

# RCRA Guidance: U.S. Environmental Protection Agency Addresses Satellite Accumulation Areas/P-listed Waste

## Arkansas Environmental, Energy, and Water Law Blog



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The United States Environmental Protection Agency ("EPA") addressed in a February 17<sup>th</sup> letter a question regarding the one-quart limit for P-listed Waste in satellite accumulation areas ("SAA").

WM Health Care Solutions, Inc., ("WM") in a May 12, 2014 letter, submitted a request to EPA regarding:

... the accumulation of fully dispensed containers (e.g. warfarin blister packs, stock bottles, etc.) that are not "RCRA empty" (in accordance with 40 C.F.R. 261.7) and how the volume of these containers are counted toward the one-quart limit for acute hazardous wastes in a SAA.

A SAA is a RCRA provision that allows a generator to accumulate waste "in containers at or near any point of generation where wastes initially accumulate, which is under control of the operator of the process generated wastes." A variety of limitations and requirements are applicable to SAA's. For example, a container in a SAA must be labeled hazardous waste.

EPA in its February 17<sup>th</sup> letter agreed with a prior EPA Region 1 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.

EPA references its prior November 4<sup>th</sup>, 2011 memorandum regarding containers that once held P-listed pharmaceuticals. The agency notes that 40 C.F.R. 261.33 (c ) provides that residues remaining in containers that held commercial chemical products are hazardous wastes and that it has "clarified on several occasions that a distinction may be drawn between the residues themselves and the container." Also noted as relevant is the agency's prior statement that it 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.

EPA concludes that same principle applies in this scenario and, therefore, the one-quart accumulation limit in a SAA only applies to acute hazardous waste and any residue within the container. It notes that in WM's circumstance, the container itself need not be included when calculating the maximum accumulation volume of acute hazardous waste in a SAA.

[A copy of the February 17<sup>th</sup> letter can be downloaded here.](#)