







Requirements for Satellite Accumulation Areas

BACKGROUND: In 1980, EPA promulgated hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA), which included standards for generators of hazardous waste. With respect to storage of hazardous waste on-site by generators, these regulations originally made no distinction between the initial accumulation of hazardous waste at various points of generation (i.e., "satellite" accumulation) and storage at locations where hazardous waste is consolidated for on-site management or transportation off-site. EPA amended the hazardous waste generator regulations on December 20, 1984, to allow generators to store hazardous waste in satellite areas as long as certain conditions were met. State programs, however, do not have to allow for the accumulation of hazardous waste in satellite areas or may have more stringent requirements for these waste accumulation areas.

STATUTE: The Resource Conservation and Recovery Act (RCRA), Section 3002.

REGULATION: 40 CFR 262.34(c); 49 FR 49568, December 20, 1984, Standards Applicable to Generators of Hazardous Waste.

- REFERENCES:**
1. Letter Concerning Container Storage Areas from the Director, Office of Solid Waste, EPA, to Atlantic Research Corporation, January 13, 1988.
 2. Letter Clarifying Generator Accumulation Time Requirements of 40 CFR 262.34 from the Director, Office of Solid Waste, EPA, to Smith & Schnacke, April 21, 1989.
 3. Memorandum on Satellite Accumulation from the Director, Office of Solid Waste, EPA, to the Associate Director, RCRA Waste Management Division, EPA, July 13, 1989.
 4. Letter Clarifying Satellite Accumulation Provisions from the Director, Office of Solid Waste, EPA, to Fehr-Graham & Associates, August 2, 1989.
 5. Waste Management and the Land Disposal Restriction Prohibition, Office of Environmental Guidance Information Brief (EH-231-011/0592 (May 1992)).

What is a satellite accumulation area?

A satellite accumulation area is a storage location at or near any point of generation where hazardous wastes initially accumulate, which is under the control of the operator of the process generating the waste [40 CFR 262.34(c)(1)]. Wastes stored in these areas are subject to regulatory requirements that are less stringent than requirements applicable to hazardous wastes stored in permitted, interim status, or 90-day storage areas meeting the applicable provisions of 40 CFR 264, 265, or 262.34(a), respectively.

What federal regulatory requirements apply to satellite accumulation areas?

Federal regulatory requirements applicable to satellite accumulation areas specify that up to 55 gallons of non-acutely hazardous waste or one quart of acutely hazardous waste may accumulate and be stored in a satellite area. [Acutely hazardous wastes are wastes listed in 40 CFR 261.31-32 with the Hazard Code "H" and P-listed hazardous wastes identified in 40 CFR 261.33(e).] These wastes may be stored in satellite accumulation areas for more than 90 days without a RCRA permit or interim status, if the following provisions on container use, management, and labeling are met:

- The wastes must be placed in containers that are in good condition as provided in 40 CFR 265.171. If a container holding hazardous waste begins to leak, the waste must either be transferred to a container that is in good condition or be managed in some other manner in accordance with RCRA requirements [40 CFR 262.34(c)(1)(i)].
- The wastes must be compatible with their containers as required by 40 CFR 265.172, which states that containers storing haz-

ardous waste must be made of, or lined with, materials that will not react with and are otherwise compatible with the hazardous waste being stored, so that the ability of the containers to contain the wastes is not impaired [40 CFR 262.34(c)(1)(i)].

- The containers holding the waste must be managed in accordance with 40 CFR 265.173(a). These regulations state that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste [40 CFR 262.34(c)(1)(i)].
- Containers in satellite accumulation areas must be marked with the words *Hazardous Waste* or with other words that identify the contents of the containers [40 CFR 262.34(c)(1)(ii)].

Are there requirements for the type, size, or number of containers used to store wastes; the types of wastes stored; the time that wastes may be stored; or the labeling, marking, or designation of satellite accumulation areas?

EPA did not specify the type, size, or number of containers that may be used to accumulate waste in a satellite area. A container storing waste in a satellite area may be "any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled" as defined in 40 CFR 260.10. While generators are not limited with respect to the number or size of containers in a satellite accumulation area, they are responsible for ensuring that the waste quantity limitations specified in the regulation (i.e., 55 gallons of non-acutely hazardous waste or one quart of acutely hazardous waste) are not exceeded (reference 3).

EPA did not put any restrictions on the types of waste that may be stored in satellite areas or on the amount of time that wastes may be stored in these areas. The satellite accumulation provisions do not require that satellite accumulation areas be labeled, marked, or otherwise designated as satellite accumulation areas.

Can a generator exceed the 55-gallon or one-quart limits when several waste streams are accumulated in a satellite area?

