

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT
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1. Broken Batteries as Universal Wastes

The universal waste management standards in 40 CFR Part 273 provide streamlined provisions for managing certain hazardous wastes. These standards are designed to promote recycling and facilitate handling of large volume, multi-source wastestreams, such as thermostats, pesticides, lamps, and batteries. Section 273.9 defines a battery as a device consisting of one or more electrically connected electrochemical cells, which receives, stores, and delivers electric energy. May a handler of universal waste manage broken or damaged batteries as universal wastes?

A handler of universal waste may only manage broken or damaged hazardous waste batteries as universal wastes if the breakage or damage does not constitute a breach in the cell casing. The definition of battery in Section 273.9 does not explicitly state that all batteries must be whole; however, the definition includes an intact, unbroken battery from which the electrolyte has been removed (60 FR 25492, 25504; May 11, 1995). Additionally, the requirements for handlers of universal waste allow certain management activities, such as sorting and mixing batteries, provided the batteries or cell casings are not breached and remain intact (Sections 273.13(a)(2) and 273.33(a)(2)). Therefore, universal waste batteries are intended to be intact (i.e., where the casing of each individual battery cell is not breached).

EPA recognizes that batteries may become damaged or broken during handling. Therefore, the requirements for handlers of universal waste require that they contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container (Sections 273.13(a)(1) and 273.33(a)(1)). The container must be closed, structurally sound, compatible with the battery's contents, and capable of enclosing potential releases. For example, the container should have no structural defects, severe rusting, or deterioration (60 FR 25492, 25522; May 11, 1995). Universal waste handlers should contact the appropriate implementing agency to inquire about any additional or more stringent requirements that may apply.