000 BTU/pound; otherwise, used oils sent for thermal treatment cannot be legitimately recycled and are subject to the requirements of Subpart I.” (§279.10(a))

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