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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 23@ Standards for Universal Waste Management

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Article 1@ General

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Section 66273.2@ Applicability-Batteries

66273.2 Applicability-Batteries

(a)

Batteries covered pursuant to chapter 23. The requirements of this chapter apply to persons managing batteries, as defined in section 66273.9, except those listed in subsection (b) of this section.

(b)

Batteries not covered pursuant to this chapter. (1) State Regulated Batteries.

The requirements of this chapter do not apply to persons managing the following batteries: (A) Automotive-type spent lead-acid storage batteries. Automotive-type spent lead-acid storage batteries shall be managed pursuant to article 7 of chapter 16 of this division. Small sealed lead-acid storage batteries are not automotive-type lead-acid storage batteries. (B) Batteries that are not yet wastes pursuant to chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section. (C) Batteries that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division. (2) Federally Regulated Batteries. (A) The requirements of this chapter do not apply to persons collecting, storing or transporting batteries that are subject to subsection (a) of section 104 [42 U.S.C. § 14323(a)] of the federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. § 14301, et. seq.). The Act requires that the collection, storage, and transportation of such batteries be regulated pursuant to applicable 40 Code of Federal

Regulations part 273 standards.

(1)

State Regulated Batteries. The requirements of this chapter do not apply to persons managing the following batteries: (A) Automotive-type spent lead-acid storage batteries. Automotive-type spent lead-acid storage batteries shall be managed pursuant to article 7 of chapter 16 of this division. Small sealed lead-acid storage batteries are not automotive-type lead-acid storage batteries. (B) Batteries that are not yet wastes pursuant to chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section. (C) Batteries that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division.

(A)

Automotive-type spent lead-acid storage batteries. Automotive-type spent lead-acid storage batteries shall be managed pursuant to article 7 of chapter 16 of this division. Small sealed lead-acid storage batteries are not automotive-type lead-acid storage batteries.

(B)

Batteries that are not yet wastes pursuant to chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section.

(C)

Batteries that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division.

(2)

Federally Regulated Batteries.(A) The requirements of this chapter do not apply to persons collecting, storing or transporting batteries that are subject to subsection (a) of section 104 [42 U.S.C. § 14323(a)] of the federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. § 14301, et. seq.). The Act requires

that the collection, storage, and transportation of such batteries be regulated pursuant to applicable 40 Code of Federal Regulations part 273 standards.

(A)

The requirements of this chapter do not apply to persons collecting, storing or transporting batteries that are subject to subsection (a) of section 104 [42 U.S.C. § 14323(a)] of the federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. § 14301, et. seq.). The Act requires that the collection, storage, and transportation of such batteries be regulated pursuant to applicable 40 Code of Federal Regulations part 273 standards.

(c)

Generation of waste batteries. (1) A used battery becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation). (2) Unused batteries. (A) An unused battery that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation). (B) An unused battery that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(1)

A used battery becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2)

Unused batteries. (A) An unused battery that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation). (B) An unused battery that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(A)

An unused battery that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B)

An unused battery that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.