# TWO MINUTE TRAINING

**TO:** *CENTRAL PLATEAU CLEANUP COMPANY*

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

**SUBJECT:** *KEEPING SATELLITE ACCUMULATION AREA CONTAINERS CLOSED – NEW VS., OBSOLETE REQUIREMENTS*

**DATE:** *JULY 1, 2021*

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# TWO MINUTE TRAINING

**SUBJECT:** Keeping Satellite Accumulation Area Containers Closed – New vs., Obsolete Requirements

**Q:** Concerning the relatively new Generator Improvements Rule (GIR) that was effective in Washington State on April 28, 2019, have the satellite accumulation area (SAA) requirements changed in terms of keeping an SAA closed except when adding or removing dangerous wastes?

**A:** Prior to the GIR, the obsolete WAC 173-303-200(2)(a) *[40 CFR 262.34(c)]* stated that an SAA had to meet, among other things, the obsolete WAC 173-303-630(5)(a) *[40 CFR 265.173(a)]*, which stated that an SAA container holding dangerous waste must always be closed, except when it is necessary to add or remove waste. After the GIR, the new SAA regulation at WAC 173-303-174(1)(c) *[40 CFR 262.15]* stated that an SAA container holding dangerous waste must be closed at all times, except:

- When it is necessary to add or remove waste; or
- *When temporary venting of a container is necessary, such as for the proper operation of equipment; or to prevent dangerous situations, such as build-up of extreme pressure.*

An example situation for the new exception is when temporary venting of the SAA container is necessary for proper operation, e.g., when waste is added to the SAA on a continuous basis. If an SAA was completely closed during continuous additions, the increase in volume would increase the internal pressure since the SAA would not be capable of venting. With the new exception, an SAA could be temporarily opened to allow for venting. As EPA stressed in the GIR Response to Comments Document (Docket # EPA-HQ-RCRA-2012-0121), on page 399, the exception is only allowed during equipment operation and is not a loophole to allow for internal evaporation of dangerous/hazardous waste.

Therefore, the SAA container closure requirements have changed since the implementation of the new GIR by adding an exception for temporary venting for proper operation of equipment or to prevent dangerous situations such as extreme pressure.

**SUMMARY:**

- Prior to the GIR, an SAA was required to be closed except when it was necessary to add or remove dangerous waste.
- After the GIR, a new exception was added for temporary venting for proper operation of equipment or to prevent dangerous situations.
- EPA stressed that the exception is not a loophole to allow for internal evaporation of dangerous wastes.

Excerpts from obsolete WAC 173-303-200(2), obsolete WAC 173-303-630(5), new WAC 173-303-174 and EPA's GIR Response to Comments are attached to the e-mail. If you have any questions, contact me at Paul_W_Martin@rl.gov or at (509) 376-6620.

## TWO MINUTE TRAINING – ATTACHMENT

**SUBJECT:** Keeping Satellite Accumulation Area Containers Closed – New vs., Obsolete Requirements

Prior to GIR

**(Obsolete) WAC 173-303-200(2) Satellite accumulation.**

(a) A generator may accumulate as much as fifty-five gallons of dangerous waste or one quart of 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 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. Satellite accumulation is allowed without a permit provided the generator:(i) Complies with WAC 173-303-630 (2), (4), (5) (a) and (b), (8)(a), and (9) (a) and (b); and(ii) Complies with subsection (1)(d) of this section.

**(Obsolete) WAC 173-303-630(5) Management of containers.**

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

After the GIR

**(New) 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:

(c) Management of containers.

(i) A container holding dangerous waste must be closed at all times, except:

(A) When it is necessary to add or remove waste; or

(B) When temporary venting of a container is necessary, such as:

(I) For the proper operation of equipment; or

(II) To prevent dangerous situations, such as build-up of extreme pressure.

**SUBJECT:** Keeping Satellite Accumulation Area Containers Closed – New vs., Obsolete Requirements

Hazardous Waste Generator Improvements Final Rule
Response to Comments Document
Summaries and Responses
US EPA
October 4, 2016
Docket # EPA-HQ-RCRA-2012-0121

· Clarification and guidance as the proposed rule introduces vague loopholes in addition to increased flexibility (i.e. allowing open containers 'for the proper operation of equipment') (Commenters 217, 232, 235).

**EPA Response:** This flexibility has been in place since 2008 as part of the Academic Laboratories Rule (Subpart K) and we have not learned of any implementation problems associated with that provision. Nevertheless, we have strengthened the regulatory language to make clear that this exception to requiring closed containers was intended for temporary situations only. In the preamble to the proposed rule, we indicated that the requirement to keep the container closed applies when the danger passes (e.g., the contents cool), and when the equipment is not in operation. In response to commenters' concerns, EPA is finalizing this provision, as proposed, with a minor addition. The regulatory language has been modified so that a container holding hazardous waste must be closed at all times during accumulation, except when adding, removing, or consolidating waste, or when *temporary* venting of a container is necessary (1) for the proper operation of equipment, or (2) to prevent dangerous situations, such as build-up of extreme pressure (emphasis added). EPA stresses it does not intend to create a loophole to the closed container requirement or to allow intentional evaporation of hazardous waste. Rather, the intent of the flexibility is to address the limited cases in which "strict adherence to the "container closure" requirements could substantially increase a risk of a hazardous waste incident rather than decrease it" (Commenter 232).