



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

Date: 11.19.2021

COVERSHEET: EXPLANATION OF CITATION AND/OR TERMINOLOGY CHANGES IN THIS POLICY DOCUMENT

This policy document remains wholly in effect, but some or all of the regulatory citations within it have changed. These changes do not alter the existing regulatory interpretations.

As part of the [2016 Hazardous Waste Generator Improvements Rule](#), many of the regulations that apply to hazardous waste generators were moved to, or reorganized within, title 40 of the Code of Federal Regulations (CFR) part 262. To view a crosswalk between the old and new citations, please visit the [Hazardous Waste Generator Regulations Crosswalk webpage](#).

The Hazardous Waste Generator Improvements Rule also made changes to terms that may be included in this document. The most common term change was replacing “conditionally exempt small quantity generators” (CESQGs) with “very small quantity generators” (VSQGs). In addition, EPA defined the term “central accumulation area” (CAA) to mean a generator’s 90- or 180-day accumulation area for hazardous waste.

A handwritten signature in cursive script that reads "Jessica Young".

Jessica Young
Chief of the Recycling and Generator Branch
Office of Resource Conservation and Recovery

9453.1993(01)

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

February 23, 1993

Mr. D.B. Redington
Director, Regulatory Management
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

Dear Mr. Redington,

Thank you for your letter dated December 15, 1992, concerning the hazardous waste storage regulations under the Resource Conservation and Recovery Act (RCRA). In your letter, you requested a clarification of the satellite accumulation provisions for hazardous waste generators (40 CFR 262.34(c)(1)), particularly for the types of wastes you described as being "generated from diverse sources throughout a facility."

We have a policy of allowing EPA Regions, and states authorized to implement the RCRA hazardous waste program, to answer site-specific inquiries about the hazardous waste regulations. However, the types of wastes you described in your letter (e.g., post-consumer items such as used nickel-cadmium batteries that exhibit a characteristic of hazardous waste), are the same types of wastes that are under consideration in an ongoing rulemaking effort within the Office of Solid Waste (OSW). Therefore, we feel it would be appropriate for us to provide you with some clarification regarding these "universal wastes" and the satellite accumulation provision under the existing generator requirements.

Based on your description of how and where these waste types are generated, it is evident that the phrase "at or near the point of generation where wastes initially accumulate" (see footnote 1), requires clarification. We agree that there may be circumstances where certain hazardous wastes, which by their mode of use are generated in small amounts throughout a facility or part of a facility, could be accumulated under the reduced requirements described at §262.34(c)(1), provided that the conditions of this

regulation are met. For like wastes generated from many individual locations (e.g., nickel-cadmium batteries), we would interpret 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 still applicable. However, we would view this condition as being satisfied for certain "universal wastes" 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 of these "universal wastes," the person who first takes an item out of service (e.g., an employee who replaces a dead battery used in a calculator) 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 maintenance-related wastes. Alternatively, a maintenance worker who replaces mercury thermostats throughout a factory might also be assigned responsibility for the location at which the accumulated used thermostats are temporarily stored.

I would like to emphasize 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. I would also note that we have not defined the term "universal waste" in this letter (see footnote 2), but have instead used some examples of these wastes to clarify the satellite accumulation provision. 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.

Lastly, as was mentioned above, EPA is developing standards to streamline the regulatory requirements for some of these types of "universal wastes," to facilitate the separation of these materials from the municipal waste stream, and to encourage proper treatment and/or recycling. This rule was recently published, and we have enclosed a copy of it for your convenience. We would encourage you to read it and submit to us any comments you may have. If you have any questions on this rulemaking effort, or on any other issue discussed in this letter, please call Charlotte Mooney or Ross Elliott of my staff at (202) 260-8551. Thank you for your interest in the responsible management of hazardous waste.

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste

cc: EPA Regional Waste Management
Division Directors, I-X

- 1 Defines the satellite accumulation "area."
- 2 The term is at this point, as you described, an "emerging term."

Enclosure