TWO MINUTE TRAINING

TO: *CENTRAL PLATEAU CLEANUP COMPANY*

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

SUBJECT: *SATELLITE ACCUMULATION AREAS AND THE THREE-DAY VS., THE 72-HOUR ACCUMULATION TIME LIMIT*

DATE: *MAY 12, 2022*

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TWO MINUTE TRAINING

SUBJECT: Satellite Accumulation Areas and the Three-Day vs., the 72-Hour Accumulation Time Limit

Q: A customer has a satellite accumulation area (SAA) container that met the accumulation volume limit of 55 gallons on Friday morning at 1:00 am during the third shift. The SAA cannot be moved to the onsite central accumulation area (CAA) until Monday evening at 6:00 pm during the second shift. The customer is concerned that a State or EPA regulator may show up on Monday and cite WAC 173-303-174(1)(g)(i) [*40 CFR 262.15(a)(6)(i)*] for not moving the SAA on Monday morning, i.e., more than 72 hours and hence more than 3 days have passed since the SAA volume limit was met. Should the customer be concerned?

A: Yes. The customer should always be concerned when regulatory interpretation is involved.

However, in the December 20, 1984, Federal Register on page 49569, EPA addressed the 3-day vs., 72-hour issue. EPA had originally proposed in the January 3, 1983, Federal Register on page 120, that an SAA generator would be required to comply with all RCRA requirements within 72 hours of accumulating over 55 gallons of hazardous waste. This meant that within 72 hours, the generator would have to move the full SAA container to an onsite CAA or an onsite or offsite interim status or permitted treatment, storage or disposal facility (TSDF). In response to the proposed 72-hour accumulation time limit, several commenters argued that the 72-hour period was too restrictive because of management scheduling problems and three-day holidays. Other commenters argued that the 72-hour period was unenforceable without a requirement to mark the containers with the date and time the accumulation limit was met.

EPA agreed that the 72-hour rule would be difficult to enforce without any indication of the time the accumulation limit was met. Therefore, EPA required that a full SAA container be marked with the date when the accumulation limit was met, and changed the proposed time requirement from 72 hours to three days. EPA stated:

"The added precision of both the date and time of date is unnecessary, and this change lessens the additional burden imposed by the labelling requirement. Finally, industry can avoid the (3-day date) *labelling requirement completely by moving containers prior to the accumulation of more than 55 gallons."*

Note that the last sentence means that if the accumulation limit has not been met, a date is not required to be marked on an SAA container prior to moving the SAA to an onsite CAA or onsite or offsite TSDF.

SUMMARY:

- An SAA container must be marked with the date the SAA container met the accumulation limit.
- EPA originally proposed a 72-hour limit to move the SAA to a CAA or TSDF but determined it would be difficult to track time and unnecessary.
- Example: An SAA container filled on Friday, May 12th must be moved within 3 days to a CAA or TSDF by Monday, May 15th since 12 + 3 = 15.

Excerpts from the December 20, 1984, Federal Register and WAC 173-303-174(g) 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.

TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Satellite Accumulation Areas and the Three-Day vs., the 72-Hour Accumulation Time Limit

Federal Register / Vol. 49, No. 246 / Thursday, December 20, 1984 / Rules and Regulations 49569

"**B. The 72 Hour Transportation Requirement**

Several commenters argued that the proposed requirement to move the amount of hazardous waste over 55 gallons to a central storage area within 72 hours was an insufficient amount of time. These commenters argued the rule is too restrictive because of management scheduling problems and three- day holidays. Other commenters argued the 72-hour period was unenforceable without a requirement to label the containers with the date and time the excess amount began accumulating.

EPA believes the proposed 72-hour period allows generators adequate lead time to manage the excess waste in accordance with the requirements of §262.34(a). Most facilities should be aware of process waste generation rate and should be able to arrange for the removal of any excess accumulation within that time frame. In addition, good management should be able to use advance scheduling to manage the excess waste in spite of a three-day holiday.

However, EPA agrees that this rule will be difficult to enforce without any indication of when excess amounts began accumulating. Thus, EPA is requiring that containers be marked with the date when the excess accumulation began. This requirement will not impose any undue burden on the regulated community since EPA is not requiring special labels or any additional internal recordkeeping. Marking the container clearly with the date excess accumulation begins will be sufficient. In addition. EPA is changing the time requirement from 72 hours to three days. The added precision of both the date and time of date is unnecessary, and this change lessens the additional burden imposed by the labelling requirement. Finally, industry can avoid the labelling requirement completely by moving containers prior to the accumulation of more than 55 gallons."

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.