

Episodic Generation of Hazardous Waste

Guidance on Hazardous Waste Requirements



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. The federal Generator Improvements Rule, effective in Wisconsin on Sept. 1, 2020, allows very small quantity generators or small quantity generators to maintain their existing generator category, when generating excess hazardous waste as a result of either a planned or unplanned episodic event. This document is intended to outline the episodic generation requirements and provide instructions for notifying of an episodic event.

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

Under this new rule, 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, and vice versa. Details on how to petition for a second event are located at the end of this document.

Definitions

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. The DNR publication *Quick Reference Guide* (WA-1821) explains generator accumulation limits and regulatory requirements. [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

VSQs 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 EPA ID requirements [ss. NR 662.232(1)(b) & (2)(b), Wis. Adm. Code]

The facility must have an EPA identification 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.

Planned episodic events must be notified to the DNR no later than 30 calendar days **prior to initiating** the planned event.

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

It is important to conduct the waste determination(s) prior to submitting a notification to confirm the waste being generated is hazardous waste.

If a VSQG doesn't currently have an EPA ID number, it must obtain one to notify the DNR of an episodic event and take advantage of the episodic generation allowances. To obtain an EPA ID number, go to: <https://dnr.wi.gov/topic/waste/notifications.html>.

Required information [s. NR 662.232(1)(b), Wis. Adm. Code]

The facility notification for both planned and unplanned episodic events must include all the following information:

- a. Start date and end date of the episodic event.
- b. Reason(s) for the event.
- c. Types and estimated quantities of hazardous waste expected to be generated from the episodic event.
- d. Facility contact 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 [s. NR 662.232(1)(f), Wis. Adm. Code]

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.

Waste accumulation [ss. NR 662.232(1)(d)-(f) & (2)(d)-(e), Wis. Adm. Code]

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.

Containers must be:

- 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.

- In good condition and compatible with the hazardous waste being accumulated.
- Kept closed except to add or remove waste.
- Handled in a manner to prevent rupture of, or leakage from, the container.
- **SQGs must also** comply with the container standards in s. NR 662.016(2)(b), Wis. Adm. Code.

Tanks must:

- Be marked or labeled with the words “*Episodic Hazardous Waste*” AND must indicate the hazards of the contents.
- Be in good condition and compatible with the hazardous waste accumulated.
- Have inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins. The logs or records must be kept on site and available for inspection.
- Have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank).
- 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 and to 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.
- **SQG tanks must also** comply with the tank standards at s. NR 662.016(2)(c), Wis. Adm. Code.

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 [s. NR 662.232(2)(e), Wis. Adm. Code]

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.

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.

Annual Reporting and Environmental Repair Fees

A very small quantity generator (VSQG) that properly notified the DNR of an episodic hazardous waste generation event is not required to complete an annual report unless the VSQG has engaged in other hazardous waste activities that require an annual report to be completed. No base fees or tonnage fees are associated with the VSQG if they do not have to report, even if they experienced an episodic generation event.

Episodic Generation of Hazardous Waste (WA-1872) provides information on episodic generation events. Go to dnr.wi.gov and search "WA-1872"

A small quantity generator (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, when following an unplanned event earlier in the calendar year, require approval and must be petitioned 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 notified to the DNR **within 72 hours** following the unplanned event. Initial notification may be via phone or email in order to meet the required timeframe, with a subsequent petition submitted to the DNR.

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

- a. The reason(s) why an additional episodic event is needed and the nature of the episodic event.
- b. The estimated amount of hazardous waste to be managed from the event.
- c. How the hazardous waste is to be managed.
- d. The estimated length of time needed to complete management of the hazardous waste

generated from the episodic event (not to exceed 60 days).

- e. 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. Once approved, 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; and
- When the facility returns to its original generator category, notify the DNR using EPA Form 8700-12.

Failure to submit a petition for a second event will result in the generator being regulated in the higher generator category according to total hazardous waste generation amounts.

Resources and Contact Information

For more information, including [publications, inspection forms, and administrative codes and statutes](#), go to dnr.wi.gov and search “hazardous waste resources.” Use the *Additional Resources* menu to navigate to specific topics. For staff contact information, go to the [staff directory](#), enter “hazardous waste requirements” in the subject field and choose the appropriate county contact.

Mailing address: DNR Waste & 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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