



Comparison of Baseline Hazardous Waste Generator Requirements and the Aerosol Cans as Universal Waste Regulations

This table provides a side by side comparison of the baseline hazardous waste generator requirements and the requirements for universal waste handlers managing aerosol cans as a universal waste. The provisions of the federal Adding Aerosol Cans to the Universal Waste Regulations will be effective on the federal level and in North Carolina on February 7, 2020. This table does not include all hazardous waste requirements for generators or for universal waste and focuses on aerosol cans. This document is for guidance only and does not contain all of the North Carolina Hazardous Waste Management Rules. Many of the requirements described are paraphrased. For complete rules refer to 15A NCAC 13A for specific state requirements and federal regulations incorporated by reference in the state rules. State law is found at N.C.G.S. 130A-290 through 130A-310.12. The following Hazardous Waste Section website provides links to state hazardous waste rules and law: <https://deq.nc.gov/about/divisions/waste-management/hw/rules>

	Baseline Hazardous Waste Generator Requirements			Key Differences Under the Aerosol Cans as Universal Waste Regulations	
	VSQGs	SQGs	LQGs	Small Quantity Handler of Universal Waste	Large Quantity Handler of Universal Waste
Generation Rate					
- Quantity of non-acute HW generated in a calendar month	< 220 lbs. (100 kg)	> 220 lbs. (100 kg) but < 2,200 lbs. (1000 kg)	≥ 2,200 lbs. (1000 kg)	<ul style="list-style-type: none"> - There is no monthly generation rate limit for universal waste. - An accumulation volume limit of less than 5,000 kg at any time determines whether a facility is a small quantity handler of universal waste. - Universal waste does not count towards hazardous waste generator category. 	<ul style="list-style-type: none"> - There is no monthly generation rate limit for universal waste. - An accumulation volume limit of 5,000 kg or more at any time whether a facility is a large quantity handler of universal waste. - Universal waste does not count towards hazardous waste generator category.
- Quantity of acute HW generated in a calendar month	< 2.2 lbs. (1 kg)	< 2.2 lbs. (1 kg)	> 2.2 lbs. (1 kg)		
- Quantity of residues from a clean-up of acute HW generated in a calendar month	< 220 lbs. (100 kg)	< 220 lbs. (100 kg)	> 220 lbs. (100 kg)		
Accumulation Volume Limit	<ul style="list-style-type: none"> - 2,200 lbs. (1000 kg) non-acute HW at any time - ≤ 2.2 lbs. (1 kg) acute HW at any time - ≤ 220 lbs. (100 kg) acute HW from a clean-up at any time 	13,200 lbs. (6000 kg) non-acute HW at any time	None	A small quantity handler of universal waste accumulates less than 5,000 kg of universal waste (batteries, pesticides, mercury-containing equipment, lamps or aerosol cans, calculated collectively) at any time.	There is no volume limit. A large quantity handler of universal waste accumulates 5,000 kg or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps or aerosol cans, calculated collectively) at any time.

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Accumulation Time Limit (without a permit)	None	180 days; 270 days if HW is transported 200 miles or more to an off-site TSD facility	90 days	<ul style="list-style-type: none"> - One Year Accumulation Time Limit - Must be able to demonstrate the length of time the universal waste has been accumulated from the date it becomes a waste or is received. 	
Notification Requirements/ EPA Identification Number	None	Notify NCDEQ HWS (electronically using RCRAInfo) and obtain EPA ID Number		Not required to notify NCDEQ HWS of universal waste handling activities.	Must notify NCDEQ HWS (electronically using RCRAInfo) and obtain EPA ID Number (if site does not already have an EPA ID Number).
Hazardous Waste Determinations	Waste Determination in accordance with 40 CFR 262.11(a) through (d).	Waste Determination in accordance with 40 CFR 262.11(a) through (g).		Universal wastes are exempt from regulation under 40 CFR 262 through 270. However, a universal waste is defined as a hazardous waste that are managed under the universal waste requirements of 40 CFR 273. Facility should make and document an initial waste determination and then indicate the waste stream is managed under 40 CFR 273 and is exempt from other hazardous waste requirements.	
Labeling/Marking Requirements	None	<p>All containers (satellite and central accumulation) must be marked/labeled with:</p> <ul style="list-style-type: none"> - The words "Hazardous Waste," - An indication of the hazards of the contents of the container <p>Central accumulation containers – must be marked with an accumulation start date.</p>		<p>Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, must be labeled or marked clearly with any of the following phrases:</p> <ul style="list-style-type: none"> - "Universal Waste—Aerosol Can(s)", - "Waste Aerosol Can(s)", or - "Used Aerosol Can(s)". 	
Container Management	None	<ul style="list-style-type: none"> - Hazardous waste must be placed in a hazardous waste management unit (container, tank, drip pad or containment building in compliance with 40 CFR 262.14 for satellite accumulation area or the applicable requirements of 40 CFR 262.16 (for SQGs) or 40 CFR 262.17 (for LQGs). 		<ul style="list-style-type: none"> - Universal waste aerosol cans must be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions and is protected from sources of heat. - Universal waste handler may conduct the following activities as long as each individual aerosol can is not breached and remains intact: <ul style="list-style-type: none"> - Sorting aerosol cans by type; - Mixing intact cans in one container; and - Removing actuators to reduce the risk of accidental release. 	
Inspection Requirements	None	<ul style="list-style-type: none"> - Weekly inspections required of central accumulation area(s) - Inspections must be documented 		No inspections are required.	

