

15 September 1997

Re: NEPA Technical Inquiry 0140 - Lead-acid Battery Recycling

Dear NEPA Call-In User:

This letter is in response to your e-mail inquiry received by NEPA Call-In on August 14, 1997, in which you requested information on regulations governing lead-acid battery disposal. You also wanted to know if the Federal government or GSA has a policy giving preference to the recycling of lead-acid batteries over their disposal as a hazardous waste.

#### SUMMARY OF FINDINGS

NEPA Call-In found that Federal regulations require lead-acid batteries to be either disposed of as hazardous waste or to be recycled. Pennsylvania State law requires lead-acid batteries to be recycled. The Pollution Prevention Act of 1990 established that, whenever feasible, pollution should be prevented or reduced at the source; that pollution that cannot be prevented should be recycled in an environmentally safe manner; and that disposal should be employed only as a last resort. NEPA Call-In's detailed findings are provided below.

#### DETAILED FINDINGS

NEPA Call-In reviewed Title 40 Code of Federal Regulations (CFR) Part 266, "Standards for Materials Being Recycled/Reused," Subpart G, "Spent Lead-acid Batteries Being Reclaimed" and 40 CFR Part 273, "Standards for Universal Waste Management." If lead-acid batteries are recycled, they are subject to the disposal regulations contained in 40 CFR 273. If they are not recycled they are regulated as a hazardous waste and are subject to 40 CFR 266. You stated you did not need a copy of these two regulations.

In addition, Public Law (PL) 104-142, "Mercury-Containing and Rechargeable Battery Management Act," may apply to lead-acid battery disposal and recycling in the future. The purpose of PL 104-142 is to:

1. Phase out the use of mercury in batteries;
2. Provide for the efficient and cost-effective collection and recycling of batteries (lead and cadmium-containing batteries); and
3. Implement a national, uniform system for labeling batteries.

We contacted the Resource Conservation and Recovery Act (RCRA) hotline (800) 424-9346, to determine the status of Environmental Protection Agency (EPA) implementing regulations. The hotline representative stated that proposed rules implementing the law are due to be published by EPA in August 1997. However, the proposed rule has not yet been published and the representative stated that it is not likely that the proposed rule will be published this month. The typical approach is for the EPA to publish a proposed rule regarding implementing regulation and allow for a comment period. At the conclusion of the comment period, the EPA will review the comments received and publish a final rule promulgating the implementing regulations.

NEPA Call-In also contacted Mr. Bill LaCour, Used Oil Recovery Coordinator, at the Pennsylvania Department of Environmental Protection (717) 787-7382. Mr. LaCour stated that Pennsylvania Act 101, the "Municipal Waste Planning, Recycling and Waste Reduction Act," (section enclosed) requires lead-acid batteries to be recycled. The Act also mandates retailers who sell lead-acid batteries to accept old batteries for recycling. Mr. LaCour also sent a Pennsylvania County Recycling Coordinator List (enclosed), a list of authorized recycling centers for lead-acid batteries (enclosed), and a fact sheet on Automotive Battery Recycling in Pennsylvania (enclosed). The authorized recycling centers near the Philadelphia area are highlighted and indicated by the B01 code.

NEPA Call-In also reviewed Executive Order (EO) 12856, "Federal Compliance With Right-To-Know Laws And Pollution Prevention Requirements" and EO 12873, "Federal Acquisition, Recycling, And Waste Prevention" (enclosed).

Page 1, paragraph three of EO 12856 states:

"the Pollution Prevention Act of 1990...established that it is the national policy of the United States that, whenever feasible, pollution should be prevented or reduced at the source; that pollution that cannot be prevented should be recycled in an environmentally safe manner...[and] that disposal or other release into the environment should be employed only as a last resort."

In addition, Sec. 705 of EO 12873 states:

"Each Executive agency that has not already done so shall initiate a program to promote cost effective waste prevention and recycling of reusable materials in all of its facilities."

NEPA Call-In contacted GSA National Capital Region, to determine if GSA has additional policy on recycling of lead-acid batteries. The GSA National Capital Region stated they were not aware of any specific GSA guidance on disposal or recycling of lead-acid batteries.

NEPA Call-In is also sending to you the U.S. Air Force Center For Environmental Excellence (AFCEE) PRO-ACT Product Information Package on Batteries (enclosed).

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher