

Regulation 61-107.8

Solid Waste Management: Lead Acid Batteries

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Statutory Authority:

S.C. Code Sections 44-96-40 and 44-96-180

Regulation History as Published in State Register			
Date	Document Number	Volume	Issue
June 25, 1993	1598	17	6
June 23, 1995	1810	19	6

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A. Applicability.

This regulation applies to the proper disposal, collection, and recycling of lead-acid batteries and small sealed lead-acid batteries.

B. Definitions.

1. "Collection" means the act of picking up solid waste materials from homes, businesses, governmental agencies, institutions, or industrial sites.

2. "Department" means the South Carolina Department of Health and Environmental Control.

3. "Lead-acid battery" means any battery that consists of lead and sulfuric acid, is used as a power source, and has a capacity of six (6) volts or more, except that this term shall not include a small sealed lead-acid battery.

4. "Small sealed lead-acid battery" means any lead-acid battery weighing twenty-five (25) pounds or less, used in non-vehicular, non-SLI (start lighting ignition) applications.

5. "Lead-acid battery collection facility" means a facility authorized by the Department of Health and Environmental Control to accept lead-acid batteries from the public for temporary storage prior to recycling.

6. "Small sealed lead-acid battery collection facility" means a facility authorized by the Department of Health and Environmental Control to accept small sealed lead-acid batteries from the public for temporary storage prior to recycling.

7. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

8. "Recovered Materials Processing Facility" means a facility engaged solely in the recycling, storage, processing, and resale or reuse of recovered materials. The term does not include a solid waste handling facility; however, any solid waste generated by such facility is subject to all applicable laws and regulations relating to the solid waste.

9. "Secondary lead smelter" means a facility which produces metallic lead from various forms of lead scrap, including used lead-acid batteries.

10. "Used lead-acid battery" means a battery which is of no use in its present state. This includes batteries which are regulated by R.61-79.266 Subpart G, Spent Lead-Acid Batteries Being Reclaimed.

11. "Used small sealed lead-acid battery" means any battery fitting the definition of a small sealed lead-acid battery and which is of no use in its present state.

C. General Provisions for Lead-Acid Batteries.

1. No person shall knowingly place a used lead-acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead-acid battery, except by delivery to:

- a. a lead-acid battery retailer or wholesaler;

b. a collection, recycling, or recovered material processing facility that is registered by the Department to accept lead-acid batteries; or,

c. a permitted secondary lead smelter.

2. No battery retailer shall knowingly dispose of a used lead-acid battery except by delivery to:

a. the agent of a lead-acid battery wholesaler or the agent of a permitted secondary lead smelter;

b. a vehicle battery manufacturer for delivery to a permitted secondary lead smelter;

c. a collection, recycling, or recovered material processing facility that is registered by the Department to accept lead-acid batteries; or,

d. a permitted secondary lead smelter.

3. A person selling lead-acid batteries or offering lead-acid batteries for retail sale in this State shall:

a. accept, at the point of transfer, lead-acid batteries from customers; and,

b. post written notice, either issued by or approved by the Department, at his place of business which must be at least eight and one-half inches by eleven inches (8 ½ x 11) in size and must contain the state recycling symbol and the following language:

(1) "It is illegal to put a motor vehicle battery in the garbage."

(2) "Recycle your used batteries."

(3) "State law requires us to accept motor vehicle batteries for recycling."

4. Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept, at the point of transfer, lead-acid batteries from customers.

5. The lead-acid battery retailer shall charge a five dollar (\$5.00) refundable deposit for each battery sold for which a core is not returned to the retailer. The deposit shall be returned to the consumer if a core is returned to the same retailer within thirty (30) days.

6. The operation of a lead-acid battery collection, recycling or recovered material processing facility shall be in a manner to protect public health, safety and the environment. Leaking lead-acid batteries shall be stored in heavy duty plastic bags or other suitable containers capable of preventing discharge of acid.

D. General Provisions for Small Sealed Lead-Acid Batteries.

1. No person shall knowingly place a used small sealed lead-acid battery in mixed municipal solid waste, discard, incinerate or otherwise dispose of a small sealed lead-acid battery, except by delivery to:

a. a small sealed lead-acid battery retailer or wholesaler,

b. a collection, recycling, or recovered material processing facility that is registered by the Department to accept small sealed lead-acid batteries; or,

c. a permitted secondary lead smelter.

2. No battery retailer shall knowingly dispose of a used small sealed lead-acid battery except by delivery to:

a. the agent of a lead-acid battery wholesaler or the agent of a permitted secondary lead smelter;

b. a small sealed lead-acid battery manufacturing facility for delivery to a permitted secondary lead smelter;

c. a small sealed lead-acid battery importer for delivery to a permitted secondary lead smelter;

d. a facility designated by a small sealed lead-acid battery manufacturer or importer to accept small sealed lead-acid batteries for delivery to a secondary lead smelter;

e. a collection, recycling, or recovered material processing facility that is registered by the Department to accept small sealed lead-acid batteries; or,

f. a permitted secondary lead smelter.

3. The operation of a small sealed lead-acid battery collection, recycling or recovered material processing facility shall be in a manner to protect public health, safety and the environment. Damaged small sealed lead-acid batteries shall be stored in heavy-duty plastic bags or other suitable containers capable of preventing discharge of acid.

4. A person selling small sealed lead-acid batteries or offering small sealed lead-acid batteries for retail sale in this State shall post written notice, either issued by or approved by the Department, at his place of business which must be at least eight and one-half inches by eleven inches (8 ½ x 11) in size and must contain the state recycling symbol and the following language:

(1) "It is illegal to put a small sealed lead-acid battery in the garbage."

(2) "Recycle your used small sealed lead-acid batteries."

E. Registration Requirements.

1. Collection, recycling, and recovered material processing facilities shall register with the Department to accept lead-acid batteries and/or small sealed lead-acid batteries. Registrations shall be renewed no later than March 1, of each calendar year. This requirement does not apply to persons selling lead-acid batteries and/or small sealed lead-acid batteries or offering lead-acid batteries and/or small sealed lead-acid batteries for retail sale or wholesale, who accept lead-acid batteries and/or small sealed lead-acid batteries, at the point of transfer, only from customers.

2. Within 60 days of the effective date of this regulation, the owner and/or operator of all collection, recycling, and recovered material processing facilities accepting lead-acid batteries and/or small sealed lead-acid batteries, shall register with the Department. To be registered, the owner and/or operator shall submit to the Department, the name and location of the facility and the name, address and telephone number of the owner and/or operator of the facility.

3. Collection, recycling, and recovered material processing facilities not accepting lead-acid batteries and/or small sealed lead-acid batteries prior to the effective date of this regulation, shall register with the Department prior to accepting lead-acid batteries and/or small sealed lead-acid batteries. To be registered, the owner and/or operator shall submit to the Department, the name and location of the facility and the name, address and telephone number of the owner and/or operator of the facility.

F. Violations and Penalties.

Any person violating the provisions of Sections C. 1. and 2., shall be subject to a fine not to exceed two hundred dollars (\$200.00). Each lead-acid battery improperly disposed shall constitute a separate violation.

G. Severability.

Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.