HB

389

S' IATE COMMITTEE REPOI

DATE: 3/9/92 FURTHER: L&C

DATE TURNED INTO OFFICE: 5/5/92

CRA Committee considered CS FOR HOUSE BILL NO. 389 (L&C) am

"An Act relating to the recycling of lead acid batteries."

and recommends:

[ ] replace with S CS CS HB 389 (CRA)
or [ ] adopt previous ____ CS _____ (____)
[ ] attaches amendment(s)

~~[ ]~~ same title
~~[ ]~~ new title
[ ] technical title change (HB only)

[ ] adopts _____ Letter of Intent
[ ] further referral to the _____

[ ] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations

NEW FISCAL NOTES: Dept/Date
[ ] **zero** fiscal notes _____
[ ] fiscal notes _____
[ ] **appropriation**--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date
[ ] **zero** fiscal notes _____ DEC 2/7/92
[ ] fiscal notes _____

DO PASS:
Chris Kyzewski
Lynn Hoffe

OTHER RECOMMENDATIONS:
Trull Pearce - DO Rec

DO-PASS
Chair: Signature and Recommendation

7-LS1561\B
Bannister
5/1/92

Adopted

SENATE CS FOR CS FOR HOUSE BILL NO. 389 (CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Brown, B.Davis, Boyer, Finkelstein, Koponen

A BILL

FOR AN ACT ENTITLED

"An Act relating to the recycling of lead acid batteries; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 46.06 is amended by adding a new section to read:

Sec. 46.06.105. LEAD ACID BATTERY RECYCLING. (a) A person may not dispose of a used lead acid battery by a method other than recycling. This subsection does not apply to a person if the municipality or community where the person resides and disposes of the battery does not have a transporter or a used battery recycler who is reasonably available and willing to transport lead acid batteries for recycling under this section.

(b) A person who sells lead acid batteries at retail or at wholesale shall accept for recycling a used lead acid battery that is unbroken, of comparable size, and in reasonably sound and clean condition from a person who purchases a lead acid battery, and shall recycle the used batteries that are received under this subsection.

(c) A person who does not sell lead acid batteries at retail or at wholesale but who

accepts in the course of business operation used lead acid batteries for the purpose of recycling the batteries shall accept for recycling a used lead acid battery from a person who purchases a lead acid battery of comparable size from another person and shall recycle the used batteries that are received under this subsection.

(d) If a person who purchases a lead acid battery from a retailer does not provide the retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable size when making the purchase, the retailer shall charge the purchaser an additional fee of not less than $5. The retailer shall refund the fee to the purchaser if within 30 days of the purchase that purchaser provides the retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable size. The retailer may keep the fee if the purchaser does not claim the fee within the 30 days.

(e) The retail purchaser of a lead acid battery who does not provide the retailer with a used lead acid battery under (c) of this section may return a used lead acid battery of comparable size, whatever its condition, to a used battery recycler. In exchange for the used battery, the used battery recycler shall provide the purchaser with a receipt indicating that the purchaser has returned a used battery to the used battery recycler. A retailer shall refund the fee under (c) of this section if, within the time allowed for claim of the fee, the purchaser presents to the retailer

(1) the receipt showing the purchaser's previous purchase of a new lead acid battery from the retailer; and

(2) the receipt of the used battery recycler issued under this subsection.

(f) A retailer shall post in a manner that is clearly visible to purchasers of lead acid batteries a notice that is at least 8-1/2 inches by 11 inches, that contains the universal recycling symbol, and that states:

NOTICE: USED BATTERIES

Tnis retailer is required to accept a used lead acid battery of comparable size for recycling when you purchase a lead acid battery from the retailer. If you do not give the retailer the used lead acid battery when you make your purchase, the retailer must charge you an additional fee of not less than $5. The retailer is required to refund the fee to you if you provide the retailer with a used lead acid battery of comparable size within 30 days after you purchase the battery from the retailer. The retailer is also required to refund the fee to you if you provide the

retailer, within 30 days after you purchase the battery from the retailer, (1) the receipt of purchase for the battery, and (2) the receipt written by a used battery recycler to show that you have provided a used lead acid battery of comparable size to the recycler. If you do not claim the fee within the 30 days, the retailer may keep the fee. A retailer is not required to accept a used battery from you unless the battery is unbroken and in reasonably sound and clean condition. You may return a battery in any condition to a used battery recycler.

(g) A retailer who advertises lead acid batteries shall indicate in the advertisement that an extra charge will be added to the price of the battery at the time of the sale if an unbroken and reasonably sound and clean used lead acid battery of comparable size is not exchanged for the new one.

(h) This section does not apply to the sale of a lead acid battery if the sale

(1) occurs in, or the seller delivers or arranges for the delivery of the battery to the purchaser in, a municipality or unincorporated community that does not have a transporter or used battery recycler who is reasonably available and willing to transport lead acid batteries for recycling under this section; or

(2) is a retail sale made to a person who

(A) resides in a municipality or community that is not on the state highway system or marine highway system;

(B) purchases the battery in a municipality or community other than the municipality or community where the person resides; and

(C) provides the retailer at the time of the sale with a valid Alaska driver's license or a valid identification card issued under AS 18.65.310, and the license or card indicates that the person resides in a community or municipality that is not on the state highway system or marine highway system.

(i) In this section,

(1) "battery" or "lead acid battery" means a battery that has a core consisting of elemental lead and that weighs 55 pounds or less when filled with all necessary fluids, but does not include a sealed battery that weighs 25 pounds or less and is designed to be used for purposes other than starting, lighting, or ignition;

(2) "recycle" and "recycling" have the meaning given to "recycled" under 40

CFR 261.1;

(3) "retailer" means a person who sells lead acid batteries at retail;

(4) "transporter" means a person who possesses a current valid federal Environmental Protection Agency identification number under 40 CFR 263.11;

(5) "used battery recycler" means a person who accepts in the course of business operation used lead acid batteries for the purpose of recycling the batteries.

* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(31) failing to comply with AS 46.06.105(b) - (g).

* **Sec. 3.** This Act takes effect January 1, 1993.

7-LS1561\Y
Bannister
4/27/92

SENATE CS FOR CS FOR HOUSE BILL NO. 389 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Brown, B.Davis, Boyer, Finkelstein, Koponen

A BILL

FOR AN ACT ENTITLED

"An Act relating to the recycling of lead acid batteries; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 46.06 is amended by adding a new section to read:

Sec. 46.06.105. LEAD ACID BATTERY RECYCLING. (a) A person may not dispose of a lead acid battery by a method other than recycling. This subsection does not apply to a person if the municipality or community where the person resides and disposes of the battery does not have a transporter or a used battery recycler who is reasonably available and willing to transport lead acid batteries for recycling under this section.

(b) A person who sells lead acid batteries at retail or at wholesale shall accept for recycling a used lead acid battery that is of comparable size, unbroken, and in reasonably sound and clean condition from a person who purchases a lead acid battery, and shall recycle the used batteries that are received under this subsection.

(c) A person who does not sell lead acid batteries at retail or at wholesale but who

accepts in the course of business operation used lead acid batteries for the purpose of recycling the batteries shall accept for recycling a used lead acid battery from a person who purchases a lead acid battery of comparable size from another person and shall recycle the used batteries that are received under this subsection.

(d) If a person who purchases a lead acid battery from a retailer does not provide the retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable size when making the purchase, the retailer shall charge the purchaser an additional fee of not less than $5 but not more than $25. The retailer shall refund the fee to the purchaser if within 30 days of the purchase that purchaser provides the retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable size. The retailer may keep the fee if the purchaser does not claim the fee within the 30 days.

(e) The retail purchaser of a lead acid battery who does not provide the retailer with a used lead acid battery under (c) of this section may return a used lead acid battery of comparable size, whatever its condition, to a used battery recycler. In exchange for the used battery, the used battery recycler shall provide the purchaser with a receipt indicating that the purchaser has returned a used battery to the used battery recycler. A retailer shall refund the fee under (c) of this section if, within the time allowed for claim of the fee, the purchaser presents to the retailer

(1) the receipt showing the purchaser's previous purchase of a new lead acid battery from the retailer; and

(2) the receipt of the used battery recycler issued under this subsection.

(f) A retailer shall post in a manner that is clearly visible to purchasers of lead acid batteries a notice that is at least 8-1/2 inches by 11 inches, that contains the universal recycling symbol, and that states:

NOTICE: USED BATTERIES

This retailer is required to accept a used lead acid battery of comparable size for recycling when you purchase a lead acid battery from the retailer. If you do not give the retailer the used lead acid battery when you make your purchase, the retailer must charge you an additional fee of not less than $5 but not more than $25. The retailer is required to refund the fee to you if you provide the retailer with a used lead acid battery of comparable size within 30 days after you purchase the battery from the retailer. The retailer is also required to refund the fee to you

if you provide the retailer, within 30 days after you purchase the battery from the retailer, (1) the receipt of purchase for the battery, and (2) the receipt written by a used battery recycler to show that you have provided a used lead acid battery of comparable size to the recycler. If you do not claim the fee within the 30 days, the retailer may keep the fee. A retailer is not required to accept a used battery from you unless the battery is unbroken and in reasonably sound and clean condition. You may return a battery in any condition to a used battery recycler.

(g) A retailer who advertises lead acid batteries shall indicate in the advertisement that an extra charge will be added to the price of the battery at the time of the sale if an unbroken and reasonably sound and clean used lead acid battery of comparable size is not exchanged for the new one.

(h) This section does not apply to the sale of a lead acid battery if the sale

(1) occurs in, or the seller delivers or arranges for the delivery of the battery to the purchaser in, a municipality or unincorporated community that does not have a transporter or used battery recycler who is reasonably available and willing to transport lead acid batteries for recycling under this section; or

(2) is a retail sale made to a person who

(A) resides in a municipality or community that is not on the state highway system or marine highway system;

(B) purchases the battery in a municipality or community other than the municipality or community where the person resides; and

(C) provides the retailer at the time of the sale with a valid Alaska driver's license or a valid identification card issued under AS 18.65.310, and the license or card indicates that the person resides in a community or municipality that is not on the state highway system or marine highway system.

(i) In this section,

(1) "battery" or "lead acid battery" means a battery that has a core consisting of elemental lead and that weighs 55 pounds or less when filled with all necessary fluids, but does not include a sealed battery that weighs 25 pounds or less and is designed to be used for purposes other than starting, lighting, or ignition;

(2) "recycle" and "recycling" have the meaning given to "recycled" under 40

CFR 261.1;

(3) "retailer" means a person who sells lead acid batteries at retail;

(4) "transporter" means a person who possesses a current valid federal Environmental Protection Agency identification number under 40 CFR 263.11;

(5) "used battery recycler" means a person who accepts in the course of business operation used lead acid batteries for the purpose of recycling the batteries.

* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

(31) failing to comply with AS 46.06.105(b) - (g).

* Sec. 3. APPLICABILITY. (a) AS 46.06.105(b) - (g), enacted by sec. 1 of this Act, does not apply until January 1, 1994, to the sale of a lead acid battery if the sale occurs in a municipality or unincorporated community that has a population less than 1,000, that is not on the state highway system or marine highway system, and that does not have regular jet service.

(b) AS 46.06.105(a), enacted by sec. 1 of this Act, does not apply until January 1, 1994, to the disposal of a lead acid battery if the person who disposes of the battery resides in, and the disposal takes place in, a municipality or unincorporated community that has a population less than 1,000, that is not on the state highway system or marine highway system, and that does not have regular jet service.

* Sec. 4. This Act takes effect January 1, 1993.

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE FRAN ULMER

To: Rep. Fran Ulmer

From: Barnaby Dow, Assistant

RE: Q & A - Transportation of Lead Acid Batteries

DATE: May 1, 1992

Q. Briefly, what do FAA regulations require for shipping used lead acid batteries on small (non-jet) aircraft?

A. 49 CFR 173.250 & 260 (attached) describe packaging requirements. Generally, on airplanes batteries must be shipped as cargo and packaged to prevent slippage, spillage or contact with other cargo.

Q. On small aircraft, can batteries be shipped on the same flights as passengers?

A. According to the FAA, filled lead acid batteries, whether sealed or unsealed, used or new, may not be shipped on passenger flights. "Dry" batteries may be shipped as luggage.

Q. Does the current certification required for transporting mail on small airplanes, allow transportation of new and used lead acid batteries?

A. No. According to U.S. Postal Service officials, lead acid batteries, whether sealed or unsealed, may not be mailed. Dry batteries may be mailed, but the acid may not. Used batteries, filled or unfilled, may not be mailed.

Q. Do all communities in Alaska have regular access to air transporters who can ship used batteries as cargo?

A. Probably. According to the FAA, there are presently more than 200 carriers in Alaska certified as capable of carrying hazardous materials.

State Capitol
Juneau, AK 99801-1182
(907) 465-4947
Fax 465-2108

U.S. Department of Transportation
Federal Aviation Administration

Civil Aviation Security Field Office
4510 W. International Airport Road
Suite 202
Anchorage, Alaska 99502-1088

MAY 1 1992

Barnaby Dow
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Sir,

Your question concerning the carriage of lead acid batteries in air commerce is addressed as follows. The issue contains many variabilities due to the unknown and unique nature of each and every situation which may arise. Please keep in mind that the Hazardous Materials Regulations are intended to introduce minimum measures of safety upon the air carrier industry; each may add internal safety requirements above and beyond those imposed by law.

Since you stated this may involve more than merely the shipment of new or good-condition batteries but also the used acid and/or the discarded remains of batteries, the first step is to determine their status. In Code of Federal Regulations 49, Parts 100 to 177, 1990 edition (CFR 49), the definition for Hazardous Waste is given in Part 171.8 (page 65). The Environmental Protection Agency determines whether used batteries constitute a hazardous waste. If it meets their definition, it must be shipped according to the corresponding regulations, which for the FAA is 172.205(a) (P 345).

If any specific shipment is not a hazardous waste, then it could probably be shipped by air. On the Hazardous Materials Table (172.101) (P 120,121) is given the requirements for the various levels and types. A new or used acid battery cannot be shipped on a passenger-carrying aircraft, with no limit to the amount carried on a cargo aircraft, as long as packaging requirements are met. If you intend shipping the acid separately from the battery, this is given on page 113 under Acid, liquid, n.o.s., where one quart may be shipped per package on a passenger aircraft and five pints may be carried on a cargo aircraft.

For your purposes, the most important regulation is 173.915 (P744), which specifies that when properly prepared according to 173.510, used battery parts may be shipped if they are packed in a metal or wooden barrel with sufficient absorbent material to absorb any available liquid.

The packaging requirements are provided in the following cites:

173.240(a)(1) P559
173.241(a)(1)(2) P559

173.242(a)(b)	P559
173.243(a)	P560
173.257(a)	P579,580
173.258(a)	P581
173.259(a)	P581,582
173.260	P582,584
173.510	P739
173.915	P744

Specific requirements for shipments aboard aircraft are given in 175.75(a)(2) (P787), where no more than 50 pounds of any form of hazardous materials may be carried aboard a passenger aircraft. The provisions for cargo aircraft are contained in 175.85(c)(3) on P790,791, where for on small, single pilot, cargo aircraft there are no limitations on the amount carried, provided there are no other means of transporting the material.

Liaison with the U.S. Postal Service indicated you may be considering mailing the clean, dried-up portions of batteries through the mail system, and shipping the acidic residue by FAA regulations.

Conclusion: If not regulated by the Environmental Protection Agency as a Hazardous Waste, it is possible to ship new or used batteries from rural Alaskan villages as long as the appropriate Hazardous Materials Regulations are followed. Most communities have access to carriers who could transport such materials.

If any questions arise from the above information, please feel free to contact this office.

Sincerely,

Gary D. Meaders, Special Agent
Hazardous Materials Specialist

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, or with inside metal cans, not over 5 gallons each.

(c) Limited quantities of alkaline corrosive liquids, n.o.s., alkaline liquids, n.o.s., alkaline corrosive battery fluids, and liquid sodium aluminate in inside packagings of not more than 8 fluid ounces capacity each, packed in strong outside packagings, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are excepted from labeling (except labeling is required for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

(d) Special exceptions for shipment of certain alkaline in the ORM-D class are provided in Subpart N of this part.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

(29 FR 18725, Dec. 20, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967)

EDITORIAL NOTE: For Federal Register citations affecting § 173.249, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 54 FR 25009, June 12, 1989, § 173.249 was amended by revising paragraphs (a) (1) and (6), effective December 12, 1989. At 54 FR 38233, Sept. 15, 1989, the effective date was delayed to February 12, 1990. At 54 FR 50382, Dec. 6, 1989, the effective date was further delayed to June 12, 1990. At 55 FR 21035, May 22, 1990, the effective date was further delayed to September 1, 1990. At 55 FR 37028 and 37051, Sept. 7, 1990, the effective date was further delayed to December 31, 1990, and paragraph (a)(6)(iv) was further revised, effective December 31, 1990. For the convenience of the user, the superseded text follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution.

(a) * * *

(1) In containers prescribed in § 173.245.

* * * * * * *

(6) Specification MC 303, MC 310, MC 311 or MC 312 (§ 178.343 of this subchapter). Cargo tanks. Specification MC 303 is authorized for alkaline corrosive liquids, n.o.s., and alkaline liquids, n.o.s. only and is not authorized for transportation by water. Bottom outlets are authorized if they meet the requirements of § 178.343-5 of this subchapter.

* * * * * * *

§ 173.249a Cleaning compound, liquid; coal tar dye, liquid; dye intermediate, liquid; mining reagent, liquid; and textile treating compound or mixture, liquid.

(a) A liquid cleaning compound subject to this section must not contain any corrosive material specifically named in § 172.101 of this subchapter, except phosphoric acid, acetic acid, and not over 15 percent sodium or potassium hydroxide.

(b) A liquid dye intermediate is a ring compound, containing amino, hydroxy, sulfonic acid, or quinone group or a combination of these groups, used in the manufacture of dyes, and not otherwise specifically named in § 172.101 of this subchapter.

(c) A liquid textile treating compound mixture is a mixture used to treat woven, knit or otherwise manufactured fabrics. It does not include mixtures used only to treat fibers, filaments, or yarn used in making the fabric.

(d) Liquid coal tar dye; liquid cleaning compound, liquid dye intermediate liquid mining reagent, and liquid textile treating compound mixture must be packaged as follows:

(1) In specification packaging as prescribed in § 173.245, except § 173.245 (a)(29).

(2) In packagings meeting all of the specific requirements prescribed in § 173.245 including packaging type and

quantity limitations for inside packagings. The packagings are not required to meet the detailed specification requirements of Part 178 of this subchapter except that size and weight limitations for package types as prescribed in Part 178 may not be exceeded. Not authorized for shipment by aircraft.

(3) Removable (open) head or tight-head fiber drum inside with a pl... 55-gallon capac... shipment by air.

(4) Removab... drum, not over ... authorized for ...

(5) Removab... ylene drum, no... lity. Not autho... aircraft.

(6) Specifica... MC 306, MC 307, MC 310, MC 311, MC 312, DOT 407 or DOT 412 (§§ 178.345, 178.347, 178.348 of this subchapter) cargo tank motor vehicle, subject to the following conditions:

(i) Each cargo tank meets the corrosion protection requirements in § 178.345-2(c) of this subchapter.

(ii) A Specification MC 303 cargo tank is made from steel or stainless steel. The cargo tank is not authorized for transportation by vessel.

(iii) A Specification MC 306 cargo tank is fabricated from Type 316 stainless steel of not less than 0.100 inch thick. The cargo tank is not authorized for transportation by cargo vessel.

(iv) Bottom outlets on Specification DOT 407 or DOT 412 cargo tanks are equipped with stop-valves meeting the requirements of § 178.345-11 of this subchapter; and Specification MC 303, MC 304, MC 306, MC 307, MC 310, MC 311, or MC 312 cargo tanks are equipped with stop-valves capable of being remotely closed within 30 seconds of actuation by manual or mechanical means.

[Amdt. 173-77, 38 FR 35471, Dec. 28, 1973, as amended by Amdt. 173-121, 43 FR 46644, Oct. 10, 1978; Amdt. 173-212, 54 FR 25009, June 12, 1989; 55 FR 37051, Sept. 7, 1990]

EFFECTIVE DATE NOTE: At 54 FR 25009, June 12, 1989, § 173.249a was amended by revising paragraph (d)(1) and adding paragraph (d)(6), effective December 12, 1989. At 54 FR 38233, Sept. 15, 1989, the effective date was delayed to February 12, 1990. At 54 FR 50382, Dec. 6, 1989, the effective date was further delayed to June 12, 1990. At 55 FR 21035, May 22, 1990, the effective date was further delayed to September 1, 1990. At 55 FR 37028 and 37051, Sept. 7, 1990, the effective date was further delayed to December 31, 1990, and paragraph (d)(6)(iv) was revised, effective December 31, 1990. For the convenience of the user, the superseded text follows:

§ 173.250 Automobiles, other self-propelled vehicles, engines or other mechanical apparatus.

(a) Except as provided in paragraph (b) of this section, automobiles and other self-propelled vehicles equipped with wet electric storage batteries are excepted from all other requirements of this subchapter when shipped as prescribed in paragraph (a)(1) or (2) of this section, unless other hazardous materials are transported on the self-propelled vehicles, in which instance the regulations covering these other materials apply.

(1) When batteries are removed from the self-propelled vehicles and loaded in the transport vehicle therewith, the batteries must be so loaded, blocked and braced as to prevent short circuits, spillage of battery fluid or movement within the transport vehicle.

(2) When batteries are installed in self-propelled vehicles they must be completely protected against short circuits and so secured that spillage of battery fluid will not occur under conditions normal to transportation.

(b) For transportation by aircraft or vessel the following provisions apply:

(1) For transportation by passenger-carrying aircraft, wheelchairs equipped with wet electric storage batteries must be shipped as prescribed in § 175.10 of this subchapter.

(2) For transportation by vessel, the requirements in § 176.905 apply.

(c) When wet electric storage batteries or batteries packed in containers with battery fluid are shipped as part of carload or truckload shipments of automobile parts or assembly materials, they are subject to no other requirements of this subchapter when the batteries and battery fluid are boxed or crated and so loaded, blocked and braced as to prevent short circuits of the batteries, spillage of battery fluid and movement of the materials in the transport vehicle under conditions normal to transportation. When other hazardous materials are included in the shipments, the regulations covering these other materials apply.

(d) Engines or mechanical apparatus of such size or weight as to require securement to skids to facilitate handling may have electric storage batteries, wet, necessary for the operation thereof, either securely fastened in the holder provided on the equipment and protected, including battery terminals, in such manner as to prevent damage thereto or short circuits, or completely boxed in containers of sound lumber and with filling holes upright, securely fastened to the skids upon which the engine or mechanical apparatus is mounted to prevent accidental tipping or looseness in transportation. Electric storage batteries, wet, as described herein are exempt from specification packaging.

[29 FR 18725, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-94, 41 FR 16075, Apr. 15, 1976; Amdt 173-94A, 41 FR 40682, Sept. 20, 1976; Amdt. 173-15, 47 FR 24568, June 7, 1982; Amdt. 173-160, 48 FR 59822, Dec. 6, 1983; Amdt. 173-216, 54 FR 38795, Sept. 20, 1989]

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) Benzene phosphorus dichloride and benzene phosphorus thiodichloride must be packaged as follows:

(1) In specification packagings prescribed in § 173.245, except § 173.245(a)(29), which are made of or lined with materials compatible with the lading.

(2) Specification MC 304, MC 307, MC 310, MC 311, MC 312, DOT 407 or DOT 412 (§§ 178.345, 178.347, 178.348 of this subchapter) cargo tank motor vehicle, subject to the following conditions:

(i) The cargo tank meets the corrosion protection requirements in § 178.345-2(c) of this subchapter.

(ii) Bottom outlets on Specification DOT 407 or DOT 412 cargo tanks are equipped with stop-valves meeting the requirements of § 178.345-11 of this subchapter; and Specification MC 304, MC 307, MC 310, MC 311, or MC 312 cargo tanks are equipped with stop-valves capable of being remotely closed within 30 seconds of actuation by manual or mechanical means.

(3) Spec. 103AW (§§ 179.300 and 179.201 of this subchapter) tank cars. Tanks must be lined.

(4) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized under conditions specified in the IM Tank Table.

[Amdt. 173-8, 34 FR 9868, June 26, 1969, as amended by Amdt. 173-133, 44 FR 50101, Oct. 18, 1979]

EDITORIAL NOTE: For Federal Register citations affecting § 173.250a, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 54 FR 25008, June 12, 1989, § 173.250a was amended by revising paragraphs (a) (1) and (2), effective December 12, 1989. At 54 FR 38233, Sept. 15, 1989, the effective date was delayed to February 12, 1990. At 54 FR 50382, Dec. 6, 1989, the effective date was further delayed to June 12, 1990. At 55 FR 21035, May 22, 1990, the effective date was further delayed to September 1, 1990. At 55 FR 37028 and 37051, Sept. 7, 1990, the effective date was further delayed to December 31, 1990, and paragraph (a)(2)(ii) was further revised, effective December 31, 1990. For the convenience of the user, the superseded text follows:

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) * * *

(1) In packagings prescribed in § 173.245 which are made of or lined with materials compatible with the lading.

(2) Spec. MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter) cargo tanks. Corrosion protection must be provided in accordance with spec. MC 312. Bottom outlets

are authorized if they meet the requirements of § 178.343-5 of this subchapter.

* * * * *

§ 173.251 Boron trichloride and boron tribromide.

(a) Boron trichloride must be packed in specification containers as follows:

(1) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

(2) Specification 105A300W or 106A500X (§§ 179.100, 179.101, 179.300, 179.301 of this subchapter). Tank cars.

(b) Boron tribromide must be packed in specification packagings as follows:

(1) Specification 15A, 15B, 15P, or 19B (§§ 178.168, 178.169, 178.170, 178.182, 178.191 of this subchapter). Wooden or plywood boxes with inside glass receptacles not over 1 quart capacity each. Each glass receptacle must have a positive closure (not friction) and as prepared for shipment must be capable of withstanding an internal gage pressure of at least 15 p.s.i. The receptacle must be cushioned with sufficient absorbent incombustible material to completely absorb the contents in the event of leakage and must be packed within a securely closed metal can. Each can must then be cushioned with incombustible material within the prescribed outside packaging. Completed packaging for shipment must be capable of passing the tests prescribed in § 178.182-3(a)(1) of this subchapter.

(2) Specification 5C or 5M (§§ 178.83, 178.90 of this subchapter). Metal drums not exceeding 30 gallons capacity. Specification 5C drums must be constructed of at least 14-gauge stainless steel.

(3) Specification 37A (§ 178.131 of this subchapter). Steel drums not over 30-gallon capacity each with inside glass receptacles not over 1-quart capacity each. Inside containers and cushioning must comply with paragraph (b)(1) of this section. Not more than four 8-ounce glass receptacles or two 1-quart glass receptacles may be packed within one 8-gallon 37A drum. Not more than twelve 8-ounce glass receptacles or six 1-quart glass receptacles may be packed within one 30-gallon 37A drum. Completed package must meet test requirements of § 178.131-11 of this subchapter.

[29 FR 18726, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register amendments affecting § 173.251, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 173.252 Bromine.

(a) Bromine must be packed in specification containers as follows:

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart each; or with stone or earthenware jugs not over 1-gallon each.

(2) [Reserved]

(3) Specification 105A300W (§§ 179.100, 179.101 of this subchapter). Tank car. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness, or be lined with lead no less than 3/16-inch thick. Openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner. All closures and appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading. All interior welds in nickel clad tanks must be protected by pure nickel butt straps. Except as otherwise provided herein, the water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(b) A tank constructed and maintained in full compliance with the requirements of a Specification DOT-105A500W is authorized for larger capacities of bromine. However, this tank may be marked DOT-105A300W and may be equipped with manway cover plates, safety valves, venting valves, loading valves, and unloading valves that are in compliance with the requirements of a Specification DOT-

(2) Spec. 12B (§ 178.205 of this subchapter). Fiberboard boxes, when the liquid is in a strong bottle not exceeding 16 fluid ounces, which must be securely closed and cushioned as prescribed in paragraph (a) of this section. Not more than 12 such packages may be packed under the provisions of § 173.25.

(3) Electrolyte, acid, or alkaline corrosive battery fluid, in separate inside acid or alkaline fluid resistant containers not over 5 gallons capacity each included with electronic equipment and actuating devices, are authorized in strong, tightly closed steel drums.

[29 FR 18725, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-94, 41 FR 16070, Apr. 15, 1976; Amdt. 173-140, 46 FR 40900, Oct. 8, 1981]

§ 173.260 Electric storage batteries, wet.

(a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 173.250 and 173.259, portable searchlights properly cushioned, battery parts, or hydrometers, securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

(1) Spec. 15D or 16B (§ 178.171 or § 178.186 of this subchapter). Wooden or wirebound wooden boxes except as provided in paragraphs (b) and (c) of this section.

(2) Spec. 12B (§ 178.205 of this subchapter). Fiberboard box as authorized by §§ 178.205-25(a), 178.205-28(a), and 178.205-35(a) of this subchapter.

(3) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are exempt from specification packaging requirements for transportation by rail freight, highway, or water. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 300 pounds gross and must not fall under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight. Unless specifically exempt from marking and labeling, each pallet or skid must be marked and labeled as required by Part 172.

(4) Electric storage batteries weighing 500 pounds or more, with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, consisting of carriers' equipment may be shipped by rail freight when mounted on suitable skids and protected against short circuits. Such shipments must not be offered in interchange.

(b) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type; packing authorized as follows:

(1) One to three batteries not over 25 pounds each in outside box, gross weight not over 75 pounds; specification container not required.

(2) Not more than four batteries not over 15 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

(3) Not more than five batteries not over 10 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

(c) Single batteries not exceeding 75 pounds each, in addition to requirements of paragraphs (a) and (b) of this section, may be shipped in 5-sided slip covers or in completely closed fiberboard boxes, of solid or double-faced corrugated fiberboard complying with the following: (See paragraph (a)(1) of this section for more than one battery in an outside container.)

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover may extend to the base of the battery but must not expose more than 1 inch thereof.

(2) Top of slip cover or fiberboard box design must comply with the following:

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps), or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case, or fiberboard boxes with chip board and chip board jute lined tubes which shall fit directly over the terminal posts and rest directly on battery cell covers.

(ii) Or be protected by a scored one piece cover-liner of 200-pound test (Mullen or Cady) double-faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side.

(iii) Or a five-sided slip cover having top of only one thickness of fiberboard, with lengthwise inner flaps roll folded to form a reinforcement of such height as to provide clearance required by paragraph (c)(1) of this section which shall rest on the side edges of the battery. Outer end flaps to overlap approximately one inch and shall be butt folded and tucked into a center slot cut in the inner flaps. The requirements of paragraphs (c)(2) (i) and (iv) of this section do not apply.

(iv) When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of such height as to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200 pound test (Mullen) and completed package (battery and slip cover or fiberboard box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals, battery cell covers, and filler caps.

(d) Nonspillable wet electric storage batteries capable of withstanding the tests prescribed in paragraphs (c) (1) and (2) of this section without leakage of battery fluid are excepted from all other requirements of this subchapter when protected against short circuits and securely packaged so as to withstand conditions normal to transportation.

