NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Universal Waste Regulations: Addition of Aerosol Cans

(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301)

 Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301. (HW134ft)

 The proposed Rule is identical to federal regulations found in FR Vol. 84 No. 236 pages 67202-67220, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. The proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

 The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on February 7, 2020. The proposed Rule amends the universal waste program to include hazardous waste aerosol cans under the Resource Conservation and Recovery Act regulations. This modification provides regulatory relief and environmental benefits to a broad range of aerosol can generators and handlers, including the retail sector. Specifically, it offers a streamlined, environmentally protective system for managing discarded aerosol cans, alleviates regulatory burdens, promotes collection and recycling efforts, and supports the development of municipal and commercial programs aimed at reducing the disposal of these materials in municipal solid waste landfills or combustors. The basis and rationale for this Rule are to mirror federal regulations and promote recycling of aerosol cans. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Hearing**

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861 or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

**Public Comments**

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by HW134ft. Such comments must be received no later than September 25, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW134ft. The proposed rule is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20.

 The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Jill C. Clark

 General Counsel

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§105. Program Scope**

 These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

 A. — D.7.c. …

 d. lamps as described in LAC 33:V.3809; ~~and~~

 e. ~~antifreeze as described in LAC 33:V.3811~~electronics as described in LAC 33:V.3810;

 f. antifreeze as described in LAC 33:V.3811; and

 g. aerosol cans as described in LAC 33:V.3812.

 D.8. — R.8.h. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), amended by the Office of Secretary, Legal Division, LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1456 (October 2024), LR 51:

**Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits**

**§305. Scope of the Permit**

 A. — C.11.d. …

 e. electronics as described in LAC 33:V.3810; ~~and~~

 f. antifreeze as described in LAC 33:V.3811; and

 g. aerosol cans as described in LAC 33:V.3812;

 C.12. — H. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs LR 51:

**Chapter 15. Treatment, Storage, and Disposal Facilities**

**§1501. Applicability**

 A. — C.11.d. …

 e. electronics as described in LAC 33:V.3810; ~~and~~

 f. antifreeze as described in LAC 33:V.3811; ~~or~~and

 g. aerosol cans as described in LAC 33:V.3812; or

 C.12. — H.13. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

**Chapter 22. Prohibitions on Land Disposal**

**Subchapter A. Land Disposal Restrictions**

**§2201. Purpose, Scope, and Applicability**

 A. — I.5.d. …

 e. electronics as described in LAC 33:V.3810; ~~and~~

 f. antifreeze as described in LAC 33:V.3811~~.~~; and

 g. aerosol cans as described in LAC 33:V.3812.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

**Chapter 38. Universal Wastes**

**Subchapter A. General**

**§3801. Scope and Applicability**

 A. This Chapter establishes requirements for managing batteries as described in LAC 33:V.3803, pesticides as described in LAC 33:V.3805, mercury-containing equipment as described in LAC 33:V.3807, lamps as described in LAC 33:V.3809, electronics as described in LAC 33:V.3810, ~~and~~ antifreeze as described in LAC 33:V.3811, and aerosol cans as described in LAC 33:V.3812. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Subpart 1.

 B. — D. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:1518 (September 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

**§3805. Applicability―Pesticides**

 A. — B.1. …

 2. pesticides not meeting the conditions set forth in Subsection A of this Section. These pesticides ~~must~~shall be managed in compliance with the hazardous waste regulations in LAC 33:V.Subpart 1, except that *aerosol cans,* as defined in LAC 33:V.3813, that contain pesticides may be managed as aerosol can universal waste under LAC 33:V.3821.G or LAC 33:V.3843.G;

 B.3. — D.2. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:569 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**§3812. Applicability―Aerosol Cans**

 A. Aerosol Cans Covered under This Chapter. The requirements for this Chapter apply to persons managing aerosol cans, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

 B. Aerosol Cans Not Covered Under This Chapter

 1. The requirements of this Chapter do not apply to persons managing aerosol cans as described in LAC 33:V.3813, that are not yet a waste under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section;

 2. The requirements of this Chapter do not apply to persons managing aerosol cans as described in this Chapter, that are not yet a hazardous waste. An aerosol can is a hazardous waste if it is listed in LAC 33:V.4901 or if it exhibits one or more of the characteristics identified in LAC 33:V.4903; and

 3. The requirements of this Chapter do not apply to persons managing aerosol cans that meet the standard for empty container under LAC 33:V.109.

 C. Generation of Waste Aerosol Cans

 1. A used aerosol can shall become a waste on the date it is discarded.

 2. An unused aerosol can shall become a waste on the date the handler decides to discard it.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51:

**§3813. Definitions**

 *Aerosol Can*—a nonrefillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, with the sole purpose to expel a liquid, paste, or powder fitted with a self-closing release device allowing the contents to be ejected by the gas.

\* \* \*

 *Large Quantity Handler of Universal Waste*―a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, ~~or~~ antifreeze, or aerosol cans calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000 kilogram-limit is met or exceeded.

\* \* \*

 *Small Quantity Handler of Universal Waste*―a universal waste handler (as defined in this Section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, ~~or~~ antifreeze, or aerosol cans calculated collectively) at any time.

