

<u>SUBJECT</u>		<u>DATE</u>
1394. RCRA Empty vs. DOT Empty	ENCORE	JUL 30, 2020
1395. RCRA Empty vs. DOT Empty II	ENCORE	AUG 6, 2020
1396. Empty Containers and the "Empty" Label	ENCORE	AUG 13, 2020
1397. Exceptions to Free Liquids in Landfills Prohibition	ENCORE	AUG 20, 2020
1398. Dust Suppression in Landfills with Nonhazardous Liquids	ENCORE	AUG 27, 2020
1399. Treated Hazardous Wastes Used as Dust Suppressant	ENCORE	SEP 3, 2020
1400. Regulatory Status of Used Oil Mixed with Diesel Fuel	ENCORE	SEP 10, 2020
1401. RCRA Liquids, Free Liquids, and Releasable Liquids	ENCORE	SEP 17, 2020
1402. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 24, 2020
1403. Smoke Detector Disposal and the NRC	ENCORE	OCT 1, 2020
1404. DOT Shipping of Damaged, Defective, or Recalled Lithium Batteries	ENCORE	OCT 8, 2020
1405. Conservative Declaration that Material is a Hazardous Waste	ENCORE	OCT 15, 2020
1406. Manifest Exception Report Submittal Timeframes – RCRA vs. TSCA	ENCORE	OCT 22, 2020
1407. Characteristic Ignitable, Corrosive or Reactive Debris and Macroencapsulation	ENCORE	OCT 29, 2020
1408. RCRA Satellite Accumulation Areas and Applicability of Personnel Training		NOV 5, 2020
1409. The Hazardous Waste Generator Improvements Rule and Designation of Nonhazardous Waste		NOV 12, 2020
1410. RCRA Aisle Space Requirements and Washington State vs., EPA		NOV 19, 2020
1411. The Definition of Good Housekeeping	ENCORE	NOV 24, 2020
1412. Absorbent Additions and Treatment	ENCORE	DEC 3, 2020
1413. LDR Notifications and F001-F005 Constituents of Concern	ENCORE	DEC 10, 2020
1414. LDR Notifications and F001-F005 Constituents of Concern – Again!	ENCORE	DEC 17, 2020
1415. 'Twas the Night before Christmas – The Twenty-Seventh Edition		DEC 24, 2020
1416. LDR Notifications and F001-F005 Constituents of Concern - One Last Time!	ENCORE	DEC 31, 2020
1417. RCRA Empty Containers and Removing as Much Waste as Possible	ENCORE	JAN 7, 2021
1418. Universal Waste, Incandescent Bulbs and Nonhazardous Bulbs	ENCORE	JAN 14, 2021
1419. Listed Waste Codes and Pre-RCRA Wastes	ENCORE	JAN 21, 2021
1420. Commercial Chemical Products and Unused Batteries	ENCORE	JAN 28, 2021

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TWO MINUTE TRAINING

TO: CENTRAL PLATEAU CLEANUP COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CPCCo Environmental Protection, Hanford, WA

SUBJECT: COMMERCIAL CHEMICAL PRODUCTS AND UNUSED BATTERIES

DATE: JANUARY 28, 2021

<u>CPCCo Projects</u>	<u>CPCCo - Env. Protection</u>	<u>HMIS</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 Laura Cusack Stuart Hildreth Stephanie Johansen Sasa Kosjerina Richard Lipinski Stuart Mortensen Dave Richards Sean Sexton Dave Shea Phil Sheely Connie Simiele Jeff Westcott	Jeff Bramson Bob Bullock Frank Carleo Danielle Collins Jennifer Copeland Jeanne Elkins Ryan Fisher Jonathan Fullmer Steve Heninger Julie Johanson Barry Lawrence Diane Leist Mitch Marrott Stewart McMahand Brian Mitcheltree Anthony Nagel Chris Plager Linda Petersen Brent Porter Dale Snyder Kat Thompson Wayne Toebe Daniel Turlington Britt Wilkins	Brett Barnes Michael Carlson Mike Demiter Kip George Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Matt Mills Carly Nelson Michelle Oates Eric Pennala Jon Perry Christina Robison Christian Seavoy David Shaw John Skogle Lana Strickling Greg Sullivan	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Al Farabee Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Mike Lowery Michael Madison Terri Mars Cary Martin Grant McCalman Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Kirk Peterson	Dan Saueressig 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 melted to recover nickel; or used as 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](mailto:Paul.W.Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 1/28/2021

FILE: 2MT\2021\012821.rtf

PG: 1

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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

TWO MINUTE TRAINING – ATTACHMENT

SUBJECT: Commercial Chemical Products and Unused Batteries

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](#).