



Alternative Standards for Episodic Generation Overview 40 CFR 262 Subpart L

This document provides an overview of the alternative management standards for sites that qualify as episodic generators of hazardous waste. The federal episodic generation provision ([40 CFR 262 Subpart L](#)) was effective in North Carolina on March 1, 2018 when it was adopted by reference in state rules at [15A North Carolina Administrative Code \(NCAC\) 13A .0107\(h\)](#). Frequently asked questions/responses and information on how to notify under the episodic generator provision can be found on [page 4](#) of this document.

➤ **Applicability** ([40 CFR 262.230](#))

The Episodic Generation 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. See additional information on [page 5](#).
 - 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. See additional information on [page 5](#).
- (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 \$300.00.

Frequent Questions About Episodic Generation

1) Who do I contact if I have questions about the episodic generator provision?

Contact your local Hazardous Waste Section Inspector if you have questions. This map shows the regions and contact information for the Hazardous Waste Section Inspectors:

<https://www.deq.nc.gov/compliance-map-inspector/download?attachment?attachment>

2) Can regularly generated hazardous waste (non-episodic hazardous waste) be shipped off site at the same time the episodic hazardous waste is shipped off site?

Yes, regularly generated hazardous waste may be shipped off site at the same time and in the same load as the episodic hazardous waste.

The generator must ensure the times limits are met for both the regularly generated hazardous waste (90 days for LQG hazardous waste or 180/270 days for the SQG hazardous waste) and the episodic hazardous waste (must be off site 60 days after the event starts). Just because a generator wants to ship the hazardous waste together, does not allow an exceedance in the maximum length of time either the regularly generated hazardous waste or the episodic hazardous waste may remain at the site.

The manifest should indicate the amount of episodic hazardous waste that is shipped. Anytime episodic hazardous waste is shipped, if the manifest does not indicate the amount of episodic hazardous waste, the manifest will make the generator appear out of compliance with the hazardous waste requirements (i.e., the manifest will indicate LQG amounts of hazardous waste subject to specific stringent requirements when the generator was actually subject to the episodic generation provision).

To identify which shipment or which part of a shipment is the episodic hazardous waste:

- The episodic hazardous waste can be shipped on a separate manifest from the regularly generated hazardous waste. A note should be made on the episodic hazardous waste manifest in Box 14 of the manifest noting that the waste was generated from an episodic event; or
- If the regularly generated waste and episodic waste are shipped on the same manifest, the manifest must distinguish the episodic waste from other regularly generated waste by entering them on a separate line of the manifest with a note on Box 14 indicating which waste stream was the episodic hazardous waste; or
- If the waste streams are not placed on separate lines of the manifest, a note in Box 14 of the manifest indicating the amount of the episodic hazardous waste is necessary.

Both the episodic hazardous waste and regularly generated hazardous waste have requirements for the generator to maintain paperwork. The required paperwork (notification, manifest, etc.,) associated with an episodic event should be kept together. If episodic hazardous waste is shipped on a separate manifest from the regularly generated hazardous waste, it is easy for the generator to maintain the paperwork associated with that episodic event. If regularly generated hazardous waste and episodic hazardous waste are shipped on the same manifest, the generator should maintain copies of the same manifest in both the episodic event files and the regularly generated manifest files.

3) If a generator generates more than 2,200 pounds of hazardous waste from an episodic event and complies with the episodic generation provision conditions of 40 CFR 262 Subpart L, must the generator comply with the LQG requirements for RCRA training, contingency plan, and biennial report?

A VSQG or SQG that generates LQG amounts of hazardous waste but complies with the episodic generation provision conditions of 40 CFR 262 Subpart L does not have to comply with the LQG requirements for RCRA training, contingency plan, and/or biennial report. The only requirements that apply to the episodic hazardous waste are those described in 40 CFR 262 Subpart L.

4) An episodic event spans two calendar years (e.g., the event starts December 1, 2022 and ends on January 29, 2023). Which calendar year will the episodic event count towards?

