



Presented by:

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RCRA - Subpart I
Alternative Standards
for
EPISODIC GENERATION
Site Remediation Focus

40 CFR 262.230 &
40 CFR 262.232(a) & (b)

Episodic Generation Definition

AN ACTIVITY OR ACTIVITIES, EITHER PLANNED OR UNPLANNED, THAT DOES NOT NORMALLY OCCUR DURING GENERATOR OPERATIONS, RESULTING IN AN INCREASE IN THE GENERATION OF HW THAT EXCEEDS THE CALENDAR MONTH QUANTITY LIMITS FOR THE GENERATOR'S USUAL CATEGORY

Temporarily Exceeds Existing Generator Categories For VSQG & SQG

Planned: Short-term construction projects, site remediation, equipment maintenance, excessive chemical inventory, and site production process decommissions

Unplanned: Process upsets, product recalls, accidental spills, acts of nature (*floods, tornados, hurricanes*)

Who Is Eligible To Be An Episodic Generator (EG)



Very Small Quantity Generators
(VSQG) <220 lbs./month



Small Quantity Generators
(SQG) <2,200 lbs./month



LQG's NOT ELIGIBLE

EXAMPLE: **MARIO'S AUTO BODY SHOP**

Current Generation: One 55-GALLON DRUM OF LACQUER/6 MONTHS

❖ CURRENT CATEGORY: VSQG - No USEPA Id Number - Manifest Only

- **SCENIARO:** Mario Sr. is selling the business to Mario Jr. The out-of-date **SOLVENT-BASED PAINT** system in the existing flammable storage room is being replaced with a **NEW WATER-BASED PAINT** system.

Mario's Auto Body's Paint Shop Storage Shed



Should Mario's Auto Body Apply For Episodic Generation?

- *How much waste will be generated to change generator status?*
- Flammable storage area contains:
50 55-gallon drums (400 lbs./drum) = 20,000 lbs. of
solvent-based paints and acetone/lacquers
- Can Mario Sr. become an Episodic Generator?

EPISODIC EVENT – PLANNED OR UNPLANNED?

YES – Planned Event

- Mario Sr. has a planned event that will create a hazardous waste quantity that exceeds 220 pounds in one calendar month.

VSQ Generator PLANNED EVENT

Mario's Auto Body Planned and Prepared for:

- ✓ Short-term project
- ✓ Removal of excess chemical inventory
 - ✓ Cleanout of storage room chemicals, garage & tool shed cleanout, basements, and other areas at facility containing solvent-based paints & other hazardous wastes, including flammables, solvents.
- ✓ Mario Sr. estimates the start and end date will be completed with 60 days from the initial day of the event.

Planned Episodic Event –VSQG to SQG or LQG

- File an USEPA 8700 form -12
- Request an USEPA Id Number for hazardous waste activity
- Fill out addendum to the site identification form: *Episodic Generator #13*
- Explain the reason for the event. Planned – sale of business, excess chemical inventory removal. Cleanup & Disposal
- Describe the waste(s) generated – waste paints & thinners: Waste codes (D001) characteristic flammables & (F003)/(F005) listed solvents
- 60 days to remove the waste paint from the time you start the event
- Use HW manifest w/EPA Id number & TSD – sign & certify form

USEPA 8700-12 form



https://www.epa.gov/sites/production/files/2017-07/documents/site_id_instructions_andforms.pdf

**RCRA Subtitle C Reporting
Instructions and Forms
EPA Forms 8700-12, 8700-13 A/B,
8700-23**

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12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.

<input type="checkbox"/> Y <input type="checkbox"/> N	A. Opting into or currently operating under 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories—If “Yes”, mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input type="checkbox"/> N	B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

13. Episodic Generation

<input type="checkbox"/> Y <input type="checkbox"/> N	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. If “Yes”, you must fill out the Addendum for Episodic Generator.
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14. LQG Consolidation of VSQG Hazardous Waste

<input type="checkbox"/> Y <input type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If “Yes”, you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
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15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)

<input type="checkbox"/> Y <input type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
<input type="checkbox"/>	A. <input type="checkbox"/> Central Accumulation Area (CAA) <input type="checkbox"/> Entire Facility
	B. Expected closure date: _____ mm/dd/yyyy
	C. Requesting new closure date: _____ mm/dd/yyyy
	D. Date closed : _____ mm/dd/yyyy
<input type="checkbox"/>	1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
<input type="checkbox"/>	2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