(1) *Vibration test.* Battery is rigidly clamped to the platform of a vibration machine and a simple harmonic motion having an amplitude of 0.03 inches (0.06 inches maximum total excursion) is applied. The frequency is varied at the rate of one cycle per second per minute between the limits of 10 to 55 cycles per second. The entire range of frequencies and return is traversed in 95± minutes for each mounting position (direction of vibrator) of the battery. The battery must be tested in three mutually perpendicular positions (to include testing with fill openings and vents, if any, in an inverted position) for equal time periods.

(2) *Pressure differential test.* Following the vibration test, the battery is stored for six hours at 76°F. ± 7°F. under an external partial pressure of 2 pounds per square inch absolute. The battery must be tested in three mutually perpendicular positions (to include testing with fill openings and vents, if any, in an inverted position) for at least six hours in each position.

(e) Electric storage batteries containing electrolyte or corrosive battery fluid are not subject to the requirements of this subchapter for carriage by highway or rail if:

(1) No other hazardous materials are transported in the same vehicle,

(2) The batteries are loaded or braced so as to prevent damage and short circuits in transit,

(3) Any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(4) The transport vehicle is carrying no material shipped by any person

other than the shipper of the batteries.

(f) [Reserved]

(g) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable and leakproof, are excepted from Parts 170-189 of this title when examined by the Bureau of Explosives and approved by the Director, OHMT.

[29 FR 18726, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register citations affecting § 173.260, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 173.261 Fire-extinguisher charges.

(a) Fire-extinguisher charges consisting of sulfuric acid in glass inside containers securely closed may be packed with bicarbonate of soda in specification containers as follows:

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 5 pints each, and cushioned with an appropriate cushioning material.

(2) Spec. 21C (§ 178.224 of this subchapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage

(b) Limited quantities of fire-extinguisher charges as described in paragraphs (b) (1) through (3) of this section are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements. In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter, except § 177.817.

(1) Fire-extinguisher charges consisting of sulfuric acid in strong 8-fluid ounce or smaller bottles, securely closed and packed with bicarbonate of soda completely surrounding the bottles of acid in outside fiberboard or wooden boxes. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid.

(2) Fire-extinguisher charges, consisting of chlorosulfonic acid in a hermetically sealed bottle not exceeding 2 ounces capacity, securely packed in a metal container inclosed in another metal container, the inner metal container being cushioned in the outer metal container with an appropriate fire-resistant cushioning material and the completed package embedded in potassium carbonate in outside fiberboard or wooden boxes.

(3) Fire-extinguisher charges, consisting of sulfuric acid in 10-ounce or smaller bottles, securely closed, packed in a tight fiber carton. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid. The bottle and carton packed in either potassium carbonate or potassium carbonate and alkali packed in a cylindrical tin can, with slip cover, secured by tape in outside fiberboard or wooden boxes

[29 FR 18726, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-84, 41 FR 16076, Apr. 15, 1976; Amdt. 173-94A, 41 FR 40682, Sept. 20, 1976; Amdt. 173-141, 45 FR 62082, Sept. 18, 1980; Amdt. 173-149, 46 FR 49900, Oct. 8, 1981]

§ 173.262 Hydrobromic acid.

(a) Hydrobromic acid not over 49 percent strength must be packed in specification containers as follows:

(1) Specification 1A, 1D, or 1M (§§ 178.1, 178.4, 178.17 of this subchapter). Carboys in boxes or expanded polystyrene packagings. Not authorized for transportation by aircraft.

(2) Spec. 1X (§ 178.5 of this subchapter). Boxed carboys; single-trip (or export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) [Reserved]

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers not over 3 gallons are authorized when only one is packed in each outside box.

(5) Specification 34 (§ 178.19 of this subchapter). Polyethylene drum. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(6) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars.

(7) Spec. 12A (§ 178.210 of this subchapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

Shipper must have established that the completed package meets test requirements prescribed by § 178.210-10 of this subchapter.

(8) Specification 37P (§ 178.133 of this subchapter). Steel drum, not over 5 gallons capacity, with polyethylene liner (non-reusable container). A drum exceeding 1 gallon capacity must be constructed of at least 24 gauge metal. Not authorized for transportation by air.

(9) Spec. 22C (§ 178.198 of this subchapter). Plywood drum as prescribed by § 178.198-2(a) of this subchapter, with inside Spec. 2T (§ 178.21 of this subchapter) polyethylene container.

(10) Spec. 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Spec. 2S (§ 178.35 of this subchapter) polyethylene container.

(11) Specification MC 310, MC 311, MC 312, or DOT 412 (§§ 178.345, 178.348 of this subchapter) cargo tank motor vehicle, subject to the following conditions:

[1] The use of existing tanks authorized but new construction not authorized.

(i) The cargo tank is lined with rubber or other material of equivalent or greater strength, durability, and acid-resistance.

(ii) Bottom outlets on Specification DOT 412 cargo tanks are equipped with stop-valves meeting the requirements of § 178.345-11 of this subchapter; and Specification MC 310, MC 311, or MC 312 cargo tanks are equipped with stop-valves capable of being remotely closed within 30 seconds of actuation by manual or mechanical means.

(12) Specification 37M (§ 178.134 of this subchapter) (non-reuseable) cylindrical steel overpack with inside Specification 2SL (§ 178.35a of this subchapter) polyethylene container. Overpack must have rolled hoops and be constructed of 20-gauge body and 18-gauge head.

(13) In IM portable tanks as prescribed in paragraph (b)(6) of this section.

(b) Hydrobromic acid greater than 49 percent strength but not over 63 percent strength must be packed in specification containers as follows:

(1) Spec. 22C (§ 178.198 of this subchapter). Plywood drum as prescribed by § 178.198-2(a) of this subchapter, with Spec. 2T (§ 178.21 of this subchapter) polyethylene container. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(2) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene container. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with one inside polyethylene bottle, with screw-cap closure, not over 1-gallon capacity. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(4) Cargo tank motor vehicles as prescribed in paragraph (a)(11) of this section.

(5) Specification 1M 101 portable tanks (§§ 178.270, 178.271 of this sub-

Bob Wallace

acceptance of hazardous, restricted, or perishable matter

UNITED STATES POSTAL SERVICE
U.S. MAIL

Publication 52
January 1989

h. Potassium peroxide

i. Sodium chlorite

j. Tetranitromethane

k. Zirconium picramate

l. Zinc ammonium nitrite

m. Zirconium picramate

322.35 Mailability Rulings

322.351 Since the change in spelling of one letter of an item's name can change its classification, the item's chemical name and any popular or common names should be included in the request for ruling.

322.352 Except for certain oxidizers that are always nonmailable (see 322.34), individual rulings always should be obtained.

322.36 Air Transportation Requirements. See Exhibits 624.11 and 624.12c. For specific nonmailable oxidizers, see 322.34.

322.4 Matches

322.41 General Requirements (Domestic Mail)

322.411 Strike-anywhere matches are NONMAILABLE.

322.412 Safety matches, to be mailable whether book, card, or strike-on-box, must be a type that:

a. Will not ignite spontaneously when subjected for eight consecutive hours to a temperature of 200 F in a properly conducted lab test.

b. Will not ignite spontaneously under normal conditions of transportation.

c. Can readily be ignited by friction ONLY by striking on the manufacturer's (or similar) box, book, or card.

322.413 Whenever matches are discovered in the mailstream that are nonmailable under DMM 124, promptly notify the nearest Rates and Classification Center in accordance with DMM 124.128.

322.42 General Packaging and Marking Requirements

322.421 Quantities/Packaging for Matches. Matches must be tightly packed to prevent movement within the container and to prevent ignition by rubbing against adjoining boxes, books, or cards. Safety matches must not exceed fifty pounds gross weight per parcel.

322.422 Marking. When packed with other nonflammable articles, shipments must be marked: *Book Matches--Safety Matches* .

322.43 International Mail. See 634.22.

323 Corrosives (DMM 124.34)

323.1 Definition. Corrosives are defined as materials that cause visible change or damage or destruction at the point of contact with skin tissue or with other material. In this guide *corrosives* include all items commonly referred to as acids, as well as batteries.

323.2 General Packaging and Marking Requirements: Liquids

323.21 Corrosives. Corrosive liquids that meet 49 CFR (DOT) packaging requirements from Consumer Commodity ORM-D generally are mailable, subject to the following requirements (specific liquids are listed in 49 CFR):

a. Volume is limited to sixteen ounces (500 milliliters) in inside, sealed bottles.

b. Bottles must be cushioned by incombustible, absorbent material and be securely packed in tightly closed metal containers in an outside metal, wooden, or fiberboard container.

c. Bottles and inside metal containers must have either screw caps with a minimum of 1-1/2 turns, soldering clips, or other means to effect secure closure. A friction-top closure is not acceptable.

323.22 Photographic Mixtures. Corrosive liquid solutions in quantities necessary for preparing photographic processing mixtures that are in securely closed and sealed bottles and effectively

cushioned may be packed in the same outside shipping container with required amounts of packaged dry chemicals not classified as hazardous materials (provided no dangerous reaction would occur should the contents of the bottles be mixed with the dry chemicals).

323.3 General Packaging and Marking Requirements: Solids. Corrosive solids that meet 49 CFR (DOT) packaging requirements for Consumer Commodity ORM-D are limited as follows (specific solids are listed in 49 CFR):

a. Five pounds in siftproof, inside, earthernware, glass, or paper containers; or ten pounds in siftproof, inside, metal, rigid fiber, or composition cans or cartons.

b. Inside packages must be packed in metal, wooden, or fiberboard containers not exceeding twenty-five pounds net weight.

323.4 Mailability

323.41 Nonmailable Corrosives

a. Batteries with liquid electrolyte are nonmailable.

b. Some high-energy, alkaline, dry-cell batteries (for example, the Mallory 9-volt dry cell) are nonmailable because of the danger of overheating and fire if a direct short occurs.

c. Electrolyte (battery acid). Nonmailable.

d. Nitric Acid. Nonmailable.

e. Hydrogen peroxide solutions above 40 percent are nonmailable.

f. Fuming and spent sulfuric acids are nonmailable.

323.42 Mailable Corrosives

a. Acetic Acid. Acceptable in solutions containing less than 80 percent acid, one pint or less.

b. Batteries

(1) Some paste electrolyte batteries, such as the Eldon "Super Power" battery, are mailable.

(2) Dry cell batteries generally are mailable, but they must be packaged so as to preclude a direct short.

c. Hydrochloric (Muriatic) Acid. Acceptable in solutions not exceeding 10 percent acid.

d. Hydrofluoric Acid. Acceptable in solutions not exceeding 10 percent acid; must be packed in nonmetal containers.

e. Hydrogen Peroxide. No restrictions on solutions up to 8 percent. Solutions exceeding 8 percent up to 40 percent are acceptable providing they meet the packaging requirements specified for liquid corrosives (above).

f. Sulfuric Acid (Oil of Vitriol). Acceptable in solutions less than 25 percent, one pint or less.

g. Dyes. Acceptable as provided in 323.21.

Note: As a general rule, liquid corrosives are limited to 15-percent solution or less unless otherwise specified.

324 Poisons

324.1 Definitions

324.11 General. There are four groups of materials under the heading *Poisons*--three groups specified in 49 CFR, and a fourth group of toxic materials that, although they may not be classified as poisons, are nevertheless hazardous. Exhibit 324.11 gives some idea of the nature of these groups.

Class A	Class B	Irritating materials	Other, nonclassified toxic materials
Nonmailable	Mailable only on a limited basis by specified mailers.	Nonmailable	Mailable under specified conditions

Exhibit 324.11, Poisons

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE FRAN ULMER

MEMORANDUM April 27, 1992

TO: Sen. Steve Frank, Chair
Community & Regional Affairs Committee

FROM: Rep. Fran Ulmer

SUBJ: Proposed CSHB 389 - "battery recycling bill."

After meeting with members of the C&RA committee members, battery recyclers and retail business people we have made some changes to reflect the concerns expressed.

Section 1 (a)

Disposal of batteries within areas covered under this bill, for purposes other than recycling, is prohibited.

Section 1 (b)

Wording has been added to require that batteries of <u>comparable</u> size be exchanged. This answers concerns that retailers will be required the accept batteries substantially smaller, or larger, than the type being sold.

Section 1 (c) and (e)

Wording has been added to require <u>used battery recyclers</u> to handle batteries <u>regardless of their condition</u>. Concerns had been raised that consumers would have no way to dispose of damaged batteries, and collect their deposit. The proposed CS provides for delivery of these batteries to recyclers who are trained in the special handling techniques required. Receipts provided by the recycler can be used by the purchaser to collect the refund from the retailer.

Section 1 (f)

The notice requirement has been changed to inform the public that damaged batteries may be returned to a recycler.

Section 1 (h) (2)

This wording allows persons buying batteries, who travel from areas outside the road and marine highway systems to make the purchase, to have the deposit waived by producing a valid identification.

State Capitol
Juneau, AK 99801-1182
(907) 465-4947
Fax 465-2108

Section 1 (i) (1) and (5)

The definition of battery has been modified to reflect their weight in pounds instead of kilograms, and to exclude small sealed batteries used in camcorders, laptop computers, etc. A "used battery recycler" is also defined.

Sections 3 and 4

The effective date of the bill is January 1, 1993. The effective date for small rural communities without highway, ferry or jet service is January 1, 1994. These delays will give retailers and recyclers time to make the necessary arrangements for collection of batteries.

7-LS1561\Y
Bannister
4/27/92

SENATE CS FOR CS FOR HOUSE BILL NO. 389 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Brown, B.Davis, Boyer, Finkelstein, Koponen

A BILL

FOR AN ACT ENTITLED

"An Act relating to the recycling of lead acid batteries; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 46.06 is amended by adding a new section to read:

Sec. 46.06.105. LEAD ACID BATTERY RECYCLING. (a) A person may not dispose of a lead acid battery by a method other than recycling. This subsection does not apply to a person if the municipality or community where the person resides and disposes of the battery does not have a transporter or a used battery recycler who is reasonably available and willing to transport lead acid batteries for recycling under this section.

(b) A person who sells lead acid batteries at retail or at wholesale shall accept for recycling a used lead acid battery that is of comparable size, unbroken, and in reasonably sound and clean condition from a person who purchases a lead acid battery, and shall recycle the used batteries that are received under this subsection.

(c) A person who does not sell lead acid batteries at retail or at wholesale but who

accepts in the course of business operation used lead acid batteries for the purpose of recycling the batteries shall accept for recycling a used lead acid battery from a person who purchases a lead acid battery of comparable size from another person and shall recycle the used batteries that are received under this subsection.

(d) If a person who purchases a lead acid battery from a retailer does not provide the retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable size when making the purchase, the retailer shall charge the purchaser an additional fee of not less than $5 but not more than $25. The retailer shall refund the fee to the purchaser if within 30 days of the purchase that purchaser provides the retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable size. The retailer may keep the fee if the purchaser does not claim the fee within the 30 days.

(e) The retail purchaser of a lead acid battery who does not provide the retailer with a used lead acid battery under (c) of this section may return a used lead acid battery of comparable size, whatever its condition, to a used battery recycler. In exchange for the used battery, the used battery recycler shall provide the purchaser with a receipt indicating that the purchaser has returned a used battery to the used battery recycler. A retailer shall refund the fee under (c) of this section if, within the time allowed for claim of the fee, the purchaser presents to the retailer

(1) the receipt showing the purchaser's previous purchase of a new lead acid battery from the retailer; and

(2) the receipt of the used battery recycler issued under this subsection.

(f) A retailer shall post in a manner that is clearly visible to purchasers of lead acid batteries a notice that is at least 8-1/2 inches by 11 inches, that contains the universal recycling symbol, and that states:

NOTICE: USED BATTERIES

This retailer is required to accept a used lead acid battery of comparable size for recycling when you purchase a lead acid battery from the retailer. If you do not give the retailer the used lead acid battery when you make your purchase, the retailer must charge you an additional fee of not less than $5 but not more than $25. The retailer is required to refund the fee to you if you provide the retailer with a used lead acid battery of comparable size within 30 days after you purchase the battery from the retailer. The retailer is also required to refund the fee to you

if you provide the retailer, within 30 days after you purchase the battery from the retailer, (1) the receipt of purchase for the battery, and (2) the receipt written by a used battery recycler to show that you have provided a used lead acid battery of comparable size to the recycler. If you do not claim the fee within the 30 days, the retailer may keep the fee. A retailer is not required to accept a used battery from you unless the battery is unbroken and in reasonably sound and clean condition. You may return a battery in any condition to a used battery recycler.

(g) A retailer who advertises lead acid batteries shall indicate in the advertisement that an extra charge will be added to the price of the battery at the time of the sale if an unbroken and reasonably sound and clean used lead acid battery of comparable size is not exchanged for the new one.

(h) This section does not apply to the sale of a lead acid battery if the sale

(1) occurs in, or the seller delivers or arranges for the delivery of the battery to the purchaser in, a municipality or unincorporated community that does not have a transporter or used battery recycler who is reasonably available and willing to transport lead acid batteries for recycling under this section; or

(2) is a retail sale made to a person who

(A) resides in a municipality or community that is not on the state highway system or marine highway system;

(B) purchases the battery in a municipality or community other than the municipality or community where the person resides; and

(C) provides the retailer at the time of the sale with a valid Alaska driver's license or a valid identification card issued under AS 18.65.310, and the license or card indicates that the person resides in a community or municipality that is not on the state highway system or marine highway system.

(i) In this section,

(1) "battery" or "lead acid battery" means a battery that has a core consisting of elemental lead and that weighs 55 pounds or less when filled with all necessary fluids, but does not include a sealed battery that weighs 25 pounds or less and is designed to be used for purposes other than starting, lighting, or ignition;

(2) "recycle" and "recycling" have the meaning given to "recycled" under 40

CFR 261.1;

(3) "retailer" means a person who sells lead acid batteries at retail;

(4) "transporter" means a person who possesses a current valid federal Environmental Protection Agency identification number under 40 CFR 263.11;

(5) "used battery recycler" means a person who accepts in the course of business operation used lead acid batteries for the purpose of recycling the batteries.

* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(31) failing to comply with AS 46.06.105(b) - (g).

* **Sec. 3.** APPLICABILITY. (a) AS 46.06.105(b) - (g), enacted by sec. 1 of this Act, does not apply until January 1, 1994, to the sale of a lead acid battery if the sale occurs in a municipality or unincorporated community that has a population less than 1,000, that is not on the state highway system or marine highway system, and that does not have regular jet service.

(b) AS 46.06.105(a), enacted by sec. 1 of this Act, does not apply until January 1, 1994, to the disposal of a lead acid battery if the person who disposes of the battery resides in, and the disposal takes place in, a municipality or unincorporated community that has a population less than 1,000, that is not on the state highway system or marine highway system, and that does not have regular jet service.

* **Sec. 4.** This Act takes effect January 1, 1993.

(3) Specification 16A, 16B, 16C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, or with inside metal cans, not over 5 gallons each.

(c) Limited quantities of alkaline corrosive liquids, n.o.s., alkaline liquids, n.o.s., alkaline corrosive battery fluids, and liquid sodium aluminate in inside packagings of not more than 8 fluid ounces capacity each, packed in strong outside packagings, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are excepted from labeling (except labeling is required for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter except § 177.817.

(d) Special exceptions for shipment of certain alkaline in the ORM-D class are provided in Subpart N of this part.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

[29 FR 18726, Dec. 30, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register citations affecting § 173.249, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 54 FR 25009, June 12, 1989, § 173.249 was amended by revising paragraphs (a) (1) and (6), effective December 12, 1989. At 54 FR 38233, Sept. 15, 1989, the effective date was delayed to February 12, 1990. At 54 FR 50382, Dec. 6, 1989, the effective date was further delayed to June 12, 1990. At 55 FR 21035, May 22, 1990, the effective date was further delayed to September 1, 1990. At 55 FR 37028 and 37051, Sept. 7, 1990, the effective date was further delayed to December 31, 1990, and paragraph (a)(6)(iv) was further revised, effective December 31, 1990. For the convenience of the user, the superseded text follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution.

(a) * * *

(1) In containers prescribed in § 173.245.

* * * * *

(6) Specification MC 303, MC 310, MC 311 or MC 312 (§ 178.343 of this subchapter). Cargo tanks. Specification MC 303 is authorized for alkaline corrosive liquids, n.o.s. and alkaline liquids, n.o.s. only and is not authorized for transportation by water. Bottom outlets are authorized if they meet the requirements of § 178.343-5 of this subchapter.

* * * * *

§ 173.249a Cleaning compound, liquid; coal tar dye, liquid; dye intermediate, liquid; mining reagent, liquid; and textile treating compound or mixture, liquid.

(a) A liquid cleaning compound subject to this section must not contain any corrosive material specifically named in § 172.101 of this subchapter, except phosphoric acid, acetic acid, and not over 15 percent sodium or potassium hydroxide.

(b) A liquid dye intermediate is a ring compound, containing amino, hydroxy, sulfonic acid, or quinone group or a combination of these groups, used in the manufacture of dyes, and not otherwise specifically named in § 172.101 of this subchapter.

(c) A liquid textile treating compound mixture is a mixture used to treat woven, knit or otherwise manufactured fabrics. It does not include mixtures used only to treat fibers, filaments, or yarn used in making the fabric.

(d) Liquid coal tar dye; liquid cleaning compound, liquid dye intermediate liquid mining reagent, and liquid textile treating compound mixture must be packaged as follows:

(1) In specification packaging as prescribed in § 173.245, except § 173.245 (a)(29).

(2) In packagings meeting all of the specific requirements prescribed in § 173.245 including packaging type and quantity limitations for inside packagings. The packagings are not required to meet the detailed specification requirements of Part 178 of this subchapter except that size and weight limitations for package types as prescribed in Part 178 may not be exceeded. Not authorized for shipment by aircraft.

(3) Removable (open) head or tight-head fiber drum inside with a pl... 55-gallon capac... shipment by air

(4) Removab... drum, not over ... authorized for ...

(5) Removab... ylene drum, no... ity. Not autho... aircraft.

(6) Specifica... MC 306, MC 307, MC 310, MC 311, MC 312, DOT 407 or DOT 412 (§§ 178.345, 178.347, 178.348 of this subchapter) cargo tank motor vehicle, subject to the following conditions:

(i) Each cargo tank meets the corrosion protection requirements in § 178.345-2(c) of this subchapter.

(ii) A Specification MC 303 cargo tank is made from steel or stainless steel. The cargo tank is not authorized for transportation by vessel.

(iii) A Specification MC 306 cargo tank is fabricated from Type 316 stainless steel of not less than 0.100 inch thick. The cargo tank is not authorized for transportation by cargo vessel.

(iv) Bottom outlets on Specification DOT 407 or DOT 412 cargo tanks are equipped with stop-valves meeting the requirements of § 178.345-11 of this subchapter; and Specification MC 303, MC 304, MC 306, MC 307, MC 310, MC 311, or MC 312 cargo tanks are equipped with stop-valves capable of being remotely closed within 30 seconds of actuation by manual or mechanical means.

[Amdt. 173-77, 38 FR 35471, Dec. 28, 1973, as amended by Amdt. 173-121, 43 FR 40844, Oct. 13, 1978; Amdt. 173-212, 54 FR 25009, June 12, 1989; 55 FR 37051, Sept. 7, 1990]

EFFECTIVE DATE NOTE: At 54 FR 25009, June 12, 1989, § 173.249a was amended by revising paragraph (d)(1) and adding paragraph (d)(6), effective December 12, 1989. At 54 FR 38233, Sept. 15, 1989, the effective date was delayed to February 12, 1990. At 54 FR 50382, Dec. 6, 1989, the effective date was further delayed to June 12, 1990. At 55 FR 21035, May 22, 1990, the effective date was further delayed to September 1, 1990. At 55 FR 37028 and 37051, Sept. 7, 1990, the effective date was further delayed to December 31, 1990, and paragraph (d)(6)(iv) was revised, effective December 31, 1990. For the convenience of the user, the superseded text follows:

§ 173.250 Automobiles, other self-propelled vehicles, engines or other mechanical apparatus.

(a) Except as provided in paragraph (b) of this section, automobiles and other self-propelled vehicles equipped with wet electric storage batteries are excepted from all other requirements of this subchapter when shipped as prescribed in paragraph (a)(1) or (2) of this section, unless other hazardous materials are transported on the self-propelled vehicles, in which instance the regulations covering these other materials apply.

(1) When batteries are removed from the self-propelled vehicles and loaded in the transport vehicle therewith, the batteries must be so loaded, blocked and braced as to prevent short circuits, spillage of battery fluid or movement within the transport vehicle.

(2) When batteries are installed in self-propelled vehicles they must be completely protected against short circuits and so secured that spillage of battery fluid will not occur under conditions normal to transportation.

(b) For transportation by aircraft or vessel the following provisions apply:

(1) For transportation by passenger-carrying aircraft, wheelchairs equipped with wet electric storage batteries must be shipped as prescribed in § 175.10 of this subchapter.

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To Sen. Frank	From Leg. Ref. Ltb.
Co. attn: Sarah	Co. Brien
Dept.	Phone # 465-3808
Fax # 4714	Fax #

(2) Spec. 12B (§ 178.205 of this subchapter). Fiberboard boxes, when the liquid is in a strong bottle not exceeding 16 fluid ounces, which must be securely closed and cushioned as prescribed in paragraph (a) of this section. Not more than 12 such packages may be packed under the provisions of § 173.25.

(3) Electrolyte, acid, or alkaline corrosive battery fluid, in separate inside acid or alkaline fluid resistant containers not over 5 gallons capacity each included with electronic equipment and actuating devices, are authorized in strong, tightly closed steel drums.

[29 FR 18726, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-94, 41 FR 16076, Apr. 15, 1976; Amdt. 173-149, 46 FR 49900, Oct. 8, 1981]

§ 173.260 Electric storage batteries, wet.

(a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 173.250 and 173.258, portable searchlights properly cushioned, battery parts, or hydrometers, securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

(1) Spec. 15D or 16B (§ 178.171 or § 178.186 of this subchapter). Wooden or wirebound wooden boxes except as provided in paragraphs (b) and (c) of this section.

(2) Spec. 12B (§ 178.205 of this subchapter). Fiberboard box as authorized by §§ 178.205-25(a), 178.205-28(a), and 178.205-35(a) of this subchapter.

(3) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are exempt from specification packaging requirements for transportation by rail freight, highway, or water. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 300 pounds gross and must not fail under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight. Unless specifically exempt from marking and labeling, each pallet or skid must be marked and labeled as required by Part 172.

(4) Electric storage batteries weighing 500 pounds or more, with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, consisting of carriers' equipment may be shipped by rail freight when mounted on suitable skids and protected against short circuits. Such shipments must not be offered in interchange.

(b) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type; packing authorized as follows:

(1) One to three batteries not over 25 pounds each in outside box, gross weight not over 75 pounds; specification container not required.

(2) Not more than four batteries not over 15 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

(3) Not more than five batteries not over 10 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

(c) Single batteries not exceeding 75 pounds each, in addition to requirements of paragraphs (a) and (b) of this section, may be shipped in 5-sided slip covers or in completely closed fiberboard boxes, of solid or double-faced corrugated fiberboard complying with the following: (See paragraph (a)(1) of this section for more than one battery in an outside container.)

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery

terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover may extend to the base of the battery but must not expose more than 1 inch thereof.

(2) Top of slip cover or fiberboard box design must comply with the following:

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps), or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case, or fiberboard boxes with chip board and chip board jute lined tubes which shall fit directly over the terminal posts and rest directly on battery cell covers.

(ii) Or be protected by a scored one piece cover-liner of 200-pound test (Mullen or Cady) double-faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side.

(iii) Or a five-sided slip cover having top of only one thickness of fiberboard, with lengthwise inner flaps roll folded to form a reinforcement of such height as to provide clearance required by paragraph (c)(1) of this section which shall rest on the side edges of the battery. Outer end flaps to overlap approximately one inch and shall be butt folded and tucked into a center slot cut in the inner flaps. The requirements of paragraphs (c)(2) (i) and (iv) of this section do not apply.

(iv) When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of such height as to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200 pound test (Mullen) and completed package (battery and slip cover or fiberboard box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals, battery cell covers, and filler caps.

(d) Nonspillable wet electric storage batteries capable of withstanding the tests prescribed in paragraphs (d) (1) and (2) of this section without leakage of battery fluid are excepted from all other requirements of this subchapter when protected against short circuits and securely packaged so as to withstand conditions normal to transportation.

(1) *Vibration test.* Battery is rigidly clamped to the platform of a vibration machine and a simple harmonic motion having an amplitude of 0.03 inches (0.06 inches maximum total excursion) is applied. The frequency is varied at the rate of one cycle per second per minute between the limits of 10 to 55 cycles per second. The entire range of frequencies and return is traversed in 95± minutes for each mounting position (direction of vibrator) of the battery. The battery must be tested in three mutually perpendicular positions (to include testing with fill openings and vents, if any, in an inverted position) for equal time periods.

(2) *Pressure differential test.* Following the vibration test, the battery is stored for six hours at 75°F. ± 7°F. under an external partial pressure of 2 pounds per square inch absolute. The battery must be tested in three mutually perpendicular positions (to include testing with fill openings and vents, if any, in an inverted position) for at least six hours in each position.

(e) Electric storage batteries containing electrolyte or corrosive battery fluid are not subject to the requirements of this subchapter for carriage by highway or rail if:

(1) No other hazardous materials are transported in the same vehicle,

(2) The batteries are loaded or braced so as to prevent damage and short circuits in transit,

(3) Any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(4) The transport vehicle is carrying no material shipped by any person

other than the shipper of the batteries.

(f) [Reserved]

(g) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable and leakproof, are excepted from Parts 170-189 of this title when examined by the Bureau of Explosives and approved by the Director, OHMT.

[29 FR 18725, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register citations affecting § 173.260, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 173.261 Fire-extinguisher charges.

(a) Fire-extinguisher charges consisting of sulfuric acid in glass inside containers securely closed may be packed with bicarbonate of soda in specification containers as follows:

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 5 pints each, and cushioned with an appropriate cushioning material.

(2) Spec. 21C (§ 178.224 of this subchapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage

(b) Limited quantities of fire-extinguisher charges as described in paragraphs (b) (1) through (3) of this section are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements. In addition, shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and to Part 177 of this subchapter, except § 177.817.

(1) Fire-extinguisher charges consisting of sulfuric acid in strong 8-fluid ounce or smaller bottles, securely closed and packed with bicarbonate of soda completely surrounding the bottles of acid in outside fiberboard or wooden boxes. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid.

(2) Fire-extinguisher charges, consisting of chlorosulfonic acid in a hermetically sealed bottle not exceeding 2 ounces capacity, securely packed in a metal container inclosed in another metal container, the inner metal container being cushioned in the outer metal container with an appropriate fire-resistant cushioning material and the completed package embedded in potassium carbonate in outside fiberboard or wooden boxes.

(3) Fire-extinguisher charges, consisting of sulfuric acid in 10-ounce or smaller bottles, securely closed, packed in a tight fiber carton. Closure must consist of a metal cap lined with an acid-resistant washer or a composition stopper of material that will not be attacked by the acid. The bottle and carton packed in either potassium carbonate or potassium carbonate and alkali packed in a cylindrical tin can, with slip cover, secured by tape in outside fiberboard or wooden boxes

[29 FR 18725, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-94, 41 FR 16076, Apr. 15, 1976; Amdt. 173-94A, 41 FR 40682, Sept. 20, 1976; Amdt. 173-141, 45 FR 62082, Sept. 18, 1980; Amdt. 173-140, 46 FR 49900, Oct. 8, 1981]

§ 173.262 Hydrobromic acid.

