

<u>SUBJECT</u>		<u>DATE</u>
1448.	Definitions of Inactive Portion, Active Portion and Closed Portion of a RCRA TSD/F	AUG 12, 2021
1449.	Dangerous Waste Designations and Dangerous Waste Code Determinations	AUG 19, 2021
1450.	Method Detection Limits and Hazardous Waste Determinations	ENCORE AUG 26, 2021
1451.	Method Detection Limits and Hazardous Waste Determinations II	ENCORE SEP 2, 2021
1452.	Totals Analysis vs. TCLP and Dividing by 20	ENCORE SEP 9, 2021
1453.	Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE SEP 16, 2021
1454.	Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE SEP 23, 2021
1455.	Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE SEP 30, 2021
1456.	The "Derived from Rule", the "Mixtures Rule", and the "Contained-In Policy"	ENCORE OCT 7, 2021
1457.	Hazardous Debris and Options to Exclude as a Dangerous Waste	OCT 14, 2021
1458.	Regulatory Status of Characteristic Baghouse Dust Destined for Reclamation	OCT 21, 2021
1459.	RCRA Point of Generation and Baghouse Dust Collection Systems	OCT 28, 2021
1460.	Pumps Containing Liquid Hazardous Wastes and Liquids in Landfill Prohibition	ENCORE NOV 4, 2021
1461.	Pumps Containing Liquid Hazardous Waste and Land Disposal Restrictions	ENCORE NOV 11, 2021
1462.	Pumps Containing Liquid Hazardous Wastes and RCRA Empty Containers	NOV 18, 2021
1463.	Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE NOV 23, 2021
1464.	LDR Notifications/Certifications and Generator Permitted Treatment, Storage, or Disposal Facility	ENCORE DEC 2, 2021
1465.	Multiple Characteristic and Listed Hazardous Waste Codes and the "in lieu of" LDR Principle	ENCORE DEC 9, 2021
1466.	Universal Wastes - Recycling versus Disposal	ENCORE DEC 16, 2021
1467.	'Twas the Night Before Christmas – The Twenty-Eighth Edition	DEC 24, 2021
1468.	Spent Lead Acid Batteries vs., Universal Wastes	ENCORE DEC 30, 2021
1469.	Hazardous Debris and Radioactively Contaminated Cadmium Batteries	ENCORE JAN 6, 2022
1470.	Hazardous Debris and Radioactively Contaminated Lead-Acid Batteries	ENCORE JAN 13, 2022
1471.	Mercury Wet Cell Batteries - Debris or Not Debris	ENCORE JAN 20, 2022
1472.	Hazardous Debris and Non-Radioactive Lead Acid Batteries	ENCORE JAN 27, 2022
1473.	Hazardous Debris and LDR High/Low Mercury Subcategories	ENCORE FEB 3, 2022
1474.	Central Accumulation Areas and the ≤90-day Time Frame	ENCORE FEB 10, 2022
1475.	Central Accumulation Areas with Satellite Accumulation	FEB 17, 2022
1476.	Definition of RCRA Empty Tank	ENCORE FEB 24, 2022
1477.	RCRA Empty Acutely Hazardous Waste Containers	ENCORE MAR 3, 2022
1478.	The RCRA Definition of Acute Hazardous Waste	MAR 10, 2022
1479.	Regulatory Status of Liquids and Solids Separated from D001 High TOC Wastes	ENCORE MAR 17, 2022
1480.	Generator Accumulation at a Permitted Storage Facility	MAR 24, 2022
1481.	Generator Accumulation and Maximum Inventory of Dangerous Waste Onsite at a RCRA TSD	MAR 31, 2022
1482.	LDR Storage Prohibitions and the One-Year Rule	ENCORE APR 7, 2022
1483.	LDR Storage Prohibitions and Treated Hazardous Wastes	ENCORE APR 14, 2022
1484.	LDR Storage Prohibitions and Treated Hazardous Debris or Contaminated Soil	ENCORE APR 21, 2022
1485.	Satellite Accumulation, the Three-Day Rule, and Washington State vs. EPA	ENCORE APR 28, 2022

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TWO MINUTE TRAINING

TO: CENTRAL PLATEAU CLEANUP COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CPCCo Environmental Protection, Hanford, WA

SUBJECT: SATELLITE ACCUMULATION, THE THREE-DAY RULE, AND WASHINGTON STATE VS. EPA

DATE: APRIL 28, 2022

<u>CPCCo Projects</u>	<u>CPCCo Functionals</u>	<u>HMIS</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
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TWO MINUTE TRAINING

SUBJECT: Satellite Accumulation, the Three-Day Rule, and Washington State vs. EPA

Q: A questionable out-of-state consultant tells one of our Washington State customers that per the Federal regulations at [40 CFR 262.15\(a\)\(6\)\(iii\)](#), when nonacutely hazardous waste meets the 55-gallon limit at a satellite accumulation area (SAA), the container must be marked with the accumulation date and moved within three days to a ≤ 90 -day, Central Accumulation Area (CAA) or a RCRA permitted/ interim status waste storage facility. The consultant also says that upon arrival at the customer's CAA, the customer can re-date the container for the ≤ 90 -day date of accumulation requirement and essentially have up to 93 days of total accumulation. If the customer followed the consultant's advice, would the customer be complying with the Washington Administrative Code ([WAC 173-303-174](#)), "Satellite accumulation area regulations for medium quantity generators and large quantity generators".

