



Hazardous Waste Generation: Episodic Events

Division of Waste and Hazardous Substance, Compliance and Permitting Section

Episodic Event Generation of Hazardous Waste

Very Small Quantity Generators (VSQGs) and Small Quantity Generators (SQGs) of hazardous waste may have an activity that causes the site to generate hazardous waste in excess of their generator category’s monthly quantity limit. This is called an “episodic event”. Historically, an episodic event would require the site to re-notify with the Compliance and Permitting Section (CAPS) to change the site’s generator category to a SQG or Large Quantity Generator (LQG), and manage the episodic event generated hazardous waste in accordance with all applicable hazardous waste regulations of the larger generator category. However, Delaware’s *Regulations Governing Hazardous Waste* (DRGHW) have a provision that allows episodically generated hazardous waste to be managed differently than routinely generated hazardous waste.

There are two types of episodic events – Planned and Unplanned. A VSQG or SQG is allowed to have one episodic event per calendar year. For clarification, the regulations allow a site to have a Planned or Unplanned event, but not a Planned **and** Unplanned event within a calendar year. Obtaining approval to have more than one episodic event is possible and is discussed further within this fact sheet.

What are Planned and Unplanned Episodic Events? (§262.231)

Planned Episodic Events are episodic events that the generator planned and prepared for, including but not limited to: regular maintenance, tank cleanouts, short-term projects and removal of excess chemical inventory.

Unplanned Episodic Events are episodic events that the generator did not plan for or reasonably did not expect to occur, including but not limited to: production process upsets, product recalls, accidental spills or “acts of nature” such as a tornado, hurricane or flood.

Episodic events, regardless of type, may not exceed 60 days. The clock begins when the waste is first generated and ends when the waste is shipped-off site for final management. If the episodically generated hazardous waste is not shipped off-site within 60 days of the start of the event, the waste must be counted towards the site’s monthly generator status.

Regulatory Requirements for Episodic Events

In order for a generator to take advantage of the alternate standards for episodically generated hazardous waste, the facility must abide by the conditions stated in Part 262, Subpart L.

Failure to follow the requirements of Subpart L will require the generator to manage the episodically generated hazardous waste in accordance with the site’s new larger generator status. For example, a SQG who fails to properly manage episodically generated hazardous waste in accordance with Subpart L must manage the hazardous waste in accordance with LQG standards because the site exceeded SQG monthly generation limits.

Very Small Quantity Generators (§262.232(a))

Allowed one episodic event a calendar year*
Notification†:
<ul style="list-style-type: none"> Planned Episodic Event - must notify DNREC via the EPA form 8700-12 no later than 30 calendar days prior to the event. Unplanned Episodic Event – must notify DNREC via phone, email or fax within 72 hours and subsequently submit form 8700-12 within seven calendar days of the event.
Have or Obtain an EPA identification number.
Accumulate waste generated during the episodic event in containers (use of tanks, drip pads, or containment building is prohibited) that are:
<ul style="list-style-type: none"> In good condition and compatible with the hazardous waste;

Small Quantity Generators (§262.232(b))

Allowed one episodic event a calendar year*
Notification†:
<ul style="list-style-type: none"> Planned Episodic Event - must notify DNREC via the EPA form 8700-12 no later than 30 calendar days prior to the event. Unplanned Episodic Event – must notify DNREC via phone, email or fax within 72 hours and subsequently submit form 8700-12 within seven calendar days of the event.
Have or Obtain an EPA identification number.
Accumulate waste generated during the episodic event in containers or tanks. The use of drip pads or containment buildings is prohibited.
Accumulation containers must:

<ul style="list-style-type: none"> Kept closed except to add or remove waste; Labeled “Episodic Hazardous Waste”; Indicating the hazards of the container’s contents (Examples are found in the Basic Business Guide to Hazardous Waste Management fact sheet); and Labeled with the date the episodic event began. <p>Hazardous wastes must be managed in a manner that minimizes the possibility of fire, explosion or release of hazardous waste or hazardous waste constituents to the air, soil or water.</p>	<ul style="list-style-type: none"> Be labeled with the words “Episodic Hazardous Waste”; Indicate the hazards of the contents; and Be labeled with the date the episodic event began <p>Or in tanks that meet the standards of §262.16(b)(3) and:</p> <ul style="list-style-type: none"> Are labeled “Episodic Hazardous Waste”; Have the hazards of the contents indicated; and Have ‘use inventory logs’, monitoring equipment or other logs that have the date upon which each period of accumulation begins and ends.
<p>Utilize a hazardous waste manifest and ship waste generated during the episodic event within 60 calendar days from the start of the episodic event.</p>	<p>Treat hazardous waste on-site or manifest and ship wastes generated during the episodic event within 60 calendar days from the start of the episodic event.</p>
<p>Maintain records, explained in §262.232(a)(7), for three years following the end date of the episodic event.</p>	<p>Maintain records, explained in §262.233(b)(6), for three years following the end date of the episodic event.</p>

*Generators may petition the Secretary of DNREC for an additional episodic event in a calendar year.

†Notification should include the start and end date of the episodic event, the reason(s) for the event, types and estimated quantities of expected hazardous waste generated during the event and the identification of a facility contact or emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with §262.16(b)(9)(i).

Petitioning for an Additional Episodic Event

A generator who has one episodic event in a calendar year may petition DNREC for a second episodic event under two conditions:

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

The petition must:

- Address DNREC in writing, either on paper or electronically;
- Include the reasons why an additional episodic event is needed and the nature of the episodic event;
- Estimate the amount of hazardous waste to be managed from the event;
- Explain how the hazardous waste will be managed;
- Estimate the length of time needed to complete management of the hazardous waste—shall not exceed 60 days; **and**
- Include information regarding the previous episodic event managed by the generator:
 - What was the nature of the event;
 - Was it a planned or an unplanned event; and
 - How the generator complied with the conditions.

Generators must retain DNREC’s written petition approval in their records for three years from the date the episodic event ended.

This fact sheet is a summary provided as a courtesy to businesses. It is not intended as a substitute for 7 DE Admin. Code 1302, Delaware’s *Regulations Governing Hazardous Waste* (DRGHW), Parts 260-266, 268, 273 and 279. regulations.delaware.gov/AdminCode/title7/1000/1300/1302/



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