

COMPLIANCE ASSISTANCE PACKET

FOR

HAZARDOUS WASTE GENERATORS



**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF HAZARDOUS WASTE COMPLIANCE AND ENFORCEMENT**

INTRODUCTION

Compliance Assistance Packet

In an effort to assist new generators in complying with the hazardous waste regulations, the New Jersey Department of Environmental Protection is providing the information below and attached. The Department hopes the information proves helpful.

New Jersey Hazardous Waste Regulations

New Jersey's hazardous waste regulations are found at N.J.A.C. 7:26G-1 et seq., adopted October 21, 1996 and announced at 28 NJR 4606. By this adoption, the Department "incorporated by reference" (with limited exception) the July 1, 1993 version of the Federal hazardous waste regulations at 40 CFR Parts 124, 260-266, 268 and 270, mandated by the Resource and Recovery Act of 1976 (RCRA) and amended by the 1984 Hazardous and Solid Waste Amendments (HSWA). Effective January 19, 1999 the Department amended the regulations to allow for prospective incorporation by reference, which means that all provisions of 40 CFR Parts 124, 260-266, 268 and 270 incorporated by reference are continually and automatically updated in order to maintain consistency with the most current Federal rules.

The requirements for hazardous waste generators are specifically found at N.J.A.C. 7:26G-6 et seq., which references 40 CFR Part 262 of the Federal regulations (with some exceptions and/or changes). A summary of the regulatory citations and a description of the requirements are included in this packet. Please note that there are two different summaries, one for Small Quantity Generators (SQGs) and another for Large Quantity Generators (LQGs), as the requirements are sometimes different. SQG and LQG categories are explained in this packet. A generator's category is based on hazardous waste generation rates, accumulation amounts (both via manifest history), and the quantity of waste present at the time of inspection by Department personnel.

Inspection Fees

A fee schedule has been established for hazardous waste generators, transporters, and treatment, storage, and disposal facilities (TSDFs), in accordance with N.J.S.A. 13:1E-1 et seq., specifically 13:1E-6, 13:1E-18, 13:1E-42.2, and 13:1E-60d. Fee amounts can be found at: <http://www.state.nj.us/dep/enforcement/hw-fees.html>. The fee schedule is based on the Department's reasonable costs to perform its duties made necessary by the regulated community.

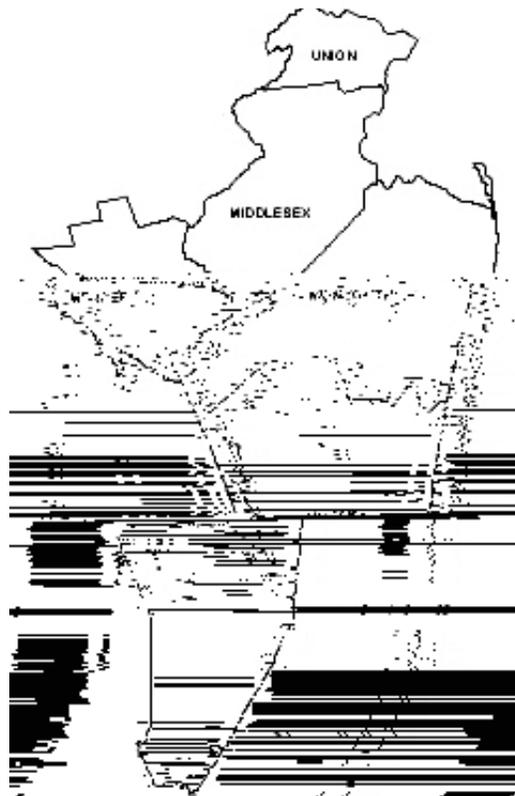
Bureau of Hazardous Waste Compliance & Enforcement



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GENERAL INFORMATION

Contacting the NJDEP

The following link will take you to the NJDEP Home Page where you can select from a variety of subject areas to obtain general information and points of contact: <http://www.state.nj.us/dep/index.html>

The following link will take you to the NJDEP Easy Access guide, which provides an alphabetical list of program and management contacts:

<http://www.nj.gov/dep/easyaccess/>

DEP Training Opportunities

Hazardous Waste Compliance and Enforcement (HWC&E) reinitiated the Hazardous Waste Handler Seminar program in 2006. This was done as part of our Strategic Plan, which requires the DEP to “effectively balance compliance assistance, enforcement and education to achieve compliance and move the regulated community and the public towards environmental stewardship”.

Information on the Hazardous Waste Handler Seminar program is available at our Hazardous Waste Training Opportunities webpage. The webpage was developed to facilitate on-line seminar registration, and to keep the regulated community informed about this important program. The webpage was also developed to provide updated regulatory information, and survey the regulated community regarding the type of educational programs and general information they need. The webpage can be accessed by opening:

http://www.state.nj.us/dep/enforcement/hw_seminar.html

DEP Compliance Advisories

Compliance and Enforcement has been issuing Compliance Advisories since 2003. Compliance Advisories are fact sheets that deal with a variety of environmental issues. They are referred to as either an Update, Alert or Warning. The advisories can be accessed by opening:

<http://www.state.nj.us/dep/enforcement/advisories.html>

USEPA Publications

The USEPA offers many publications on a variety of subjects. Titles available include “Managing Your Hazardous Waste: A Guide for Small Businesses”, “Managing Laboratory Hazardous Waste”, and “Hazardous Waste Requirements for Large Quantity Generators”. To view a list of available USEPA publications open: <http://www.epa.gov/osw/inforesources/pubs/index.htm>

