

**PROGRAM FOR
HANDLING
LEAD ACID BATTERIES
IN WEST VIRGINIA**

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GOVERNOR**

**DEPARTMENT OF COMMERCE,
LABOR, AND ENVIRONMENTAL
RESOURCES**

**Prepared by:
THE SOLID WASTE MANAGEMENT BOARD
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**WEST VIRGINIA
LEAD ACID BATTERY PROGRAM**

MAY 1993

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Pursuant to W.Va. Code §20-11-8(b)

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LEAD ACID BATTERIES

During the 1993 session the Legislature passed Senate Bill 400 amending W. Va. Code § 20-11-8 regarding the disposal of lead acid batteries in solid waste facilities. That legislation also directed the Solid Waste Management Board to prepare a comprehensive program to provide for the proper handling of this item. The program presented in this document is intended to fulfill this requirement. The Division of Environmental Protection (DEP) has promulgated rules for implementation. These rules are included in this program as Appendix I and are subject to approval during the 1994 Legislative session.

Lead acid batteries commonly used in vehicles, can create disposal problems. Landfilling presents the risk of ground water contamination. Given present disposal options, recycling is the only safe solution. Recycling these batteries not only conserves natural resources and energy, it reduces risks to human health and the environment.

These batteries use lead as both electrodes and sulfuric acid as the electrolyte. The average lead acid battery weighs approximately 35 pounds. Approximately half of this weight is lead and the remainder about a gallon of sulfuric acid, the battery case, and fittings. These batteries are 100% recyclable (including the plastic casing). According to the United States Environmental Protection Agency (USEPA), the current U.S. recycling rate is over 80%; the recovered lead represents 60% of the overall U.S. market demand for lead according to the Washington, DC Recycling Plan.

Most lead acid batteries are collected at local automotive service or repair garages. Some of these are collected through local household hazardous-waste collection



lead acid batteries tends to be successful because collection and recycling programs operated by automotive garages and repair centers serve as centralized collection points with very little inconvenience to the consumer. Ultimately, the primary motivation for the recovery of automobile batteries is the profit from the sale of lead.

A West Virginia Solid Waste Management Board (SWMB) study indicates batteries of all types only make up a small percentage of our waste stream. But batteries are one of the most toxic items which find their way into the municipal solid waste stream. When the large quantities of sulfuric acid and lead, enclosed in relatively inert plastic cases crack under compaction, or the lids come off the individual cells, the acid is released to react with other contents of the landfill. Because of this, these items should never be permitted into a municipal solid waste landfill.

Senate Bill 400 states that effective June 1, 1994, it shall be unlawful to deposit lead acid batteries in a solid waste facility in West Virginia. The DEP is mandated to promulgate regulations regarding the proper handling and disposal.

These proper handling and disposal rules should address the following:

- (a) **Certain disposal prohibited.** After the effective date of the bill, no person may place a lead acid battery in mixed municipal solid waste for disposal in a landfill. Used batteries should be delivered to an automotive battery retailer or wholesaler, a secondary lead smelter permitted by the United States Environmental Protection Agency (USEPA), or a collection or recycling facility authorized under the laws of the state of West Virginia.



- (b) **Disposal by dealers.** No automotive battery retailer shall dispose of a used lead acid battery except by delivery to a secondary lead smelter permitted by the USEPA , or to the agent of a battery manufacturer or wholesaler for delivery to a secondary lead smelter permitted by the USEPA, or a collection or recycling facility authorized under the laws of the state of West Virginia.
- (c) **Collection for recycling.** Any person selling or offering lead acid batteries for sale at retail shall:
- (1) Accept, at the point of transfer, in a quantity at least equal to the number purchased, used lead acid batteries from customers in exchange for new batteries purchased. It is not necessary to exchange a used battery in order to purchase a new one.
 - (2) Post written notice which must be at least 8½ inches by 11 inches in size and must contain the universal recycling symbol and the following language:
 - (i) "It is illegal to dispose of a motor vehicle or other lead acid battery in a landfill."
 - (ii) "Recycle your used batteries."
 - (iii) "State rules require us to accept used motor vehicle or other lead acid batteries for recycling in exchange for new batteries purchased."



(d) **Lead acid battery wholesalers.** Any person selling new lead acid batteries at wholesale shall accept at the point of transfer used lead acid batteries from customers in a quantity at least equal to the number purchased.

(e) **Inspection of automotive battery retailers.** All notices required by subsection (c) should be printed and distributed by the DEP to all places where lead acid batteries are offered for sale at retail. The DEP may inspect any place, building or premises governed by these rules. Authorized employees of the Division may issue warnings and citations to persons who fail to comply with the requirements of this section.

STORAGE

Lead acid batteries should be stored properly in accordance with USEPA regulations to prevent contamination or injury from acid spillage or leakage.

Batteries abandoned or stored in garages for which no new replacement would be purchased should be taken to one of the many buy-back centers that exist in the state. The SWMB will disseminate a current list of these buy-back centers prior to June 1, 1994.

