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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

topic =
satellite
accumulation.

July 17, 1998

James D. Fitzgerald, P.E., LSP
Environmental Resources Management
399 Boylston Street, 6th floor
Boston, MA 02116

Subj: Clarifications of RCRA generator storage requirements

Dear Mr. Fitzgerald:

This letter is written in response to inquiries contained in your letter to EPA dated May 28, 1998. In your letter, you ask for clarifications of how specific generator storage practices comply with generator requirements. Clarifications of these practices are provided below:

1. Hazardous waste in a five gallon container is accumulated in a 90-day accumulation area at a large quantity generator (LQG). The container is labeled and dated when the first drop of waste is put into the container. When the container is full, it is carried to a different 90-day accumulation area and poured into a 55-gallon hazardous waste drum, which may already contain compatible hazardous waste. There is a written procedure that requires that the date shown on the label of the 55-gallon drum be the earliest of either a) the date of the first entry of waste into the 5 gallon "feeder" container, or b) the date that other waste was first put into the 55-gallon container. This means that, on occasion, the date on the drum will be crossed out and an earlier date will be written.

Clarification

Although this practice is not prohibited, crossing out and rewriting the date on a container (even if changing to an earlier date) may not always be an orderly way of updating container labels, especially if wastes are transferred among several 90-day accumulation areas at a given facility. A date on a container label which is crossed out and changed could make an inspector skeptical of the operator's ability to accurately track containers. If this is the approved or agreed-upon method of tracking hazardous waste containers which are transferred from one 90-day accumulation area to another, it is imperative that the facility keep clear and updated logs of all of its 90-day hazardous waste storage containers. The facility also should consider adopting a written standard operating procedure for this practice.



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2. A five gallon container is used for satellite accumulation. When it is filled up, it is immediately taken to a 90-day accumulation area, where it is poured into a 55-gallon drum. In this case, the procedure states that the date on the label of the 55-gallon drum must be the date that the first drop of hazardous waste went into the drum (not some prior date when the hazardous waste was accumulating in the satellite area).

Clarification

This practice would be acceptable *provided that* 40 CFR 262.34(c)(1) or an equivalent state regulation approved by EPA is met. The federal regulation states the following:

"A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 261.33(e) 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, without a permit or interim status and without complying with paragraph (a) of this section provided he:

- (i) Complies with 265.171, 265.172, and 265.173(a) of this chapter; and
- (ii) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers."

You should consult the appropriate state's corresponding regulations on satellite accumulation to be sure that they are not more stringent. The Massachusetts Hazardous Waste Regulations at 310 CMR 30.340(4) and 30.351(4) allow both large and small quantity generators (LQGs and SQGs) to accumulate hazardous wastes in containers at or near the point of generation where wastes initially accumulate, provided that:

- a. The wastes must be generated as a result of a process occurring at the specific point of generation where the wastes are initially accumulated.
- b. Each such specific point of generation where wastes initially accumulate shall be under the control of the key staff individual directly responsible for the process resulting in the generation of such wastes.

- c. **For each specific point of generation, only one container may be used at any one time. The maximum capacity of said container shall be as follows:**
1. **55 gallons if the hazardous waste being accumulated is hazardous waste** identified or otherwise described in 310 CMR 30.120 through 30.135; or
 2. one quart if the hazardous waste being accumulated is acutely hazardous waste listed or otherwise described in 310 CMR 30.136.

Thus, Massachusetts allows (for non-acutely hazardous waste) only one container up to 55 gallons in capacity for a particular point of generation. An example which would be in compliance with the federal regulation but would not be in compliance with the Massachusetts regulation is a satellite accumulation area with three 10-gallon containers of the same waste stream.

To be "under the control of the operator of the process generating the waste", the satellite accumulation area should be located where the operator can easily observe the physical condition of the container (i.e., to prevent others from handling or tampering with the contents of the container). While it can be argued that inside an adjacent room is "near the point of generation", a satellite accumulation container located in a room adjacent to the point of generation might not be routinely observed (i.e., frequently walked past) and therefore not under an operator's control for a significant portion of a day. Satellite accumulation in a room adjacent to the point of generation may be acceptable if operator control is maintained (i.e., via locked access).

In short, for this practice to be acceptable, the satellite accumulation area must be **at or near the point of generation, and under the control of the operator of the process generating the waste.** If there is a question as to whether or not these criteria are met for a particular situation, you may wish to more fully detail the situation to EPA for a more complete clarification.

3. Is it permissible for a 90-day accumulation area and a satellite area to be present in the same room, or even adjacent to each other, provided that the two areas are separate, distinct areas?

In other words, the 90-day area would be defined as required with a sign and delineation, while the satellite container would be marked or sign-posted to confirm to an inspector that the satellite container is indeed satellite, and that it does not constitute a waste container that should be inside the 90-day area.

Clarification

It is possible for a 90-day accumulation area and a satellite area to be present in the same room, *provided that* the satellite area is, again, at or near the point of generation, and under the control of the operator of the process generating the waste. The discussion in the clarification of question no. 2 above also applies to this situation.

4. When a 90-day accumulation area comprises only a part of a room which is behind a door, is the following signage practice permissible?

A hazardous waste sign is placed on the outside face of the door leading to the area as a general warning of the character of the materials inside. Inside the room, the exact portion of the room designated for 90-day accumulation is marked in accordance with the regulations. Other materials, for example, non-hazardous wastes or virgin materials, are also present within the room but not within the delineated 90-day accumulation area.

Clarification

You indicate in this scenario that the exact portion of the room designated for 90-day accumulation is marked in accordance with regulation. You may want to actually post a sign so that upon entering through the door, it is immediately obvious which area inside the room has hazardous waste.

This practice would be permissible. However, the person responsible for maintaining the 90-day storage area should ascertain that hazardous wastes, other non-hazardous wastes, virgin materials, etc., are in the appropriate areas within this room. The responsible person should also pay special attention to spill containment and compatibility issues (i.e., if the contents of a 90-day container of hazardous waste were to spill and commingle with an incompatible substance outside of the delineated 90-day area). With respect to compatibility, the Massachusetts regulations at 310 CMR 30.340(1)(k) indicate:

"All areas where wastes are accumulated for purposes of complying with 310 CMR 30.000 [generator requirements] generally shall be clearly marked (e.g., by a clearly visible line or piece of tape on the floor, or by a gate or fence, or by a sign at the boundary of a clearly distinguishable area) so that they are clearly distinguishable at all times from all specific points of generation where wastes are initially accumulated solely for the purposes of 310 CMR 30.340(4) [satellite accumulation requirements], and from all areas at the site of generation where wastes are not accumulated."

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Please note that a facility with a satellite accumulation area(s) must meet the criteria outlined in 40 CFR 262.34(c)(1). If during an inspection a satellite accumulation area is found to be out of compliance with 262.34(c)(1), it could be cited as a violation of 90-day storage requirements. You should also confer with all applicable states where there could be facilities with any of the circumstances described above. States which are authorized for the RCRA base program could have more stringent requirements than the federal.

If you have any questions about the information discussed in this letter, please call Marina Cronin at (617) 565-3544.

Sincerely,


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