16. Notification of Hazardous Secondary Material (HSM) Activity

<input type="checkbox"/> Y <input type="checkbox"/> N	A. Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), or (27)? If “Yes”, you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material
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Item 13

- EPISODIC GENERATION
- YES OR NO
- ARE YOU A VSQG OR SQG GENERATING HW FROM A PLANNED OR UNPLANNED EG EVENT, LASTING NO MORE THAN 60 DAYS, THAT MOVES YOU TO A HIGHER GENERATOR CATEGORY?
- If yes, go to addendum

ADDENDUM TO THE SITE IDENTIFICATION FORM:
EPISODIC GENERATOR



ONLY fill out this form if:

- You are an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves the generator to a higher generator category pursuant to 40 CFR 262 Subpart L. Note: Only one planned and one unplanned episodic event are allowed within one year; otherwise, you must follow the requirements of the higher generator category. Use additional pages if more space is needed.

Episodic Event

1. Planned

- Excess chemical inventory removal
 Tank cleanouts
 Short-term construction or demolition
 Equipment maintenance during plant shutdowns
 Other _____

2. Unplanned

- Accidental spills
 Production process upsets
 Product recalls
 "Acts of nature" (Tornado, hurricane, flood, etc.)
 Other _____

3. Emergency Contact Phone

4. Emergency Contact Name

5. Beginning Date _____ (mm/dd/yyyy)

6. End Date _____ (mm/dd/yyyy)

Waste 1

7. Waste Description

8. Estimated Quantity (in pounds)

9. Federal and/or State Hazardous Waste Codes

Waste 2

7. Waste Description

8. Estimated Quantity (in pounds)

9. Federal and/or State Hazardous Waste Codes

EG Addendum

- Fill out 1 thru 9

1. Planned
2. Unplanned
3. Emergency contact phone
4. Emergency contact name
5. Beginning date
6. End date
7. Waste description
8. Estimated quantity (lbs.)
9. Fed & state waste codes

Other Planned Episodic Events

- Rear yards, container storage sheds & garages



Tractor Trailers..



Planned Episodic Events

Municipal DPW or Privately-Owned Garages



Planned Episodic Events

Indoor Work Areas



5/9/2019



Episodic Generation - Alternative Standards

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"CUBBY HOLES" IN THE WORK PLACE

Definition of "Cubby Holes" are NOT found in 40 CFR, nor in the federal or State registers, nor in N.J.S.A. or N.J.A.C. ... but they are "real" place to find old expired and unusable chemicals!



And, Cabinets, Closets & Storage Rooms a/k/a **Cubby Hole Accumulation Areas “CHAAs”**



5/9/2019



Episodic Generation - Alternative Standards

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Entities Eligible for Episodic Generation Alternative

- Laboratories
- Schools
- College
- Industries
- Private homes
- Cleanup Companies
- Municipalities
- Public and Private business
- Remediation Sites



Unplanned Episodic Event

An episodic event that the generator **did not plan** or reasonably **did not expect** to occur, including:

- Production process upset
- Product recalls
- Accidental spills
- Acts of nature (hurricane, flood, tornado)

Unplanned Scenario

DIASTER CHEMICAL COMPANY



- Manufacturer of Specialty Chemicals – solvents, corrosives, gases
- Generates 1,200 lbs. of HW in one calendar month yearly
- Current Generator category: SQG <2,200 per month
- EPA ID #: NJD000111999
- **Scenario:** Overfill alarm malfunction resulting in a 3,000-gallon product tank of sulfuric acid spill and discharge of sulfuric acid to ground; approximately 5,000-gallons lost. ***oh no!***



Diaster Chemical Tank Overfill & Spill



Diaster Chemical – Do they Qualify for Episodic Generator? **YES**

- ✓ Unplanned event that generate HW exceeding their category as SQG
- ✓ 24-hour Hot Line – report the spill of a hazardous substance
- ✓ Call NJDEP – **request** episodic generation of spilled with **72 hours of event**
- ✓ Over 20,000 pounds of D002 corrosive waste removed from parking lot area within 24 hours of spill
- ✓ SQG to LQG generation quantities of hazardous waste
- ✓ Diaster Chemicals will store spilled material on site not to exceed 60-days from the onset of the spill
- ✓ Label the 55-gallon drums “**Episodic Waste**” with start date and pictorial description of waste characteristics

Buildem Up, LLC? Who is it? Who are they?

