

Subpart D–E [Reserved]

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, palladium, iridium, 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; and

(3) For precious metals exported to or imported from designated OECD member countries for recovery, subpart H of part 262 and § 265.12(a)(2) of this chapter. For precious metals exported to or imported from non-OECD countries for recovery, subparts E and F of 40 CFR part 262.

(c) Persons who store recycled materials that are regulated under this subpart must keep the following records to document that they are not accumu-

lating 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.

[50 FR 666, Jan. 4, 1985, as amended at 61 FR 16315, Apr. 12, 1996]

Subpart G—Spent Lead-Acid Batteries Being Reclaimed

§ 266.80 Applicability and requirements.

(a) Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the “Universal Waste” rule in 40 CFR part 273.

| If your batteries * * * | And if you * * * | Then you * * * | And you * * * |
|--|--|--|---|
| (1) Will be reclaimed through regeneration (such as by electrolyte replacement). | | are exempt from 40 CFR parts 262 (except for § 262.11) 263, 264, 265, 266, 268, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA. | are subject to 40 CFR parts 261 and § 262.11 of this chapter. |
| (2) Will be reclaimed other than through regeneration. | generate, collect, and/or transport these batteries. | are exempt from 40 CFR parts 262 (except for § 262.11) 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA. | are subject to 40 CFR parts 261 and § 262.11, and applicable provisions under part 268. |
| (3) Will be reclaimed other than through regeneration. | store these batteries but you aren't the reclaimer. | are exempt from 40 CFR parts 262 (except for § 262.11) 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA. | are subject to 40 CFR parts 261, § 262.11, and applicable provisions under part 268. |
| (4) Will be reclaimed other than through regeneration. | store these batteries before you reclaim them. | must comply with 40 CFR 266.80(b) and as appropriate other regulatory provisions described in 266.80(b). | are subject to 40 CFR parts 261, § 262.11, and applicable provisions under part 268. |
| (5) Will be reclaimed other than through regeneration. | don't store these batteries before you reclaim them. | are exempt from 40 CFR parts 262 (except for § 262.11) 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements at section 3010 of RCRA. | are subject to 40 CFR parts 261, § 262.11, and applicable provisions under part 268. |