A: The questionable consultant is correct that the Federal regulations at 40 CFR 262.15(a)(6)(iii) require the generator to date the SAA container when the accumulation limit is met and move the waste within 3 days to an onsite CAA. Then per 40 CFR 262.15(a)(6)(ii)(A), the generator re-dates the container with a ≤ 90 -day date of accumulation. This is supported by an EPA memo dated, March 17, 2004, ([RO 14703](#)) which states:

"This means that an LQG (large quantity generator) has up to 93 days and an SQG (small quantity generator) 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."

However, the Washington State regulations at [WAC 173-303-200\(2\)\(b\)\(iii\)](#) specifically state:

"For the purposes of this section, the ninety-day accumulation period begins on the date that: The generator exceeds its satellite accumulation limits prescribed in WAC 173-303-174(1)."

This means that the WA State generator has 90 days of total accumulation beginning when the SAA accumulation limit is exceeded. WA State does not allow 3 + 90 days of total accumulation. Therefore, if our Washington State customer followed the advice of the questionable consultant and re-dated the SAA container upon arrival at the onsite CAA, the customer would not be complying with WAC 173-303-174.

SUMMARY:

- When an SAA accumulation limit is met, the waste must be dated and then moved within 3 days to a ≤ 90 -day accumulation area (or an interim status or final status permitted storage facility).
- 40 CFR 262.15(a)(6)(iii) gives generators 93 days of accumulation when the 3-day and ≤ 90 -day requirements are added together.
- WAC 173-303-200(2)(b)(iii) specifically limits generators to a total of 90 days of accumulation, i.e., the SAA date for exceeding the accumulation limit is also the ≤ 90 -day date of accumulation.

Excerpts from 40 CFR 262.15, the March 17, 2004, EPA memo, WAC 173-303-174 and WAC 173-303-200 are attached to the e-mail. If you have any questions, please contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 4/28/2022

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Satellite Accumulation, the Three-Day Rule, and Washington State vs. EPA

40 CFR 262.15 Satellite accumulation area regulations for small and large quantity generators

(a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in §261.31 or §261.33(e) of this chapter or 1 kg (2.2 lbs) of solid acute hazardous waste listed in §261.31 or §261.33(e) of this chapter 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 the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in §262.16(b) or §262.17(a), except as required in §262.15(a)(7) and (8). The conditions for exemption for satellite accumulation are:

(6) A generator who accumulates either acute hazardous waste listed in §261.31 or §261.33(e) of this chapter or non-acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must do the following:

(i) Comply within **three consecutive calendar days** with the applicable central accumulation area regulations in §262.16(b) or §262.17(a), or

(ii) Remove the excess from the satellite accumulation area within **three consecutive calendar days** to either:

(A) A central accumulation area operated in accordance with the applicable regulations in §262.16(b) or §262.17(a);

(B) An on-site interim status or permitted treatment, storage, or disposal facility, or

(C) An off-site designated facility; and

(iii) During the **three-consecutive-calendar-day** period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

EPA Memo Dated 3/17/2004, "Frequently Asked Questions about Satellite Accumulation Areas" Excerpt

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 an 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.

[http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/0AC9E15424B2897D8525770600609793/\\$file/14703.pdf](http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/0AC9E15424B2897D8525770600609793/$file/14703.pdf)

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TWO MINUTE TRAINING -ATTACHMENT

SUBJECT: Satellite Accumulation, the Three-Day Rule, and Washington State vs. EPA

WAC 173-303-174 Satellite accumulation area regulations for medium quantity generators and large quantity generators.

(1) A generator may accumulate as much as fifty-five gallons of dangerous waste or either one quart of liquid acutely hazardous waste or 2.2 lbs. of solid acutely hazardous waste (as defined in [WAC 173-303-040](#)) in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-303-040). The satellite accumulation area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. A generator may accumulate waste without a permit, or without complying with WAC 173-303-400, 173-303-600, 173-303-692, and 173-303-800, provided that all the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in WAC 173-303-172 and 173-303-200, except as required by (h) and (i) of this subsection. The conditions for exemption for satellite accumulation are:

(g) Accumulation limits. When the accumulation limits listed in this subsection are met:

(i) The container(s) must be marked immediately with the accumulation start date; and

(ii) Moved within **three consecutive calendar days** to a permitted on-site designated storage area or an on-site central accumulation area or to a permitted off-site designated facility; and

(iii) During the **three consecutive calendar day** period the generator must continue to comply with all the conditions for exemption for satellite accumulation in this section.

WAC 173-303-200 Conditions for exemption for a large quantity generator that accumulates dangerous waste.

Large quantity generators, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on site without a permit or interim status, and without complying with the requirements of WAC 173-303-600 provided that all of the following conditions for exemption listed in this section are met.

(2) Accumulation time limit.

(b) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(i) The generator first generates a dangerous waste; or

(ii) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the accumulation limit for such waste (or wastes); or

(iii) The generator exceeds its satellite accumulation limits prescribed in WAC 173-303-174(1).