



WASTE AND MATERIALS MANAGEMENT PROGRAM GUIDANCE FOR COMMENT

GUIDANCE DOCUMENT TITLE AND NUMBER

Episodic Generation of Hazardous Waste (WA 1872)

PROGRAM/BUREAU

Waste and Materials Management

GENERAL TOPIC

WA1872 is an existing guidance document that went through public comment during its initial release – the rules associated with “episodic generation” have been in place since the program hazardous waste rules changed in 2020.

- After several years of implementation, it was determined that there needs to be a process for entities that submit for “episodic generation” but then, based on specific scenarios or circumstances, need to “cancel” their notification.
- The notification process is required, but there is no codified mechanism at the state or federal level to “cancel” an event that did not occur.

This document has been edited to provide recommendations and instructions to our externals on how to withdraw a notified event.

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PUBLIC CONTACT FOR GUIDANCE

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Episodic Generation of Hazardous Waste

Guidance on Hazardous Waste Requirements

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Introduction

Under both state and federal hazardous waste regulations, a facility's generator status is primarily determined by the quantity of hazardous waste generated in a calendar month. When generating hazardous wastes that are not part of normal operations, very small quantity generators or small quantity generators may potentially maintain their existing generator category by notifying the DNR and managing this waste as either a planned or unplanned episodic event.

Hazardous waste regulations are found in [chs. NR 660-679](#) of the Wisconsin Administrative Code.

A facility operating within the episodic generation requirements will be able to avoid potentially more stringent regulations. The conditional allowance is for **very small and small quantity generators** only and can only occur once per calendar year. The facility must notify the Wisconsin Department of Natural Resources "no later than 30 calendar days **prior to initiating** a planned event." [s. NR 662.232(1)(b) and s. NR 662.232(2)(b), Wis. Adm. Code]

If necessary, a facility may petition the DNR for a second episodic event within the same calendar year. However, the second event must be an unplanned event if the first one was planned, or vice versa. Details on how to petition for a second event are located at the end of this document.

This document outlines the episodic generation requirements and provide instructions for notifying DNR of an episodic event.

Definitions

The DNR publication *Quick Reference Guide* (WA-1821) explains generator types, accumulation limits and regulatory requirements for VSQGs, SQGs and large quantity generators.

Episodic events refer to an activity or activities, either planned or unplanned, that do not normally occur during generator operations and results in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category. These events may last several days, and the waste must be managed and shipped for disposal within 60 days from the start of the event. [s. NR 662.231(1), Wis. Adm. Code]

Planned episodic events are activities generators plan and prepare for, such as tank cleanouts, short- term construction projects, short-term site remediation, equipment maintenance during plant shutdowns, and removal of excess chemical inventories (e.g., lab cleanouts). It does not include long- term demolition, remediation projects or increased production of hazardous waste due to an increased rate of production. [s. NR 662.231(2), Wis. Adm. Code]

Unplanned episodic events typically occur less often and include events the generator did not plan for or did not reasonably expect to occur, such as production process upsets, product recalls,

accidental spills or “acts of nature” such as a tornado, hurricane or flood. [s. NR 662.231(3), Wis. Adm. Code]

Requirements

VSQGs and SQGs maintain their existing generator category, regardless of the amounts of hazardous waste generated during an episodic event, when they comply with the requirements outlined below.

Initial notification and U.S. Environmental Protection Agency ID requirements: The facility must have an EPA ID number, or obtain an EPA ID number, and notify the DNR of the episodic event using EPA Form 8700-12, including the Episodic Generator Addendum. Notification requirements are also based on the type of event. [ss. NR 662.232(1)(b) & (2)(b), Wis. Adm. Code]

Planned episodic events must be reported, using the notification form, to the DNR no later than 30 calendar days **prior to initiating** the planned event. It is recommended that the waste determination(s) be conducted prior to submitting a notification, to confirm the waste being generated is hazardous waste.

Unplanned episodic events must be reported to the DNR **within 72 hours** of the first day the hazardous waste is generated, regardless of whether the generator has completed analysis confirming that the waste is hazardous. Initial notification may be via phone or email to meet the reporting timeframe with subsequent submittal of the EPA Form 8700-12 to satisfy requirements.

Required information: The facility notification for both planned and unplanned episodic events must include all the following information. [s. NR 662.232(1)(b), Wis. Adm. Code]

- Start date and end date of the episodic event.
- Reason(s) for the event.
- Types and estimated quantities of hazardous waste expected to be generated from the episodic event.
- Contact(s) for the event and emergency coordinator, with 24-hour telephone access for the duration of the event, to discuss the notification submittal or to respond to an emergency per s. NR 662.16(2)(i)1, Wis. Adm. Code.

If the exact day the event will end is unknown at the time of notification, the generator can notify using an end date that is 60 calendar days from the start of the event.

Multiple projects within an event: While only one planned or unplanned episodic event is allowed per calendar year, a generator can start and complete multiple planned projects at different dates within the 60-day limit of a notified event, so long as all projects are completed and all waste from the event is shipped off site within the 60 days. [s. NR 662.232(1)(f), Wis. Adm. Code]

Waste accumulation: Hazardous waste generated from an episodic event **may not** be accumulated on drip pads or in containment buildings. The 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. Waste accumulation can occur in either containers or tanks and must be managed in accordance with the following requirements. [ss. NR 662.232(1)(d) to (f) & (2)(d) to (e), Wis. Adm. Code]

Containers:

- Marked or labeled with the words “*Episodic Hazardous Waste*” AND indicate the hazards of the contents.
- Marked or labeled with the date the episodic event began. The date shall be clearly visible for inspection on each container.
- Maintained in good condition and compatible with the hazardous waste.
- Kept closed except to add or remove waste.
- Handled in a manner to prevent rupture or leakage.
- **SQGs must also** comply with the container standards in s. NR 662.016(2)(b), Wis. Adm. Code.

Tanks:

- Marked or labeled with the words “*Episodic Hazardous Waste*” AND indicate the hazards of the contents.
- Maintained in good condition and compatible with the hazardous waste.
- Have inventory logs, monitoring equipment or other records to identify the date each episodic event begins. These logs or records must be kept on site and available for inspection.
- Have procedures or engineered systems in place to prevent overflow. For example, be equipped with feed cutoff system or bypass system
- **SQGs must also** comply with the tank standards in s. NR 662.016(2)(c), Wis. Adm. Code.

Additionally, 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.
- 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.

Examples of hazard indications include:

- Applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic).
- Hazard communication consistent with the DOT 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.
- A chemical hazard label consistent with the National Fire Protection Association (NFPA) code 704.

On-site treatment: VSQGs may not conduct on-site treatment of hazardous waste generated from an episodic event, except in an on-site elementary neutralization unit, unless the VSQG chooses to operate as an SQG and meet the standards that apply to that category. SQGs that conduct on-site treatment of hazardous waste generated from an episodic event must do so within 60 calendar days from the start of the episodic event. [s. NR 662.232(2)(e), Wis. Adm. Code]

Manifesting, shipping, and disposal: VSQGs and SQGs must use a uniform hazardous waste manifest to ship hazardous waste generated from the episodic event. The facility has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste from the episodic event to a designated facility, as defined in s. NR 660.10(21), Wis. Adm. Code. Go to dnr.wi.gov and search “WA-1176” for guidance on hazardous waste manifest and e-Manifest requirements.

Annual Reporting and Environmental Repair Fees: A VSQG that properly notified the DNR of an episodic hazardous waste generation event, and followed the requirements for an episodic event, is not

required to complete an annual report and pay the associated base and tonnage fees unless the VSQG has engaged in other hazardous waste activities that require an annual report to be completed.

