

9443.1994(02)

REGULATORY STATUS OF MERCURY BATTERIES

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

February 4, 1994

Mr. Kevin Igli
Director, Environmental Management
Chemical Waste Management, Inc.
3001 Butterfield Road
Oak Brook, Illinois 60521

Dear Mr. Igli:

In EPA's letter of November 10, 1993, the Agency stated that mercury batteries, meeting specific criteria, are not considered debris under the current definition of debris (see 57 FR 20767, May 15, 1992). In your follow-up letter dated November 23, 1993, you requested further examination on whether certain mercury batteries are hazardous debris. In your letter you discussed, among other things, the fact that debris capacity variances are based on both the "old" and current definitions of debris.

The Agency's determination that the battery carcasses described in your April 30, 1993 letter are containers and not debris has not changed. In the context of a capacity variance, you are correct that both the "old" and current definitions apply. As you point out, the old definition includes containers as being debris (55 FR 22686, 22650, June 1, 1990). EPA readdresses this issue in the "new" definition, stating that in many cases debris will be mixed with liquids or sludges, and that EPA will determine on a case-by-case basis whether all or portions of such mixtures should be considered debris (55 FR at 22650). However, this does not necessarily mean that the materials to which you refer are entitled to a capacity variance. For example, it would not be appropriate to provide such a variance to a drum (i.e., container) of liquid waste or sludges.

In your specific case, the EPA Regional office has informed us that the mercury sludge contained in the battery carcass does not

meet the definition of debris, and that the mixture (i.e., battery carcass and mercury sludge) also is not debris.

To address other questions regarding battery carcasses containing hazardous waste sludges or mixtures of debris and hazardous waste sludges, please contact Mr. Richard Kinch, Chief of the Waste Treatment Branch at (202) 308-8434. Thank you again for your letter.

Michael Shapiro
Director
Office of Solid Waste

cc: Bruce Long
Richard Kinch