

## EPA's SATELLITE ACCUMULATION

Did you know that under EPA in 40 CFR § 262.15, small and large quantity generators may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste or 1 kg (2.2 lbs) of solid acute hazardous waste listed in § 261.31 or § 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, for as long as they want, without possessing or applying for a full Treatment, Storage & Disposal Facility Permit and without meeting the Central Accumulation Area Requirements in 262.16(b) for small quantity generators (SQG) or in 262.17(a) for large quantity generators (LQG). That's because under satellite accumulation, you don't mark the 90-day or 180-day on-site accumulation start dates on your hazardous waste containers when you start to fill them; instead you get to mark them with the 90-day or 180-day on-site storage dates, once they are filled and moved to the Central Accumulation Area.



Even though EPA did not include “Satellite Accumulation Area” in the hazardous waste definitions in § 260.10, they did clearly define the “Central Accumulation Area” as an on-site hazardous waste accumulation area where hazardous waste accumulates in containers under the full 180-day storage requirements in § 262.16 for SQG or the 90-day storage requirements in § 262.17 for LQG. But the definition of satellite accumulation can be ascertained by reading the brand new § 262.15 **Satellite Accumulation Area Regulations for small and large quantity generators**. In addition, don't assume that there can be only one Satellite Accumulation Area. A hazardous waste generator can operate numerous Satellite and Central Accumulation Areas throughout a single plant or facility.

This is not your father's satellite accumulation, and it will change the way you manage Satellite Accumulation Area containers. The old Satellite Accumulation Requirements used to be found in 40 CFR § 262.34(c). Now that section will be removed, or more correctly reserved, gone like the days of cheap moonshine, history, finito, sayonara. That's right, the Satellite Accumulation Area Requirements will now be found in Section 262.15, and if you want to keep utilizing satellite accumulation, you're gonna have to bring your “A” game.

I really think EPA believes that they are not changing the Satellite Accumulation Requirements under the new HWGIR, as much as clarifying them. And I guess they're right; satellite accumulation will still allow you to store up to 55 gallons of non-acute hazardous waste and/or 1 quart of liquid acute hazardous waste or 1 kg of solid acute hazardous waste; satellite accumulation is still “at or near the point of gener-

ation where wastes initially accumulate”; and “under the control of the operator of the process generating the waste”.

And the HWGIR doesn't really change the fact that satellite accumulation containers holding hazardous waste must be in good condition; not leaking; and made of, or lined with, materials that are compatible with the accumulated waste. Also, containers accumulating hazardous waste still must be closed at all times, unless waste is being added, consolidated or removed to prevent build up of extreme pressure. I think this has always been assumed, but now you will find that it is incorporated in § 262.15.

To be honest, I feel the biggest changes are in the marking requirements on satellite accumulation containers, and the requirement for both large and small quantity generators' Preparedness and Prevention Plan and Emergency Procedure Plan to now cover the Satellite Accumulation Areas.

Here's what I mean; the first major change would be the three container marks required while containers are being used for accumulating waste in the Satellite Accumulation Areas. Under § 262.15(a)(5), the containers must display two marks, as follows:

1) The words “Hazardous Waste” and

2) “An indication of the hazards of the contents.” Examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); a hazard class label consistent with the Department of Transportation requirements in 49 CFR Part 172 Subpart E (Labeling) or Subpart F (Placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; a chemical hazard label consistent with the National Fire Protection Association Code 704; or any other marking or labeling commonly used nationwide in commerce that identifies the nature of the hazards. This is brand new under HWGIR.

3) Then, a new requirement for generators who accumulate either acute or non-acute hazardous waste, in excess of the satellite accumulation storage limits, at or near any point of generation, to mark the satellite accumulation containers holding excess amounts with the date that the excess amount began generating. This will ensure that the generators remove the excess waste from the Satellite Accumulation Area within three consecutive calendar days to a Central Accumulation Area or an on- or off-site TSDF.

