

Fact Sheet
May 2005

SB1158 Designates Aerosol Cans as "Universal Waste"



DEPARTMENT OF TOXIC
SUBSTANCES CONTROL

HAZARDOUS WASTE MANAGEMENT

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Senate Bill (SB)1158 (Chapter 450, Statutes of 2001), effective January 1, 2002, reduced the regulatory and financial burden of managing hazardous waste aerosol cans by designating them as "universal waste." Before SB 1158, non-empty aerosol cans that were discarded had to be fully managed as hazardous waste. Now, qualified universal waste handlers may process the cans onsite without a permit under certain conditions.

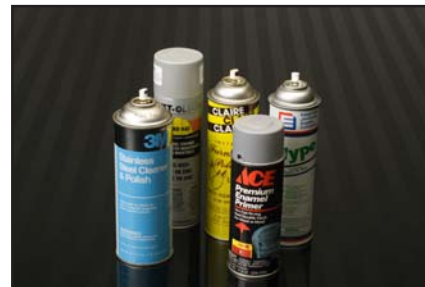
What Are Aerosol Cans?

The principle behind aerosol cans has remained unchanged since the 1920s. Two fluids are sealed in a metal can. One fluid, the product, is a liquid at room temperature; the other, the propellant, is a compressed gas. When the valve at the top of the can is opened (by pressing on it), the expansion of the propellant forces the product through a small tube that extends from the bottom of the can to the nozzle. According to an industry group, the Consumer Aerosol Products Council, up to 1,500 kinds of products, from asthma inhalers to shaving cream and low cholesterol cooking sprays, are packaged as aerosols.

When Are Aerosol Cans Hazardous Wastes?

Aerosol cans are not hazardous waste when they have been emptied of contents, but non-empty aerosol cans may be hazardous wastes. Non-empty Aerosol cans are commonly discarded for a number of reasons, such as: the spray mechanism is damaged or clogged and no longer works, the propellant has been exhausted, or the owner decides that he or she no longer wants or needs the product.

If the aerosol can contains pressurized contents that may explode when heated, if the propellant is ignitable or toxic, or the prod-



uct itself is ignitable, corrosive, or toxic, then the non-empty aerosol can is a hazardous waste. Aerosols containing paint, pesticides and degreasers are several examples of materials that are likely to be hazardous when discarded.

In the past, Chlorofluorocarbons (CFCs) were the most common type of propellants in use due to their low toxicity and relative inertness. However, CFCs were banned as aerosol propellants in the United States in 1978 after they were found to damage the Earth's protective ozone layer. In 1994, Congress banned a related class of compounds, Hydrochlorofluorocarbons (HCFCs) from use as aerosol can propellants.

Today most aerosol cans use a hydrocarbon propellant. While hydrocarbons are less harmful to stratospheric ozone than CFCs or HCFCs, they are very flammable. An aerosol product containing a hydrocarbon propellant can become a fire hazard if sprayed near fire.

The Four Hazardous Waste Characteristics

A non-empty aerosol can may be considered hazardous if its contents have any of the following characteristics (Cal. Code Regs., tit.22, div. 4.5, ch.11):

Ignitability (can readily catch fire)

Corrosivity (acidic or alkaline)

Reactivity (can explode)

Toxicity (poisonous)

What Are "Universal Wastes"?

"Universal waste" is a designation which includes certain hazardous wastes which are commonly generated. Because they pose a relatively lower risk to people and the environment than other hazardous wastes, universal wastes are regulated based on a relaxed set of standards which is more appropriate for the specific hazards they pose. For more information or a listing of universal wastes, see the Department of Toxic Substances Control (DTSC) fact sheet entitled "Managing Universal Waste in California" (available at http://www.dtsc.ca.gov/PublicationsForms/HWM_FS_UWR.pdf), and California Code of Regulations (Cal Code Regs.), title 22, chapter 23.

SB 1158 now allows qualified handlers to process hazardous waste aerosol cans as "universal waste aerosol cans." Processing includes puncturing, draining, and crushing the cans. See Health and Safety Code (Health & Saf. Code), section 25201.16.

What Has SB 1158 Changed?

Before SB 1158, generators of hazardous waste aerosol cans were subject to all the requirements generally applicable to California hazardous waste generators. These requirements included: obtaining an EPA identification number; complying with accumulation time limits; planning for contingencies; training employees; transporting only by registered hazardous waste hauler; and using the Uniform Hazardous Waste Manifest.

Onsite processing of non-empty aerosol cans, by methods such as puncturing, draining, and crushing the cans, was considered hazardous waste treatment that required authorization from DTSC under the Conditionally Exempt-Limited Tier for

onsite treatment of hazardous waste. Health and Safety Code, section 25201.14 required generators to get certification from DTSC that the technology they used for processing the cans did not pose “a significant potential hazard to human health and safety or to the environment.”

SB 1158 deleted from section 25201.14 this certification requirement. In its place, section 25201.16 was added, which made processing hazardous waste aerosol cans a universal waste handler activity. Qualified handlers can now process the cans onsite without a permit or other authorization from DTSC or the local Certified Unified Program Agency (CUPA). A notification requirement exists, as explained below. It is the handler’s responsibility to ensure that equipment used for processing the cans meets the requirements of Health and Safety Code, section 25201.16(e). If you process aerosol cans under the provisions of SB 1158, your processing equipment must be designed, maintained, and operated so as to prevent fire, explosion, and unauthorized releases to the environment.

Note: If the contents drained from the cans are hazardous, you must continue to manage the contents as hazardous waste (Health & Saf. Code, § 25201.16(i)).

Does SB 1158 Apply to Me?

SB 1158 applies to you if you generate or accumulate hazardous waste aerosol cans in accordance with California Code of Regulations, title 22, chapter 23 (which specifies standards for managing universal wastes). You may now process hazardous waste aerosol cans onsite if you meet SB 1158 requirements.

The aerosol can puncturing and draining provisions of SB 1158 do not apply to commercial universal

waste handlers such as offsite hazardous waste facilities, hazardous waste transporters, or transfer facilities. Offsite commercial processors remain subject to all applicable requirements for the management of hazardous waste, including obtaining proper authorization for the type of treatment they conduct (Health & Saf. Code, § 25201.16(a)(7) and 25201.16(h)(1)); Cal. Code Regs., tit. 22, § 66273.9).

Notification Requirements

Health and Safety Code section 25201.16(j) requires you to notify your local CUPA if you process universal waste aerosol cans. The notification can be given in person or by letter, via certified mail, with return receipt requested. Some CUPAs may have a notification form that can be completed. In the absence of a CUPA, send the notification to the agency authorized to implement and enforce the hazardous waste generator program in your jurisdiction. Also notify the CUPA or authorized agency within 30 days of any change in operation that changes the information you originally provided.

Requirements for Handling Universal Waste Aerosol Cans

All handlers of universal waste aerosol cans must comply with the requirements of Health and Safety Code section 25201.16 (e), (f), and (g). If you are a qualified handler who processes universal waste aerosol cans, you are subject to additional requirements in section 25201.16. You must:

- Manage the universal waste aerosol cans in a manner and in equipment designed to prevent fire, explosion, and unauthorized releases to the environment;

- Place the unit used to process aerosol cans above a non-earthen floor that is free of cracks or gaps and is sufficiently impervious and bermed to contain leaks and spills;
- Develop and implement a written operating procedure for safely processing universal waste aerosol cans and handling emergencies;
- Provide a spill clean-up kit and promptly clean-up any spills or leaks of the contents of universal waste aerosol cans;
- Promptly transfer the contents of the drained aerosol cans from the processing device to appropriate containers that meet specified requirements;
- Process the universal waste aerosol cans in a well-ventilated area; and
- Train employees on the proper procedure for sorting and processing aerosol cans and handling emergencies.