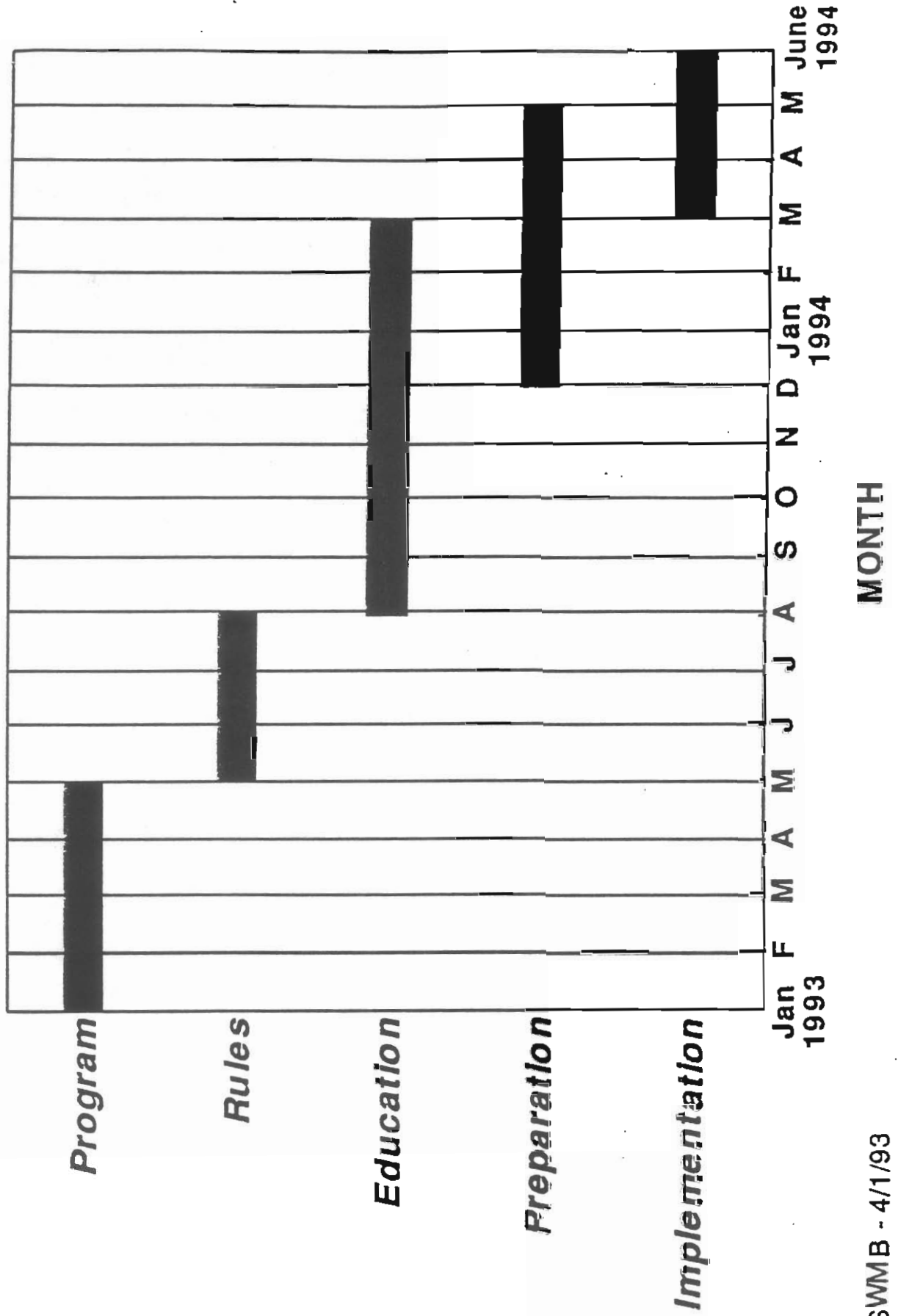
PUBLIC INFORMATION

The SWMB will establish a public information program regarding this prohibition in accordance with the Table of Milestones on page 5.



WV Solid Waste Management Board BATTERY PROGRAM

Table of Milestones



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TITLE 47
LEGISLATIVE RULES
DIVISION OF ENVIRONMENTAL PROTECTION

SERIES 38F
LEAD ACID BATTERY REGULATIONS

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47-38F-1.

GENERAL

1.1. Scope and Purpose. This legislative rule establishes requirements for the proper storage, handling, recycling, and disposal of lead acid batteries.

1.2. Authority -- West Virginia Code 20-11-8(c)

1.3. Filing Date.

1.4. Effective Date.

3.3.2.h. Please **RECYCLE** your used batteries.

3.3.2.c. State rules require us to accept used or spent lead acid batteries for recycling in exchange for new batteries purchased from the dealer.

3.4. **Dealer's reporting requirements.** Lead acid batteries shall be collected, recycled, or disposed of in a lawful manner, and records of such collection, recycling or disposal shall be kept on file at the facility for a period of not less than three (3) years for inspection. The dealer also shall send a copy of the report annually to the local or regional solid waste authority in the county or region in which the lead acid battery storage facility is located.

3.5. **Inspection of automotive battery dealers.** Authorized agents of the Division of Environmental Protection may at reasonable times or during normal business hours inspect any lead acid battery storage facility governed by these rules.

3.6. **Storage.** New lead acid batteries and spent lead acid batteries shall be stored in compliance with all local, state and Federal Regulations to prevent contamination or injury from acid spillage or leakage.

3.7. **Public information and education.** The Division of Natural Resources' Recycling Program shall prepare a list of the names and locations of buy-back centers in West Virginia who will accept spent lead acid batteries; this list shall be disseminated by the DNR Recycling Program to the Solid Waste Management Board, lead acid battery dealers, the Division of Environmental Protection, and all county or regional solid waste authorities.