- A minority-based developer
- Large corporate entity
- Small construction firm
- Local family contractor
- Any developer or builder, any size or situation
- Is not a hazardous waste generator
- Does not possess an USEPA ID number



Buildem Up, LLC

- Purchased 10 acres of old farm land. Currently the only structures left on property.
- *Buildem Up, LLC.* found HW on site!
- Are they eligible for Episodic Generation Alternative Standards?



Buildem Up, LLC - Proposed Redevelopment Plan



Buildem Up, LLC

- Excavation of soils adjacent to a old structure that was found to contain elevated levels of lead from a previous operation or historic contaminated fill.



Soil Excavation for Proposed Town Redevelopment Center Case Study - Buildem Up, LLC

- Current property owner is a developer. NOT a HW generator. No EPA ID number associated with the current property owner's operation.
- Previous property owner operated the site as an old garage
- A LSRP is assigned to the property and has an approved remediation plan.
- Small garage on the property is slated for demolition. MUST dispose of contaminated soils as hazardous waste.
- Question: Can they use Episodic Generation alternative for accumulation and disposal?

Small Excavated Soil Pile found Contaminated Exceeding TCLP Lead



Excavated Soil Piles found Contaminated with Lead *Not* Eligible for Episodic Generation –over 60 Days



Labels on Containers – 40 CFR 262.262

- THE WORDS “**EPISODIC HAZARDOUS WASTE**”
- Hazardous waste characteristics
 - Ignitable
 - Corrosive
 - Reactive
 - Toxic
 - DOT labeling or placarding
 - Hazardous statement or pictogram (OSHA) or National Fire Protection (NFPA code)
 - **Date of generation clearly visible for inspection on each container**

CONTAINER LABELING Must be labeled or marked

EPIODIC HAZARDOUS WASTE



EG Requirements for HW Management

- Containers in good condition, closed, no releases to air, soil, or water
- **Tanks** in good condition, overflow system, inspected once each operating day, and must operate according to its design

Episodic Generation for Tanks Containing Episodic Hazardous Waste:

- THE WORDS “**EPISODIC HAZARDOUS WASTE**”
- Hazardous waste characteristics
 - Ignitable
 - Corrosive
 - Reactive
 - Toxic
 - Dot labeling or placarding
 - Hazardous statement or pictogram (OSHA) or National Fire Protection (NFPA code)
 - **Use inventory logs or other records to identify the date upon each period of accumulation begins and ends and keep logs on site for inspection**

Regional Administration Petition

Must include the following information:

- Reasons why an **additional** event is needed and the nature of the event – may be denied!
- Estimate amount of HW to be generated
- How the HW is going to be managed
- Estimated length of time needed to complete the management of the HW so **not to exceed 60 days from generation**
- Information on the previous Episodic Generation Events – was it planned or unplanned? And, how the generator complied with the initial conditions
- Electronic or written petitions to the Regional Administrator
- Remain records for 3 years from date of the Episodic Event ending

Petition to Manage One (1) Additional Episodic Event Per Calendar Year

- 40 CFR 262.233 (a) (b) (c) and (d)– Petition the Regional Administrator
- VSQG or SQG pre-planned an episodic event in *calendar year*, may petition an unplanned episodic event in that calendar year with 72 hours of the unplanned event.
- VSQG or SQG already held an unplanned event in same calendar year, may petition for ONE (1) additional planned episodic event

PLACARDS/PICTOGRAMS



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HW Manifest Waste Off Site

- Comply with hazardous waste manifest requirements
- Send to a designated TSD facility

60-Day Limitation for VSQG & SQG

- From start of episodic event to off site **TSD** = equal or less than
60 days
for on-site accumulation!

Recordkeeping for VSQG & SQG

- Maintain records on site
- Identify beginning and end dates of episodic event
- Description of event
- Description of types and quantities of HW generated
- Description of TSD receiving the wastes
- Name of transporter(s)
- If EPA approved, letter to conduct one additional episodic event per calendar year

Off-Site Disposal Time Line

- Ship to off site designated facility (TSD) within 60 days from the start of the episodic event

Helpful Phone Numbers

- Phone #: NJDEP COMMUNICATION CENTER HOT LINE
24-hour a day, 7 days a week

1-877-WARN DEP (1-877-927-6337)

- Contacts: Northern Field Office - 973-656-4470
Central Field Office - 609-292-3962
Southern Field Office - 856-614-3658

EG says, "Thank you!"