Requirements for Containment of Universal Waste Aerosol Cans

When accumulating, processing, or transporting universal waste aerosol cans, you must (Health & Saf. Code, § 25201.16(f)):

- Accumulate and transport universal waste aerosol cans in containers that are structurally sound, and compatible with the contents of the can, and show no evidence of leaks, spills, or damage that could cause leaks;
- Keep containers closed that are used to accumulate or transport processed aerosol cans or waste drained from the cans, except when waste is being added or removed;

- Cover containers at the end of each workday that are used to accumulate universal waste aerosol cans for processing or shipping;
- Place accumulation containers in a location with sufficient ventilation to prevent formation of an explosive atmosphere;
- Place containers of processed cans, drained can contents or cans generated offsite on a surface that is free of cracks and gaps, and is sufficiently impervious and bermed to contain leaks;
- Place aerosol cans in containers that are designed, built, and maintained to withstand pressures reasonably expected during storage and transportation;
- Segregate incompatible materials in separate containers;
- Keep containers of flammable wastes a safe distance from heat and open flames;
- Label containers of universal waste aerosol cans with one of the following phrases: “Universal Waste-Aerosol Cans,” “Waste Aerosol Cans,” or “Used Aerosol Cans;” and
- During accumulation, sort cans by type and compatibility of contents.

There Are No Exemptions from Universal Waste Regulations for Aerosol Cans

California Code of Regulations, title 22, section 66273.8 temporarily exempts households and certain very small generators of universal wastes from requirements that apply to larger universal waste handlers (until 2/9/2006). These exemptions however do not apply to aerosol cans (Health & Saf. Code, § 25201.16(d)(2)). Homeowners and small generators of non-empty

aerosol cans **are not** allowed to dispose of the cans as solid waste (i.e., put them in the trash). However, anyone may dispose of *empty* aerosol cans as solid waste, or recycle empty cans as scrap metal (Cal. Code Regs., tit. 22, § 66266.2(b)(7)).

Frequently Asked Questions

1. *How long can I accumulate universal waste aerosol cans?*

For up to one year at each site.

2. *Can a business with more than one site transport universal waste aerosol cans to one site for consolidation and processing?*

Yes, provided that the business keeps records of shipment and comply with California Code of Regulations, title 22, chapter 23, article 4. Universal waste that is classified as a hazardous material by the United States Department of Transportation (U.S. DOT) regulations must be transported in compliance with applicable U.S. DOT requirements (Title 49, Code of Federal Regulations, Parts 171 through 180).

3. *SB 1158 requires that universal waste aerosol cans be processed in a manner and in equipment designed, maintained, and operated to prevent fire, explosion, and the unauthorized release of universal waste to the environment. What is intended by this section of the law?*

This is an open performance standard, adopted to grant flexibility. Apply your best professional judgment. Factors to be considered include:

- Is the operation in compliance with the Uniform Fire Code?

- Is the equipment safe?
- Are all the metal parts bonded, and is the equipment grounded?
- Are all electrical components in the immediate vicinity intrinsically safe (such as explosion proof)?
- Is the operation located away from open flames and other ignition sources?
- Are all the equipment components compatible with contents of the can?
- Does the equipment meet Air Pollution Control District requirements?

Also consider things such as:

- Cans stored next to a hot furnace.
- Cans stored near acids where the cans would corrode.
- Cans stored where they are likely to suffer mechanical damage.
- Cans sorted to prevent inadvertent, sequential, processing of incompatible waste.

4. *When is a container used to accumulate or transport universal waste aerosol cans considered closed? Structurally sound? Compatible with the contents of the universal waste aerosol can?*

The same management standards used for hazardous waste containers apply. Use the general hazardous waste guidance and knowledge to guide your management practices.

5. *What does “prior to processing the cans” or “prior to shipping the cans offsite” mean?*

“Prior to processing the cans” means after the cans become waste, but before they are processed to remove the contents. “Prior to shipping the cans offsite” means before the cans are processed and/or shipped offsite.

6. *What is considered to be sufficient ventilation to avoid formation of an explosive atmosphere?*

This is best determined by calculating the airflow in the room or area where cans are being processed and factoring in the releases from the unit. These calculations are commonly performed to design systems and work areas that allow businesses to meet OSHA and CalOSHA exposure limits. Many other businesses regularly perform such calculations to meet the fire code and insurance requirements when they are using flammable solvents with low vapor pressure or flammable gases.