(a) Hydrobromic acid not over 49 percent strength must be packed in specification containers as follows:

(1) Specification 1A, 1D, or 1H (§§ 178.1, 178.4, 178.17 of this subchapter). Carboys in boxes or expanded polystyrene packagings. Not authorized for transportation by aircraft.

(2) Spec. 1X (§ 178.5 of this subchapter). Boxed carboys; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(3) [Reserved]

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers not over 3 gallons are authorized when only one is packed in each outside box.

(5) Specification 34 (§ 178.19 of this subchapter). Polyethylene drum. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(6) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars.

(7) Spec. 12A (§ 178.210 of this subchapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

Shipper must have established that the completed package meets test requirements prescribed by § 178.210-10 of this subchapter.

(8) Specification 37P (§ 178.133 of this subchapter). Steel drum, not over 5 gallons capacity, with polyethylene liner (non-reusable container). A drum exceeding 1 gallon capacity must be constructed of at least 24 gauge metal. Not authorized for transportation by air.

(9) Spec. 22C (§ 178.198 of this subchapter). Plywood drum as prescribed by § 178.198-2(a) of this subchapter, with inside Spec. 2T (§ 178.21 of this subchapter) polyethylene container.

(10) Spec. 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Spec. 2S (§ 178.35 of this subchapter) polyethylene container.

(11) Specification MC 310, MC 311, MC 312, or DOT 412 (§§ 178.345, 178.348 of this subchapter) cargo tank motor vehicle, subject to the following conditions:

[1] The use of existing tanks authorized but new construction not authorized.

(i) The cargo tank is lined with rubber or other material of equivalent or greater strength, durability, and acid-resistance.

(ii) Bottom outlets on Specification DOT 412 cargo tanks are equipped with stop-valves meeting the requirements of § 178.345-11 of this subchapter; and Specification MC 310, MC 311, or MC 312 cargo tanks are equipped with stop-valves capable of being remotely closed within 30 seconds of actuation by manual or mechanical means.

(12) Specification 37M (§ 178.134 of this subchapter) (non-reuseable) cylindrical steel overpack with inside Specification 2SL (§ 178.35a of this subchapter) polyethylene container. Overpack must have rolled hoops and be constructed of 20-gauge body and 18-gauge head.

(13) In IM portable tanks as prescribed in paragraph (b)(5) of this section.

(b) Hydrobromic acid greater than 49 percent strength but not over 63 percent strength must be packed in specification containers as follows:

(1) Spec. 22C (§ 178.198 of this subchapter). Plywood drum as prescribed by § 178.198-2(a) of this subchapter, with Spec. 2T (§ 178.21 of this subchapter) polyethylene container. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(2) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene container. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with one inside polyethylene bottle, with screw-cap closure, not over 1-gallon capacity. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

(4) Cargo tank motor vehicles as prescribed in paragraph (a)(11) of this section.

(5) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this sub-

(2) For transportation by vessel, the requirements in § 176.905 apply.

(c) When wet electric storage batteries or batteries packed in containers with battery fluid are shipped as part of carload or truckload shipments of automobile parts or assembly materials, they are subject to no other requirements of this subchapter when the batteries and battery fluid are boxed or crated and so loaded, blocked and braced as to prevent short circuits of the batteries, spillage of battery fluid and movement of the materials in the transport vehicle under conditions normal to transportation. When other hazardous materials are included in the shipments, the regulations covering these other materials apply.

(d) Engines or mechanical apparatus of such size or weight as to require securement to skids to facilitate handling may have electric storage batteries, wet, necessary for the operation thereof, either securely fastened in the holder provided on the equipment and protected, including battery terminals, in such manner as to prevent damage thereto or short circuits, or completely boxed in containers of sound lumber and with filling holes upright, securely fastened to the skids upon which the engine or mechanical apparatus is mounted to prevent accidental tipping or looseness in transportation. Electric storage batteries, wet, as described herein are exempt from specification packaging.

[29 FR 18725, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-94, 41 FR 16075, Apr. 15, 1976; Amdt. 173-94A, 41 FR 40682, Sept. 20, 1976; Amdt. 173-15, 47 FR 24586, June 7, 1982; Amdt. 173-160, 48 FR 54822, Dec. 6, 1983; Amdt. 173-215, 54 FR 36795, Sept. 20, 1989]

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) Benzene phosphorus dichloride and benzene phosphorus thiodichloride must be packaged as follows:

(1) In specification packagings prescribed in § 173.245, except § 173.245(a)(29), which are made of or lined with materials compatible with the lading.

(2) Specification MC 304, MC 307, MC 310, MC 311, MC 312, DOT 407 or DOT 412 (§§ 178.345, 178.347, 178.348 of this subchapter) cargo tank motor vehicle, subject to the following conditions:

(i) The cargo tank meets the corrosion protection requirements in § 178.345-2(c) of this subchapter.

(ii) Bottom outlets on Specification DOT 407 or DOT 412 cargo tanks are equipped with stop-valves meeting the requirements of § 178.345-11 of this subchapter; and Specification MC 304, MC 307, MC 310, MC 311, or MC 312 cargo tanks are equipped with stop-valves capable of being remotely closed within 30 seconds of actuation by manual or mechanical means.

(3) Spec. 103AW (§§ 179.200 and 179.201 of this subchapter) tank cars. Tanks must be lined.

(4) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized under conditions specified in the IM Tank Table.

[Amdt. 173-8, 34 FR 9868, June 26, 1969, as amended by Amdt. 173-133, 44 FR 60101, Oct. 18, 1979]

EDITORIAL NOTE: For Federal Register citations affecting § 173.250a, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 54 FR 25009, June 12, 1989, § 173.250a was amended by revising paragraphs (a) (1) and (2), effective December 12, 1989. At 54 FR 38233, Sept. 15, 1989, the effective date was delayed to February 12, 1990. At 54 FR 50382, Dec. 6, 1989, the effective date was further delayed to June 12, 1990. At 55 FR 21035, May 22, 1990, the effective date was further delayed to September 1, 1990. At 55 FR 37028 and 37051, Sept. 7, 1990, the effective date was further delayed to December 31, 1990, and paragraph (a)(2)(ii) was further revised, effective December 31, 1990. For the convenience of the user, the superseded text follows:

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) * * *

(1) In packagings prescribed in § 173.245 which are made of or lined with materials compatible with the lading.

(2) Spec. MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter) cargo tanks. Corrosion protection must be provided in accordance with spec. MC 312. Bottom outlets

are authorized if they meet the requirements of § 178.343-5 of this subchapter.

* * * * *

§ 173.251 Boron trichloride and boron tribromide.

(a) Boron trichloride must be packed in specification containers as follows:

(1) Specification steel or nickel cylinders as prescribed for any compressed gas except acetylene.

(2) Specification 105A300W or 106A500X (§§ 179.100, 179.101, 179.300, 179.301 of this subchapter). Tank cars.

(b) Boron tribromide must be packed in specification packagings as follows:

(1) Specification 15A, 15B, 15P, or 15B (§§ 178.168, 178.169, 178.170, 178.182, 178.191 of this subchapter). Wooden or plywood boxes with inside glass receptacles not over 1 quart capacity each. Each glass receptacle must have a positive closure (not friction) and as prepared for shipment must be capable of withstanding an internal gage pressure of at least 15 p.s.i. The receptacle must be cushioned with sufficient absorbent incombustible material to completely absorb the contents in the event of leakage and must be packed within a securely closed metal can. Each can must then be cushioned with incombustible material within the prescribed outside packaging. Completed packaging for shipment must be capable of passing the tests prescribed in § 178.182-3(a)(1) of this subchapter.

(2) Specification 5C or 5M (§§ 178.83, 178.90 of this subchapter). Metal drums not exceeding 30 gallons capacity. Specification 5C drums must be constructed of at least 14-gauge stainless steel.

(3) Specification 37A (§ 178.131 of this subchapter). Steel drums not over 30-gallon capacity each with inside glass receptacles not over 1-quart capacity each. Inside containers and cushioning must comply with paragraph (b)(1) of this section. Not more than four 8-ounce glass receptacles or two 1-quart glass receptacles may be packed within one 8-gallon 37A drum. Not more than twelve 8-ounce glass receptacles or six 1-quart glass receptacles may be packed within one 30-gallon 37A drum. Completed package must meet test requirements of § 178.131-11 of this subchapter.

[29 FR 18725, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register amendments affecting § 173.251, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 173.252 Bromine.

(a) Bromine must be packed in specification containers as follows:

(1) Specification 15A, 15B, or 15B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart each; or with stone or earthenware jugs not over 1-gallon each.

(2) [Reserved]

(3) Specification 105A300W (§§ 179.100, 179.101 of this subchapter). Tank car. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness, or be lined with lead no less than 1/16-inch thick. Openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner. All closures and appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading. All interior welds in nickel clad tanks must be protected by pure nickel butt straps. Except as otherwise provided herein, the water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(i) A tank constructed and maintained in full compliance with the requirements of a Specification DOT-105A500W is authorized for larger capacities of bromine. However, this tank may be marked DOT-105A300W and may be equipped with manway cover plates, safety valves, venting valves, loading valves, and unloading valves that are in compliance with the requirements of a Specification DOT-

GREATER FAIRBANKS CHAMBER OF COMMERCE
SUGGESTIONS REGARDING HB389

1. It is suggested that HB389 be used to establish a voluntary commission of Alaskan citizens, consisting of nine individuals concerned with environmentally sound battery disposal.

2. The voluntary commission will commence their work on or before June 15, 1992 and complete their work on or before February 1, 1993, at which time they will make recommendations to the appropriate House Committee charged with the responsibility of making laws regarding the safe recycling of lead acid batteries.

3. The voluntary commissioners shall be appointed by the Governor. Each of the following sectors shall be represented on the commission:

a. Battery manufacturing
b. Battery distribution and sale
c. Battery users
d. Battery recyclers
e. Battery processors
f. A member of an unincorporated city or municipality who is interested in or responsible for battery disposal in his/her municipality
g. A member of an incorporated city who is interested in or responsible for battery disposal in his/her city
h. Legislative aide or advisor
i. A member of an environmental group who is knowledgeable regarding EPA regulations concerning recyclable material

4. All members of the commission are voting members. The Chairperson of the commission shall be appointed by the Governor from among the private sector commissioners.

5. The commission is strictly voluntary, whose meetings and travel are not funded by the State of Alaska, although the members are free to seek environmental agency of Federal government grants for their activities.

6. The commission shall be charged with the responsibility of suggesting the parameters under which a bill shall be written by the House in 1993 that will, within the guidelines, constraints and definitions of Federal EPA regulations, adequately protect Alaska's environment from inappropriately disposed lead acid batteries while allowing battery manufacturers, distributors, processors and users the right to freely regulate themselves to meet Federal EPA law.

Suggestions made by the commission should include, but are not limited to, financial and business incentives to manufacturers, distributors, processors and recyclers to serve the public's best interest in helping to establish a profitable recycling program, and an incentive to the public to recycle their used, damaged or undamaged, lead acid batteries.

Suggestions should, as much as is practical, eliminate the need for growth in State regulatory employment and if practical, show means by which current regulator's may assure that safe recycling is accomplished while making other inspection or compliance visits.

7. Inasmuch as the Greater Fairbanks Chamber of Commerce supports legislation that allows the greatest amount of individual freedom while providing for a safe and sound environment, the Board of Directors endorses and respectfully submits these recommendations.

TO: Interior Delegation

FROM: Greater Fairbanks Chamber of Commerce Board of Directors

DATE: April 21, 1992

SUBJECT: Opposition to HB389 - "An Act Relating to the Recycling of Lead Acid Batteries," as written.

The Greater Fairbanks Chamber of Commerce and the Environmental Concerns Committee reviewed HB389 and appointed a sub-committee to make recommendations concerning the bill. This memorandum states the Chamber's opposition to the bill as written and makes recommendations which the Chamber could support if adopted.

Section 1. AS 46.06.105 (a):

The bill addresses the recycling of "unbroken, reasonable sound and clean" batteries only. Broken and clean are not defined. Any battery that has been used may show evidence of corrosion and could, therefore, be considered unclean. Any battery with a loose terminal, the most common problem with used batteries, could be considered broken. Thus, the bill, as written, addresses for the most part, only the recycling of unused batteries. No provision is made for recycling batteries that have been used and that may be showing signs of use and wear.

The committee understands that there has been widespread opposition to "forcing" retailers of batteries to accept used batteries for disposal because of the potential liability to the retailer in transporting and disposing of these items. *The committee agrees that retailers that are unwilling to be in the business of disposing of used batteries should not be required to in- that business.*

Nonetheless, writing a law that requires retailers to be in a business they do not wish to undertake and which also does not solve the problem - disposing of batteries that have the greatest potential for damaging the environment if disposed of in land fills, along roadsides, etc., begs the question of what to do about batteries vis a vis the environmental issues.

Therefore, the Greater Fairbanks Chamber of Commerce opposes HB389 inasmuch as it does not accomplish its intended objective, protecting the environment from the potential damage of inappropriate disposal of used batteries.

Section 1. AS 46.06.105 (b):

"...the retailer shall charge the purchaser an additional fee of not less than $5 but not more than $25. The retailer shall refund the fee to the purchaser..."

This bill gives a limited incentive to the purchaser of lead batteries to bring the battery back to the retailer for recycling. However, the fee should be fixed according to the weight of each battery since the consumer should not be expected to shop the best value for the battery as well as the best value for a government enforced tariff. Our recommended fee structure for batteries by weight is attached.

Additionally, if retailers are expected to finance the appropriate disposal of said batteries, the retailer should:

a. be *allowed* to charge a fee that will compensate for the additional expense of storage, transportation and disposal of the battery. That should be included in the government enforced tariff.

b. be *allowed* to profit from accepting the risk involved in being in the business of environmental protection on behalf of the government.

The Chamber feels that a potential business exists in accepting used -broken or unbroken- batteries and transporting them to safe disposal sites and that there are individuals in the State of Alaska willing to be in that business. If an entrepreneur wishes to be in this business, the fees should compensate him/her for being in the collection business on behalf of the government and for the cost of dealing with recyclable material.

Section 1. AS 46.06.105 (f):

"This section does not apply to sale of a lead acid battery if (1) the sale of the battery occurs in .....a municipality or unincorporated community;"

The Chamber sees no need to write a law that has different standards for different sections of the State. If a law is written that mandates that battery users dispose of their used batteries in a certain manner, it should apply to all battery users irrespective of their address within the State. The Committee understands that it is more difficult for individuals who live in "the bush" to deal with issues concerning recyclable material. Those difficulties come with the choice of life styles. All batteries should either be recycled - or none should.

Section 1. AS 46.06.105 (f) (2) (A):

(f) this section does not apply to the sale of a lead acid battery if (2) the municipality or community does not have a person located in the municipality or community who (A) possesses a current valid federal Environmental Protection Agency identification number under 40 CFR 263.11:

Once again, this is discriminatory legislation. What if an incorporated city does not have a person with a EPA permit. This provision first required the unincorporated community business to have a permit that is not required of incorporated communities in order to be in the collection business. Second, it eliminates the recycling obligation of battery users who are rural dwellers.

These discriminatory provisions should be eliminated.

Section 1. AS 46.06.105 (f) (2) (B) (1) (B):

"weighs 25 kilograms or less when filled with all necessary fluids"

Unless there is some law or ethic that requires the State law to discuss weights in European measure, the weight should be indicated as 55 pounds which equates to 25 kilograms.

This weight provision further endangers the environment as it requires only car battery users to comply. All industrial users with large batteries are exempt from compliance. One of the most dangerous disposal problems exist when industrial batteries are inappropriately disposed. Transporting a 400 pound battery from an industrial site can be expensive - a real incentive to "dump" the battery inappropriately. This bill, if redrafted, should include all lead core battery users.

Section 3. APPLICABILITY

"ACT does not apply....in a municipality or unincorporated community that has a population less than 1,000 that is not on the state road or marine highway system, and that does not have regular jet service."

Discriminatory.

Municipality of Anchorage

Solid Waste Services

1111 East 56th Avenue, 99518
P.O. Box 196650 • Anchorage, Alaska 99519-6650

Tom Fink, Mayor

Telephone: (907) 561-1908

April 9, 1992

Senator Steve Frank, Chairman
Community & Regional Affairs Committee
State Capitol, Room 417
Juneau, AK 99801-1182

Dear Senator Frank:

Re: CS For House Bill No. 389

The Municipality of Anchorage, Department of Solid Waste Services encourages the Seventeenth Legislature to pass CS HB No. 389.

In our opinion the act relating to recycling of lead acid batteries will significantly reduce the potential for environmental pollution caused by the batteries now ending up in many landfills and dump sites across the state. Too, if passed, valuable natural resources will be conserved.

In Anchorage, over the last three years, more than 17,000 batteries have been removed from the solid waste stream and prevented from being disposed of at the area's landfill. However, at a cost of $5 each, it has not been inexpensive to our utility and its ratepayers to prevent the batteries from entering our landfill. Passage of CS HB No. 389 will place the economic burden of proper reuse or disposal upon the battery generator, rather than all the ratepayers. We believe this bill is worthy of support.

Sincerely,

Joel Grunwaldt, Director
Solid Waste Services

/ld

cc: Bill Sponsors

FISCAL NOTE

No. 1

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version HB 389
(H) Publish Date: 2/7/92

Revision Date: _____ Department Affected: Environmental Conservation

Title: Recycling of automobile batteries BRU: Environmental Quality

Component: Solid & Hazardous Waste Management

Sponsor: Rep. Ulmer

Requestor: (H) Resources COMPONENT SERIAL NO. 1 4 2 7

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Janice Adair Phone: 465-5050

Division: Commissioner's Office Date: January 26, 1992

Approved by Commissioner: Dan A. Sanders

Agency: Environmental Conservation Date: 1/27/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBB, Governor's Office, Impacted Agency(ies).

Rev 10/7/91

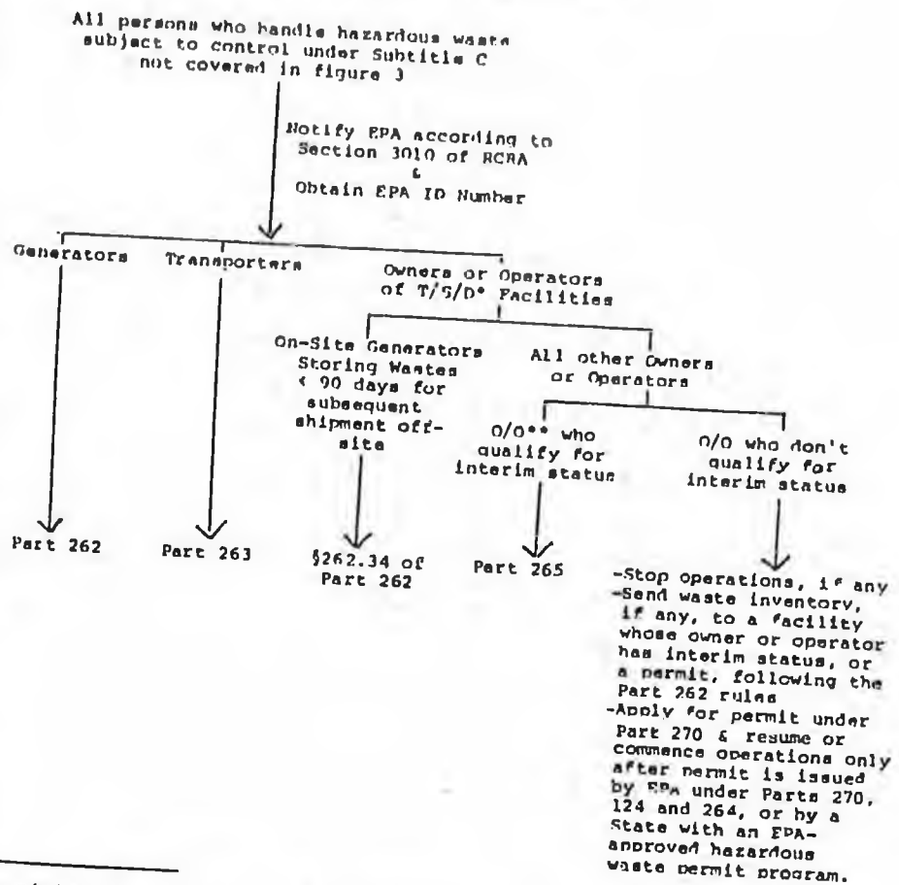
CO

Fiscal Note - DEC 2/7/92

Page ___ of ___

FIGURE 4

REGULATIONS FOR HAZARDOUS WASTE NOT COVERED IN DIAGRAM 1



* T/S/D stands for Treatment, Storage, or Disposal
** O/O stands for Owners or Operators

[45 FR 33073, May 19, 1980, as amended at 48 FR 14293, Apr. 1, 1983]

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subpart A—General

Sec.
261.1 Purpose and scope.
261.2 Definition of solid waste.
261.3 Definition of hazardous waste.
261.4 Exclusions.
261.5 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.
261.6 Requirements for recyclable materials.
261.7 Residues of hazardous waste in empty containers.
261.8 PCB wastes regulated under Toxic Substance Control Act.

Subpart B—Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Wastes

261.10 Criteria for identifying the characteristics of hazardous waste.
261.11 Criteria for listing hazardous waste.

Subpart C—Characteristics of Hazardous Waste

261.20 General.
261.21 Characteristic of ignitability.
261.22 Characteristic of corrosivity.
261.23 Characteristic of reactivity.
261.24 Toxicity characteristic.

Subpart D—Lists of Hazardous Wastes

261.30 General.
261.31 Hazardous wastes from non-specific sources.
261.32 Hazardous wastes from specific sources.
261.33 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.
261.35 Deletion of certain hazardous waste codes following equipment cleaning and replacement.

APPENDICES TO PART 261

APPENDIX I—REPRESENTATIVE SAMPLING METHODS
APPENDIX II—METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)
APPENDIX III—CHEMICAL ANALYSIS TEST METHODS
APPENDIX IV—[RESERVED FOR RADIOACTIVE WASTE TEST METHODS]
APPENDIX V—[RESERVED FOR INFECTIOUS WASTE TREATMENT SPECIFICATIONS]
APPENDIX VI—[RESERVED FOR ETIOLOGIC AGENTS]
APPENDIX VII—BASIS FOR LISTING HAZARDOUS WASTE
APPENDIX VIII—HAZARDOUS CONSTITUENTS
APPENDIX IX—WASTES EXCLUDED UNDER §§ 260.20 AND 260.22
APPENDIX X—METHOD OF ANALYSIS FOR CHORINATED DIBENZO-P-DIOXINS AND -DIBENZOFURANS

AUTHORITY: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

SOURCE: 45 FR 33119, May 19, 1980, unless otherwise noted.

Subpart A—General

§ 261.1 Purpose and scope.

(a) This part identifies those solid wastes which are subject to regulation as hazardous wastes under parts 262 through 265, 268, and parts 270, 271, and 124 of this chapter and which are subject to the notification requirements of section 3010 of RCRA. In this part:

(1) Subpart A defines the terms "solid waste" and "hazardous waste", identifies those wastes which are excluded from regulation under parts 262 through 266, 268 and 270 and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste which is recycled.

(2) Subpart B sets forth the criteria used by EPA to identify characteristics of hazardous waste and to list particular hazardous wastes.

(3) Subpart C identifies characteristics of hazardous waste.

(4) Subpart D lists particular hazardous wastes.

(b)(1) The definition of solid waste contained in this part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles, or rubber) that are not otherwise hazardous wastes and that are recycled.

(2) This part identifies only some of the materials which are solid wastes and hazardous wastes under sections 3007, 3013, and 7003 of RCRA. A material which is not defined as a solid waste in this part, or is not a hazardous waste identified or listed in this

40 CFR 261.1 , 40 CFR 263.1

part, is still a solid waste and a hazardous waste for purposes of these sections if:

(i) In the case of sections 3007 and 3013, EPA has reason to believe that the material may be a solid waste within the meaning of section 1004(27) of RCRA and a hazardous waste within the meaning of section 1004(5) of RCRA; or

(ii) In the case of section 7003, the statutory elements are established.

(c) For the purposes of §§ 261.2 and 261.6:

(1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing;

(2) "Sludge" has the same meaning used in § 260.10 of this chapter;

(3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

(4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

(5) A material is "used or reused" if it is either:

(i) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(ii) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(6) "Scrap metal" is bits and pieces of metal parts (*e.g.*,) bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (*e.g.*, radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

(7) A material is "recycled" if it is used, reused, or reclaimed.

(8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (*e.g.*, slags from a single smelting process) that is recycled in the same way (*i.e.*, from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under § 261.4(c) are not be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

[45 FR 33119, May 19, 1980, as amended at 48 FR 14293, Apr. 1, 1983; 50 FR 663, Jan. 4, 1985; 51 FR 10174, Mar. 24, 1986; 51 FR 40636, Nov. 7, 1986]

§ 261.2 Definition of solid waste.

(a)(1) A *solid waste* is any discarded material that is not excluded by § 261.4(a) or that is not excluded by variance granted under §§ 260.30 and 260.31.

(2) A *discarded material* is any material which is:

(i) *Abandoned*, as explained in paragraph (b) of this section; or

(ii) *Recycled*, as explained in paragraph (c) of this section; or

(iii) Considered *inherently waste-like*, as explained in paragraph (d) of this section.

(b) Materials are solid waste if they are *abandoned* by being:

(1) Disposed of; or

(2) Burned or incinerated; or

(3) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(c) Materials are solid wastes if they are *recycled*—or accumulated, stored, or treated before recycling—as specified in paragraphs (c)(1) through (4) of this section.

(1) *Used in a manner constituting disposal.* (i) Materials noted with a "*" in Column 1 of Table I are solid wastes when they are:

(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in § 261.33 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(2) *Burning for energy recovery.* (i) Materials noted with a "*" in column 2 of Table 1 are solid wastes when they are:

(A) Burned to recover energy;

(B) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

(ii) However, commercial chemical products listed in § 261.33 are not solid wastes if they are themselves fuels.

(3) *Reclaimed.* Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed.

(4) *Accumulated speculatively.* Materials noted with a "*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

TABLE 1

	Use constituting disposal (§ 261.2(c)(1)) (1)	Energy recovery/fuel (§ 261.2(c)(2)) (2)	Reclamation (§ 261.2(c)(3)) (3)	Speculative accumulation (§ 261.2(c)(4)) (4)
Spent Materials	(*)	(*)	(*)	(*)
Sludges (listed in 40 CFR part 261.31 or 261.32)	(*)	(*)	(*)	(*)
Sludges exhibiting a characteristic of hazardous waste	(*)	(*)		(*)
By-products (listed in 40 CFR part 261.31 or 261.32)	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic of hazardous waste	(*)	(*)		(*)
Commercial chemical products listed in 40 CFR 261.33	(*)	(*)		
Scrap metal	(*)	(*)	(*)	(*)

Note: The terms "spent materials", "sludges", "by-products," and "scrap metal" are defined in § 261.1.

(d) *Inherently waste-like materials.* The following materials are solid wastes when they are recycled in any manner:

(1) Hazardous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in subparts C or D of this part.

(3) The Administrator will use the following criteria to add wastes to that list:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in appendix VIII of part 261 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

INSTRUCTIONS—CONTINUATION SHEET, U.S. EPA FORM 8700-22A

Read all instructions before completing this form.

This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste;
- More space is required for the U.S. DOT description and related information in Item 11 of U.S. EPA Form 8700-22.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both inter- and intrastate transportation.

GENERATORS

Item 21. Generator's U.S. EPA ID Number—Manifest Document Number

Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in item 1 on the first page of the Manifest.

Item 22. Page ——

Enter the page number of this Continuation Sheet.

Item 23. Generator's Name

Enter the generator's name as it appears in item 3 on the first page of the Manifest.

Item 24. Transporter —— Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter *3* Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 25. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the transporter described in item 24.

Item 26. Transporter —— Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 27. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the transporter described in item 26.

Item 28. U.S. DOT Description Including Proper Shipping Name, Hazardous Class and ID Number (UN/NA)

Refer to item 11.

Item 29. Containers (No. and Type)

Refer to item 12.

Item 30. Total Quantity

Refer to item 13.

Item 31. Unit (Wt./Vol.)

Refer to item 14.

Item 32. Special Handling Instructions

Generators may use this space to indicate special transportation, treatment, storage, or disposal information or Bill of Lading information. States are *not* authorized to require additional, new, or different information in this space.

* * * * *

TRANSPORTERS

Item 33. Transporter —— Acknowledgement of Receipt of Materials

Enter the same number of the Transporter as identified in item 24. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 24. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter —— Acknowledgement of Receipt of Materials

Enter the same number as identified in item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

* * * * *

OWNERS AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES

Item 35. Discrepancy Indication Space

Refer to item 19.

Items L-R are not required by Federal regulations for intra- or interstate transportation. However, States may require generators and owners or operators of treatment, storage, or disposal facilities to complete some or all of items L-R as part of State manifest reporting requirements. Generators and owners and operators of treatment, storage, or disposal facilities are advised to contact State officials for guidance on completing the shaded areas of the manifest.

[49 FR 10501, Mar. 20, 1984, as amended at 51 FR 28685, Aug. 8, 1986; 51 FR 35192, Oct. 1, 1986; 53 FR 45091, Nov. 8, 1988]

PART 263—STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

Subpart A—General

Sec.
263.10 Scope.
263.11 EPA identification number.
263.12 Transfer facility requirements.

Subpart B—Compliance With the Manifest System and Recordkeeping

263.20 The manifest system.
263.21 Compliance with the manifest.
263.22 Recordkeeping.

Subpart C—Hazardous Waste Discharges

263.30 Immediate action.
263.31 Discharge clean up.

AUTHORITY: Secs. 2002(a), 3002, 3003, 3004 and 3005 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and as amended by the Quiet Communities Act of 1978, (42 U.S.C. 6912a, 6922, 6923, 6924, 6925).

SOURCE: 45 FR 33151, May 19, 1980, unless otherwise noted.

Subpart A—General

§ 263.10 Scope.

(a) These regulations establish standards which apply to persons transporting hazardous waste within the United States if the transportation requires a manifest under 40 CFR part 262.

NOTE: The regulations set forth in parts 262 and 263 establish the responsibilities of generators and transporters of hazardous waste in the handling, transportation, and management of that waste. In these regulations, EPA has expressly adopted certain regulations of the Department of Transportation (DOT) governing the transportation of hazardous materials. These regulations concern, among other things, labeling, marking, placarding, using proper containers, and reporting discharges. EPA has expressly adopted these regulations in order to satisfy its statutory obligation to promulgate regulations which are necessary to protect human health and the environment in the transportation of hazardous waste. EPA's adoption of these DOT regulations ensures consistency with the requirements of DOT and thus avoids the establishment of duplicative or conflicting requirements with respect to these matters. These EPA regulations which apply to both interstate and intrastate transportation of hazardous waste are enforceable by EPA.

DOT has revised its hazardous materials transportation regulations in order to encompass the transportation of hazardous waste and to regulate intrastate, as well as interstate, transportation of hazardous waste. Transporters of hazardous waste are cautioned that DOT's regulations are fully applicable to their activities and enforceable by DOT. These DOT regulations are codified in title 49, Code of Federal Regulations, subchapter C.