WEB RESOURCES

The following contains a list of weblinks where a variety of environmental information can be obtained. This was adapted from a PowerPoint presentation that was delivered at a 2008 Hazardous Waste Handler Seminar. Information on the Hazardous Waste Handler Seminars is available at:

http://www.state.nj.us/dep/enforcement/hw_seminar.html

Hazardous Waste Regulations

- x **NJ** - <http://www.nj.gov/dep/enforcement/hw.html#regs>
- x **EPA** - <http://www.epa.gov/epawaste/hazard/index.htm>
- x **Hazardous Materials (DOT)** - <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200649>
- x **OSHA** - http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=0&p_keyvalue=
- x **Regulations.gov** – Source for U.S. government regulations from over 300 agencies <http://www.regulations.gov/search/Regs/home.html#home>

Federal Regulatory Guidance/Interpretation

- x **RCRA Online** – Source for locating memos, interpretations, publications, outreach material on a wide range of RCRA issues and topics: <http://www.epa.gov/rcraonline/>
- x **Frequently asked questions** - Search by topic or ask a question: http://waste.custhelp.com/cgi-bin/waste.cfg/php/enduser/std_alp.php
- x **National Environmental Compliance Assistance Clearinghouse** - Quick access guide to compliance tools, contacts, and planned activities from across the EPA and other compliance assistance providers: <http://www.epa.gov/compliance/assistance/clearinghouse.html>
- x **EPA's Hazardous Waste Page** - <http://www.epa.gov/epawaste/hazard/index.htm>

- x **OSHA Training Info** - <http://www.osha.gov/dcsp/ote/index.html>
- x **DEP Hazardous Waste Compliance Assistance** - <http://www.state.nj.us/dep/enforcement/ca-intro.html>
- x **DEP Hazardous Waste Handler Seminars:** http://www.state.nj.us/dep/enforcement/hw_seminar.html

Emergency Preparedness

- x **FEMA guide** - Developed by FEMA and a coalition of business groups, this guide provides advice on how to create and maintain a comprehensive emergency management program: <http://www.fema.gov/pdf/library/bizindst.pdf>
- x **DOT Emergency Response Guidebook** - <http://phmsa.dot.gov/hazmat/library/erg>
- x **DEP Discharge Prevention Containment & Countermeasures Plan** - <http://www.nj.gov/dep/rpp/brp/dp/dpfaq.htm>

Statutory and Regulatory Changes

- x **NJ** - <http://www.njleg.state.nj.us/>
- x **US** - <http://thomas.loc.gov/>
- x **NJDEP** - <http://www.nj.gov/dep/rules/>
- x **EPA Listservs** - https://lists.epa.gov/read/all_forums/
- x **DEP News Releases** - www.state.nj.us/dep
- x **DEP Public Participation Calendar** - Promotes events, seminars, meetings, and programs sponsored or co-sponsored by the DEP, or held in partnership with the DEP on State property: <http://www.nj.gov/dep/calendar/>

Enforcement Advisories

- x **EPA** <http://www.epa.gov/compliance/resources/newsletters/civil/enfalert/index.html>
- x **DEP** - <http://www.nj.gov/dep/enforcement/advisories.html>

Enforcement History

- x **EPA** - <http://www.epa-echo.gov/echo/>
- x **DEP Data Miner** - <http://www.nj.gov/dep/opra/online.html>

Business Information

- x **EPA Small Business Assistance** - <http://www.epa.gov/smallbusiness/>

- x **EPA Business Opportunities** - <http://www.epa.gov/epahome/business.htm>
- x **DEP Greenstart** - **FREE** multi-media compliance assistance program to help small businesses, municipalities, and schools interpret environmental regulations and evaluate compliance requirements in the areas of air, water and pesticides pollution control, solid and hazardous waste management, Right-to-Know, and Toxic Catastrophe Prevention Act. Submit your application to the DEP and an inspector will be in touch to schedule a site visit: <http://www.nj.gov/dep/enforcement/greenstart.htm>
- x **DEP Small Business Assistance Program** - <http://www.nj.gov/dep/opppc/small.html>
- x **DEP Business** - <http://www.nj.gov/dep/depbusiness.html>

Waste Reduction/Going the Extra Mile

- x **DEP Environmental Stewardship** - <http://www.nj.gov/dep/enforcement/stewardship/>
- x **EPA Waste Minimization** - <http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm>
- x **EPA Waste Wise Program** - Voluntary program established by the USEPA to promote waste reduction (source reduction), recycling and recycled product procurement: <http://www.epa.gov/wastewise/>
- x **DEP Waste Wise Program** - <http://www.nj.gov/dep/dshw/recycling/brbn03.htm>
- x **DEP Pollution Prevention** - Information on preventing pollution of hazardous substances, promoting multi-media environmental management, increasing public awareness and reducing the use of toxic substances. <http://www.nj.gov/dep/opppc/>

Zero Waste Resources

- x **GrassRoots Recycling Network** - <http://www.grn.org/zerowaste/>
- x **Earth Resource Foundation** - <http://www.earthresource.org/zerowaste.html>
- x **Zero Waste International Alliance** - <http://www.zwia.org/>
- x **Zero Emissions Research & Initiatives** - <http://www.zeri.org/>
- x **Zero Waste Communities Yahoo Group** - <http://groups.yahoo.com/group/ZeroWasteCommunities/>
- x **Zero Waste Business Yahoo Group** - <http://finance.groups.yahoo.com/group/ZWBusiness/>
- x **Eco-Cycle** - <http://www.ecocycle.org/zero/index.cfm>

HAZARDOUS WASTE GENERATOR CATEGORIES & PAPER DOCUMENTATION
[Code of Federal Regulations (40 CFR) references in brackets in table below]

Notes: (1) The table does not represent all requirements. See regs. In brackets and see NJAC 7:26G , particularly Subchapters 5 through 11 as published in N.J. Register 10/21/96. (2) 1 x 55-gal drum = 440 lbs (200 kg) at specific gravity of 1. (3) > = greater than, < = less than, ≥ equal to or greater than, ≤ equal to or less than. * 220 lbs of residue or contaminated media from cleanup of an acute hazardous waste spill on or into the land or water.

UNIVERSAL WASTE SUMMARY GUIDE

Batteries, Pesticides, Thermostats, Lamps, Mercury-containing Devices, Oil-based finishes & Consumer Electronics

Definitions: 40 CFR 273.9 & NJAC 7:26A-1.3

REQUIREMENTS

SUMMARY OF SMALL QUANTITY GENERATOR (SQG) HAZARDOUS WASTE REGULATIONS

General Standards

262.11 Must determine if “solid waste” is hazardous

262.12(a)

- 262.34(c)1ii Containers must be marked clearly with the words “Hazardous Waste” or with other words that identify the contents of the container
- 262.34(c)2 If the quantity of waste exceeds 55 gallons or 1 quart of acutely hazardous waste the container(s) must be marked with an accumulation start date and be moved from the satellite area to an accumulation area within 3 days
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak

Pre-Transport Requirements

- 262.30 Containers must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Containers of 119 gallons or less must meet DOT regulations under 49 CFR 172.304 before transport, which includes, in part, marking containers with generator’s name and address and manifest number
- 262.33 Placard or offer the initial transporter the appropriate placards according to DOT regulations (49 CFR 172, Subpart F)

Emergency Procedures

- 262.34(d)5i Emergency Coordinator must be on site or on call
- 262.34(d)5iiA Name and telephone number of the emergency coordinator must be posted near the telephone
- 262.34(d)5iiB Location of fire extinguishers, spill control material, and fire alarm must be posted near the telephone
- 262.34(d)5iiC Telephone number of the fire department, unless there is a direct alarm, must be posted near the telephone

262.34(d)5iii Generator must ensure that employees are trained to handle hazardous waste and emergencies

262.34(d)5iv The facility must properly respond to and report an emergency

Preparedness and Prevention

265.31 Maintain and operate facility to minimize the possibility of a fire, explosion, or discharge

265.32 Facility must be equipped with emergency equipment; communications or alarm system, a telephone or device to summon emergency assistance, portable emergency equipment, and adequate water supply

265.33 Facility must test and maintain emergency equipment

265.34 Maintain access to communication or alarm system wherever hazardous waste is being handled

265.35 Maintain sufficient aisle space for the unobstructed movement of personnel or equipment in and emergency

265.37 Make required arrangements or agreements with police, fire departments, and emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements. Agreements required should designate primary emergency authority to a specific police and fire department where more than one police and fire department are involved. Arrangements required familiarizing local hospitals with the properties of hazardous waste handled at the facility and the types of injuries resulting from fires, explosions, or discharges at the facility

Manifest Requirements

262.20(a)1 Prepare a manifest before transporting, or offering for transport, hazardous waste for offsite treatment, storage, or disposal or a treatment, storage and disposal facility who offers for transport a rejected hazardous waste load

262.20(a)1 Manifest must be properly completed

262.20(b) Designate on the manifest one facility that is permitted to handle the waste described on the manifest

262.20(d) If the transporter is unable to deliver the hazardous waste to the designated facility or alternate facility, (or waste is rejected by the designated or alternate facility), designate another facility or instruct the transporter to return the waste

- 262.21(g)1 Only EPA approved manifest forms may be used
- 262.21(g)2 Determine if the generator or consignment state regulates additional wastes or requires generator to submit copies of the manifest
- 262.23(a)1 Sign the manifest certification by hand
- 262.23(a)2 Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest
- 262.23(a)3 Retain one copy of the manifest signed by the generator and the initial transporter, in accordance with 262.40
- 262.23(b) Give transporter the remaining copies of the manifest
- 262.23(c) For shipments of hazardous waste within the United States solely by water, send 3 copies of the manifest dated and signed in accordance with this 262.23 to the designated facility or the last water transporter to handle the waste in the United States
- 262.23(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, send at least 3 copies of the manifest dated and signed in accordance with 262.23 to the next non-rail transporter, designated facility, or last rail transporter in the United States
- 262.27 Generator who initiates a shipment of hazardous waste must certify to one of the statements in Item 15 of the uniform hazardous waste manifest
- 262.34(m) Sign the manifest upon receipt of a returned shipment of hazardous

Recordkeeping and Reporting Requirements

- 262.40(a) Retain a copy of each manifest signed in accordance with 262.23(a) for 3 years
- 262.40(b) Retain a copy of hazardous waste report or exception report for 3 years
- 262.40(c) Keep records of any test results, waste analyses, or other determinations made in accordance with 262.11 for at least 3 years
- 262.40(d) Periods of retention referred to in this section (262.40) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner of the NJDEP or his or her designee
- 262.42(b) Must comply with exception reporting requirements

SUMMARY OF LARGE QUANTITY GENERATOR (LQG) HAZARDOUS WASTE REGULATIONS

General Standards

- 262.11 Must determine if “solid waste” is hazardous
- 262.12(a) Must have EPA Identification Number before treating, storing, transporting, offering for transportation, or disposing of hazardous waste
- 262.12(c) May only offer hazardous waste to a hazardous waste transporter or TSD facility that has received an EPA Identification Number

Container (<90-Day) Accumulation Areas

- 262.34(a) Waste must not be accumulated over 90 days
- 262.34(a)2 Containers must be marked clearly with the accumulation start date and be visible for inspection
- 262.34(a)3 Containers must be marked clearly with the words "Hazardous Waste"
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak
- 265.174 Container storage area must be inspected weekly
- 265.176 Containers of ignitable and reactive wastes must be located at least 50 feet from the facility's property line
- 265.177 Incompatible hazardous wastes must be segregated

Satellite Accumulation Areas

- 262.34(c)1 Quantity of waste must not exceed 55 gallons or 1 quart of acutely hazardous waste
- 262.34(c)1 Accumulation area must be at or near the point of generation and under the control of the operator

- 262.34(c)1ii Containers must be marked clearly with the words “Hazardous Waste” or with other words that identify the contents of the container
- 262.34(c)2 If the quantity of waste exceeds 55 gallons or 1 quart of acutely hazardous waste the container(s) must be marked with an accumulation start date and be moved from the satellite area to an accumulation area within 3 days
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173 Containers must be kept closed and managed properly to prevent a rupture or leak

Pre-Transport Requirements

- 262.30 Containers must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Containers of 119 gallons or less must meet DOT regulations under 49 CFR 172.304 before transport, which includes, in part, marking containers with generator’s name and address and manifest number
- 262.33 Placard or offer the initial transporter the appropriate placards according to DOT regulations (49 CFR 172, Subpart F)

Personnel Training

- 265.16(a)1 Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the requirements of 265.16
- 265.16(a)2 Training program must be directed by a person trained in hazardous waste management procedures
- 265.16(a)3 Training program must be designed to ensure that facility personnel are able to respond effectively to emergencies

- 265.16(b) Personnel have to successfully complete training within 6 months of the date of their employment or assignment to a new position at the facility
- 265.16(b) Personnel shall not work unsupervised before training program is completed
- 265.16(c) Personnel must take part in an annual review of training
- 265.16(d) Facility must maintain training records at the facility
- 265.16(e) Training records must be kept on current personnel until closure of facility

Preparedness and Prevention

- 265.31 Maintain and operate facility to minimize the possibility of a fire, explosion, or discharge
- 265.32 Facility must be equipped with emergency equipment; communications or alarm system, a telephone or device to summon emergency assistance, portable emergency equipment, and adequate water supply
- 265.33 Facility must test and maintain emergency equipment
- 265.34 Maintain access to communication or alarm system wherever hazardous waste is being handled
- 265.35 Maintain sufficient aisle space for the unobstructed movement of personnel or equipment in and emergency
- 265.37 Make required arrangements or agreements with police, fire departments, and emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements. Agreements required designating primary emergency authority to a specific police and fire department where more than one police and fire department are involved. Arrangements required familiarizing local hospitals with the properties of hazardous waste handled at the facility and the types of injuries resulting from fires, explosions, or discharges at the facility

Contingency Plan and Emergency Procedures

- 265.51(a) Written contingency plan required for facility
- 265.51(b) Implement the plan in an emergency

- 265.52(a) Plan must describe the response action facility personnel and local authorities shall take
- 265.52(b) If the generator has a DPCC or SPCC Plan, it must be amended to incorporate hazardous waste management
- 265.52(c) Plan must describe arrangements agreed to by local authorities
- 265.52(d) Plan must list names, addresses, and phone numbers (office and home) of the facility's emergency coordinator(s)
- 265.52(e) Plan must include a list location and capabilities of all emergency equipment
- 265.52(f) Plan must describe evacuation procedures, evacuation signal(s) and routes
- 265.53 Maintain a copy of the plan at the facility with a copy sent to local police or fire departments, hospitals, or State and local emergency response teams
- 265.54 Review or amend the plan as necessary
- 265.55 Emergency coordinator must be thoroughly familiar with the plan and available at all times

Discharges of Hazardous Materials/Waste

N.J.S.A.58:10-23.11(e) Facility must report a discharge to the DEP hotline

Manifest Requirements

- 262.20(a)1 Prepare a manifest before transporting, or offering for transport, hazardous waste for offsite treatment, storage, or disposal or a treatment, storage and disposal facility who offers for transport a rejected hazardous waste load
- 262.20(a)1 Manifest must be properly completed
- 262.20(b) Designate on the manifest one facility that is permitted to handle the waste described on the manifest
- 262.20(d) If the transporter is unable to deliver the hazardous waste to the designated facility or alternate facility, (or waste is rejected by the designated or alternate facility), designate another facility or instruct the transporter to return the waste
- 262.21(g)1 Only EPA approved manifest forms may be used

262.41(b) Submit a Hazardous Waste Report in accordance with the provisions of 40 CFR Parts 270, 264, 265, and 266 for any hazardous waste the generator treats, stores, or disposes of on site

262.42(a) Must comply with exception reporting requirements



**New Jersey Department of Environmental Protection
County Environmental and Waste Enforcement
Bureau of Hazardous Waste Compliance and Enforcement**

Revised Position on Satellite Accumulation

Effective Date: September 1, 2008

Approval: Michael R. Hastry, Chief
Bureau of Hazardous Waste
Compliance and Enforcement

NJ Application Rule [citations]: **N.J.A.C. 7:26G-6.1 specifically 40 C.F.R 262.34(c) - Accumulation Time...(Commonly known as Satellite Accumulation)**

N.J.A.C. 7:26G-9.1 specifically 40 C.F.R 265.170 - Use and Management of Containers

As both USEPA and NJDEP jointly administer the RCRA Enforcement Program in New Jersey, it is imperative for both these agencies, and the regulated community, to maintain consistent regulatory interpretations.

The satellite accumulation provision allows generators to accumulate, in specific areas, up to 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) in containers, with fewer requirements than normally required for central accumulation areas. These containers must be maintained in accordance with the applicable regulatory provisions, at or near the point of generation, and under the control of the operator of the process generating the waste. The concept behind satellite accumulation is that it allows reduced regulatory requirements for wastes routinely accumulated in containers off process lines, by limiting the amount of waste allowed to accumulate in the satellite areas and requiring that the area be under the direct control of the process operator.

Applicability:

The legitimacy of satellite accumulation area determinations shall be made on a case by case basis. NJDEP shall follow USEPA guidelines (attached) along with the following clarifications:

- X A satellite accumulation area shall be limited to compatible waste streams. [Definition of a "waste stream": a material generated as a result of a distinct and limited process, procedure or activity.] As per the attached answer to Question

18, because EPA did not anticipate that generators would accumulate multiple hazardous wastes/containers in an SAA, a cross-reference to the requirements for the safe storage of incompatible wastes was not included as part of the

- x Small containers (vials or tubes) may be placed in properly labeled larger containers.

Frequently Asked Questions/Clarifications about Satellite Accumulation Areas

1. Clarification: Provides clarification of the phrases "at or near point of generation" and "under control of operator. . ." for wastes that are generated at many individual locations and accumulated in satellite areas:

For like wastes generated from many individual locations EPA interprets the "at or near the point of generation..." language to include a specific satellite area designated by the generator that facilitates the accumulation of this material prior to moving it to a designated hazardous waste storage area. A generator should be able to define the locations of waste generation being served by a satellite accumulation area (within a generator facility or part of a facility). This is to ensure that a determination can be made as to when the 55-gallon limit has been reached for a particular satellite area. The condition that wastes accumulated under the satellite provision "be under the control of the operator of the process generating the waste" is met provided the generator demonstrates that the personnel responsible for generating and/or accumulating the waste have adequate control over the temporary storage of these wastes. The EPA recognizes that for many wastes, the person who first generates the waste may not be the same person responsible for the accumulation of all of these wastes; rather, another worker may have the responsibility of overseeing the temporary storage of wastes. It should be emphasized that the satellite accumulation provision was intended to accommodate situations where relatively small amounts of hazardous waste are unavoidably accumulated throughout a facility prior to placing them in designated hazardous waste storage areas; the goal is that this temporary accumulation is performed responsibly and safely, with adequate oversight and control. The applicability of the satellite accumulation provision will always depend upon a generator's particular set of circumstances, which are site-specific; therefore, any questions regarding specific wastes at specific facilities are best answered by the agency implementing the RCRA program for that particular facility.

2. Question: Can small quantity generators establish SAAs according to 262.34(c) for their hazardous waste?

Answer: Yes. Both LQGs and SQGs may take advantage of the reduced requirements while hazardous waste is in SAAs, provided it is managed in accordance with all the provisions of 40 CFR 262.34(c).1 If an SQG or LQG accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, the excess must be removed within three days. If after that period, the excess is not removed, LQGs must comply with 262.34(a) and SQGs must comply with 262.34(d), with respect to the excess amounts.

3. Question: If a generator accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, when should the generator date the

container(s)? When 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) is exceeded, or when the container is moved to the central accumulation area?

Answer: When 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) is exceeded in an SAA, the generator needs to date the container, so that the generator can move the excess to the 90-day or 180-day area within three days (262.34(c)(2)). Then when 3 days have passed, or when the container is moved to the central accumulation area, the generator needs to date the container again, so that it can be moved off-site within 90 or 180 days (262.34(a)(2) and 262.34(d)(4), respectively. (Of course, the container does not need to be dated after it is removed from the SAA if the excess waste is moved directly to a permitted or interim status unit.) This means that an LQG has up to 93 days and a SQG has up to 183 days for on-site accumulation time once 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) has been exceeded at the SAA - up to three days in the SAA, followed by up to 90 or 180 days in the central accumulation area.

4. **Question:** When a generator accumulates more than 55 gallons of hazardous waste (or 1 quart of acute hazardous waste) at an SAA, the excess of 55 gallons (or the excess of 1 quart of acute hazardous waste) needs to be removed from the SAA within three days. What is meant by “three days”?

Answer: Three days means three consecutive days. It does not mean three working days or three business days. Originally, the Agency had proposed to use 72 hours as the time limit but realized that determining when 72 hours had elapsed would have required placing both the date and time of day on containers. In the final rule the Agency switched to using three days so that generators only need to date containers that hold the excess of 55 gallons of hazardous waste (or 1 quart of acute hazardous waste).

5. **Clarification:** The generator is allowed up to three days for waste transfer from a satellite accumulation area, or up to a 93 day accumulation time period for wastes in excess of the 55 gallon limit. The 90-day clock begins as soon as the waste is transferred to the generator's site.

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.

6. **Clarification:** The generator has three days after exceeding the 55 gallon satellite accumulation limit to comply with section 262.34(a); 90 day accumulation time period begins as soon as the three day period has expired (SEE ALSO: RPC# 10/1/90-01).

The satellite accumulation provision in §262.34(c) allows the generator three days after the 55-gallon accumulation limit is exceeded to transport the excess waste to the §262.34(a) storage area. Section 262.34(c) states that a generator who accumulates waste in excess of the accumulation limits "must, with respect to the amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter." Section 262.34(a) states that "a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that the requirements of §262.34 (a)(1)-(4) are met." Thus, within three days of accumulating over 55 gallons, the generator is required to comply with all applicable RCRA requirements with regard to that excess, including §262.34(a). The 90-day storage period begins as soon as the three-day period has expired when the excess amount becomes subject to the §262.34(a) requirements.

RO 12503

9453.1985(06)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY
DECEMBER 85

7. **Clarification:** A generator has three days after the 55-gallon limit is exceeded to transfer excess waste from a satellite accumulation area. Excess waste is subject to Section 262.34(a) after three days. Contact the state agency for instances when quantities in excess of 110 gallons are generated. Federal interpretation is not binding in authorized states.

A generator who accumulates either hazardous waste or acutely hazardous waste listed in 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three-day period the generator must continue to comply with paragraphs (c)(1)(i) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating. According to these provisions, the generator has 3 days after the 55-gallon limit has been exceeded to transfer the excess waste from the satellite area.

As to whether waste above the 55 gallon limit may be accumulated in the 3 day interim period and remain subject to the accumulation area provisions, it is necessary to refer to the preamble language of December 20, 1984, which considers the potential hazards of accumulating hazardous waste in these sites. In the December 20, 1984 Federal Register notice, the Agency states that "...the accumulation at satellite areas of up to 55 gallons of non-acutely hazardous waste is reasonable and safe and does not pose a threat to human health and the environment" (49 FR 49569, Dec. 20, 1984). However, in the discussion that followed, the Agency questioned the safety of the accumulation of non-acutely hazardous waste in amounts above the 55-gallon limit. "Because the weight of evidence suggests limited use by the regulated community of containers larger than 55 gallons and because spills of 110 gallons of non-acutely hazardous waste would pose a higher environmental threat, EPA does not believe that the satellite accumulation level should be higher than 55 gallons." The preamble language above illustrates the Agency's view that waste accumulation in satellite accumulation areas should not be excessive. Although it is clear that the Agency did not intend for amounts as large as 110 gallons to be accumulated on a routine basis, it is not specific about whether small amounts of non-acutely hazardous waste exceeding the 55-gallon limit may be accumulated routinely. The Agency understands that due to the nature of the production process, there may be special cases in which small quantities of wastes above the 55-gallon limit may need to be accumulated for brief periods in one accumulation area. Thus, we interpret that the satellite accumulation provisions of 40 CFR 262.34(c)(1) permit the generator to continue to accumulate nominal quantities of a non acutely hazardous waste in excess of the 55 gallon limit as long as the additional wastes accumulated during the 3-days are managed in accordance with section 262.34(c)(1). Any excess waste must be managed (including transferring that excess waste to the generator's 90-day accumulation area) in accordance with section 262.34(a) within three days. The Agency does not expect that any accumulation over the 55 gallon limit will be excessive and believes that most facilities should be aware of the process waste generation rate and should be able to arrange for the removal of any excess accumulation within the 3-day time frame, thereby avoiding excessive accumulation.

8. **Question:** If an SAA has a full 4-gallon container of hazardous waste, does the generator have to remove the container from the SAA within three days of being filled?

Answer: No. There is no federal requirement that full containers of hazardous waste be removed from an SAA within three days of being filled. Only the excess of 55 gallons of hazardous waste (or the excess of 1 quart of acutely hazardous waste) must be removed within three days.

9. **Question:** The container management standards of 265.173(a) state, “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.” Does this mean that hazardous wastes have to be managed and/or disposed in the containers in which they were originally accumulated?

Answer: No. Generators may transfer hazardous waste between containers to

governing the transportation of hazardous materials are found in 49 CFR Parts 171 through 177.

RO 11442

9453.1989(07)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 13 1989

MEMORANDUM

11. **Clarification:** Placing a label with the words "Hazardous Waste" on the outside of a cabinet may satisfy the satellite accumulation area marking requirements provided

their 90-day accumulation areas. Therefore, when an LQG transfers waste from an SAA to a 90-day central accumulation area, the applicable portions of the air emission standards of Part 265 Subparts AA, BB, and CC must be met at the 90-day central accumulation area.

