



**New Jersey Department of Environmental Protection
County Environmental and Waste Enforcement
Bureau of Hazardous Waste Compliance and Enforcement**

Revised Position on Satellite Accumulation

Effective Date: September 1, 2008

Approval: Michael R. Hastry, Chief
**Bureau of Hazardous Waste
Compliance and Enforcement**

NJ Application Rule [citations]:

**N.J.A.C. 7:26G-6.1 specifically 40 C.F.R 262.34(c) -
Accumulation Time...(Commonly known as Satellite
Accumulation)**

**N.J.A.C. 7:26G-9.1 specifically 40 C.F.R 265.170 - Use
and Management of Containers**

As both USEPA and NJDEP jointly administer the RCRA Enforcement Program in New Jersey, it is imperative for both these agencies, and the regulated community, to maintain consistent regulatory interpretations.

The satellite accumulation provision allows generators to accumulate, in specific areas, up to 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) in containers, with fewer requirements than normally required for central accumulation areas. These containers must be maintained in accordance with the applicable regulatory provisions, at or near the point of generation, and under the control of the operator of the process generating the waste. The concept behind satellite accumulation is that it allows reduced regulatory requirements for wastes routinely accumulated in containers off process lines, by limiting the amount of waste allowed to accumulate in the satellite areas and requiring that the area be under the direct control of the process operator.

Applicability:

The legitimacy of satellite accumulation area determinations shall be made on a case by case basis. NJDEP shall follow USEPA guidelines (attached) along with the following clarifications:

- A satellite accumulation area shall be limited to compatible waste streams. [Definition of a “waste stream”: a material generated as a result of a distinct and limited process, procedure or activity.] As per the attached answer to Question 18, because EPA did not anticipate that generators would accumulate multiple hazardous wastes/containers in an SAA, a cross-reference to the requirements for the safe storage of incompatible wastes was not included as part of the container management standards for SAAs. Nevertheless, good management practices clearly dictate that incompatible wastes should be stored separately. Furthermore, in the event that any wastes, including incompatible wastes, are stored in such a way that they may pose an imminent and substantial threat to health or the environment, NJDEP and/or EPA can take enforcement action to eliminate the threat.
- As of the date of this Revised Position Paper, NJDEP no longer condones the use of a conveyance container (i.e. a laboratory safety can) to move or convey waste from an initial generation point (i.e. work station) to another satellite accumulation container. In order to maintain consistency with USEPA and avoid confusion, the conveyance container itself is considered a satellite accumulation container and has to be managed in accordance with N.J.A.C. 7:26G-6.1 specifically 40 C.F.R. 262.34(c).
- With regard to laboratory wastes, small containers (e.g., vials or tubes) which are too small to be labeled individually, can be placed in properly labeled larger containers, which would have the added benefit of secondary containment should the small containers break.
- Containers, such as beakers, flasks or other laboratory glassware including four-liter bottles, that are connected to laboratory apparatus or a piece of equipment, are not considered part of the process and are therefore subject to accumulation rules and regulations.
- A generator may accumulate waste in a satellite accumulation area exclusively, without having less than 90 day accumulation area or on-site authorized facility, provided each container is shipped off site within three days from the date “excess accumulation” begins.

This Revised Position Paper supercedes NJDEP’S July 22 1998, ‘Position Paper on Satellite Accumulation’.

This position paper is intended for use as guidance to the regulated community in understanding and complying with the satellite accumulation requirements. Determinations regarding a site’s compliance with the satellite requirements are best made upon an inspector’s best professional judgement after reviewing site specific information such as processes employed, waste handling procedures, type of waste, location and employee training.

If you have any questions concerning New Jersey’s position on this subject, please contact your regional hazardous waste enforcement field office.

Summary of generator satellite accumulation areas (SAA) regulations

The satellite accumulation provisions allow generators to accumulate up to 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) in containers that are at or near any point of generation, and under the control of the operator, with fewer requirements than for central accumulation areas, provided the generator complies with the requirements of 262.34(c).