- Note that this standard is most easily enforced when the facility fails to meet it; that is, when the facility fails to keep the atmosphere around the operation below the lower explosive limit (LEL) as measured by a flammable gas meter.

7. *What type of container would be considered acceptably designed, built, and maintained to withstand pressure reasonably expected during storage and transportation?*

The statutory standard addresses containers that are used to accumulate universal waste cans and containers that are used to accumulate hazardous waste residuals from processing universal waste aerosol cans. It is the generator’s duty to determine that the containers meet this standard. Factors to consider include:

- Aerosol cans are designed to be used and stored in small quantities at temperatures of 130 degrees Fahrenheit or less
- Aerosol cans that are damaged, stored in direct sunlight or stored at high temperatures can explode.
- Hazardous waste residues drained from the cans must be properly managed
- Containers must be compatible with their contents. This includes the contents of the universal waste aerosol cans.
- Containers must be able to withstand the vapor pressure of their contents at the highest temperature that will be reached in storage and transportation.
- Containers must meet the United States Department of Transportation shipment standards established for containers of similar materials.
- Containers must be able to withstand shocks and impacts expected during handling and transportation.
- Containers that bulge, rupture, or leak during accumulation or transportation, are inappropriate containers.

8. *What is a surface considered “sufficiently impervious and bermed to contain leaks and spills”?*

Impervious means that the liquid will not soak through the surface. This determination must be based on the material to be contained. A wooden enclosure is obviously not in compliance. In many cases, unsealed concrete may not be appropriate due to its porosity. Bermed means that a berm completely surrounds the area where a leak can take place. The statute does not address the volume that must be contained, but is best interpreted as having the capacity to hold the contents of the largest container.

9. *What is considered a safe distance from heat and open flames?*

This is addressed in the Uniform Fire Code. The propellant in aerosol cans is typically a flammable gas and in many cases the contents can produce explosive vapors. These must be isolated from any source of ignition. Unsafe situations can be identified and prevented by applying professional judgment and common sense.

10. *How can I determine “compatibility of contents” when accumulating universal waste aerosol cans?*

Material Safety Data Sheets (MSDS) usually contain information on material compatibility. Appendix V to the California Code of Regulations, title 22, division 4.5, chapter 14 also contains guidance on incompatible wastes. For instance, an alkaline oven cleaner mixed with chlorinated solvents will release highly toxic phosgene gas. Additional factors to consider include:

- Will combining contents from different cans make the mixture impossible to recycle or significantly increase the cost of recycling?
- Will combining different materials subject a large volume of materials to stricter standards due to the contents of one can (for example, a can containing an acutely hazardous waste)?

11. *What is meant by “immediately transfer the contents of universal waste aerosol can to a container meeting the requirements of subdivision (f)”?*

This means that the puncturing device itself must meet the requirements of Health and Safety Code section 25201.16(f). You must transfer the

contents of the puncturing device to such a container as soon as the puncturing operation is completed. It does not mean that the operator must transfer the contents after each individual can is processed. Contents may not be left in the device until the next batch of cans arrives unless the device itself meets the requirements of section 25201.16(f).

12. *What is considered adequate documentation of a training program?*

Follow the requirements in Health and Safety Code section 25201.16(h)(8) in developing a training program. Your documentation should contain:

- A copy of the training materials, a course outline, or a detailed description of the training;
- A list of employees trained and the dates of their training for all active employees managing the non-empty aerosol cans, with the training being appropriate for their duties. Additionally, training documentation should be accessible during an inspection; and
- Note that all generators of hazardous waste, including generators who manage hazardous waste contents drained from aerosol cans, must comply with hazardous waste generators requirements, including personnel training standards in the California Code of Regulations, title 22, section 66265.16.