EPA and DOT worked together to develop standards for transporters of hazardous waste in order to avoid conflicting requirements. Except for transporters of bulk shipments of hazardous waste by water, a transporter who meets all applicable requirements of 49 CFR parts 171 through 179 and the requirements of 40 CFR 263.11 and 263.31 will be deemed in compliance with this part. Regardless of DOT's action, EPA retains its authority to enforce these regulations.

(b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste must also comply with 40 CFR part 262, Standards Applicable to Generators of Hazardous Waste, if he:

(1) Transports hazardous waste into the United States from abroad; or

(2) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

[45 FR 33151, May 19, 1980, as amended at 46 FR 86968, Dec. 31, 1980]

§ 263.11 EPA identification number.

(a) A transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator.

(b) A transporter who has not received an EPA identification number may obtain one by applying to the Administrator using EPA Form 8700-12. Upon receiving the request, the Administrator will assign an EPA identification number to the transporter.

§ 263.12 Transfer facility requirements.

A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of § 262.30 at a transfer facility for a period of ten days or less is not subject to regulation under parts 270, 264, 265, and 268 of this chapter with respect to the storage of those wastes.

[45 FR 86968, Dec. 31, 1980, as amended at 48 FR 14294, Apr. 1, 1983; 51 FR 40637, Nov. 7, 1986]

Subpart B—Compliance With the Manifest System and Recordkeeping

§ 263.20 The manifest system.

(a) A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 40 CFR 262.20. In the case of exports, a transporter may not accept such waste from a primary exporter or other person (1) if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and (2) unless, in addition to a manifest signed in accordance with the provisions of 40 CFR 262.20, such waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).

(b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

(c) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

(d) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

(1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) Retain one copy of the manifest in accordance with § 263.22; and

(3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(e) The requirements of paragraphs (c), (d) and (f) of this section do not apply to water (bulk shipment) transporters if:

(1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(2) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and

(3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with § 263.22.

(f) For shipments involving rail transportation, the requirements of paragraphs (c), (d) and (e) do not apply and the following requirements do apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the non-rail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next non-rail transporter, if any; or,

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with § 263.22.

(2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports an EPA Acknowledgment of Consent accompanies the hazardous waste at all times.

NOTE: Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with § 263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with § 263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

(g) Transporters who transport hazardous waste out of the United States must:

(1) Indicate on the manifest the date the hazardous waste left the United States; and

(2) Sign the manifest and retain one copy in accordance with § 263.22(c); and

(3) Return a signed copy of the manifest to the generator; and

(4) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

(h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this section or those of § 263.22 provided that:

(1) The waste is being transported pursuant to a reclamation agreement as provided for in § 262.20(e);

(2) The transporter records, on a log or shipping paper, the following information for each shipment:

(i) The name, address, and U.S. EPA Identification Number of the generator of the waste;

(ii) The quantity of waste accepted;

(iii) All DOT-required shipping information;

(iv) The date the waste is accepted; and

(3) The transporter carries this record when transporting waste to the reclamation facility; and

(4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

[45 FR 33151, May 19, 1980, as amended at 45 FR 86973, Dec. 31, 1980; 51 FR 10176, Mar. 24, 1986; 51 FR 28685, Aug. 8, 1986]

§ 263.21 Compliance with the manifest.

(a) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(1) The designated facility listed on the manifest; or

(2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3715

6 February, 1992

Commissioner John Sandor
Department of Environmental Conservation
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

Dear Commissioner Sandor:

The House Resources Committee has considered House Bill 389 "An Act relating to recycling of lead acid batteries." During our deliberations, an issue arose that the committee feels is beyond the scope of this legislation, but requires the prompt attention by the Department of Environmental Conservation.

House Bill 389 would require retailers to charge a deposit on the purchase price of a lead acid battery, refundable upon receipt of a used battery. Retailers would then send the batteries to recyclers so that the lead may be recycled for use in new batteries.

House Bill 389 is designed to encourage the recycling of lead acid batteries in the future. However, the Committee notes that there is no provision for dealing with safe disposal of lead acid batteries currently causing health problems and threatening the well-being of Alaskans. This condition is especially acute in rural communities where proper disposal facilities and the ability to transport hazardous waste are significantly limited. In addition, little or no "information programs" or efforts are available to alert rural residents of the health hazards of the lead acid battery problem wherever they are improperly disposed of in the environment.

The effective date for rural communities as proposed in CSHB289(RES) will be one year after enactment of this legislation. During that one year period of time, in an effort to address the problem outlined above, the Committee request the Department

2/6/92 Ltr from HRES to ADEC

consider expanding the existing Household Hazardous Waste Program to specifically address removing used lead acid batteries from communities with limited access to the major transportation hubs in Alaska.

The Committee also asks the Department to work with the Alaska Municipal League's Municipal Pollution Prevention Roundtable and representatives of rural communities, particularly from the unorganized borough, to assist them in planning for lead-acid battery recyling. The Household Hazardous Waste Program, in conjunction with HB 389, presents your Department with a unique opportunity to focus your efforts on the health menace posed by lead acid batteries and to clean up this problem before it is unmanageable.

Thank you for your cooperation in this matter.

Sincerely,

Cliff Davidson

Representative Cliff Davidson
Chairman, House Resources Committee

cc: DEC budget subcommittee
Alaska Municipal League

UNITED BATTERY
UNITED BATTERY SYSTEMS INC.
143 N.E. Columbia Blvd. • Portland, OR 97211 • (503) 289-
Telex: 151443 UBS

E.P.A, Region X

July 11, 1987

Dear Mr. Russel:

United Battery Systems Inc. has established several battery collection stations for the purpose of recycling spent lead acid batteries, one such station is located in Anchorage Alaska, at this station some of the batteries collected were recovered from a land fill and consquently were broken up (apparently from freezing and land fill 'bulldozer's.. running over them). United Battery Systems Inc. is not and never have been a battery breaker, we simply transport them for reclamation. But since they were broken up they require special packaging to meet the Department of Transportation (D. O. T.) title 49 regulations (i.e. by placing them in 55 gallon salvage drums).

The Alaska station included 4 such salvage drums in a 40 foot Sea Land container along with the intact, palletized, spent batteries.

The Sea Land Shipping Company is the only shipping company that has the capabilities to ship from the state of Alaska to the Pacific Rim Countries. The containers go from Alaska to Tacoma then to the Pacific Rim Countries, while in Tacoma a Coast Guard routine inspection spotted the salvage drums, looked inside and could not decide how to classify the broken batteries, they called the Seattle E.P.A. to get a determination as to what the broken batteries should be classified as, the reply was, "hazardous waste" and we were told we could not move them until we obtain a E.P.A. number.

In the past we thought subpart G of Title 40 CFR 266.80 applied.

266.80 Applicability and Requirements

(A) The regulations of this supart apply to persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries"). Persons who generate, transport, or collect spent batteries but do not reclaim them are not subject to regulation under parts 262 through 266 or part 270 or 124 of this chapter, and also are not subject to the requirements of section 3010 of RCRA.

The problem is this, classified as a hazardous waste, Sea Land Shipping Company will not transport them, also 5% to 10% of all spent batteries brought to our other collection stations are not intact, if we cannot ship them then we will have to refuse them.

Comments from United Battery, Craig Taylor reps, AK Battery

10-a

UNITED BATTERY
UNITED BATTERY SYSTEMS INC.
143 N.E. Columbia Blvd. • Portland, OR 97211 • (503) 289-8
Telex: 151442 UBS

The ones in Alaska will remain in the land fill and if we won't accept the other 5 to 10% from our established suppliers because they are "hazardous waste" it would be a good bet they will just dump them.

The 5 to 10% loss in product isn't of any great concern to us, but the polluting of the environment is, so we appeal to you to help us resolve this matter.

We feel battery cells in intact salvage drums is as safe as battery cells in intact battery cases and that all such materials should be classified "recyclable materials".

Our collection stations comprise a 5 state region, Alaska, Hawaii, Montana, Oregon and Washington and is quite small compared to national standards, but it should be noted we export approximately 2000 tons per month. It has been estimated that United States production of replacement and original equipment batteries is the largest in the world amounting to about 74 million units in 1985.

In conclusion it seems the classification "hazardous waste" is self defeating, where the material was once recycled for profit it now will remain in the environment to eat up tax dollars for clean up.

Sincerely:

Howard E. Cyphers

Howard E. Cyphers
President
United Battery Systems Inc.

cc: E.P.A. Wash. D. C.
sm. bus. Ombudsman off.
Mr. Malcomb
solid wste. and emer. resp.
Mr. Jay Winston Portter

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

SEP 22 1987

REPLY TO ATTN OF HW-112

Howard Cyphers, President
United Battery Systems Inc.
143 N.E. Columbia Boulevard
Portland, Oregon 97211

Dear Mr. Cyphers:

This is in response to your July 11, 1987 letter requesting clarification on the requirements under the Resource Conservation and Recovery Act (RCRA) for shipment of spent batteries.

The Agency regulates spent lead-acid batteries only when stored before reclamation at battery cracking, battery smelting, and battery refining operations. Our headquarters staff considers battery cracking to be deliberate breaking of the battery to recover the lead cells. Based upon the information you supplied on the battery collection centers in Anchorage, Alaska, it appears as though these facilities were not deliberatly breaking batteries for recovery of lead and therefore batteries originating from these collection facilities would be considered exempt from regulation under RCRA until they arrive at a reclamation facility that reclaims the lead plates. This interpretation differs with a previous one made by our office which indicated these batteries were subject to the RCRA manifesting and export notification requirements. These batteries will, however be subject to the regulatory requirements of 40 CFR Part 266 Subpart G when they arrive at a battery reclamation facility.

We appreciate your patience in resolution of this matter. If you have any additional questions contact Bill Adams of my staff at (206) 442-2806.

Sincerely

Kenneth D. Feigner, Chief
Waste Management Branch

cc: Captain Felton, U.S. Coast Guard

EXHIBIT "A"

SINCE 1969

UNITED BATTERY

UNITED BATTERY SYSTEMS INC.

143 N.E. Columbia Blvd. • Portland, OR 97211-1415 • (503) 289-6644

Fax: (503) 285-8916

April 3, 1992

State Senator Steve Frank
% Sarah Fischer
Alaska State Senate
State Capital
Juneau, AK 99801-1182

RE: House Bill No. 389
Recycling of Lead-Acid Batteries
Sponsor(s): Representatives Ulmer, Brown, B. Davis, Boyer, Finkelstein, Koponen

Dear Sarah:

Per our conversation today, I am Federal Expressing you what we have put together with respects to HB 389.

I am very much in support of this form of legislation. Please let me know if you have any questions and how I can be of assistance.

I look forward to hearing from you.

Sincerely,

Howard

Howard E. Cyphers
President
United Battery Systems, Inc.

HEC:jcc

Enclosures

UNITED BATTERY

From United Battery - Oregon

SUBJECT: HOUSE BILL NO. 389
STATE OF ALASKA

In a news article by Brian S. Akre, Associated Press, Juneau, stated that Rep. Fran Ulmer-D, Juneau, said, "many of the 3,000-plus tons of batteries sold in Alaska each year are improperly dumped."

HB 389 DOES NOT ADDRESS TWO MAJOR AREAS:

1. BROKEN, CRACKED OR DAMAGED BATTERIES

2. BATTERIES OVER 55 LBS. (25 KILOGRAMS)

1. BROKEN, CRACKED OR DAMAGED BATTERIES:

We estimate that approximately 20 to 25 percent of the automotive and commercial batteries collected in the lower 48 states are broken or damaged. This figure could be even higher in the state of Alaska. Twenty percent of 3,000-plus tons equates to approximately 32,876 broken or damaged batteries in Alaska every year.

If broken batteries under HB 389 are not accepted, it is a good bet they can be added to the many batteries that Rep. Ulmer states are improperly dumped. (i.e., "thrown from marine docks, abandoned by the roadside, left in piles to decompose, these batteries pose a significant health risk.") Not to mention the environmental risks.

Intact unbroken batteries are regulated as hazardous material by The Department of Transportation, broken or cracked batteries are regulated as hazardous waste, however, EPA in a letter to Howard Cyphers of United Battery Systems, Inc., states, "that if the batteries are not deliberately broken for recovery of lead, they would be considered exempt from regulations under RCRA until they arrive at a reclamation facility that reclaims the lead plates. (REFER TO EXHIBIT A).

Broken batteries require special packaging which is regulated by The Department of Transportation, Title 49 CFR 173.3(c). (REFER TO EXHIBIT B). The special risk management, safety procedures and packaging requirements for handling broken batteries is very costly even more so than the cost of returning intact batteries. In our opinion the funds to pay for these costs should be addressed in HB 389 to insure that these broken batteries can be collected and disposed of properly along with the intact batteries.

We feel that HB 389 should reach 100 percent recycling.

UNITED Battery

2. BATTERIES OVER 55 LBS. (25 KILOGRAMS):

Approximately 90 percent of the commercial batteries manufactured in the United States exceeds the 55 lb. limit.

NOTE: MOST UNITED STATES BATTERY MANUFACTURERS USE AN AVERAGE WEIGHT OF 36.5 LBS. PER BATTERY UNIT. (ALL AUTOMOTIVE BATTERIES HAVE A ONE (1) BATTERY UNIT VALUE...36.5 LBS.)

Commercial batteries range from 1.5 battery units...55 lbs. to 4.0 battery units...146 lbs., with 4.0 battery units being the highest battery unit rating for commercial batteries...146 lbs.

For instance a group size 8D battery is rated as a 4.0 battery unit value, examples of group size 8D's applications are heavy equipment, boats, trucks, busses, hi-lifts, motor homes, etc.

In addition, there are a multitude of commercial batteries that fall under the above mentioned ratings of 1.5 battery units to 4.0 battery units.

Since HB 389 is presently limited to batteries 55 lbs. and under, it is inadequate for Alaska's needs, as a good share of Alaska's battery sales are in the commercial battery market.

We strongly recommend that HB 389 also include guidelines and regulations for batteries over 55 lbs. since they pose just as significant a health risk and environmental problem as batteries under 55 lbs.

"EXHIBIT C" will give you an idea of the battery unit value rating for various group sizes of all automotive and commercial batteries.

OUR PROPOSAL would be to change the $5.00 per battery fee to an $8.00 per battery unit fee (one battery unit = 36.5 lbs.), with $5.00 of the fee being refunded if the battery is returned within 30 days from the date of purchase, and $3.00 of the per battery unit fee being retained by the seller to pay for the costs of compliance to all applicable regulations, the risk management, the safety equipment required for handling and for the proper disposal for all the batteries collected, broken and intact alike.

CRAIG TAYLOR EQUIPMENT COMPANY
733 E. WHITNEY ROAD
ANCHORAGE, ALASKA 99501-1694
(907) 276-5050
FAX: (907) 276-0889

April 3, 1992

Senator Steve Frank
Alaska State Senator
P.O. Box V
Juneau, Alaska 99811

Ref: HB-389

Dear Senator Frank,

Thanks for sending me a copy of The House Bill 389. As a businessman of over 35 years in Alaska and with Four store locations in the State (Anchorage, Fairbanks, Wasilla, and Soldotna). I see no need whatsoever for this legislation.

First: The Bill is unenforceable to All Alaskans, as stated in Sec 3. "The act does not apply to the sale of a lead acid battery, if the sale occurs in a Municipality or unincorporated community thac has a population less than 1,000, that is not on the State Road or Marine Highway System, and does not have regular Jet Service." This means this Law would apply to many Alaskan citizens but not all of them. If its unenforceable in "Bush Alaska" why should the rest be subjected to it.

Second: The Municipalities where our businesses are located have taken care of the problem. We wouldn't dare put an old battery in the trash. Every store location we have collects old, used and broken batteries and deliver them to the proper recycler. We have for years received batteries and stored them in covered containers until they are delivered. We have no problems with old batteries. If there might be a problem its in "Bush Alaska" and this legislation exempts most or all of the Bush.

Third: Why make laws for laws sake. There is no need for this legislation in 10% of Alaska where 90% of the population lives. Its all ready being taken care of by the Local Municipalities. We are careful, we recycle and we are good citizens in our state. I urge you to vote against this HB-389 because its not needed except maybe in the area the Bill exempts, and it doubtful that it will ever be enforceable there.

Yours Very Truly,

CRAIG TAYLOR EQUIPMENT COMPANY

Jack H. Richardson

Jack Richardson
President

CRAIG TAYLOR

ALASKAN BATTERY ENTERPRISES, INC.

157 Old Richardson Hwy. • Fairbanks, Alaska 99701-7699
(907) 451-0594

FAXSIMILE TRANSMISSION. Date: 17 March 1992

From: Earl Romans Phone: (907) 456-4900 Fax (907) 451-7888

To: Mark Boyer Phone: 452-6275 Fax: 465-3841

NUMBER OF PAGES (including this page): 4

If the number of pages indicated above does not arrive in proper order, please call (907) 451-0594 or (907) 451-7888 for a Faxsimile Retransmission.

Mark, I just returned from Russia and see that HB389 has changed in scope. The intent and purpose was to promote and facilitate a clean environment. If the bill passes as currently worded, in my opinion the following will happen. (1) It will place an unnecessary problem and burden on small business which is 85% of Alaska, and (2) it will pollute Alaska's back communities with unreturned batteries, and (3) it will pollute all of Alaska with unreturned broken and damaged batteries, and (4) it will change the current EPA ruling on broken batteries at federal level from recyclable to hazardous waste at the state level. I am enclosing my recomendations to correct this. I am not sure that the purpose will be accomplished if 20¢ per lb is the fee price on all batteries in all parts of Alaska. I am sure you'll have questions on the clean, give me a call and we can work on it.

Sincerely,

Earl Romans

Earl Romans ABE

Suggestions from Earl Romans

7-LS1561\M

CS FOR HOUSE BILL NO. 389 (L&C) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 3/6/92
Offered: 2/26/92

Sponsor(s): REPRESENTATIVES ULMER, Brown, B.Davis, Boyer, Finkelstein, Koponen

A BILL

FOR AN ACT ENTITLED

"An Act relating to the recycling of lead acid batteries."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 46.06 is amended by adding a new section to read:

Sec. 46.06.105. LEAD ACID BATTERY RECYCLING. (a) Each of the following shall accept for recycling a used lead acid battery ~~that is unbroken and in reasonably sound and clean condition~~ from a person who purchases a lead acid battery, and shall recycle the used batteries that are received under this subsection:

(1) a person who sells lead acid batteries at retail or at wholesale;

(2) a person other than the seller of lead acid batteries at retail or at wholesale if in the course of business operations the person accepts used lead acid batteries for the purpose of recycling the batteries.

(b) If a person who purchases a lead acid battery from a retailer does not provide the retailer with ~~an unbroken and reasonably sound and clean~~ a used lead acid battery when making the purchase, the retailer shall charge the purchaser an additional fee of ~~not less than $5 but not~~ 204/lb.

New Text Underlined [DELETED TEXT BRACKETED]

~~more than $25~~. The ~~retailer~~ seller shall refund the fee to the purchaser if within 30 days of the purchase the purchaser provides the retailer with ~~an~~ a ~~unbroken and reasonably sound and clean~~ used lead acid battery. The ~~retailer~~ seller may keep the fee if the purchaser does not claim the fee within the 30 days.

(c) The purchaser of a lead acid battery who does not provide the ~~retailer~~ seller with a used lead acid battery under (b) of this section may return ~~an unbroken and reasonably sound and clean~~ a used lead acid battery to a person who handles used batteries under (a)(2) of this section. In exchange for the used battery, the used battery handler shall provide the purchaser with a receipt indicating that the purchaser has returned a used battery to the handler. A purchaser may claim the fee under (b) of this section if, within the time allowed for claim of the fee, the purchaser presents to the retailer

(1) the receipt showing the purchaser's previous purchase of a new lead acid battery from the retailer; and

(2) the receipt of the used battery handler issued under this subsection.

(d) A ~~retailer~~ seller shall post in a manner that is clearly visible to purchasers of lead acid batteries a notice that is at least 8-1/2 inches by 11 inches, that contains the universal recycling symbol, and that states:

NOTICE: USED BATTERIES

The ~~retailer~~ seller is required to accept your used lead acid battery for recycling when you purchase a lead acid battery from the ~~retailer~~ seller. If you do not give the ~~retailer~~ seller a used lead acid battery when you make your purchase, the ~~retailer~~ seller must charge you an additional fee of ~~not less than $5 but not more than $25~~ 20¢/lb. The ~~retailer~~ seller is required to refund the fee to you if you provide the retailer with a used lead acid battery within 30 days after you purchase the battery from the ~~retailer~~ seller, or as an alternative. The ~~retailer~~ seller is ~~also~~ required to refund the fee to you if you provide the ~~retailer~~ seller, within 30 days after you purchase the battery from the ~~retailer~~ seller, (1) the receipt of purchase for the battery, and (2) the receipt written by a used battery recycler to show that you have provided a used battery to the recycler. If you do not claim the fee within the 30 days, the ~~retailer~~ seller may keep the fee. ~~A retailer or used battery recycler is not required to accept a used battery from you unless the battery is in unbroken and unreasonably sound and clean condition.~~ A proper container will be provided by the seller or recycler for sorting and storing, a shipping of broken or damaged batteries.

(c) A ~~retailer~~ seller who advertises lead acid batteries shall indicate in the advertisement that an extra charge will be added to the price of the battery at the time of the sale if ~~an~~ a unbroken ~~and reasonably sound and clean~~ used lead acid battery is not exchanged for the new one.

~~(d)~~ This section does not apply to the sale of a lead acid battery if

(1) the sale of the battery occurs in, or the seller delivers or arranges for the delivery of the battery to the purchaser in, a municipality or unincorporated community; and

(2) the municipality or unincorporated community does not have a person located in the municipality or community who

(A) possesses a current valid federal Environmental Protection Agency identification number under 40 CFR 263.11; and

(B) is reasonably available and willing to transport lead acid batteries for recycling or reclaiming under this section; in this paragraph, "reclaiming" has the meaning given to "reclaimed" in 40 CFR 261.1.

(f) ~~(e)~~ In this section,

~~(1)~~ (1) "battery" or "lead acid battery" means a battery that

~~(A)~~ has a core consisting of elemental lead, ~~and~~

~~(B) weighs 25 kilograms or less when filled with all necessary fluids;~~

(2) "recycle" and "recycling" have the meaning given to "recycled" under 40 CFR 261.1;

(3) "seller" ~~retailer~~" means a person who sells lead acid batteries ~~at retail~~.

* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(31) failing to comply with AS 46.06.105.

* **Sec. 3.** APPLICABILITY. For one year after the effective date of this Act, AS 46.06.105, enacted by sec. 1 of this Act, does not apply to the sale of a lead acid battery if the sale occurs in a municipality or unincorporated community that has a population less than 1,000, that is not on the state road or marine highway system, and that does not have regular jet service.

All of Alaska within one year of ~~fined~~

N C MACHINERY CO.

COPY

CAT

March 2, 1992

Representative Fran Ulmer
House of Representatives
State of Alaska
Pouch V
Juneau, Alaska 99811

Re: HB 389

Dear Representative Ulmer:

All of us at NC who worked with you and your staff on this bill wish to thank you for the time and consideration you gave to our comments regarding the bill. We still have some concerns and would like to have seen some protection against persons who would recycle or reclaim batteries improperly. Nonetheless, we consider this latest draft to be a significant improvement and we appreciate your willingness to work with us on these points.

If the bill passes, we will monitor it to see how it works in our various communities. If we have any other issues which we feel require further consideration, we will let you know.

Again, our thanks to you, Caleb and Barnaby for your courtesies.

Very truly yours,

N C MACHINERY CO.

Lynn Edelstein Du Bey
Secretary & General Counsel

LED:vmm

Corporate Headquarters: P.O. Box 3862, Seattle, Washington 98124
Branches: Seattle, Mt. Vernon, Everett, Port Angeles, Chehalis, Yakima, Wenatchee, and Omak, Washington;
Anchorage, Fairbanks, Juneau, Ketchikan, Kodiak, and Dutch Harbor, Alaska

17035 W. Valley Hwy.
Tukwila, WA 98188
(206) 251-9800
FAX (206) 251-5986

Letters of Support

NAPA Batteries ®

Exide Corporation
P.O. Box 14205, Reading, PA 19612-4205
215/378-0500

TO: REPRESENTATIVE ULMER
JANUARY 30 1992

FROM: DARBY ROCKNEY EXIDE CORP.
C\O CAPITOL MOTORS

SUBJECT: RECYCLING OF SPENT BATTERIES

THE ATTACHED LETTER EXPLAINS OUR SPENT BATTERY PRACTICES. THESE PRACTICES HAVE BEEN IN PLACE IN ALASKA SINCE OCT. 87 IF YOU HAVE ANY QUESTIONS THAT I MAY BE OF SERVICE ON, PLEASE CALL ME AT 1-800-553-9433. I WILL ALSO BE IN JUNEAU ON MARCH 17. I WOULD BE PLEASED TO STOP AT YOUR OFFICE AND HELP YOU UNDERSTAND THE BATTERY INDUSTRY FURTHER.

BEST REGARDS
DARBY W ROCKNEY
REGIONAL SALES MANAGER

NAPA Batteries & Chargers

Box 14205, Reading, PA 19612-4205
215/378-0500 FAX: 215/378-0388

November 30, 1990

TO: ALL NAPA BATTERY CUSTOMERS

FROM: EXIDE CORPORATION ENVIRONMENTAL RESOURCES DEPARTMENT

SUBJECT: RECYCLING OF SPENT LEAD-ACID BATTERIES

To help you understand the regulations for spent lead-acid batteries and Exide's management practices. Outlined below are a few pertinent facts:

- In most states, spent lead-acid batteries are exempt from management as hazardous waste when they are being recycled. This means that if you generate, transport, collect or store spent batteries prior to recycling but do not recycle them yourself, you do not need to comply with federal or state requirements for hazardous waste labels, markings, manifest, etc.

- The spent battery exemption applies only to spent lead-acid batteries and only when they are being recycled/reclaimed. If you dispose of these batteries in any other way, or if you generate any other type of spent battery (for example: nickel-cadmium, nickel-iron, etc.), you must comply with hazardous waste regulations. Exide Corporation facilities are authorized to handle only lead-acid batteries.

- Many states have enacted laws which prohibit the disposal of spent lead-acid batteries in any manner other than shipment to a recycling facility, such as a secondary lead smelter. (For information regarding such a law in your state, contact your Exide Account Representative).

- Spent lead-acid batteries returned to Exide Corporation are recycled for lead recovery at one of several secondary lead smelters operated in the U.S. Exide itself owns and operates three secondary lead smelters for the recycling of spent batteries (lead-acid only) and other recyclable lead-bearing materials:

Facility	Location	EPA Identification No.
General Battery Corp.	Reading, PA	PAD990753089
Dixie Metals Company	Dallas, TX	TXD068999622
General Battery Corp.	Muncie, IN	IND000717959

- Exide's Reading smelter is currently operating under a hazardous waste facility permit issued by the U.S. EPA and the PA Department of Environmental Resources. The smelter facilities located in Dallas and Muncie are operating under interim status, as provided by the U.S. EPA and applicable state regulatory agencies, pending approval of Part B permit applications which have been submitted for these facilities.

- New batteries and spent batteries destined for recycling are packaged and shipped by Exide Corporation in accordance with applicable U.S. DOT regulations for hazardous materials.

- Wastes which are generated at Exide's recycling facilities are recycled, treated, discharged and/or disposed of in accordance with all applicable environmental regulations.

Exide's "vertically-integrated" operations are designed to provide a recycling chain for our products, and assure you of the best possible management option for your spent lead-acid batteries.

EXIDE CORPORATION

Environmental Resources Department

Battery Council International

WASHINGTON OFFICE:
Weinberg, Bergeson & Neuman
1300 Eye Street, N.W.
Suite 600 East
Washington, D.C. 20005
(202) 962-8585/FAX (202) 962-8599

February 6, 1991

The Honorable Representative Cliff Davidson
Resources Committee
P.O. Box V
Juneau, AK 99811

Re: Lead Battery Recycling Legislation

Dear Representative Davidson:

The Battery Council International ("BCI") writes to encourage you to introduce our model lead battery recycling legislation.[1/] (See enclosed) As you likely are aware, there is significant public pressure to ensure that recyclable materials are not discarded in trash, but rather are returned for recycling. Lead batteries are among these materials. Two years ago, BCI developed its model recycling bill both in response to environmental concerns, and the fact that as an industry, we want to improve the existing system so that a 100 percent recycling rate is achieved.

To date, due mostly to BCI's efforts, twenty-eight states have enacted prohibitions on the disposal of lead batteries in the municipal solid waste stream. (See also the enclosed list of states with enacted legislation) Twenty-four of these states have gone further than this by also mandating specific take back requirements similar, and in many cases identical, to those contained in BCI's model legislation.

Nationally, lead batteries are recycled at an 80 to 90 percent recycling rate. The industry's ability to achieve this rate is predicated on the fact that there is a sophisticated reverse distribution system, which ensures that the batteries are returned to the recycling chain. Yet, BCI knows that some

---

1/ BCI is a nonprofit trade association whose members are engaged in the production of lead storage batteries for automotive, marine, industrial, stationary, specialty and commercial uses. BCI's members also include entities engaged in the reclamation and recycling of lead batteries once they are spent. BCI represents more than 99 percent of the nation's domestic lead battery manufacturing capacity and more than 92 percent of its lead battery recycling capacity. Our members include all the large, multi-plant domestic manufacturers as well as the majority of the nation's smaller firms.

batteries do escape recycling. To close the remaining gap, BCI recommends enacting requirements similar to those contained in our model legislation. Specifically BCI's model would:

- Prohibit used lead batteries from being discarded in the solid waste stream;
- Require all persons who sell lead batteries to take them back; and
- Require that persons who sell lead batteries to educate their customers by posting point-of-sale signs indicating that it is illegal to discard lead batteries in the trash, that lead batteries are recyclable, and that state law requires retailers, and everyone else in the recycling chain, to take back lead batteries for recycling.

BCI believes that requirements such as these will close any remaining gap in the recycling chain efficiently and cost effectively. In this regard, and for the reasons outlined above, we strongly encourage you to review the model and consider introducing it in your state.

BCI is very interested in working with the State of Alaska on this issue. If you have questions on the information provided above or enclosed, or if you want BCI's participation in the legislative process, please contact Jodi Bakst, in our Washington, D.C. office, at (202) 962-8573.

Sincerely,

Tom Douglas

Tom Douglas, President
BCI

Enclosures

NORTH SLOPE BOROUGH

DEPARTMENT OF INDUSTRIAL DEVELOPMENT

BARROW GAS FIELDS
P.O. Box 1120
Barrow, Alaska 99723
Phone: (907) 852-0395
Fax: (907) 852 8971

ANCHORAGE LIAISON OFFICE
3201 C Street, Suite 602
Anchorage, Alaska 99503
Phone: (907) 561-8820
Fax: (907) 562-1940

JERRY WILT, Director

January 23, 1992

Caleb Stewart
Office of Representative Fran Ulmer
State Capitol
Juneau, Alaska 99801-1182

Don Thornburgh, Compliance Officer
North Slope Borough
3201 C St, Suite 602
Anchorage, Alaska 99503

RE: HB 389 BATTERY RECYCLING BILL

Dear Mr. Stewart,

We are pleased to support your proposed House Bill NO. 389. The recycling of used lead acid automobile batteries is another step towards the elimination of the unsafe disposal of regulated hazardous wastes.

