



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MEMORANDUM

STATE REGULATORY DETERMINATION - HWP-94-1

DATE: April 25, 1993

TO: Regional Office Hazardous Waste Unit Chiefs

FROM: Tom Judge, Acting Chief, Hazardous Waste Enforcement Unit
Hazardous Waste Program

SUBJECT: Satellite Accumulation Containers - Storage Quantities and Methods

Recently, our office has been receiving requests for clarification of how the Missouri Department of Natural Resources (MDNR) interprets the satellite accumulation regulations found in 40 CFR 262.34(c) and 10 CSR 25-5.262(C)3. This memo is intended to clarify MDNR's interpretation of these rules. You may refer to this state regulatory determination for consistency in applying the rules, and in answering questions from the regulated community on the subject. Examples are given below to illustrate each issue.

Total Capacity in Satellite Storage

The MDNR considers that 55 gallons of hazardous waste or one quart of acutely hazardous waste per wastestream (i.e., of each type of waste) may be accumulated in a satellite storage area. Therefore, more than one container may be used in a satellite accumulation area if each container holds a different wastestream, if the containers are located at or near any point of generation where the wastes initially accumulate, and if the containers are under the control of an operator of the process which generates the waste.

Examples -

1. No violation - A generator is storing three partially full 55-gallon drums in a satellite accumulation area, and each contains a different wastestream. (No violation even if the total in all containers exceeds 55 gallons.)
2. Violation - An operator of a process is storing 3/4 quart and 2/3 quart of the same type of P-listed waste at a point of generation.

Use of Multiple Containers

Neither EPA's preamble to the federal rule or the supplementary information in the final rule published in the Federal Register specifically addresses the use of multiple containers at a point of generation. However, a 55-gallon storage threshold was established.

MDNR interprets this regulation such that only one container per wastestream may be filled at a time. This interpretation is consistent with the discussion in EPA's preamble which focused on justifying the 55-gallon hazardous waste satellite storage threshold as a "reasonable and safe" management practice. Whatever the size of the container used (i.e., whether 5-gallon, or 55-gallon), it must be moved to the hazardous waste storage area within three days of filling, or within one year from the initial accumulation date--whichever comes first.

Examples -

1. No violation - In one satellite accumulation area, the operator of a process has one 5-gallon container which is 2/3 full. The accumulation start date on the container is 9 months old.
2. Violation - In one satellite accumulation area, the operator has fourteen 5-gallon containers which are all 1/2 full of flammable paint solvent. The containers are marked "hazardous waste" with an accumulation start date which is three months old.

Marking/Labeling/Dating of Satellite Accumulation Containers

The Missouri Hazardous Waste Management Regulations at 10 CSR 25-5.262(2)(C)3. require that the following minimal information be placed on satellite accumulation drums:

- the words "Hazardous Waste" or other words identifying the contents, and
- the beginning date of satellite accumulation.

While additional information, such as the words "empty daily", may be used on containers, the minimum information noted above is required.

Examples -

1. No Violation - The facility uses small red fireproof cans in its satellite accumulation areas. The cans are marked with the date of accumulation, as well as the words "flammable solvent" and the words "empty daily."
2. Violation - The facility uses small red fireproof cans in its satellite accumulation areas. A flammable label is on each can along with the words "empty daily."

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More About Accumulation Start Dates

When a container is full, the generator must mark it with a new accumulation start date according to 40 CFR 262.34(c)2 (i.e., with the date the excess amount began accumulating). When the container is moved to the hazardous waste storage area, this date should remain on the drum.

Please contact me or my staff at 751-3176 if you have any questions regarding the information in this memo.

TJ:kfd

c: HWP - Hazardous Waste Enforcement Unit