

<u>SUBJECT</u>		<u>DATE</u>
1188.	RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II	ENCORE AUG 11, 2016
1189.	RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III	ENCORE AUG 18, 2016
1190.	Product Spills and Waste Determinations	ENCORE AUG 25, 2016
1191.	Product Spills, Waste Determinations, and LDR	ENCORE SEP 1, 2016
1192.	Regulatory Status of Caustic Rinse Waters Contaminated with Trace Solvents	ENCORE SEP 8, 2016
1193.	Regulatory Status of Sand Blast Grit Contaminated with Trace Listed Solvents	ENCORE SEP 15, 2016
1194.	Hazardous Waste "F" Listings and Trace Contamination	ENCORE SEP 22, 2016
1195.	Hazardous Waste "F" Listings and Trace Contamination – Again!	ENCORE SEP 29, 2016
1196.	Hazardous Waste Determinations and Phase Separation	ENCORE OCT 6, 2016
1197.	Asbestos and DOT Relief	ENCORE OCT 13, 2016
1198.	PCB Containers and Concentration of PCBs	ENCORE OCT 20, 2016
1199.	PCB Analytical Waste Disposal Requirements	ENCORE OCT 27, 2016
1200.	PCB Analytical Waste Disposal Requirements – Water vs. Organic Liquids and Non-aqueous Inorganic Liquids	ENCORE NOV 3, 2016
1201.	Listed Waste Codes and Pre-RCRA Wastes	ENCORE NOV 10, 2016
1202.	Purpose of the ≤90-day Hazardous Waste Accumulation Exemption	ENCORE NOV 17, 2016
1203.	Used Oil Eligibility for Turkey and Ham Oils	ENCORE NOV 23, 2016
1204.	PCB Reporting and Recordkeeping Relief	ENCORE DEC 1, 2016
1205.	Defining Criteria for Household Waste Exclusion	ENCORE DEC 8, 2016
1206.	The Household Waste Exclusion and Renovation Debris	ENCORE DEC 15, 2016
1207.	'Twas the Night before Christmas – The Twenty-Fourth Annual Edition	ENCORE DEC 24, 2016
1208.	The Household Waste Exclusion and Renovation Debris – Part II	ENCORE DEC 29, 2016
1209.	Absorbent Additions and Treatment	ENCORE JAN 5, 2017
1210.	Frozen RCRA Wastewater - DOT Liquid or Solid When Manifested?	ENCORE JAN 12, 2017
1211.	DOT Marking Specifications for the "UN", "NA" and "ID" Markings	ENCORE JAN 19, 2017
1212.	Satellite Accumulation within a ≤90-day Accumulation Area	ENCORE JAN 26, 2017
1213.	Washington State-Only Dangerous Waste Markings – Accumulation vs. Pre-Transport	ENCORE FEB 2, 2017
1214.	RCRA Empty Tanker Trailers and Listed Waste Codes	ENCORE FEB 9, 2017
1215.	RCRA Empty vs. DOT Empty	ENCORE FEB 16, 2017
1216.	RCRA Empty vs. DOT Empty II	ENCORE FEB 23, 2017
1217.	Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE MAR 2, 2017
1218.	Multiple Characteristic and Listed Hazardous Waste Codes and the "in lieu of" LDR Principle	ENCORE MAR 9, 2017
1219.	LDR Storage Prohibitions and the One-Year Rule	ENCORE MAR 16, 2017
1220.	LDR Storage Prohibitions and Treated Wastes	ENCORE MAR 23, 2017
1221.	LDR Storage Prohibitions and Treated Hazardous Debris or Contaminated Soil	ENCORE MAR 30, 2017
1222.	LDR Requirements for Universal Wastes	ENCORE APR 6, 2017
1223.	LDR Requirements for Spent Lead-Acid Batteries Being Reclaimed	ENCORE APR 13, 2017

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TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: LDR REQUIREMENTS FOR SPENT LEAD-ACID BATTERIES BEING RECLAIMED

DATE: APRIL 13, 2017

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Roni Ashley Tania Bates Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Ron Brunke Bob Bullock Bill Cox Laura Cusack Lorna Dittmer Ted Hopkins Sasa Kosjerina Jim Leary Rick Oldham Anthony Nagel Robert Nielson Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson Joel Williams	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Jon McKibben Saul Martinez Jon Perry Christina Robison Lana Strickling Lou Upton	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Cliff Clark Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Lori Fritz Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Dan Kimball Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Marty Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Mandy Pascual Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Kyle Webster Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: LDR Requirements for Spent Lead-Acid Batteries Being Reclaimed