If the container is moved from the Satellite Accumulation Area into the Central Accumulation Area to begin its 90-day or 180-day on-site storage times, containers in the Central Accumulation Area also have three marking requirements:

1) The words “Hazardous Waste” marked on the container from satellite accumulation;

2) “An indication of the hazards of the contents”, marked on the container from satellite accumulation; and

3) The date each period of accumulation begins in the Central Accumulation Area, which is not required under Federal Satellite Accumulation Requirements.

Just try to remember that all containers of hazardous waste, regardless of whether they are in the Central or Satellite Accumulation Areas, must be marked with the words “Hazardous Waste” and “an indication of the hazards of the contents” as mentioned above. But containers in Central Accumulation Areas

are required to be marked with the date each period of accumulation begins.

Then, the second major change under the new Satellite Accumulation Regulations in Part 262 would have to be the requirements for both large and small quantity generators to compile and maintain Preparedness and Prevention Plans in 262.16(b)(8) and Emergency Procedures Plans in 262.16(b)(9) for small quantity generators and in the new Subpart M of Part 262 for large quantity generators.

This means you will have to include your Satellite Accumulation Areas in your new HWGIR Preparedness and Prevention and Emergency Procedure Plans, which should not present a major problem since you must complete one anyway if you're maintaining a Central Accumulation Area anywhere on your site. I believe EPA included this requirement for generators who do not operate, maintain or use Central Accumulation Areas. Some generators, under the old requirements, would choose to ship their hazardous waste off-site directly from their Satellite Accumulation Area, bypassing the requirements for maintaining what EPA now defines as a Central Accumulation Area.

Before the HWGIR, large quantity generators were sent into Part 265 Subparts C and D for Preparedness and Prevention and Contingency Plans. However, this is no longer the case; now all large quantity generators will be required to meet the new requirements in Subpart M of Part 262 "Preparedness, Prevention and Emergency Procedures for Large Quantity Generators".

Both large and small quantity generators have always had to meet preparedness, prevention and emergency procedure requirements, of which very little has really changed. EPA has basically copied Subpart C Preparedness and Prevention and Subpart D Contingency Plan and Emergency Procedures out of Part 265, where they both still exist for operators of fully permitted Treatment, Storage & Disposal Facilities (TSDF). Under the new HWGIR, Part 265 Subpart C has been copied into 262.16(a)(8) and (9) for small quantity generators. Then EPA replaced the requirements in Subparts C and D in Part 265 with a brand-new Subpart M in Part 262 Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

Large and small quantity generators' Preparedness and Prevention Plans have always ensured, and will continue to ensure, the facility is prepared for and can respond to emergencies. The plans could mandate contact with, and internal communications or alarm systems for summoning emergency assistance, from local police departments, fire departments and State or Local Emergency Response Agencies. Portable fire extinguishers, fire control equipment, spill control equipment, decontamination equipment and if necessary, water at adequate volumes and pressure to supply water to automatic sprinklers or water spray systems. The required equipment must be tested and maintained as necessary to assure its proper operation in hazardous waste emergencies.

These plans also require an emergency coordinator, who would be on-site or who would be able to respond to emergencies in a timely fashion, and would contact and coordinate with Federal, state, local and any other groups that would be called upon to respond to unintentional releases of hazardous wastes at the facilities.

So let's review. Satellite Accumulation containers must be marked with the words "Hazardous Waste" and "an indication of the hazards of the contents". Containers holding excess waste above the satellite accumulation amounts must be marked with start dates to comply with the excess waste rule. Then, the Satellite Accumulation Areas must be included in your Preparedness and Prevention and Emergency Procedure Plans. This all must be completed by May 30, 2017.

And of course, these are not the only corrections and clarifications under the new Hazardous Waste Generator Improvements Rule. It also contains new terms and definitions, such as, “conditions of the exemption”, “independent requirements”, “episodic releases” and “very small quantity generators”, all of which I will be covering in the seminars or in past and present blogs.

But in the meantime, if you have any questions, comments or input on the new Hazardous Waste Generator Improvements Rule and its implications, give me a call or drop me an email. Or better yet, sign up for the Hazardous Materials & Wastes Compliance Seminar when we are back in town. Thank you for your readership, input and support.

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