\* \* \*

 *Universal Waste*―any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

 1. batteries as described in LAC 33:V.3803;

 2. pesticides as described in LAC 33:V.3805;

 3. mercury-containing equipment as described in LAC 33:V.3807;

 4. lamps as described in LAC 33:V.3809;

 5. electronics as described in LAC 33:V.3810; ~~and~~

 6. antifreeze as described in LAC 33:V.3811~~.~~; and

 7. aerosol cans as described in LAC 33:V.3812.

\* \* \*

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), LR 51:

**Subchapter B. Standards for Small Quantity Handlers of Universal Waste**

**§3821. Waste Management**

 A. — C.2.b. …

 c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that ~~meets the~~is subject to all applicable requirements of LAC 33:V.~~1013.C.2.a or 1015.B.1.b~~Subpart 1;

 d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that ~~meets the~~is subject to all applicable requirements of LAC 33:V. ~~1013.C.2.a or 1015.B.1.b~~Subpart 1;

 C.2.e. — F.4. …

 G. Aerosol Cans

 1. A small quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows.

 a. Universal waste aerosol cans shall be accumulated in a container that:

 i. is structurally sound;

 ii. is compatible with the contents of the aerosol cans;

 iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and

 iv. protected from a source of heat.

 b. Universal waste aerosol cans that show evidence of leakage shall be:

 i. packaged in a separate closed container;

 ii. overpacked with absorbents; or

 iii. immediately punctured and drained in accordance with the requirements of Paragraph 4 of this Subsection.

 c. A small quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

 i. sorting aerosol cans by type;

 ii. mixing intact cans in one container; and

 iii. removing actuators to reduce the risk of accidental release.

 d. A small quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

 i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

 ii. Effectively contain the residual contents and any emissions thereof.

 iii. 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.

 iv. Maintain a copy of the manufacturer’s specification and instruction on site.

 v. Ensure employees operating the device are trained in the proper procedures.

 vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a flat solid surface in a well-ventilated area.

 vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

 viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33.V.1005.

 (a). Any hazardous waste generated as a result of the puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33.V.Subpart 1.

 (b). The handler is considered the generator of the hazardous waste and is subject to LAC 33.V.Chapters 10 and 11.

 ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

 x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

**§3823. Labeling/Marking**

 A. A small quantity handler of universal waste ~~must~~shall label or mark the universal waste to identify the type of universal waste as specified below.

 1. — 8. …

 9. Universal waste aerosol cans (i.e., each aerosol can), or a container where the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:572 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3119 (December 2005), LR 34:1017 (June 2008), LR 51:

**Subchapter C. Standards for Large Quantity Handlers of Universal Waste**

**§3841. Notification**

 A. — A.2. …

 B. This notification ~~must~~shall include:

 1. — 3. …

 4. a list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, aerosol cans); and

 5. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2473 (October 2005), LR 31:3120 (December 2005), LR 33:2124 (October 2007), LR 51:

**§3843. Waste Management**

 A. — C.2.b. …

 c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that ~~meets the~~is subject to all applicable requirements of LAC 33:V.~~1013.C.2.a or 1015.B.1.b~~Subpart 1;

 d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that ~~meets the~~is subject to all applicable requirements of LAC 33:V.~~1013.C.2.a or 1015.B.1.b~~Subpart 1;

 C.2.e. — F.4. …

 G. Aerosol Cans

 1. A large quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents a release of universal waste or a component of a universal waste to the environment, as follows.

 a. Universal waste aerosol cans shall be accumulated in a container that:

 i. is structurally sound;

 ii. is compatible with the contents of the aerosol cans;

 iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and

 iv. is protected from a source of heat.

 b. Universal waste aerosol cans that show evidence of leakage shall be:

 i. packaged in a separate closed container;

ii. overpacked with absorbents; or

 iii. immediately punctured and drained in accordance with the requirements of Subparagraph d of this Subsection.

 c. A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

 i. sorting aerosol cans by type;

 ii. mixing intact cans in one container; and

 iii. removing actuators to reduce the risk of accidental release.

 d. A large quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

 i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

ii. Effectively contain the residual contents and any emissions thereof.

 iii. 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.

 iv. Maintain a copy of the manufacturer's specification and instruction on site.

 v. Ensure employees operating the device are trained in the proper procedures.

 vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a solid, flat surface in a well ventilated area.

 vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

 viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33.V.1005.

 (a). Any hazardous waste generated as a result of puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33:V.Subpart 1.

 (b). The handler is considered the generator of the hazardous waste and is subject to LAC 33.V.Chapters 10 and 11.

 ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

 x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3120 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

**§3845. Labeling/Marking**

 A. A large quantity handler of universal waste ~~must~~shall label or mark the universal waste to identify the type of universal waste as specified below.

 1. — 8. …

 9. Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 34:1017, (June 2008), LR 51:

**Chapter 43. Interim Status**

**§4301. Purpose and Applicability**

 A. — D.13.d. …

 e. electronics as described in LAC 33:V.3810; ~~and~~

 f. antifreeze as described in LAC 33:V.3811~~.~~; and

 g. aerosol cans as described in LAC 33:V.3812.

 E. — J. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51: