Environmental Protection Agency

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(c) Anti-skid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in paragraph (b) of this section and remain subject to regulation.

(d) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(1) They are zinc fertilizers excluded from the definition of solid waste according to § 261.4(a)(21) of this chapter; or

(2) They meet the applicable treatment standards in subpart D of Part 268 of this chapter for each hazardous waste that they contain.


§ 266.21 Standards applicable to generators and transporters of materials used in a manner that constitutes disposal.

Generators and transporters of materials that are used in a manner that constitutes disposal are subject to the applicable requirements of parts 262 and 263 of this chapter, and the notification requirement under section 3010 of RCRA.

§ 266.22 Standards applicable to storers of materials that are to be used in a manner that constitutes disposal who are not the ultimate users.

Owners or operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, are regulated under all applicable provisions of subparts A through L of parts 264, 265, and 267, and parts 270 and 124 of this chapter and the notification requirement under section 3010 of RCRA.

[75 FR 13006, Mar. 18, 2010]

§ 266.23 Standards applicable to users of materials that are used in a manner that constitutes disposal.

(a) Owners or operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of subparts A through N of parts 124, 264, 265, 268, and 270 of this chapter and the notification requirement under section 3010 of RCRA. (These requirements do not apply to products which contain these recyclable materials under the provisions of § 266.26(b) of this chapter.)

(b) The use of waste or used oil or other material, which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited.


Subparts D–E [Reserved]

Subpart F—Recyclable Materials Utilized for Precious Metal Recovery

§ 266.70 Applicability and requirements.

(a) The regulations of this subpart apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this subpart are subject to the following requirements:

(1) Notification requirements under section 3010 of RCRA;

(2) Subpart B of part 262 (for generators), §§ 263.20 and 263.21 (for transporters), and §§ 265.71 and 265.72 (for persons who store) of this chapter; and

(3) For precious metals exported to or imported from designated OECD member countries for recovery, subpart H of part 262 and § 265.12(a)(2) of this chapter. For precious metals exported to or imported from non-OECD countries for recovery, subparts E and F of 40 CFR part 262.

(c) Persons who store recycled materials that are regulated under this subpart must keep the following records to document that they are not accumulating these materials speculatively (as defined in § 261.1(c) of this chapter):
(1) Records showing the volume of these materials stored at the beginning of the calendar year;
(2) The amount of these materials generated or received during the calendar year; and
(3) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this subpart that are accumulated speculatively (as defined in §261.1(c) of this chapter) are subject to all applicable provisions of parts 262 through 265, 267, 270, and 124 of this chapter.


Subpart G—Spent Lead-Acid Batteries Being Reclaimed

§ 266.80 Applicability and requirements.

(a) Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the “Universal Waste” rule in 40 CFR part 273.

<table>
<thead>
<tr>
<th>If your batteries * * *</th>
<th>And if you * * *</th>
<th>Then you * * *</th>
<th>And you * * *</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Will be reclaimed through regeneration (such as by electrolyte replacement).</td>
<td></td>
<td>are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 268, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.</td>
<td>are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.</td>
</tr>
<tr>
<td>(2) Will be reclaimed other than through regeneration.</td>
<td>generate, collect, and/or transport these batteries.</td>
<td>are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.</td>
<td>are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.</td>
</tr>
<tr>
<td>(3) Will be reclaimed other than through regeneration.</td>
<td>store these batteries but you aren’t the reclaimer.</td>
<td>are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.</td>
<td>are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.</td>
</tr>
<tr>
<td>(4) Will be reclaimed other than through regeneration.</td>
<td>store these batteries before you reclaim them.</td>
<td>must comply with 40 CFR 266.80(b) and as appropriate other regulatory provisions described in 266.80(b).</td>
<td>are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.</td>
</tr>
<tr>
<td>(5) Will be reclaimed other than through regeneration.</td>
<td>don’t store these batteries before you reclaim them.</td>
<td>are exempt from 40 CFR parts 262 (except for §262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA.</td>
<td>are subject to 40 CFR parts 261, §262.11, and applicable provisions under part 268.</td>
</tr>
</tbody>
</table>

(b) If I store spent lead-acid batteries before I reclaim them but not through regeneration, which requirements apply? The requirements of paragraph (b) of this section apply to you if you store spent lead-acid batteries before you reclaim them, but you don’t reclaim them through regeneration. The requirements are slightly different depending on your RCRA permit status.

(1) For Interim Status Facilities, you must comply with:
   (i) Notification requirements under section 3010 of RCRA.
   (ii) All applicable provisions in subpart A of part 265 of this chapter.

(2) For Permanently Closed Facilities, you must comply with:
   (i) All applicable provisions in subpart B of part 265 of this chapter except §265.13 (waste analysis).
   (ii) All applicable provisions in subparts C and D of part 265 of this chapter.
   (iii) All applicable provisions in subparts E of part 265 of this chapter except §§265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies).
   (iv) All applicable provisions in subparts F through L of part 265 of this chapter.
   (v) All applicable provisions in subpart A of part 265 of this chapter.