- Both LQGs and SQGs may establish satellite accumulation areas (SAA).
- Generators must label satellite containers of hazardous waste with the words “Hazardous Waste” or with other words that identify the contents of the containers.
- Generators must comply with 265.171 ‘Condition of containers’ requirements for satellite accumulation areas.
- Generators must comply with 265.172 ‘Compatibility of waste’ requirements for satellite accumulation areas.
- Generators must comply with 265.173 (a) and keep satellite accumulation containers closed, except when adding/removing wastes.
- Waste in excess of 55 gallons or 1 quart of acute hazardous waste must be removed within three days or the generator is required to comply with the 90-day area or 180-day area regulations, as appropriate.
- When a generator exceeds 55 gallons or 1 quart acute hazardous waste, the container must be marked with the date on which the 55 gallons (or 1 quart of acute hazardous waste) is exceeded.
- The generator must date container again when it is moved to central accumulation area.
- Three days means three consecutive days.
- There is no federal requirement that full containers of hazardous waste be removed from an SAA within three days of being filled.
- Generators may transfer hazardous waste between containers to facilitate storage, transportation, or treatment.
- Containers in SAAs do not have to comply with the air emission standards of Part 265 Subparts AA, BB, and CC.
- Inspections of SAAs are not required if SAA meets 262.34(c) requirements.
- Personnel working in SAAs not required to have training.
- It is permissible to have more than one waste in an SAA and more than one container of hazardous waste in an SAA.
- The regulations do not limit the total number of SAAs at a generator facility.
- Generators may not move hazardous wastes between SAAs.
- A single SAA may have multiple points of generation.
- Generators must include all hazardous waste in their SAAs in monthly quantities for determining their generator status.
- Containers attached to equipment discharging hazardous waste must comply with SAA regulations and is a point of generation.
- Small containers (vials or tubes) may be placed in properly labeled larger containers.

Frequently Asked Questions/Clarifications about Satellite Accumulation Areas

1. **Clarification:** Provides clarification of the phrases "at or near point of generation" and "under control of operator. . ." for wastes that are generated at many individual locations and accumulated in satellite areas:

For like wastes generated from many individual locations EPA interprets the "at or near the point of generation..." language to include a specific satellite area designated by the generator that facilitates the accumulation of this material prior to moving it to a designated hazardous waste storage area. A generator should be able to define the locations of waste generation being served by a satellite accumulation area (within a generator facility or part of a facility). This is to ensure that a determination can be made as to when the 55-gallon limit has been reached for a particular satellite area. The condition that wastes accumulated under the satellite provision "be under the control of the operator of the process generating the waste" is met provided the generator demonstrates that the personnel responsible for generating and/or accumulating the waste have adequate control over the temporary storage of these wastes. The EPA recognizes that for many wastes, the person who first generates the waste may not be the same person responsible for the accumulation of all of these wastes; rather, another worker may have the responsibility of overseeing the temporary storage of wastes. It should be emphasized that the satellite accumulation provision was intended to accommodate situations where relatively small amounts of hazardous waste are unavoidably accumulated throughout a facility prior to placing them in designated hazardous waste storage areas; the goal is that this temporary accumulation is performed responsibly and safely, with adequate oversight and control. The applicability of the satellite accumulation provision will always depend upon a generator's particular set of circumstances, which are site-specific; therefore, any questions regarding specific wastes at specific facilities are best answered by the agency implementing the RCRA program for that particular facility.

2. **Question:** Can small quantity generators establish SAAs according to 262.34(c) for their hazardous waste?

Answer: Yes. Both LQGs and SQGs may take advantage of the reduced requirements while hazardous waste is in SAAs, provided it is managed in accordance with all the provisions of 40 CFR 262.34(c).1 If an SQG or LQG accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, the excess must be removed within three days. If after that period, the excess is not removed, LQGs must comply with 262.34(a) and SQGs must comply with 262.34(d), with respect to the excess amounts.

3. **Question:** If a generator accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, when should the generator date the container(s)? When 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) is exceeded, or when the container is moved to the central accumulation area?

Answer: When 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) is exceeded in an SAA, the generator needs to date the container, so that the generator can move

the excess to the 90-day or 180-day area within three days (262.34(c)(2)). Then when 3 days have passed, or when the container is moved to the central accumulation area, the generator needs to date the container again, so that it can be moved off-site within 90 or 180 days (262.34(a)(2) and 262.34(d)(4), respectively. (Of course, the container does not need to be dated after it is removed from the SAA if the excess waste is moved directly to a permitted or interim status unit.) This means that an LQG has up to 93 days and a SQG has up to 183 days for on-site accumulation time once 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) has been exceeded at the SAA - up to three days in the SAA, followed by up to 90 or 180 days in the central accumulation area.

