



## Alternative Standards for Episodic Generation Overview 40 CFR 262 Subpart L

➤ **Applicability** (40 CFR 262.230)

The Episodic Generator provision is applicable to very small quantity generators (VSQGs) and small quantity generators (SQGs) as defined in 40 CFR 260.10.

➤ **Definitions** (40 CFR 262.231)

Episodic event means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.

Planned episodic event means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory

Unplanned episodic event means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or "acts of nature," such as tornado, hurricane, or flood.

➤ **Conditions for a generator managing hazardous waste from an episodic event** (40 CFR 262.232)

VSQGs and SQGs may maintain their existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:

- (1) The VSQG/SQG are limited to one episodic event per calendar year, unless a petition is granted from the Hazardous Waste Section for a second event under 40 CFR 262.233;
- (2) Notification.
  - VSQG/SQG must notify electronically no later than thirty (30) calendar days prior to initiating a *planned* episodic event using RCRAInfo, myRCRAid module.
  - If the event is an *unplanned* episodic event, the generator must notify within 72 hours of the unplanned event via phone, email, or fax and subsequently notify electronically using RCRAInfo, myRCRAid module.
  - The generator shall include:
    - the start date and end date of the episodic event,
    - the reason(s) for the event,
    - types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and
    - shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with SQG emergency procedures (40 CFR 262.16(b)(9)(i));
- (3) EPA ID Number. The VSQG/SQG must have an EPA identification (ID) number or obtain an EPA ID number by registering electronically on the RCRAInfo, myRCRAid module.

- (4) Accumulation. A VSQG/SQG are prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:
- *Containers.* A VSQG/SQG accumulating in containers must mark or label its containers with the following:
    - The words "Episodic Hazardous Waste";
    - An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (*i.e.*, ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and
    - The date upon which the episodic event began, clearly visible for inspection on each container.
  - *Tanks.* A VSQG/SQG accumulating episodic hazardous waste in tanks must do the following:
    - Mark or label the tank with the words "Episodic Hazardous Waste";
    - Mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (*i.e.*, ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704);
    - Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and
    - Keep inventory logs or records with the above information on site and readily available for inspection.
- (5) Hazardous waste must be managed by a VSQG in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;
- *Containers* must be in good condition and compatible with the hazardous waste being accumulated therein. Containers must be kept closed except to add or remove waste; and.
  - *Tanks* must be in good condition and compatible with the hazardous waste accumulated therein. Tanks must have procedures in place to prevent the overflow (*e.g.*, be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.
- (6) The VSQG/SQG must ship episodic hazardous waste on a manifest in compliance with the hazardous waste manifest provisions of 40 CFR 262 subpart B when it sends its episodic event hazardous waste off site to a designated facility, as defined in 40 CFR 260.10.
- (7) The VSQG/SQG has up to sixty (60) calendar days from the start of the episodic event to manifest and send the hazardous waste generated from the episodic event to a designated facility, as defined in 40 CFR 260.10.

- (8) VSQGs/SQGs must maintain the following records for three (3) years from the end date of the episodic event:
- Beginning and end dates of the episodic event;
  - A description of the episodic event;
  - A description of the types and quantities of hazardous wastes generated during the event;
  - A description of how the hazardous waste was managed as well as the name of the RCRA-designated facility that received the hazardous waste;
  - Name(s) of hazardous waste transporters; and
  - An approval letter from the Hazardous Waste Section if the generator petitioned to conduct one additional episodic event per calendar year.

- (9) In addition to the conditions described, a SQG, must continue to comply with the management requirements for hazardous waste described at 40 CFR 262.16 (including but not limited to manifesting, preparedness and prevention, and management of incompatible wastes).

➤ **Petition to manage one additional episodic event per calendar year (40 CFR 262.233):**

- (1) A generator may petition the Hazardous Waste Section for a second episodic event in a calendar year without impacting its generator category under the following conditions:
- If a VSQG/SQG has already held a *planned* episodic event in a calendar year, the generator may petition the Hazardous Waste Section for an additional *unplanned* episodic event in that calendar year within 72 hours of the unplanned event.
  - If a VSQG/SQG has already held an *unplanned* episodic event in a calendar year, the generator may petition the Hazardous Waste Section for an additional planned episodic event in that calendar year.

- (2) The petition for one additional episodic event per calendar year must include the following:
- The reason(s) why an additional episodic event is needed and the nature of the episodic event;
  - The estimated amount of hazardous waste to be managed from the event;
  - How the hazardous waste is to be managed;
  - The estimated length of time needed to complete management of the hazardous waste generated from the episodic event—not to exceed sixty (60) days; and
  - Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

- (3) The petition must be made to the Hazardous Waste Section in writing, either on paper or electronically.

- (4) The generator must retain written approval in its records for three (3) years from the date the episodic event ended.

➤ **Annual Fee (North Carolina General Statute [N.C.G.S.] 130A-294.1(e) and (f)):** Depending on the weight of hazardous waste generated during the episodic event, the generator may be subject to the following annual fees or the difference in an annual fee if the generator has already paid an annual fee as a SQG:

- A person who generates either one kilogram or more of any acute hazardous waste (as listed in 40 CFR 261.30(d) or 261.33(e)), or 1,000 kilograms or more of non-acute hazardous waste, in any calendar month during the year beginning 1 July and ending 30 June shall pay an annual fee of \$1,400.
- A person who generates 100 kilograms or more of non-acute hazardous waste in any calendar month during the year beginning 1 July and ending 30 June but less than 1,000 kilograms of non-acute hazardous waste in each calendar month during that year shall pay an annual fee of \$175.00.