RCRA - Subpart l
Alternative Standards for
EPISODIC GENERATION

Site Remediation Focus

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

• SCENARIO: 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  The out-of-date SOLVENT-BASED PAINT system in the existing flammable storage room is being replaced with a NEW WATER-BASED PAINT system.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


RCRA Subtitle C Reporting Instructions and Forms
EPA Forms 8700-12, 8700-13 A/B, 8700-23
12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.

- 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.
  - [ ] College or University
  - [ ] Teaching Hospital that is owned by or has a formal written affiliation with a college or university
  - [ ] Non-profit Institute that is owned by or has a formal written affiliation with a college or university

- B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

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? If “Yes”, you must fill out the Addendum for Episodic Generator.

14. EQG Consolidation of VSGG Hazardous Waste

- Are you an EQG notifying of consolidated VSGG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(b)? If “Yes”, you must fill out the Addendum for EQG Consolidation of VSGGs hazardous waste.

15. Notification of EQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)

- EQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility
  - [ ] Central Accumulation Area (CAA)
  - [ ] Entire Facility
  - Expected closure date: ___________ mm/dd/yyyy
  - Requesting new closure date: ___________ mm/dd/yyyy
  - Date closed: ___________ mm/dd/yyyy
  - 1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
  - 2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)


- 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 for Notification of Hazardous Secondary Material Activity.
Episodic Generation - Alternative Standards

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
”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”
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

- Excavation of soils adjacent to an 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 placardning
  - 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

EPISODIC HAZARDOUS WASTE

This Photo

5/9/2019
**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

This Photo by Unknown Author is licensed under CC BY-SA
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

5/9/2019
EG says, “Thank you!”