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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 13 1989

MEMORANDUM

SUBJECT: "Satellite" Accumulation

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste

TO: David A. Ullrich, Associate Division Director
Office of RCRA
Waste Management Division (5HR-13)

In response to your memorandum of June 13, 1989, we have addressed the questions posed by Ohio EPA regarding our requirements of 40 CFR Section 262.34(c) concerning satellite accumulation.

Specifically, in the attachment to your memorandum, Ohio EPA asks if roll-off boxes meet the definition of containers and may be used at satellite accumulation areas. It is our view that if the roll-off boxes meet the definition of container found in Section 260.10 and are managed in accordance with the applicable container requirements of Sections 265.171, 265.172, and 265.173(a), they may be utilized in satellite accumulation.

Section 260.10 defines "container" as "any portable device in which a material is stored, transported, treated, disposed of or otherwise handled." A roll-off box is a portable device. The container requirements include: (1) that the container be in good condition (i.e., not leaking), (2) that the container be of a material, or lined with a material, which is compatible with the waste, and, (3) that the container be closed during storage, except to add or remove waste.

The ??? other requirement under Section 262.34(c)(1) states that the container be marked with the words "Hazardous Waste" or other words that identify the contents. This is the extent of the physical requirements for satellite accumulation containers. Therefore, as long as the quantity limits and time limits for excess quantities are met, the roll-off box may be classified as a satellite accumulation container.

However, for containers used in off-site shipment of hazardous waste, the Department of Transportation (DOT) packaging specifications for the hazard class must be met. DOT regulations governing the transportation of hazardous materials are found in 49 CFR Parts 171 through 177.

Ohio EPA has also raised a concern about the ability of a generator to determine when the 55 gallon quantity limit for satellite accumulation of hazardous waste (or one quart of acute hazardous waste), is exceeded if roll-off boxes are used. The dimensions, or capacity, of the roll-off boxes are not mentioned in the Ohio EPA attachment. Under our regulations any type of container may be used as a satellite accumulation device provided it meets the Section 260.10 definition for container, and is used in accordance with the above-mentioned container provisions of Part 265. We ask that Ohio EPA inform us if they find that the use of roll-off boxes of various volumes and capacities contributes to a generator's inability to quantify his waste.

In addition to answering these questions, we offer the following observation. It appears that the Ohio EPA has a thorough understanding of the Section 262.34 requirements and provides an accurate interpretation of the regulations. However, you should note that, upon removal from an accumulation storage area, hazardous waste may also be managed in an on-site permitted unit (45 FR 76624, November 19, 1980).

If you have any questions regarding this memorandum, please do not hesitate to contact me or have your staff contact Emily Roth at (202) 382-4777.