

WINTER 2021



## Environmental Health & Safety From Experience

### 7 Things to Know About Episodic Generation of Hazardous Waste

In the Spring 2020 edition of Hixson's EH&S From Experience newsletter, we alerted readers to [the updated Hazardous Waste Generator Improvements ruling from the U.S. Environmental Protection Agency \(USEPA\)](#). This ruling, which is now in effect throughout most of the country, established three key categories of Hazardous waste generators: Very Small Quantity Generators (VSQGs), Small Quantity Generators (SQGs), and Large Quantity Generators (LQGs). These categories are assigned to companies based on the volume of hazardous waste each produces in a calendar month. (Many food and beverage companies typically fall into the lower tier categories.)

Prior to the USEPA rule update, VSQGs and SQGs with periodic ("episodic") generation of larger-than-normal quantities of hazardous waste automatically found themselves pushed into the next highest tier for that calendar year. This meant that these companies were then required to perform the additional record keeping, reporting, and maintenance practices also inherent with those tiers.

With the new rule, however, USEPA allows up to two instances of episodic generation each year: one "planned," and one "unplanned." Planned episodes are typically

routine maintenance activities (e.g., scheduled tank clean outs) that will result in larger waste generation, while unplanned episodes are accidental/inadvertent or otherwise unexpected disposals (e.g., spill clean ups). Certain rules apply to these events:

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#### EXPERIENCE IN BRIEF

At the start of the coronavirus pandemic, many companies quickly adapted to the need for higher and more detailed disinfection, screening, masking, and other practices. Yet until recently, these practices were seen as voluntary. Now, new guidance from the Occupational Safety and Health Administration (OSHA) has been issued regarding mitigating and preventing the spread of COVID-19 in the workplace. While most companies may have programs in place, this new guidance provides a framework of best practices for companies to follow in their COVID-19 mitigation and prevention programs. More importantly, the guidance means that companies which fail to have a formalized program in place may be cited under OSHA's general duty clause. Read the full document at <https://www.osha.gov/coronavirus/safework>.

1. Planned event notifications must be submitted no later than 30 days prior to the event
2. Notification of an unplanned event must be submitted within 72 hours.
3. All waste must be generated and shipped off site within 60 days.
4. The waste generator must have a USEPA identification and use the Hazardous Waste Manifest.
5. Most state agencies require generators to complete and submit state-specific identification forms and addenda.
6. No Biennial Report will be required of an episodic generator when notifying the state agency that they are opting in for a planned or unplanned event.
7. Additionally, SQG's (Small Quantity Generators) must notify state EPA of their status once every four years beginning September 1, 2021.

As with all things USEPA, remember to follow the rules. Generators who fail to follow the required episodic generation practices such as those noted above will have to abide by the standard requirements associated with the higher generator classification for the quantity of waste generated (SQG  $\geq$  220 lbs. and LQG  $\geq$  2,200 lbs.).

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- [Hazardous Waste Generator Improvements and Episodic Generation: Are You Compliant?](#)

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