

Senate Bill No. 1924

CHAPTER 281

An act to add Section 25216.3 to the Health and Safety Code, relating to hazardous waste.

[Approved by Governor August 10, 1998. Filed with Secretary of State August 10, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1924, McPherson. Hazardous waste: dry cell batteries.

Existing law requires operators and owners of hazardous waste facilities to obtain a hazardous waste facilities permit or grant of authorization from the Department of Toxic Substances Control. Existing law defines "non-RCRA hazardous waste" as meaning hazardous waste that is regulated by the state, other than hazardous waste subject to the federal Resource Conservation and Recovery Act of 1976. Existing law exempts any collection location or intermediate collection location that receives, or any person that transports, spent batteries from the requirements of the hazardous waste laws concerning the receipt, storage, and transportation of hazardous waste if specified requirements are met.

This bill would exclude from regulation as a hazardous waste and from the requirements concerning spent batteries, a spent dry cell battery containing zinc electrodes, as defined, if the spent dry cell battery is disposed of in a specified manner, or is accumulated for recycling, subject to specified requirements.

The people of the State of California do enact as follows:

SECTION 1. Section 25216.3 is added to the Health and Safety Code, to read:

25216.3. (a) For purposes of this section, "spent dry cell battery containing zinc electrodes" means an alkaline or zinc-carbon battery, that meets all of the following conditions:

(1) It is an enclosed device or sealed container consisting of one or more voltaic or galvanic cells, electrically connected to produce electric energy, of any shape, including, but not limited to, button, coin, cylindrical, or rectangular, and designed for commercial, industrial, medical, institutional, or household use.

(2) It contains an electrode comprised of zinc or zinc oxide or a combination thereof, and a liquid starved or gelled electrolyte.

(3) It does not contain any constituent, other than zinc or zinc oxide, that would cause it to be classified as a hazardous waste pursuant to this chapter.

(4) It is discarded by the user.

(b) Notwithstanding any other provision of law, a spent dry cell battery containing zinc electrodes is not a hazardous waste, and is not subject to the requirements of this chapter, if all of the following conditions are met:

(1) The spent dry cell battery containing zinc electrodes is disposed of in a permitted municipal solid waste landfill, as defined in Section 20164 of Title 27 of the California Code of Regulations, or in a permitted municipal solid waste transformation facility, as defined in Section 40201 of the Public Resources Code, or is accumulated for recycling.

(2) The spent dry cell battery containing zinc electrodes is not stored or accumulated for longer than 180 days. In addition, at least 75 percent, by weight or volume, of all spent dry cell batteries containing zinc electrodes stored or accumulated at a site during a calendar year shall be transferred to a different site for disposal or recycling during that calendar year.

(3) The spent dry cell battery containing zinc electrodes is stored, accumulated, and transferred in a manner that minimizes the possibility of fire, explosion, or any release of hazardous substances or hazardous waste constituents.

