



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 18 2007

Mr. Randy Tanner
Traffic Manager
SouthWest Electronic Energy Corporation
12701 Royal Drive
P.O. Box 848
Stafford, TX 77497-0848

Ref. No.: 06-0275

Dear Mr. Tanner:

This is in response to your November 30, 2006 letter regarding transportation of lithium batteries for disposal under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if lithium batteries may be transported by your customers to your facility under the provisions of § 173.185(h). According to your letter, after collecting a quantity that does not exceed 5,000 kilograms, your company has the batteries transported to a disposal or recycling facility. You state that because your company does not accumulate more than 5,000 kilograms of waste batteries at any given time, you are not required to be a permitted storage facility under Environmental Protection Agency (EPA) requirements.

In accordance with § 173.185(h), cells and batteries being shipped for disposal may be offered for transportation or transported to a permitted storage facility and disposal site by motor vehicle when they are: (1) equipped with an effective means of preventing external short circuits; and (2) packed in a strong outer packaging conforming to the requirements of §§ 173.24 and 173.24a. The packaging need not conform to performance requirements of Part 178 of the HMR. The exception in § 173.185(h) does not apply when your customers offer shipments of batteries to your facility unless you are operating a permitted storage facility and disposal site.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060275

107.601
173.185(h)



Pollack
§ 173.185 (h)
§ 107.601
Registration/Lithium
Batteries
06-0275

Dear Mr. Ed Mazullo,

Good morning, We have two concerns that we need your assistance to help us understand.

We are a manufacturing company that ships Lithium Batteries, Class 9, UN 3090, Packing Group II domestically and internationally, we would like to know if disposal or waste lithium batteries can be shipped by air, please reference the rules and regulations regarding lithium battery waste and disposal. We are not clear on the interpretation of the rule and would like to be informed to ensure we are following all the rules and regulations set fourth by (49CFR, 173.185 paragraph (h) motor vehicle only). We know the rules and regulations shipping waste lithium batteries by ground but are not clear on the rules and regulations shipping waste lithium batteries by air.

We would also like more clear information on the definition of what a permitted storage facility is. Referenced in (49CFR, 173.185 paragraph (h)). We have deemed our company as a small quantity handler of universal waste. What we do is offer a service to our customers which allows them to send their lithium disposal batteries to our facility and then when we have accumulated enough waste we call our permitted facility company which will pick up our waste and recycle. We have talked to the EPA and they have said as long as we do not accumulate more than 5,000 kg or 11,000lbs at any given time that we do not need a permit. Our question is it ok to allow our customers to send back their disposal waste to us and store it until we call a permitted recycling company to pick up. Are we using the small quantity handler of universal waste correctly? Do we need to be permitted if we store waste for customers at our location up to 11,000lbs, if so could you please direct us to the appropriate contact. If you have any questions please feel free to call me at your convenience.

Thank You

Randy Tanner (Traffic Manager)
SouthWest Electronic Energy Corp.
281 -240 -4000