4. **Question:** When a generator accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, the excess of 55 gallons (or the excess of 1 quart of acute hazardous waste) needs to be removed from the SAA within three days. What is meant by “three days”?

Answer: Three days means three consecutive days. It does not mean three working days or three business days. Originally, the Agency had proposed to use 72 hours as the time limit but realized that determining when 72 hours had elapsed would have required placing both the date and time of day on containers. In the final rule the Agency switched to using three days so that generators only need to date containers that hold the excess of 55 gallons of hazardous waste (or 1 quart of acute hazardous waste).

5. **Clarification:** The generator is allowed up to three days for waste transfer from a satellite accumulation area, or up to a 93 day accumulation time period for wastes in excess of the 55 gallon limit. The 90 day clock begins as soon as the waste is transferred to the generator’s 90 day accumulation area.

The owner/operator has up to a 93-day accumulation time for the excess waste generated at the satellite accumulation area (90-day clock in section 262.34(a), plus up to three days for waste transfer). The March 24, 1986 Federal Register, which clarifies small quantity generator provisions, states "...as soon as the 55-gallon limit has been exceeded in any satellite area, any excess waste is subject to all applicable RCRA requirements within three days. This means that the 180/270 day on site accumulation provision for 100-1000 kg/mo. generators applies to any excess waste three days after the 55-gallon limit has been exceeded." (51 FR 10162). If the generator chose to remove the waste from the satellite area before the three-day transfer provision expired, he would subject the waste to the 90-day clock provisions. For example, if the above operator chose to move his excess waste from the satellite area after just one day, the 90-day accumulation time in Section 262.34 would begin as the waste entered the 90-day accumulation area, not after three days. The generator has chosen not to utilize the other two days that were available for transfer.

6. **Clarification:** The generator has three days after exceeding the 55 gallon satellite accumulation limit to comply with section 262.34(a); 90 day accumulation time period begins as soon as the three day period has expired (SEE ALSO: RPC# 10/1/90-01).

The satellite accumulation provision in §262.34(c) allows the generator three days after the 55-gallon accumulation limit is exceeded to transport the excess waste to the §262.34(a) storage area. Section 262.34(c) states that a generator who accumulates waste in excess of the accumulation limits "must, with respect to the amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter." Section 262.34(a) states that "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the requirements of §262.34 (a)(1)-(4) are met." Thus, within three days of accumulating over 55 gallons, the generator is required to comply with all applicable RCRA requirements with regard to that excess, including §262.34(a). The 90-day storage period begins as soon as the three day period has expired when the excess amount becomes subject to the §262.34(a) requirements.

RO 12503

9453.1985(06)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 85

7. **Clarification:** A generator has three days after the 55-gallon limit is exceeded to transfer excess waste from a satellite accumulation area. Excess waste is subject to Section 262.34(a) after three days. Contact the state agency for instances when quantities in excess of 110 gallons are generated. Federal interpretation is not binding in authorized states.

A generator who accumulates either hazardous waste or acutely hazardous waste listed in 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three-day period the generator must continue to comply with paragraphs (c)(1)(I) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating. According to these provisions, the generator has 3 days after the 55 gallon limit has been exceeded to transfer the excess waste from the satellite area.

As to whether waste above the 55 gallon limit may be accumulated in the 3 day interim period and remain subject to the accumulation area provisions, it is necessary to refer to the preamble language of December 20, 1984, which considers the potential hazards of accumulating hazardous waste in these sites. In the December 20, 1984 Federal Register notice, the Agency states that "...the accumulation at satellite areas of up to 55 gallons of non-acutely hazardous waste is reasonable and safe and does not pose a threat to human health and the environment" (49 FR 49569, Dec. 20, 1984). However, in the discussion which followed, the Agency questioned the safety of the accumulation of non-acutely hazardous waste in amounts above the 55 gallon limit. "Because the weight of evidence suggests limited use by the regulated community of containers larger than 55 gallons and because spills of 110 gallons of non-acutely hazardous waste would pose a higher environmental threat, EPA does not believe that the satellite accumulation level should be higher than 55 gallons." Id. The preamble language above illustrates the Agency's view that waste accumulation in satellite accumulation areas should not be excessive. Although it is clear that the Agency did not intend for amounts as large as 110 gallons to be accumulated on a routine basis, it is not specific about whether small amounts of non-acutely hazardous waste exceeding the 55 gallon limit may be accumulated routinely. The Agency understands that due to the nature of the production process, there may be special cases in which small quantities of wastes above the 55 gallon limit may need to be accumulated for

