

PPC 9441.1986(51)

JUL 2 1986

Honorable John Paul Hammerschmidt
House of Representatives
Washington, D.C. 20515

Dear Mr. Hammerschmidt:

Thank you for your May 27, 1986, inquiry on behalf of your constituent, Mr. Dean Dunagan of Cove, Arkansas. The Agency is unaware of any order issued in August of 1985 regarding the hazards of used batteries. We can apprise you, however, of the current Federal regulations affecting Mr. Dunagan's business of rebuilding batteries for resale.

Used batteries are not specifically listed as hazardous wastes. The Agency, however, considers them hazardous because of the corrosive nature of the battery acid and their ability to leak the toxic metal, lead. Nevertheless, the Agency also has exempted used batteries that are regenerated from regulation under the Federal hazardous waste rules. (See 40 CFR 261.6 (a) (3)(ii) Regeneration includes those activities where the electrolyte is drained and replaced or one or more bad cells are replaced. Batteries that cannot be rebuilt and are sent to junk dealers and battery manufacturers are considered hazardous but are also exempted from regulation. The Agency has exempted these activities from regulation since they present minimal environmental risks.

With respect to the reference regarding the hazard of used motor oil, the Agency did propose to list used oil as a hazardous waste on November 29, 1985. However, the Agency has received well over 600 comments, most of which opposed the listing of used oil because it was too broad and would seriously impact the recycling of used oil. Thus, until such time that the Agency is able to fully evaluate all of the comments received, we will not be in a position to make any final determinations on regulating used oil.

If you have need of further assistance, please contact this office.

Sincerely,

RO 14008

Winston Porter
Assistant Administrator