



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Alternative Standards for Episodic Generation

Office of Land Quality / Compliance Branch

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The purpose of this document is to provide guidance to very small quantity hazardous waste generators (VSQG) and small quantity hazardous waste generators (SQG) on managing episodic generation events under 40 CFR 262 Subpart L- Alternative Standards for Episodic Generation.

Due to every hazardous waste episodic generator being unique in operation and complexity, the type and scope of episodic event will vary. Therefore, careful episodic generation reporting by the regulated community is important to ensure compliance with the regulations.

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.

APPLICABILITY

VSQGs and SQGs are eligible for the Subpart L Exclusion.

Large quantity hazardous waste generators (LQGs) are **not** eligible for the Subpart L Exclusion.

VSQGs and SQGs are limited to one episodic event per calendar year, unless a petition is granted under 40 CFR 262.233 (see Petition section of this guidance document for additional information).

An episodic event must take place in no more than 60 calendar days. For example, if the start date of the event is 3/1/20, all activities for the episodic event, including the shipment (or treatment in limited circumstances, see below) of the hazardous waste off-site, must be completed no later than 4/30/20.

Every episodic generator is required to obtain an EPA ID Number, unless the site already has an EPA ID Number.

NOTIFICATION

The VSQG or SQG must notify IDEM no later than thirty (30) calendar days prior to initiating a planned episodic event using EPA Form 8700-12 via the RCRAInfo portal online.

In the event of an unplanned episodic event, the generator must notify IDEM within 72 hours of the unplanned event via phone at (317) 234-6923, email at myRCRAid@idem.in.gov, or fax at (317) 234-0428 and then submit EPA Form 8700-12 to IDEM through the RCRAInfo portal online within a reasonable time frame (IDEM has determined that this occur in less than seven (7) calendar days).

The generator must 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 identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency.

RCRAInfo Sign In: <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>

CONTAINERS AND TANKS

Containers at both VSQGs and SQGs must be marked or labeled 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).
 - A Class 9 DOT label is not a sufficient indication of the hazards.
- The date upon which the episodic event started, which is not necessarily the date the hazardous waste was generated), clearly visible for inspection on each container. All containers will maintain the same start date.
- If any hazardous waste remains on-site past the 60-day limit, it will be subject to the applicable SQG/LQG requirements and will be counted toward the facility’s generator status.

SQGs are also required to meet the container standards outlined in 40 CFR 262.16(b)(2).

If accumulating episodic hazardous waste in tanks, VSQGs and SQGs 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
- Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins
- Keep inventory logs or records with the above information on site and readily available for inspection
- Hazardous waste must be managed 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

SQGs are also required to meet the tank standards outlined in 40 CFR 262.16(b)(3).

VSQGs and SQGs of hazardous waste are prohibited from accumulating hazardous wastes generated from an episodic event on drip pads and in containment buildings.

ACCUMULATION TIME

Within sixty (60) calendar days from the start of the episodic event, VSQGs and SQGs must send the hazardous waste to a facility permitted to accept it and must ship the waste on a hazardous waste manifest in compliance with 40 CFR 262 Subpart B.

A SQG may treat hazardous waste generated from an episodic event on-site; in this case, all hazardous waste generated during the episodic event must be treated within 60 days from the start of the event.

RECORDKEEPING

VSQGs and 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 permitted facility that received the hazardous waste.
- Name(s) of hazardous waste transporters.
- An approval letter from IDEM if the generator petitioned to conduct one additional episodic event per calendar year.

PETITION FOR SECOND EPISODIC EVENT

A generator may petition IDEM for a second episodic event in a calendar year without impacting its generator category under the following conditions:

- If a facility has already held a **planned** episodic event in a calendar year, the generator may petition IDEM for an additional **unplanned** episodic event in that calendar year within 72 hours of the unplanned event.

Or

- If a facility has already held an **unplanned** episodic event in a calendar year, the generator may petition IDEM for an additional **planned** episodic event in that calendar year.

The petition 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.
- 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 conditions.

The petition must be made to the IDEM in writing, either on paper or electronically.

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

RESOURCES

40 CFR 262 Subpart L: <https://ecfr.io/Title-40/sp40.28.262.l>

If you need additional information or have any questions or concerns, please contact staff of IDEM's Compliance Branch, Office of Land Quality, at (317) 234-6923 or (800) 451-6027 press 6, or email hazwastereferrals@idem.IN.gov.