

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUNE 24, 1987

Mr. Charles Bello
Northspur
Fort Bragg, CA 95437

Dear Mr. Bello:

This is in response to your letter of June 10, 1987, requesting a statement on the purchase of used lead-acid batteries. A material does not become a waste until it has served its intended purpose, or in the case of batteries, become "spent." EPA does regulate the recycling of hazardous spent materials in regulations found at 40 CFR §§261.2 and 261.6, and for spent lead-acid batteries at Part 266, Subpart G. However, if you are going to use the batteries as batteries, without reclaiming the lead or any other components of the battery then Continental Telephone can sell or give you the batteries and no regulations apply. Continental would be responsible for keeping documentation to show that the batteries were used, not discarded or reclaimed, and therefore, that they were not solid waste. See 40 CFR §261.2(f). If you are going to crack and reclaim any parts of the battery, however, you would be subject to the hazardous waste regulations at 40 CFR §266.80(b). (Continental, however, could still sell or give you the batteries.)

With respect to your offer to register the batteries with our office, it will not be necessary to do this as long as you are simply using them as batteries. As noted above, however, if you are reclaiming any parts of the battery, you would be subject to hazardous waste regulations, including certain notification requirements under Section 3010 of the Resource Conservation and Recovery Act.

If you have further questions in this area, please contact Mike Petruska of my staff at (202) 475-6676.

Sincerely,

Matthew A. Straus, Chief
Waste Characterization Branch

FaxBack# 11258

June 10, 1987
Northspur
Fort Bragg, CA. 95437

Matthew Straus
E.P.A.
401 M St. S.W.
Washington D.C. 20460

Dear Mr. Straus,

I am a retired Architect living in a remote area without electricity. In January, 1987, I contacted Continental Telephone Co. who agreed to sell me some lead acid storage batteries that are no longer useful to them. These batteries are still useful to me for my purposes.

Continental Telephone Co. tells me that your office no longer allows them to sell these batteries to private parties and that they have to pay a licensed facility to handle and destroy them.

In talking to Kim Gotwals at the Office of Solid Waste Hot Line, I was informed that if these batteries are to be reused, they can be sold to a private party.

Will you please send me a statement that I can present to the telephone company stating that they can in fact sell these batteries to me?

We are prepared to register these batteries with your office assuring the telephone companies that we assume all responsibility and future liability for them.

Thank you for your attention to this matter. We would appreciate a reply as soon as possible for there is a string of batteries available to us right now.

Sincerely,

Charles Bello