brief periods in one accumulation area. Thus, we interpret that the satellite accumulation provisions of 40 CFR 262.34(c)(1) permit the generator to continue to accumulate nominal quantities of a non acutely hazardous waste in excess of the 55 gallon limit as long as the additional wastes accumulated during the 3-days are managed in accordance with section 262.34(c)(1). Any excess waste must be managed (including transferring that excess waste to the generator's 90-day accumulation area) in accordance with section 262.34(a) within three days. The Agency does not expect that any accumulation over the 55 gallon limit will be excessive and believes that most facilities should be aware of the process waste generation rate and should be able to arrange for the removal of any excess accumulation within the 3-day time frame, thereby avoiding excessive accumulation of waste over the 55 gallon limit. The Agency also understands that there may be one-time circumstances during which quantities in excess of 110 gallons are generated. In such cases, the Agency recommends that you contact your state waste management office for further guidance on how such occurrences should be handled. Also, because states may have regulations and interpretations that are more stringent than the federal regulations, the Agency strongly recommends that you check with your state waste management office (or Regional office in unauthorized states) for questions specific to the amount of waste allowed above the 55 gallon limit in the particular states where your clients operate. This interpretation is not binding on authorized states.

RO 14029

PPC 9451.1996(04)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 1, 1996

8. **Question:** If an SAA has a full 4-gallon container of hazardous waste, does the generator have to remove the container from the SAA within three days of being filled?

Answer: No. There is no federal requirement that full containers of hazardous waste be removed from an SAA within three days of being filled. Only the excess of 55 gallons of hazardous waste (or the excess of 1 quart of acutely hazardous waste) must be removed within three days.

9. **Question:** The container management standards of 265.173(a) state, "A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste." Does this mean that hazardous wastes have to be managed and/or disposed in the containers in which they were originally accumulated?

Answer: No. Generators may transfer hazardous waste between containers to facilitate storage, transportation, or treatment. For example, a generator may wish to consolidate several partially full containers of the same hazardous waste from an SAA into one container before transferring it to a central accumulation area. Generators also may transfer hazardous waste between containers in central accumulation areas. However, the 90-day or 180-day "clock" for accumulation does not restart if the hazardous waste is transferred to another container.

10. **Clarification:** Portable roll-off boxes meet the 260.10 definition of container and may be used for satellite accumulation as long as quantity limits, time limits, and other conditions of 262.34(c) are met. Any device meeting the definition of a container may be used for satellite accumulation.

If the roll-off boxes meet the definition of container found in Section 260.10 and are managed in accordance with the applicable container requirements of Sections 265.171, 265.172, and 265.173(a), they may be utilized in satellite accumulation. Section 260.10 defines "container" as "any portable device in which a material is stored, transported, treated, disposed of or otherwise handled." A roll-off box is a portable device. The container requirements include: (1) that the container be in good condition (i.e., not leaking), (2) that the container be of a material, or lined with a material, which is compatible with the waste, and, (3) that the container be closed during storage, except to add or remove waste. The other requirement under Section 262.34(c)(1) states that the container be marked with the words "Hazardous Waste" or other words that identify the contents. This is the extent of the physical requirements for satellite accumulation containers. Therefore, as long as the quantity limits and time limits for excess quantities are met, the roll-off box may be classified as a satellite accumulation container. However, for containers used in off-site shipment of hazardous waste, the Department of Transportation (DOT) packaging specifications for the hazard class must be met. DOT regulations governing the transportation of hazardous materials are found in 49 CFR Parts 171 through 177.

RO 11442

9453.1989(07)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 13 1989

MEMORANDUM

11. **Clarification:** Placing a label with the words "Hazardous Waste" on the outside of a cabinet may satisfy the satellite accumulation area marking requirements provided the cabinet meets the definition of container. As a satellite accumulation area, the cabinet must be located at or near the point of generation, must be under control of the operator of the process where the wastes are initially generated, and must be maintained in accordance with the container standards. If the cabinet does not qualify as a satellite accumulation area, each individual container within the cabinet would need to be managed in accordance with the satellite accumulation area provisions.

