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1253. Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE	NOV 16, 2017
1254. PCB Radioactive Wastes and Exception Reporting	ENCORE	NOV 21, 2017
1255. Satellite Accumulation Requirements and Container Inspections	ENCORE	NOV 30, 2017
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1257. Fluorescent Light Ballasts and PCB Annual Reporting		DEC 14, 2017
1258. 'Twas the Night Before Christmas – The Twenty-Fifth Annual Edition		DEC 21, 2017
1259. The Purpose of Keeping Containers Closed Except When Adding or Removing Wastes	ENCORE	DEC 28, 2017
1260. Satellite Accumulation and Product Vessel Cleanouts	ENCORE	JAN 4, 2018
1261. Conservative Declaration that Material is a Hazardous Waste	ENCORE	JAN 11, 2018
1262. Defining Criteria for Household Waste Exclusion	ENCORE	JAN 18, 2018
1263. The Household Waste Exclusion and Renovation Debris	ENCORE	JAN 25, 2018
1264. The Household Waste Exclusion and Renovation Debris – Part II	ENCORE	FEB 1, 2018
1265. The Mixtures Rule – Washington State vs. The Feds	ENCORE	FEB 8, 2018
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1282. Universal Waste and Basis for the One Year Accumulation Time Limit	ENCORE	JUN 7, 2018
1283. F001 Degreaser versus F002 Solvent	ENCORE	JUN 14, 2018
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1286. PCB Concentrations and 10,000 PPM	ENCORE	JUL 5, 2018
1287. PCB Concentrations and 1,000 PPM	ENCORE	JUL 12, 2018
1288. Satellite Accumulation Containers and the Date of Accumulation Marking		JUL 19, 2018
1289. Satellite Accumulation Requirements in Washington State	ENCORE	JUL 26, 2018
1290. Satellite Accumulation Areas and Under the Control of the Operator		AUG 2, 2018
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1297. Universal Waste, Satellite Accumulation and Centralized Collection Areas		SEP 20, 2018
1298. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 27, 2018
1299. Satellite Accumulation and the One Year LDR Prohibitions on Storage	ENCORE	OCT 4, 2018
1300. Purpose of the ≤90-day Hazardous Waste Accumulation Conditional Exclusion	ENCORE	OCT 11, 2018
1301. Regulatory Status of Used Oil Mixed with Diesel Fuel		OCT 18, 2019
1302. Recyclable Chemicals and Zombie Destruction	ENCORE	OCT 25, 2018
1303. Empty Containers and the “Empty” Label		NOV 1, 2018
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1308. Disposal Requirements for Hazardous Waste Treated to LDR Standards	ENCORE	DEC 6, 2018
1309. Disposal Relief for Listed Hazardous Debris Treated to LDR Standards	ENCORE	DEC 13, 2018
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1311. Product Storage Tank Residues and Hazardous Waste Regulations	ENCORE	DEC 27, 2018
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1314. D002 Waste and Dilution as Adequate LDR Treatment	ENCORE	JAN 17, 2019
1315. The Definition of Good Housekeeping		JAN 24, 2019
1316. Commercial Chemical Products and Unused Batteries	ENCORE	JAN 31, 2019

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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: COMMERCIAL CHEMICAL PRODUCTS AND UNUSED BATTERIES

DATE: JANUARY 31, 2019

<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 Tania Bates Rene Catlow Richard Clinton Larry Cole John Dent Lorna Dittmer Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Jim McGrogan Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Bob Bullock Bill Cox Laura Cusack Jim Leary Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg 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	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Tom Gilmore Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: Commercial Chemical Products and Unused Batteries

Q: A customer understands that if unused solvent (a commercial chemical product) is reclaimed, it is not a solid waste and therefore cannot be a dangerous waste per Table 1 of [WAC 173-303-016 \[40 CFR 261.2 - Table 1, the asterisk \(*\) table\]](#). Table 1 indicates that if a commercial chemical product (CCP) is reclaimed, it is not a solid waste. However, the customer also has non-solvent materials for reclamation in the form of unused nickel-cadmium batteries. Can the customer reclaim unused batteries as CCP, identify the unused batteries as not solid wastes, and therefore not manage the batteries as dangerous wastes?

