

Hazardous Waste Episodic Generation

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Episodic Generation

40 CFR 262 Subpart L / (§262.230-§262.233)

What Is Episodic Generation?

- Occasional or irregular production of hazardous waste.
- A temporary event that increases a generator's hazardous waste volume.

Episodic Generation

40 CFR 262 Subpart L / (§262.230-§262.233)

As a result....episodic generation may cause a Very Small Quantity Generator (VSQG) or Small Quantity Generator (SQG) to exceed their normal monthly generation limits triggering a higher generator category.

- Therefore, EPA created “episodic generation” rules to avoid forcing a facility into a higher generator category **for a short-term event**.
- Episodic generation was added to the regs as part of the Generator Improvement Rule in 2016.
- §262.13(c)(8) states that hazardous waste managed as part of an episodic event does not have to be counted towards a generator's category.

Episodic Event Definition

40 CFR 262.231

- 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.

Types of Episodic Events

➤ Planned Episodic Event:

An episodic event that the generator planned and prepared for.

Examples:

- regular maintenance
- tank cleanouts
- short-term projects
- removal of excess chemical inventory



Types of Episodic Events (cont.)

➤ Unplanned Episodic Event:

An event that the generator did not plan or reasonably did not expect to occur.

Examples:

- production process upsets
- product recalls
- accidental spills
- acts of nature - tornado, hurricane, flood, etc.



Who is eligible to use the Episodic regulations?

- Very Small Quantity Generators (VSQG)
- Small Quantity Generators (SQG)
[as defined in 40 CFR 260.10]



Notification of an Episodic Event

40 CFR 262.232(a)(2)-VSQG

40 CFR 262.232(b)(2)-SQG

- VSQGs and SQGs must notify the NJDEP of the episodic event **electronically through the RCRAInfo system**, using the electronic Site ID from [EPA form 8700-12 and the Episodic Generator Addendum].
 - Planned event: must notify 30 calendar days or more prior to the start of the episodic event (generation of waste).
 - Unplanned event: must notify within 72 hours of the event by phone or email and subsequently submit EPA form 8700-12 electronically through the RCRAInfo system.

Notification Requirements

➤ **Information you will need to provide:**

- Start and end dates of the episodic event
- Reason for the event
- Types of hazardous waste
- Estimated quantities of hazardous waste
- Facility contact (An emergency contact person with a 24-hour phone number)



➤ A VSQG/SQG must get an EPA ID number if the site doesn't already have a number.

- Submitting the Site ID form and applying for the episodic event through RCRAInfo will generate a new EPA ID # if there isn't an existing one.

Episodic Events Per Year



- One episodic event per calendar year is permitted.
- A generator can complete multiple projects during the time limit for the approved episodic event.
- The petition process allows a generator to submit for one additional event in a calendar year.

Petition an Additional Episodic Event

40 CFR 262.233

- The petition process allows a total of **1 planned** and **1 unplanned** event per year.
 - Example 1:

A generator completed a planned event of cleaning out their plating tanks early in the year, but later that calendar year a flood occurred and caused additional and unexpected waste to be generated during the clean up of the flood. The generator petitions for an additional unplanned event and is granted this event since the previous event was a planned event.

Petition an Additional Event (cont.)

- Example 2:

Early in the year, a generator has a spill and applies for an unplanned episodic event which is granted. In the fall later that year, the generator wants to clean out old chemicals in the lab and from their warehouse. They petition for an additional planned episodic event and are granted the additional episodic event since the previous event was unplanned.

Accumulation of Episodic Waste

40 CFR 262.232(a)(4)-VSQG

40 CFR 262.232(b)(4)-SQG

Once the waste has been generated and is being accumulated:

- Episodic hazardous waste cannot be stored no more than **60** calendar days.
 - 60 calendar days include the start date of the event (first day of generating the waste) to the day it is shipped off site.
- Waste can be accumulated in containers and tanks, only. (Episodic waste cannot be accumulated on drip pads or in a containment building.)
- Label/mark episodic waste containers/tanks with:
 - The words “**Episodic Hazardous Waste**” & an **indication of the hazards** of the contents.
 - Date upon which the episodic event began (**start date**).
 - Tanks can also use inventory logs, monitoring equipment or other records to show the start date and end date of the event, but must be readily accessible.

Accumulation of Episodic Waste (cont.)



- Manage the hazardous waste in a manner that minimizes the possibility of an accident or release.
- Containers should be in good condition, chemically compatible with contents, and kept closed.
- Tanks must have procedures in place to prevent overflow.
- Tanks must be inspected at least once each operating day.
- SQG's must comply with 262.16 (e.g., container and tank standards, employee training, emergency preparedness and prevention).