Cabinets as Satellite Accumulation Areas

Placing a label with the words "Hazardous Waste" on the outside of the cabinet may satisfy the satellite accumulation area marking requirements provided the cabinet meets the definition of container. A container is a portable device in which material is stored, transported, treated, disposed of, or otherwise handled (§260.10). As a satellite accumulation area, the cabinet would have to be located at or near the point of generation and be under control of the operator of the process where the wastes are initially generated. In addition, the generator would have to maintain the cabinet in accordance with the container standards. These standards require that the cabinet be in good condition, be made of materials compatible with the waste that would be stored in it, and must always be closed during storage except when waste is being added or removed (§262.34(c)(1)(i)). If the cabinet does not meet the definition of container and cannot be managed according to the applicable container standards, each individual container within the

cabinet would need to be labeled and managed in accordance with all other satellite accumulation area requirements.

EPA530-R-01-0041

PB2001-103 672

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

December 2001

12. **Question:** Do containers in SAAs have to comply with the air emission standards of Part 265 Subparts AA, BB, and CC?

Answer: No. Containers in SAAs are not required to comply with the air emission standards of Part 265 Subparts AA, BB, and CC. Likewise, SQGs are not required to comply with the air emission standards at their 180-day accumulation areas. LQGs, however, are required to comply with the RCRA air emission standards at their 90-day accumulation areas. Therefore, when an LQG transfers waste from an SAA to a 90-day central accumulation area, the applicable portions of the air emission standards of Part 265 Subparts AA, BB, and CC must be met at the 90-day central accumulation area.

13. **Question:** Section 265.174 of Subpart I requires that containers be inspected at least weekly for leaks and deterioration caused by corrosion or other factors. Both LQGs and SQGs must inspect containers in their central accumulation areas. Are SQGs or LQGs required to inspect hazardous waste containers in SAAs?

Answer: No. Inspections of containers (whether weekly or some other frequency) in SAAs are not required, so long as the provisions of 262.34(c) are met. Section 265.174, which requires inspections, is not among the provisions listed in 262.34(c) for SAAs (see Table 1). However, the SAA regulations do require that waste containers in an SAA must be under the control of the operator of the process generating the waste, in good condition (265.171), compatible with its contents (265.172), and closed except when adding or removing waste (265.173), which should achieve the goal of inspections: containers that are free of leaks and deterioration .

14. **Clarification:** Large quantity generators (LQG) are not required to conduct a weekly inspection of containers in satellite accumulation areas so long as they comply with the provisions of 262.34(c). Authorized states may require weekly inspection of containers in satellite accumulation areas, as states may have more stringent requirements than the federal regulations.

Inspection of Satellite Accumulation Containers

A large quantity generator (LQG) that is accumulating hazardous waste on-site for 90 days or less in containers must comply with 40 CFR Part 265, Subpart I (§262.34(a)(1)(i)). Section 265.174 of Subpart I requires owners and operators to inspect containers weekly for leaks and deterioration caused by corrosion or other factors. Are LQGs required to inspect hazardous waste containers in satellite accumulation areas at or near the waste's point of generation in accordance with §262.34(c)? Hazardous waste containers used to accumulate hazardous waste at or near any point of generation ("satellite accumulation") and in compliance with §262.34(c) are not required to be inspected weekly. A generator accumulating hazardous waste in satellite accumulation

areas must comply with §§265.171, 265.172, and 265.173(a) (§262.34(c)(1)(i)). These requirements include that a LQG ensure that the containers are in good condition, that the waste is compatible with the containers, and that the containers are kept closed except when necessary to add or remove waste. In addition, if the container begins to leak the generator must transfer the waste to a container that is in good condition. Section 265.174, regarding weekly inspection, is not a requirement for containers of hazardous waste in a satellite accumulation area. Therefore, LQGs are not required to conduct a weekly inspection of containers in satellite accumulation areas so long as they comply with the provisions of §262.34(c). Authorized states may require weekly inspection of containers in satellite accumulation areas, as states may have more stringent requirements than the federal regulations.

RO 14418

EPA530-R-99-0121

SUB-9224-99-012

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT

December 1999

15. **Question:** SQGs must conduct training in accordance with 262.34(d)(5)(iii) and LQGs must conduct training in accordance with 265.16. Do the RCRA regulations require training of personnel working in SAAs?