A: Per an EPA memo dated February 13, 1991 ([RO 11584](#)), EPA stated:

"Unused batteries have the same status as other commercial chemical products - i.e., they are solid wastes when they are to be disposed, or when they will be recycled in ways that differ from their normal use. If they are intended to be used as batteries, however, or if they will be reclaimed, they are products and not solid wastes. (See 40 CFR 261.2, and [50 FR 14219, April 11, 1985.](#))"

Therefore the customer's unused batteries destined for reclamation in way that does not differ from their normal use, i.e., they will be used as batteries - are not solid wastes and hence cannot be dangerous wastes. If the unused batteries were being recycled in ways that differed from their normal use, e.g., the batteries were being crushed for use as recycled filler in a widget, or ballast in a ship, and not as reclaimed electrical storage devices - then those batteries would be solid wastes and dangerous waste determinations would apply.

SUMMARY:

- Commercial chemical products when reclaimed are not solid wastes and not dangerous wastes.
- Unused batteries, like unused solvents, are commercial chemical products.
- Therefore, unused batteries when reclaimed are not solid wastes and not dangerous wastes.

The EPA memo dated February 13, 1991, and the asterisk (*) table are attached to the e-mail. If you have any questions, contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 1/31/19

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TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Commercial Chemical Products and Unused Batteries

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
FEBRUARY 13, 1991**

Peter Ploch, P.E.
Waste Engineering and Enforcement Division
Connecticut Department of Environmental Protection
165 Capitol Avenue
Hartford, CT 06106

Dear Mr. Ploch:

This letter is in response to your December 28, 1990 request for a determination on whether nickel-cadmium batteries handled by Alcad Inc., of North Haven, CT, are hazardous wastes subject to regulation under the Resource Conservation and Recovery Act.

Under the federal hazardous waste regulations, there are distinctions between used batteries, unused batteries, and partially reclaimed batteries (those that have been reclaimed but must be reclaimed further before processing is complete).

Unused batteries have the same status as other commercial chemical products - i.e., they are solid wastes when they are to be disposed, or when they will be recycled in ways that differ from their normal use. If they are intended to be used as batteries, however, or if they will be reclaimed, they are products and not solid wastes. (See 40 CFR 261.2, and 50 FR 14219, April 11, 1985.)

Used batteries are classified as spent materials, and are solid wastes when reclaimed. (See 40 CFR 261.2.)

Partially reclaimed used batteries may or may not be solid wastes (see the discussion at 50 FR 634, January 4, 1985). There is a variance procedure in the regulations at 40 CFR 260.30(c) and 260.31(c) for facilities that claim their partially recovered materials are no longer solid wastes.

EPA Regions typically are better able to assist states in determining when a material is a solid waste, since they can visit the facility if necessary, and provide assistance in making site-specific judgments based on the exchange of detailed information between your offices. Thus, we suggest you contact Gerald Sotolongo, Chief of the Connecticut Waste Regulation Section in Region 1, at (617) 573-9680, for assistance in determining the status of the battery materials at the Alcad facility. If you have general questions about the federal definition of solid waste as it applies to batteries, please feel free to contact Becky Cuthbertson of my staff at (202) 475-8551.

Sincerely,

Sylvia Lowrance, Director
Office of Solid Waste

RO 11584

FROM: Paul W. Martin

DATE: 1/31/19

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WAC 173-303-016 – Identifying solid waste.

(Materials noted with a “*” in columns 1, 2, 3, or 4 are solid wastes)

Table 1

	Use constituting disposal WAC 173- 303-016 (5)(a)	Energy recovery/ fuel WAC 173-303- 016 (5)(b)	Reclamation WAC 173- 303-016 (5)(c)	Speculative accumulation WAC 173-303-016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)
Commercial chemical products	(*)	(*)	—	—
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Sludges exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Scrap metal that is not excluded under WAC 173-303-071 (3)(ff)	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," "scrap metal" and "processed scrap metal" are defined in WAC [173-303-040](#).

1 The characteristics of dangerous waste are described in WAC [173-303-090](#).

2 The dangerous waste criteria are described in WAC [173-303-100](#).