The manner in which the North Slope Boroughs Service Area Ten Operation in Prudhoe Bay disposes of its used batteries is to turn them in to Prudhoe Bay Commercial Store, where for a fee of $10.00 used batteries are accepted for recycling.

Thank You for the opportunity to support your Bill, if you need additional data or other information, please call.

Sincerely,

Don Thornburgh

Don Thornburgh

cc: Jerry Wilt, Director
Department of Industrial Development

NAPA Auto Parts
Capitol Motor Supply, Inc.
47 Egan Drive
Juneau, Alaska 99801

Resources, Labor & Commerce Committee
Re: House Bill 389

To whom it may concern:

We would like to express our support for this measure.

We have been voluntarily recycling our batteries for about eighteen months.

Because batteries are manufactured in many sizes to suit various applications, their prices very according to their lead content. We now charge from $7.50 up to $29.00 in addition to the regular battery price, hereafter to be known as the core deposit. This core deposit reflects the amount of recyclable lead in the battery, and is subject to change as the metals market fluctuates. If the wording in the bill was changed to, "The retailer may charge the purchaser an additional fee, minimum $5.00", we would not have to make any changes in the software which we use to control our inventory. This would also allow us to charge accordingly for larger batteries which contain more lead. The consumer would receive a refund identical in amount as previously invoiced, upon return of their core.

We don't impose a time limit for the consumer. However, we verbally request they return the core within thirty days.

Thank you for taking the time to read this. We hope it will assist you.

Rick Wallace
Capitol Motors

Rick Wallace

E&L AUTO
NOVEMBER 13, 1991

REPRESENTATIVE FRAN ULMER
DISTRICT 4B JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811-3100

SUBJECT: Enforcement of battery recycling bill
work order no. 71s-1561

To respond to your letter dated November 7, 1991 we are glad to see some type of bill go into law because we need a way to control how meany batteries that end up all over the area. In the past there have been people that dump there batteries in the water and forrest and other places.

We at E&L Auto have a free drop off for batteries but people thank that we are out of the way so they just don't bring in there batteries to us. We even pick up batteries when we see them on are roadways.

We have talked to other people that sale batteries and they thank it is a good way to get people to turn in the batteries that they buy at there location.

They only store that require a core charge at least in Juneau is NAPA stores.

Thank You for sending a draft of the bill to us.

Staff from E&L Auto
Garry O. Strickler

CHANNEL CORPORATIONS

CHANNEL SANITATION CORP
CHANNEL EQUIPMENT RENTAL I
CHANNEL LANDFILL

1) File w/ this bill file
2) BD followup w/ 11/26

November 20, 1991

Representative Fran Ulmer
Alaska State Legislature
PO Box V
Juneau, AK 99811-3100

Dear Representative Ulmer;

We would like to congratulate you on addressing a very important issue with your proposed house bill concerning battery regulation. Our only suggestion might be to increase the fee from $5.00 to $10.00 as that figure may be more inducement to allow your bill to do what it was intended. We might also suggest the bill not only be for automobile batteries but for any transportation battery such as, motorcycle, snowmobile, trucks, and any other heavy equipment.

You are aware that Channel currently charges $.06 per pound or a minimum of $2.50 for each battery disposed. One average automobile battery costs $2.50. I would assume the retailer would add this disposal fee to the price of each new battery purchased so at the time of purchase if the buyer presented a used battery, there would be no additional charge. However, if the customer did not present an old battery at the time of purchase, the customer would pay an additional $10.00 fee. Hopefully, this would deter people from not bringing in their old battery. One question, who keeps the $10.00?

Again, thank you for your efforts in helping to solve our environmental problems.

Very truly,

Gerald A. Wilson
President

GAW/jak
cc:file

P.O. Box 21267 JUNEAU, ALASKA 99802-1267 (907) 780-4288

Bristol Bay
Coastal Resource Service Area
P.O. Box 849, Dillingham, Alaska 99576
(907) 842-2686—842-2067

January 30, 1992

Representative Fran Ulmer
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Subj: HB 389 - Recycling of Automobile Batteries

Thank you for introducing HB 389, relating to the recycling of automobile batteries, and for providing us a copy of the bill.

The Bristol Bay Coastal Resource Service Area (BBCRSA) Board is a locally elected body responsible for developing and implementing a coastal management plan for the portion of Bristol Bay that is within the Unorganized Borough. We are familiar with many of the solid waste management problems rural communities face and public health risks posed by hazardous waste.

The State needs to continue to encourage recycling efforts and provide the necessary incentives for promoting waste reduction and recycling programs. While we support the intent of HB 389, we also are very concerned about the financial hardship it will place on small retailers in rural communities, where recycling opportunities are limited or non-existent due to logistical problems and high transportation costs.

We believe the bill should be amended to require mandatory recycling of automobile batteries provided (1) there are established collection centers within communities, or subregional disposal points accessible to communities without collection centers, and (2) the financial burden to small retailers is limited to the cost of transporting batteries to an established collection point, and possibly a small nominal fee to help cover handling and shipment costs.

Sincerely,

Alice J. Ruby

Alice J. Ruby, Chairperson
Bristol Bay CRSA

cc: Representative George Jacko
Representative Cliff Davidson
Senator Fred Zharoff

1507 Second St.
Douglas, Alaska 99824
January 24, 1991

Representative Fran Ulmer
P.O. Box V
State Capitol
Juneau, AK 99811

Dear Representative Ulmer:

As Chair of the Citizen's Advisory Committee on Waste Management for the City and Borough of Juneau, I would like to lend my support to House Bill No. 389, which you introduced to the House of Representatives. Obviously the Super Fund site in Fairbanks which is resulting in quite a bit of expense and inconvenience to clean up points to the need for incentives to recycle. This bill will help create such incentives.

Perhaps opposition to this bill will come from rural sites, not wanting to add cost that they cannot recover to batteries. But it can be pointed out that by applying the law statewide, it is creating cash flow for backhaulers. Every village receives a barge or truck or plane bringing in freight; this program will help those transporters return hauling something of value.

Thank you for your attention to this matter, and we fully encourage you in this pursuit.

Sincerely,

Richard A. Steele

ALEUTIANS WEST
COASTAL RESOURCE SERVICE AREA

January 28, 1992

The Honorable George Jacko
House of Representatives
Juneau, AK 99881

Dear Representative Jacko:

The Aleutians West CRSA strongly urges you to support HB 389 relating to recycling of used automobile batteries. All too often viewed as useless items, these lead acid batteries are left to litter the Alaska landscape, posing an environmental hazard if improperly handled or disposed of.

We feel that this bill appropriate fosters cooperation between the retailer and consumer in recycling of automobile batteries. Recycling is good business!

Sincerely,

Darcy Richards

Darcy Richards
Program Director

DR:er

cc: Fran Ulmer
Bettye Davis

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To F. Ulmer	From Darcy Richards
Co.	Co. AWCRSA
Dept.	Phone #
Fax # 465-2108	Fax #

TOTEM OCEAN TRAILER EXPRESS, INC.
2511 TIDEWATER ROAD • ANCHORAGE, ALASKA 99501
PHONE (907) 276-5963 • ADM FAX (907) 278-0461 • TELEX 510-600-4901

March 5, 1992

Representative Fran Ulmer
House of Representatives
State of Alaska
Pouch V
Juneau, AK 99811

Dear Representative Ulmer: Ref: HB #389

Totem Ocean Trailer Express, Inc. supports your efforts with HB#389, dealing with the recycling of automotive batteries in Alaska as another positive effort in protecting our environment.

We appreciated the opportunity we had recently to meet with you and your staff in Juneau when we discussed other recycling issues in addition to HB389.

Sincerely,

Jeffrey P. Keck
Alaska General Manager

JPK:cc

Southwest Alaska Municipal Conference
Putting Resources to Work For People
3300 Arctic Blvd., Suite 203 • Anchorage, Alaska 99503 • (907) 562-7380 • FAX (907) 562-0438

RESOLUTION 92-1

A RESOLUTION OF THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE URGING THE GOVERNOR AND THE ALASKA STATE LEGISLATURE TO SUPPORT MARINE GARBAGE, RECYCLING AND WASTE REDUCTION PROGRAMS

WHEREAS, solid waste management is a major problem in Southwest Alaska communities; and

WHEREAS, the Southwest Alaska Municipal Conference, at the membership's request, began a marine garbage and recycling project in 1990; and

WHEREAS, the Alaska Department of Environmental Conservation has instituted programs to increase recycling and waste reduction in local communities but lacks adequate staff to adequately administer these programs and assist communities in implementing the results; and

WHEREAS, the problems of marine garbage, recycling and waste management directly impact the economies of local Southwest communities; and

WHEREAS, House Bill No. 389 has been introduced to encourage the recycling of automobile batteries.

NOW, THEREFORE BE IT RESOLVED, that the Southwest Alaska Municipal Conference urges that Governor Hickel and the Alaska State Legislature fund at an adequate level marine garbage, recycling, and waste reduction programs to benefit the region's residents; and

BE IT FURTHER RESOLVED, that the Southwest Alaska Municipal Conference urges the Alaska State Legislature pass Senate Bill No. 389 and that it be approved by Governor Hickel.

PASSED AND APPROVED BY THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE THIS 19th DAY OF JANUARY, 1992.

Richard G. Wilson, President

Marideth Sandler, Executive Director

Alaska Environmental Lobby, Inc.
P.O. Box 22151 Juneau, Alaska 99802
907-463-3366
Fax 907-463-3312

January 27, 1992

Representative Fran Ulmer
P.O. Box V
Juneau, AK 99811

RE: HB 389 -- Recycling of Automobile Batteries

Dear Representative Ulmer,

The Alaska Environmental Lobby (AEL) is a coalition of 19 Alaskan environmental organizations formed to provide a unified voice to the Alaskan legislature. AEL would like to thank you for introducing HB 389 -- Recycling Automobile Batteries.

HB 389 is a critical step in recycling of waste and in preventing contamination of drinking water and soil contamination by carelessly disposed of lead acid batteries.

We concur with Department of Environmental Conservation's concerns about the difficulties involved in recycling batteries from the bush. However, bush residents must also be protected from the toxic effects of lead. We hope that as the bill progresses through the legislative process, these concerns are addressed.

We appreciate your continued efforts to promote a clean healthy environment for all Alaskans.

Sincerely,

Marna Schwartz
Executive Director

Alaska State Legislature

Please enter into the record my testimony to the Resources
committee name

committee on HB 389 , dated 02/04/92 .
bill/subject

As a public health professional I am concerned about the negative health effects associated with the negative health effects associated with the disposal of used automobile batteries in Alaska. During my graduate program, at the University of Minnesota, I served as a public health advocate working with Senator Greg Dahl's office on battery recycling. Senator Dahl authored automobile battery recycling legislation which has been implemented in Minnesota. The Minnesota law requires a deposit system similar to the proposed HB 387 legislation This legislation has been highly successful in collecting 95% or more of car batteries that are being replaced. We worked closely with the Minnesota retail business lobby and they have not reported difficulty with the deposit/return system. Minnesota, like Alaska, has a large number of rural communities, and yet this legislation has not proven to be overly burdensome to rural Minnesotan residents.

In summary, the Minnesota experience with this type of car battery recycling program has been very positive. It shows that the consumer, the retailer, and the state can work together to help solve some of the environmental problems associated with modern technology.

Signed: JACQUELYN L WAGNER M.P.H.
Testifier

Representing (Optional)

1470 NOBLE ST. #3 FAIRBANKS AK 99701
Address

451-1004
Phone No.

BROMAR ALASKA

March 5, 1992

Representative Fran Ulmer
House of Representatives
State of Alaska
Pouch V
Juneau, Alaska 99811

Re HB 839

Dear Representative Ulmer,

Bromar Alaska and it's employees enthusiastically support recycling. With that stated, we are happy to see that HB 839 is moving forward.

We feel that House Bill 839 relating to the recycling of automobile batteries is a very important and necessary measure. You have our full support.

Bromar Alaska appreciates your efforts to coordinate with the private sector to insure that we can work with and support this legislation. Please continue your fine efforts to keep us "in the loop" regarding recycling bills and their status during this session.

Sincerely,

Michael J. Droege
Vice President

FOOD BROKERS AND IMPORTERS
1117 EAST 35TH AVENUE, SUITE 200 • ANCHORAGE, ALASKA 99508-4258 (907) 277-7080 • FAX (907) 277-3233

ALASKA MUNICIPAL LEAGUE

217 Second Street, Suite 200 ▪ Juneau, Alaska 99801 ▪ Tel (907) 586-1325, Fax (907) 463-5480

February 11, 1992

Position Paper

CS for HB 389 (Resources) - Recycling of Lead Acid Batteries

The Alaska Municipal League supports the Committee Substitute for House Bill 389 (Resources). The legislation provides a financial incentive for lead acid battery retailers and wholesalers to accept and for consumers to return used batteries. This recycling bill will help deter the improper disposal of batteries which can be a significant source of lead, a highly toxic chemical and significant health risk in our environment.

The AML 1992 Policy Statement states,

> "Solid Waste Reduction Programs: The League supports funding and implementation of statewide solid waste reduction programs, e.g., recycling, litter reduction, waste oil recycling, required deposits on beverage bottles and cans, etc., to be developed and operated in conjunction with municipal governments." Page 42.

The AML, under contract with the Alaska Department of Environmental Conservation, has also established Municipal Pollution Prevention Roundtable. The Roundtable has brought together a number of municipal solid waste professionals and elected officials from municipalities across Alaska to discuss and explore pollution prevention methods. In response to the Roundtable's activities so far the AML passed a resolution (AML Resolution No. 92-9) which specifically mentions the need for the state "to pursue an action-oriented clean-up program of specific problem wastes (such as batteries)."

The CS does amend the original bill to provide a fee or deposit of "not less than $5." The CS and the House Resources Committee also recognized that the collection/return and proper disposal of lead acid batteries is more problematic in Alaska's rural communities. The CS delays the effective date of the legislation for rural areas and calls on the ADEC, working with the AML and rural communities, to explore ways to provide for lead acid battery recycling.

Again, the AML supports the CS for HB 389 and is willing to assist in its implementation.

sab6:hb389bat.211

20
1971-1991

Alaska Center for the Environment

519 West 8th Ave. #201 • Anchorage, Alaska 99501 • (907) 274-3621

February 26, 1992

Representative Fran Ulmer
State Capitol Building
Juneau, Alaska 99811-3100

Dear Representative Ulmer,

The Alaska Center for the Environment strongly supports HB 389, your bill relating to the recycling of automobile batteries.

This bill provides an important incentive to the consumer for recycling. ACE appreciates your work to lessen the potential threat to human health from acid and lead oxide emitted from improperly disposed of batteries.

HB 389 is clearly a step towards preventing pollution and will reduce future costs to the State and human health. It is also encouraging to recognize the success of battery recycling programs presently existing in other states.

Mandating action and penalizing failure to comply is a positive step to ensuring the effectiveness of this policy. We suggest the bill add a tracking system or mandatory record keeping, to guarantee that the law will not be abused (e.g. improper disposal of batteries). Since this policy requires monitoring, delegating specific enforcement responsibilities is essential. Perhaps a follow-up report to the legislature on the effectiveness of the battery deposit program would encourage the implementation of these suggestions.

ACE is also concerned about the rural exemption pending DEC's impact assessment. We feel it is very important to include the rural communities in this recycling effort and we hope to see future legislation for a battery policy which accommodates rural needs. ACE also feels it is unfortunate that limitations have been placed on the original bill; such as the exemption of heavy machine batteries.

The Center applauds your effort to advance and improve the management of hazardous wastes throughout the State. We offer our full support and assistance for the passage and implementation of HB 389.

Sincerely,

Karen Wood

Karen Wood
Pollution Prevention Staff

Meg Simonian

Meg Simonian
Intern

ALPAC

Pepsi-Cola Bottling Company of Alaska, Inc.

March 5, 1992

Representative Fran Ulmer
House of Representatives
State of Alaska
Pouch V
Juneau, Alaska 99811

Reference: HB 389

Dear Representative Ulmer,

ALPAC/Pepsi Cola Bottling Company of Alaska recognizes that the recycling of automobile batteries in Alaska is very important to the environment.

It is very important to the protection of the environment here in Alaska. We applaud Representative Ulmer's efforts in the area of recycling in general and her efforts to improve the recycling of specifically automobile batteries. Therefore, Fran has our support in her efforts to improve the recycling of hazardous materials through her most recent legislative actions in House Bill 389.

We are especially appreciative of Fran's efforts to communicate with the business community regarding recycling bills and their status during this current session of the legislature.

Sincerely,

Roger Briley

Roger Briley
General Manager

03059201

521 E. 104th Avenue Anchorage, Alaska 99515

Alaska Applied Sciences, Inc.

Box 020993 • Juneau, Alaska 99802

907-586-1426 • FAX: 586-1423

30 March 97

Senator Steve Frank
State Affairs Committee

Dear Senator Frank:

Please advance HB389 with recommendation for passage by the Senate.

Our company has built an electric car, a Honda CRX converted from gasoline to electric power. A photo of this electric Honda CRX car is enclosed. It uses sixteen, 6 volt, lead acid batteries, of the type covered by HB389, in its propulsion battery. Each of the sixteen batteries weighs about 65 pounds.

This Honda CRX conversion was built as a demonstration:

1. that such conversions are practical: the documented cost of the conversion;

2. of the operating costs-- primarily energy and maintenance-- of the vehicle in Juneau's environment and driving conditions;

3. of user acceptance-- primarily convenience and performance, or lack thereof-- of such vehicles;

4. of the extent to which electric cars, and other vehicles, can be expected to alleviate the myraid problems-- of which energy is only one-- of private auto transportation.

We believe the owner's costs of operating an electric vehicle should include the environmental costs of recycling used storage batteries. The cash deposit system in HB389 seems the simplest and most effective way of encouraging proper disposal of all used vehicle storage batteries. In the long term, this should help "clean up" the reputation of large batteries, to give electric vehicles a fairer chance of acceptance.

We'll be glad to demonstrate our electric Honda CRX for you.

Thank you for your consideration.

Sincerely,

William G. Leighty
Principal

copy: Rep. Fran Ulmer

HK. Applied Sciences

William C. Leighty
Electric car

Battery - HB389

Page 3, line 14

Insert new (g)

(g) Any person purchasing a lead acid battery, who provides a retailer with a used lead acid battery, is relieved of any further liability with respect to the battery or its handling, storage, transportation, recycling, reclaiming or disposal, once the used battery is accepted by the retailer

Renumber remaining.

Steve -

Legal said you can't limit liability on a federal level ie - Superfund cleanups

Do you want to explore limiting liability on a state level?

file HB389

Note for Findling, George ATO-2020

NMJ, Facs to Beverly, ASAP. BLT

From: Christian, Bill ATO-2096

Date: Thu, Mar 5, 1992 9:55 AM

Subject: RE: Battery Bill

To: Christian, Bill ATO-2096; Lipchak, Robert ATO-1990; Malinverni, Al ATO-570

Cc: Findling, George ATO-2020; Rodgers, Dan ATO-2002

Bob, et al-- I agree with Bob's comments. The notion that a retailer would have an absolute right to determine the acceptability of individual batteries turned in for recycle will guarantee that the risks which are the target of the bill will not be alleviated, Each retailer will have an incentive to keep the $5.00 battery premium and refuse the tendered used battery--thereby making a 10% premium on each sale while avoiding the liability and cost associated with the disposal/recycle. As now drafted, the bill's incentives point strongly in the wrong direction. My changes are highly desirable to us, since the big potential liability we face as a deeeeeeep pocket is that our used batteries will be mishandled by a financially shaky recycler and the government will come after us for a large share of the clean up costs under the federal and state CERCLA laws, Hope it's not too late to get this turned around.

From: Lipchak, Robert ATO-1990 on Thu, Mar 5, 1992 9:47 AM
Subject: Battery Bill
To: Malinverni, Al ATO-570
Cc: Christian, Bill ATO-2096; Findling, George ATO-2020; Lipchak, Robert ATO-1990; Rodgers, Dan ATO-2002

Al:

A brief comment on the proposed battery bill. I support the issue raised by Bill Christian concerning liability and trying to get relief from it for those that turn used batteries in for recycling. I disagree with the revised bills wording that only non-broken and reasonably clean batteries must be accepted. The cracked, leaking, broken batteries are the ones that pose the most environmental threat and should be the target of recycling. Retailers of batteries are the ones most likely to have the leak proof containers available that many batteries are shipped in ,hence, I see little justification for excluding them. If someone walks in with 10 batteries and only 9 are accepted because number 10 is cracked we can only speculate what will happen to number 10, chances are it will be dumped. I also question whether or not this type of wording gives all recyclers/retailers an "out" from ever having to accept broken batteries. The additional volume of "good" batteries generated by this bill may cause all battery recyclers to refuse "bad" batteries because of the increased volume they will be dealing with and the fact that this legislation says its O.K to do so.

I heard that this has already passed something (the house?).

Bob

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE FRAN ULMER

M E M O R A N D U M

TO: Senator Steve Frank, Chair
Senate Community and Regional Affairs Committee

DATE: March 10, 1992

FROM: Representative Fran Ulmer

SUBJ: CSHB 389 "An Act relating to recycling of lead acid batteries"

I am requesting a hearing in your committee and your support for HB 389, which will help remove a highly toxic chemical (lead) from our environment.

THE PROBLEM

Every year, more than 3,000 tons of lead acid batteries are disposed of in Alaska -- many of them improperly. Thrown from marine docks, abandoned by the roadside, left in piles to decompose, these batteries pose a significant health risk. According to the EPA more than 80% of all the lead produced in the U.S. winds up in lead acid batteries.

When lead is released into the environment it can find its way into the food chain, primarily through ground water contamination. It is an especially pernicious problem because lead is an element that cannot be destroyed -- it builds up in animals and people. Lead poisoning can cause severe mental and physical injuries, especially in children.

HOW IT WORKS

HB 389 seeks to alleviate this problem by offering incentives to both the consumer and the distributor to recycle lead acid batteries. It does so by:

* requiring retailers and wholesalers to accept a used battery at the time of sale of a new one;

State Capitol
Juneau, AK 99801-1182
(907) 465-4947
FAX 465-2108

HOW IT WORKS (Continued)

* requiring that used batteries be in reasonably sound and clean condition when delivered for a refund;

* allowing for the assessment of a minimum $5.00 "core charge" redeemable when a used battery is returned to the retailer or a community recycling center;

* allowing the retailer to keep the "core charge" if a used battery is not returned within 30 days; and

* requiring that notices be posted at the place of business informing consumers of the recycling system.

CONCERNS ADDRESSED IN COMMITTEE

CSHB 389 (Labor and Commerce) includes several changes as a result of a working group of environmental, legal and industry interests concerned about the issue. I believe the Labor and Commerce CS makes this legislation more adaptable to the unique conditions regarding transportation and recycling of lead acid batteries in Alaska. The concerns addressed include:

* requiring that transporters of used batteries hold an EPA hazardous waste identification number. This is to help insure that transporters remain accountable for proper shipment;

* providing an exemption for sales in areas where there are no qualified transporters available;

* delaying the effective date for one year for small communities with no access to the state road system, marine highway system or regular jet service; and

* defining batteries covered under this bill as those weighing less than 25 kilograms (approximately 55 pounds). This represents the vast majority of auto, marine and airplane batteries.

These changes have satisfied a majority of the concerns expressed by retailers, recyclers and consumers.

SUPPORT FOR CSHB 389

ALASKA MUNICIPAL LEAGUE
ALASKA BATTERY
ALASKA HEALTH PROJECT
KODIAK ISLAND BOROUGH
E & L AUTO, JUNEAU
AK ENVIRONMENTAL LOBBY
ALEUTIAN WEST CRSA
SW AK MUNICIPAL CONFERENCE
ALPAC/PEPSI OF ALASKA
BROMAR ALASKA

JUNEAU RECYCLING COMMITTEE
ALASKA CENTER FOR THE ENVIRONMENT
NAPA AUTO PARTS - KETCHIKAN AND JUNEAU
CHANNEL SANITATION
DEPT. INDUSTRIAL DEVELOPMENT - N. SLOPE BOROUGH
FRIENDS OF RECYCLING - JUNEAU
ENVIRONMENTAL PROTECTION AGENCY (EPA)
DEPT. OF ENVIRONMENTAL CONSERVATION
TOTEM OCEAN TRAILER EXPRESS, INC.
REVILLA RECYCLING OF KETCHIKAN

STATES WITH ENACTED BATTERY RECYCLING LEGISLATION

- Arizona
- California
- Connecticut
- Florida
- Georgia
- Hawaii
- Illinois
- Indiana
- Iowa*
- Kentucky
- Louisiana
- Maine
- Massachusetts*
- Michigan
- Minnesota
- Missouri
- New Hampshire*
- New York
- North Carolina
- Oregon
- Pennsylvania
- Rhode Island
- Tennessee
- Vermont*
- Virginia
- Washington
- Wisconsin
- Wyoming

* These states enacted only a prohibition on the disposal of lead batteries in the solid waste stream.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
ALASKA OPERATIONS OFFICE
410 WILLOUGBY AVE. SUITE 100
JUNEAU, ALASKA 99801

REPLY TO
ATTN OF:
AOO

February 5, 1992

Barnaby Dow
c/o Representative Fran Ulmer
Room 421, Capitol
PO Box V
Juneau, AK 99811

Dear Mr. Dow:

You recently requested clarification from EPA regarding the application of the Resource Conservation and Recovery Act (RCRA) to recycling spent lead-acid batteries. The requirements for recyclable materials are addressed in CFR 40, Part 261.6, EPA Hazardous Waste Regulations (pertinent portions of regulations attached). Specifically, 261.6(a)(2)(v) exempts spent lead-acid batteries that are being reclaimed from RCRA generator, transporter, and storage requirements. Further, CFR 40, Part 266.80 (Subpart G - Spent Lead-Acid Batteries Being Reclaimed) exempts persons who generate, transport, collect or store spent batteries but do not reclaim ("crack" or break open batteries to reclaim salvageable materials) from RCRA requirements.

In summary, operations which generate, transport, collect or store spent lead-acid batteries are exempt from federal hazardous waste regulations provided those operators are not engaged in reclaiming or dismantling said batteries to recover salvageable material, and provided the manner in which they store the batteries prior to reclamation does not constitute disposal. Air shipment of lead-acid batteries is permissible provided adherence with the International Air Transport Association (IATA) dangerous goods regulations.

While disposal of spent lead-acid batteries is strictly regulated under federal and state hazardous waste regulations, the absence of a convenient, cost effective mechanism has left the actual fate of these batteries uncertain throughout Alaska. The result has been serious environmental harm from the haphazard discarding of batteries along Alaska's highways, streams and in landfills, only to be eventually dealt with at a later date at extreme expense. We are encouraged by Representative Ulmer's proposed legislation (HB #389) which, if enacted, would provide a positive incentive and mechanism to recycle spent lead-acid batteries in Alaska.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

Steven A. Torok
Chief, State Operations Section

enclosure

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(h) Hazardous waste subject to the reduced requirements of this section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this section, unless the mixture meets any of the characteristics of hazardous waste identified in subpart C.

(i) If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation.

(j) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to subpart E of part 266 of this chapter if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

[51 FR 10174, Mar. 24, 1986, as amended at 51 FR 28682, Aug. 8, 1986; 51 FR 40637, Nov. 7, 1986; 53 FR 27163, July 19, 1988]

§ 261.6 Requirements for recyclable materials.

(a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled will be known as "recyclable materials."

(2) The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through H of part 266 of this chapter and all applicable provisions in parts 270 and 124 of this chapter:

(i) Recyclable materials used in a manner constituting disposal (subpart C);

(ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (subpart H);

(iii) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (subpart E);

(iv) Recyclable materials from which precious metals are reclaimed (subpart F);

(v) Spent lead-acid batteries that are being reclaimed (subpart G).

(3) The following recyclable materials are not subject to regulation under parts 262 through parts 266 or parts 268, 270 or 124 of this chapter, and are not subject to the notification requirements of section 3010 of RCRA:

(i) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in § 262.58:

(A) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary exporter in §§ 262.53, 262.56 (a)(1)-(4), (6), and (b), and 262.57, export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

(B) Transporters transporting a shipment for export may not accept a shipment if he knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.

(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(iii) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;

(iv) Scrap metal;

ing, or other treatment to meet the specification provided under § 266.40(e) must obtain analyses (or other information) documenting that the used oil meets the specification.

(e) *Recordkeeping.* A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by paragraph (d) of this section. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

(The notification requirements contained in paragraph (b) of this section were approved by OMB under control number 2050-0028. The certification requirements contained in paragraph (c) of this section were approved by OMB under control number 2050-0047. The analysis requirements contained in paragraph (d) of this section were approved by OMB under control number 2050-0047. The recordkeeping requirements contained in paragraph (e) of this section were approved by OMB under control number 2050-0047.)

[50 FR 49205, Nov. 29, 1985, as amended at 52 FR 11822, Apr. 13, 1987]

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, paladium, irridium, 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;

(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, 270 and 124 of this chapter.

Subpart G—Spent Lead-Acid Batteries Being Reclaimed

§ 266.80 Applicability and requirements.

(a) The regulations of this subpart apply to persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries"). Persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them are not subject to regulation under parts 262 through 266 or part 270 or 124 of this chapter, and also are not subject to the requirements of section 3010 of RCRA.

(b) Owners or operators of facilities that store spent batteries before reclaiming them are subject to the following requirements.

(1) Notification requirements under section 3010 of RCRA;

(2) All applicable provisions in subparts A, B (but not § 264.13 (waste analysis)), C, D, E (but not § 264.71 or § 264.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of part 264 of this chapter;

[50 FR 666, Jan. 4, 1985, as amended at 50 FR 33543, Aug. 20, 1985]

Subpart H—Hazardous Waste Burned in Boilers and Industrial Furnaces

SOURCE: 56 FR 7208, Feb. 21, 1991, unless otherwise noted.

PERMANENT FUND: Dividend applications go out to

LISA SLIWA
Guardian Angel and fashion model

Lifestyles, Page D-1

CHANGING TIME
Come Easter Sunday many of us will be late

Nation, Page A-6

Anchorage Dai

VOL. XLIII, NO. 92 68 PAGES

ANCHORAGE, ALASKA, FRIDAY, APRIL 1, 1988

Lead contamination from battery shop found in area yards

By PATTI EFLER
Daily News reporter

Lead contamination from a Mountain View battery shop has moved out of the company's yard and into the surrounding neighborhood, a new federal report shows.

Moreover, PCBs in concentrations dozens of times higher than considered safe also have been documented in the yard at Alaska Husky Battery, surprising environmental officials who say something will eventually have to be done to clean up the property and surrounding area.

Public health advocates on Thursday said the levels of lead and PCBs were high enough to constitute a "health emergency." Two community groups, which criticized the government for lack of action on a site known to be a problem for the last several years, want immediate steps taken to prevent contaminated dust from being blown off-site.

But state and federal environmental officials said they had no plans to take immediate action to prevent further spread of contaminants.

And state officials said the state simply lacks the money to clean up the site.

The battery store, at 4450 Mountain View Drive, has been of concern to environmental officials since at least 1980, according to the new report

See Back Page, CONTAMINATION

Records detail claims of kickbacks on Slope

By RICHARD MAUER
Daily News reporter

A chain of checks and invoices has been disclosed by the government that publicly detail for the first time its claim that money flowed from the North Slope Borough through two consulting firms and into the bank accounts of lobbyist Lewis Dischner and businessman Carl W. Mathisen.