Disclaimer

This fact sheet provides general information about managing universal waste aerosol cans. Consult the actual statutes and regulations before making any decisions that may impact regulatory compliance. The full text of Health and Safety Code, section 25201.16 is included in this fact sheet on pages 9 through 16.

Questions

If you cannot find the answer to your question in this fact sheet, contact your local CUPA. You may also contact the DTSC Public and Business Liasons. You can call them at 800-728-6942, or contact them through the DTSC website at www.dtsc.ca.gov, click on "Toxic Questions?" and follow the Contact a Live Person! link to the page listing each of the Public and Business Liasons' e-mail addresses.

Public and Business Liasons provide informal guidance only regarding management of hazardous waste for the convenience of the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, CUPA and DTSC Policies and Procedures, and other formal documents.

For more information, contact the DTSC office nearest you, or call the regional Public and Business Liasons at (800) 72TOXIC (1-800-728-6942). From outside California, call (916) 255-3545.

**DTSC Headquarters
1001 I Street
Sacramento, CA 95814-2828**

**Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200**

**Berkeley Office
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2721**

**Clovis Office
1515 Tollhouse Road
Clovis, CA 93611-0522**

**Glendale Office
1011 North Grandview Avenue
Glendale, CA 91201-2205**

**Cypress Office
5796 Corporate Avenue
Cypress, CA 90630-4732**

**San Diego Office
9174 Skypark Court, Suite 150
San Diego, CA 92123-4340**

or visit www.dtsc.ca.gov

Below is the full text of Health and Safety Code, section 25201.16:

§ 25201.16. Managing aerosol can as waste; Regulations and requirements

(a) For purposes of this section, the following terms have the following meanings:

(1) “Aerosol can” means a container in which gas under pressure is used to aerate and dispense any material through a valve in the form of a spray or foam.

(2) “Aerosol can processing” means the puncturing, draining, or crushing of aerosol cans.

(3) “Destination facility,” as used in Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations, also includes a facility that treats, except as described in subdivision (d), or disposes of, a hazardous waste aerosol can that is shipped to the facility as a universal waste aerosol can, except destination facility does not include a facility at which universal waste aerosol cans are merely accumulated.

(4) “Hazardous waste aerosol can” means an aerosol can that meets the definition of hazardous waste, as defined in Section 25117.

(5) “Unauthorized release” means a release to the environment that is in violation of any applicable federal, state, or local law, or any permit or other approval document issued by any federal, state, or local agency.

(6) “Universal waste aerosol can” means a hazardous waste aerosol can while it is being managed in accordance with the department’s regulations governing the management of universal waste, except as required otherwise in subdivisions (d) to (k), inclusive. Upon receipt of a universal waste aerosol can by a destination facility for purposes of treatment or disposal, the can is no longer a universal waste aerosol can, but continues to be a hazardous waste aerosol can.

(7) With respect to a universal waste aerosol can, the term “universal waste handler,” as defined in Section 66273.9 of Title 22 of the California Code of Regulations, does not include either of the following:

(A) A person who treats, except as described in subdivision (h), or disposes of hazardous waste aerosol cans including universal waste aerosol cans.

(B) A person engaged in offsite transportation of hazardous waste aerosol cans, including, but not limited to, universal waste aerosol cans, by air, rail, highway, or water, including a universal waste aerosol can transfer facility.

(b)(1) The requirements of this section apply to any person who manages aerosol cans, except for the following:

(A) Aerosol cans that are not yet wastes pursuant to Chapter 11 (commencing with Section 66261.1) of Division 4.5 of Title 22 of the California Code of Regulations.

(B) Aerosol cans that do not exhibit a characteristic of a hazardous waste as set forth in Article 3 (commencing with Section 66261.20) of Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations.

(C) Aerosol cans that are empty pursuant to subsection (m) of Section 66261.7 of Title 22 of the California Code of Regulations.

(2)(A) An aerosol can becomes a waste on the date the aerosol can is discarded or is no longer useable. An aerosol can is deemed to be no longer useable when any of the following occurs:

(i) The can is as empty as possible, using standard practices.

(ii) The spray mechanism no longer operates as designed.

(iii) The propellant is spent.

