63253
163.14

DRAFT SUMMARY OF MEETING OF EPA AND REPRESENTATIVES OF LEAD RECOVERY FROM BATTERIES

July 2, 1996, 1:00 - 2:00 p.m.
2800 Crystal Station
Arlington, VA
6th Floor Conference Room

ATTENDEES

Paul Borst, EPA/OSW/EMRAD
Anita Cummings, EPA/OSW/WTB
Mary Cunningham, EPA/OSW/WTB
Elaine Eby, EPA/OSW/WTB
Michael Petruska, EPA/OSW/HWMMD
Suzanne Wade, Versar
Katie Chiampou, WBN (for BCI)
Rick Leiby, East Penn Manufacturing
Matt Love, Exide Corporation
Susan Panzik, Swidler & Berlin (for ABR)
Jack Waggener, Resource Consultants Inc.
David Weinberg, WBN (for BCI)

MEETING SUMMARY

The purpose of this meeting was for EPA and representatives of lead recovery from batteries (Assocation of Battery Recyclers, Battery Council International, etc.) to discuss how lead slag residuals will be addressed in the Final Phase IV rule (proposed treatment standards for characteristic metal wastes). In the Notice of Data Availability (NODA) of May 10, 1996, it was stated that the LDR standard for lead acid batteries (RLEAD) is not applicable to the slag, because once the batteries are smelted, the LDR requirements are satisfied, and the slag resulting from this smelting need not be treated further. It also stated that such slag would not fall under the LDRs but would still be managed under non-LDR hazardous waste requirements if shown to be characteristic, (unless the facility accepted a variety of wastes differing from batteries, in which case, LDR requirements would still apply.) The understanding after the April 30 meeting of EPA and industry representatives was that lead slag from lead recovery of batteries would not be subject to the LDRs, but only to the TC rule as applicable.

However, after the NODA was published, EPA realized a contradiction to this approach was published in the Third Third rulemaking. (p. 22568, 55 FR, June 1, 1990) This Notice stated that "residuals from the recovery process are a new treatability group (i.e., not lead acid batteries) and their status as prohibited or non-prohibited is determined at the point of generation. Thus, if they exhibit a characteristic, they would be prohibited and require further treatment."

Another possible approach for the management of lead slag residuals is to set a separate numeric treatment standard for lead slag. A determination would have to be made on what wastes would be included in the slag standard and what wastes would be included in the overall lead standard. CWM says the defining characteristic for lead slag is the 1% lead level, above which the slag becomes more difficult to treat. The UTS number for the overall lead standard could also be changed to reflect the treatability of lead slag. Another option would be to use a range of

concentrations for the treatment standard, depending on the type or concentration of the untreated waste (slag).

Data submitted to date for stabilization of slag (in addition to the BCI/ABR data) include that submitted by the Environmental Technology Council (ETC) and Chemical Waste Management (CWM). BCI would like to review all of the data submitted. BCI discussed their evaluation of the ETC data submitted in response to the NODA and mentioned the following concerns: (1) Were only selected data sets provided? (2) No QA/QC data were provided, (3) there was little or no description of the waste source(s), (4) Selenium appears low in both the feed and the treated slag, and (5) up to 20% of the data points for lead did not meet UTS. BCI would like to review the CWM data submitted in response to the NODA (CBI data). BCI also has a concern (believe it may be a legal issue) as to whether the CWM data should really be classified as CBI.

The last "mini-comment period" is extended through 7/12 because of the mistake in the NODA. A NODA cannot be used to overturn a previous rulemaking. BCI asked if this final comment period could be extended through the end of July, since the deadline for Phase IV Consent Decree has been extended to mid-October. They want to respond thoroughly to EPA requests for additional information, and expect to collect additional QA/QC data.

EPA is also interested in obtaining additional information on data already submitted. Another letter to data submitters will follow up on specifics of their data, such as QA/QC data, waste source, sample collection information, representativeness, and waste variability, etc. Lack of this information makes it difficult for EPA to interpret the data. Similar data have been submitted to support both sides of the issue. Frequently concentrations meet the UTS levels even when the treatment target is the characteristic level of 5 ppm. This leads the Agency to believe that if aiming for 0.37 mg/L lead, UTS would not be difficult to achieve. But BCI says a majority of waste can only reasonably expect to be able to consistently meet 3 ppm with the available stabilization technology.

BCI stated that they provided all their available data, not just the "best" or "worst". They also stated that their untreated data reflect the variability of the slag, because it was collected over several years for the same facility. However, sometimes only one untreated characterization sample is collected per year, because it is done for the purpose of compliance.

Paul Borst explained his role, performing cost analysis and evaluating the impacts of the rule on industry. He is also working with AFS on the foundry waste issue. He needs to obtain information such as the volume of TC hazardous secondary lead slag, the baseline management and disposal practices, etc. to model pre-rule and post-rule scenarios.

In order to collect the information needed to resolve the lead slag issue, the following actions will be taken:
1) EPA will send a letter to the commentors requesting additional data and comments;
2) EPA will send a letter requesting additional information on previously submitted slag data;
3) A letter from Paul Borst requesting cost information will be sent to industry representatives. Katie Chiampou will be the representative for BCI.