The documents, filed in U.S. District Court, also give the most compre-

Mathisen were paid substantial kickbacks by contractors.

The records show how, during the month of June 1984, a $56,000 payment was passed from Coffman Engineers of Bellevue, Wash., through a Seattle architectural firm, McCool-McDonald, for disposition to Dischner and Mathisen.

Dischner and Mathisen are facing trial in September on 36 counts of racketeering, bribery and tax evasion stemming from the government's

LAST LUNCH

Barbara Mercuilief and her daugh

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...ccused Dischner and ...ils to secretly collect ...nount paid to the ...igh. The contractors ...by billing it for the ...er and Mathisen, the ...

the Prudhoe Bay area.

Piermattei's letter, addressed to McCool-McDonald officer manager Donna White, said the payment was for "consulting services."

The next day, June 26, McCool-McDonald issued a $56,922.59 check to Dischner and his Juneau-based lobbying firm, Trust Consultants. A McCool-McDonald employee deposited the check in Dischner's account at the Seattle branch of the Canadian Imperial Bank.

On June 27, White sent the deposit receipt and a letter to Dischner in Juneau, listing the same projects contained in the Coffman Engineers accounting.

Among the documents is a $28,450 check that Dischner wrote to Mathisen on June 25 — roughly half the payment from Coffman Engineers. The photocopy that includes the June 25 check also has two other apparently unrelated payments from Dischner to Mathisen, including a hand-scrawled $100,000 check that Dischner wrote was for "ADV PYMT — PME."

Pacific Management and Engineering was another North Slope contractor accused of

president, didn't return calls left at their office in Bellevue. A spokesman for the firm, Bruce Pozzi, described the payment as "an architect's override," which he said was a standard industry fee paid from one design firm to another for directing business its way.

"In no way were monies paid, that we have knowledge of, for kickbacks," Pozzi said. He said he couldn't explain why Dischner would have asked McDonald to collect fees from Coffman Engineers.

A receptionist at McCool-McDonald said Donna White didn't work there anymore, and her home telephone in Bellevue was unlisted. She didn't respond to a telegram sent there today. McDonald was said to be out of town.

The firm's lawyer, Dan Dubitzky of Seattle, declined to comment specifically on the documents. He referred to an earlier statement in which the firm denied wrongdoing and said: "All our dealings with the North Slope Borough were completely open and above-board, as were all payments made to Trust Consultants."

McCool-McDonald has filed a sealed motion

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The defense and the ... ...reling over the significant ...half-million pages of record ...cabinets and boxes in the ...Attorney's office. While the ...the defense can examine an ...al, it has refused to provide ...

Defense lawyers have ar... ...knowing what those docum... ...cannot adequately prepare f...

Judge Fitzgerald has giv... ...6 to complete their inspecti... ...finished by then, he order... ...brought to his courtroom ar... ...to appear there, and to wo... ...they are done.

CONTAMINATION: Lead found in yards neighboring batter

Continued from Page A-1

prepared for the U.S. Environmental Protection Agency.

In 1984, tests of the property revealed lead as high as 74,000 parts per million behind the shop building and unsafe levels in the groundwater and a shop well. In 1985, more tests turned up lower levels — no more than 2,700 parts per million — on the premises.

The EPA considers 1,000 ppm in soil to be unsafe in areas where children might play. The federal Centers for Disease Control says 500 to 1,000 ppm can cause elevated lead blood levels in children.

The new report cites lead levels up to about 68,000 ppm on the site and more than 1,000 ppm off the site. Eleven off-site samples were taken from the alley behind the business and nearby residential yards, the report said, with the highest levels showing up in the alley.

PCBs, which are considered unsafe in soil above 50 ppm, were documented at 2,300 ppm in the shop yard. Off-site samples were not tested for PCBs.

"I think the danger or the risk there is the long-term exposure," said Carl Lautenberger, an Anchorage EPA official. "It's not a playground area but there are houses nearby."

"It's not a situation where we've got volatile emissions or a classic emergency," he added. "But there is a concern for long-term exposure and there is going to have to be some corrective action taken."

Lautenberger and Larry Dietrick, director of environmental quality for the state Department of Environmental Conservation, said more sampling will be done in May, weather permitting. Results of that testing program will be used to determine how deep the contamination is, whether it has penetrated the groundwater and how best to go about cleaning up the area.

Anchorage Daily News/Fran Durner

Lead has migrated from the site of Alaska Husky Battery to neighboring land.

Dietrick said DEC simply has no program in place that would allow the state to speed up the testing and cleanup process.

"Our part of the problem right now is this is another example of a situation where we don't have the resources for the investigation and no monies earmarked for cleanup," he said.

But, he added, "We can't continue to piecemeal these kinds of sites, particularly when you get one that's this serious."

Two local groups — the American Lung Association's local chapter and the Alaska Center for the Environment — want action now to prevent the spread of contaminants while further testing is done. The groups have been urging DEC and EPA to do something about the battery shop since last summer, when reports of high lead levels came out.

"I think the report shows there is a risk to the residents of the area and that, because of that, immediate protective measures should be taken," said Kristine Benson, hazardous waste specialist for the Center for the Environment.

Benson suggested covering the contaminated areas with some sort of impermeable plastic covering and blocking off the alley to traffic and pedestrians, particularly neighborhood children who might play there.

"To allow the exposure to continue is inexcusable at t... "The highest levels ... and now we're for... the same situation.

Deborah William... ciation said her gr... for the formation ... and municipal task... ately begin worki... problem.

"I think this ... health emergency ... yard," Williams sa... to me that one of ... things to do would ... ate steps that ... amount of lead and ... airborne when brea...

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The shop, which ... ness for about 30 ye... owners, used to ma... and, in the proces... chemicals were spi... The most recent b... ing process was ... current owners aft... vestigations began ... as a retail outlet for ...

OIL INDUSTRY: Association runs ads to counter move against tax ex...

Continued from Page A-1

hadn't been in Alaska. I guess we were just trying to make people realize how important the industry is to Alaska."

But Grussendorf said the ads seem to say quite clearly that if it were not for the oil and gas producers, libraries, schools and museums would

and by Bradley Advertising Inc., are more direct in linking state tax loads to oil activity. One quotes a Doyon Drilling official as saying "There's a new sense of optimism" and increased drilling activity since the ELF "kicked in" last summer.

AOGA is the trade association of Alaska oil and ... ka Production Co. Hopkins declined to divulge the cost of the ad campaign.

The ELF, state revenue officials contend, will cost the Alaska treasury more than $1 billion in taxes over the next five years. Gov. Steve Cowper and House Democrats argue that the ELF should be

million barrels of oil a day.

Oil industry officials, including the presidents of Standard Alaska Production Co. and ARCO Alaska Inc., say Prudhoe is wearing out. They say it has reached its economic limit at current oil prices and tax rates, and needs the severance tax reduc...

North Slope ... or halted ... forced to ... tax burden ... Grussendorf ... makers ... lost to the ... up in ... earnings ... Alaska ...

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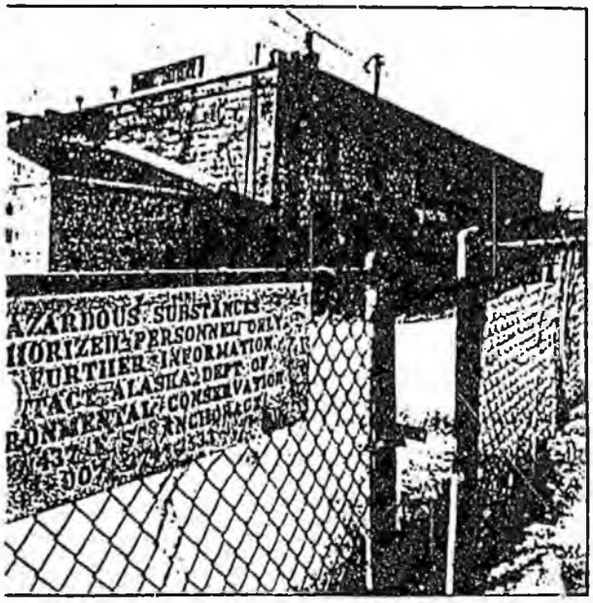
McCool-McDonald has filed a sealed motion demonstrate to Judge James Fitzgerald that the U.S. Attorney's office had complied with fair-trial rules by providing the defense with the significant documentary evidence. In all, Gamache testified, the government has turned over 10,832 pages of records, including 5,546 pages of North Slope contracts and nearly 1,000 pages of documents from the Alaska Public Offices Commission, the state's political disclosure agency.

The defense and the government are quarreling over the significance of an additional half-million pages of records stored in 141 file cabinets and boxes in a room in the U.S. Attorney's office. While the government says the defense can examine and copy the material, it has refused to provide a detailed index.

Defense lawyers have argued that without knowing what those documents contain, they cannot adequately prepare for trial.

Judge Fitzgerald has given them until June 6 to complete their inspection. If they haven't finished by then, he ordered all the records brought to his courtroom and all the attorneys to appear there, and to work every day until they are done.

l found in yards neighboring battery shop



Anchorage Daily News/Fran Durner

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Benson suggested covering the contaminated areas with some sort of impermeable plastic covering and blocking off the alley to traffic and pedestrians, particularly neighborhood children who might play there.

"To allow the exposure to continue is inexcusable at this time," she said. "The highest levels were found in 1984 and now we're four years later with the same situation."

Deborah Williams of the Lung Association said her group will be asking for the formation of a state, federal and municipal task force to immediately begin working to resolve the problem.

"I think this represents a public health emergency in our own backyard," Williams said. "It seems clear to me that one of the most important things to do would be to take immediate steps that would reduce the amount of lead and PCBs that become airborne when breakup comes."

Lead has been shown to cause a number of health problems, including high blood pressure, neuro-muscular problems, learning disabilities, behavioral problems and anemia, she said.

"Acute" or short-term exposure to high levels causes nausea, diarrhea and other illness, she said, adding that, "If it's a real windy day I think it's very possible we could have acute lead poisoning."

Lautenberger said EPA did not expect to find PCBs in the soil but decided to run the on-site samples for the pollutant because officials were told the shop might have handled transformers at one time.

PCBs were detected in every sample taken in the yard. Because it binds with soil and can migrate just like lead, further sampling off-site now will be done, he said.

The shop, which has been in business for about 30 years under differing owners, used to manufacture batteries and, in the process, lead and other chemicals were spilled into the yard. The most recent battery manufacturing process was shut down by the current owners after government investigations began but still operates as a retail outlet for batteries.

runs ads to counte move against tax exemption

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Oil industry officials, including the presidents of Standard Alaska Production Co. and ARCO Alaska, Inc., say Prudhoe is wearing out. They say it has reached its economic limit at current oil prices and tax rates, and needs the severance tax reduction

North Slope could be retarded or halted if the industry is forced to shoulder a heavier tax burden.

Grussendorf and other lawmakers worry that revenue lost to the ELF may be made up in a budget crunch with earnings reserves of the Alaska Permanent Fund.

Hopkins and other indus-

ators resume shipments
50,000 barrels
with Canada
swap of BP

Dividend booklets mailed

State kicks off application period

By LARRY PERSILY
The Associated Press

JUNEAU — The application period for Alaska Permanent Fund dividends opens today, with the start of statewide delivery of 1988 dividend forms.

The Department of Revenue estimates about $430 million will be distributed in this year's program, with more than $800 going to every Alaskan.

An estimated $773 of this year's dividend will come from the usual source of permanent fund earnings. An extra $40 bonus is expected for each applicant if the legislature passes a measure to distribute money left over from previous years' dividends.

The measure is expected to win legislative approval.

Last year's dividend was $708.

The application period runs from April 1 through June 30. The exact dividend will be announced Oct. 1, with the state's check-printing machine then to start sending out the dividends.

The revenue department expects to have most of the checks out by the end of December.

But before people can deposit their checks they must make correct applications on time, and the department is urging Alaskans to send in their forms as early as possible.

More than 270,000 application booklets were delivered to regional postal facilities at Anchorage, Fairbanks and Juneau earlier this month, with delivery to start Friday, said Mike McGee, dividend operations chief at Revenue.

The booklets will be mailed to every postal customer in the state, with delivery expected to be completed by mid-April, McGee said.

Each booklet contains forms for three adults and four children.

Residents who do not receive an application in the mail by mid-April may pick up copies at legislative information offices, city halls and other local distribution points.

As in past years, the department will send receipts to all applicants, McGee said. People should save the receipts for proof that their applications were submitted on time, he said.

Battery shop exceeds safe lead levels

Dangerously high contamination found behind Mountain View business

By PATTI EPLER
Daily News reporter

Lead in levels dozens of times higher than considered safe has been found at a Mountain View battery shop, but state environmental officials say more testing is necessary before they'll know what cleanup action to pursue.

A state report on Alaska Husky Battery, 4450 Mountain View Drive, outlines a battery-manufacturing process that over the years apparently has caused lead contamination of soils at the shop itself, in an alley behind the business, in groundwater in the area and the shop's well.

The report also says sulfuric acid apparently has been washed into the municipal sewer system, to the point that the company's own sewer line was eaten away. Sulfuric acid also has contaminated the groundwater and the soil, the report said.

Lead as high as 74,000 parts per million was discovered in October 1984 behind the shop building. A November 1985 sampling found 2,700 parts per million lead in the me general area, according to e report.

A level of 1,000 parts per million in soil in areas where children could be exposed is considered by federal health agencies to be high enough to warrant cleanup, a spokesman for the U.S. Environmental Protection Agency said Wednesday. He said 2,000 parts per million is the recommended cleanup level for an industrial site.

Municipal law prohibits the discharge of untreated acid into the sewer because it can corrode pipes and, in large amounts, damage sewage treatment plants.

Although the state Department of Environmental Conservation has known about the high lead levels since 1984, officials say they want more tests of the soil, air, groundwater and wells in the neighborhood. They also want to see what action the business owner will take before they decide how to proceed.

Husky Battery owner James Welker, who has had the business since the 1960s, said Tuesday he does not agree that the soil is seriously contaminated. And he questioned the testing done by DEC contractors.

Anchorage Daily News/Jim Lavrakas

Batteries are stacked behind Husky Battery in Mountain View.

Welker told DEC investigators the manufacturing facility was moved in 1985 to the Matanuska Valley, according to the report.

He said Tuesday soil where lead has been spilled is cleaned up "every so often."

The shop sits on the corner of a quiet residential street, on the east end of North Mountain View. Hundreds of old batteries are stacked in the backyard of the shop. Although a fence runs behind the property, it is open on the east side, allowing easy access to the yard.

Environmental officials are concerned that residents in the area, especially children who sometimes play in the alley, could be at risk. A recent EPA Superfund report said inhalation of lead-bearing dust can cause damage to the central nervous system.

The site has drawn the attention of the Alaska Center for the Environment. Kristine Benson, a hazardous waste specialist with the center, said her organization thinks state officials should do something about the site now, even if it's just covering the exposed soil to keep it from blowing around the neighborhood.

"I think they don't even know the extent of the problem yet," said Benson. "But they found over 7 percent lead in the surface soils."

"I see no reason why some corrective action can't be taken, such as covering the site, putting a fence around it or knocking on doors to see who has wells that are being used," she said.

Bill Lamoreaux, DEC regional supervisor in Anchorage, said environmental officials agree that some sort of cleanup is needed.

"We're trying to figure out what is the right level of cleanup," he said. "Sometimes you see a real high number but until there is a more thorough investigation to see if it's isolated or covers a wide area, it's hard to draw conclusions."

The state was hoping to obtain EPA money to continue investigating the site. But Irene Alexakos of EPA in Juneau said the site did not meet Superfund criteria; so it's unlikely additional federal money will be available.

That could change, however, if air sampling the state wants to do this summer shows lead-bearing dust in the air, state officials said.

Welker, the owner of Husky Battery, said he is not convinced that lead contamination exists or that it is a serious problem.

Still, he said, "We're going to take care of some of the problem, but at our convenience." He declined to say exactly what action his company would take.

The battery shop has operated on the same site since 1952, he said.

The DEC report said Welker told investigators the battery-manufacturing facility was moved to a site in the Matanuska Valley prior to November 1985.

No decline expected by oil firms

Daily News staff and wire reports

Atlantic Richfield Co. said Tuesday that Prudhoe Bay oil production will remain at 1.5 million barrels a day through 1988, rather than beginning to decline in 1988, as previously

Agency says cartel broke oil output ceiling for April

The Associated Press

PARIS — OPEC oil production rose sharply last month and topped the cartel's self-imposed ceiling for the first time since January, the International Energy Agency said Wednesday night.

Five of the 13 member countries were reported to be exceeding their

The agency said OPEC output was 16.6 million barrels daily in April, up from an average 15.7 million barrels daily in the January-March quarter. January production had been above the official ceiling that was estimated 16.5 million barrels a day, mainly because of technical problems at several

Tobin fare between Anchorage and Nome and Kotzebue to $202, ka Airline's fare does not apply to Saturday travel, however.

Please see Page C-5, FARES

Super Bowl: a BIG MONEY Game

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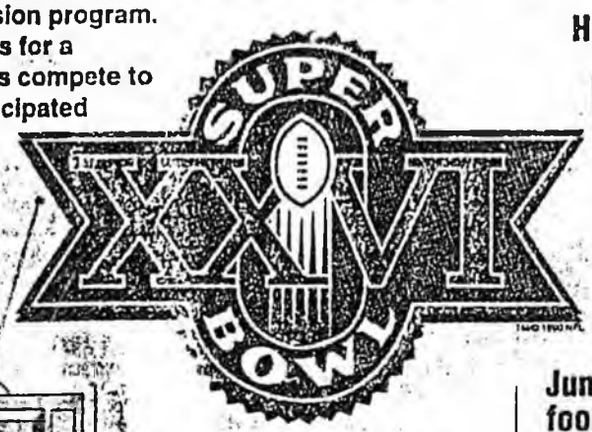
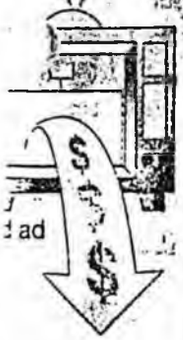


Host state

Minnesota hopes for revenues of:
$100 million



Tickets
$150 each for about 64,000 tickets
Total: **$9.6 million**

Junk food sales

- 12,000 gal. of beer
- 8,000 gal. of soda
- 40,000 hot dogs, sausages
- 350 gal. frozen yogurt, ice cream
- 9,500 bags of peanuts
- 10,000 boxes of popcorn
- 11,000 soft pretzels
- 5,000 slices of pepperoni and cheese pizza

Player bonuses

SOURCE: National Football League, Advertising Age, Minneapolis Task Force, Volume Services Corp.; Research by PAT CARR

Knight-Ridder Newspapers

Cleanup bills irk polluters

Alaskan Battery costs could grow

The Associated Press

FAIRBANKS — A meeting with federal officials did little to pacify local business owners being tapped to pay a $3.2 million bill for environmental cleanup at the Alaskan Battery site

The Environmental Protection Agency met Tuesday with about 30 of the 36 firms and agencies identified as contributors to lead contamination at the battery recycling site.

The Fairbanks meeting focused on a settlement offer for 25 parties considered minor contributors.

EPA says the polluters each contributed less than 1 percent of the 43,594 batteries the agency said were dumped at the site.

Terms call for minor contributors to pay $69.25 for each battery dropped off, with parties paying between $277 and $21,266.

The settlement would cover $146,296 of the cleanup bill, leaving more than $3 million to be paid by the 11 parties named as major contributors.

EPA said total cleanup costs would be $3.2 million.

But the offer lets EPA seek additional payments from minor polluters if the cleanup exceeds estimates by more than $1.56 million.

The provision angered those it was meant to entice.

"This ain't a settlement," said Darrell Russell of Russell's Texaco, a minor contributor being assessed almost $10,000 under the agreement.

"I don't have a lot of confidence in your quote-unquote figures," Russell said.

ADN 1-23-92

UNITED TECHNOLOGIES
• Industry: Aerospace, defense, heating and venti-

Decision may doom plan to divvy pollock

Public Health Law Bulletin

March 4, 1991 Volume 1, No. 22

Officials cite efforts to reduce lead exposure risk

Lead poisoning was the subject of a hearing in the Senate Subcommittee on Toxic Substances, Environmental Oversight, Research and Development on February 21, in which high-ranking officials of four federal agencies testified to their joint and separate efforts to reduce the public health risks of lead exposure.

The Environmental Protection Agency is spearheading the federal effort. William Reilly, Administrator of the EPA, listed the three major sources of lead exposure as lead-based paint, urban soil and dust, and drinking water. Although paint is the most significant source of lead poisoning in children, he testified that "lead-contaminated soil might contribute as much as thirty percent of exposures leading to elevated blood levels in children."

Among the "action elements" of EPA's strategy for reducing lead exposure are developing and disseminating to local governments inexpensive but effective technology for lead testing and abatement, public education, lead pollution prevention, and the coordination of research and enforcement among federal agencies.

Because lead is indestructible, EPA is also investigating recycling to reduce the introduction of lead into all media. "Recycling lead acid storage batteries is important because of the sheer volume of lead involved – 80% of domestic lead is used in batteries," Reilly testified. Greater enforcement of national ambient air quality standards ("NAAQS") in areas near lead smelters, refineries and remelters would also reduce lead exposure. Reilly estimated that "the number of affected children with blood lead levels greater than 10 ug/dl would be reduced about 50% if the current NAAQS were attained in all areas of the country."

Dr. James O. Mason, head of the Public Health Service in the Department of Health and Human Services, testified, "Lead is the number one environmental poison for children." It can cause neurobehavioral problems, learning disabilities deficits in IQ. Very severe lead exposure can cause coma, convulsions and death.

Mason stated in his written testimony that in 1984, at least 3 to 4 million children in the United States – 17% of all children – had blood lead levels above 15 ug/dl. However, when this estimate is updated in 1992 it is expected to show a dramatic decrease in blood lead levels due to the phaseout of leaded gasoline and the reduction of lead in food. "While we know that blood lead levels above 25 ug/dl are the most dangerous," he testified, "the more that is learned about lead's effects on children and fetuses, the lower the

See *LEAD EXPOSURE*, page 4

In The States 2

Abortion continues to be the focus of legislative attention: an abortion rights bill is enacted in Maryland, and a bill to restrict abortions is narrowly defeated in South Dakota

In The Courts 3

Two recent decisions by the Massachusetts Supreme Judicial Court addressed the right of individuals to refuse blood transfusions for themselves or for their minor children

In Washington 4

A report by Congress' Office of Technology Assessment says basic information and consensus on some key issues are missing from the efforts to formulate a national medical waste policy . . . Around Capitol Hill . . . Washington Calendar

Bulletin Board 8

In Brief

In Washington . . .

Report: Information, national consensus is lacking from efforts to devise a medical waste policy

More is now known about medical waste management practices than was known prior to passage of the Medical Waste Tracking Act in 1988, according to a recent report by Congress' Office of Technology Assessment (OTA), but basic information and consensus on some key issues continue to be missing from the efforts to formulate a national medical waste policy.

Defining medical waste: The OTA report, which examined medical waste policy developments over the past two years, concluded that "critical aspects of medical waste issues need to be addressed further." Among the critical issues identified by OTA is development of a definition of regulated medical wastes, based on the potential health risks these wastes present – that is, the ability of medical waste to present a risk of infectious disease transmission beyond that ordinarily associated with municipal solid waste.

Waste reduction, recycling: The report calls for investigation of potential waste reduction and recycling opportunities, including a study of product redesign to produce reusable and recyclable medical products where appropriate, and to avoid the use of materials such as lead or cadmium.

Occupational exposure: The need for development by governmental agencies of appropriate workplace practices for occupational groups, such as health care workers, in frequent contact with medical wastes was noted by the report, along with the need for implementation of such policies to minimize the occupational risks associated with medical wastes.

Information on waste generation, treatment technologies: The report also cited a need for more precise information on the generation of medical waste, particularly by nonhospital sources. In addition the report noted that information on treatment technologies – particularly on alternatives to waste incineration – needs to be more readily available to those who regulate medical waste at the state and local level, to the generators of medical waste, and to the general public.

The report also suggests that management options for small generators of medical waste – including households – need to be more readily available. Completion of air emission standards for medical waste incinerators by the EPA is necessary, the report stated, and procedures for establishing the safety and efficacy of new treatment technologies are also needed.

Federal policy issues: Of the specific issues involved that could benefit from congressional examination, the OTA report noted, "a fundamental one of critical importance . . . is the extent to which medical wastes are to be regulated on the basis of potential threat to public health and their aesthetic characteristics." Reauthorization of the Resource Conservation and Recovery Act (RCRA) in 1991 will provide an opportunity for Congress to revisit medical waste issues, the report added.

LEAD EXPOSURE, from page 1

blood lead level at which adverse effects can be documented A current reassessment may place the new threshold for concern at 10-15 ug/dl."

HHS's 20-year strategic plan to reduce lead exposure concentrates first on better and more intensive screening and medical treatment for children with blood levels above 25 ug/dl and abatement of lead-based paint in housing.

John C. Weicher, Assistant Secretary of the Department of Housing and Urban Development, testified that of 57 million American homes painted with lead-based paint, approximately 9.9 million house children under seven years old, and 3.8 million have "priority hazards" – peeling lead-based paint or excessive dust lead or both. Weicher told the Subcommittee that testing and abating all homes with young children or priority hazards would cost between $1.9 and $2.4 billion annually.

The federal effort also aims at adults. Gerard Scannell, Assistant Secretary of Labor for Occupational Safety and Health, testified that workers in at least 120 occupations are exposed to lead, which can cause impotence or sterility in men, infertility in women, kidney disease, and peripheral and central nervous system damage ranging from mild behavioral symptoms to fatal brain damage. OSHA standards permit employee blood levels no higher than 50 micrograms per 100 grams of blood. Scannell testified, "During the past three years, we have cited employers for more than 1500 violations of the lead standard."

Friends of Recycling

"If it's to be, it's because of you and me"

Jan 31, 1992

recycled paper

Rep Fran Ulmer

F.O.R. wholeheartedly supports HB #389 re: recycling batteries.

Indeed a small step in the right direction.

Keep "rapping." "A spoonful of sugar makes the medicine go, down, go down."

Rethink, reuse, + recycle

June Dawson

THE IMPACTS OF LEAD INDUSTRY ECONOMICS AND HAZARDOUS WASTE REGULATIONS ON LEAD-ACID BATTERY RECYCLING: REVISION AND UPDATE

Prepared for
Office of Policy Analysis
Environmental Protection Agency

Prepared by
Putnam, Hayes & Bartlett, Inc.
124 Mt. Auburn Street
Cambridge, Massachusetts 02138

September 1987

EXCERPT "1"

INTRODUCTION

In June 1986, Putnam, Hayes & Bartlett, Inc. (PHB), published a report for the Office of Policy Analysis (OPA) at the EPA entitled "The Impacts of Lead Industry Economics on Battery Recycling." The primary conclusion was that a combination of low lead prices and stringent environmental regulations had led to significant declines in lead-acid battery recycling rates since the early 1980s.

In response to growing concern about battery recycling in the secondary lead industry, the OPA asked PHB to investigate more closely a number of factors that influence battery recycling rates and update the recycling rate calculation based on recent trends in lead industry economics. In addition, we focused our analysis on the regional effects of battery recycling and on the extent to which any states had taken specific regulatory or other actions directed at scrap battery collection.

This report presents the results of the study and is divided into eight sections. The first section reviews the fundamentals of the secondary lead industry and emphasizes the importance of a functioning battery recycling chain for its survival. The second section presents an overview of the economics of the lead industry, focusing on supply, demand, and prices of lead on world markets. The key environmental regulations affecting participants in the recycling chain are identified in the third section. The fourth section presents the results of the battery recycling rate calculations for the period 1960 to 1985. In the fifth section, we discuss in some detail the impact of two key environmental regulations on the members of the battery recycling chain including smelters, scrap dealers, and service stations.

The analysis outlined above is based on nationwide aggregate data and is aimed at a study of the scrap battery mass balance from a national perspective. However, we feel it is equally important to give attention to the regional problems that might have arisen in those areas hardest hit by the variable economics of the secondary lead industry. For this reason, the sixth and seventh sections focus on regional concerns (particularly in the Pacific Northwest) and on the regulatory actions that certain states have taken to address battery recycling. Finally, the conclusions are presented in the last section.

I. ECONOMICS OF THE BATTERY RECYCLING PROCESS

A typical automotive lead-acid battery is made up of approximately 50 percent lead by weight. When such a battery dies, this lead can be recycled by secondary lead smelters. Secondary smelters, which rely on spent lead-acid batteries for the vast majority of their raw material, are a vital component of the battery recycling chain which brings a battery full cycle from the battery manufacturer to the consumer and finally back to the secondary smelter for processing into usable form for further consumption. The linkages between the secondary lead smelters and battery recycling are explored in this section.

Secondary Lead Production

Secondary lead production is one of two sources for refined lead. Secondary lead is produced from old and new lead scrap. New scrap is generated in the process of refining, casting, or fabricating leaded materials. Old scrap comes from obsolete materials. In contrast, primary lead is produced from mined lead.

In general, secondary lead production has been more volatile than primary lead production. Because of the production processes involved, fluctuations in lead demand affect secondary lead producers much more than primary lead producers. Secondary lead production has declined steadily in recent years from its peak in 1979 at 803,000 metric tons to 594,000 metric tons in 1985. In 1985, secondary producers supplied 52 percent of the 1 million metric tons of lead produced in the U.S.[2]

For their raw material input, secondary lead producers rely principally on the 70 million automotive batteries replaced and available for recycling annually. Figure 1 shows that scrap batteries typically account for 75 percent of the raw materials processed by secondary smelters. The remainder comes from drosses and skimmings and other general lead scrap. This percentage has been increasing from approximately 53 percent in the early 1970s to 60 percent in 1980 to over 73 percent in 1986. Clearly, secondary lead smelters play a pivotal role in the battery recycling process.

Battery Recycling Chain

Secondary lead producers are the final element in a well-established battery recycling chain which has a number of paths and players. This chain is responsible for recycling a spent battery into the raw material necessary to produce a new battery. The time required for a battery to move through the full cycle is approximately five years.

