



# HAZARDOUS WASTE COMPLIANCE FACT SHEET

## SHORT-TERM & EPISODIC GENERATORS

DIVISION OF ENVIRONMENTAL QUALITY | OFFICE OF LAND RESOURCES | REGULATED WASTE OPERATIONS

This document is designed to provide general information only. It is not intended to replace, interpret, or modify the laws, rules, or regulations it addresses.

### SHORT-TERM GENERATOR

A **short-term generator** is an entity that is addressing a one-time, non-recurring, temporary Hazardous Waste (HW) event. (This event is not related to normal operational processes or activities.) The entity generates HW for a limited time, typically 90 days or less, and then ceases generation. Examples of short-term generation include:

- One-time highway bridge waste generation
- Generation of off-specification or expired chemicals at a site that normally does not generate HW
- Remediation of spill clean-up at sites with no previous Environmental Protection Agency identification (EPA ID) number, or at sites not owned by the business that caused the spill—such as a transportation-related spill

These short-term generator sites typically have no EPA ID number or have changed their generator status to Non-Generator prior to the event. To obtain or reactivate a EPA ID number, the short-term generator must:

- Submit the Notification of RCRA Subtitle C Waste Activity Form 8700-12 (Form 8700-12).
- Ensure that the answer to Question 18 on Form 8700-12 includes a description of the event **and** the anticipated duration.

Short-term generators are **not** relieved of any regulatory requirements tied to the volume of HW generated. All generator requirements for the level of generation (very small quantity, small quantity, large quantity) apply—including notification, manifesting, reporting, contingency planning, and training.

### EPISODIC GENERATORS

**Episodic generators** are generators that are elevated to a higher category as a result of a planned or unplanned generation event. Examples include a Very Small Quantity Generator (VSQG) that is temporarily elevated to a Small Quantity Generator (SQG), or an SQG that is temporarily elevated to a Large Quantity Generator (LQG). To avoid regulation as a higher-generator category, the HW generation must NOT:

- be a normal occurrence of a generator's operation
- last more than 60 calendar days.

### PLANNED OR UNPLANNED EPISODIC EVENT

**Episodic events**, planned or unplanned, are limited to one per calendar year, without Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) approval. The generator must obtain written approval from the DEQ if there is a second event, which must be unplanned if the first is planned, or planned if the first is unplanned.

#### PLANNED EPISODIC EVENTS

**Planned episodic events** are events for which the generator **planned** and **prepared**, and include:

- Short-term demolitions
- Tank clean-outs
- Short-term construction projects
- Short-term site remediation
- Equipment maintenance during plant shutdowns
- Removal of excess inventory
- Multiple planned events, provided those projects are initiated and completed within a single, 60-day window and are all described on the Form 8700-12

#### UNPLANNED EPISODIC EVENTS

**Unplanned episodic events** are those the generator did **not** plan or reasonably expect to occur, such as:

- Production process upsets or equipment failure, except as described below
- Product recalls
- Spills or damage due to "acts of nature," such as tornado, hurricane, flood

#### WHAT'S NOT AN EPISODIC EVENT

The following are NOT episodic events:

- Increased waste related to increased production
- An accident or spill due to operator error, abuse, or lack of maintenance
- Any activity that is part of the normal course of business
- Monthly generation thresholds that have been exceeded

## IMPORTANT NOTE

A VSQG or SQG that exceeds the generator status threshold due to an event that does **not** qualify as an episodic event must submit Form 8700-12 to change their generator status. This needs to be done **prior** to shipping the waste off-site. The generator also must follow all requirements of a higher threshold generator for as long as the waste is on-site.

## EPISODIC EVENT REQUIREMENTS

1. Notify DEQ within the required time frames and provide all the required information.
2. Obtain EPA ID numbers **before** initiating the shipment of generated waste.
3. Comply with the applicable HW management requirements during the time the HW is accumulated **on-site**.
4. Use a HW manifest, HW transporter, Resource Conservation and Recovery Act -designated facility.
5. Complete and maintain the required records **on-site** for 3 years after the completion date of the episodic event. (This is critical for effective and credible oversight.)

If all the requirements for an episodic event are met, the generator may continue in accordance with their existing generator requirements.

## IMPORTANT NOTE

Most sites that meet the definition of an episodic event have an EPA ID number as a VSQG or SQG, but, if not, one must be obtained before initiating the off-site shipment of the HW.

## NOTIFICATION REQUIREMENTS

For a **planned** event, generators are required to provide **30-days' advance written notice** using Form 8700-12. (See the box to the right for submission options.)

For an **unplanned** event, generators have **72 hours from the time of the event** to notify DEQ by phone, fax, or email. Form 8700-12 should be completed and submitted as soon as reasonably possible. (See the box to the right for submission options.)

**Failure to provide a timely notification means the exemption cannot be used and the requirements of the higher threshold generator must be followed.** The start date for an unplanned event is the first day the HW is generated, regardless of the date an analysis of the HW is completed. If the HW generation does not start on the specified start date for a planned event, the generator must still comply with the specified end date. If testing of the HW has not been completed at time of the submittal, the best estimate should be supplied and then a modification submitted when testing is complete.

## ON-SITE MANAGEMENT

Waste must be accumulated on-site in containers and tanks (no drip pads or in-containment buildings) labeled "Episodic Hazardous Waste," with the hazards identified, and the event start date recorded.

## ADDITIONAL EPISODIC EVENTS

Federal and Arkansas law allows for no more than two episodic events per calendar year, one planned and one unplanned. If there is a second event in a calendar year, the generator must submit the EPA Notification Form and receive written approval from the DEQ. The generator must obtain the approval letter from DEQ **prior** to shipping the HW off-site. Failure to obtain written approval for a second episodic event subjects the generator to the higher generator category standards.

## FORMS REFERENCED & ADDITIONAL INFORMATION

### Notification of RCRA Subtitle C Waste Activity Form (Form 8700-12)

[www.adeq.state.ar.us/hazwaste/programs/pdfs/notification-of-rcra-subtitle-c-waste-activity.pdf](http://www.adeq.state.ar.us/hazwaste/programs/pdfs/notification-of-rcra-subtitle-c-waste-activity.pdf)

- **For planned events, submit:**
  - > via myRCRAid at <https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login>
  - > **OR** send the completed notification form to:  
Arkansas Energy & Environment,  
Division of Environmental Quality,  
Office of Land Resources,  
Hazardous Waste Compliance  
5301 Northshore Drive,  
North Little Rock, AR 72118-5317

### Addendum to the Site Identification Form: Episodic Generator

[www.adeq.state.ar.us/hazwaste/programs/pdfs/addendum-to-the-site-identification-form-episodic-generator.pdf](http://www.adeq.state.ar.us/hazwaste/programs/pdfs/addendum-to-the-site-identification-form-episodic-generator.pdf)

## CONTACT US

You may communicate the 72-hour notice for an unplanned event via phone, fax, or email:

t: 501.682.0868

c: 501.837.6981

f: 501.682.0880

e: [EpisodicGeneration@adeq.state.ar.us](mailto:EpisodicGeneration@adeq.state.ar.us)