Recordkeeping Requirements

40 CFR 262.232(a)(7)-VSQG

40 CFR 262.232(b)(6)-SQG

- Maintain records for 3 years from the end date of the episodic event.
 - Beginning and end date of the episodic event.
 - A description of the episodic event.
 - Types of hazardous wastes generated.
 - Quantities of hazardous wastes generated.
 - How the hazardous waste was ultimately managed and the name of the RCRA-designated facility or facilities that received the hazardous waste.
 - Name of the hazardous waste transporter(s).
 - Approval letter from NJDEP if a petition was submitted and approved for a second event.

Additional Requirements & Reminders

- Hazardous wastes from episodic events must be shipped by a hazardous waste transporter and documented on a hazardous waste manifest to a RCRA-designated facility (TSDF or recycler).
- First day of a planned event is the first day of generation of waste for the event.
- First day of unplanned event is the first day of the storm, spill, or other unexpected event.
- Episodic waste must be shipped off site within 60 calendar days from the start date of the event. If it exceeds 60 calendar days, the waste will be counted toward the generator's category and managed under the applicable generator regulations.
- Records must be maintained for 3 years from the completion date of the event.
- If an event or petition of an additional event is denied, generators must manage the waste under the requirements of the applicable generator category.
- VSQGs & SQGs do not have to complete a biennial report for their episodic wastes that meet LQG amounts of hazardous waste.

QUIZ

Scenario 1 — Planned Event

A Very Small Quantity Generator (VSQG) schedules a full cleanout of its plating line, which will generate more hazardous waste in one week than its normal monthly quantity. The cleanout is expected to generate 400 pounds of chromium-containing hazardous waste.

Questions:

1. What steps must the VSQG take to qualify this as a *planned episodic event*?

Notify the Department through RCRAInfo of the planned event by submitting the Site ID form (8700-12 & Episodic Generator Addendum).

2. What is the deadline for notifying the Department?

30 days prior to the start of the event (generation of waste).

3. How must the accumulated hazardous waste be labeled during this event?

With the words “Episodic Hazardous Waste”, start date of the event and hazard indicator of contents.

4. When must this waste be shipped off site?

60 days from the start of the event.

5. If the generator wants to conduct another planned cleanout later that year, what must it do?

Wait for the next calendar year. Two planned events cannot occur during the same calendar year.

QUIZ

Scenario 2 — Unplanned Event

A Small Quantity Generator (SQG) experiences a sudden reactor gasket failure, which causes an unplanned release that generates a large quantity of corrosive hazardous waste during cleanup. The amount will temporarily exceed the SQG monthly generation limits.

Questions:

1. Can this be managed as an unplanned episodic event? Why or why not?

Yes, because the generator did not expect this to occur.

2. When must the SQG notify the Department of the unplanned event?

Within 72 hours of the unexpected event and subsequently notify through RCRAInfo.

3. What accumulation standards must the generator follow during cleanup?

Episodic waste accumulation standards.

4. If the generator fails to ship the waste off site within 60 days, what happens to its generator status?

The waste will be counted toward the generator's category and managed under the applicable generator regulations.

5. Does the SQG need an EPA ID number to conduct this episodic event?

Yes

QUIZ

Scenario 3 — Second Event Request

A VSQG already completed one episodic event earlier in the year (a planned event). In October, a storm damages a storage shed creating an unplanned hazardous waste generation event.

Questions:

1. Can the generator conduct this second episodic event?

Yes

2. What additional step is required before the event can be recognized under Subpart L?

Petition the Department for an additional event (unplanned) in the same calendar year.

3. What happens if the state rejects the request?

The waste will be counted toward the generator's category and managed under the applicable generator regulations.

4. Describe proper labeling of episodic waste for this second event.

Label with the words "Episodic Hazardous Waste", start date of the event and hazard indicator of contents.

5. What documentation must the generator retain after the event is completed?

Beginning and end date of the episodic event, description of the episodic event, types of HW generated, quantity of HW generated, how waste was ultimately managed and the name of the designated facility that received the HW, name of transporter(s) and approval letter from NJDEP if a petition was submitted and approved for a second event.

Any Questions & Helpful Links



EPA HW FAQ's Episodic Waste:

<https://www.epa.gov/hwgenerators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final#epi>

Guide to creating RCRAid Account:

<https://www.nj.gov/dep/enforcement/docs/myRCRAid.pdf>

NJDEP Hazardous Waste C&E:

<https://www.nj.gov/dep/enforcement/hw.html>

HW Regional Phone Numbers:

Northern: 973-656-4470

Central: 609-943-3019

Southern: 856-614-3648

My contact info: 609-439-9638/973-656-4470