(iv) The product is no longer used.

(B) An unused aerosol can is a waste, for purposes of Section 25124, on the date the owner decides to discard it.

(c)(1) The disposal of any hazardous waste aerosol can is subject to the requirements of this chapter, and to any regulations adopted by the department relating to the disposal of hazardous waste.

(2) Except as otherwise provided in this section, the treatment or storage of any hazardous waste aerosol can is subject to the requirements of this chapter, and any regulations adopted by the department relating to the treatment and storage of hazardous waste.

(d)(1) Except as provided in paragraph (2), a universal waste aerosol can is deemed to be a universal waste for purposes of the department's regulations governing the management of universal wastes.

(2) The exemptions described in Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations for universal waste generated by households and conditionally exempt small quantity waste generators of universal waste do not apply to universal waste aerosol cans.

(e) A universal waste handler shall manage universal waste aerosol cans in a manner that prevents fire, explosion, and the unauthorized release of any universal waste or component of a universal waste to the environment.

(f) Any container used to accumulate or transport universal waste aerosol cans, or the contents removed from a universal waste aerosol can or processing device, unless the contents have been determined to not be hazardous waste, shall meet all of the following requirements:

(1)(A) Except when waste is added or removed or as provided in subparagraph (B), the container shall be closed, structurally sound, and compatible with the contents of the universal waste aerosol can, and shall show no evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(B) The closed container requirement in subparagraph (A) does not apply to a container used to accumulate universal waste aerosol cans prior to processing the cans pursuant to subdivision (h),

or prior to shipping the cans offsite, except that the container shall be covered at the end of each workday.

(2) The container shall be placed in a location that has sufficient ventilation to avoid formation of an explosive atmosphere, and shall be designed, built, and maintained to withstand pressures reasonably expected during storage and transportation.

(3)(A) The container shall be placed on or above a floor or other surface that is free of cracks or gaps and is sufficiently impervious and bermed to contain leaks and spills.

(B) Subparagraph (A) does not apply to a container used to accumulate universal waste aerosol cans prior to processing the cans pursuant to subdivision (h) or prior to shipping the cans offsite.

(4) Incompatible materials shall be kept segregated and managed appropriately in separate containers.

(5) A container holding flammable wastes shall be kept at a safe distance from heat and open flames.

(6) A container used to hold universal waste aerosol cans shall be labeled or marked clearly with one of the following phrases: "Universal Waste-Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

(g) A universal waste handler shall accumulate universal waste aerosol cans in accumulation containers that meet the requirements of subdivision (f). The universal waste aerosol cans shall be accumulated in a manner that is sorted by type and compatibility of contents.

(h) A universal waste handler may process a universal waste aerosol can to remove and collect the contents of the universal waste aerosol can, if the universal waste handler meets all of the following requirements:

(1) The handler is not an offsite commercial processor of aerosol cans. For the purposes of this paragraph, a household hazardous waste collection facility, as defined in subdivision (f) of Section 25218.1, is not an offsite commercial processor.

(2) The handler ensures that the universal waste aerosol can is processed in a manner and in equipment designed, maintained, and operated so as to prevent fire, explosion, and the unauthorized release of any universal waste or component of a universal waste to the environment.

(3) The handler ensures that the unit used to process the universal waste aerosol cans is placed on or above a nonearthen floor that is free of cracks or gaps and is sufficiently impervious and bermed to contain leaks and spills.

(4) The handler ensures that the processing operations are performed safely by developing and implementing a written operating procedure detailing the safe processing of universal waste aerosol cans. This procedure shall, at a minimum, include all of the following:

(A) The type of equipment to be used to process the universal waste aerosol cans safely.

(B) Operation and maintenance of the unit.

(C) Segregation of incompatible wastes.

(D) Proper waste management practices, including ensuring that flammable wastes are stored away from heat and open flames.

(E) Waste characterization.

(5) The handler ensures that a spill cleanup kit is readily available to immediately clean up spills or leaks of the contents of the universal waste aerosol can.

