



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 17 2016

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Charlotte A. Smith  
PharmEcology Services  
WM Healthcare Solutions, Inc.  
N96W13600 County Line Road  
German Town, Wisconsin 53022

Dear Ms. Smith:

Thank you for your letter from May 12, 2014, requesting EPA's determination regarding the one quart limit for P-listed waste in satellite accumulation areas (SAA). Specifically, your request is regarding the accumulation of fully dispensed containers (e.g. warfarin blister packs, stock bottles, etc.) that are not "RCRA empty" (in accordance with 40 CFR 261.7) and how the volume of these containers are counted toward the one-quart limit for acute hazardous wastes in a SAA.

Your letter quoted EPA Region 1's interpretation that stated, "The one-quart accumulation limit of acutely hazardous waste in a satellite area applies to the hazardous waste residues accumulated and not the container" (attached). EPA HQ agrees with this statement and, to supplement, we issued a memorandum on November 4<sup>th</sup>, 2011 regarding containers that once held P-listed pharmaceuticals (RCRA Online #14827). Below is a brief discussion in relation to your issue but please refer to the cited supporting documents in this letter for a more detailed explanation.

EPA's regulatory language in 40 CFR 261.33(c) states the residues remaining in containers that held commercial chemical products are hazardous wastes, and EPA has clarified on several occasions that a distinction may be drawn between the residues themselves and the container. See, for example, preamble discussion in the November 25, 1980 federal register (45 FR 78527). Most relevant to your question is where the EPA has clarified that a hazardous waste residue may be considered separately from its container for purposes of determining the weight of hazardous waste and thus which generator rules apply. See guidance memoranda RCRA Online #12151, RCRA Online #11803, and RCRA Online #14827 regarding determining the appropriate generator category. Accordingly, the same principle would apply here, and the one-quart accumulation limitation in a SAA only applies to acute hazardous waste and any residues within the container. In your circumstances, the container itself does not need to be included when calculating the maximum accumulation volume of acute hazardous waste in a SAA.

Please note that this letter only discusses the federal RCRA hazardous waste regulations for P-listed wastes accumulating in a SAA. Under section 3006 of RCRA, individual states can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program. States that

are authorized to implement the RCRA program have authority to promulgate regulations that are more stringent than the federal program. You should consult with the appropriate authorized state agency for any site-specific guidance. If you have any questions about the federal hazardous waste regulations discussed in this letter, please contact Josh Smeraldi at (703) 308-0441, [Smeraldi.Josh@epa.gov](mailto:Smeraldi.Josh@epa.gov) or Kristin Fitzgerald at (703) 308-8286, [Fitzgerald.Kristin@epa.gov](mailto:Fitzgerald.Kristin@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Barnes Johnson". The signature is written in a cursive style with a long horizontal flourish at the end.

Barnes Johnson, Director  
Office of Resource Conservation and Recovery

cc: Kerry Kelly, WM Waste Management, Senior Director, Federal Affairs  
RCRA Enforcement Managers, EPA Regions 1 – 10  
RCRA Division Directors, EPA Regions 1 – 10