13. **Question:** Section 265.174 of Subpart I requires that containers be inspected at

comply with the provisions of §262.34(c). Authorized states may require weekly inspection of containers in satellite accumulation areas, as states may have more stringent requirements than the federal regulations.

RO 14418

EPA530-R-99-012I

SUB-9224-99-012

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT

December 1999

15. **Question:** SQGs must conduct training in accordance with 262.34(d)(5)(iii) and LQGs must conduct training in accordance with 265.16. Do the RCRA regulations require training of personnel working in SAAs?

Answer: No. The RCRA regulations do not require training of personnel working in SAAs. Personnel that have access to or work in central accumulation areas, including those that move hazardous waste from a SAA to a central accumulation area, must be trained. As the ones actually generating hazardous waste, however, personnel working in SAAs need to be familiar enough with the chemicals with which they are working to know when they have generated a hazardous waste so that it will be managed in accordance with the RCRA regulations.

16. **Clarification:** Personnel moving waste from satellite accumulation areas to a 90-day (or 180-day) generator accumulation area must have appropriate training. An emergency coordinator must be accessible.

Answer: Generally, 40 CFR Part 262.34(d)(5)(iii) provides that "The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operation and emergencies." Thus, if a person is handling hazardous waste, he or she should have had training in proper waste handling and emergency procedures appropriate to the types of waste handled, the management methods used, and the hazards presented by the waste type and waste management method. In addition "there must be at least one employee either on the premises or on call...with the responsibility for coordinating all emergency response measures..." (40 CFR 262.34(d)(5)(i)). This may apply when wastes are taken from a satellite accumulation area to a 90-day storage area and to persons who will be responsible for managing the waste (e.g., persons managing wastes in drums and tanks.)

17. **Clarification:** Contingency plans and personnel training not required for satellite accumulation areas.

EPA did address this issue when the satellite accumulation rule was promulgated in 1984 (49 FR 49570; December 20, 1984). EPA stated at that time, in response to several commenters, that "EPA believes that since only one waste will normally be accumulated at each satellite area, and since only limited quantities are allowed to accumulate, contingency and training plans are not necessary."

18. **Question:** The preamble to the final rule that added 262.34(c), states, “...only one waste will normally be accumulated at each satellite area.” Can there be more than one hazardous waste at an SAA? Can there be more than one container at an SAA?

Answer: Yes. It’s permissible to have more than one hazardous waste in an SAA. Likewise, it’s permissible to have more than one container of hazardous waste in an SAA. The regulations do not limit the number of hazardous wastes or the number of containers that can be placed in an SAA. The regulations limit only the total volume of hazardous waste at a single SAA to 55 gallons (or 1 quart of acute hazardous waste). If there are multiple containers of hazardous waste in an SAA, each container must be labeled in accordance with 262.34(c)(1)(ii). Because the Agency did not anticipate that generators would accumulate multiple hazardous wastes/containers in an SAA, a cross-reference to the requirements for the safe storage of incompatible wastes was not included as part of the container management standards for SAAs. Nevertheless, good management practices clearly dictate that incompatible wastes should be stored separately. Furthermore, in the event that any wastes, including incompatible wastes, are stored in such a way that

20. **Question:** Can a facility have multiple SAAs?

Answer: Yes. The regulations do not limit the total number of SAAs at a generator's facility. Likewise, the regulations do not limit the total amount of hazardous waste that can be accumulated at various SAAs across a facility. The regulations limit only the volume of hazardous waste that can be accumulated at a single SAA to 55 gallons (or 1 quart of acute hazardous waste). It's not possible in a memo for the Agency to delineate for all situations what constitutes a single SAA versus what constitutes separate SAAs. The regulations state that a generator may accumulate hazardous waste "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." For additional guidance about the Agency's intent, refer to the preamble to the final rule for SAAs, which states, "Certainly...a row of full 55 gallon drums spaced 5 feet apart along the factory wall," is not a row of distinct SAAs, but is one SAA.

21. **Clarification:** The 55-gallon limit applies to the total of all non-acutely hazardous waste in a satellite accumulation area. There is no limit on total number of satellite accumulation areas at a facility. There is no specific size of containers required for satellite accumulation.

The 55 gallon limit applies to the total of all the nonacutely hazardous waste accumulated at a satellite accumulation area. In the 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

and the regulations do not prohibit the movement of hazardous waste from one fully regulated central accumulation area to another, as long as the hazardous waste remains on-site. However, the 90-day or 180-day “clock” for accumulation does not restart if the hazardous waste is moved to another central accumulation area.

23. **Clarification:** Large quantity generators (LQG) and small quantity generators (SQG) with multiple satellite accumulation areas cannot move wastes between satellite accumulation areas. Waste that leaves a satellite accumulation area should be destined for an accumulation area, which is fully regulated under 262.34(a) or (d), or Parts 264 or 265.

An LQG or SQG cannot move wastes between satellite accumulation areas. Once a waste leaves a satellite accumulation area, the waste should be destined for an accumulation area, which is fully regulated under Sections 262.34(a) or (d), or Parts 264 or 265. The regulatory requirements for satellite accumulation areas are designed to provide the generator with a safe and efficient manner to accumulate limited amounts of hazardous waste at or near the point of generation, prior to moving the waste to a fully regulated storage area. This eliminates the need to frequently move smaller quantities of hazardous waste within the generator's facility (49 FR 49569; December 20, 1984). It was not EPA's

to regulation or subject to only the notification and reporting requirements in Sections 262.11, 262.12, 262.40(c) and 262.41. Wastes stored in the satellite accumulation area are subject to certain container standards (e.g., Sections 265.171, 265.172, and 265.173(a)). These regulations are not among those listed in 261.5(c). Therefore, wastes in the satellite accumulation must be included in the generator's monthly waste quantity determination.

