



# Generator Improvements Rule: Episodic Generation

The Generator Improvements Rule includes over 60 changes that clarify existing requirements, increase flexibility, and improve environmental protection. This fact sheet focuses on the episodic generation provision of the Generator Improvements Rule. An episodic generation event is an activity that does not typically occur during a generator's routine operations and causes it to exceed the threshold for its normal generator status for that month. This provision allows generators to maintain their routine generator status during episodic events if they meet certain conditions.



## Who is affected?

The episodic generation provision of the Generator Improvements Rule applies to small quantity generators (SQGs) and very small quantity generators (VSQGs).

## Key Benefits



**Makes compliance easier** – Provides greater flexibility for hazardous waste generators to manage episodic waste.



**Allows SQGs and VSQGs to maintain status** – Qualifying episodic events do not impact a generator's status.



**Provides a uniform standard** – Before the Generator Improvements Rule, there were no state or federal standards for episodic events.



**Maintains protection** – Generators must send episodic event waste to a RCRA-designated facility using a hazardous waste transporter and a hazardous waste manifest.

## What changed?

The new episodic generation provision at 40 Code of Federal Regulations Part 262 Subpart L allows generators that temporarily exceed their routine generator category limit to operate under streamlined regulations. Oregon made the following state-specific changes to the federal rule:

- For unplanned episodic events, generators must submit written notification via the Site Identification Notification Form to DEQ within five days of submitting the initial 72-hour notification of the episodic event.
- Planned events require written approval from DEQ.
- All waste generated during an episodic event is subject to existing annual reporting requirements and fees.

Question	Answer
<p><b>How many episodic events can an SQG or VSQG conduct in one year?</b></p>	<p>An SQG or VSQG can conduct one planned and one unplanned episodic event in a calendar year and must submit a petition to DEQ for the second event. If the first event is planned, then any second event must be unplanned. If the first event is unplanned, any second event must be planned.</p>
<p><b>What happens if you have an unplanned episodic event and don't initially know if your waste is hazardous?</b></p>	<p>VSQGs must manage the waste in a manner that minimizes the possibility of a fire, explosion, or release. SQGs must manage the waste per hazardous waste container and tank standards. All generators must label the waste with the words "Episodic Hazardous Waste", and identify the hazards the waste poses with text, placard, or pictogram. The label must also include the start date of the episodic event. If the waste turns out not to be hazardous, the generator can work with DEQ to cancel the unnecessary episodic event so that it does not count toward their limit for the year.</p>
<p><b>How does a generator notify DEQ of an episodic event?</b></p>	<p>Using DEQ's Hazardous Waste Site Identification Notification form, generators must notify DEQ 30 days in advance of initiating a planned episodic event.</p> <p>For unplanned episodic events, generators must notify DEQ by phone at 844-841-4938, fax at 503-229-5675 or email at <a href="mailto:hazwaste@deq.oregon.gov">hazwaste@deq.oregon.gov</a> within 72 hours of the event. Then, they must submit a DEQ Site Identification Notification form within five days of the initial 72-hour notification.</p>
<p><b>What fees apply to waste generated during an episodic event?</b></p>	<p>All existing applicable hazardous waste fees apply to waste generated during an episodic event.</p>
<p><b>When does the 60-day accumulation limit for waste generated during an episodic event start?</b></p>	<p>The 60-day limit for a planned episodic event starts on the beginning date stated on the Hazardous Waste Site Identification Notification submittal.</p> <p>The 60-day limit for an unplanned episodic event begins on the first day the hazardous waste is generated, regardless of whether the generator has completed analysis confirming that the waste is hazardous.</p>
<p><b>When does the episodic hazardous waste have to be transported off-site?</b></p>	<p>The generator has 60 days from the event's start to ship all episodic hazardous waste to an RCRA-designated facility for treatment, storage, or disposal. If the hazardous waste is not moved off-site within 60 days, then it must be counted toward the generator's monthly generation status. SQGs are allowed to treat waste on-site for 60 days from the event's start.</p>

<b>Must VSQGs and SQGs experiencing episodic events ship hazardous waste using a Hazardous Waste Manifest?</b>	Yes, VSQGs and SQGs must use a Hazardous Waste Manifest to ship waste generated during an episodic event.
<b>Must VSQGs experiencing episodic events complete the annual report to DEQ?</b>	Yes, a VSQG generating more than their normal category amount as part of an episodic event must complete an annual report and pay appropriate fees.
<b>Can a generator complete more than one project during their planned episodic event?</b>	Yes, generators can notify DEQ of multiple projects to be completed within the specified time frame on their Site Identification Notification submittal, such as a tank cleanout or removal of excess chemicals.

## Why was it done?

Previous RCRA hazardous waste rules lacked the flexibility to address an episodic change in a generator's status due to planned or unplanned events. Generators had to comply with a more comprehensive set of regulations for a short time when generating greater amounts of hazardous waste than normal. The episodic provision will result in savings for facilities by avoiding the costs associated with an increase in generator status. Generators may also see cost savings from reduced requirements for training, inspections, manifesting, contingency plan updating, reporting and administration associated with facilities maintaining a more consistent RCRA generator status over time.

## Where to find more information?

- 40 CFR Part 262.13(c)(8) states hazardous waste managed as part of an episodic event does not have to be counted toward a generator's category.
- 40 CFR Part 262 subpart L (§§ 262.230-262.233) contains the conditions for the episodic generation provision.
- Oregon Administrative Rule 340-102-0230 includes DEQ's additions to related federal regulations. OAR 340-100-0002 incorporates the remainder of the federal rule by reference.

## Have questions?

DEQ has made it easy to get your questions answered. To learn more and request free, nonregulatory technical assistance, please visit <https://www.oregon.gov/deq/Hazards-and-Cleanup/hw/Pages/default.aspx> and click on "Technical Assistance". To submit forms, visit Your DEQ Online at [yourdeqonline.oregon.gov](http://yourdeqonline.oregon.gov).

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