

PPC 9497.1986(01)

REUSE/RECYCLE REGULATIONS IMPACT ON SPENT
LEAD-ACID BATTERY RECYCLING

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FEB 6 1986

Mr. Michael L. Sappington
Lake Engineering and Development, Inc.
6000 Lake Forrest Drive
Suite 350
Atlanta, Georgia 30328

Dear Mr. Sappington:

The Administrator has asked that I respond to your letter dated January 3, 1986, regarding your concern with the Agency's recycle/reuse regulations and its impact on the recycling of spent lead-acid batteries. You state in your letter that the Agency's January 4, 1985, recycling rules will make it very difficult to legally reclaim these batteries. Part of your concern is the unavailability of environmental impairment liability insurance. The end result, you believe, will be the disposal of 50 million gallons of highly corrosive acid and 1.3 billion pounds of lead. Thus you are requesting that EPA reconsider its position (i.e., whether to regulate the battery components generated from breaking and separation operations) and will be submitting a petition to address this matter.

We are very sympathetic to your problem. We agree with you that secondary lead smelters do provide a valuable environmental service. However, the Agency's recycle/reuse rules were promulgated to ensure that any storage (or transportation) of the battery components is conducted in an environmentally sound manner. As you state in your letter, the management of these materials has created problems in the past. Thus, all we wish is to ensure that the management of these materials (in the future) will be conducted in a proper manner. Therefore, it will be important that your petition address all criteria in §260.31(c) as completely as possible; in particular, it will be necessary for you to address the manner that these battery components are handled (in order to minimize loss of the toxic contaminants) since this has been a particular concern of several of our Regional offices. To this end, I plan to circulate your petition to our Regions for their comment. We look forward to receiving your petition.

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EPA recognizes that, during the past year, the insurance industry has substantially curtailed the writing of new environmental liability policies. The Agency worked with the House of Representatives, at their request, on H.R. 3917. This Bill provided some relief for land disposal facilities subject to the Resource Conservation and Recovery Act (RCRA) from the requirement to certify compliance with liability requirements by November 8, 1985, if the facility was in compliance with ground water monitoring requirements and had submitted a Part B permit application by that date. The Agency worked with the Senate staff on their review of the H.R. 3917 but the Senate has not yet taken any action on that or any other similar legislation.

With regard to your concern of the unavailability of liability insurance, I have enclosed a list of insurance companies who may be willing to write environmental impairment liability insurance. The Agency contacted all insurance companies known to have been involved in this market. The list includes those who were willing to be on a list of potential suppliers of environmental impairment liability coverage.

Please feel free to write me if you have any further questions.

Sincerely,

Original Document signed

J. Winston Porter
Assistant Administrator

Enclosure

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