The recycling chain, shown in Figure 2, typically works as follows: A consumer returns his spent battery to a battery dealer or service station, who then returns it to a battery distributor and/or scrap dealer. It is then transported to a secondary smelter for battery breaking and smelting. Battery breakers, which separate a battery

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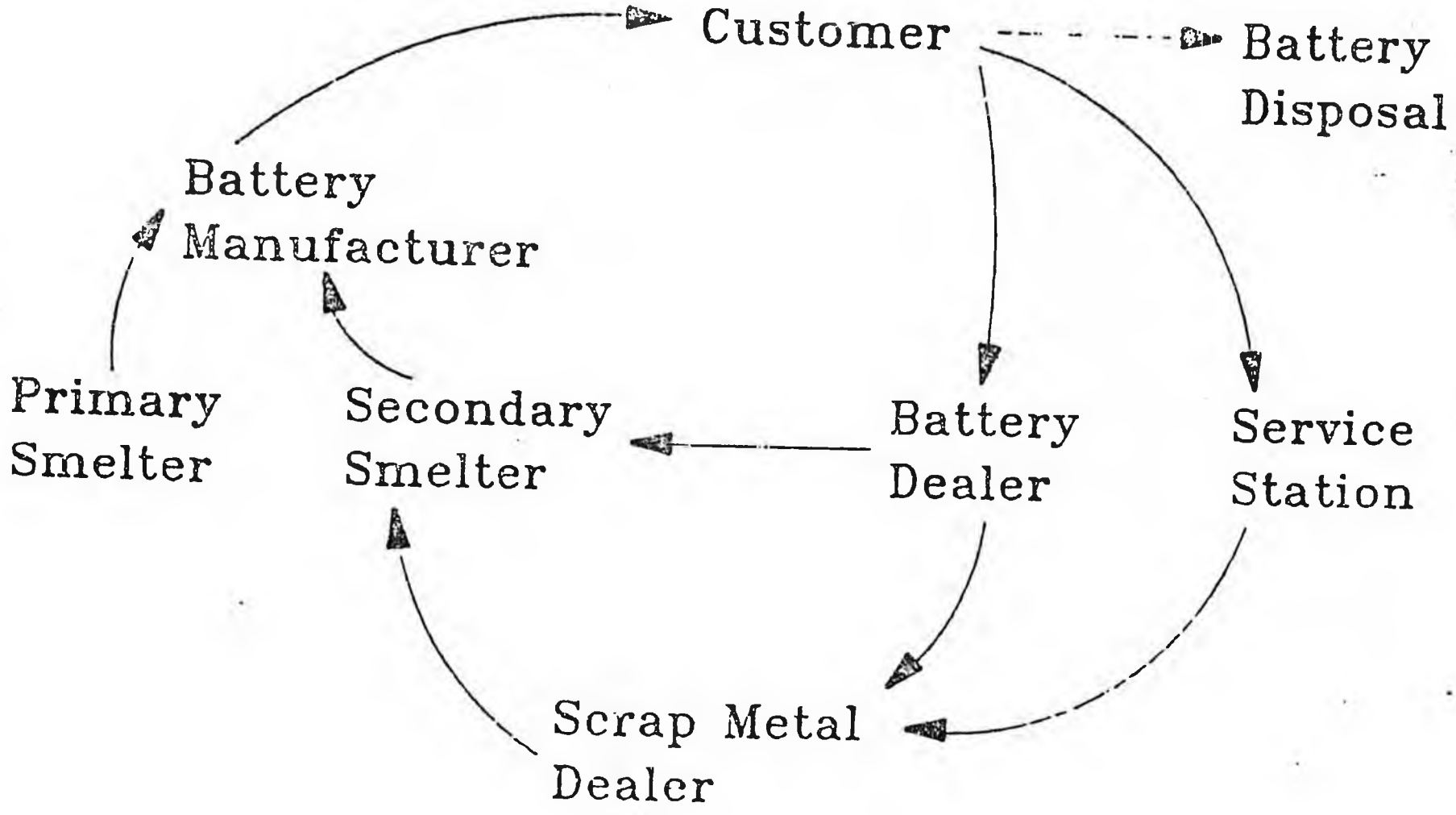
[2]Bureau of Mines, Minerals Yearbook, Lead, Table 1.

Figure 2

BATTERY RECYCLING CHAIN



into its component parts (e.g., plastic casing, lead plates, and sulfuric acid), were historically independent operations. However, stringent environmental regulations and poor lead industry economics caused most of the independents to cease operations by 1985. The vast majority of the secondary smelters are currently integrated processors and have their own battery breaking equipment. The recycling chain is complete after the lead from scrap batteries has been smelted and shipped to a battery manufacturer for the production of new lead-acid batteries.

All of the participants in the recycling chain are attempting to make a profit from their endeavors. This means that the ultimate value of the lead and other material in the battery has to be high enough to allow all those involved in the recycling chain to realize an adequate return for their efforts. In theory, there is a minimum lead price that the smelter must pay for the scrap battery to cover all the costs of recycling a battery back to the smelter. This minimum price ranges between 15 and 25 cents per pound of lead, depending mostly upon the transportation distances required and the regulations that govern transportation of scrap batteries. This estimate is based on battery breaking and smelting fees on the order of 11 to 15 cents, 2 to 4 cents per pound for transportation of the spent battery to the smelter, and the remainder for storage and handling at various stages of the chain.

Based on the above, the ability to stimulate battery recycling is, at least partially, a function of lead price. Consequently, when lead prices decline, the number of batteries that can be recycled profitably also declines.

AN IMPENDING CRISIS?

WHAT WOULD BE THE IMPACT ON THE NATION'S ENVIRONMENT IF 70 MILLION SPENT LEAD ACID BATTERIES EACH YEAR WERE NOT RECYCLED?

THIS REPORT DEVELOPED BY:

JAMES G. PALMER
EXECUTIVE VICE PRESIDENT
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ST. PAUL, MN

In Collaboration with
MICHAEL L. SAPPINGTON, P.E.
PRESIDENT
LAKE ENGINEERING AND DEVELOPMENT, INC.
ATLANTA, GA

EXCERPT "2"

AN IMPENDING CRISIS?

WHAT WOULD BE THE IMPACT ON
THE NATION'S ENVIRONMENT IF 70 MILLION
SPENT LEAD ACID BATTERIES EACH YEAR
WERE NOT RECYCLED?

EXECUTIVE SUMMARY

The U.S. secondary lead industry is teetering on the brink of collapse due to two basic problems:

o Low market prices for lead have forced the industry to reduce the price it can afford to pay for its principal raw material - spent lead acid batteries. Consequently, little economic incentive exists for those spent batteries to be collected and delivered to the smelters. When the price of scrap is reduced sufficiently to maintain the margins required for economic recycling of the lead, the reduced scrap price will not support the collection system and the smelters are faced with a feed shortage. This classic "margin squeeze" has forced over 60 percent of the secondary smelters operating in the U.S. in 1982 subsequently to cease operation and close.

o Increasingly stringent environmental regulations have drastically increased production costs to the point where many of the currently operating smelters may also be forced to close. Recently imposed requirements under the Resource Conservation and Recovery Act and the Clean Water Act may ultimately be impossible for any plant in the industry to meet at any price. A TOTAL COLLAPSE BY THIS INDUSTRY COULD HAVE A DEVASTATING ENVIRONMENTAL IMPACT. The industry provides a valuable environmental service by having the ability to reclaim the nearly 70,000,000

spent lead acid batteries generated annually in the U.S. Without the industry, most of the approximately 70,000,000 gallons of highly corrosive, lead containing, sulfuric acid and the approximately 1,250,000,000 pounds of toxic lead contained in these batteries could be dispersed to the nation's environment, lacking some alternative collection system.

Alarming trends are already evident. Around 60 operational smelters existed in 1982 - around 24 operational smelters exist today, a reduction of 60 percent. IN 1980, APPROXIMATELY 94 PERCENT OF THE SPENT LEAD ACID BATTERIES GENERATED IN THE U.S. WERE DELIVERED TO SECONDARY LEAD SMELTERS FOR RECLAMATION. IN 1985, THE FIGURE IS ESTIMATED TO BE 66 PERCENT. It is a reasonable assumption that many of the uncollected batteries could have been improperly disposed of in trash dumps, sanitary landfills and along road sides. We have no statistics on the disposition of uncollected spent batteries. Many of these batteries "disappear" in the reclamation of steel from old automobile bodies. Some of these batteries do go to battery rebuilders, but these are a small portion of the total. If these trends are not reversed, it is possible that by 1990 over 3 billion pounds of spent lead acid batteries will have been improperly disposed of in the environment during the decade! We have evidence to confirm this statement in that we are aware of instances wherein truckload quantities of lead acid batteries are being disposed of in municipal sanitary landfills. This is exactly the opposite of the intent of the various environmental regulations.

THERE IS NO KNOWN VIABLE SUBSTITUTE FOR THE LEAD-ACID BATTERY. It is by far the most efficient source of power for starting, lighting and ignition applications known. Even if it were possible to develop a suitable substitute, environmental disposal problems and/or technical problems could be more serious than is currently the case. We have examined all known existing and future technologies, all of which have major disadvantages.

Corrective actions necessary to reverse these trends should take the following forms:

o Devise economic incentives to insure that the vast majority of all scrap lead acid batteries enter the "collection chain" for delivery to secondary lead smelters for reclamation rather than being disposed of in an uncontrolled fashion.

By the term "collection chain", we refer not only to scrap metal processors and dealers who sell to secondary lead smelters, but also to battery manufacturers who deliver new product to mass merchandisers and pick up the spent batteries located at the stores for delivery to their own smelters and/or other secondary lead smelters or scrap dealers within their geographic region for reclamation.

o Devise economic incentives to offset or compensate for the smelters' continually rising environmental compliance costs.

o Review, revise and relax where appropriate certain environmental standards which may be unnecessary and which may, if fully enforced, cause the complete demise of the lead recycling industry.

The EPA has initiated a study to determine the impact on the

nation's environment of the decline in battery recycling. We believe that the facts and figures contained in this report will begin to define the extent of the problem. We are concerned that EPA officials have publicly stated that this initial study will be "a modest effort". Due to the current magnitude of this problem and alarming trends showing the problem worsening, a much more extensive effort is needed. Trade Associations such as the Secondary Lead Smelters Association, Lead Industries Association, Battery Council International, Independent Battery Manufacturers Association, National Electrical Manufacturers Association, National Association of Recycling Industries, and others should offer, and EPA, Department of Commerce and other governmental agencies should accept, their assistance in investigating this problem. A coalition consisting of members of these associations should be formed in order that the full resources of these groups are combined to assist the governmental agencies in completely assessing these problems and making recommendations to improve the situation.

INTRODUCTION

For the past five years the US secondary lead industry has been teetering on the brink of financial collapse. It is an industry which, in 1981, had the capacity to recycle approximately 1.2 million tons of lead contained in scrap, primarily scrap batteries. Today that capacity stands at only slightly more than 700,000 tons, of which only about two-thirds is actually operational.

THE LEAD MARKET TO 1995:
THE INFLUENCE OF SECONDARY PRODUCTION

CHARLOTTE HITCHINGS
COMMODITIES DEPARTMENT
OCTOBER 1985

EXCERPT "3"

Some of the potential scrap supply will have been lost in the US during the 1980s due to the disincentive of low scrap prices for the scrap metal trade. Secondary production will increase in the 1990s from around 84% to 89% of potential scrap supply due to better market conditions and the possibility of some form of Government intervention to encourage the recycling of battery scrap for environmental reasons.

3.3 Secondary Supply

Secondary supply is forecast to increase as a share of total refined lead production from 43% in 1985 to 49% by 1995, with the majority of this increase occurring after 1990. On the basis of our study of secondary costs, we believe that growth in Western World secondary production will be inhibited during the next five years by low lead prices and demand, and a scarcity of scrap in the USA in response to low battery scrap prices. We also believe US conversion costs are likely to increase during the next few years due to the necessity of complying with environmental regulations. This inhibition of growth in secondary production, combined with a lower level of mine production (in response to poor prices in the 1980s) and a slight increase in the rate of consumption growth, should result in a supply deficit in the early 1990s, and a consequent short-term price improvement. Secondary smelters are likely to respond to this improvement in price, and secondary production should increase as:

- A larger proportion of scrap becomes available to smelters, tempted onto the market by higher scrap prices;

Due to a growing awareness of the battery recycling problem, several states have initiated independent efforts to handle battery recycling in their states. Some states, such as Minnesota and Rhode Island, have established deposit schemes on batteries to discourage batteries from exiting the recycling chain. Other states, such as California, have directed their efforts at improving the efficiency of existing recycling mechanisms by banning scrap batteries from landfills and carefully regulating the transport of scrap batteries. Since all of these efforts are fairly recent, it is too early to examine their impact on the recycling activity in those states.

Based on these conclusions, we recommend continued attention to the problem o recycling spent lead-acid batteries. Those areas that are particularly hard hit by the contraction of lead smelting capacity might benefit most from regional collection programs.

We also recommend that the federal government monitor the effectiveness o certain states' efforts with respect to battery recycling. Based on this monitoring program, the federal government could provide a valuable service by disseminating valuable information to other affected areas of the country.

Most importantly, we recommend that regulators continue to be aware of the fac that well-intentioned regulatory actions can produce unintended and adverse results There is evidence that certain environmental regulations may be hampering batter recycling efforts across the country. It is the challenge for regulators and the regulated community to work together to ensure that this does not occur.

Sept. 20, 1976; Amdt. 173-124, 44 FR 31182, May 31, 1979; Amdt. 173-137, 45 FR 34702, May 22, 1980; Amdt. 173-167, 48 FR 30136, June 30, 1983; Amdt. 173-192, 50 FR 41522, Oct. 11, 1985]

§ 173.3 Packaging and exceptions.

(a) The packaging of hazardous materials for transportation by air, highway, rail, or water must be as specified in this part. Methods of manufacture, packing, and storage of hazardous materials, that affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or a representative of the Department. Methods of manufacture and related functions necessary for completion of a DOT specification packaging must be open to inspection by a representative of the Department.

(b) The regulations setting forth packaging requirements for a specific material apply to all modes of transportation unless otherwise stated, or unless exceptions from packaging requirements are authorized. For example, the restriction in § 173.249(b) applicable to cargoaircraft only applies only to quantities in excess of those allowable under § 173.244. Quantities covered under § 173.244 may also be shipped by cargoaircraft only.

(c) Packages of hazardous materials that are damaged or found leaking and hazardous materials that have been spilled or leaked may be placed in a metal removable head salvage drum that is compatible with the lading and shipped for repackaging or disposal under the following conditions.

(1) The drum utilized may be either a DOT specification or a non-DOT specification drum as long as the drum has equal or greater structural integrity than a package that is authorized for the respective material in this subchapter. Maximum capacity shall not exceed 110 gallons.

(2) Each drum must be provided with adequate closure and, when necessary, provided with sufficient cushioning and absorption material to prevent excessive movement of the damaged package and to absorb all free liquid. All cushioning and absorbent material used in the drum must be compatible with the hazardous material.

(3) Each drum must be marked with the proper shipping name of the material inside the defective packaging and the name and address of the consignee. In addition, the drum must be marked "Salvage Drum".

(4) Each drum must be labeled as prescribed for the respective material.

(5) The shipper shall prepare shipping papers in accordance with Subpart C of Part 172 of this subchapter.

(6) The overpack requirements of § 173.25, and the reuse provisions of §§ 173.28(h) and 173.28(m) do not apply to drums used in accordance with this paragraph.

[Amdt. 173-94, 41 FR 16062, Apr. 15, 1976, as amended by Amdt. 173-94A, 41 FR 40680, Sept. 20, 1976; Amdt. 173-116, 43 FR 17944, Apr. 27, 1978; Amdt. 173-133, 45 FR 5738, Jan. 24, 1980; Amdt. 173-16, 48 FR 50461, Nov. 1, 1983]

EXHIBIT "B"

October 1, 1990

EXIDE®

The name that started an industry.

LIST

EXIDE PRICING IS BASED - EXCHANGE

UTILITY, WHEELCHAIR & SPECIAL APP. DEEP CYCLE - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
U1	DC-9	225	7-3/4	5-3/16	7-5/16	12	4.38	52.55	.5
22NF	DC-22NF	280	9-15/16	5-1/2	9-1/32	12	5.55	66.55	1.0

EXIDE CUTTING EDGE™ GARDEN TRACTOR, SNOWMOBILE, SMALL ENGINE - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
U1	GT-X	300	7-3/4	5-3/16	7-5/16	12	3.37	40.45	.5
	GT-H	235	7-3/4	5-3/16	7-5/16	12	3.10	37.15	.5
	GT	165	7-3/4	5-3/16	7-5/16	12	2.65	31.75	.5
U1R	GT-R	235	7-3/4	5-3/16	7-5/16	12	3.10	37.15	.5

EXIDE COMMANDER'S EDGE™ DUAL TERMINAL MARINE STARTING AND DEEP CYCLE -12 VOLT

BCI GROUP SIZE	BATTERY TYPE	EXPECTED OPERATING TIME (MIN.) @ 80°F 25 AMPS	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
24	CE-24	130min	10-1/8	6-9/16	9-7/16	30	4.37	131.15	1.0
27	CE-27	180min	12	6-13/16	9-7/16	30	4.65	139.35	1.0

EXIDE ANGLER'S EDGE™ MARINE /RV DEEP CYCLE - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	EXPECTED OPERATING TIME (MIN.) @ 80°F 25 AMPS	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
24	DC-24	125min	11	6-13/16	10	30	3.06	91.65	1.0
27	DC-27	160min	12-7/16	6-13/16	10	30	3.52	105.55	1.0

EXIDE MARINER'S EDGE™ MARINE STARTING 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	MARINE CRANKING AMPS @ 32°F	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
24	XHD-M	625	11	6-13/16	10	30	2.35	70.45	1.0
	HD-M	525	11	6-13/16	10	30	2.04	61.15	1.0
	M	465	11	6-13/16	10	24	2.31	55.35	1.0

SURE START™ DUAL TERMINAL - THE BATTERY WITHIN A BATTERY

BCI GROUP SIZE	BATTERY TYPE	CRANKING PERFORM. AT 0°F*	RESERVE CAPACITY (MINS) AT 80°F.	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
				LENGTH	WIDTH	HEIGHT [1]				
34/78	SS-2-IN-1	875	115	10-1/2	6-1/2	8	60	2.28	136.95	1.0

[1] ADD 13/16" TO INCLUDE BOTTOM SPACER

* 600 CCA IN EVERYDAY STARTING BATTERY / 275 CCA IN BACKUP BATTERY

THE EXIDE UNIVERSAL EDGE™ DUAL-TERMINAL BATTERY - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT [1]				
34/78	UBX-1000	1000	10-1/4	6-13/16	8-1/16	72	1.67	120.00	1.0
	UBX-850	850	10-1/4	6-13/16	8-1/16	72	1.58	109.05	1.0
26-70	UB-72	650	8-5/32	6-13/16	8-1/16	72	1.28	91.85	1.0
	UB-60	530	8-5/32	6-13/16	8-1/16	60	1.36	81.85	1.0
	UB-50	450	8-5/32	6-13/16	8-1/16	50	1.50	74.95	1.0

[1] ADD 13/16" TO INCLUDE BOTTOM SPACER

EXIDE PERFORMANCE EDGE™ LIGHT TRUCK AND VAN, OFF-ROAD AND 4X4 - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
24	24-LT-60	600	10-1/4	6-13/16	9	60	1.35	81.25	1.0
24F	24F-LT-60	600	10-21/32	6-13/16	9	60	1.35	81.25	1.0
27	27-LT-60	650	12-1/32	6-13/16	8-15/16	60	1.55	93.25	1.0
27F	27F-LT-60	650	12-31/64	6-13/16	8-15/16	60	1.55	93.25	1.0
64	64-LT-60	600	11-1/2	6-5/16	8-7/8	60	1.60	95.75	1.0
70	70-LT-60	530	8-9/16	7-1/8	7-11/16	60	1.23	73.85	1.0
74	74-LT-60	600	10-1/4	7-1/8	8-3/4	60	1.39	83.65	1.0
78	78-LT-60	650	10-1/4	7-1/16	7-3/4	60	1.44	86.55	1.0

AUTOMOTIVE - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES)			MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
			LENGTH	WIDTH	HEIGHT				
22F	22F-60	440	9-7/16	6-13/16	8-9/32	60	1.08	64.95	1.0
	22F-50	350	9-7/16	6-13/16	8-9/32	50	1.15	57.25	1.0
22NF	22NF-40	335	9-15/32	5-1/2	9-1/32	40	1.72	68.75	1.0
24	24-900	900	10-1/4	6-13/16	9	72	1.44	103.45	1.0
	24-72	600	10-1/4	6-13/16	9	72	1.02	73.55	1.0
	24-60	515	10-1/4	6-13/16	9	60	1.07	63.95	1.0
	24-50	420	10-1/4	6-13/16	9	50	1.06	53.15	1.0
	24-40	370	10-1/4	6-13/16	9	40	1.15	46.15	1.0
24F	24F-900	900	10-21/32	6-13/16	9	72	1.44	103.45	1.0
	24F-72	600	10-21/32	6-13/16	9	72	1.02	73.55	1.0
	24F-60	515	10-21/32	6-13/16	9	60	1.07	63.95	1.0
	24F-50	420	10-21/32	6-13/16	9	50	1.06	53.15	1.0
	24F-40	370	10-21/32	6-13/16	9	40	1.15	46.15	1.0
26	26-60	530	8-9/16	6-13/16	8-1/16	60	1.07	64.05	1.0
	26-50	450	8-9/16	6-13/16	8-1/16	50	1.10	55.15	1.0
	26-40	370	8-9/16	6-13/16	8-1/16	40	1.21	48.35	1.0
26R	26R-60	530	8-9/16	6-13/16	8-1/16	60	1.07	64.05	1.0
	26R-50	450	8-9/16	6-13/16	8-1/16	50	1.10	55.15	1.0
	26R-40	370	8-9/16	6-13/16	8-1/16	40	1.21	48.35	1.0

EXHIBIT "C"

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FORM SBL-10/1/90-R

PRINTED IN USA

AUTOMOTIVE - 12 VOLT (CONTINUED)

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
27	27-50	500	12-1/32	6-13/16	8-15/16	50	1.35	67.55	1.0
	27-60	650	12 1/32	6 13/16	8 15/16	60	.90	78.25	1.0
27F	27F-50	500	12-31/64	6-13/16	8-15/16	50	1.35	67.55	1.0
	27F-60	650	12 31/64	6 13/16	8 15/16	60	.90	78.25	1.0
29NF	29NF-40	340	13	5-1/2	9	40	1.93	77.15	1.0
34	34-60	530	10-1/4	6-13/16	7-13/16	60	1.23	73.75	1.0
41	41-60	650	11-9/16	6-7/8	6-7/8	60	1.43	85.55	1.0
42	42-60	390	9-23/32	6-7/8	6-7/8	60	1.00	59.25	1.0
45	45-50	410	9-15/32	5-1/2	9-1/32	50	1.30	65.05	1.0
46	46-50	500	10-21/32	6-13/16	9	50	1.34	66.95	1.0
47	47-50	590	9-5/8	6-7/8	7-9/16	50	1.65	82.55	1.0
48	48-50	690	11-15/16	6-7/8	7-9/16	50	2.10	105.15	1.0
49	49-60	740	15	6-7/8	7-9/16	60	1.92	114.95	1.0
53	53-40	250	13	4-11/16	8-3/16	40	2.05	81.85	1.0
55	55-60	535	8-15/16	6-1/16	8-1/2	60	1.15	68.95	1.0
	55-50	450	8-15/16	6-1/16	8-1/2	50	1.26	63.05	1.0
	55-40	380	8-15/16	6-1/16	8-1/2	40	1.46	58.55	1.0
58	58-60	540	9-7/16	7-1/4	7	60	1.09	65.45	1.0
	58-50	435	9-7/16	7-1/4	7	50	1.18	58.95	1.0
62	62-60	480	8-15/16	6-7/16	8-7/8	60	1.15	69.05	1.0
64	64-60	535	11-1/2	6-5/16	8-7/8	60	1.48	88.85	1.0
65	65-60	850	11-3/8	7-1/2	7-9/16	60	1.81	108.75	1.0
70	70-60	530	8-9/16	7-1/8	7-11/16	60	1.12	67.05	1.0
	70-50	450	8-9/16	7-1/8	7-11/16	50	1.16	58.15	1.0
	70-40	370	8-9/16	7-1/8	7-11/16	40	1.29	51.75	1.0
74	74-900	900	10-1/4	7-1/8	8-3/4	72	1.50	106.95	1.0
	74-72	600	10-1/4	7-1/8	8-3/4	72	1.07	76.85	1.0
	74-60	515	10-1/4	7-1/8	8-3/4	60	1.11	66.55	1.0
	74-50	420	10-1/4	7-1/8	8-3/4	50	1.10	54.95	1.0
	74-40	370	10-1/4	7-1/8	8-3/4	40	1.21	48.55	1.0
75	75-60	600	9-1/16	7-1/16	7-3/4	60	1.40	83.75	1.0
	75-50	550	9-1/16	7-1/16	7-3/4	50	1.58	78.85	1.0
78	78-60	650	10-1/4	7-1/16	7-3/4	60	1.48	88.85	1.0

AUTOMOTIVE - 6 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
2N	2N-40	495	10	5-1/2	9	40	1.85	74.05	1.0
17HF	17HF-40	350	7-5/8	6-3/4	9-1/8	40	1.62	64.95	1.0
19L	19L-40	390	8-1/4	6-3/4	7-17/32	40	1.39	55.65	1.0

HEAVY DUTY FARM AND COMMERCIAL - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
3EE	F-3EE	340	19-5/16	4-5/16	8-3/16	18	4.44	79.95	1.0
3ET	F-3ET	460	19-5/16	4-5/16	9-11/16	18	4.93	88.65	1.5
4D	COM-4D	1000	20-11/16	8-11/16	9-7/8	24	7.25	173.95	3.0
	COM-4D	810	20-11/16	8-11/16	9-7/8	24	6.64	159.45	3.0
4DLT	F-4DLT	750	19-15/16	8-3/16	7-13/16	24	5.94	142.65	2.0
8D	COM-8-D	1150	20-3/4	11-1/8	10-7/9	24	7.62	182.95	4.0
	D-8D	860	20-3/4	11-1/8	10-7/8	18	9.10	163.75	4.0
16TF	F-16TF	640	16-1/2	7-1/8	11-1/16	24	7.68	184.25	2.5
17TF	F-17TF	510	17	6-7/8	7-7/8	24	5.39	129.35	1.0
30H	COM-30H	625	13-9/16	6-13/16	9-3/16	24	4.00	95.85	1.5
	F-30H	525	13-9/16	6-13/16	9-3/16	18	4.75	85.55	1.5

EXIDE GROUP 31 LOW MAINTENANCE - 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
31	HP-31D	950	13	6-3/4	9-3/16	24	5.01	120.35	1.5
	HP-31E	950	13	6-3/4	9-5/16	24	5.01	120.35	1.5
	COM-31D	625	13	6-3/4	9-3/16	24	4.02	96.45	1.5
	COM-31E	625	13	6-3/4	9-5/16	24	4.02	96.45	1.5
	D-31D	525	13	6-3/4	9-3/16	24	3.66	87.95	1.5
	D-31E	525	13	6-3/4	9-5/16	24	3.66	87.95	1.5

HEAVY DUTY - 6 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
1	COM-1H	625	9-1/8	7-1/8	9-3/8	24	2.33	55.85	1.0
	COM-1	400	9-1/8	7-1/8	9-3/8	18	2.55	45.95	1.0
2	COM-2	625	10-3/8	7-1/8	9-3/8	24	2.77	66.55	1.0
2E	F-2E	615	19-1/8	3-15/16	8-7/8	18	4.74	85.25	1.0
3	COM-3	660	11-1/2	7	9-3/16	24	3.88	93.15	1.0
3EH	F-3EH	850	19-5/16	4-5/16	9-13/16	18	4.65	83.65	1.5
4	COM-4EC	975	12-5/8	6-3/4	9-7/16	24	3.59	86.25	1.5
	T-4H	800	12-5/8	6-3/4	9-7/16	18	4.26	76.75	1.5
	T-4	615	12 5/8	6 3/4	9 7/16	18	4.03	72.45	1.5
4EH	F-4EH	930	19-1/4	5	9-3/4	18	6.61	119.05	1.5
5D	COM-5D	850	13-5/16	7	9-7/16	24	3.90	93.65	1.5
7D	COM-7D	950	16-1/8	7	9-1/16	24	4.44	106.45	2.0

MARINE AND COMMERCIAL - 8 VOLT

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
1	8-1	70hr	9	6-13/16	8-9/16	24	2.77	66.55	1.0
2	8-2	93hr	10-1/4	6-13/16	8-9/16	24	3.39	81.35	1.0
8VM	8-VM-AD	202hr	27-7/16	7-7/16	11-1/8	24	13.02	312.45	3.5
	8-VM-GD	221hr	26-7/8	8-7/16	11-1/8	24	14.41	345.85	4.0
	8-VM-D	165hr	19-1/8	7-1/4	11-3/8	24	7.91	189.75	3.0

FLOOR SCRUBBER AND SWEEPER 6 & 12 VOLT

BCI GROUP SIZE	BATTERY TYPE	# Min. AT 80°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
FS	FS2-D	425	11-5/8	7	11-1/8	24	5.22	125.35	2.0
	FS6-D	650	11-3/4	7	16-5/16	24	8.53	204.65	3.0
	FS8-D	575	12-3/4	7	14-3/8	24	7.96	191.45	2.5
	FS12-D	400	15-1/2	7	14-3/8	24	10.49	251.65	4.0
	FS13-D	200	18	7-1/2	9-1/2	24	6.90	165.65	2.0

ORDNANCE

BCI GROUP SIZE	BATTERY TYPE	CCA'S AT 0°F	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
2HN	2HN-D	250	10-1/4	5-9/32	8-15/16	24	4.86	116.65	1.0
4HN	4HN-D	125	10-1/4	5-5/16	9-1/16	24	6.51	156.25	1.0
6TL	6TL-D	600	10-3/4	10-3/8	9	24	7.74	185.85	2.0

GOLF CAR AND ELECTRIC VEHICLE - 6 VOLT

BCI GROUP SIZE	BATTERY TYPE	MINUTES @ 75 AMPS TO 5.25V	OVERALL DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT	MONTHLY WARRANTY	MOS. WARR. COST	SUGG. LIST	UNIT VALUE
GC2	GC-5	135min	10-3/8	7-3/16	11-11/32	12	8.18	98.15	1.5
	GC-4	107min	10-3/8	7-3/16	11-11/32	12	7.16	85.95	1.5
	GC-4SAE	107min	10-3/8	7-3/16	10-15/32	12	7.16	85.95	1.5
	GC-3	91min	10-3/8	7-3/16	11-11/32	12	6.42	77.05	1.5

SUBJECT: WORK DRAFT-PROPOSED COVER LETTER
HOUSE BILL NO. 389
STATE OF ALASKA

LEAD-ACID BATTERIES....100 percent recycling and the steps required to accomplish this goal:

1. A WELL ESTABLISHED COLLECTION CHAIN THAT CAN SERVE THE ENTIRE STATE.

2. ECONOMIC INCENTIVES TO STIMULATE THE COLLECTION CHAIN TO RECYCLE ALL LEAD-ACID BATTERIES.

3. AN UNDERSTANDING OF ALL APPLICABLE DEPARTMENT OF TRANSPORTATION (DOT) AND ENVIRONMENTAL PROTECTION AGENCY (EPA) REGULATIONS.

History proves a 100 percent recycling goal is obtainable and history also shows that it is tied directly to the economic incentives provided to all the players in the recycling chain.

Our ideas about HB389 and our proposal is one way of doing just that. Our own experience as a major player in the collection chain bares this out. The many studies on this subject all come to the same conclusion.

FIND ENCLOSED EXCERPTS FROM THREE (3) MAJOR STUDIES:

1. THE IMPACTS OF LEAD INDUSTRY ECONOMICS AND HAZARDOUS WASTE REGULATIONS ON LEAD-ACID BATTERY RECYCLING

2. AN IMPENDING CRISIS?

   WHAT WOULD BE THE IMPACT ON THE NATION'S ENVIRONMENT IF 70 MILLION SPENT LEAD-ACID BATTERIES EACH YEAR WERE NOT RECYCLED?

