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MERCURY DRY CELL BATTERIES AND APPLICABLE REGULATIONS

SEP 4 1986

Honorable Alan Cranston  
United States Senate  
Washington, D.C. 20510

Dear Senator Cranston:

Thank you for your August 4, 1986, letter on behalf of your constituent, Mr. Martin Schlaegel, concerning the disposal of dry cell batteries containing mercury and the potential damage they may cause to the environment.

We, like Mr. Schlaegel, are concerned with the toxic effects of mercury on the environment. As you may know, regarding dry cell batteries, the Agency's hazardous waste rules define hazardous as any waste where the leachate exceeds 0.2 mg/1 of mercury. Wastes are also defined as hazardous if they are specifically listed by the Agency. At this time, mercury dry cell batteries are not listed as hazardous by the Agency. Although we have no data indicating whether disposed mercury dry cell batteries are hazardous wastes under our rules, we require generator's of such waste to make this determination. To the extent that these batteries are hazardous (i.e., the leachate from the dry cell battery would contain greater than 0.2 mg/1 of mercury), they must be managed at a hazardous waste management facility.

There are two exceptions to the requirement that hazardous waste from these batteries be managed at a hazardous waste management facility. First, if the batteries are discarded by a householder, they are subject to the hazardous waste rules. Second, if the hazardous waste from these batteries is generated in small quantities (defined as less than 100 kg per month), they also are not required to be managed at a hazardous waste management facility. In these cases, the batteries generally would go to a municipal sanitary landfill. Municipal landfills are non-hazardous waste facilities. Because the Agency is concerned that discarding this type of waste in municipal landfills could be a problem we are re-eval-

uating our non-hazardous waste criteria. After we complete our review of the criteria, we will revise the regulations for non-hazardous waste facilities, including municipal landfills. We will issue these regulations in March of 1988.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Original Document signed

J. Winston Porter  
Assistant Administrator