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Employee Training	None	Generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.	Training program required for all employees with HW management duties. Training program must be documented, and records kept for each employees. Annual refresher training is required.	Small quantity handlers of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.	Large quantity handlers of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.
Transportation	None	<ul style="list-style-type: none"> - Containers must be labeled with specific hazardous waste language and in compliance with DOT hazardous materials requirements - Hazardous waste may only be transported by a registered hazardous waste transporter - The generator must placard the transportation vehicle with the appropriate DOT placard. 		<ul style="list-style-type: none"> - Universal waste handlers are prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination. - If a universal waste handler self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of 40 CFR 273 subpart D. - Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure the receiving handler agrees to receive the shipment. 	
Manifests	None	Hazardous waste manifest must be prepared for each off-site shipment of hazardous waste. Containers and manifests must include RCRA HW waste codes.		<ul style="list-style-type: none"> - Not required to keep records of shipments of universal waste. - It is recommended to maintain bill of lading or other tracking documentation of the shipment. 	Large quantity handler of universal waste must maintain: <ul style="list-style-type: none"> - Records of each shipment of universal waste received at the facility - Records of each shipment of universal waste sent from the handler to other facilities. - Records must include specific information including the name and address of the originating handler, the quantity of each type of universal waste sent, and the date the shipment left the facility. - Records must be retained for three years.
Land Disposal Restrictions	None	Must comply with the land disposal restrictions of 40 CFR 268.		Universal waste handlers are not required to meet land disposal restrictions of 40 CFR 268.	

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Preparedness and Prevention and Emergency Response	None	<ul style="list-style-type: none"> - Facilities must be maintained and operated to prevent fire, explosion, or release of hazardous waste. Appropriate equipment and procedures must be in place. Arrangements must be made with local authorities. - Facility must have a designated emergency coordinator. - Emergency information must be posted at the facility (SQG) or submitted to the local emergency authorities (LQG). - Facility must immediately contain all spills and manage clean-up material by applicable HW requirements. 		<ul style="list-style-type: none"> - A universal waste handler 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. - Universal waste aerosol cans that show evidence of leakage must be packaged in a separate closed container or overpacked with absorbents, or immediately punctured and drained in accordance with the requirements described in 40 CFR 273 for puncturing and draining aerosol cans. - A universal waste handler must immediately contain all releases of universal waste and other residues from universal wastes and determine whether any material resulting from the release is a hazardous waste. If it is a hazardous waste it must be managed in accordance with applicable requirements of 40 CFR 260 through 272. The handler is considered the generator if a release is hazardous waste. 	
Puncturing of Aerosol Cans	Puncturing of aerosol cans is considered treatment and not allowed by a VSQG.	When aerosol cans are managed as a hazardous waste instead of a universal waste the puncturing of the can is considered treatment and must be done in a container or tank that complies with the central accumulation requirements for small or large quantity generators.		<p>A universal waste handler who punctures and drains their universal waste aerosol cans must:</p> <ul style="list-style-type: none"> - Recycle the empty punctured aerosol cans. - Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof. - Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation, and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); - Maintain a copy of the manufacturer's specification and instruction on site; - Ensure employees operating the device are trained in the proper procedures. - Ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area. - Immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 40 CFR 262.14, 262.15, 262.16, or 262.17. - Conduct a hazardous waste determination on the contents of the emptied aerosol can per 40 CFR 262.11. Any hazardous waste generated 	

			<p>as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 40 CFR 260 through 272. The handler is <i>Puncturing of Aerosol Cans (continued)</i></p> <p>considered the generator of the hazardous waste and is subject to 40 CFR part 262. If the contents are determined to be nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.</p> <ul style="list-style-type: none"> - Have a written procedure must be in place in the event of a spill or leak and a spill clean-up kit must be provided. All spill or leaks of the contents of the aerosol cans must be cleaned up promptly.
Exports	Generators who send hazardous waste to foreign destination are subject to the requirements of 40 CFR 262 subpart H.		Handlers of universal waste who send universal waste to foreign destination are subject to the requirements of 40 CFR 262 subpart H.