Answer: No. The RCRA regulations do not require training of personnel working in SAAs. Personnel that have access to or work in central accumulation areas, including those that move hazardous waste from a SAA to a central accumulation area, must be trained. As the ones actually generating hazardous waste, however, personnel working in SAAs need to be familiar enough with the chemicals with which they are working to know when they have generated a hazardous waste so that it will be managed in accordance with the RCRA regulations.

16. **Clarification:** Personnel moving waste from satellite accumulation areas to a 90-day (or 180-day) generator accumulation area must have appropriate training. An emergency coordinator must be accessible.

Generally, 40 CFR Part 262.34(d)(5)(iii) provides that "The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operation and emergencies." Thus, if a person is handling hazardous waste, he or she should have had training in proper waste handling and emergency procedures appropriate to the types of waste handled, the management methods used, and the hazards presented by the waste type and waste management method. In addition "there must be at least one employee either on the premises or on call...with the responsibility for coordinating all emergency response measures..." (40 CFR 262.34(d)(5)(i)). This may apply when wastes are taken from a satellite accumulation area to a 90-day storage area and to persons who will be responsible for managing the waste (e.g., persons managing wastes in drums and tanks.)

17. **Clarification:** Contingency plans and personnel training not required for satellite accumulation areas.

EPA did address this issue when the satellite accumulation rule was promulgated in 1984 (49 FR 49570; December 20, 1984). EPA stated at that time, in response to several commenters, that “EPA believes that since only one waste will normally be accumulated at each satellite area, and since only limited quantities are allowed to accumulate, contingency and training plans are not necessary.”

18. **Question:** The preamble to the final rule that added 262.34(c), states, “...only one waste will normally be accumulated at each satellite area.” Can there be more than one hazardous waste at an SAA? Can there be more than one container at an SAA?

Answer: Yes. It’s permissible to have more than one hazardous waste in an SAA. Likewise, it’s permissible to have more than one container of hazardous waste in an SAA. The regulations do not limit the number of hazardous wastes or the number of containers that can be placed in an SAA. The regulations limit only the total volume of hazardous waste at a single SAA to 55 gallons (or 1 quart of acute hazardous waste). If there are multiple containers of hazardous waste in an SAA, each container must be labeled in accordance with 262.34(c)(1)(ii). Because the Agency did not anticipate that generators would accumulate multiple hazardous wastes/containers in an SAA, a cross-reference to the requirements for the safe storage of incompatible wastes was not included as part of the container management standards for SAAs. Nevertheless, good management practices clearly dictate that incompatible wastes should be stored separately. Furthermore, in the event that any wastes, including incompatible wastes, are stored in such a way that they may pose an imminent and substantial threat to health or the environment, §7003 of RCRA allows the Agency to take enforcement action to eliminate the threat.

19. **Clarification:** A generator may accumulate up to 55 gallons of hazardous waste, or one quart of acutely hazardous waste, at a satellite accumulation area. EPA believes that only one waste would normally be accumulated at each area. There is no limit to the number of satellite areas at a generator site. A container in a satellite area does not have to be a specific size. There is no limit on the number of containers at a satellite area.

a) A generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste, in containers at or near any point of generation where the waste initially accumulates and which is under the control of the operator of the process. EPA believes that only one waste would normally be accumulated at each satellite are, and that the exempted accumulation should be limited to 55 gallons. Although the total amount of hazardous waste that may be accumulated at any one satellite area is limited to 55 gallons, EPA intentionally did not limit the total number of satellite areas at a generator's facility nor specify the size of the containers to be used for accumulation (though we believe many facilities will use 55-gallon drums).

- b) The Federal regulations do not limit the number of containers that can be placed at a satellite accumulation area, rather, the regulations limit the total gallons accumulated to 55.

20. **Question:** Can a facility have multiple SAAs?

Answer: Yes. The regulations do not limit the total number of SAAs at a generator's facility. Likewise, the regulations do not limit the total amount of hazardous waste that can be accumulated at various SAAs across a facility. The regulations limit only the volume of hazardous waste that can be accumulated at a single SAA to 55 gallons (or 1 quart of acute hazardous waste). It's not possible in a memo for the Agency to delineate for all situations what constitutes a single SAA versus what constitutes separate SAAs. The regulations state that a generator may accumulate hazardous waste "in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste." For additional guidance about the Agency's intent, refer to the preamble to the final rule for SAAs, which states, "Certainly...a row of full 55 gallon drums spaced 5 feet apart along the factory wall," is not a row of distinct SAAs, but is one SAA.

21. **Clarification:** The 55-gallon limit applies to the total of all non-acutely hazardous waste in a satellite accumulation area. There is no limit on total number of satellite accumulation areas at a facility. There is no specific size of containers required for satellite accumulation.

The 55 gallon limit applies to the total of all the nonacutely hazardous waste accumulated at a satellite accumulation area. In the Federal Register notice of December 20, 1984 (49 FR 49568) EPA explicitly states that the 55 gallon limit on non-acutely hazardous waste applies to each satellite accumulation area. Although the total amount of hazardous waste that may be accumulated at any one satellite area is limited to 55 gallons, EPA intentionally did not limit the total number of satellite areas at a generator's facility nor specify the size of the containers to be used for accumulation. A case-by-case analysis is necessary to determine whether a generator is accumulating more than 55 gallons of waste at one satellite area, or whether a generator has more than one satellite area. An example of a situation that would not be in compliance with the regulations is given in the aforementioned Federal Register notice on page 49569, column 3. The appropriate State or EPA Regional office would make these case-by-case determinations.

22. **Question:** If a facility has multiple SAAs, can hazardous waste be moved from one SAA to another?

Answer: No. Generators may not move hazardous wastes between SAAs. Once a hazardous waste leaves an SAA, it must be destined for a central accumulation area that is regulated under 262.34(a) or (d) or for final treatment or disposal at a facility with a permit or interim status. However, a single SAA may have multiple points of generation. Movement or consolidation of hazardous waste within an SAA is permissible, as long as it remains "at or near" the "point of generation" and "under the control of the Operator of the process generating the waste." In addition, a generator may have more than one 90-day or 180-day central accumulation area, and the regulations do not prohibit the movement of hazardous waste from one fully regulated central accumulation area to another, as long as the hazardous waste remains on-site. However, the 90-day or 180-day "clock" for accumulation does not restart if the hazardous waste is moved to another central accumulation area.

23. **Clarification:** Large quantity generators (LQG) and small quantity generators (SQG) with multiple satellite accumulation areas cannot move wastes between satellite accumulation areas. Waste that leaves a satellite accumulation area should be destined for an accumulation area which is fully regulated under 262.34(a) or (d), or Parts 264 or 265.

An LQG or SQG cannot move wastes between satellite accumulation areas. Once a waste leaves a satellite accumulation area, the waste should be destined for an accumulation area which is fully regulated under Sections 262.34(a) or (d), or Parts 264 or 265. The regulatory requirements for satellite accumulation areas are designed to provide the generator with a safe and efficient manner to accumulate limited amounts of hazardous waste at or near the point of generation, prior to moving the waste to a fully regulated storage area. This eliminates the need to frequently move smaller quantities of hazardous waste within the generator's facility (49 FR 49569; December 20, 1984). It was not EPA's intent to allow hazardous wastes to be moved from one satellite accumulation area to another. Furthermore, if waste is moved between satellite accumulation areas, this calls into question whether the waste is being stored in a satellite accumulation area "at or near the point of generation where wastes initially accumulate."

RO 14337

EPA530-R-99-005b

SUB-9224-99-002

RCRA/SUPERFUND HOTLINE MONTHLY REPORT

February 1999

24. **Question:** Do generators have to include the hazardous waste in SAAs in the monthly quantities for determining generator status (i.e., SQG or LQG)?

Answer: Yes. Generators must include all the hazardous waste in the various SAAs in their monthly quantities for determining generator status. Sections 261.5(c) and (d) identify hazardous wastes that do not have to be counted when determining generator status. Hazardous waste stored in SAAs is not on this list; therefore, hazardous waste in SAAs must be included in the generator's monthly quantity determination.

25. **Clarification:** Wastes in satellite accumulation area must be counted in generator's monthly waste quantity determination.

To determine their generator status, generators must count all hazardous waste generated at their facility in a calendar month. Wastes not included in the monthly determination are identified in Section 261.5(c). These are wastes either not subject to regulation or subject to only the notification and reporting requirements in Sections 262.11, 262.12, 262.40(c) and 262.41. Wastes stored in the satellite accumulation area are subject to certain container standards (e.g., Sections 265.171, 265.172, and 265.173(a)). These regulations are not among those listed in 261.5(c). Therefore, wastes in the satellite accumulation must be included in the generator's monthly waste quantity determination.

RO 13312
9453.1989(03)
RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY
AUGUST 89

26. **Clarification:** Wastes in satellite accumulation areas must be included in the generator's monthly waste quantity determination as well as other on-site quantity determinations.

The regulations at 40 CFR 261.5(c) state what is, and is not included when making quantity determinations. Hazardous waste that is not subject to regulation or that is subject only to §262.11, §262.12, §262.40(c) and §262.41 is not included in the quantity determinations of this part and parts 262 through 266, 268, and 270 and is not subject to any of the requirements of those parts. Hazardous waste that is subject to the requirements of §261.6(b) and (c) and subparts C,D, and F of part 266 is included in the quantity determination of this part and is subject to the requirements of parts 262 through 266 and 270. To determine generator status, generators must count all hazardous waste generated at their facility in a calendar month. Wastes not included in the monthly determination are either not subject to regulation or subject to only the notification and reporting requirements in 40 CFR section 262.22, 262.12, 262.40(c) and section 262.41 as cited above. Wastes stored in satellite accumulation areas are subject to certain container standards (e.g., sections 265.171, 265.172, and 265.173(a)). The container standards are not among those listed in RO 11812 section 261.5(c) as "not included in the quantity determination." Therefore, wastes in the satellite accumulation areas must be included in the generator's monthly waste quantity determination as well as other on-site quantity determinations. For further discussion of this and other generator requirements please see 51 FR 10151, March 24, 1986.

RO 11812

9451.1994(01)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response
February 10, 1994

27. **Question:** When a facility has equipment that discharges hazardous wastes to attached containers, do the containers that collect such wastes have to be in compliance with the SAA regulations?

Answer: Yes. Even if the discharging unit is not regulated under RCRA, the attached containers that collect hazardous wastes from such equipment must be in compliance with the SAA regulations, if those containers collect wastes that are listed or characteristic hazardous wastes. Waste containers in SAAs must be:

- in good condition (265.171)
- compatible with their contents (265.172)
- labeled with "words that identify the contents of the container" or the words "hazardous waste" (262.34(c)(1)(ii)).

In addition, the containers in SAAs must be closed, except when adding or removing hazardous waste (265.173(a)). Generators would not be required to keep such containers closed while hazardous waste is being added to the container; but generators would need to keep them closed

when the hazardous waste is not being discharged to the attached container. The container(s) attached to such equipment is a point of generation. It is possible for there to be multiple pieces of equipment within one SAA, and thus multiple points of generation within a single SAA, provided all the pieces of equipment are “at or near” each other and “under the control of the operator of the process generating the waste.” Under this scenario, the total amount of hazardous waste in the SAA would be limited to 55 gallons (or 1 quart of acute hazardous waste) and a generator would be allowed to consolidate like hazardous wastes from multiple discharging units.

28. **Question:** If a facility has very small containers (e.g., vials or tubes) of hazardous waste that are too small to label with the words “hazardous waste” or “other words that identify the contents of the container,” how should the containers be labeled?

Answer: Generally, we would expect the small containers to be placed in properly labeled larger containers, which would have the added benefit of secondary containment should the small containers break. However, other approaches that would achieve the same result also would be acceptable.

Additional Information

1. April 1990; RCRA/Superfund Hotline Monthly Report; RCRA Online #13365.
2. October 1990; RCRA/Superfund Hotline Monthly Report; RCRA Online #13410.
3. December 20, 1984; 49 FR 49568; Final Rule; Docket # RCRA-1984-0028.
4. November 1, 1993; Weddle to Ware; RCRA Online #11791.
5. February 1996; RCRA/Superfund Hotline Monthly Report; RCRA Online #13777.
6. December 1999; RCRA/Superfund Hotline Monthly Report; RCRA Online #14418
7. December 20, 1984; 49 FR 49570; Final Rule; Docket # RCRA-1984-0028.
8. December 20, 1984; 49 FR 49570; Final Rule; Docket # RCRA-1984-0028.
9. December 20, 1984; 49 FR 49569; Final Rule; Docket # RCRA-1984-0028.
10. February 1999; RCRA/Superfund Hotline Monthly Report; RCRA Online #14337.
11. February 10, 1994; Shapiro