3. THE LEAD MARKET TO 1995

   THE INFLUENCE OF SECONDARY PRODUCTION

All enclosures have been put together for your review by United Battery Systems, Inc, in collaboration with, United True Wheel, Inc., Battery Specialist of Alaska.

ALASKAN BATTERY ENTERPRISES, INC.

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Steve Frank, Fax # 1-586-6246

1 of 4 pages

To Sara Fisher,

Enclosed is info discussed on phone 19 March '92 regarding HB 389, recycling of lead acid batteries.

Sara, batteries are one of Alaska's recoverable and renewable resources, used battery products are the feed stock for new batteries. I was Alaska's Exporter of the year for Manufactured and Processed goods for 1990 for my work in this field over the last 30 years. I am accepted as an authority. Please call when you have questions. Earl

PUBLIC OPINION MESSAGE

DEAR: SENATOR FRANK

NAME: JIM TURNER
TITLE: BRANCH MANAGER NC MACHINERY CO.
ADDRESS: PO BOX 71539
CITY: FAIRBANKS ZIP: 99707
PHONE: 452-7251
BILL NO: HB 389
SUBJECT: AUTOMOBILE BATTERY RECYCLING
MESSAGE: IN REGARDS TO BATTERY RECYCLING - WE DID FOLLOW THE APPROPRIATE PROCEDURE FOR THE DISPOSING OF SCRAP BATTERIES. NOW BECAUSE OF NO CONTROL OVER THE RECYCLER'S DISPOSITION OF THE BATTERIES - WE ARE INVOLVED IN PAYING FOR A SUPER FUND SITE. IF THIS BILL IS ENACTED, THE STATE OF ALASKA SHOULD ASSUME ALL LIABILITIES OF THE DISPOSITION OR LAWSUITS INVOLVED WITH THE BATTERIES. THNAK YOU. JIM TURNER.

FOMID: 07141216
DATE: 92/02/04
TIME: 14:12:16
LICNAME: FAIRBANKS LIO

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CRAIG TAYLOR EQUIPMENT COMPANY
733 E. WHITNEY ROAD
ANCHORAGE, ALASKA 99501-1694
(907) 276-5050
FAX: (907) 276-0889

March 25, 1992

The Honorable Walter J. Hickel
Governor of the State of Alaska
P. O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Hickel:

I refer to Fran Ulmer's House Bill passed and sent to the Senate on batteries. I would like you and the Senators to know our situation on this Bill if it passes the Senate and you sign it into Law.

We sell lots of "Dry Charged" Batteries to Bush Alaska. Dry charged batteries can fly on regular passenger and cargo flights. "Wet Charged" batteries can go only on cargo flights. Because we sell tractors, graders, scrapers, etc, that are used in the Bush, only certain size batteries fit in the battery box supplied on the machines. In other words, there is a specific size battery to fit each machine, unlike car batteries that fit most every make.

The problem is once the dry charged battery is made wet at the Bush location it cannot practically be returned to us for the core charge Fran's bill is suggesting. Once it's wet, it's wet. I doubt you want the battery fluid drained on the ground and the still-wet battery shipped back to Anchorage on a cargo flight only. All this Bill is doing is raising the battery cost to "Bush Alaska". God knows our costs are high enough up here already. Why should our Alaskan customers get this extra cost added on their backs.

This Bill was not thought out well enough. It may be fine for the Juneau area, but for a good portion of the State of Alaska it will be a burden. There must be better and other alternatives.

Thanks for listening!

Respectfully yours,

Jack H. Richardson

Jack H. Richardson
President

cc Senator Steve Frank

Official Business

COMMITTEE:

SENATE COMMUNITY & REGIONAL AFFAIR

DATE: 4/9/92

Subject of meeting:

HB 389 RELATING TO AUTOMOBILE BATTERY RECYCLING

SIGN-IN

PLEASE PRINT!

NAME	ADDRESS (MAILING) & (ZIP)	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Judy Kennedy	3758 Glacier Hwy, Juneau 99801	780-4333	Channel Coop	yes
JEFF INGALLSS		465-5154	ADEC	

SUBJECT LINE TO READ: TC NO.;PL NO. OR FS;SHORT SUBJECT;DATE

JNU MOD: LIOCJAM

T/C NO: 92-04-033
DATE: 4-9-92
SPONSOR: SENATE COMMUNITY & REGIONAL AFFAIRS
SUBJECT: HB389: AUTOMOBILE BATTERY RECYCLING
MODERATOR: ALYSON
SITE: SOLDOTNA

PARTICIPANT LIST

TESTIFIER

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. PAT GAROUTTE/PACE			HB389
2.			
3.			
4.			
5.			

OBSERVER

NAME/RERESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			

SUBJECT LINE TO READ: TC NO.;FL NO. OR FS;SHORT SUBJECT;DATE

JNU MOD: 92-04-033;

T/C NO: 92-04-033
DATE: APRIL 9, 1992
SPONSOR: SENATE COMMUNITY AND REGIONAL AFFAIRS
SUBJECT: HB389
MODERATOR: FRAN
SITE: FAIRBANKS

PARTICIPANT LIST

TESTIFIER

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. JACQUELYN WAGNER			HB389
2. HUGH DOOGAN			HB389
3. EARL ROMANS			HB389
4.			
5.			

OBSERVER

NAME/RERESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			

* SUBJECT: 92-04-126;FL#2;HB389;4-30 *
* PRINT DATE: 04/30/92 TIME: 15:40 *
*

SUBJECT LINE TO READ: TC NO.;PL NO. OR FS;SHORT SUBJECT;DATE

JNU MOD: LIOCJIM

T/C NO: 92-04-126
DATE: APRIL 30, 1992
SPONSOR: SENATE C&RA
SUBJECT: HB389:
MODERATOR: FRAN
SITE: FAIRBANKS 3

PARTICIPANT LIST

TESTIFIER

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. JACQUELYN WAGNER			HB389
2. EARL ROMANS			HB389
3. LINDA REDMAN			HB389
4. CARL ROSENBERG			HB389
5. VALERIE MUNDT			HB389

AKD983069899
Marine Rapid Transit
Facil:_____
Attn:_____
7501 South Shore Drive
Wasilla, AK 99687

AKD983071085
VRCA Environmental Services
Facility: Anchorage
ATTN: Peter Van Dusen
5333 Fairbanks St., Ste. 3
Anchorage, AK 99518

AKD983071184
PAK ABATEMENT
Facility: Anchorage
ATTN: Penny Postel
733 W 4th. Ave. #807
Anchorage, AK 99501

AKD983072588
Knik Construction Company, Inc.
Facility: _____
Attn: David Haugen
201 East Third Ave, Unit # 102
Anchorage, AK 99501

AKD983072695
Peter Pan Seafoods, Inc.
Facil: King Cove, AK
ATTN: Manger, G. Guffy
500 K Cannery Row
King Cove, AK 99612-0016

AKD983073255
B & B Environmental, Inc.
Facil: Anchorage
ATTN: Chief Exec, C. Hampton
941 Dowling, Suite 303
Anchorage, AK 99518

AKD983073263
Rediske Air, Inc.
Fac:Island Lk.Rd & Spur Rd, Nikiski
ATTN: Owner, C.Rediske
P. O. Box 7079
Nikiski, AK 99635-7079

40 CFR 262.11 Transporter's w/ ID #'s

AKD983066176
Trecon, Inc.
Facil: 1848 Post Road, Anchorage
Attn: Terry Johnson
P.O. Box 230087
Anchorage, AK 99523

AKD983066192
Blaze Construction Inc.
Facility: 1301 E. 64th, Anchorage
Attn: Bob Treece
P.O. Box 10325
Yakima, WA 98909

AKD983066416
Yutana Barge Lines, Inc.
Facility: _____
Attn: Larry Shelden
410 Riverfront Street
Nenana, AK 99760

AKD983066424
Reeds General Contracting Inc.
Facility: _____
Attn: _____
2027 E. 39th Avenue
Anchorage, AK 99508

AKD983066432
K C Trucking
Facil: W. 34th Ave, Anchorage
Attn: L. J. Demus
200 W. 34th Ave., Suite 1056
Anchorage, AK 99503

AKD9830673074
Greens Creek Mine
Facility: _____
Attn: Enviro. Coord.
3000 Vintage Blvd
Juneau, AK 99801

AKD983068495
State of Alaska - ADEC
Facility: Clear Creek Site
ATTN: J.D.Marcorelle, Enviro.Spec
P.O. Box 1207
Soldotna, AK 99669-1207

AKD983073297
USArmy, AK-ARNG/AAOF #1
Facil: Nome Airport
ATTN: Supply Sgt, T.Cooper
P. O. Box 533
Nome, AK 99762-0533

AKD983073305
USArmy, AK-ARNG/AAOF #2
Facil: Bethel Airport
ATTN: Maint Officer, D.Stettenbenz
P. O. Box 7067
Bethel, AK 99559-7067

AKD983073313
USArmy, AK-ARNG/AAOF #3
Facil: Kotzebue Airport
ATTN: Maint Officer, D.Fleischhacker
P. O. Box 286
Kotzebue, AK 99752-0286

AKD983073321
USArmy, AK-ARNG/AAOF #4
Facil: Juneau
ATTN: Maint.Officer, R.Woodrow
8425 Livingston Way
Juneau, AK 99801

AKD983073370
Woods Air Service, inc.
Facil: 1080 Cope Indust. Wy, Palmer
ATTN: President, W. Woods
P.O. Box 840
Palmer, AK 99645-0840

AKD983073784
MND0092586420
K & W Transportation
Facil: 400 Ocean Dock Road
ATTN: George Lowery
Facil: 400 Ocean Dock Road
Anchorage, AK 99510

AKD991281023
ARCO Alaska, Inc.
Facil: Kuparuk River Unit
Attn: Barbara Byrne
P.O. Box 196105
Anchorage, AK 99519

ARD069748192
Ensco, Inc.
Facility: _____
Attn: Larry Williamson
P.O. Box 1957
El Dorado, AR 71730

CAD000083121
Laidlaw Environmental Services
Facility:_____
Attn: Kathi Young
4501 Pacheco Blvd.
Martinez, CA 94553

CAD000083121
Note: Laidlaw was GSX of California, Inc. They moved waste in 1990 from Arctic Surplus site (AKD980988158, manifest # 29206) ten miles to the Alaska Railroad in Fairbanks.

EPA ID # _____
Environmental Systems Company
Facility:_____
Attn: Louis Brolo
333 Executive Court
Little Rock, AR 72205

EPA ID # _____
American Trucking Assoc.
Facility:_____
Attn: _____
2200 Mill Road
Alexandria, VA 22314

EPA ID #_____
AK. Marine Lines & Lynden Company
Facility: _____
Attn: _____
550 S. Franklin Street
Juneau, AK 99801

KSD980964993
APTUS Environmental
Facility: _____
Attn: Dorothy Perkins
P.O. Box 1328
Coffeyville, KS 67337

MND009771437
K & W Trucking
Division of Anderson Trucking
Facil:_____
Attn:_____
Address:_____
City, State, Zip
800/ 274-3518

MND980791321
APTUS Environmental
Facility: 21750 Cedar Avenue
Lakeville, MN 55044
Attn: Dorothy Perkins
P.O. Box 1328
Coffeyville, KS 67337

OHD009865825
Dart Trucking Company, Inc.
Facility: 62 Railroad St,
Attn: William McCluskey
P.O. Box 89
Canfield, OH 44406

OHD081290611
Tricil Environmental Services, Inc.
Facility: _____
Attn: _____
4350 Edgewyn Avenue
Hilliard, OH 43026

OKD981514474
U.S. Pollution Control, Inc.
Facility: _____
Attn: Mary Davis
10220 West Reno Avenue
Oklahoma City, OK 73127

OKD981605363
Enviro.Transportation Service,Inc.
Facility: _____
Attn: Roy Massey
P.O. Box 36118
Oklahoma City, OK 73136

ORD980980023
Riedel Environmental Services, Inc.
Facility: _____
Attn: Mike Lordos
P.O. Box 03096
Portland, OR 97203

ORD981770746
Intercom Transport Inc.
Facility: 16643 SW Roosevelt
Attn: Frank McLellan
P.O. Box 2116
Lake Oswego, OR 97035

ORD981770746
Intercon Transport, Inc.
Facility: _____
Attn: Frank McLellan
P.O. Box 2116 (16643 SW Roosevelt)
Lake Oswego, OR 97035

WAD002799260
Lynden Transport, Inc
Facility: Seattle, WA
Attn: Diane Hyette
P.O. Box 3725
Seattle, WA 98124

WAD051251957
Alaska Cargo Transport
Facility: _____
Attn: Leo Naekel
6700 W. Marginal Way
Seattle, WA 98106

WAD070973300
Alaska Marine Lines, Inc.
Facility: _____
Attn: Barb Jones
P.O. Box 24348
Seattle, WA 98124-4348

WAD080905490
Alaska Marine Highway System
Vessel Operations
Attn: % M.Wilkens,Asst.Port Captain
P.O. Box R
Juneau, AK 99811-2505

AK3572790001
US Air Force, 11th Air Force, DEPV
Facility: Anchorage, AK
Attn: Chief Enviro. Plan Div.
6900 Ninth St, Suite 103
Elmendorf AFB, AK 99506-2230

AK4211890047
USArmy National Guard, OMS 65th BN
Facility: Camp Carroll
Attn: Pat Hale
P. O. Box 5502
Ft. Richardson, AK 99505

AK4211890054
USArmy, AK-ARNG, 3-297th Inf NB/SCT
Facility: Kotzebue
ATTN: J. Davis
P. O. Box 707
Kotzebue, AK 99752-0707

AK6211800150
USArmy, Wasilla
NGB 297th Support BN
ATTN: Logistics Officer,Cpt.Magsino
3401 Bogard Road
Wasilla, AK 99687

AK6211890045
USArmy, AKARNG 5th Sct BN HQ
Facility: _____
ATTN: Michael Blakeslee
4902 Jewel Lake Road
Anchorage, AK 99502-1032

AK6690960038
USDOT - FRR Alaska Railroad
Facility: _____ _____
Attn: Tommy Dome
P.O. Box 72111
Anchorage, AK 99510-2111

AK7141760036
U.S. NPS, Denali National Park
Facil: Mile 237 George Parks Hwy
ATTN: R&T Foreman, J. Rogers
P. O. Box 9
Denali PArk, AK 99755-0009

AK7211890051
USArmy, AK-ARNG, 2nd BN SCT HQ
Facility: 4th Ave, Bethel
ATTN: HazWasteMngr,Thaddeus Tikiun
P. O. Box 508
Bethel, AK 99559-0508

AK7570000151
USAF, Shemya AFB, 5099 CEOS/DEET
Facil: Shemya AFB, Alaska
ATTN: Cleanup Site
FPO
Seattle, WA 98736-5000

AK8211890050
USArmy, National Guard
Facility: 1st BN SCT HQ
ATTN: Maj. Hope Powell
433 Front Street, P. O. Box 490
Nome, AK 99762

AK8570028649
USAF, Elmendorf AFB
Facility: 3rd WG/LGTO
ATTN: SMSGT Scaggs
USAF Base
Elmendorf AFB, AK 99506

AK9211890059
USArmy, National Guard
Facil: HHC 207th IN-GP-SCT
ATTN: Mr. Richard Apgar
2839-B Mountain View Drive.
Anchorage, AK 99501-3103

AK9690330742
USDOT-US Coast Guard
USCG Suport Center - Kodiak
ATTN: Commanding Officer
P. O.Box 25
Kodiak, AK 99619-5000

AK9690502001
USDOT - FAA
Facility: ZAN-ARTCC
Haz Waste/Mat Section, AAL-465
222 West 7th Ave., Box 14
Anchorage, AK 99513-7587

AKD000641506
TEXACO, Inc.
Facil: Anchorage Internat'l Airport
ATTN: Haz Waste/Mat Mngr
3350 Wilshire Blvd.
Los Angeles, CA 90010

AKD000800888
Totem Ocean Trailer Express, Inc.
Facility: Anchorage
Attn: Kevin McCarthy
2333 Tidewater
Anchorage, AK 99501

AKD000834739
White Pass Alaska
Facility: 2nd & Main, Craig
ATTN: Tony Leichty
P.O. Box 9
Craig, AK 99921-0009

AKD000834796
Haines Terminal & Highway Co.
dba: White Pass AK
Attn: David Black
P.O. Box 590
Haines, AK 99827-0590

AKD000834846
Haines Terminal & Highway Co.
dba: White Pass, AK
Attn: George Tipton
P.O. Box 7398 (1100 Stedman)
Ketchikan, AK 99901

AKD000834960
Haines Terminal & Highway Co.
dba: White Pass, AK
Attn: Warren Pellet
P.O. Box 418 (#1 Lincoln St)
Sitka, AK 99835

AKD000834978
White Pass Alaska - Skagway
dba: Haines Term & Hwy Co.
ATTN: Facility Manager
P. O. Box 435
Skagway, AK 99840-0435

AKD001955285
State of Alaska, Dept. Fish & Game
Facility:_____
Attn: Reg.Sup, Russell R. Redick
333 Raspberry Road
Anchorage, AK 99502

AKD002848372
Weaver Brothers Inc., Kenai
Facility: _____
Attn: James Doyle, President
P. O. Box 2229
Kenai, AK 99611-2229

AKD002848638
Alaska International Air Inc
Facility: _____
Attn: Manager
P.O. Box 60029
Fairbanks, AK 99706-0029

AKD003845526
Northern Air Cargo, Inc.
Facility: _____
Attn: Denzil Smith
3900 W. International Airport Rd.
Anchorage, AK 99502

AKD006901698
Mark Air, Incorporated
Facil: Int'l Airport Rd, Anchorage
ATTN: Mngr, Mark F. Greenough
P. O. Box 196769
Anchorage, Ak 99519-6769

AKD009252230
Ketchikan Pulp Company
Facility: Ward Cove, AK
Attn: Robert Higgins
P. O. Box 6600
Ketchikan, AK 99901-6600

AKD009481805
Reeve Aleutian Airways, Inc.
Facility: _____
Attn: Jesse L. Pennington
4700 International Airport Rd.
Anchorage, AK 99502

AKD009504457
Lynden Transport, Inc.
Facility: _____
Attn: Fred Cristie
3027 Rampart Drive
Anchorage, AK 99501

AKD009870783
Sourdough Express, Inc.
Facil: 600 Driveway St. Anchorage
Attn: Richard Gregory
P. O. Box 73398
Fairbanks, AK 99707-3398

AKD010193654
Sig Wold Storage Transfer Inc.
Facil: 1301 Well St, Fairbanks
Attn: William Montpetit
P. O. Box 791
Fairbanks, AK 99707

AKD018550228
M V Constructor Co.
Facility: _____
Attn: Joey Willis
1000 Whitney Road
Anchorage, AK 99501

AKD019281054
C B Trucking Inc.
Facility: Fairbanks
Attn: Chad Baltrusch
3050 Van Horn Road
Fairbanks, AK 99709

AKD023254378
Northern Oilfield Service, Inc.
Facility: Prudhoe Bay
Attn: Larry Pedersen
P. O. Box 4584
Anchorage, AK 99509

AKD029747193
Alaska Gold Co., Fairbanks
Facil: 612 Illinois St, Fairbanks
Attn: Pete Eagan
P. O. Box 71170
Fairbanks, AK 99707-1170

AKD035403559
ERA Aviation, Inc.
Facility: Anchorage
ATTN: Wilbur O'Brien, Pres.
6160 S. Airpark Drive
Anchorage, AK 99502

AKD037999836
Empire Airlines
Facil: Airport Dr, Anchorage,AK
Attn: Dale Baker
11101 Airport Drive
Hayden Lake, ID 83835

AKD051232551
Tesoro Alaska Pipeline Co
Facility: _____
Attn: James Schanck
P. O. Box 190272
Anchorage, AK 99519-0272

AKD051239366
Tachick Freight Lines, Inc.
Facility: Suthard Blvd, Ridgeway
Attn: Russell McKenzie
P. O. Box 488
Soldotna, AK 99669-0488

AKD053816245
Cook Inlet Tug & Barge Co., Inc.
Facility: Anchorage
Attn: Carl Anderson
824 Delaney Street
Anchorage, AK 99501

AKD055503825
TEXACO Inc.
Facility: Anchorage
ATTN: R. Robles, Enviro Coord
Box 7812, 10 Univ. City Plaza, Ste 600
Universal City, CA 91608-7812

AKD060028966
Jackson Construction
Facility: Soldotna
Attn: Harold Jackson
241 Aspen Street
Soldotna, AK 99669

AKD067150946
Frontier Transportation Co.
Facility: _____
Attn: Weide Darryl Rate
P. O. Box 101616
Anchorage, AK 99510-1616

AKD070052238
Chempro Environmental Services
dba: Crowley All-Terrain Corp.
Attn: Jack Stranger
4300 B Street
Anchorage, AK 99503

AKD070056239
Mammoth of Alaska, Inc.
Facility: Anchorage
Attn: Jan Schommer, Traffic Mngr.
1048 Whitney Rd.
Anchorage, AK 99501

AKD071846380
Nuera Reclamation Co., Inc.
Facil: 411 E. 54th Ave, Anchorage
Attn: P. Franger or Greg Skogland
P. O. Box 190123
Anchorage, AK 99519-0123

AKD078206042
Sheldon Jackson College
Facility: Sitka Incinerator
Attn: Facility Manager
802 Sawmill Creek Blvd
Sitka, AK 99835

AKD084611219
Chempro Environmental Services
Re: Crowley Environmental Services
Attn: _____
4300 B Street, Suite 107
Anchorage, AK 99503

AKD085802114
Village Aviation, Incorporated
dba: Camai Air, Bethel Reg.Arprt
Attn: John Watts
P. O. Box 787
Bethel, AK 99559-0787

AKD099032682
Alaska West Express, Inc.
Facil: 2301 Spar Ave, Anchorage
Attn: Mark Anderson
660 Ocean Dock Road
Anchorage, AK 99501

AKD102864808
Alaska Truck & Rail Inc.
Fac: 430 W.Train/Gate Rd, Fairbanks
Attn: Manager
1049 Whitney
Anchorage, AK 99501

AKD102888104
L.D.G.J., Inc.
dba: The Paint Warehouse
Attn: Larry Whiting
SRA Box 6179, Mile 36.5 Parks Hwy
Palmer, AK 99645

AKD103351532
Pickworth & Assoc.
dba: Northern Marine Inc.
Attn: Jo Pickworth
1200 Ocean Dock Road
Anchorage, AK 99501

AKD122081243
Carlile Enterprizes, Inc.
Facility: Anchorage
Attn: Alyce Herndon
1524 Ship Avenue
Anchorage, AK 99501

AKD126916782
Boyer Alaska Barge Line
Facil: 3311 Tongass Ave, Ketchikan
Attn: _____
P.O. Box 8000
Ketchikan, AK 99901-8000

AKD130597818
Beluga Trucking, Inc.
Facility: _____
Attn: General Manager
1430 A Street, Suite # 3
Anchorage, AK 99501

AKD153800529
Irish Trucking
Facil: 1003 Aspen St, Fairbanks
Attn: Philomena K. Martin
P. O. Box 84469
Fairbanks, AK 99708-4469

AKD155361652
Greens Creek Mine
Facility: _____
Attn: Enviro. Coord.
3000 Vintage Blvd
Juneau, AK 99801

AKD980665061
Bush Transport Systems
Facil: 6441 S.Airpark Pl, Anchorage
Attn: Gary R. Harding
P. O. Box 6769
Anchorage, AK 99502

AKD980665301
Energy & Environment Research Group
Fac: NWC Donald & David Sts,E.River
Attn: Enviro. Coord.
P.O. Box 505
Eagle River, AK 99577

AKD980722490
N L Baroid, Anderson Terminal
Facil: Ocean Dock Rd, Anchorage
Attn: Facility Manager
P.O. Box 1675
Houston, TX 77001

AKD980724959
Alaska Rapid Transport
Facil: 8500 Arlon St, Anchorage
Attn: Ops. Manager
8500 Arlon Street
Anchorage, AK 99507

AKD980833297
Alaska Motor Freight, Inc.
Facility: Fairbanks
Attn: Owner, Coy Hill
3285 South Cushman
Fairbanks, AK 99701

AKD980833842
Alaska Resources Inc.
Facility: Anchorage
Attn: Donald Tulin, President
529 West 3rd Avenue
Anchorage, AK 99501

AKD980834337
Alaska Freight Lines, Inc.
Facility: 128 Pioneer Dr, Valdez
Attn: George Hillar
P. O. Box 1929
Valdez, AK 99686-1929

AKD980836423
Doyle Transport
Facil: Mile 8.5, Kenai Spur Rd
Attn: Mr. James C. Doyle, Owner
1611 E. First Avenue
Anchorage, AK 99501

AKD980978530
North Star Air Cargo, Inc.
Facility: _____
Attn: Baxter Snider
1704 East 5th Avenue
Anchorage, AK 99501

AKD980979991
Airlift Alaska
Facility: Anchorage
Attn: Mary Yorke
2301 Merrill Field Drive
Anchorage, AK 99501

AKD980981898
Piquniq Management Corp.
Facil: Kuparuk Industrial Center
Attn: Steven Komp
Pouch 340065
Prudhoe Bay, AK 99734

AKD980982896
Priemer Group
Facil: 8830 Honeysuckle, Anchorage
Attn: Manager
P. O. Box 190587
Anchorage, AK 99519

AKD980984140
Taku Construction & Engineering
Facil: Lakeridge Dr, Eagle River
Attn: Henry Williams
P. O. Box 91942
Anchorage, AK 99509-1942

AKD980984405
Chemron Alaska Inc
Facility: Hamman St, Palmer
Attn: Cecilia Hidalgo
P. O. Box 110374
Anchorage, AK 99511-0374

AKD980985626
Technical Contractors, Inc.
Fac:5630 Silverado Way,#6,Anchorage
Attn: General Manager
P.O. Box 104380
Anchorage, AK 99510

AKD980985782
F S Air Service
Facility: Anchorage
Attn: Floyd Saltz
6601 South Airpark Drive
Anchorage, AK 99502

AKD980986749
City & Borough of Sitka
Facility: Sitka Electric Dept
Attn: Gen.Mngr, Electric Dept
304 Lake Street
Sitka, AK 99835

AKD981765076
R & M Contractors
Facil: Parks Hwy, Mile 5
Attn: Owner, F.R. Wright
1101 Kennicott Avenue
Fairbanks, AK 99701

AKD981765134
Chemtrak
Facil: 2301 Olympic Dr, Anchorage
Attn: Mike McBeth
2031 Olympic Drive
Anchorage, AK 99515

AKD981765902
Van Waters & Rogers, Inc.
Facil: 590 E. 100th Ave, Anchorage
ATTN: Kevin Ostendorf
P. O. Box 112589
Anchorage, AK 99515

AKD981766140
Chemtrack
Facil: 9599 Brayton Dr, Anchorage
Attn: Charles Ronan
9599 Brayton Drive, #426
Anchorage, AK 99507

AKD981766157
Clean Alaska, Inc.
Facil: 10361 Nigh Rd, Anchorage
Attn: Jerry Poziombke
P. O. Box 112727
Anchorage, AK 99511-2727

AKD981766967
McDaniel Trucking, Inc.
Facility: 1830 W. 46th Avenue
Attn: Robert J. McDaniel
4700 Taft St.
Anchorage, AK 99517

AKD981767403
Alaska Railroad Corp.
Facility: 421 W. 1st Ave, Anchorage
Attn: James Seeberger
P.O. Box 107500
Anchorage, AK 99510-7500

AKD981771579
Northwest Enviroservice, Inc
Facil:5333 Fairbanks St, Anchorage
Attn: Mr. Larry Wilkinson
1813 East 1st Avenue
Anchorage, AK 99501-1833

AKD982654527
Arctic Tug & Barge Co, Inc.
Facility: _____
Attn: _____
1200 Ocean Dock Road
Anchorage, AK 99501

AKD982656704
Colville Environmental Service
Facility: Prudhoe Bay
ATTN: Manager
930 9th Avenue
Fairbanks, AK 99701

AKD982656761
Denali Mine
Facil: Cantwell, Denali Hwy Mi. 78
ATTN: Serge Vezina/R.A. Hughes
P. O. Box 110
Cantwel, AK 99729

AKD982657587
M G Waste Control Co.
Facil: 664 E.Dowling Rd, Anchorage
Attn: Michael George
P.O. Box 210068
Anchorage, AK 99521

AKD982658783
Trans-AK Environmental Services &
Construction Corp.
Attn: Kim Strickland
5520 Lake Otis Pkwy., # 103
Anchorage, AK 99507

AKD982659179
Ocean Marine Services, Inc.
Facil: Nikiski Beach Rd, Nikiski
ATTN: Ops. Mngr, Fred Newton
17627 N.E. 65th Street
Redmond, WA 98052

AKD982659179
Ocean Marine Services, Inc.
Facility: 53200 Nikiski Beach Road
Attn: Ed Sievers
P.O. Box 8505
Nikiski, AK 99635

AKD982659237
Fairbanks Excavation Co.
Facil: 1662 Heather Dr, Fairbanks
Attn: Jaradell De Zarn-Young
P.O. Box 83035
Fairbanks, AK 99708-3035

AKD983068578
Auto Recycler
Facil: Mi. 0.5 Palmer/Wasilla Hwy
Attn: Floyd Estep
P.O. Box 2585
Palmer, AK 99645-2585

AKD983068602
Northwest Enviroservice, Inc.
Facility: Anchorage
ATTN: Mngr, D.Garcia or J.Bartlett
1813 East First Ave.
Anchorage, AK 99501

AKD983068628
Asbestos General, Inc.
Facility: _____
Attn: David Henry
6108 MacKay
Anchorage, AK 99518

AKD983068644
Burkeshore Marina
Facil: Burkeshore Dr, Big Lake
ATTN: Owner, Ernest Brannon
P. O. Box 520226
Big Lake, AK 99652-0226

AKD983068701
Bering Marine Corporation
Facility: _____
Attn: David Haugen
201 E. Third Ave., Suite #102
Anchorage, AK 99501

AKD983069352
MV Gumption
Facil: Auke Bay, AK
Attn:_____
Dehart's Marina, Float #1
Auke Bay, AK 99821

AKD983069444
Alaska Marine Hwy System
Facil: Ketchikan
ATTN: Enviro. Coord.
3718 Tongass Avenue
Ketchikan, AK 99901

AK0000000000
ALASKAN TRANSPORTERS

M A I L I N G L I S T

Last Updated: January, 1992. Next update: April, 1992

AK1211800155
AK-ARNG, 1st BN 207th Avn Regmnt
Facil: Fort Richardson
Attn: Dean Eisberg
P.O.Box C, Bldg 60702,Camp Carroll
Fort Richardson, AK 99505

AK1570028638
US Air Force, Clear Station
Facility: Clear AFS, Fairbanks
Attn: Harlie Love
13 Missile Warning Squadron
Clear AFB, AK 99704

AK2211890049
USArmy National Guard, OMS #5
Facility: Fairbanks
Attn: Russell Port
202 Wein Street
Fairbanks, AK 99701

AK3210022155
USArmy, 6th Infantry Div,Light
Facil: Fort Greely
Attn: APVR-FG-DE, Bruce Rossi
Unit 45812, Bldg. 603
APO, AP 96508-5500

AK3211890048
USArmy, AK-ARNG, 6th SCT BN HQ
6th Battalion (L) 297th Infantry
Attn: Garry Curtiss
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