



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

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COVERSHEET: EXPLANATION OF CITATION AND/OR TERMINOLOGY CHANGES IN THIS POLICY DOCUMENT

This policy document remains wholly in effect, but some or all of the regulatory citations within it have changed. These changes do not alter the existing regulatory interpretations.

As part of the [2016 Hazardous Waste Generator Improvements Rule](#), many of the regulations that apply to hazardous waste generators were moved to, or reorganized within, title 40 of the Code of Federal Regulations (CFR) part 262. To view a crosswalk between the old and new citations, please visit the [Hazardous Waste Generator Regulations Crosswalk webpage](#).

The Hazardous Waste Generator Improvements Rule also made changes to terms that may be included in this document. The most common term change was replacing “conditionally exempt small quantity generators” (CESQGs) with “very small quantity generators” (VSQGs). In addition, EPA defined the term “central accumulation area” (CAA) to mean a generator’s 90- or 180-day accumulation area for hazardous waste.

A handwritten signature in cursive script that reads "Jessica Young".

Jessica Young
Chief of the Recycling and Generator Branch
Office of Resource Conservation and Recovery

9497.1995(01)

Hotline Questions and Answers

June 1995

3. Spent Lead-Acid Batteries and Counting Requirements

EPA promulgated specific requirements for counting hazardous wastes to facilitate accurate determination of monthly generator status. While most hazardous wastes produced at generator sites are counted in the monthly quantity determination, some special hazardous wastes are exempt for this requirement (261.5(c)). If a generator is accumulating spent lead-acid batteries that will be sent for reclamation, should the batteries be counted towards the determination of monthly generator status?

Spent lead-acid batteries that will be sent for reclamation are not subject to the monthly generator counting requirements. Hazardous waste is counted only if it is subject to substantive regulation (40 CFR 261.5(c)). Substantive regulations are those regulations which directly relate to the storage, transportation, treatment, or disposal of hazardous waste (51 FR 10152; March 24, 1986). Persons who generate, transport, or store spent lead-acid batteries destined for reclamation, but who do not reclaim them themselves, are not subject to substantive regulation, specifically Parts 262-266, 270 or 124 (40 CFR 266.80). Therefore, spent lead-acid batteries destined for reclamation are not counted when determining monthly generator status. Such wastes should not be counted because they are not subject to regulation in the hands of the generator (59 FR 14218; April 11, 1985).