(6) The handler immediately transfers the contents of the universal waste aerosol can or processing device, if applicable, to a container that meets the requirements of subdivision (f), and characterizes and manages the contents pursuant to subdivision (i).

(7) The handler ensures that the area in which the universal waste aerosol cans are processed is well ventilated.

(8) The handler ensures, through a training program utilizing the written operating procedures developed pursuant to paragraph (4), that each employee is thoroughly familiar with the procedure for sorting and processing universal waste aerosol cans, and proper waste handling and emergency procedures relevant to his or her responsibilities during normal facility operations and emergencies.

(i) A universal waste handler who processes universal waste aerosol cans to remove the contents of the aerosol can, or who generates other waste as a result of the processing of aerosol cans, shall determine whether the contents of the universal waste aerosol can, residues, or other wastes exhibit a characteristic of hazardous waste identified in Article 3 (commencing with Section 66261.20) of Chapter 11 of Division 4.5 of Title 22 of the California Code of Regulations.

(1) If the contents of the universal waste aerosol can, residues, or other wastes exhibit a characteristic of hazardous waste, those wastes shall be managed in compliance with all applicable requirements of this chapter and the regulations adopted by the department pursuant to this chapter. The universal waste handler shall be deemed the generator of that hazardous waste and is subject to the requirements of Chapter 12 (commencing with Section 66262.10) of Division 4.5 of Title 22 of the California Code of Regulations.

(2) If the contents of the universal waste aerosol can, residues, or other wastes are not hazardous, the universal waste handler shall manage those wastes in a manner that is in compliance with all applicable federal, state, and local requirements.

(j)(1) A universal waste handler that processes universal waste aerosol cans shall, no later than the date on which the handler first initiates this activity, submit a notification, in person or by certified mail, with return receipt requested, to either of the following:

(A) The CUPA, if the facility is under the jurisdiction of a CUPA.

(B) If the facility is not under the jurisdiction of a CUPA, the notification shall be submitted to the agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(2) Each notification submitted pursuant to this subdivision shall be completed, dated, and signed according to the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, and shall include, but not be limited to, all of the following information:

(A) The name, identification number, site address, mailing address, and telephone number of the handler.

(B) A description of the universal waste aerosol can processing activities, including the type and estimated volumes or quantities of universal waste aerosol cans to be processed monthly, the treatment process or processes, equipment descriptions, and design capacities.

(C) A description of the characteristics and management of any hazardous treatment residuals.

(3)(A) Within 30 days of any change in operation which necessitates modifying any of the information submitted in the notification required pursuant to this subdivision, the handler shall submit an amended notification, in person or by certified mail, with return receipt requested, to one of the following:

(i) The CUPA, if the facility is under the jurisdiction of a CUPA.

(ii) If the facility is not under the jurisdiction of a CUPA, the notification shall be submitted to the agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(B) Each amended notification shall be completed, dated, and signed in accordance with the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements apply to hazardous waste facilities permit applications.

(k) In addition to the requirements set forth in Article 4 (commencing with Section 66273.50) of Chapter 23 of Division 4.5 of Title 22 of the California Code of Regulations, during transportation, including holding time at a transfer facility, a transporter of universal waste aerosol cans shall comply with the following requirements:

(1) The transporter shall transport and otherwise manage universal waste aerosol cans in a manner that prevents fire, explosion, and the unauthorized release of any universal waste, or component of a universal waste, into the environment.

(2) Universal waste aerosol cans shall be transported and stored in accumulation containers that are clearly marked or labeled for that use and that meet the requirements of subdivision (f).

(l) The department may adopt regulations specifying any additional requirement or limitation on the management of hazardous waste aerosol cans that the department determines is necessary to protect human health or safety or the environment.

(m) The development and publication of the notification form specified in subdivision (j) is not subject to the requirements described in Chapter 3.5 (commencing with Section 11340) of Part I of Division 3 of Title 2 of the Government Code.

(n) In addition to the requirements set forth in this section, a hazardous waste aerosol can shall be managed in a manner that meets all requirements established by the United States Environmental Protection Agency.