Typically, the episodic event will count for the calendar year in which the event starts. If the majority of the episodic event occurs in one year, it is possible that it could count for that calendar year. For example, if the episodic event began on December 30, 2022 and ended on February 27, 2023, the episodic event may count towards the 2023 calendar year. The Inspector and the Compliance Branch Supervisor may use their discretion when determining which calendar year the episodic event is counted towards. Currently, there are no federal regulations, state rules, policy or guidance that provides information on how to make this determination.

5) Must I pay a fee for an episodic event?

Yes, a site that has an episodic event must pay the annual fee associated with the weight of hazardous waste generated during the episodic event.

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- 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.
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6) How do I notify of an episodic event?

In North Carolina, the notification of an episodic event is done electronically using EPA's RCRAInfo database in the myRCRAid module.

- Link to the RCRAInfo website: <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>
 - Are you **already registered** in RCRAInfo? Then sign in to RCRAInfo using the User ID and Password you created when you initially registered.
 - If you forgot your User ID or Password, click "Forgot User ID" or "Forgot Password." Please do not create another account.
 - Do you have an existing Central Data Exchange (CDX) account? If yes, use your CDX credentials to sign in on this RCRAInfo webpage.

- If you are **not already registered in RCRAInfo** (and do not have an existing CDX account), see the [Guide for RCRAInfo Registration and Notification Submittal](#) for information on registering in RCRAInfo and submitting a notification.
- For more information on submitting a notification in the RCRAInfo myRCRAid module, go to Step 22 of this guidance document: [Guide for RCRAInfo Registration and Notification Submittal](#)
 - Link to the notification instructions if you would like additional information on the fields or the terms used on the notification:
https://rcrapublic.epa.gov/rcrainfoweb/documents/rcra_subtitleC_forms_and_instructions.pdf
- When completing the notification, the form will pre-populate with the existing information for the site. You will need to update any information that has changed since the last submittal.
 - Make sure the information in Item 8 of the form (Site Contact) is up to date and includes a valid email address.
 - **Include in Item 18 of the form (Comments) a brief summary of what was updated** since the last submission (e.g., "Site Contact was updated" or "Notified as an Episodic Generator").
- For Item 10.A.1 (“Generator of Hazardous Waste” a.k.a. Generator Category) on the notification, this should represent the site’s normal hazardous waste generator category (when not accounting for the episodic event). A site must be a VSQG or SQG to be able to take advantage of the episodic generator provision. The site’s generator category (in Item 10.A.1) will not change when notifying of an episodic event. Even though larger amounts of hazardous waste are being generated during the episodic event, Item 10.A.1 will remain as a VSQG or SQG. The Episodic Generator Information is accounted for in Item 13 of the notification.

10. Type of Federal Regulated Waste Activity

A. Hazardous Waste Activities

1. Generator of Hazardous Waste (Federal) *
3 - Very Small Quantity Generator x

2. Short Term Generator
No

3. Treater, Storer, or Disposer of Haz Waste
No

4. Receives Hazardous Waste from Off-site
No

5. Recycler of Hazardous Waste
Select Recycler Activity

6. Exempt Boiler and / or Industrial Furnace
None selected

Generator of Hazardous Waste (State) *
F - Same as Federal x

- To notify of an episodic generation event, toggle the “Yes/No” toggle to “Yes.”

13. Episodic Generation

Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category pursuant to 40 CFR Part 262 Subpart L? If "Yes", you must fill out the Addendum for Episodic Generator.

No

- Once toggled to “Yes” additional information about the episodic generation event must be entered.
 - Link to the notification instructions if you would like additional information on the fields or the terms used on the notification:
https://rcrapublic.epa.gov/rcrainfoweb/documents/rcra_subtitleC_forms_and_instructions.pdf
 (Episodic generation information is on page 32 of the linked document)
 - Contact your local Hazardous Waste Section Inspector if you have questions. This map shows the regions and contact information for the Hazardous Waste Section Inspectors:
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Yes

Episodic Event

Event Type *

Project Type *
This field is required.

Beginning Date *

End Date *

Emergency Contact

First Name *

Middle Initial

Last Name *

Phone *

Extension

Email

Waste *

At least one waste record must be provided.

Description	Quantity (lbs)	Waste Codes (Federal)	Waste Codes (State)
<input type="button" value="Add"/>			