RO 13312

9453.1989(03)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

AUGUST 89

26. **Clarification:** Wastes in satellite accumulation areas must be included in the generator's monthly waste quantity determination as well as other on-site quantity determinations.

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 RO 11812 section 261.5(c) as "not included in the quantity determination." Therefore, wastes in the satellite accumulation areas must be included in the generator'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.

RO 11812

9451.1994(01)

United States Environmental Protection Agency

Washington, D.C. 20460

Office of Solid Waste and Emergency Response

February 10, 1994

27. **Question:** When a facility has equipment that discharges hazardous wastes to attached containers, do the containers that collect such wastes have to be in compliance with the SAA regulations?

Answer:

WEEKLY CONTAINER STORAGE AREA INSPECTION LOG

ITEM/WEEK	WEEK OF _____				
Containers in good condition, not leaking?					
Containers closed when not in use?					
Containers properly marked?					
Container markings visible?					

Containers stored longer than 50

FINDING A WASTE FACILITY OR TRANSPORTER

We have provided links to find lists of facilities that are authorized to accept various types of waste. These lists are for general information, and should not be considered a recommendation of any facility.

Hazardous Waste

Hazardous Waste can only be shipped to a permitted Treatment, Storage and Disposal Facility (TSDF). To find a list of New Jersey TSDFs open:

<http://www.state.nj.us/dep/dshw/hwtf/anjhwhf.htm>

Class A Recyclable Materials

These are source separated non-putrescible recyclable materials specifically excluded from Department approval prior to receipt, storage, processing or transfer at a recycling center. Class A Recyclable Materials currently include source separated non-putrescible metal, glass, paper, plastic containers, and corrugated and other cardboard. To find a list of Class A Recycling Centers open: <http://www.state.nj.us/dep/dshw/recycling/classa.pdf>

Class B Recyclable Materials

These are source separated recyclable materials, which are subject to Department approval prior to receipt, storage, processing or transfer at a recycling center. Class B Recyclable Materials include, but are not limited to, the following:

1. Source separated, non-putrescible, waste concrete, asphalt, brick, block, asphalt-based roofing scrap and woodwaste
2. Source separated, non-putrescible, waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures
3. Source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted
4. Source separated scrap tires
5. Source separated petroleum contaminated soil

To find a list of Class B Recycling Centers open:

<http://www.state.nj.us/dep/dshw/lrm/classb.htm>

Class C Recyclable Materials

These are source separated compostable materials, which are subject to Department approval prior to the receipt, storage, processing or transfer at a

recycling center. Class C Recyclable Materials include, but are not limited to, organic materials such as:

1. Source separated food waste
2. Source separated biodegradable plastic
3. Source separated yard trimmings, including any biodegradable paper bags in which the yard trimmings are collected
4. Source separated biomass
5. Lakeweed generated from the cleaning of aquatic flora from freshwater lakes.

To find a list of Class C Recycling Centers open:

<http://www.state.nj.us/dep/dshw/rrtp/classcfc.htm>

Class D Recyclable Materials

These are source separated recyclable materials, which are subject to Department approval prior to receipt, storage, processing or transfer at a recycling center. Class D Recyclable Materials include, but are not limited to, the following:

1. Used oil, as defined in N.J.A.C 7:26A and which includes, but is not limited to, the following:
 - i. Used lubricant oil
 - ii. Used coolant oil (non-contact heat transfer fluids);
 - iii. Used emulsion oil; and
 - iv. Any other synthetic oil or oil refined from crude oil, which has been used, and as a result of such use is contaminated by physical or chemical impurities
2. Antifreeze
3. Latex paints
4. Lamps (light bulbs);
5. Oil-based finishes;
6. Batteries;
7. Mercury-containing equipment; and
8. Consumer electronics.

To find a list of Class D Recycling Centers open:

<http://www.state.nj.us/dep/dshw/rrtp/usedoil.htm>

Transporters

The DEP's Licensing and Registration Unit handles registration of Solid and Hazardous Waste Transporters. Their WebPage includes a drop down box that enables the user to find solid, hazardous and medical waste transporters. To access this WebPage open: <http://www.nj.gov/dep/dshw/hwr/regislic/lru.htm>

Recycling Markets Directory

In addition to the information above, the DEP offers the “Recycling Markets Directory” at its WebPage. This directory includes a list of carpet recycling centers, scrap tire facilities and county used oil drop-off facilities just to name a few. To find the “Recycling Markets Directory” open:

http://www.state.nj.us/dep/dshw/recycling/recymkts_directory.htm

Data Miner

Generators are responsible for their waste from cradle to grave, so it behooves them to make certain that any facility they use is handling waste properly. One place to obtain information about facilities is through the DEP Data Miner database. Data Miner enables the user to access inspection reports generated by DEP inspectors as well as any Notice of Violation or subsequent enforcement action that may have been generated as the result of an inspection. To access Data Miner open: <http://www.nj.gov/dep/opra/online.html>