

9451.1994(01)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

February 10, 1994

Mr. Thomas J. Dolce
GZA-AET
140 Broadway
Providence, Rhode Island 20903

Dear Mr. Dolce:

Thank you for your letter of December 17, 1993, regarding counting waste in satellite accumulation areas. You specifically asked if a small quantity generator who collects hazardous wastes at satellite accumulation areas must count this waste for the purpose of determining generator status.

The regulations at 40 CFR 261.5(c) state what is, and is not included when making quantity determinations.

Hazardous waste that is not subject to regulation or that is subject only to §262.11, §262.12, §262.40(c) and §262.41 is not included in the quantity determinations of this part and parts 262 through 266, 268, and 270 and is not subject to any of the requirements of those parts. Hazardous waste that is subject to the requirements of §261.6(b) and (c) and subparts C,D, and F of part 266 is included in the quantity determination of this part and is subject to the requirements of parts 262 through 266 and 270.

To determine generator status, generators must count all hazardous waste generated at their facility in a calendar month. Wastes not included in the monthly determination are either not subject to regulation or subject to only the notification and reporting requirements in 40 CFR section 262.22, 262.12, 262.40(c) and section 262.41 as cited above.

Wastes stored in satellite accumulation areas are subject to certain container standards (e.g., sections 265.171, 265.172, and 265.173(a)). The container standards are not among those listed in

section 261.5(c) as "not included in the quantity determination."
Therefore, wastes in the satellite accumulation areas must be included in the generators's monthly waste quantity determination as well as other on-site quantity determinations.

For further discussion of this and other generator requirements please see 51 FR 10151, March 24, 1986. We have enclosed a copy of this Federal Register notice for your convenience. If you have questions about this letter, please contact Ann Codrington of my staff at (202) 260-4777.

Thank you for your interest in the safe management of hazardous waste.

Sincerely,
Michael Shapiro
Director, Office of Solid Waste