

9453.1989(08)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

AUG 2 1989

T.R. Kirk, Environmental Scientist  
Fehr-Graham & Associates  
660 W. Stephenson St.  
Freeport, Illinois 61032

Dear Mr. Kirk:

This is in response to your letter of July 6, 1989, requesting a clarification of 40 CFR Section 262.34(c), the "satellite accumulation" provision. Section 262.34(c)(1) states that, provided certain requirements are met, "a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in Section 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 ..." Your question concerns whether the 55 gallon limit on hazardous waste applies to the total quantity of hazardous waste accumulated at the satellite location, or it applies to each waste stream accumulated at the satellite location.

The 55 gallon limit applies to the total of all the non-acutely hazardous waste accumulated at a satellite accumulation area. In the enclosed Federal Register notice of December 20, 1984 (49 FR 49568) EPA explicitly states that the 55 gallon limit on non-acutely hazardous waste applies to each satellite accumulation area.

Although the total amount of hazardous waste that may be accumulated at any one satellite area is limited to 55 gallons, EPA intentionally did not limit the total number of satellite areas at a generator's facility nor specify the size of the containers to be used for accumulation. A case-by-case analysis is necessary to determine whether a generator is accumulating more than 55 gallons of waste at one satellite area, or whether a generator has more than one satellite area. An example of a situation that would not be in compliance with the regulations is

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given in the enclosed Federal Register notice on page 49569, column 3. The appropriate State or EPA Regional office would make these case-by-case determinations.

If you have any further questions regarding this letter, you may contact Emily Roth of my staff at (202) 382-4777.

Sincerely,

Original Document signed

Syliva K. Lowrance  
Director  
Office of Solid Waste

Enclosure