- If a VSQG does not follow the applicable notification and management requirements, they may be required to report and pay the associated fees from operating at a larger generator status.
- An SQG must complete an annual report. An episodic hazardous waste generation event does not require an SQG to report as a large quantity generator (LQG). However, the SQG will need to pay the SQG base fee and tonnage fee for all the hazardous waste it generated, including the episodic hazardous waste, during the reporting year.

Recordkeeping

Episodic generators must maintain the following records for three years from the end date of the episodic event: [ss.NR 662.232(1)(g) & (2)(f), Wis. Adm. Code]

- 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 episodic 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.
- The approval letter from the DNR, if the generator successfully petitioned to conduct an additional episodic event during the calendar year.

Petitioning for a Second Episodic Event

A facility can petition the DNR for a second episodic event in a calendar year. However, the second event must be unplanned if the first event was planned, and vice versa. Second event petition requirements are also based on the type of event. [ss. NR 662.232 (1)(b) & (2)(b), Wis. Adm. Code]

Planned episodic events will require an approval when following an unplanned event earlier in the calendar year. A petition must be made to the DNR no later than 30 calendar days **prior to initiating** the planned event.

Unplanned episodic events, when following a planned event earlier in the calendar year, must be reported to the DNR **within 72 hours** following the unplanned event. Initial notification may be via phone or email to meet the reporting timeframe with subsequent submittal of the EPA Form 8700-12 to satisfy requirements.

The petition must be made to the DNR in writing and preferably using Form 4430-031, and must include the following information:

- 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 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 the conditions.

To access Form 4430-031, go to: <https://dnr.wi.gov/topic/waste/notifications.html>.

Additionally, the generator must retain the written approval received from the DNR in its records for three years from the date the episodic event ended.

Once the petition is approved, the facility **must submit** a revised EPA Form 8700-12 with the episodic generation addendum.

Failure to gain approval of a petition will result in the generator being regulated in the higher generator category according to actual hazardous waste generation amounts.

The facility will then need to do all the following:

- Notify the DNR of the new generator category using EPA Form 8700-12.
- Operate under the new generator category requirements for the duration of the higher generation and until the hazardous waste has been removed from the site.
- Submit an annual report for the year in which the higher generator category occurred.
- When the facility returns to its original generator category, notify the DNR using EPA Form 8700-12.

Cancelling an Episodic Event

When a facility has notified DNR of an event, and circumstances change, it may be beneficial to “cancel” that event to allow for an actual episodic event later in the calendar year.

Planned episodic events might be cancelled if the event does not occur, if the event needs to be rescheduled, or if the event does not generate any hazardous wastes.

- If cancelling the event entirely, petition to cancel the event within 30 days after the date the event was to occur.
- If rescheduling, petition to change the date or cancel the original event as soon as possible, and no later than 30 days after the date the original event was to occur.
- If the event does not generate any hazardous wastes, following complete and accurate waste determinations, petition to cancel the event within 30 days of the determination that no hazardous wastes were generated.

Unplanned episodic events might be cancelled if the event did not generate any hazardous wastes. Following complete and accurate waste determinations, petition to cancel event within 30 days of the determination that no hazardous wastes were generated.

To assist with the evaluation, the written petition would include a detailed justification explaining why the event was canceled or modified. You may be contacted to provide more information if needed.

To “cancel” a notified or approved event, email your petition to:
DNRHazardousWasteReporting@wisconsin.gov.

Resources and Contact Information

To access hazardous waste guidance, inspection forms, and regional hazardous waste specialist contact information, go to dnr.wi.gov and search “hazardous waste guidance and inspection forms.” Links to other DNR hazardous waste web pages are found under “Additional Resources.”

Mailing address: DNR Waste and Materials Management Program, PO Box 7921 Madison, WI 53707

Email: DNRWasteMaterials@Wisconsin.gov

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***Disclaimer:** This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.*

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