- Q:** Last week's Two Minute Training (2MT) stated that universal waste such as batteries, are not subject to the land disposal restrictions (LDR) at 40 CFR 268. Is the same LDR relief true for spent lead-acid batteries being accumulated prior to shipment to an off-site reclamation facility?
- A:** Per 40 CFR Subpart G, "Spent Lead-Acid Batteries Being Reclaimed", [40 CFR 266.80\(a\)\(2\)](#) states that generators collecting spent lead acid batteries (SLABs) that will be reclaimed are not subject to [40 CFR Parts 262, 263, 264, 265, 266, 270, 124](#), and the notification requirements at section 3010 of [RCRA](#). This is basically all of the generator, transporter and permitting requirements. However, the generator of SLABs destined to be reclaimed are subject to [40 CFR Part 261](#), "Identification and Listing of Hazardous Waste"; [40 CFR 262.11](#), "Hazardous waste determination", and applicable provisions under [40 CFR Part 268](#) concerning land disposal restrictions (LDR).

The regulatory path starts at [40 CFR 261.6\(a\)\(2\)\(iv\)](#), "Requirements for Recyclable Materials", which states that SLABs being reclaimed are subject to [40 CFR 266.80](#). A review of 266.80 indicates that applicable provisions of the LDR requirements apply. A review of the LDR requirements reveals at [40 CFR 268.7\(a\)\(7\)](#) that if a generator is managing a restricted waste that is excluded from the definition of hazardous waste per 261.6, he must place a one-time notice documenting the generation, hazardous waste exclusion, and the disposition of the waste, in the facility's on-site files. Sending an LDR notice with the initial shipment is not required.

Since SLABs are excluded from the definition of hazardous waste per 261.6, LDR requires a document stating the waste generated (the SLABs); the applicable exclusion (261.6 and 266.80) and the disposition of the waste (sent for reclamation); and that the document be placed in the facility's files.

SUMMARY:

- Spent lead acid batteries are exempt from generator, transporter and permitting requirements, but not from hazardous waste determinations and LDR requirements.
- LDR requires that a one-time notice be placed in the facility's on-site files documenting the waste generated, the applicable exclusions, and the disposition of the waste.
- An LDR notice is not required to accompany the initial shipment to the reclamation facility.

Excerpts from 40 CFR Part 261.6, Part 268.7 and Part 266.80 are attached. If you have any questions, please contact me at [Paul W Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 4/13/17

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: LDR Requirements for Spent Lead-Acid Batteries Being Reclaimed

40 CFR 261.6 Requirements for recyclable materials

(a)

(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled will be known as “recyclable materials.”

(2) The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through N of part 266 of this chapter and all applicable provisions in parts 268, 270, and 124 of this chapter.

- (i) Recyclable materials used in a manner constituting disposal (40 CFR part 266, subpart C);
- (ii) Hazardous wastes burned (as defined in section 266.100(a)) in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (40 CFR part 266, subpart H);
- (iii) Recyclable materials from which precious metals are reclaimed (40 CFR part 266, subpart F);
- (iv) Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G).

40 CFR 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities

(a) *Requirements for generators:*

(7) **If a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle C regulation under 40 CFR 261.2 through 261.6 subsequent to the point of generation** (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act (CWA) as specified at 40 CFR 261.4(a)(2) or that are CWA-equivalent, or are managed in an underground injection well regulated by the SDWA), **he must place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste, in the facility's on-site files.**

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: LDR Requirements for Spent Lead-Acid Batteries Being Reclaimed

40 CFR 266.80 Applicability and requirements

(a) Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the “Universal Waste” rule in 40 CFR part 273.

If your batteries . . .	And if you. . .	Then you. . .	And you. . .
(1) Will be reclaimed through regeneration (such as by electrolyte replacement)		are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 268, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA	are subject to 40 CFR parts 261 and §262.11 of this chapter.
(2) Will be reclaimed other than through regeneration	generate, collect, and/or transport these batteries	are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA	are subject to 40 CFR parts 261 and §262.11, and applicable provisions under part 268.
(3) Will be reclaimed other than through regeneration	store these batteries but you aren't the reclaimer	are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA	are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.
(4) Will be reclaimed other than through regeneration	store these batteries before you reclaim them	must comply with 40 CFR 266.80(b) and as appropriate other regulatory provisions described in 266.80(b)	are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.
(5) Will be reclaimed other than through regeneration	don't store these batteries before you reclaim them	are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA	are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.

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