No. The quantity limits apply to the total quantity of hazardous waste accumulated at a satellite area. No more than 55 gallons of non-acutely hazardous waste or one quart of acutely hazardous waste may be accumulated in a satellite area (49 FR 49568, December 20, 1984; reference 4).

What must a generator do when more than 55 gallons of non-acutely hazardous waste or more than one quart of acutely hazardous waste accumulates in a satellite area?

Within 3 days, the amount of non-acutely hazardous waste in excess of 55 gallons or acutely hazardous waste in excess of one quart must be moved to either a 90-day storage area [40 CFR 262.34(a)] or a permitted or interim status hazardous waste management unit. During the period when excess wastes are stored in a satellite accumulation area, the generator must continue to comply with the requirements applicable to satellite accumulation areas described above. In addition, the container(s) holding the excess accumulation of hazardous waste must be marked with the date the excess amount began accumulating [40 CFR 262.34(c)(2)]. Once wastes are moved to a 90-day storage area or a permitted or interim status hazardous waste management unit, the generator is subject to the regulatory requirements applicable to these areas or units.

If hazardous waste is moved from a satellite accumulation area to a 90-day storage area, when does the 90-day period during which a generator may accumulate waste on-site without a permit or interim status begin?

The 90-day period begins on the date that the waste is removed from the satellite accumulation area. Starting on this date, the waste must be managed in accordance with the requirements of 40 CFR 262.34(a) (reference 2).

How many satellite accumulation areas may be located at a facility?

EPA did not limit the number of satellite accumulation areas that may be located at a generator's site or the total amount of waste that may be accumulated when more than one satellite accumulation area is located at the generator's site (reference 4). EPA has stated, however, that a generator who attempts to use the satellite accumulation provision to circumvent regulatory responsibilities (e.g., storing hazardous waste in 55-gallon drums spaced 5 feet apart around the perimeter of the facility) would not be in compliance with the regulations (49 FR 49569; December 20, 1984).

Must a satellite accumulation area be located within a certain distance of or within the same structure as the process generating the waste?

The provisions of 40 CFR 262.34(c) do not require that a satellite accumulation area be within a certain distance of or within the same structure as the process generating the waste. However, the regulation does require that a satellite accumulation area be "at or near the point of generation where wastes initially accumulate" and "under the control of the operator of the process generating the waste" [40 CFR 262.34(c)(1)]. Some enforcement personnel have

interpreted this provision to mean that satellite accumulation areas must be within the same structure as the process generating the waste. Generators should check with State enforcement personnel to determine how this provision is being interpreted in their State.

Should waste in satellite accumulation areas be counted in determining whether a hazardous waste generator is a conditionally exempt small quantity generator (CESQG) or a small quantity generator (SQG)?

Yes. All of the hazardous waste that is generated at the generator's site must be included in calculations to determine generator status. CESQGs (monthly generators of less than 100 kilograms of non-acutely hazardous waste or one kilogram of acutely hazardous waste) are exempt from requirements under 40 CFR 262 including the satellite accumulation provisions [40 CFR 261.5]. SQGs (generators of 100-1000 kilograms of hazardous waste per month) are not exempt from the 40 CFR 262 requirements.

How do the prohibitions on the storage of restricted wastes in 40 CFR 268.50 apply to waste accumulated and stored in satellite accumulation areas?

The storage of hazardous wastes restricted from land disposal is prohibited unless the wastes are stored solely for the purpose of accumulating a sufficient quantity to facilitate proper recovery, treatment, or disposal. Hazardous waste not stored for this purpose must be treated to meet the applicable land disposal restrictions (LDR) standards specified in 40 CFR 268, unless EPA has granted these wastes a variance. This prohibition applies to all hazardous waste stored at the generator's site [unless the generator is a CESQG (40 CFR 268.1(e)(1))], including waste stored in satellite accumulation areas. However, waste accumulated in satellite areas prior to an applicable LDR effective date is not subject to the treatment standards until moved or otherwise managed. (reference 5).

Are there RCRA training requirements applicable to personnel working in satellite accumulation areas?

There are no specific training requirements for personnel working in or near satellite accumulation areas. However, SQG waste management personnel must be trained in accordance with the requirements of 40 CFR 262.34(d)(5). Generators of more than 1000 kg/month of hazardous waste (large quantity generators or LQGs) are required by the provisions of 40 CFR 262.34(a)(4) to train waste management personnel in accordance with the personnel training requirements of 40 CFR 265.16. However, if the LQG is a permitted treatment, storage, or disposal facility, waste management personnel must be trained in accordance with the requirements of 40 CFR 264.16.

Questions of policy or questions requiring policy decisions will not be dealt with in EH-231 Information Briefs unless that policy has already been established through appropriate documentation. Please refer any questions concerning the subject material covered in this Information Brief to Jane Powers, RCRA/CERCLA Division, EH-231, 202-586-7301.



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