

9453.1990(03)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

OCTOBER 1990

1. Clarification of Section 262.34(a) Accumulation Time for Excess of 55-Gallon Limit in Satellite Accumulation Areas

The owner/operator of a manufacturing company maintains a generator satellite accumulation area pursuant to Section 262.34(c). The operator has exceeded the 53-gallon accumulation limit and according to Section 262.34(c)(2), has three days to remove this waste from the satellite area and manage it either in a 90-day storage area as a large quantity generator in compliance with Section 262.34(a), manage the waste at an on-site permitted unit, or ship the waste off-site. Does the 90-day accumulation time for large quantity generators in Section 262.34(a) begin at the time the 55-gallon limit is exceeded or after the three-day transition period in Section 262.34(c)?

1. Clarification of Section 262.34(a) Accumulation Time for Excess of 55-Gallon Limit in Satellite Accumulation Areas (Cont'd)

The owner/operator has up to a 93-day accumulation time for the excess waste generated at the satellite accumulation area (90-day clock in Section 262.34(a), plus up to three days for waste transfer). The March 24, 1986 Federal Register, which clarifies small quantity generator provisions, states "...as soon as the 55-gallon limit has been exceeded in any satellite area, any excess waste is subject to all applicable RCRA requirements within three days. This means that the 180/270 day on site accumulation provision for 100-1000 kg/mo. generators applies to any excess waste three days after the 55-gallon limit has been exceeded." (51 FR 10162). If the generator chose to remove the waste from the satellite area before the three-day transfer provision expired, he would subject the waste to the 90-day clock provisions. For example, if the above operator chose to move his excess waste from the satellite area after just one day, the 90-day accumulation time in Section 262.34 would begin as the waste entered the 90-day accumulation area, not after three days. The generator has chosen not to utilize the other two days that were available for transfer.

Source: Emily Roth, OSW (202) 382-4627
Research: Mic LeBel, GRC